

Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)



# Modification 3 of Upgrade to North Sydney Public School

State Significant Development Modification Assessment Report (SSD-11869481-MOD-3)

December 2023



# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

---

Published by NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Modification 3 of Upgrade to North Sydney Public School (SSD-11869481-MOD-3) Assessment Report

Published: December 2023

## Copyright and disclaimer

© State of New South Wales through Department of Planning and Environment 2022. Information contained in this publication is based on knowledge and understanding at the time of writing, December 2023, and is subject to change. For more information, please visit

[dpie.nsw.gov.au/copyright](http://dpie.nsw.gov.au/copyright)

# Preface

This assessment report provides a record of the Department of Planning and Environment's (the Department) assessment and evaluation of modification 3 of the State significant development SSD-11869481 application for the Upgrade to North Sydney Public School located at 182 Pacific Highway, North Sydney lodged by NSW Department of Education. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable

a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

# Contents

<b>Preface</b> .....	<b>i</b>
<b>1 Introduction</b> .....	<b>1</b>
1.1 The proposal.....	1
1.2 Project location.....	1
1.3 Modification background.....	3
<b>2 Proposed modification</b> .....	<b>6</b>
2.1 Modification overview.....	6
2.2 Landscaping.....	8
2.3 Buildings I and J.....	15
<b>3 Strategic context</b> .....	<b>21</b>
3.1 Key strategic issues.....	21
<b>4 Statutory context</b> .....	<b>22</b>
4.1 Scope of modification and assessment pathway.....	22
<b>5 Engagement</b> .....	<b>23</b>
5.1 Exhibition of the modification.....	23
5.2 Response to submissions.....	23
<b>6 Assessment</b> .....	<b>24</b>
6.1 Heritage.....	24
6.2 Built form and streetscape.....	24
6.3 Landscaping.....	25
6.4 Other issues.....	25
<b>7 Evaluation</b> .....	<b>27</b>
<b>8 Recommendation</b> .....	<b>28</b>
<b>9 Determination</b> .....	<b>29</b>
<b>Glossary</b> .....	<b>30</b>
<b>Appendices</b> .....	<b>31</b>

Appendix A – List of referenced documents ..... 31

Appendix B – Submissions and government agency advice..... 31

Appendix C – Community views for draft Notice of Decision..... 32

# 1 Introduction

## 1.1 The proposal

On 21 February 2022, NSW Department of Education (the applicant) sought and was granted consent for the redevelopment of North Sydney Public School (SSD-11869481).

The applicant now proposes to modify the consent to:

- repair parts of the heritage listed palisade fence fronting Pacific Highway
- reduce the number of bicycle parking spaces from 63 to 60 and relocate select bicycle parking spaces
- install tensile mesh to north facing balconies of Building I
- install unopenable windows to multipurpose rooms of Building I
- amend the landscaping and play areas including the relocation of the yarning circle and installation of new play equipment.

The heritage advice and mitigation measures provided in **Appendix D** of the modification report form part of the consent if the modification is approved.

## 1.2 Project location

The subject site is located at 182 Pacific Highway, North Sydney in the North Sydney local government area. The site is legally described as Lot 1 in DP184559 and Lot 1 in DP184591.

The development site adjoins the North Sydney Central Business District (CBD) and is located approximately 3 kilometres north-east of the Sydney CBD. The site is approximately 650 metres (m) from Waverton Train Station and 900m from North Sydney Train Station (**Figure 1**).

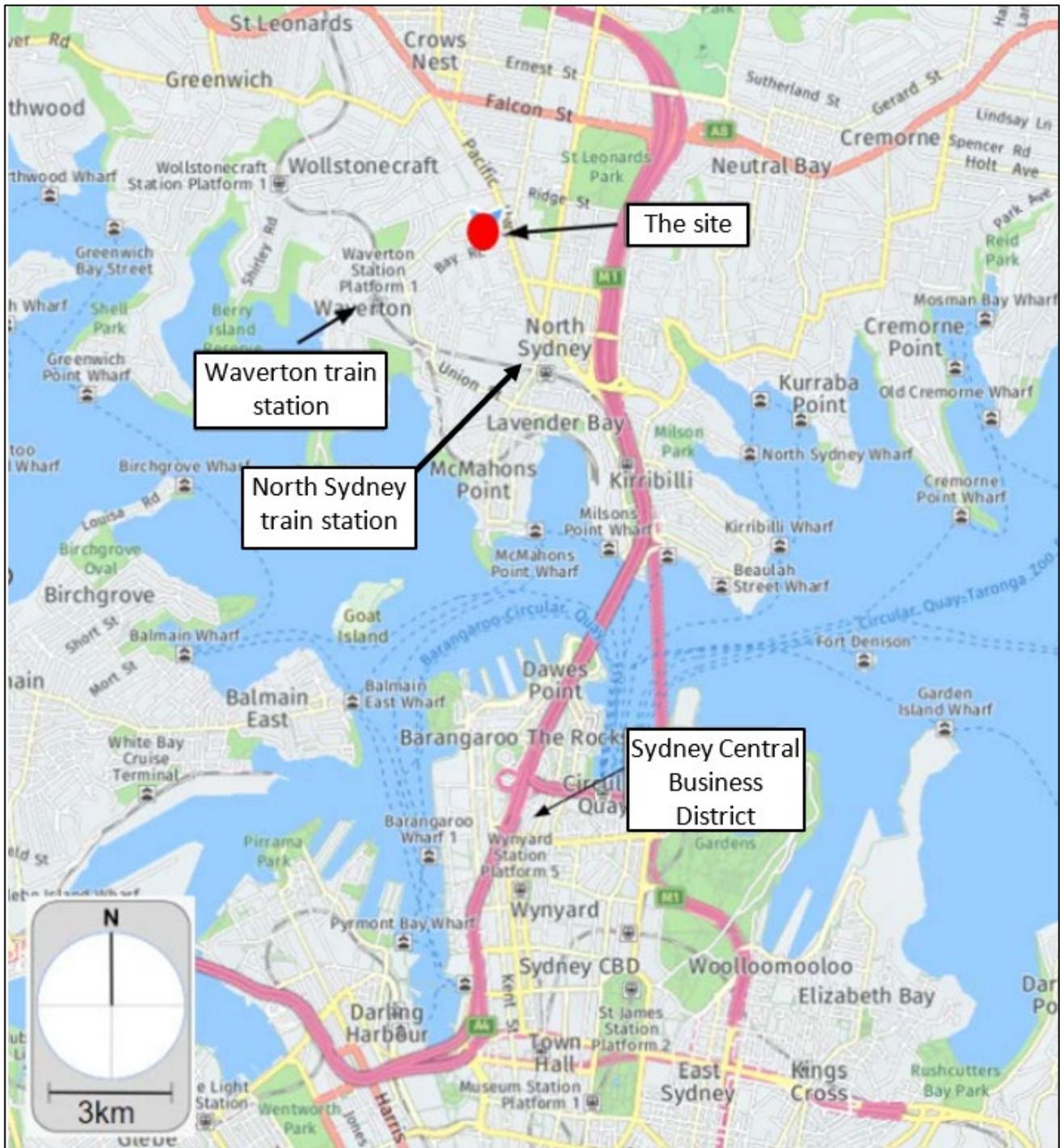


Figure 1 | Regional context map (Source: Department Assessment Report, 2022)

The site is generally rectangular in shape, with a primary road frontage to Bay Road (south) and additional street frontages to Pacific Highway (east) and McHatton Street (north) (Figure 2). The site currently contains a primary school for students in Kindergarten to Year 6. Works associated with approval of SSD-11869481 have commenced on site.

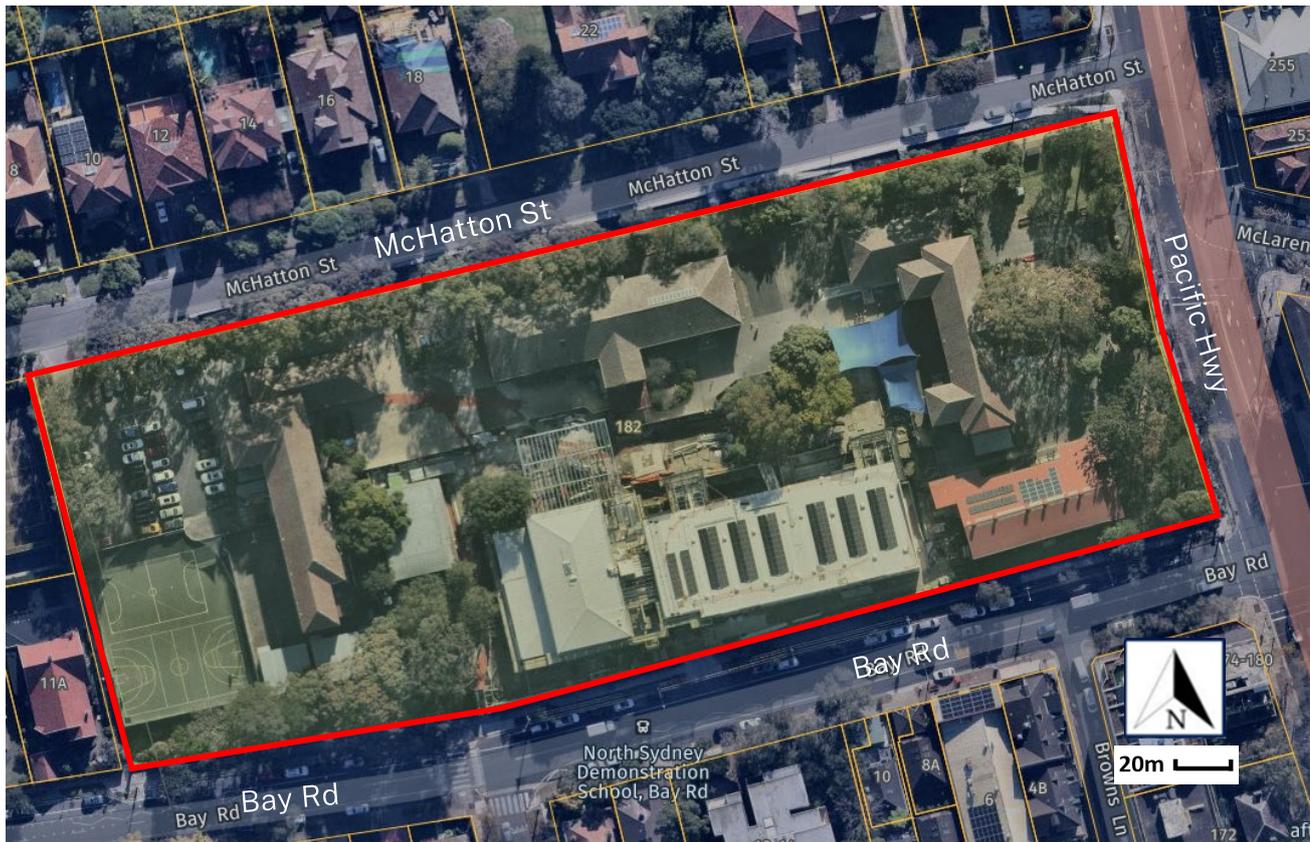


Figure 2 | Existing conditions of the site and surrounds (Source: Nearmaps, 2023)

### 1.3 Modification background

On 21 February 2022, consent was granted by Director, Social and Infrastructure Assessments for the development of SSD 11869481. The development consent approved (**Figure 3**):

- demolition and removal of selected buildings and structures
- construction of one new three-storey building to provide new learning spaces, hall and library, administration space, out of school hours care facilities, covered outdoor learning area and staff and student amenities
- ground floor internal refurbishment of an existing building providing new learning spaces
- associated works, including earthworks, drainage, new bicycle parking, tree removal and landscaping
- increase of students from 869 to 1,012.

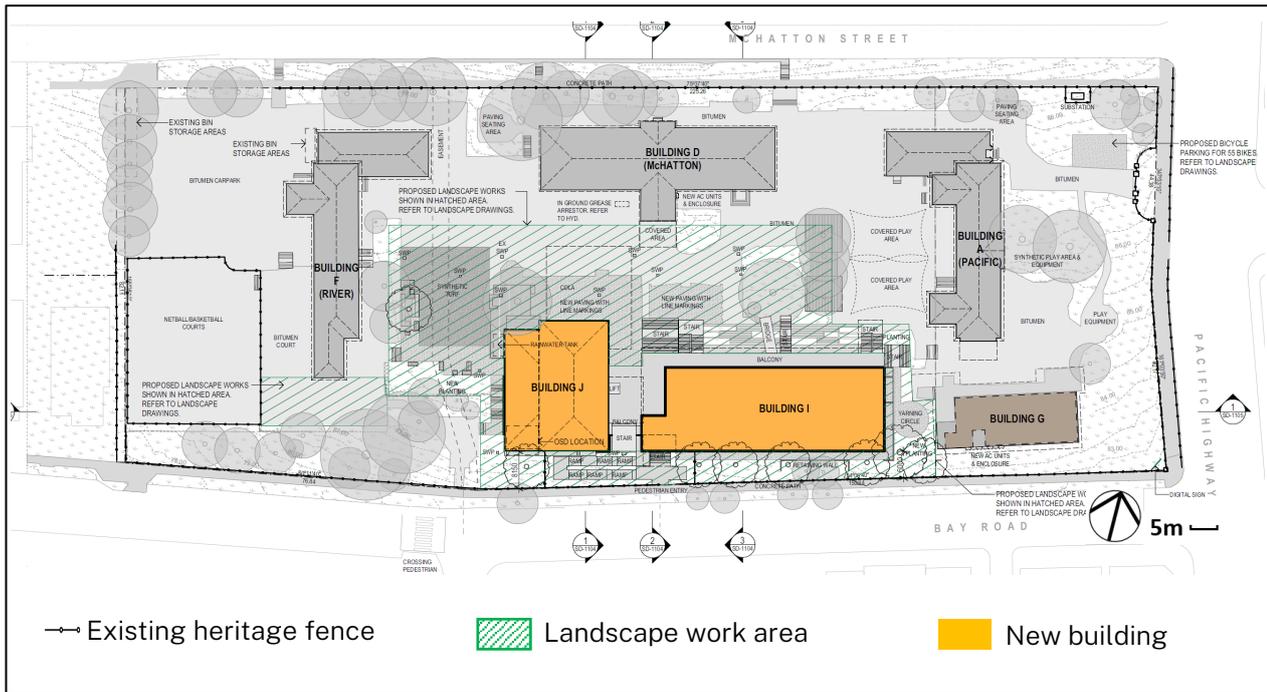


Figure 3 | Approved site plan (Source: Approved plans, 2022)

The consent has been modified on two occasions is currently under assessment (see Table 1).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Date
<b>MOD 1</b>	<ul style="list-style-type: none"> <li>design changes to window and door components of approved new buildings to meet Building Code of Australia (BCA) requirements</li> <li>reconfiguration of approved Bay Road pedestrian entry map</li> <li>addition of a cleaner’s storeroom and minor changes to wall and door locations</li> <li>temporary removal of heritage fence and stone gutter on Bay Road to allow for construction access</li> <li>administration correction to an approved landscape plan number.</li> </ul>	Director, Social and Infrastructure Assessments	4.55(2)	9 June 2022

Modification	Description	Decision-maker	Type	Date
<b>MOD 2</b>	<ul style="list-style-type: none"> <li>relocation of fire hydrants and amendment to access and egress arrangements to improve fire safety</li> <li>stormwater system amendments</li> <li>internal and external design changes to approved Buildings I and J, including balustrade height changes</li> <li>additional tree removal and minor landscape changes, including new artificial turf area</li> </ul>	Director, Social and Infrastructure Assessments	4.55(2)	21 March 2023

## 2 Proposed modification

### 2.1 Modification overview

The key aspects of the modification is provided in detail in the ‘Proposed Modifications’ chapter of the modification report, outlined in **Table 2** and shown in **Section 2.2** and **Section 2.3**.

**Table 2** | Key aspects of the modification

Project element	Original project	Modified project
<b>Landscaping</b>		
Heritage listed palisade fence	<ul style="list-style-type: none"><li>• Removal of sections of fence with frontage to Bay Road</li><li>• No works proposed to section of fence with frontage to Pacific Highway</li></ul>	<ul style="list-style-type: none"><li>• No change to section of fence approved for removal with frontage to Bay Road</li><li>• Reparation to section of heritage fence with frontage to Pacific Highway</li></ul>
Bicycle parking spaces	<ul style="list-style-type: none"><li>• 63 bicycle parking spaces, including:<ul style="list-style-type: none"><li>– 55 spaces near the Pacific Highway pedestrian entry</li><li>– 8 at the Bay Road pedestrian entry</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Reduce the number of bicycle parking spaces from 63 to 60</li><li>• Relocate 55 bicycle parking to the McHatton Street entry</li></ul>

Project element	Original project	Modified project
Play area	<ul style="list-style-type: none"> <li>• Yarning circle east of Building I</li> <li>• Block seating</li> <li>• Stair connection from the play area to Building J</li> <li>• Straight retaining wall along the existing shade sail</li> <li>• Raised platforms and reclaimed logs to protect trees to be retained</li> <li>• No playground equipment</li> <li>• No specified artificial turf design. Note, artificial turf snake design was approved as part of modification 2</li> </ul>	<ul style="list-style-type: none"> <li>• Yarning circle relocated to north-western side of Building A</li> <li>• Block seating to be replaced by stainless steel benches</li> <li>• Redesign of stair connection from lower ground to play area west of Building J</li> <li>• Indented retaining wall to retain existing shade sail</li> <li>• Replace raised platforms and reclaimed logs with timber platforms</li> <li>• New playground equipment with a soft fall zone</li> <li>• Revised artificial turf design</li> </ul>

#### Building I and J

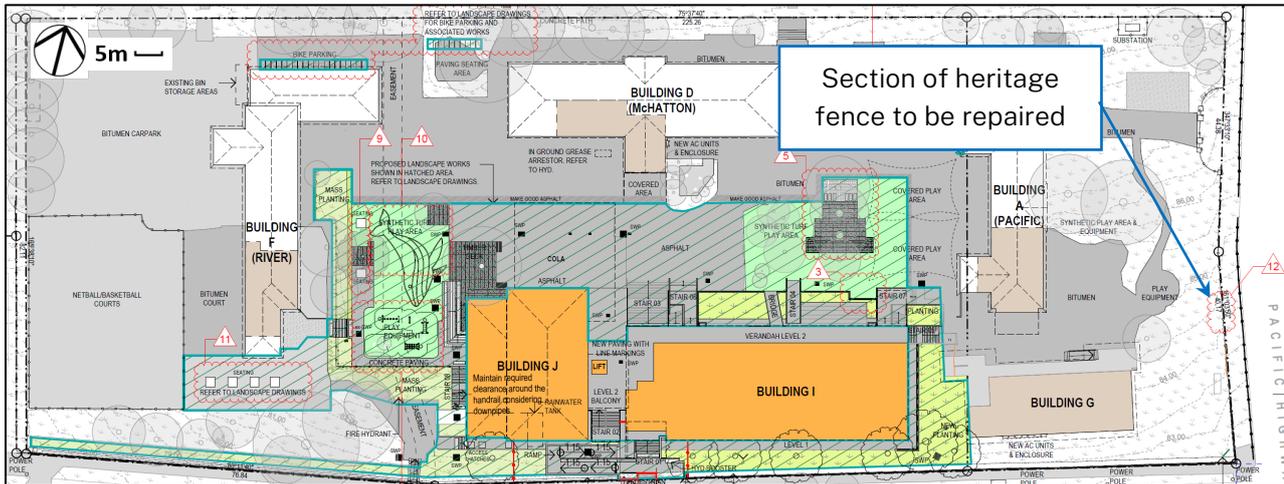
Building I multipurpose rooms	Solid walls to separate internal areas	Unopenable windows on approved internal walls separating internal areas
Building I and J balconies	-	Tensile mesh on all north facing balconies
<b>Roof</b>	Solar panels	Reorientation of solar panels

In addition to the proposed modification in **Table 2**, the Applicant proposes to amend condition A36 of the consent in relation to Fire Safety to reflect the changes to its Fire Engineering Report following consultation with Fire and Rescue NSW.

## 2.2 Landscaping

### 2.2.1 Heritage listed palisade fence

The modification application seeks approval to repair a section of the palisade fence with frontage to Pacific Highway (**Figure 4**).



**Figure 4** | Location of section of palisade fence to be repaired (Base source: Modification 3, 2023)

The Heritage Advice (HA) accompanying the application described the fence as circa 1890 iron pike-and-rail fence on a low-height sandstone plinth. The HA advised that:

- the palisade fence is listed on the North Sydney Local Environmental Plan 2013 as “Gates and fence of former Crows Nest House” (Item I0957)
- the palisade fence is listed on the Department of Education Section 170 Heritage and Conservation Register as “North Sydney Public School-Buildings B00A, B00D and B00F, Gates and Period Fence” (s170 SHI #50656252)
- the sandstone plinth and iron palisading have high heritage significance.

The applicant stated that a steel mesh has been installed across the damaged portion of the fence as a temporary repair (**Figure 5**).



**Figure 5** | Photo of section of heritage fence to be repaired (Source: Modification 3, 2023)

The applicant proposes to repair the damaged pickets and sandstone plinth using materials salvaged from the Bay Road section of the fence which have been approved for removal in the original application. The HA assessed the scope of proposed repair works to the heritage palisade fence and provided recommendations to mitigate possible heritage impacts (**Table 3**). The Modification Report advised that the repair to the fence would ensure that the structural integrity and heritage value of the fence are maintained and that the repair works would have minor physical and visual impacts to the local heritage item.

**Table 3 | HA recommendations (Source: Modification 3, 2023)**

Part of Fence	Proposed repair work	HA review of proposed repair work
<p><b>Pickets</b></p>	<ul style="list-style-type: none"> <li>• Pickets will be tagged, documented, cut, removed from the upper rail and replaced by pickets salvaged from section of fence fronting Bay Road (approved in original application)</li> <li>• Replacement pickets will be sized to suit and pre-painted</li> <li>• Pickets will be installed through the top plate and embedded into the prepared sandstone plinth with lower section wrapped in and dressed in lead</li> <li>• These will be clamped in line and in correct orientation to the road</li> <li>• The lead sheathed base will be encapsulated in the new mortar patch which will be sweetened and profiled to match existing adjacent patches</li> <li>• A touch up coat of paint will be applied to the replaced pickets and adjacent joint will be repointed</li> </ul>	<p>The HA stated that the scope of the proposed picket repair works is acceptable and included additional recommendations in relation to mitigate resultant heritage impacts:</p> <ul style="list-style-type: none"> <li>• only replace damaged pickets</li> <li>• replace missing ‘pike’ finials with finials salvaged from section of fence to be removed along Bay Road <b>(Figure 6)</b></li> <li>• ensure fence’s top rail is not damaged during removal and reinstallation of pickets</li> </ul>

Part of Fence	Proposed repair work	HA review of proposed repair work
<p><b>Sandstone Plinth</b></p>	<p>Prior to repairs to the pickets, the sandstone plinth with loose, damaged and exfoliating stone shall be removed, cut back and prepared to match the existing older mortar patches in existing stone</p>	<p>The HA stated that the scope of the proposed sandstone plinth works is acceptable and included additional recommendations in relation to mitigate resultant heritage impacts:</p> <ul style="list-style-type: none"> <li>• damaged sandstone should be replaced with sandstone salvaged from removed section of fence along Bay Road</li> <li>• if replacement sandstone cannot be sourced from the Bay Road section, the proposed repair methodology is acceptable subject to the following: <ul style="list-style-type: none"> <li>– mortar mix must not contain cementitious materials and should closely match the texture and colour of the sandstone using a lime-based and colouring agent</li> <li>– extent of sandstone repair should be in accordance with <b>Figure 7</b></li> <li>– assist repaired sections to blend in with the rest of the structure by painting yoghurt which promote the growth of algae</li> <li>– cleaning works should only use low-pressure water cleaning methods to retain the existing patina of the sandstone.</li> </ul> </li> </ul>



Figure 6 | Missing finial to be replaced (Source: Modification 3, 2023)



Figure 7 | Extent of sandstone repair works (Source: Modification 3, 2023)

## 2.2.2 Bicycle parking spaces

The modification application proposes to reduce the approved parking spaces from 63 to 60 and relocate select bicycle parking spaces closer to the school entry at McHatton Street and adjacent to the existing bicycle parking spaces (Figure 8 and Figure 9).

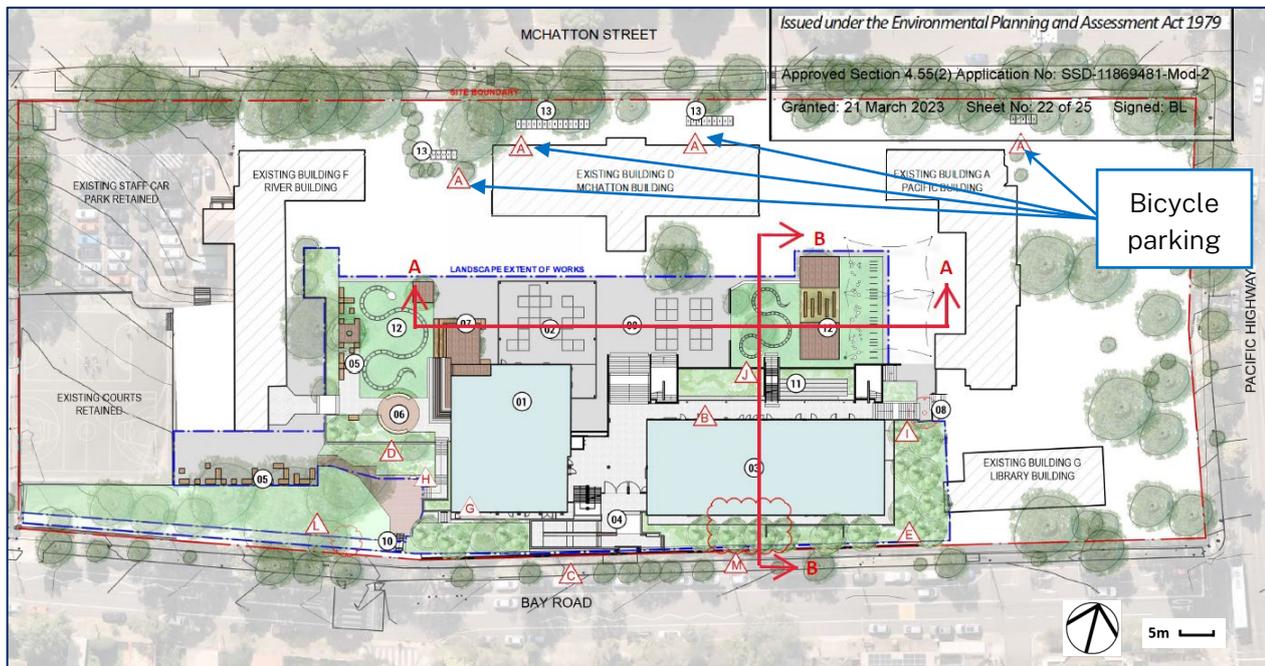


Figure 8 | Approved bicycle parking (Base source: Modification 2, 2023)

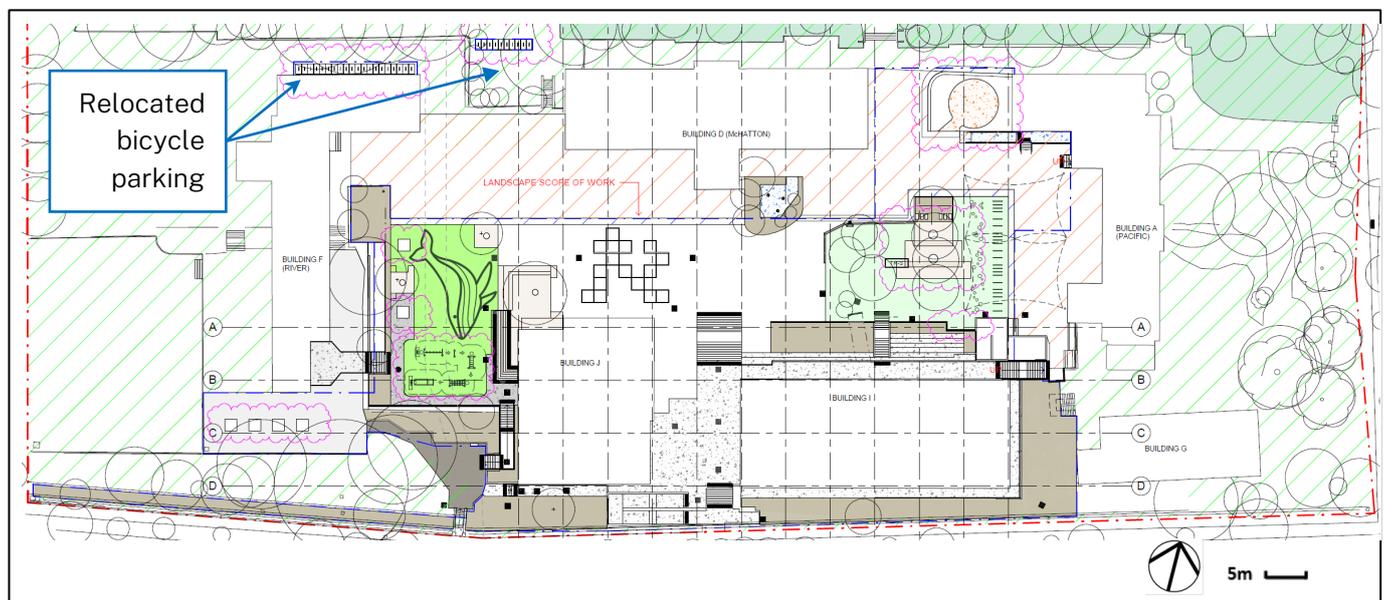
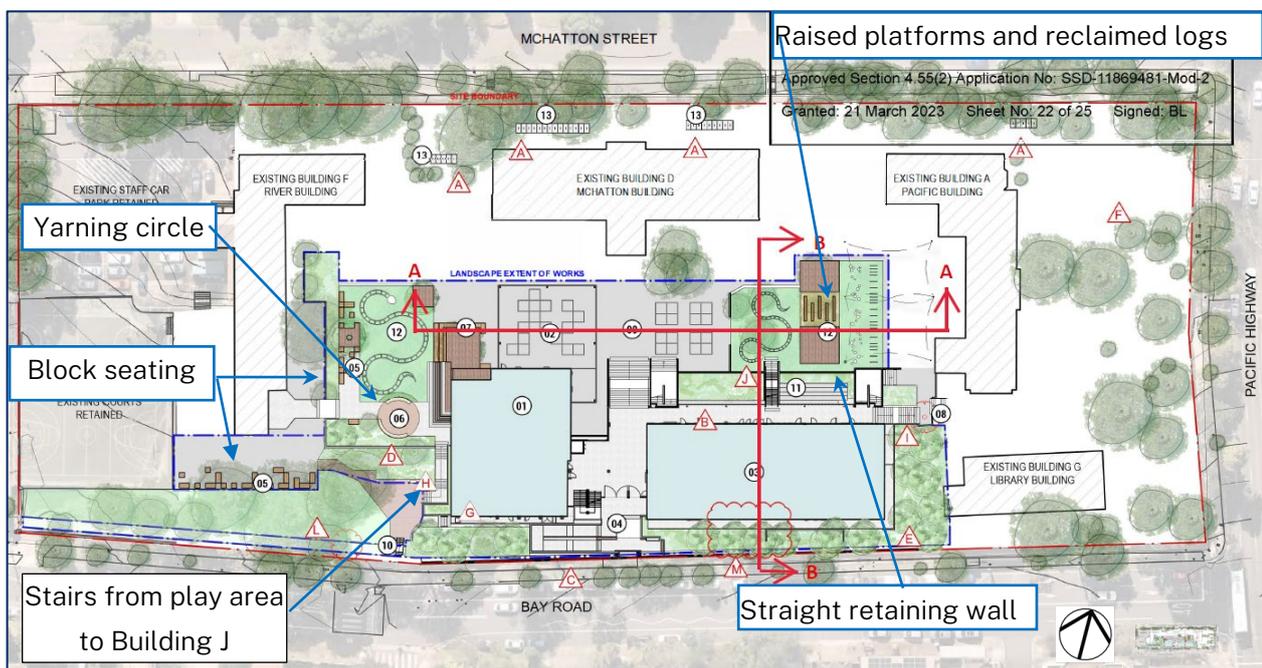


Figure 9 | Proposed bicycle parking (Base Source: Modification 3, 2023)

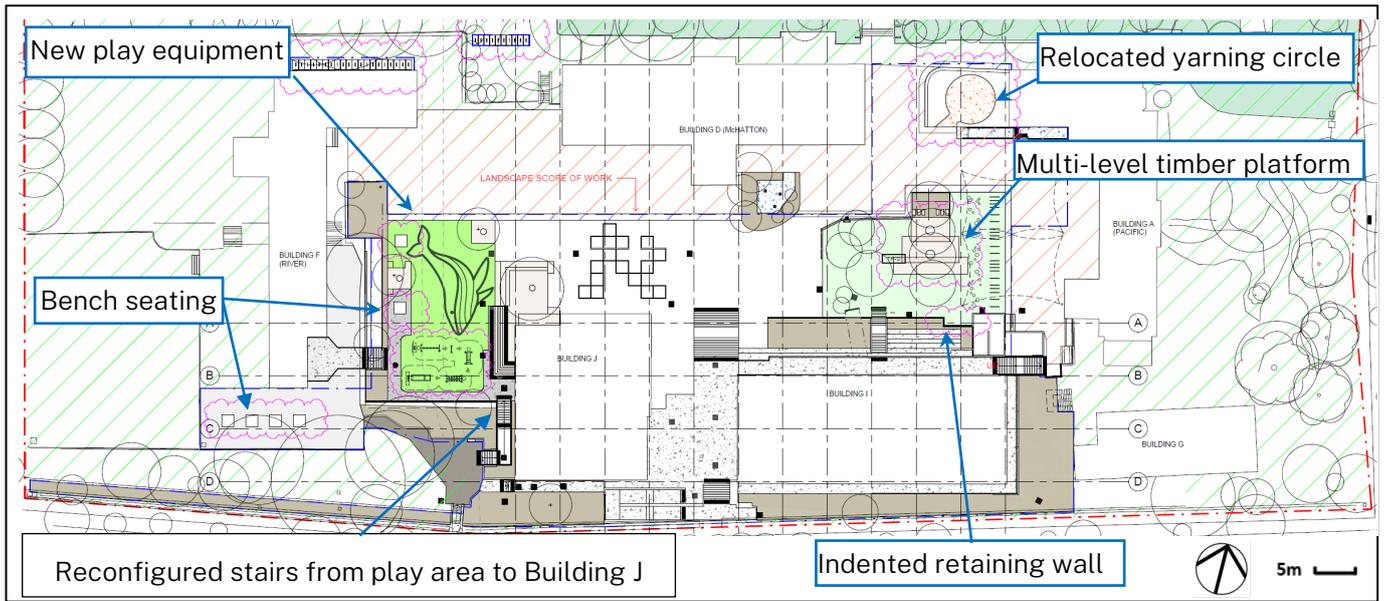
## 2.2.3 Play area

The Modification Report justified that the proposed modifications to the landscaping:

- provide new playground equipment, including soft fall zone, that is compliant with the Disability Discrimination Act
- improve student surveillance opportunity for staff
- is supported by the Gawura NSW Aboriginal Education Consultative Group (relocated new yarning circle)
- allow the existing shade sail structure to remain in place by indenting the retaining wall (**Figure 10** and **Figure 11**).



**Figure 10** | Approved landscape plan (Base source: Modification 2, 2023)



**Figure 11** | Proposed modification to landscape plan (Base Source: Modification 3, 2023)

## 2.3 Buildings I and J

### 2.3.1 External

The application seeks to install tensile mesh along the length of the north facing balconies of Building I and Building J, in Levels 2 and 3, to ensure the safety of students at the upper levels of the building. The tensile mesh would extend from the top of the balustrade to the underside of the slab of the upper floor or roof. **Figure 12** and **Figure 13** details the approved and modified elevations. **Figure 14** shows the tensile mesh installation details.

The application also seeks to modify the orientation of the solar panels on the roof of Buildings I and J.

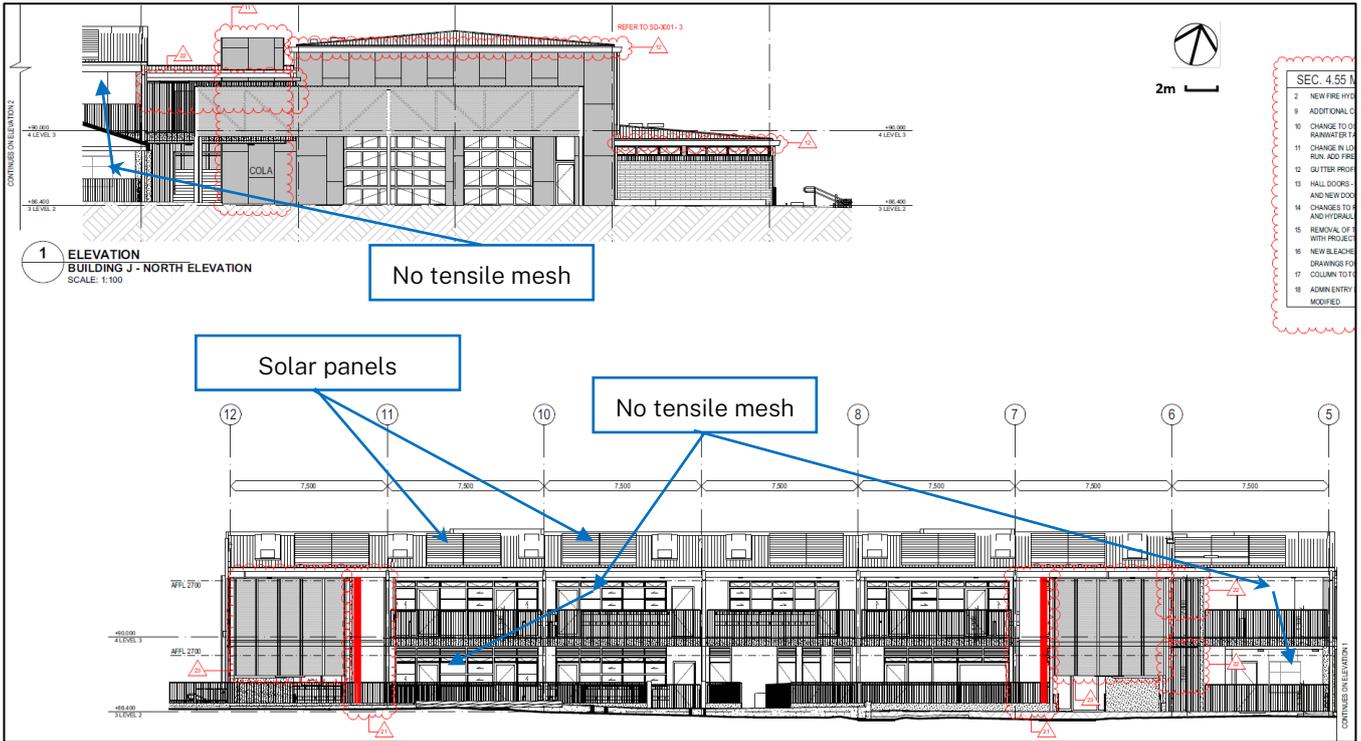


Figure 12 | Approved North Elevation of Building I and J (Source: Modification 3, 2023)

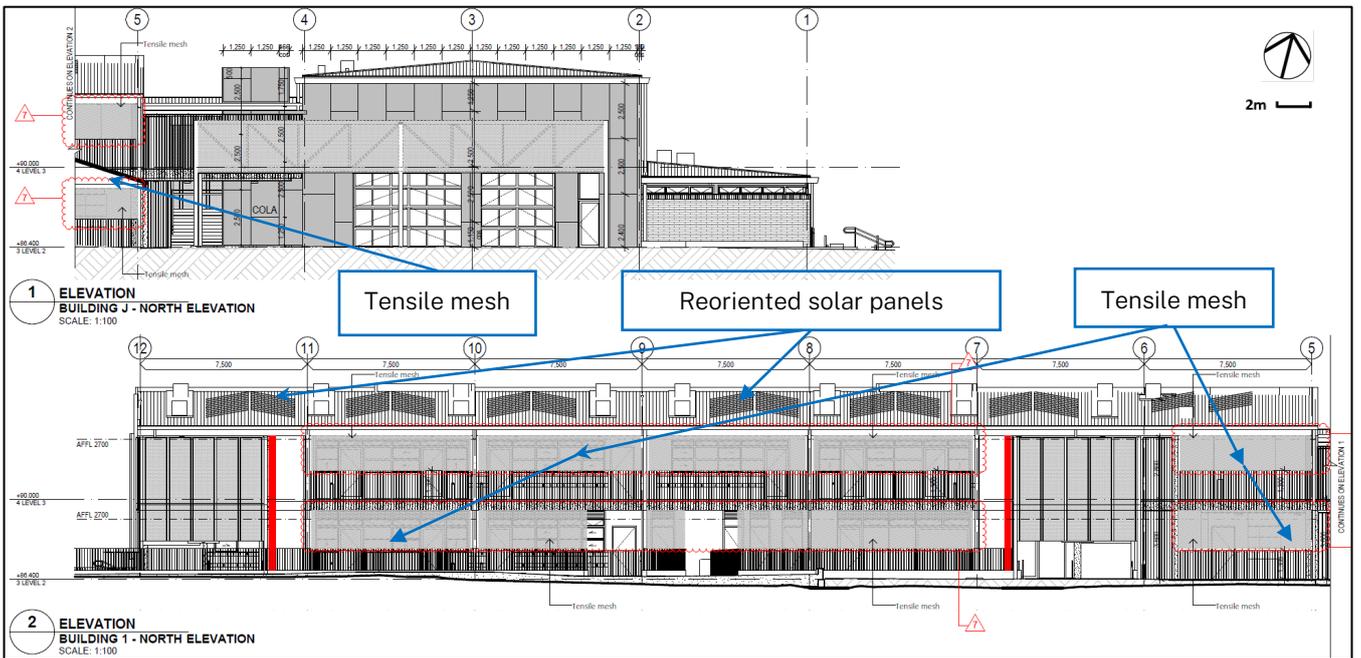


Figure 13 | Modifications to Building I and J north elevation (Base source: Modification 3, 2023)

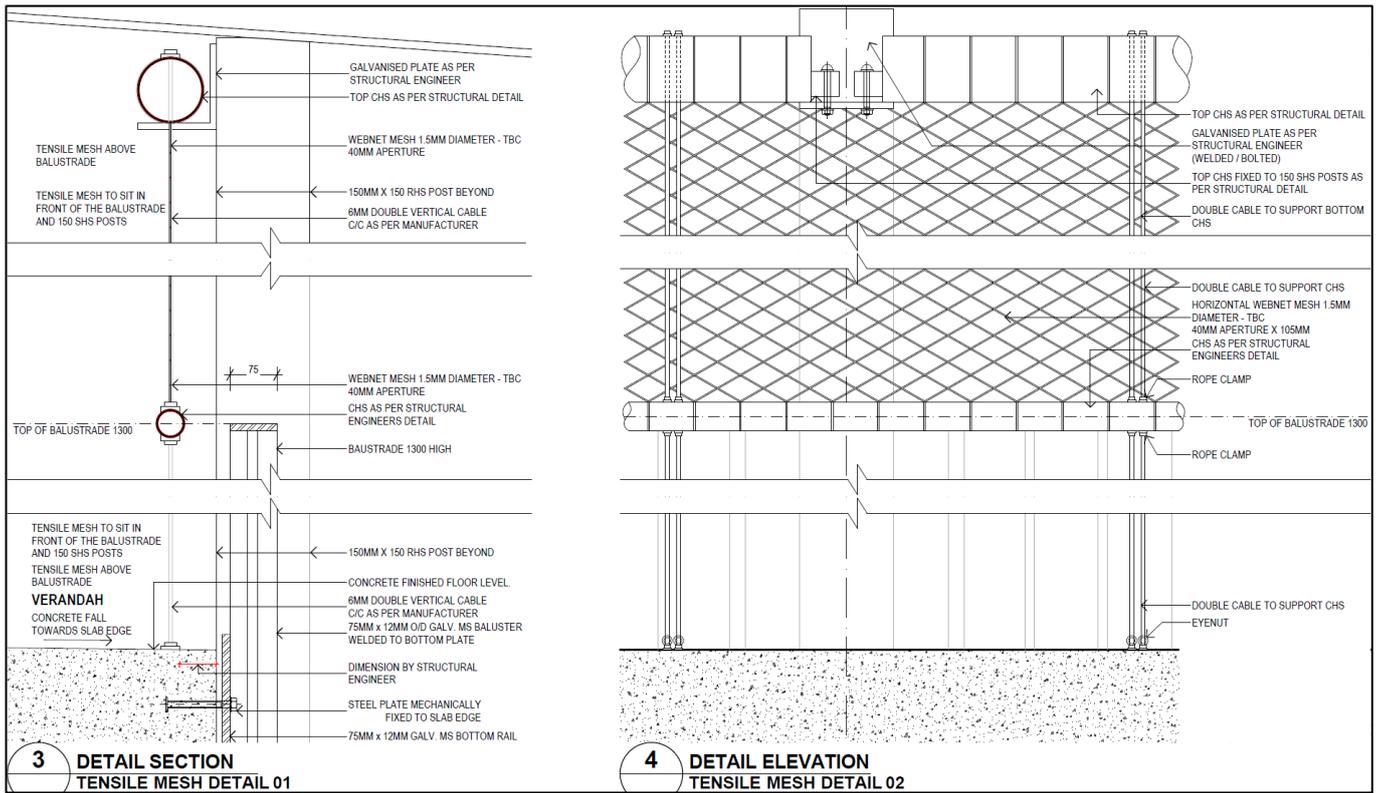


Figure 14| Details of tensile mesh installation (Base source: Modification 3, 2023)

### 2.3.2 Internal

Unopenable aluminium windows are proposed on select interior walls to allow teachers to supervise activities between classrooms of Building I. Figure 15 to Figure 20 details the approved and proposed floor plan of Building I.

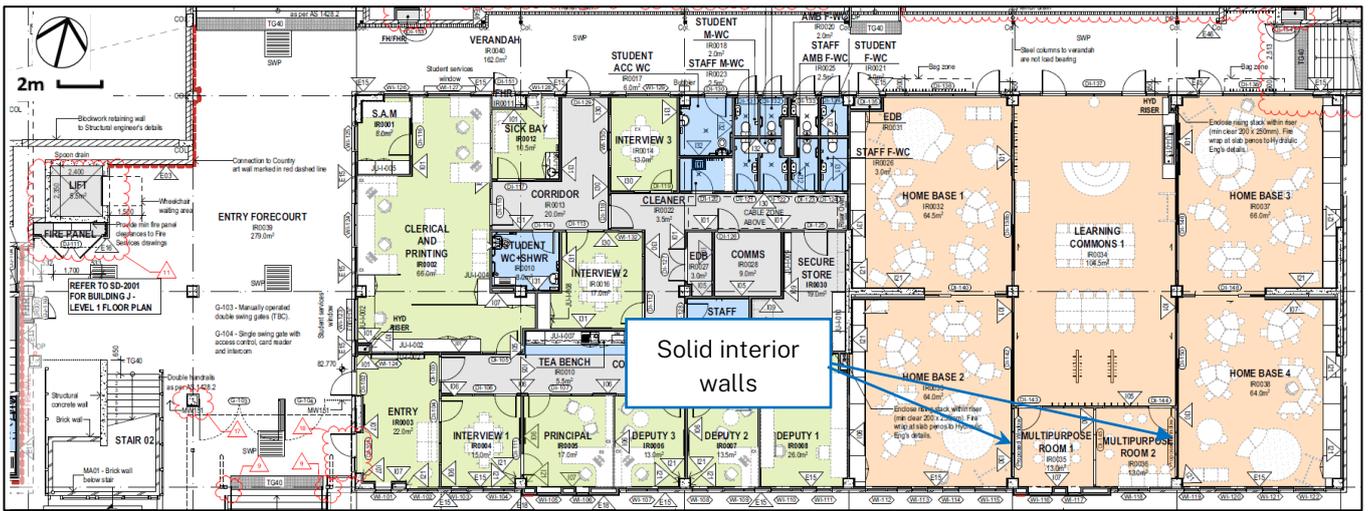


Figure 15 | Approved level 1 floor plan of Building I (Source: Modification 2, 2023)

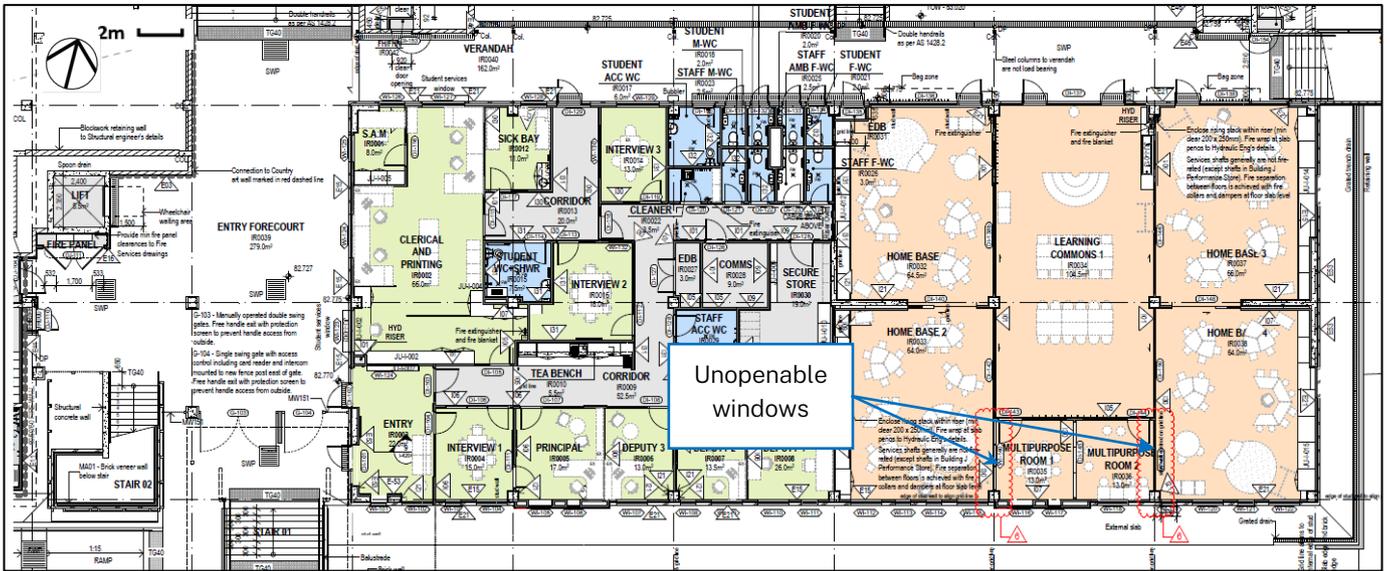


Figure 16 | Proposed level 1 floor plan of Building I (Source: Modification 3, 2023)

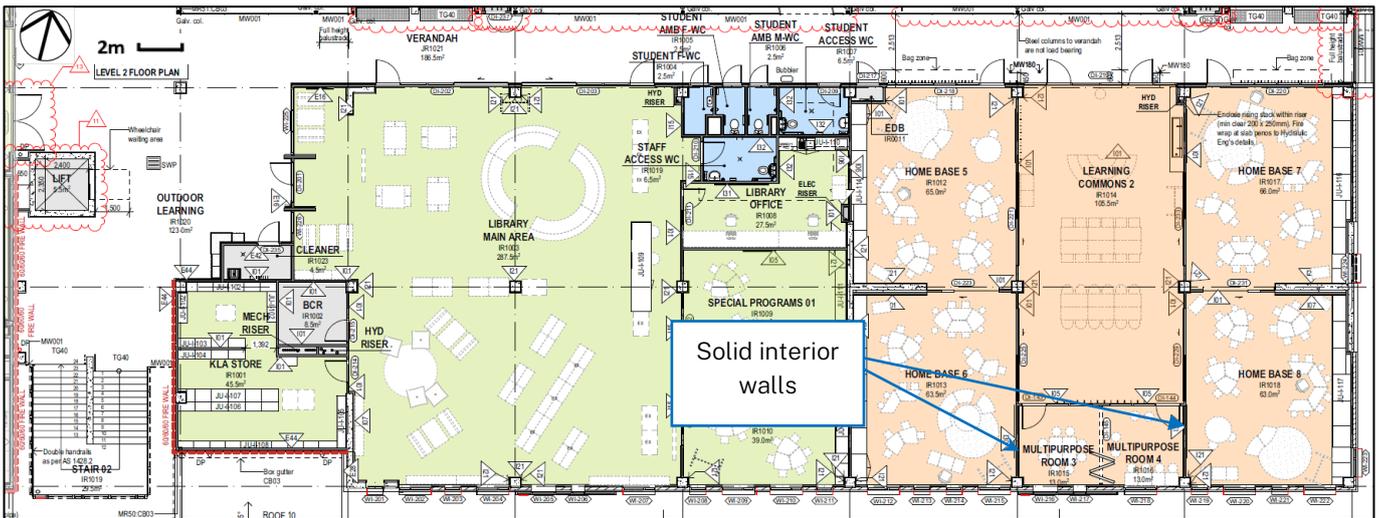


Figure 17 | Approved level 2 floor plan of Building I (Source: Modification 2, 2023)

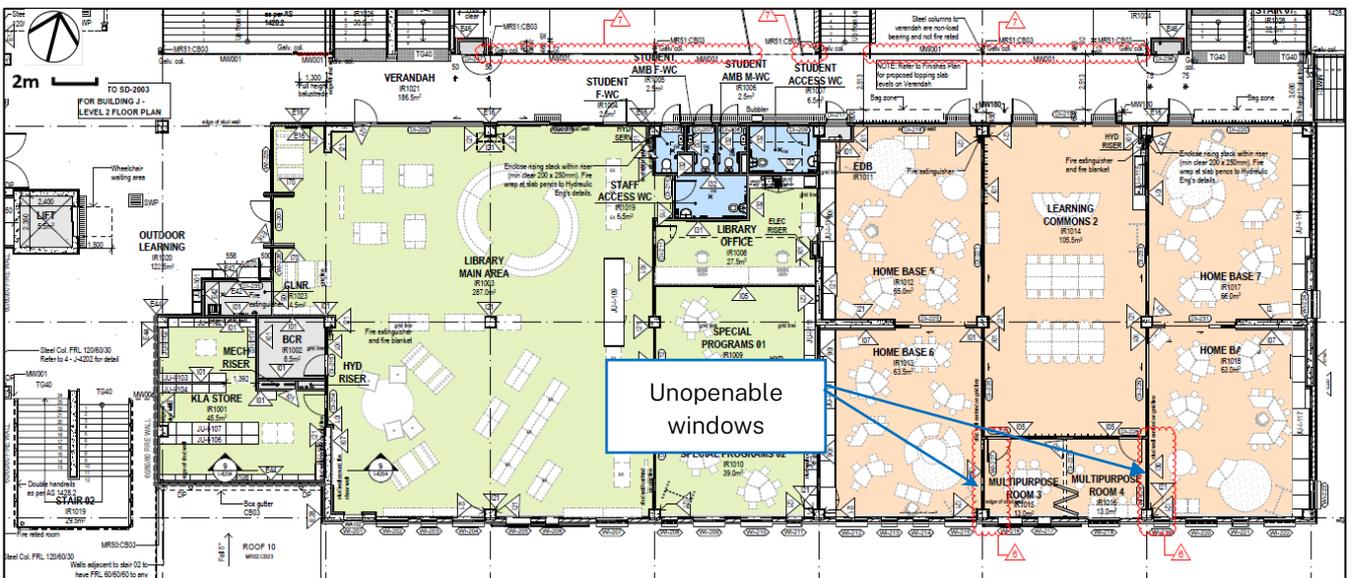


Figure 18 | Proposed level 2 floor plan of Building I (Source: Modification 3, 2023)

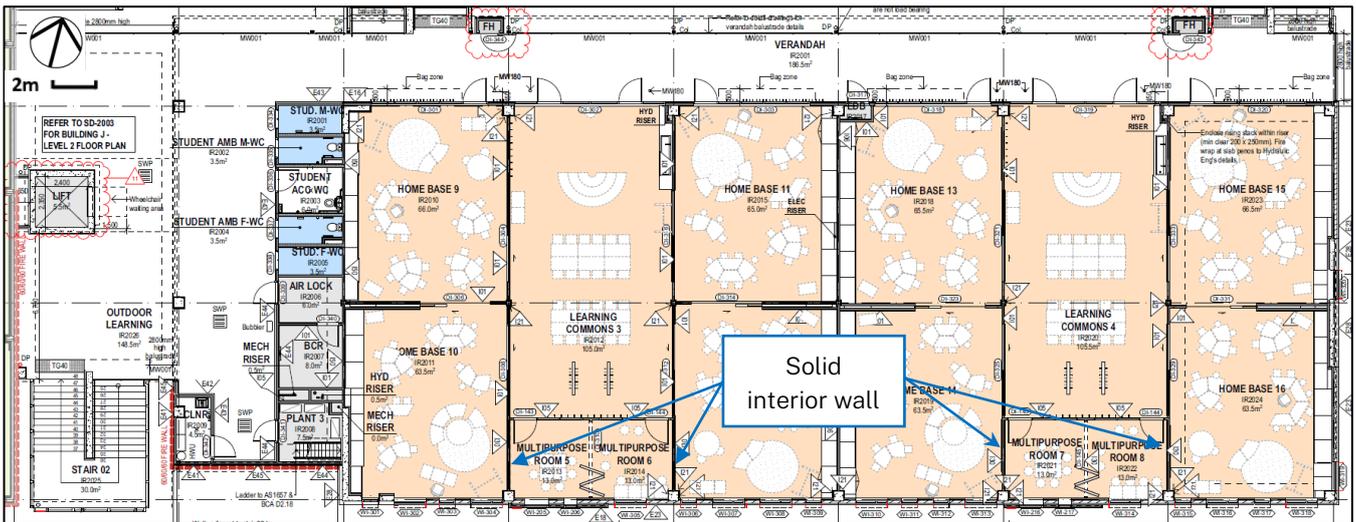


Figure 19 | Approved level 3 floor plan of Building I (Base source: Modification 2, 2023)

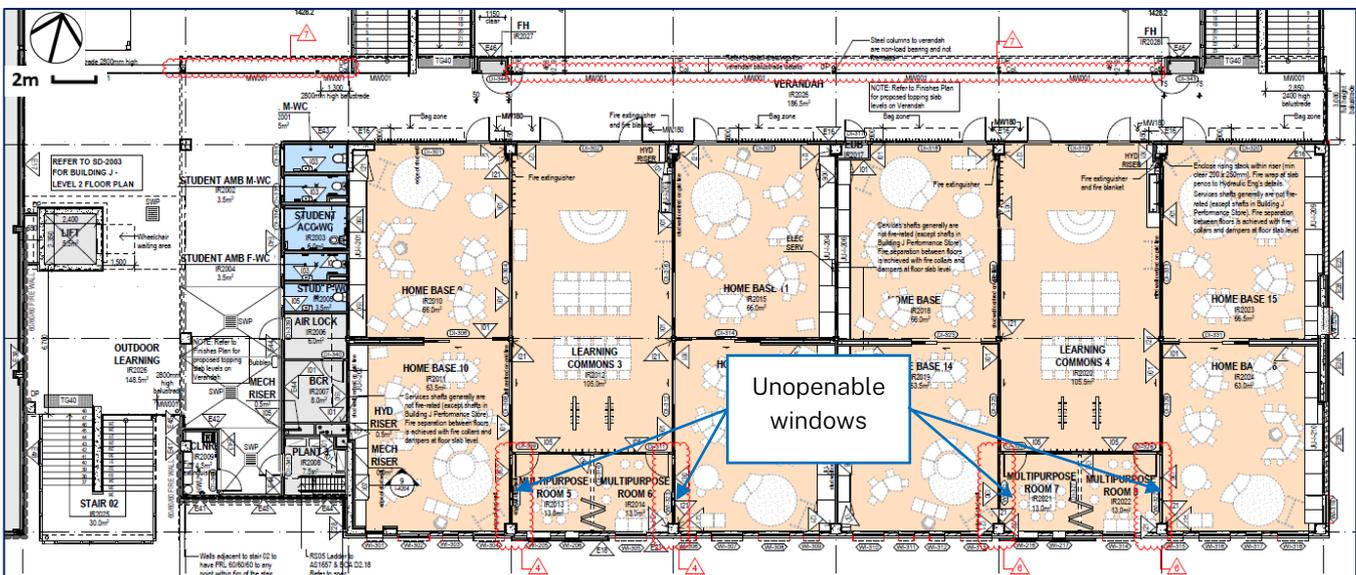


Figure 20 | Proposed level 3 floor plan of Building I (Base source: Modification 3, 2023)

# 3 Strategic context

## 3.1 Key strategic issues

The Department considers that the modified project is appropriate for the site as it is consistent with the strategies, plans and policies outlined in **Table 4** below.

**Table 4** | Summary of government strategies, plans and policies

Strategy, plan or policy	Status	Comments
<b>Greater Sydney Commission's (GSC) Greater Sydney Region Plan: A Metropolis of Three Cities</b>	Consistent	The application proposes upgraded school facilities to meet the growing needs of Sydney
<b>Greater Sydney Region Plan</b>	Consistent	The application will support plans which aim to increase residential densities within the town centre.
<b>Transport for NSW's Future Transport Strategy 2056</b>	Consistent	As it would provide an upgraded educational facility generating additional employment opportunities close to public transport accessible by staff and provide improvements to pedestrian connectivity to the site
<b>State Infrastructure Strategy 2022–2042: Staying Ahead</b>	Consistent	As it proposes: <ul style="list-style-type: none"> <li>• facilities to support the growth in demand for primary student enrolments within the school catchment</li> <li>• a school design to accommodate infrastructure and facilities sharing with communities.</li> </ul>

# 4 Statutory context

## 4.1 Scope of modification and assessment pathway

Details of the pathway under which modification is sought and are provided in **Table 5** below.

**Table 5** | Permissibility and assessment pathway

Consideration	Description
<b>Scope of modification</b>	<p><b>Modification involving minimal environmental impact</b></p> <p>The Department has reviewed the scope of the modification and considers that it can be characterised as a Section 4.55(2) modification application as the proposal:</p> <ul style="list-style-type: none"><li>• would not significantly increase the environmental impacts of the project as approved</li><li>• is substantially the same development as originally approved</li><li>• would not involve any further significant disturbance outside the already approved disturbance areas for the project.</li></ul> <p>The Department is satisfied the proposed modification is within the scope of section 4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&amp;A Act rather than requiring a new development application to be lodged.</p>
<b>Consent Authority</b>	<p><b>Minister for Planning and Public Spaces</b></p> <p>The Minister continues to be the consent authority under section 4.5(a) of the EP&amp;A Act and has the capacity to modify the consent of the project. Under the Minister’s delegation dated 9 March 2022, the Director, Social Infrastructure Assessments, may determine the application as:</p> <ul style="list-style-type: none"><li>• the application has not been made by a person who has disclosed a reportable political donation in under section 10.4 of the EP&amp;A Act in connection with the modification application</li><li>• there are less than 15 public submissions in the nature of objections</li><li>• the Council has not made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the EP&amp;A Act.</li></ul>

# 5 Engagement

## 5.1 Exhibition of the modification

After accepting the modification request and report, the Department:

- made the documents publicly available on the NSW planning portal
- publicly exhibited the modification from 14 November 2023 until 27 November 2023 on the NSW planning portal
- notified landowners in the vicinity of the site about the public exhibition
- notified each person who made a submission in relation to the original development application
- notified and invited comment from North Sydney Council (Council).

### 5.1.1 Summary of council and public submissions

Council reviewed the proposal and raised no objection to the modifications. Council did not provide further comments on the modification.

The Department received one objection from the public during the public exhibition period of the modification which raised concern in relation to construction and operational noise and traffic.

## 5.2 Response to submissions

Following the public exhibition period, the Department published the submissions report on the NSW planning portal and asked the applicant to respond to the issues raised in submissions. The applicant provided a submissions report to the Department on 19 December 2023 (see **Appendix A**).

As part of its Response to Submissions, the Applicant responded to the Department's request to clarify the resultant number of bicycle parking spaces and stated that the number of bicycle parking spaces would be reduced from 63 to 60. The Applicant justified that the reduction complies with:

- Council's requirement of 13 bicycle parking spaces for school staff
- the relevant Australian standard, Austroads, primary school student bicycle parking rate of 1 space per 5 students over Year 4 (total 58 required)
- Educational Facilities Standards and Guidelines requirement of at least 60 bicycle parking spaces

# 6 Assessment

The Department has considered the modification application in the context of the original approved development and subsequent approved modifications relevant environmental planning instruments, policies and guidelines and the requirements of the EP&A Act. The Department considers the key issues for the modification are impacts to heritage, built form and streetscape, and landscaping.

Other issues are considered in **Table 6**.

## 6.1 Heritage

The Department has reviewed the information provided by the applicant, including the HA. The Department notes that, except for the palisade fence, the modification does not include changes to any other local heritage items or items under Department of Education Section 170 Heritage and Conservation Register.

The Department acknowledges that the proposed repairs to the heritage fence are necessary to remove the temporary steel mesh structure and reinstate the heritage value of the heritage palisade fence. The Department is satisfied that the applicant has appropriately considered the potential impacts to the heritage item and that the recommendations by the HA can ensure the fabric of the heritage fence is adequately maintained and protected. The Department considers that the proposal would improve the visual amenity value of the school and the overall streetscape along Pacific Highway.

The Department has recommended conditions that require the repairs to the heritage palisade fence be undertaken in accordance with the recommendations of the HA and that a heritage specialist oversee the repair works.

## 6.2 Built form and streetscape

The Modification Report advised that the proposed external modifications to Building I and Building J would have minimal impact to the streetscape for the following reasons:

- the tensile mesh is transparent and would be located on the northern elevation of Building I and J which is faced inward towards the school
- the tensile mesh is designed to be installed at the back of the balustrade and is structurally independent from the balustrade
- the solar panels are located on the roof and would not be visible at eye-level from the street

The Department considered the information provided and concluded that the proposed tensile mesh is necessary is required to ensure the safety of students on the upper level of Building I and Building J. The Department is satisfied that the proposal would not significantly alter the approved building character or compromise the integrity of the buildings' overall architectural design because:

- the tensile mesh is lightweight and transparent
- the tensile mesh and reoriented solar panels would not be readily visible from the street
- these are minor in nature and will not compromise approved architectural design

The Department has recommended that condition A2 be amended to reflect the modified architectural plans.

### 6.3 Landscaping

The Department has reviewed the information provided by the applicant and concluded that the proposed modifications are minor and acceptable because:

- it would not significantly alter the approved landscaping of the school
- it is responsive to the school's natural topography and existing built structures
- the new playground equipment will be installed in a DDA compliant area with a high degree of surveillance
- the new location of the yarning circle has been endorsed by the Gawura Aboriginal Education Consultive Group
- no additional trees are proposed to be removed.

The Department is satisfied that the proposed modifications would improve the functionality and use of the school's landscape features. The Department recommends that Condition A2 be amended to reflect the modified landscape plans.

### 6.4 Other issues

The Department's consideration of other issues is summarised in **Table 6** below.

**Table 6** | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
<b>Bicycle parking</b>	The modification seeks to relocate select bicycle parking spaces to the McHatton Street pedestrian entry.	The Department has considered that the modification is acceptable because it complies with the Council, Austroads

Issue	Findings and conclusions	Recommended conditions
	<p>The applicant noted in the Modification Report that the modification would remain consistent with condition D16 which requires a minimum of 63 bicycle parking spaces.</p> <p>As part of its Response to Submissions, the Applicant corrected the number of resultant parking spaces due to an administrative error and proposed that the bicycle parking spaces be reduced by 3 spaces to a total of 60. The Applicant justified that the proposed bicycle parking complies with the Council Development Control Plan, the Austroads guideline and the Educational Facilities Standards and Guidelines.</p>	<p>and the Educational Facilities Standards and Guidelines requirements and continues to provide bicycle parking that would satisfy the student needs.</p> <p>The Department has recommended that condition A2 and D16 be amended to reflect the modified architectural and landscape plans.</p>
<b>Building I - internal</b>	<p>The applicant stated that the new unopenable aluminium windows on the interior walls separating the Multipurpose Rooms with Home Base Rooms in Building I would improve opportunities for teachers to supervise the children in the adjoining classrooms. The applicant also stated that all internal modifications will be compliant with BCA and other relevant Australian Standards.</p>	<p>The Department has considered the information provided and concluded that the proposed modification is acceptable because it will:</p> <ul style="list-style-type: none"> <li>• support user requirements</li> <li>• improve the functionality and safety of the classrooms</li> <li>• not significantly alter the overall building design.</li> </ul> <p>The Department has recommended that Condition A2 be amended to reflect the modified architectural plans.</p>
<b>Fire Engineering</b>	<p>The Applicant stated that it has undertaken stakeholder consultation with Fire and Rescue NSW and revised the Fire Engineering report. The modification application seeks to amend condition A36 in relation to the updated Fire Engineering Report.</p>	<p>The Department has recommended that condition A36 be amended to reflect the updated Fire Engineering Report.</p>

# 7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Sections 3 & 6**), advice from government agencies, local councils and public submissions (**Section 5**), and strategic government policies and plans (**Section 3**).

This includes consideration of the modification report and the public submissions, including Council.

If approved, the modification would reinstate the damaged section of the heritage fence along Pacific Highway, improve the safety and functionality of the school and provide landscape features and play areas that are responsive to the existing built environment and natural topography, whilst maintaining the heritage significance of the fence.

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposed modification would improve the safety and functionality of the school
- the proposed modification would not result in detrimental impacts to the heritage value, built form and visual amenity of the school
- the development to which the modification relates remains substantially the same

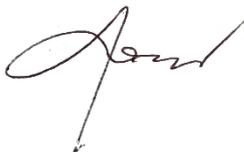
The Department has formed the opinion that the modification should be approved subject to conditions.

## 8 Recommendation

It is recommended that the **Director, School Infrastructure Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- determines that the application (SSD-11869481-MOD-3) falls within the scope of section 4.55 (2) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies the consent** for the Upgrade to North Sydney Public School (SSD-11869481), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix A**).

Recommended by:



**Abigail Bautista**  
Planning Officer  
Social and Infrastructure Assessments

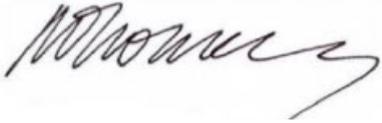
Recommended by:



**Jenny Chu**  
Senior Planning Officer  
Social and Infrastructure Assessments

## 9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'M Thomas', written on a light-colored rectangular background.

**Madeline Thomas**

Acting Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning

# Glossary

Abbreviation	Definition
<b>AECG</b>	Aboriginal Education Consultive Group
<b>BCA</b>	Building Code of Australia
<b>CBD</b>	Central Business District
<b>Council</b>	North Sydney Council
<b>DDA</b>	Disability Discrimination Act
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Secretary</b>	Secretary of the Department of Planning and Environment

# Appendices

## Appendix A – List of referenced documents

1. Modification Report

<https://www.planningportal.nsw.gov.au/major-projects/projects/upgrade-north-sydney-public-school-mod-3>

2. Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/upgrade-north-sydney-public-school-mod-3>

3. Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/upgrade-north-sydney-public-school-mod-3>

## Appendix B – Submissions and government agency advice

Council advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/upgrade-north-sydney-public-school-mod-3>

## Appendix C – Community views for draft Notice of Decision

**Table 7** | Key issues and how they have been considered

Issue	Consideration
<p><b>Heritage</b></p> <p>Proposed repairs to a section of the palisade fence along Pacific Highway may cause irreversible damage to the fence’s local heritage significance</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The application was accompanied by Heritage Advice which considered the potential impacts of the proposed repair works to the heritage palisade fence.</li> <li>• The Heritage Advice assessed the proposed repair works and provided recommendations to mitigate possible heritage impacts.</li> <li>• The Department considers the proposal is acceptable as the:               <ul style="list-style-type: none"> <li>○ applicant has appropriately considered the potential impacts to the locally significant heritage item and the required mitigation measures</li> <li>○ recommendations by the HA would ensure the fabric of the heritage fence is adequately maintained and protected</li> <li>○ repair would ensure that the structural integrity and heritage value of the fence are maintained</li> <li>○ modification would improve streetscape along the Pacific Highway</li> </ul> </li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Repairs to the heritage fence must be carried out in accordance with the recommendations of the Heritage Advice</li> <li>• The Applicant must nominate a heritage specialist to oversee the repair works and provide Council a photographic recording of the heritage fence prior to work commencement</li> </ul>
<p><b>Noise and traffic</b></p> <ul style="list-style-type: none"> <li>• Construction and operational noise</li> <li>• Construction generated traffic</li> </ul>	<p><i>Assessment</i></p> <p>The modification would not increase student population and will not significantly alter the approved construction noise and traffic levels. Traffic and noise impacts associated with the school upgrade were assessed at the time SSD 11869481 was determined.</p> <p>Existing conditions were imposed on the original SSD (SSD-11869481) to mitigate any unacceptable impact from construction and operational noise.</p> <p><i>Conditions</i></p> <p>No additional conditions of consent recommended.</p>