

ASSESSMENT REPORT

New Inner Sydney High School SSD 7610 MOD 2

1. INTRODUCTION

This report is an assessment of an application seeking to modify the state significant development (SSD) approval for the new Inner Sydney High School in the City of Sydney (Council) Local Government Area (LGA). The application has been lodged by the NSW Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application seeks to modify conditions A7 (design modification), B23 (final excavation reports), B36 (paving design over trees 1 and 17) and B46 (stormwater and drainage works design) of the consent to vary the timeframe for when these conditions must be satisfied. It is also proposed to correct typographical errors in conditions B23 and B67 of the consent.

2. SUBJECT SITE

The subject site comprises the former Cleveland Street Intensive English High School located at 242A and 244 Cleveland Street, Surry Hills (the site). The site abuts Prince Alfred Park (the park) to the north and west and fronts onto Chalmers Street to the east and Cleveland Street to the south. The site is 5,695 square metres in area.

At the time that the original application was lodged, the site contained three locally listed heritage buildings fronting Chalmers Street and a three-storey 1960's (non-listed) building on the western side of the site. Early construction works has since commenced on site and the 1960's building and associated covered walkways have been demolished.

An existing staff carpark and service vehicle driveway is located in the south-western corner of the site with access from Cleveland Street. The former main entrance to the site is located on the Chalmers Street.

The location and context of the site are shown in **Figures 1 and 2**.

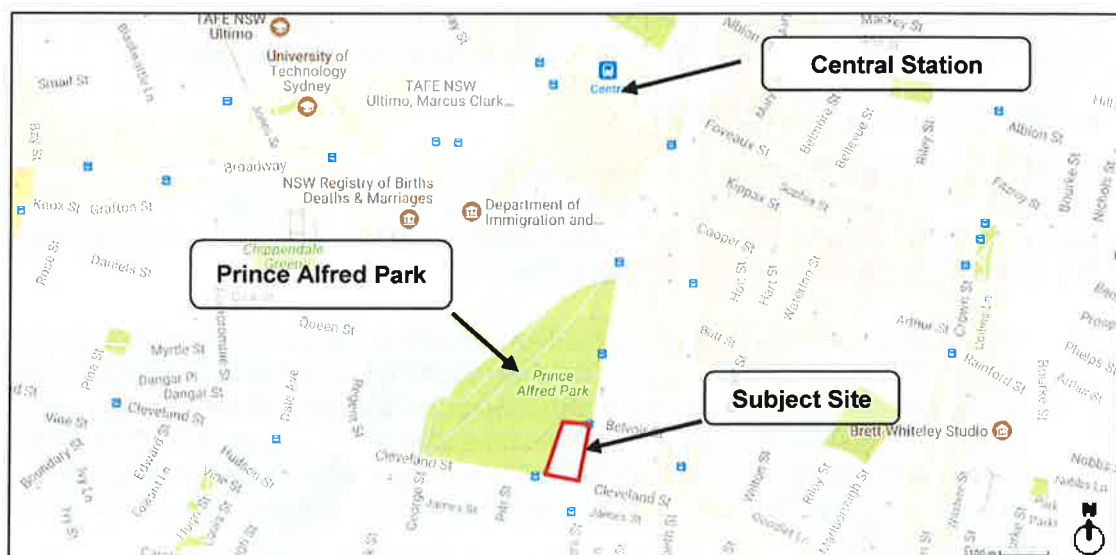


Figure 1: Location of the site (Source: Nearmap 2018)



Figure 2: Aerial view of the site prior to commencement of works (Source: Nearmap 2017)

3. APPROVAL HISTORY

On 28 February 2018, the Executive Director Priority Projects Assessments, as delegate of the Minister for Planning, granted SSD approval for the development of the new Inner Sydney High School, involving:

- redevelopment of the existing Cleveland Street Intensive English High School
- demolition of Building 4 and associated covered walkways
- adaptive reuse of existing heritage-listed buildings and
- a proposed new 13 storey building, including basement and rooftop basketball court.

A modification (MOD 1) was approved by the Director Social and Other Infrastructure Assessments, as delegate of the Minister for Planning, on 1 June 2018. This modified conditions B33 (tree protection) and B34 (further justification for tree removal) of the consent to clarify that the reports required under these conditions must be submitted prior to the commencement of construction (excluding demolition and archaeological investigations). Condition 35 of the consent was also modified to require specified tree protection measures to be implemented during demolition and archaeological investigation work.

4. PROPOSED MODIFICATION

On 27 August 2018, the Applicant lodged an application (SSD 7610 MOD 2) seeking approval to modify conditions A7 (design modification), B23 (final excavation reports), B36 (paving design over trees 1 and 17) and B46 (stormwater and drainage works design) of the consent. The detail of these conditions is set out below.

- A7. *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 present. This simplified design must be submitted to the satisfaction of the Design Integrity Panel (DIP), prior to the commencement of building works. Evidence of the DIP's agreement to the design modifications must be submitted to the Secretary prior to the commencement of building works.*

B23. After any archaeological works have been undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Department. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations.

B36. 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.

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 (excluding demolition). The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.

The application seeks to modify the timeframe for the satisfaction of the conditions as set out in **Table 1**.

Table 1: Proposed timeframe for satisfaction of conditions

Condition	Current requirement	Requested requirement
A7	Prior to the commencement of building works.	Within three months of the commencement of building works.
B23	Prior to the commencement of construction (by virtue of the location of the condition in Part B of the consent).	Provision of an interim excavation report prior to commencement of construction (excluding demolition) and a final excavation report within 12 months of commencement of construction.
B36	Prior to the commencement of construction (by virtue of the location of the condition in Part B of the consent).	Prior to the commencement of building works.
B46	Prior to the commencement of construction (excluding demolition).	Prior to the commencement of building works.

In addition to the above matters, two typographical errors have been identified in the consent including:

- the use of the word 'form' instead of 'from' in last sentence of condition B23 and
- the incorrect numbering of condition B67 in Part D of the consent.

These errors are to be corrected as part of the modification. In the case of condition B67, this will involve the renumbering of the condition to D21 and repositioning it to the end of Part D.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 4.55(1A) of the EP&A Act requires the consent authority to be satisfied that the matters set out in **Table 2** are addressed in respect of all applications that seek modification approval.

Table 2: Section 4.55(1A) matters for consideration

Section 4.55 (1A) matters for consideration	Comment
<i>That the proposed modification is of minimal environmental impact.</i>	Section 7 provides an assessment of the impacts of the proposal. The Department is satisfied the proposal would have minimal environmental impacts.
<i>That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).</i>	The proposed modifications only relate to the timeframe for the satisfaction of matters and would not result in any changes to the form or appearance of the development. The Department is satisfied that the proposal is substantially the same development for which consent was originally granted.

The application has been notified in accordance with the regulations.	The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) does not require the application to be notified. Notwithstanding this, the application was made publicly available on the Department's major projects website and was referred to Council for comment.
Any submission made concerning the proposed modification has been considered.	No submissions were received.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017*
- *State Environmental Planning Policy No.55 - Remediation of Land*
- *State Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)*
- *Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP) and*
- *Sydney Local Environmental Plan 2012.*

The Department undertook a comprehensive assessment of the proposed development against the abovementioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

Additionally, the Department has considered the Draft Remediation SEPP and Draft Environment SEPP which were released after the original assessment was undertaken. The Department is satisfied that the proposal, as modified, would be consistent with the draft SEPPs given:

- the provisions of the draft SEPPs relevant to the proposed development are broadly consistent with those in the equivalent SEPPs that were in effect at the time of, and considered in, the original assessment and
- the proposed modifications would not alter the proposed development so as to change the original assessment of the proposal.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director Social and Other Infrastructure Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The Department did not give notification of the application due to the minor nature of the proposed modifications. The modification application was however made publicly available on the Department's website and was referred to Council for comment. No submissions were received.

7. ASSESSMENT

The Department's assessment of the modifications proposed in the application is provided in Table 3.

Table 3: Department's assessment of modifications proposed in the application

Condition	Department Comment / Assessment
A7 Design Modifications	<p>Condition A7 requires modifications to the design of the exterior of the building to be made in consultation with the Government Architect NSW (GANSW) and the revised design submitted to the DIP prior to the commencement of building works. These modifications, as discussed in the Department's original assessment report, are focussed on achieving a <i>'simpler, quieter and more refined tower expression'</i>.</p> <p>The Applicant advises that the current timeframe for A7 does not allow sufficient time for the finalisation of the façade design, consultation with GANSW and approval by the DIP. More time is needed to complete this work and allow civil excavation and early building works to proceed.</p> <p>The Applicant has advised that building works are forecast to commence in February 2019 following the completion of civil excavation works. The buildings works are programmed to occur over a period of 18 months.</p> <p>The Department notes the Applicant's advice and recognises that the condition is focussed on the treatment of the tower façade rather than the more fundamental form or shape of the building. On this basis, the Department is satisfied that resolution of the design modifications within three months of the commencement of building works would still ensure that the design modifications are finalised early in the building works program and prior to works being undertaken on the exterior of the building. The modification would not therefore affect the satisfaction of the condition or have any adverse environmental impacts.</p>
B23 final excavation reports	<p>Condition B23 requires that a final excavation report, detailing the findings of archaeological works, is to be submitted to relevant government bodies. The condition, by virtue of its location in Part B of the consent, requires this to be done prior to the commencement of any construction works on the site.</p> <p>The Applicant advises that the report cannot be finalised until all excavation works are completed on the site and all potential archaeological works are completed. These works include areas of the site that will be disturbed late into the works program such as paved areas under existing trees. The Applicant has therefore requested that an interim report be submitted following completion of the main archaeological excavation works (prior to commencement of construction (excluding demolition)) and a final report be submitted within 12 months of the commencement of construction.</p> <p>The Department is satisfied that the modification of the condition is warranted to enable the completion of the archaeological work across the site and will not significantly delay or otherwise prevent the satisfaction of the requirements of the condition. Consequently, the Department is satisfied that the modification would not have any adverse impacts on archaeology or the environment.</p>
B36 (paving design over trees 1 and 17)	<p>Condition B36 requires that the design of areas of paving over two retained trees (trees 1 and 17) is to be undertaken in consultation with Council and a qualified arborist. The condition, by virtue of its location in Part B of the consent, requires this to be done prior to the commencement of any construction works on the site.</p> <p>The Applicant advises that the paving forms part of the detailed design of the proposal and needs to be informed by the detailed root investigations undertaken under condition B33 of the consent. This work is continuing and will be completed by the main works contractor which has recently been appointed. Tree protection will be implemented while construction works are undertaken in the interim, including the retention of existing paving over the trees in areas not affected by excavation works.</p>

	<p>The Department is satisfied that the modification of the condition is appropriate to enable the investigation works to be completed and considered in the paving design. The modification would not adversely impact upon the trees as the construction of the paving would not occur until the building works are commenced and after the condition has been satisfied. The modification would not therefore result in any adverse environmental impacts.</p>
B46 (stormwater and drainage works design)	<p>Condition B46 requires the submission of final design plans of stormwater drainage systems to the Council prior to the commencement of construction (excluding demolition).</p> <p>The Applicant advises that the proposed stormwater drainage system includes a diversion of an existing stormwater main running through the site and internal site drainage. The Applicant has provided following advice (with supporting evidence where relevant):</p> <ul style="list-style-type: none"> • stormwater diversion: <ul style="list-style-type: none"> ○ the design is well-advanced ○ consultation has been ongoing with Sydney Water and Council since July / August 2018 ○ discussions with Council are currently focussed on the detailed pit design and its connection to a Council rainwater harvesting system ○ a heads of agreement has been entered into by the Applicant and Council which, among a number of things, agrees to the Council granting a licence for the undertaking of stormwater drainage works within the park ○ project works proposed to occur over the period from the time of lodging the modification application to the proposed new timeframe for satisfaction of condition B46 (i.e. September 2018 to January 2019) include: <ul style="list-style-type: none"> ▪ main works contractor site establishment ▪ site clearance and remediation works ▪ archaeological investigations ▪ soldier piling, capping beam and bulk out for basement - noting that works will only be undertaken across sections of the proposed basement that do not impact upon the existing stormwater main through the site - additional sections will only be undertaken if the stormwater design is finalised and approved under condition B46 • internal site drainage: <ul style="list-style-type: none"> ○ the design is currently at around 60% completion and is currently being finalised by the main works contractor that was recently appointed ○ consultation will occur with the Council once the design is suitably advanced and will follow on from discussions in relation to the stormwater diversion works ○ project works proposed to occur over the period from the time of lodging the modification application to the proposed new timeframe for satisfaction of condition B46 will not include or otherwise adversely affect the installation of the final approved internal drainage system • overland flow and flooding issues: <ul style="list-style-type: none"> ○ construction works on site will not affect the existing overland flows onto the site – surface water entering the site will be diverted around work areas and will be collected and appropriately managed in accordance with the Construction Soil and Water Management Plan (and the 'Blue Book') ○ consequently, the modification of the timeframe for satisfaction of the stormwater design to prior to building works (and the commencement of excavation works in the interim) will not cause stormwater or flooding issues on the site or surrounding land. <p>On the basis of the Applicant's advice and the evidence provided, the Department is satisfied that the modification would not significantly delay the finalisation of the drainage design and would still allow sufficient time for resolution of the design prior to the commencement of building works. Furthermore, the modification would not change overland flows onto or out of the site, or increase flooding on adjoining lands. Consequently, the modification of the condition would not have any adverse impacts on water quality, stormwater management, the environment or public safety.</p>

In the case of the corrections of the typographical errors in conditions B23 and B67, the Department considers that the correction of these errors is appropriate and would not otherwise alter the operation of the conditions or environmental impacts of the proposal.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that it changes the required timeframe for satisfaction of certain matters and does not otherwise change the nature of the development or the assessed environmental impacts. Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Director, Social and Other Infrastructure Assessments, as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7610 MOD 2 falls within the scope of Section 4.55(1A) of the EP&A Act and
- **signs** the notice of the modification (**Appendix A**).

Recommended by:



Jason Maslen
**Senior Planning Officer
Social and Other Infrastructure
Assessments**

Recommended by:



Andrew Beattie
**Team Leader
School Infrastructure Assessments**

DECISION

The recommendation is Approved by:



21/9/2018

Karen Harragon
**Director
Social and Other Infrastructure Assessments**
as delegate of the Minister for Planning.

APPENDIX A: MODIFICATION CONSENT

A copy of the modified consent can be found on the Departments website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9569

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9569