

# Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Gainsford  
**Deputy Secretary**  
**Assessment and System Performance**

Sydney

22 December 2021

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## SCHEDULE 1

<b>Development consent:</b>	SSD 10340 granted by the Deputy Secretary, Assessment and System Performance on 7 October 2020
<b>For the following:</b>	Redevelopment of Fort Street Public School comprising demolition of selected buildings and structures, construction of four new buildings, refurbishment of existing retained buildings, alterations to drop-off and pick-up arrangements and associated works, including tree removal, landscaping and consolidation of lots.
<b>Applicant:</b>	NSW Department of Education
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>The Land:</b>	Fort Street Public School, Upper Fort Street, Millers Point (Lots 106, 107 and 108 DP748340, Lots 2, 3, 4 and 9 DP732592, Lot 2 DP244444, Lot 5 DP 258013)
<b>Modification:</b>	SSD 10340 MOD 1: Design changes to buildings, including relocation of the lift from the Meteorology Building to Building J and new trafficable rooftop above Building J, amendment to landscape design, external lighting, stormwater management system and access arrangements including changes to the Bradfield Services Tunnel Building, Upper Fort Street width and drop-off and pick-up arrangement.

## SCHEDULE 2

The above consent is modified as follows:

- a) Schedule 2 Part A, Condition A2 is amended by the insertion of the **bold and underlined** words deletion of the ~~struckout~~ words as follows:

### Terms of Consent

A2 The development may only be carried out:

- a) in compliance with the conditions of this consent;
- c) in accordance with all written directions of the Planning Secretary;
- d) generally in accordance with the EIS and Response to Submissions; and
- e) in accordance with the approved plans in the table below:

<b>Architectural drawings prepared by fjmt studio</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-1211	SSDA02	Site Plan Proposed	30/9/20 <b><u>29/10/21</u></b>
DA-2001	SSDA01 <b><u>SSDA02</u></b>	Proposed Plan – Lower Ground 1	18/12/19 <b><u>29/10/21</u></b>
DA-2002	SSDA01 <b><u>SSDA02</u></b>	Proposed Plan – Ground	18/12/19 <b><u>29/10/21</u></b>
DA-2003	SSDA01 <b><u>SSDA02</u></b>	Proposed Plan – Level 1	18/12/19 <b><u>29/10/21</u></b>
DA-2004	SSDA01 <b><u>SSDA02</u></b>	Proposed Plan - Level 2	18/12/19 <b><u>29/10/21</u></b>
<b><u>DA-2005</u></b>	<b><u>SSDA02</u></b>	<b><u>Proposed Plan – Level 3</u></b>	<b><u>29/10/21</u></b>
DA-2005	SSDA01	Proposed Plan – Level Roof	18/12/19
<b><u>DA-2006</u></b>	<b><u>SSDA02</u></b>	<b><u>Proposed Plan – Roof</u></b>	<b><u>29/10/21</u></b>
DA-2101	SSDA01	Demolition Plan – Ground	18/12/19
DA-2102	SSDA01	Demolition Plan – Level 1	18/12/19
DA-2103	SSDA01	Demolition Plan – Level 2	18/12/19
DA-2104	SSDA01	Demolition Plan - Roof	18/12/19
DA-2105	SSDA01	Services Excavation On Demolition Plan	18/12/19
DA-3001	SSDA02	Elevations North East	29/5/20 <b><u>29/10/21</u></b>
DA-3002	SSDA02	Elevations South West	29/5/20 <b><u>29/10/21</u></b>
DA-4001	SSDA02	Sections 1	29/5/20 <b><u>29/10/21</u></b>
DA-4002	SSDA02	Sections 2	29/5/20 <b><u>29/10/21</u></b>
DA-4003	SSDA02	Sections 3	29/5/20
DA-4004	SSDA02	Sections 4	29/5/20 <b><u>29/10/21</u></b>
DA-5001	SSDA01	Detailed Areas – Heritage Wall	18/12/19
DA-5002	SSDA01	Detailed Areas – Heritage Wall Details	18/12/19
DA-5003	SSDA01	Detailed Areas – Bradfield Mechanical Exhaust	18/12/19
DA-5004	SSDA01	Detailed Areas – Surgeon’s Cottage	18/12/19
DA-5005	SSDA01	Detailed Areas – MET Elevator shaft	18/12/19

DA-5006	SSDA01	Detailed Areas – FSPS Existing Hall Skylight	18/12/19
A-03002	SSDA02	Exterior Finishes Schedule	29/5/20
DA-5901	SSDA01	FT01 / FT02 Building A	18/12/19
DA-5902	SSDA01	FT03 Building D	18/12/19
DA-5903	SSDA01	FT04 N / FT04 W Building D	18/12/19
DA-5904	SSDA01	FT05 / FT06 Building C	18/12/19
DA-5905	SSDA01	FT07 Building F/G	18/12/19
DA-5906	SSDA01	FT08 / FT09 / FT14 N Building M	18/12/19
DA-5907	SSDA01	FT10 Building J/H	18/12/19
DA-5908	SSDA01	FT11 C.O.L.A.	18/12/19
DA-5909	SSDA01	FT12 Services Enclosure	18/12/19
DA-5910	SSDA01	FT13 Glass Infill Building J/HG	18/12/19
DA-9011	SSDA01	Exterior Finishes Samples	18/12/19
<b>Landscape Plans prepared by fjmt studio</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
DA-8001	SSDA02	Landscape Design Plan	2/6/20
DA-8002	<del>SSDA04</del> <b>SSDA02</b>	<del>Landscape Ground Floor – Phase 2</del> <b>Landscape Ground Floor</b>	<del>17/9/20</del> <b>29/10/21</b>
DA-8003	SSDA02	Landscape Roof Plan	2/6/20
DA-8004	SSDA03	Tree Management Plan	17/9/20
DA-8005	SSDA03	Landscape Planting Ground Plan – Phase 2	17/9/20
DA-8006	SSDA03	Landscape Planting Roof Plan	17/9/20
DA-8007	SSDA03	Landscape Soil Depth Ground Plan – Phase 2	17/9/20
DA-8008	SSDA02	Landscape Soil Depth Roof Plan	2/6/20
DA-8009	SSDA02	Landscape Ground Floor – Phase 1	<del>17/9/20</del> <b>29/10/21</b>
DA-8010	SSDA01	Landscape Planting Ground Plan – Phase 1	17/9/20
DA-8011	SSDA01	Landscape Soil Depth Ground Plan – Phase 1	17/9/20
DA-8101	SSDA02	Landscape Sections	2/6/20
DA-8201	SSDA02	Landscape Details	2/6/20

- b) Schedule 2 Part B, Condition B1 is amended and Condition B58 is added by the insertion of the **bold and underlined** words deletion of the ~~struck out~~ words as follows:

#### **Rooftop design and equipment**

B1 Prior to the commencement of the relevant works the following must be prepared by a suitably qualified and experienced heritage consultant in consultation with Heritage NSW and be submitted to the Certifier:

- a) detailed drawings and specifications for the attachment of the photovoltaic panels to the roof of the Fort Street Public School Building; ~~and~~
- b) detailed drawings, specifications, colours and materials of the ~~lift overrun~~, mechanical plant enclosures and raised walkways proposed on the Meteorology Building and Buildings H ~~and J~~; **and**
- c) **detailed drawings, specifications, colours and materials of the lift overrun, enclosed stair and balustrade proposed on the rooftop of Building J in accordance with the following requirements:**

- i) the lowest height possible for each structure while also complying with the applicable standards and guidelines;
- ii) glazing with the highest possible transparency while also complying with the applicable standards and guidelines; and
- iii) glazing with an external reflectivity which complies with the limit set out in the Reflectivity Statement Fort Street Public School, Section 4.55(2) Modification Application (SSD-10340) prepared by Arup and dated 8 November 2021.

### Revised Landscape Plans

**B58** Prior to commencement of construction, all landscape plans referenced in Condition A2 must be revised by a suitably qualified landscape architect and be submitted to the satisfaction of the Planning Secretary. The revised landscape plans must:

- a) be consistent with the modifications to the architectural drawings approved under SSD-10340 Mod 1; and
  - b) achieve a tree canopy coverage of no less than 22% of the site (once all newly planted trees reach maturity). The 22% tree canopy coverage requirement must be achieved through amending the tree species to trees with a larger canopy and/or planting additional trees and comply with the following requirements:
    - i) include trees of varying mature heights including heights of 6-8 metres, 10-15 metres and 20-30 metres
    - ii) the trees are to be grown to Australian Standard 2303:2015 'Tree stock for landscape use', and
    - iii) trees must be provided with adequate soil volumes to allow maturity to be achieved;
  - c) demonstrate the integration of proposed site landscaping, existing and proposed surface materials and structures on the site including furniture, paving, levels, services, drainage and watering systems;
  - d) provide details of earthworks and soil depths including finished levels and any mounding; and
  - e) provide planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
- c) Schedule 2 Part D, Condition D31 is amended by the insertion of the **bold and underlined** words as follows:

### **Landscaping**

D31 Prior to the commencement of operation, landscaping and fencing of the site must be completed in accordance with the:

- a) Phase 1 landscape plan(s) listed in condition A2(d), **as amended by condition B58**, if the Kent Street-Sydney Harbour Bridge Cycleway upgrade has not been completed; or
- b) Phase 2 landscape(s) plan listed in condition A2(d), **as amended by condition B58**, if the Kent Street-Sydney Harbour Bridge Cycleway upgrade has been completed, or alternative access to a cycleway (as provided by TfNSW) is available, such that the cycleway/walkway has been permanently diverted around the boundaries of the site.

- d) Schedule 2 Part E, Condition E11 is amended and Conditions E19 and E20 are added by the insertion of the **bold and underlined** words as follows:

### **Operational Noise Limits**

E11 The Applicant must ensure that noise generated by operation of the development, including noise from use of rooftop areas, all mechanical plant and equipment, public address systems, bells and alarms and other audible communication devices does not exceed the noise limits set out in Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019 **and S4.55 Modification Acoustic Cover Statement, prepared by Stantec and dated 9 February 2021.**

### **Trafficable rooftops**

**E19 Use of the trafficable rooftops must be limited as follows:**

- a) **the rooftop of the Meteorology Building must not be used for student outdoor play but can be used for student outdoor learning;**
- b) **the Level 2 rooftop, shared between Building J and Building H, can be used for student outdoor play and learning;**
- c) **the Level 3 rooftop of Building J must not be used for student outdoor play but can be used for student outdoor learning; and**
- d) **the rooftop of the Meteorology Building can be used for community use subject to the relevant requirements of Conditions E1, E2, E3 and E11.**

**E20 Prior to the installation of any safety protection structures required on the trafficable rooftops, the design of the structures must be prepared in consultation with a suitably qualified and experienced heritage consultant and Heritage NSW and be submitted to the Planning Secretary for approval.**

End of modification  
(SSD 10340 MOD 1)