

1 May 2020

16205

Jim Betts
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Aditi Coomar – Principal Planner, Social and Infrastructure Assessments

Dear Mr Betts,

**SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD 16_7919
85 CARABELLA STREET, KIRRIBILLI**

This application has been prepared by Ethos Urban on behalf of Loreto Kirribilli, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify the Concept Proposal and Stage 1 Development Consent (SSD 16_7919) relating to 85 Carabella Street, Kirribilli (the site).

The modification relates to minor internal services and external modifications resulting from ongoing design development and include a reduction in the extent of roof top plant, a change to the materiality of the lift overrun, minor changes to the extent of excavation and the installation of a new kiosk substation on the site's Carabella Street frontage. Consultation has already taken place with Ausgrid regarding the proposed substation, and a Connection Offer has been received. The installation of the new substation will support the operation of the new Innovation Centre, as well as future stages of the Masterplan.

It is noted that there will be no increase to student or staff numbers, nor will there be any changes to the approved access, pick-up and drop-off arrangements. Further, the building remains within the maximum height of the approved development.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Architectural Drawings and Shadow Diagrams prepared by FJMT (**Appendix A**).
- Substation Drawings prepared by JHA Consulting Engineers and Michael Eil Consulting Engineers (**Appendix B**).
- Connection Offer received from Ausgrid (**Appendix C**).
- Heritage Impact Statement prepared by GML Heritage (**Appendix D**).
- Electrical Services Statement prepared by JHA Consulting Engineers (**Appendix E**).
- Landscape Plans and Landscape Masterplan Report prepared by Site Image Landscape Architects (**Appendix F**).
- View Analysis prepared by FJMT (**Appendix G**).
- Acoustic Report prepared by Acoustic Logic (**Appendix H**).
- Civil Report and Plans prepared by Northrop (**Appendix I**).

1.0 Consent Proposed to be Modified

Development consent (SSD 16_7919) was granted by the NSW Independent Planning Commission for the staged redevelopment of Loreto Kirribilli School. The approved Concept Proposal was structured in three stages. Detailed Stage 1 works were approved as were building envelopes across the campus. Stage 1 comprises works to the existing Loreto Kirribilli School campus at 85 Carabella Street, Kirribilli including the demolition of existing buildings, site excavation, construction of a seven storey Learning Hub (now referred to as the Innovation Centre), construction of a two storey extension to the existing Gymnasium, new landscaping, connector pods, walkways, remediation works and refurbishments to the Chapel and Elamang buildings. Works also include the refurbishment of Centenary Hall and the Junior School, as well as to the exterior of the Marian Centre.

The consent has already been modified once (MOD 1), with approval granted in September 2019 for a range of minor alterations and additions to ensure compliance with acoustic requirements under Condition B6, as well as modifications to improve the appearance and functionality of the Innovation Centre and reduce the extent of excavation.

2.0 Description of Proposed Modifications

The proposed modifications to SSD 16_7919 are illustrated in the Architectural Drawings prepared by FJMT (refer to **Appendix A**) and include the following:

- Changes at roof level, including a reduction in the extent of roof top plant on the western side and removal of roof top plant on the eastern side, a change to the materiality of the lift overrun, modifications to the roof top landscaping area and an increase to the height of the façade at the north-west corner of the building to align with the height approved under the original SSD.
- Changes to the extent of excavation and associated modifications to the internal services arrangements.
- Installation of a new kiosk substation on the site's Carabella Street frontage including the reconfiguration of a small section of the rendered wall fronting Carabella Street and associated modifications to the existing utilities and infrastructure.
- Various minor design changes including removal of the high-level window / 'light scoop' at Roof Level, changes to the materiality of the balcony balustrade at Ground Level and Lower Ground Level 1, make-good works to the existing server rooms within the Elamang Building for use as storage space, minor refurbishment works to create new offices/meeting rooms within J Block, reconfiguration of the external ramp and stair to the north of the Marian Centre (Ground Level) and relocation of the Roof Level plant to the Ground Level driveway.
- Modification to Condition E15 to enable landscaping works at Lower Ground Level 4 to be delivered in a staged manner.

The key changes to the approved development are described in more detail in the following sections. The Concept Plan is proposed to be amended to reflect the changes to the Stage 1 development and the installation of the kiosk substation, as detailed in this SEE.

2.1.1 Changes to Roof Level

As a result of ongoing design development, several changes are proposed at Roof Level of the Innovation Centre. The changes include:

- A significant reduction in the extent of the roof top plant zone at the western end of the roof and removal of the roof top plant from the eastern side of the roof, as shown at **Figure 1**. The reduction in roof top plant is possible due to the rationalisation of services and the proposed changes to the extent of excavation, which will enable more services to be located below ground and at the Ground Level driveway, away from neighbouring properties. This will result in improved visual impacts and better amenity for neighbouring properties, as discussed at **Section 4.3.1**.

- A change to the materiality of the lift overrun from glass to concrete. The change results from further rationalisation of the design and consideration of the materials and finishes, including their maintenance requirements. The height of the lift overrun has also been reduced slightly. The visual impacts of the proposed change are discussed at **Section 4.3.1**.
- A minor change to the configuration of the landscaped zone at the eastern end of the roof as a result of the plant being removed (refer to **Figure 1**). This part of the roof will continue to be non-trafficable.
- The height of the façade in the north-west corner of the building has been increased to improve safety and provide a better fall barrier. The façade aligns with the height approved under the original SSD, noting that the extent of the façade was reduced under MOD 1. The visual impacts of the proposed change are discussed at **Section 4.3.1**.

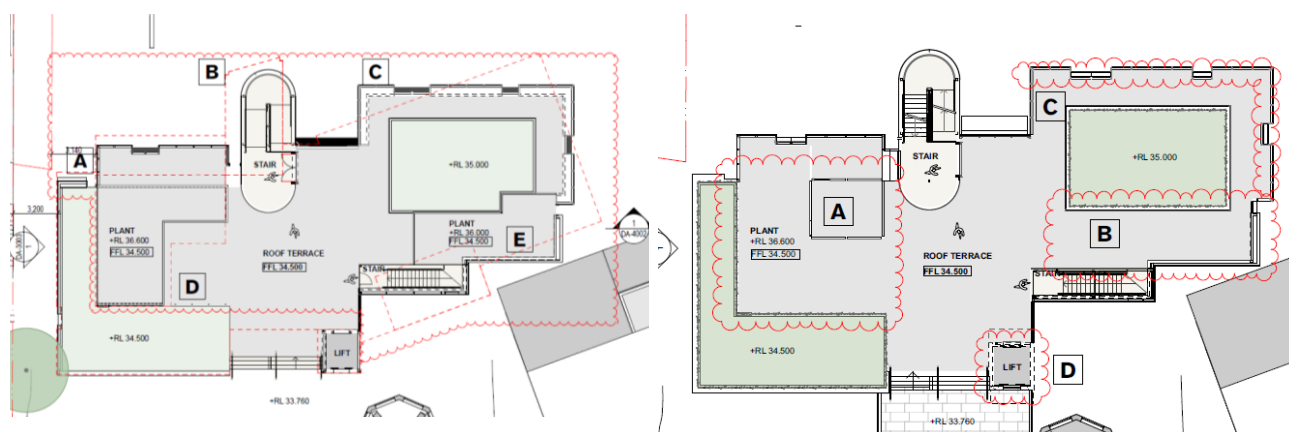


Figure 1 Approved roof layout (left) and proposed roof layout (right)

Source: FJMT

2.1.2 Changes to the Extent of Excavation

A minor increase is proposed to the extent of excavation. The changes are largely a result of ground conditions on-site, with inconsistent rock and fill quality leading to some areas of fill falling away during the excavation process (refer to photo at **Figure 2**). Minor additional excavation is also required to accommodate minimum clearance for excavation machinery.

The design seeks to take advantage of the voids left by collapsed fill by rationalising plant and services and relocating more external roof and ground floor services below ground. Minor additional excavation works are required to stabilise the voids to accommodate services. The additional excavation is identified on the Architectural Drawings at **Appendix A** and is described in **Table 1**.

It is noted that the proposed modifications to the extent of excavation will not result in any changes to the nominated construction period or to the external building envelope, and so will not result in any additional construction-related impacts.

Table 1 Proposed changes to excavation

Level	Proposed Changes to Excavation
Lower Ground Level 4	Additional excavation to accommodate minimum clearance for excavator. Internal floor area and walls remain unchanged.
Lower Ground Level 3	Additional excavation to accommodate minimum clearance for excavator. Internal floor area and walls remain unchanged.
Lower Ground Level 2	Additional excavation at a high level for mechanical ductwork only.

Level	Proposed Changes to Excavation
Lower Ground Level 1	<p>Two areas of additional excavation are proposed to accommodate:</p> <ul style="list-style-type: none"> • Ductwork on the level below. • Mechanical plant and water tanks. The water tanks were originally located externally, adjacent to the site's western boundary.

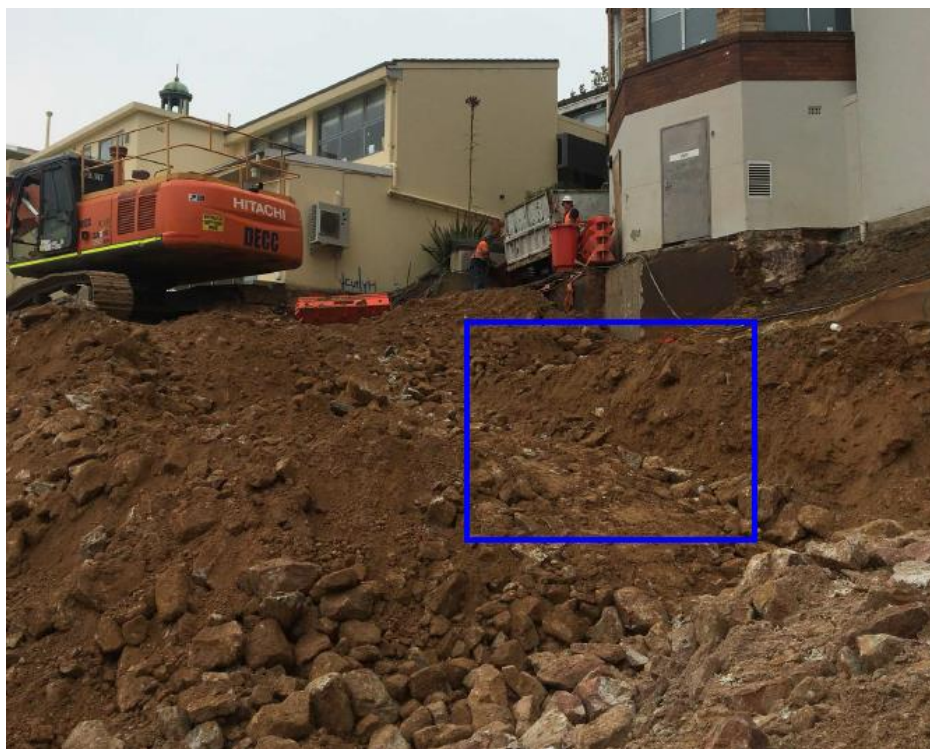


Figure 2 Photograph of fill on-site

Source: FJMT

2.1.3 Installation of New Substation

It is proposed to install a new 1000kVA kiosk substation on the site's Carabella Street frontage, in front of the existing J Block (**Figure 2**). The substation is required to service the new Innovation Centre, as well as future stages of the Masterplan.

The substation will be constructed on a suspended slab, on a 5.3m x 2.05m easement. Installation of the substation will require an existing pillar and a small part of the rendered wall fronting Carabella Street to be removed (**Figure 3**). The substation will be recessed to sit in-line with the wall, which will be reconstructed to match the existing. The new retaining wall around the sides and rear of the proposed substation will be constructed of reinforced concrete 'block' to prevent any blast from the substation impacting the school. Plans of the proposed substation and surrounding structure have been prepared by JHA Consulting Engineers and Michael Eil Consulting Engineers respectively, and are both provided at **Appendix B**.

It is noted that consultation has already taken place with Ausgrid (**Appendix C**), and an application has been made for installation of the substation, the relevant connections and the relocation of an existing electrical box on Carabella Street (visible in **Figure 2**). A Connection Offer has now been received. The existing substation located to the north of the proposed substation will be retained. The works to the wall have been developed in consultation with GML Heritage. An assessment of the proposal in relation to the site's heritage significance is provided at **Appendix D** and **Section 4.3.4**.



Figure 2 Location of proposed substation

Source: Nearmap and Ethos Urban

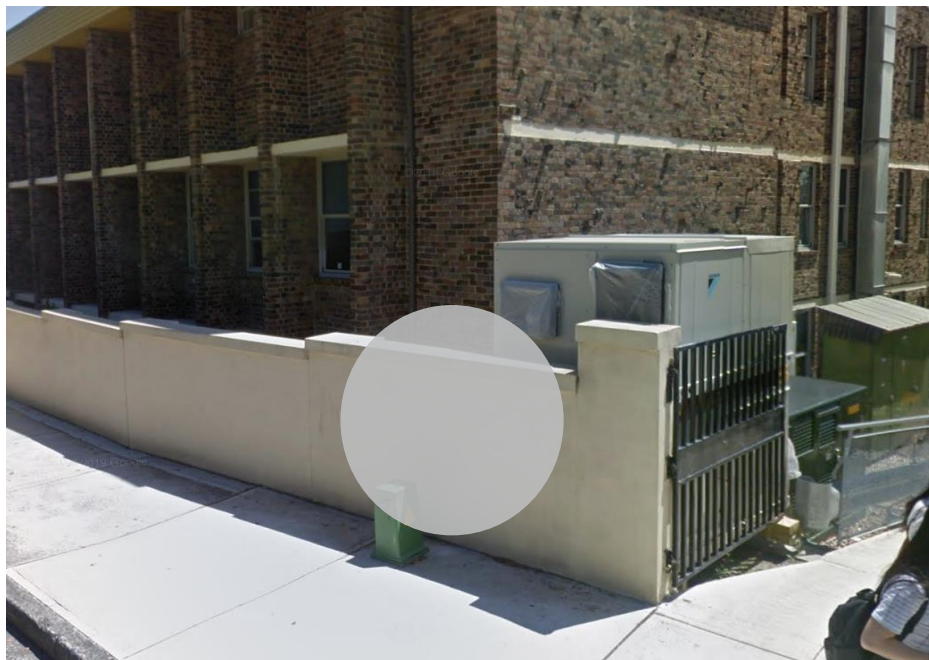


Figure 3 Approximate location of the proposed substation shown in grey

Source: Google Maps and Ethos Urban

2.1.4 Utilities and Infrastructure

There will be minor modifications to the existing utilities and infrastructure to accommodate the proposed substation. The existing electrical box in the location of the proposed substation will be removed. The new kiosk substation is to be known as S31607 Carabella Parkes No.2 and will have a capacity of 1000kVA. As per the Electrical Services Statement prepared by JHA (**Appendix E**), the substation will have two high voltage connections via a 11kV Ring Main Isolator and three low voltage connections - one to the school (known as Loreto MSB No.2), two interconnecting to the existing substation (S50434) and three normally open interconnector to the street (Carabella Street).

2.1.5 Minor Design Modifications

In addition to the changes described above, a number of minor design changes are proposed as a result of ongoing design development. These are identified on the Architectural Drawings at **Appendix A** and the Landscape Plans at **Appendix F** and include:

- Removal of the high-level window / 'light scoop' at Roof Level and continuation of the slab to the glass line (there will be no change in elevation) as shown in the 3D comparisons at **Figure 4**.
- Modification to the materiality of the balustrade at Ground Level and Lower Ground Level 1 from a combination of solid concrete and palisade balustrades to a continuous palisade balustrade for consistency.
- Make-good works to the existing server rooms at Ground Level of the Elamang Building for use as storage space.
- Minor refurbishment works to create new offices/meeting rooms at Level 2 of the J Block.
- Reconfiguration of the external ramp and stair to the north of the Marian Centre (Ground Level).
- Relocation of the Roof Level plant to the Ground Level driveway.



Figure 4 Approved Roof Level 'light scoop' (left) and proposed arrangement (right)

Source: FJMT

2.1.6 Staging of Landscaping Works

It is proposed to modify Condition E15 to enable the approved landscape works on Lower Ground Level 4 (to the north of the gym) to be delivered in a staged manner. No change is proposed to the design of the approved landscaping.

2.2 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown with a ~~strike through~~ and words to be inserted are shown in **bold underline**.

2.2.1 Conditions of consent for concept development application

Terms of consent

A4. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS as amended by the RtS and Supplementary RtS Information; and
- (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by <i>FJMT</i>			
Dwg No.	Rev.	Name of Plan	Date
MP-1000	6 <u>7</u>	Cover Sheet	12/09/2019 <u>09/04/2020</u>
MP-1001	2	Location Plan - Existing	21/07/2017
MP-1002	2	Site Plan - Existing	21/07/2017
MP-1003	2	Site Analysis	21/07/2017
MP-1004	2	Site Plan - Precincts	21/07/2017
MP-1101	4 <u>5</u>	Site Plan - Proposed Envelopes Stage 1.1	12/09/2019 <u>09/04/2020</u>
MP-1102	4 <u>5</u>	Site Plan - Proposed Envelopes Stage 1.2	12/09/2019 <u>09/04/2020</u>
MP-1103	5 <u>6</u>	Site Plan - Proposed Envelopes Stage 2	12/09/2019 <u>09/04/2020</u>
MP-1104	5 <u>6</u>	Site Plan - Proposed Envelopes Stage 2 2 <u>3</u>	12/09/2019 <u>09/04/2020</u>
MP-1105	2	Western Precinct Development Site	21/07/2017
MP-1106	4 <u>5</u>	Western Precinct Envelope	12/09/2019 <u>09/04/2020</u>
MP-1107	2	Northern Precinct Development Site	21/07/2017
MP-1108	2	Northern Precinct Envelope	21/07/2017
MP-1109	3	Eastern Precinct Development Site	9/01/2018
MP-1110	3 <u>4</u>	Eastern Precinct Envelope	9/01/2018 <u>09/04/2020</u>
MP-1111	2	Southern Precinct Development Site	21/07/2017
MP-1112	3 <u>4</u>	Southern Precinct Envelope 1	15/07/2019 <u>09/04/2020</u>
MP-1113	2 <u>3</u>	Southern Precinct Envelope 2	21/07/2017 <u>09/04/2020</u>
MP-2001	4 <u>5</u>	Masterplan Proposed Plan - LG4 LG3	12/09/2020 <u>09/04/2020</u>
MP-2002	4 <u>5</u>	Masterplan Proposed Plan - LG2 LG1	12/09/2020 <u>09/04/2020</u>
MP-2003	5 <u>6</u>	Masterplan Proposed Plan - G L1	12/09/2019 <u>09/04/2020</u>
MP-2004	5 <u>6</u>	Masterplan Proposed Plan - L2 L3	12/09/2019 <u>09/04/2020</u>
MP-2005	4 <u>5</u>	Masterplan Proposed Plan - L4 L5	12/09/2019 <u>09/04/2020</u>
MP-3001	5 <u>6</u>	Elevation - Elamang Avenue	12/09/2019 <u>09/04/2020</u>
MP-3002	3 <u>4</u>	Elevation - Carabella Street	21/07/2017 <u>09/04/2020</u>
MP-4001	3	Sections - Eastern and Southern precincts	9/01/2018
MP-4002	2	Sections - Northern and Southern precincts	21/07/2017

MP-4003	4 <u>5</u>	Sections - Western Precincts	12/09/2019 <u>09/04/2020</u>
MP-5001	3	Shadow Diagrams - Existing	25/07/2017
MP-5002	3	Shadow Diagrams - Existing	25/07/2017
MP-5003	3	Shadow Diagrams - Existing	25/07/2017
MP-5004	3	Shadow Diagrams - Existing	25/07/2017
MP-5005	3	Shadow Diagrams - Existing	25/07/2017
MP-5006	3	Shadow Diagrams - Existing	25/07/2017
MP-5007	3	Shadow Diagrams - Existing	25/07/2017
MP-5008	3	Shadow Diagrams - Existing	25/07/2017
MP-5009	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5010	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5011	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5012	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5013	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5014	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5015	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
MP-5016	4 <u>5</u>	Shadow Diagrams - Concept Proposal	15/07/2019 <u>09/04/2020</u>
Landscape Drawings prepared by <i>Site Image, Landscape Architects</i>			
Dwg No.	Rev.	Name of Plan	Date
003	H <u>I</u>	Tree Masterplan	21/11/2019 <u>30/04/2020</u>
005	H <u>I</u>	Landscape Masterplan	21/11/2019 <u>30/04/2020</u>
Stormwater Plans (16652) (<u>182476</u>) prepared by <i>Henry and Hymas Northrop</i>			
Dwg No.	Rev.	Name of Plan	Date
C10.01	04 <u>02</u>	Masterplan Cover Sheet, Drawing Schedule and Locality Plan	19/07/2019 <u>20/03/2020</u>
C11.01	01	Masterplan Site Imperviousness Existing	19/07/2019
C12.01	04 <u>02</u>	Masterplan Site Imperviousness Proposed	19/07/2019 <u>20/03/2020</u>

2.2.2 Conditions of consent for stage 1 works

Terms of consent

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS as amended by the RtS and Supplementary RtS Information: and
- (d) in accordance with the approved plans in the table below:

Architectural Drawings prepared by FJMT			
Dwg No.	Rev.	Name of Plan	Date
DA-1001	4 <u>5</u>	Cover Sheet	15/07/2019 09/04/2020
DA-1002	2	Site Plan - Precincts	21/07/2017
DA-1003	3 <u>4</u>	Site Plan - Proposed Stage 1 Works	15/07/2019 09/04/2020
DA-1004	3 <u>4</u>	Site Plan - Western Precinct	15/07/2019 09/04/2020
DA-1005	3 <u>4</u>	Site Plan - Northern Precinct	15/07/2019 09/04/2020
DA-1006	3 <u>4</u>	Site Plan - Eastern Precinct	15/07/2019 09/04/2020
DA-1007	3 <u>4</u>	Site Plan - Southern Precinct	15/07/2019 09/04/2020
DA-2001	3 <u>4</u>	Masterplan Demolition Plan - LG4 LG3	15/07/2019 09/04/2020
DA-2002	3 <u>4</u>	Masterplan Demolition Plan - LG2 LG1	15/07/2019 09/04/2020
DA-2003	3 <u>4</u>	Masterplan Demolition Plan - G L1	15/07/2019 09/04/2020
DA-2004	3 <u>4</u>	Masterplan Demolition Plan - L2 L3	15/07/2019 09/04/2020
DA-2005	3	Masterplan Demolition Plan - L4 L5	15/07/2019
DA-2101	3 <u>4</u>	Masterplan Proposed Plan - LG4 LG3	15/07/2019 09/04/2020
DA-2102	3 <u>4</u>	Masterplan Proposed Plan - LG2 LG1	15/07/2019 09/04/2020
DA-2103	3 <u>4</u>	Masterplan Proposed Plan - G L1	15/07/2019 09/04/2020
DA-2104	3 <u>4</u>	Masterplan Proposed Plan - L2 L3	15/07/2019 09/04/2020
DA-2105	3 <u>4</u>	Masterplan Proposed Plan - L4 L5	15/07/2019 09/04/2020
DA-2201	3 <u>4</u>	Western Precinct Learning Hub - Lower Ground 4	15/07/2019 09/04/2020
DA-2202	3 <u>4</u>	Western Precinct Learning Hub - Lower Ground 3	15/07/2019 09/04/2020
DA-2203	3 <u>4</u>	Western Precinct Learning Hub - Lower Ground 2	15/07/2019 09/04/2020
DA-2204	3 <u>4</u>	Western Precinct Learning Hub - Lower Ground 1	15/07/2019 09/04/2020
DA-2205	3 <u>4</u>	Western Precinct Learning Hub - Ground Level 1	15/07/2019 09/04/2020
DA-2206	3	Western Precinct Learning Hub - Level 1	15/07/2019
DA-2207	4 <u>5</u>	Western Precinct Learning Hub - Roof-Outdoor Terrace	15/07/2019 09/04/2020
DA-2301	2	Northern Precinct - Lower Ground 4	21/07/2017
DA-2302	3	Northern Precinct - Lower Ground 3	13/09/2018
DA-2303	2	Northern Precinct - Lower Ground 2	21/07/2017

DA-2304	2	Northern Precinct - Lower Ground 1	21/07/2017
DA-2305	2	Northern Precinct - Ground Level	21/07/2017
DA-2306	2	Northern Precinct - Level 1 (Roof)	21/07/2017
DA-2401	2	Eastern Precinct - Lower Ground 2 – Stage 1	21/07/2017
DA-2501	3	Southern Precinct - Lower Ground 1	15/07/2019
DA-2502	2 <u>3</u>	Southern Precinct - Ground level	21/07/2017 <u>28/04/2020</u>
DA-2503	3	Southern Precinct - Level 1	15/07/2019
DA-2504	2 <u>3</u>	Southern Precinct - Level 2	21/07/2017 <u>28/04/2020</u>
DA-2505	2 <u>3</u>	Southern Precinct - Level 3	21/07/2017 <u>09/04/2020</u>
DA-2506	2 <u>3</u>	Southern Precinct - Level 4	21/07/2017 <u>09/04/2020</u>
DA-2507	2 <u>3</u>	Southern Precinct Roof	21/07/2017 <u>09/04/2020</u>
DA-3001	2 <u>4</u>	Elevations - Site	21/07/2017 <u>09/04/2020</u>
DA-3002	2 <u>3</u>	Elevations 1 - Western Precinct Learning Hub	21/07/2017 <u>09/04/2020</u>
DA-3003	2 <u>3</u>	Elevations 2 - Western Precinct Learning Hub	21/07/2017 <u>09/04/2020</u>
DA-3004	2	Elevations - Northern Precinct Connector	21/07/2017
DA-3005	2	Elevations - Southern Precinct Connector	21/07/2017
DA-4001	3 <u>4</u>	Sections 1 - Western Precinct Learning Hub	15/07/2019 <u>09/04/2020</u>
DA-4002	3 <u>4</u>	Sections 2 - Western Precinct Learning Hub	15/07/2019 <u>09/04/2020</u>
DA-4003	2	Sections - Western and Eastern Precinct connector	21/07/2017
DA- 4004	2	Sections - Southern Precinct Connector	21/07/2017
DA-5001	4 <u>5</u>	Stage 1 - Shadow Diagrams 21 June 9am-12pm	25/07/2017 <u>09/04/2020</u>
DA-5002	4 <u>5</u>	Stage 1 - Shadow Diagrams 21 June 1pm-3pm	15/07/2019 <u>09/04/2020</u>
DA-5003	4 <u>5</u>	Stage 1 - Shadow Diagrams 21 Dec 9am-12pm	15/07/2019 <u>09/04/2020</u>
DA-5004	4 <u>5</u>	Stage 1 - Shadow Diagrams 21 Dec 1pm-3pm	15/07/2019 <u>09/04/2020</u>
DA-5005	4 <u>5</u>	Stage 1 - Shadow Diagrams 21 March 9am-12pm	15/07/2019 <u>09/04/2020</u>
DA-5006	4 <u>5</u>	Stage 1 - Shadow Diagrams 21 March 1pm-3pm	15/07/2019 <u>09/04/2020</u>
DA-5007	4 <u>5</u>	Stage 1 - Shadow Diagrams 23 Sept 9am-12pm	15/07/2019 <u>09/04/2020</u>
DA-5008	4 <u>5</u>	Stage 1 - Shadow Diagrams 23 Sept 1pm-3pm	15/07/2019 <u>09/04/2020</u>

Landscape Drawings prepared by <i>Site Image, Landscape Architects</i>			
Dwg No.	Rev.	Name of Plan	Date
003	G <u>H</u>	Tree Masterplan	21/11/2019 <u>20/03/2020</u>
004	G <u>H</u>	Landscape Stage 1	21/11/2019 <u>20/03/2020</u>
006	G <u>H</u>	Learning Hub	21/11/2019 <u>20/03/2020</u>
007	D	Southern Connector	21/02/2018
007	G <u>H</u>	Materials Palette	21/11/2019 <u>20/03/2020</u>
008	G <u>H</u>	Planting Palette	21/11/2019 <u>20/03/2020</u>
LH-106	E	Landscape Plan Northern Connector	25/01/2018
LH-107	E	Landscape Plan Eastern Ramp Connector	25/01/2018
LH-501	E	Landscape Softscape Details	25/01/2018
LH-601	E	Landscape Sections	25/01/2018
S4.55-000	B	Landscape Coversheet	28/06/2019
S4.55-101	E <u>F</u>	Landscape Lower Ground Level 4	27/08/2019 <u>30/04/2020</u>
S4.55-108	C	Landscape Plan Southern Connector	12/07/2019
S4.55-111	C	Landscape Lower Ground Level 3	12/07/2019
S4.55-121	C	Landscape Lower Ground Level 2	12/07/2019
S4.55-131	C	Landscape Lower Ground Level 1	12/07/2019
S4.55-132	C	Landscape Lower Ground Level 1	12/07/2019
S4.55-141	G <u>D</u>	Landscape Ground Level	12/07/2019 <u>20/03/2020</u>
S4.55-142	G <u>D</u>	Landscape Ground Level	12/07/2019 <u>20/03/2020</u>
S4.55-151	G <u>D</u>	Landscape Plan Level 1	12/07/2019 <u>20/03/2020</u>
S4.55-161	G <u>D</u>	Landscape Plan Rooftop	12/07/2019 <u>20/03/2020</u>
S4.55-501	B <u>C</u>	Landscape Softscape Details	26/06/2019 <u>20/03/2020</u>
S4.55-601	B <u>C</u>	Landscape Sections	26/06/2019 <u>20/03/2020</u>
Stormwater Plans (46652) (182476) prepared by <i>Henry and Hymas Northrop</i>			
C01.01	4 <u>5</u>	Cover Sheet, Drawing Schedule and Locality Plan	19/07/2019 <u>20/03/2020</u>
C01.11	3 <u>4</u>	Specification Notes	19/07/2019 <u>20/03/2020</u>
C02.01	3 <u>4</u>	Concept Sediment and Erosion Control Plan	19/07/2019 <u>20/03/2020</u>
C02.11	3 <u>4</u>	Sediment and Soil Erosion Control Details	19/07/2019 <u>20/03/2020</u>
C05.01	2 <u>3</u>	Stormwater Drainage Plan	19/07/2019 <u>20/03/2020</u>
C05.11	3 <u>4</u>	Stormwater Longitudinal Sections – Sheet 01	19/07/2019 <u>20/03/2020</u>
C05.12	3 <u>4</u>	Stormwater Longitudinal Sections – Sheet 02	19/07/2019 <u>20/03/2020</u>
C05.13	3 <u>4</u>	Stormwater Longitudinal Sections – Sheet 03	19/07/2019 <u>20/03/2020</u>

C05.91	3 4	Stormwater Calculations Sheet - Minor	19/07/2019 <u>20/03/2020</u>
C05.92	3 4	Stormwater Calculations Sheet - Major	19/07/2019 <u>20/03/2020</u>
C06.01	4 <u>5</u>	Catchment Plan	19/07/2019 <u>20/03/2020</u>
C07.01	4 <u>5</u>	Site Imperviousness	19/07/2019 <u>20/03/2020</u>
C09.01	3 4	Details	19/07/2019 <u>20/03/2020</u>

Landscaping

E15. The landscaping of the Subject Site and the replacement planting must be completed in accordance with the approved plans in Schedule 3 A2d) **prior to the issue of the final Occupation Certificate.**

3.0 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied 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)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- It retains the same use as the approved development in that it provides an educational establishment.
- The proposed modifications do not seek to modify the type of educational facilities provided by the development.
- The proposed modifications do not substantially alter the approved bulk, mass and scale of the development.
- The visual presentation of the building remains generally the same as the approved development.
- The fundamental benefits of the development, including the high level of disabled access and the proposal's relationship to the existing building form, will continue to be provided.
- The installation of the substation represents a minor change and does not represent a substantial amendment.
- The environmental impacts are generally consistent with the approved development.

The proposed modification will result in a development which is substantially the same as the approved development. The modification of the SSD approval can therefore be lawfully made under section 4.55(1A) of the EP&A Act.

4.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with Statutory Plans

The EIS submitted with the original DA addressed the proposed development’s level of compliance against relevant planning instruments, including:

- *Environmental Planning and Assessment Act 1979* (EP&A Act);
- *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP);
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP);
- *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure);
- *State Environmental Planning Policy 55 – Remediation* (SEPP 55);
- *North Sydney Local Environmental Plan 2013* (North Sydney LEP 2013);
- North Sydney Development Control Plan 2013 (North Sydney LEP 2013);
- North Sydney Section 94 Contributions Plan 2013;
- NSW State Priorities;
- A Plan for Growing Sydney;
- NSW Long Term Transport Masterplan 2012;
- Sydney’s Cycling Future 2013;
- Sydney’s Walking Future 2013; and
- Healthy Urban Development Checklist, NSW Health.

The proposed modifications do not substantially alter the development and are proposed to reduce impacts on neighbouring properties, as well as to improve the efficiency and design of the building. The proposed substation will ensure that the Innovation Centre and future stages of the Masterplan can be adequately serviced. As a result, the proposal remains consistent with the relevant statutory plans and policies.

It is noted that the building is within the maximum approved building height, and so the proposal remains consistent with the original assessment that was provided under clause 42 of the Education SEPP.

4.2 Consistency with Approved Concept Proposal

The development, as proposed to be modified, remains consistent with the approved Concept Proposal. In particular, the modified development does not seek to change the approved number of students or staff, nor will it result in any changes to the approved access, pick-up and drop-off arrangements. Further, the building remains within the maximum height of the approved development. As a whole, the proposed modifications seek to improve the functionality of the building while reducing impacts of the development on surrounding properties as outlined in **Section 4.3**.

4.3 S.4.15(1)(b) Impact on the Environment

The EIS submitted with the original application addressed the likely environmental impacts of the development, including:

- Consistency with Relevant EPIs, Policies and Guidelines
- Urban Design and Built Form
- Parking, Traffic and Servicing
- Heritage
- Solar Access and Overshadowing
- View Impacts
- Operational Noise Impacts
- Tree Removal and Ecological Impacts
- Stormwater Management
- Construction Impacts – Stage 1 Works
- Construction Impacts – Concept Proposal
- BCA, Access and Fire Safety
- Structural Adequacy
- Soils, Geotechnical and Groundwater
- Ecologically Sustainable Development
- Crime Prevention Through Environmental Design
- Development Contributions
- Site Suitability
- Public Interest

Compliance with relevant strategic and statutory plans and policies has been considered above. The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. However, the following matters warrant further assessment.

4.3.1 View Impacts

A detailed assessment of the proposed development against the principles of view sharing established by Senior Commissioner Roseth in the Judgement of Tenacity *Consulting v Warringah [2004] NSWLEC 140* was submitted as part of the original EIS and is applicable to this modification. The assessment below considers view impacts to the most affected apartments at 111 Carabella Street and should be read in conjunction with FJMT's view analysis at **Appendix G**. With respect to other key properties:

- 60 Carabella Street – the reduction in the extent of plant at the eastern end of the roof has resulted in a minor improvement to view lines.

View Impacts on East Facing Apartments

The reduction in the extent of roof top plant and the changes to the materiality of the lift overrun have resulted in changes to the structures at roof level, and improvements to the views from east facing apartments in the adjacent building at 111 Carabella Street.

Table 2 provides a comparison of the approved (MOD 1) and proposed views from apartment 9/111 Carabella Street. The views show that there has been a significant reduction in the footprint and height of the western plant

enclosure and a minor reduction in the height of the lift overrun, resulting in a gain in sky views when compared to the approved development. It is noted that the lift overrun continues to be within the maximum 12m height limit which applies to this part of the site under North Sydney LEP 2013.

As noted at **Section 2.1.1**, due to ongoing design development and rationalisation of materials, the lift overrun is now proposed to be off-form concrete rather than glass. Due to the structural requirements and mechanics of the lift, even a glazed lift overrun would have significant solid elements and limited transparency. As a result, the proposed change to a solid lift overrun will have limited visual impact. The stair overrun, which has fewer solid elements, will continue to be glazed to ensure a more transparent built form and less obstruction of sky views from the neighbouring property.

Table 2 Eastern Visual Impact (SSD approved building outlined in red, MOD 1 approved outlined in green, proposed outlined in blue)


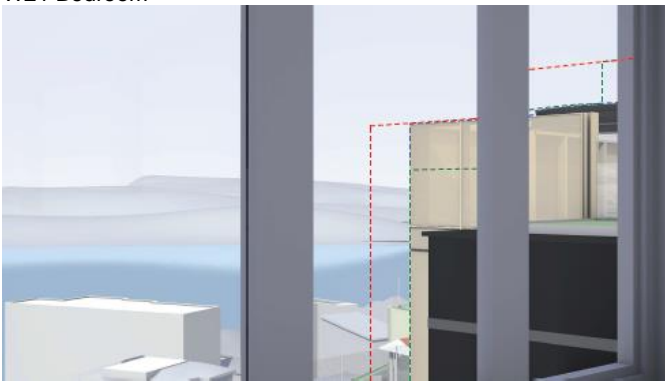
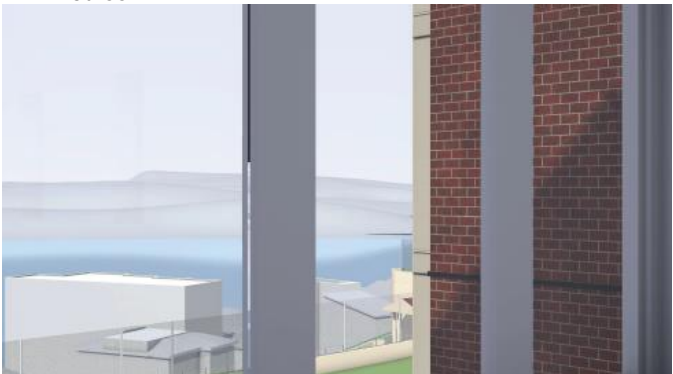
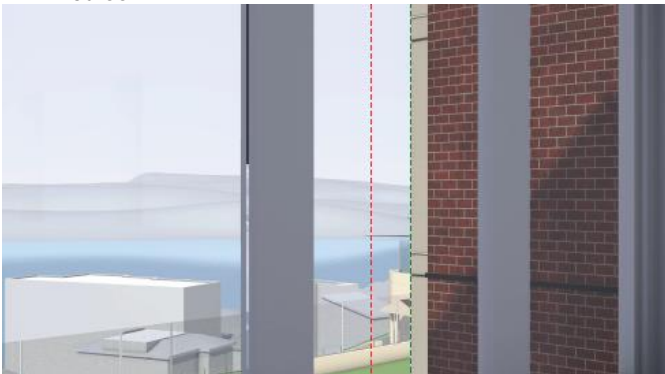
Approved MOD 1 View	Proposed View
<p>W7 Living Room</p> 	<p>W7 Living Room</p> 
<p>W10 Kitchen</p> 	<p>W10 Kitchen</p> 

View Impacts on North Facing Apartments

Table 3 compares the views from W21 and W22 (bedrooms), taken from a worst-case viewpoint looking obliquely across the school site. The comparison shows that the proposed amendments will not result in any significant changes to views from the northern apartments in 111 Carabella Street.

The comparison shows the increased height of the façade in the north-western corner of the building (outlined in blue). Whilst the façade is higher than that approved under MOD 1 (outlined in green), it remains consistent with the height of the original SSD approval (outlined in red). The modified façade will result in a small loss of sky views when viewed from the top-floor apartment, however the outcome still represents an improvement when compared to the originally approved design. The reduction in the extent of the roof top plant will also result in a small increase in sky views, when compared to the approved development.

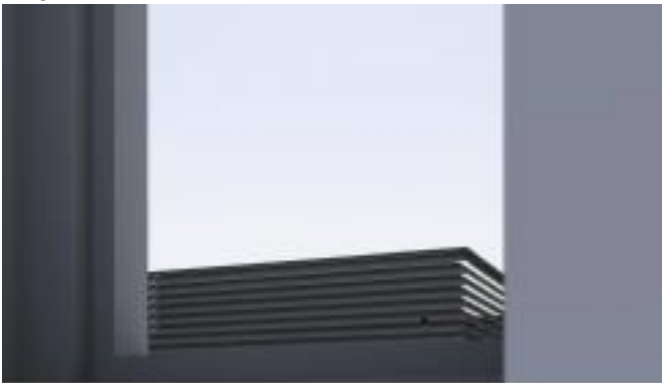
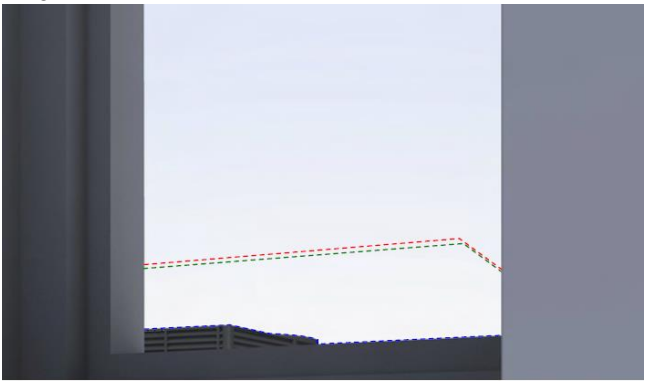
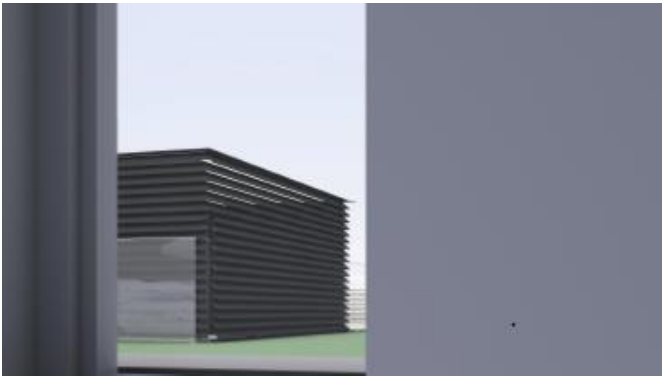
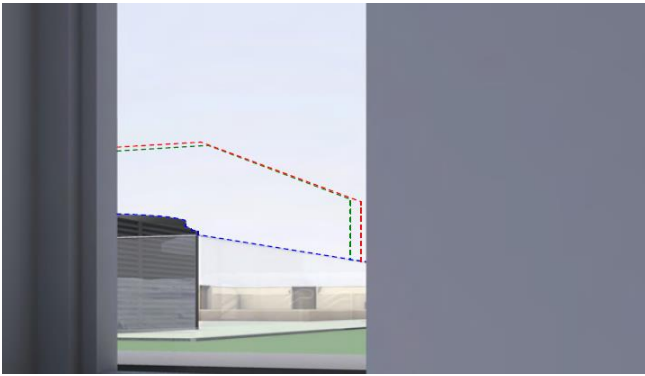
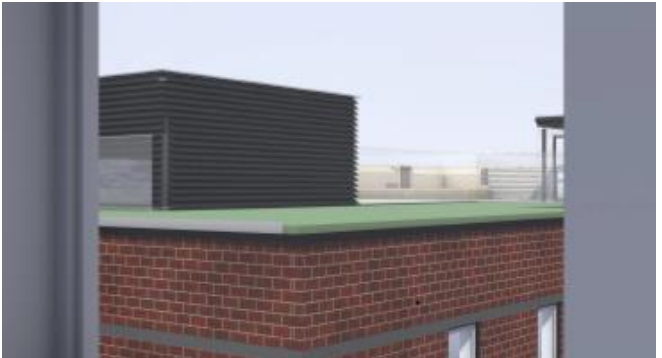
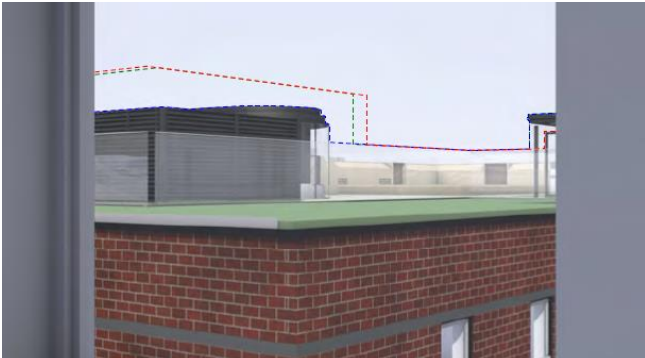
Table 3 Northern Visual Impact (SSD approved building outlined in red, MOD 1 approved outlined in green, proposed outlined in blue)

Approved MOD 1 View	Proposed View
<p>W21 Bedroom</p> 	<p>W21 Bedroom</p> 
<p>W22 Bedroom</p> 	<p>W22 Bedroom</p> 

Additional Views

In addition, FJMT has taken a series of additional views to show the full extent of the improvements resulting from the reduction to the roof top plant (refer to **Table 4**). These views do not comply with the Land and Environment Court methodology and so do not form part of the formal visual impact assessment, however they have been provided to show the significant improvement in outlook and sky views that will be achieved from east facing apartments in 111 Carabella Street as a result of the proposed modifications.

Table 4 Additional Views (MOD 1 approved building outlined in green, proposed outlined in blue)

Approved MOD 1 View	Proposed View
<p>W18</p> 	<p>W18</p> 
<p>W15</p> 	<p>W15</p> 
<p>W10</p> 	<p>W10</p> 

4.3.2 Overshadowing and Solar Access

FJMT has prepared revised Shadow Diagrams which compare the approved and proposed shadow impacts (see **Appendix A**). The diagrams show that the modifications will result in some changes to the extent of shadows cast by the development, with some parts of the school campus experiencing more overshadowing and other areas experiencing less overshadowing. Overall, the modifications generally result in an improved overshadowing outcome within the campus when compared to the original SSD approval.

With respect to impacts on properties to the west of the campus, the property which is most significantly affected by overshadowing is 111 Carabella Street. The reduction in the rooftop plant will marginally improve the overshadowing impacts in the morning when compared to the approved development. The increased façade will result in some additional overshadowing when compared to MOD 1, however will remain consistent with the overshadowing impact approved under the original SSD. Further, the façade material is glass with a fine mesh interlay, enabling light to pass through.

4.3.3 Public Domain and Built Form

The built form of the Innovation Centre remains largely unchanged, with the increased height of the north-western façade and the reduction in the extent of the roof top plant zone being the only changes to the building envelope.

With respect to the proposed substation, as illustrated in the Architectural Plans (**Appendix B**) and as shown in **Figure 5**, the proposed substation will be visible from the public domain. However, to minimise the visual impact, a new rendered wall will be built to the rear and sides of the substation. This wall will be built to match the appearance of the existing wall. The substation will be recessed to sit in-line with the wall, and therefore will not encroach into the public domain.



Figure 5 A 3D render of the proposed substation and the surrounding wall.

Source: FJMT

4.3.4 Heritage

The Innovation Centre is not located on heritage listed land. The changes to the Innovation Centre are minor in nature and will not impact the heritage significance of the broader site.

Notwithstanding, a Heritage Impact Statement has been prepared by GML Heritage to address the impact of the proposed substation on the site's heritage significance (refer to **Appendix D**). The Statement concludes that the proposed substation and alterations to the school's boundary wall will have no impact to the heritage significance of the school or on elements within the school that are of exceptional significance. The substation will have a minor impact on the setting of J-Block and the Carabella Street boundary wall, which are both assessed as having moderate heritage significance.

Various other options were considered in selecting a location for the proposed substation. GML found that the chosen location will have the least impact to the heritage significance of the school, whilst meeting the requirements of Energy Australia. The potential heritage impacts will be mitigated through the design of the new wall, which will be rendered and painted to match the existing. GML concludes that the proposed substation and new walls have an acceptable heritage impact, given that the new wall will be built and rendered to match the existing.

4.3.5 Operational Noise Impacts

An Acoustic Statement has been prepared by Acoustic Logic and is included at **Appendix G**. The proposed modifications seek to relocate plant and equipment away from sensitive receivers to the west of the site, as follows:

- Seven condensers are to be relocated from Roof Level (west) to Ground Level next to the driveway.
- The kitchen exhaust and make up ductwork / fans are to be relocated from Roof Level (east) with exhaust moved to the facade at Ground Level, and make up air to the Lower Ground Level 2 facade east of the Food Tech Kitchen.
- The dust extractor originally at the Ground Level driveway is to be relocated to the underground plant room at Lower Ground Level 1.

Acoustic Logic confirms that these relocations are acceptable from an acoustic perspective and noise emissions from the relocated mechanical plant will comply with the noise emission requirements of Condition of Consent B6.

4.3.6 Stormwater

A Stormwater Management Report prepared by Northrop is provided at **Appendix I**. The Report notes that the proposed modifications will result in nominal changes to pervious areas from 19.75% (approved) to 18.00% (proposed) and impervious areas from 80.25% (approved) to 82.00% (proposed). Northrop concludes that the revised scheme involves no changes that would negatively impact catchment runoff, and that the proposed stormwater system remains consistent with the approved H&H SWMP and Council's stormwater guidelines.

4.3.7 Services and Utilities

The Connection Offer provided by Ausgrid (**Appendix C**) confirms that the proposed substation is consistent with Ausgrid requirements.

4.3.8 Consistency with Reasons for the Grant of the Original Consent

In accordance with section 4.55(3) of the EP&A Act, in determining an application for modification of a consent, the consent authority must take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The proposed modifications are consistent with the reasons given by the NSW Independent Planning Commission in that:

- Construction traffic impacts, parking impacts and operational traffic impacts are unchanged.
- The built form remains reasonable for the site.

- The development continues to be in the public interest.
- The development continues to meet the objects of the EP&A Act.
- The development will not result in the loss of threatened or vulnerable species, population, communities or significant habitat.

5.0 Conclusion

In accordance with section 4.55(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved development. This section 4.55(1A) seeks to reduce the impact of the development on surrounding properties, and facilitate amendments in order to ensure that the Innovation Centre and future stages of the Masterplan can be adequately serviced. The proposed modifications will not alter the environmental impacts assessed and approved as part of the original development consent, nor will they give rise to any additional adverse amenity impacts.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved.
- The modified development remains generally consistent with the approved Concept Proposal.
- The modifications are a result of ongoing design development and will improve the efficiency of the building and the impact on adjoining receivers.
- The modifications will not alter the approved built form.
- The proposed substation has been located to minimise any impact on the site's heritage significance.
- The proposal will not result in any unacceptable adverse environmental, social or economic impacts.

In light of the above, we therefore recommend the proposed modification is supported by the Minister.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries in relation to the above, please do not hesitate to contact me on 9956 6962 or ktudehope@ethosurban.com.

Yours sincerely,



Lara Reynolds
Junior Urbanist
9956 6962
lreynolds@ethosurban.com



Kate Tudehope
Associate Director
9409 4932
ktudehope@ethosurban.com