

GYDE

Section 4.55(2) Modification Application

North Sydney Public School Upgrade
182 Pacific Highway, North Sydney

Submitted to Department of Planning and Environment
on behalf of School Infrastructure NSW

This report was prepared by:

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Report Version:	Final

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EXECUTIVE SUMMARY

This Planning Statement has been prepared by GYDE Consulting (GYDE), for School Infrastructure NSW (SINSW), on behalf of the Department of Education (DoE) (the Proponent), to support a Section 4.55(2) modification application to the Department of Planning and Environment (DPE). The application is to modify the approved State Significant Development Application (SSD) 11869481 relating to the upgrades at North Sydney Public School.

The DPE approved the upgrades to the existing North Sydney Public School on 21 February 2022. The approved upgrades are summarised as follows:

- Demolition of the existing hall (Building B), haven building (Building C) and 6 temporary buildings;
- Construction of a three-storey building comprising:
 - staff administration rooms;
 - 16 homebases
 - a library;
 - a hall;
 - out of school hours care facilities;
 - a covered outdoor learning area;
 - bicycle parking and end of trip facilities for staff; and
 - services, amenities and access.
- New entry gate and forecourt from Bay Road;
- Internal refurbishment of the ground floor of Building G from an existing library to 3 homebases; and
- Associated tree removal, landscaping and excavation to facilitate the above works.

The purpose of this Planning Statement is to describe the proposed amendments, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the relevant requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Where impacts have been identified as part of the assessment of the proposed modifications, measures are proposed to mitigate any adverse effect to environmental amenity as addressed in this Planning Statement.

A detailed description of the proposal is provided in Section 3. The statutory planning policy framework is identified in Section 4 and a statutory assessment against the relevant planning controls is provided in Section 5.

The proposed modification to SSD-11869481 sought in this application can be summarised as follows:

- Reconfigure the approved Bay Road entry ramp;
- Partial demolition and subsequent later reinstatement of the heritage-listed fence on Bay Road and corresponding stone gutter to facilitate construction access to the site;
- Provision of an additional cleaner's cupboard on level 2 of approved Building I;
- Minor relocation of the approved library entry doors as a consequence of providing the cleaner's cupboard;

- Realignment of the approved WC walls on level 3 of Building I;
- Minor increase in the approved level 1 homebase windows and, level 2 and 3 homebase/multi-purpose and library windows fronting Bay Road to ensure compliance with Part F4 Light and Ventilation of the Building Code of Australia 2019 (BCA);
- For the type D windows to the level 1 administration area, provision of larger openable louvres to enable natural ventilation compliance with the same abovementioned part of the BCA. It is noted that the approved window head and sill heights are maintained;
- Provision of two louvred doors on the southern elevation of level 1 of Building J to screen the plant room equipment when viewed from the Bay Road frontage; and
- Correct landscape plan drawing number LA102 in condition A2 of the SSD development consent.

The subject modification application has been prepared after taking into account the following key issues:

- Legislative requirements relating to the modification of a consent;
- Compliance with environmental planning instruments;
- Likely impacts of the development as amended;
- Suitability of the site; and
- The public interest.

This report has been prepared in association with the following accompanying documentation:

- Appendix 1 - Amended Architectural Plans prepared by Fulton Trotter dated March and April 2022
- Appendix 2 - Acoustic Letter prepared by PWNA dated 10 March 2022
- Appendix 3 - Amended Construction Environmental Management Plan prepared by Fulton Trotter dated 8 April 2022
- Appendix 4 - Heritage Impact Statement prepared by Curio Projects dated 11 April 2022
- Appendix 5 - Justification for Window Changes Letter prepared by Fulton Trotter dated April 2022
- Appendix 6 - Rationale for Temporary Heritage Fence Removal prepared by Taylor dated April 2022
- Appendix 7 - Site Management Plan prepared by Taylor dated March 2022
- Appendix 8 - Tree Removal Permit issued by North Sydney Council dated 24 March 2022

It is considered that the proposed amendments result in substantially the same development and do not result in any adverse environmental impacts over and above that which were originally approved by DPE.

1. THE SITE

The site that is the subject of this modification application comprises the grounds of the existing North Sydney Public School at 182 Pacific Highway, North Sydney, which is located within the North Sydney Local Government Area (LGA). Refer to Figure 1 and 2 below for a site location plan and aerial view of the site. The site is legally described as Lot 1 in Deposited Plan (DP) 183591 and Lot 1 in DP184559.

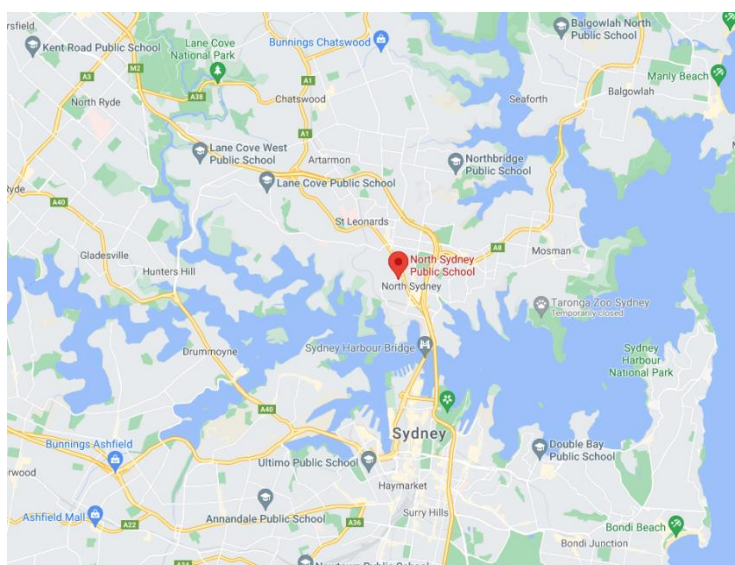


Figure 1: Regional context map, site identified with a red marker (Source: Google Maps)



Figure 2: Aerial photograph, site boundaries outlined red (Source: Near Maps)

2. THE APPROVED DEVELOPMENT

SSD-11869481 was lodged with the DPE on 27 August 2021. Development consent for the upgrades was granted by DPE on 21 February 2022 for:

- Demolition and removal of selected buildings and structures;
- Construction of one new three-storey building;
- Ground floor internal refurbishment of an existing building; and
- Associated works, including earthworks, drainage, new bicycle
- Parking, tree removal, landscaping and new signage.

The following figure provides an extract of the approved site plan, illustrating the approved upgrades to the school.

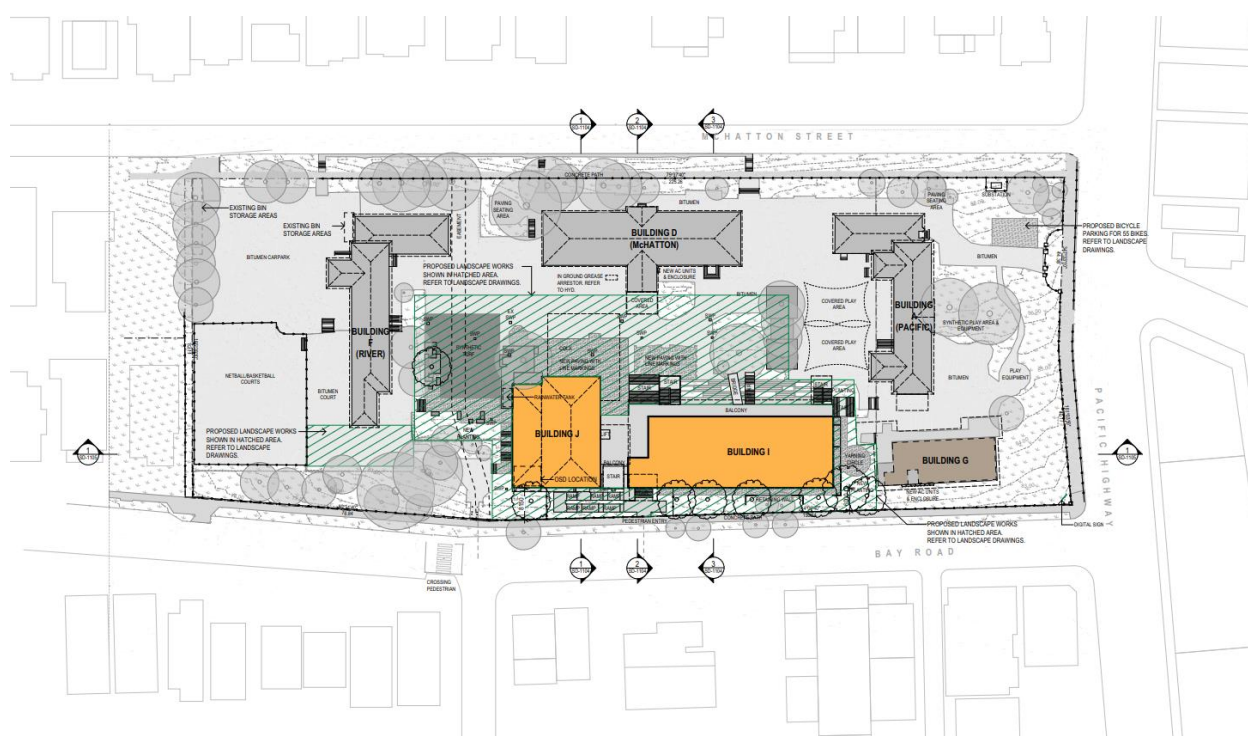


Figure 3. Approved site plan in SSD-11869481 (Source: Fulton Trotter)

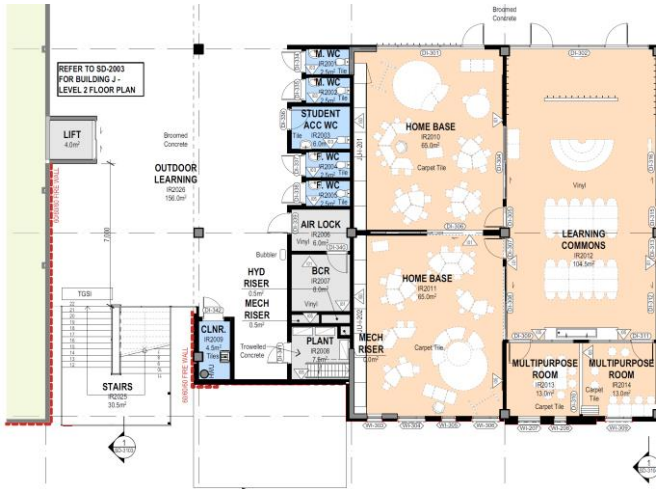
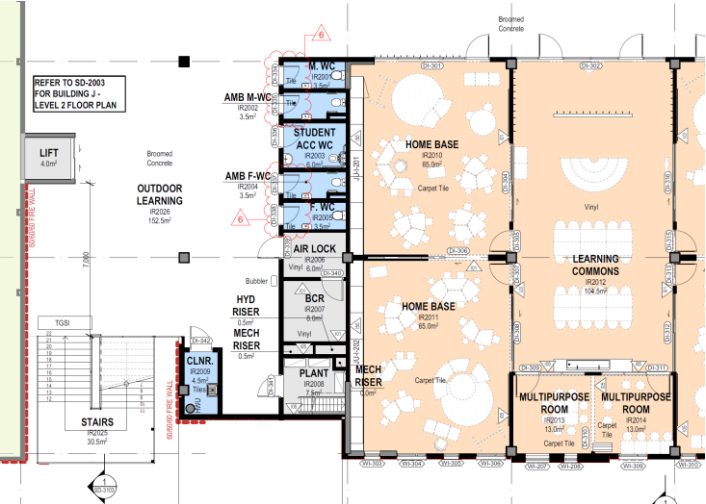
3.1. Overview and Justification of Modifications

Table 1: Proposed amendments

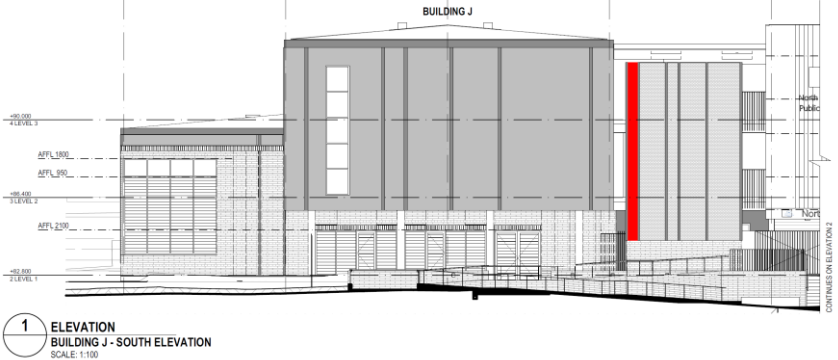
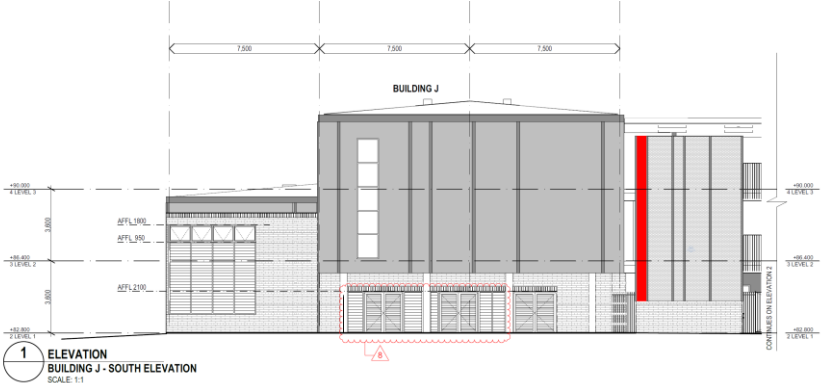
Figure 4: Extract of approved site entry plan on drawing SD-1109 (Source: Fulton Trotter)

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PROPOSED AMENDMENTS	DETAILED DESCRIPTION AND REASONS FOR MODIFICATIONS
	 Figure 7: Extract of proposed amended building I level 2 floor plan, showing amendments (Source: Fulton Trotter)
4. Relocation of the approved library entry doors.	Relocate the approved library entry doors further north as a result of providing the cleaner's storeroom. This change has arisen from ongoing design development. Refer to Figure 6 and 9 above.
5. Realign the approved western walls of the WCs on level 3 of Building I	Realign the approved western walls of the WCs on level 3 of Building I (between grid 5 and 6) to create a straight, consistent edge. This change has arisen from ongoing design development. Refer to the following figures.

PROPOSED AMENDMENTS	DETAILED DESCRIPTION AND REASONS FOR MODIFICATIONS
	 Figure 8: Extract of approved Building I level 3 plan (Source: Fulton Trotter)  Figure 9: Extract of proposed amended Building I level 3 plan (Source: Fulton Trotter)
6. Amendments to the approved southern elevation windows fronting Bay Road	Building I Level 1 Homebases Increase in the size of the approved Building I level 1 homebase windows to comply with Part 4F Light and Ventilation, specifically F4.2 – Natural Light and F4.6 Natural Ventilation, of the BCA. This change ensures the minimum required natural light and ventilation is achieved. Building I Level 1 Administration

PROPOSED AMENDMENTS	DETAILED DESCRIPTION AND REASONS FOR MODIFICATIONS
	- Amend the approved type D windows to include larger openable louvers to allow penetration of natural ventilation and achieve compliance with the BCA. It is noted that the approved window head and sill height is maintained. Building I Level 2 and 3 Homebase/Multipurpose and Library - Increase in the size of the approved windows to achieve compliance with Part 4F of the BCA. The change includes introducing a fixed glazed panel to the lower section of the window. The sill of the openable section is a maximum of 1200mm to comply with the EFSG. Other changes - An additional horizontal transom has been added to the southern elevation. The window sills have been lowered from 950mm to 900mm above floor level to meet the BCA natural light requirements. - The type F windows include larger openable awning to facilitate natural ventilation. These changes have arisen to ensure compliance with the BCA in regard to natural light and ventilation. For a detailed description refer to the letter and amended architectural plans prepared by Fulton Trotter (Appendix 5).
7. Amend the approved louver doors on the southern elevation of Building J	Amend the approved louver doors on the southern elevation of level 1 of Building J from single leaf to double leaf to sufficiently screen plant equipment. Refer to the following figures.

PROPOSED AMENDMENTS	DETAILED DESCRIPTION AND REASONS FOR MODIFICATIONS
	 Figure 10: Extract of approved Building J southern elevation drawing SD-3001 (Source: Fulton Trotter)  Figure 11: Extract of proposed amended Building J southern elevation drawing SD-3001 (Source: Fulton Trotter)
8. Correct landscape plan drawing number LA102 in condition A2 of the SSD development consent.	Landscape drawing LA101 was inadvertently referenced twice in condition A2. The second reference is corrected to drawing LA102. Refer to Table 2 in Section 3.2 below.

3.2. Conditions to be Modified

This modification application seeks to amend condition A2 of the original consent as shown in the following table.

Table 2: Modifications to the condition of consent

APPROVED CONDITIONS	AMENDED CONDITIONS																																																																																																				
SCHEDULE 2 PART A ADMINSTRATIVE CONDITIONS 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) generally in accordance with the EIS and Response to Submissions; (d) in accordance with the approved plans in the table below:	SCHEDULE 2 PART A ADMINSTRATIVE CONDITIONS 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) generally in accordance with the EIS and Response to Submissions; (d) in accordance with the approved plans in the table below:																																																																																																				
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APPROVED CONDITIONS				AMENDED CONDITIONS			
		Floor Plan				2 Floor Plan	
SD-2005	O	Building I – Level 3 Floor Plan	11/11/2021	SD-2004	Q	Building I – Level 2 Floor Plan	14/03/2022
SD-3001	L	Building I & J – Elevations 01	11/11/2021	SD-2005	Q	Building I – Level 3 Floor Plan	14/03/2022
SD-3004	M	Building I – Elevations 04	11/11/2021	SD-2103	E	Building J – Level 2 Reflected Ceiling Plan	14/03/2022
SD-3101	C	Building I & J – Section 01	27/08/2021	SD-2104	E	Building I – Level 2 Reflected Ceiling Plan	14/03/2022
SD-3103	F	Building I & J – Section 02	11/11/2021	SD-2105	E	Building I – Level 3 Reflected Ceiling Plan	14/03/2022
SD-3104	C	Building J – Section 03	27/08/2021	SD-3001	O	Building I & J – Elevations 01	08/04/2022
SD-3104	C	Building I – Section 04	27/08/2021	SD-3004	N	Building I – Elevations 04	14/03/2022
Landscape Drawing Package prepared by Taylor Brammer Landscape Architects				SD-3101	G	Building I & J – Section 01	14/03/2022
LA101	D	Landscape Detail Plan 2	09/09/2021	Landscape Drawing Package prepared by Taylor Brammer Landscape Architects			
				LA102	D	Landscape Detail Plan 2	09/09/2021

3.3. Supporting Documentation

This Planning Statement is to be read in conjunction with the following documentation:

- Appendix 1 - Amended Architectural Plans prepared by Fulton Trotter dated March and April 2022
- Appendix 2 - Acoustic Letter prepared by PWNA dated 10 March 2022
- Appendix 3 - Amended Construction Environmental Management Plan prepared by Fulton Trotter dated 8 April 2022
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4. STATUTORY CONSIDERATIONS

4.1. Section 4.55(2) Modification

Section 4.55(2) of the EP&A Act addresses other modifications to development consent. The matters for consideration under Section 4.55(2) of the EP&A Act that apply to the modification of SSD-11869481 have been considered in Table 3 below.

Table 3: Section 4.55(2) considerations

SECTION 4.55(2) EVALUATION	CONSIDERATION
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed changes in this subject modification application render the development substantially the same as originally approved by DPE on 21 February 2022. The existing land use is a school. The SSD involved upgrades to the existing primary school. This subject modification application comprises changes to the approved SSD and therefore is consistent with the land use. The intent of the SSD remains unchanged in this application. The likely impact of the development is assessed in the Section 5.6 of this Planning Statement. There will be minor change to the visual presentation of the approved building as a result of the ramp amendments. The proposed changes to the window as the result of ongoing design development and improve access to light and ventilation in the building. The construction access will cause minor temporary visual heritage impacts however will be alleviated with reinstatement of the fence following completion of construction.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The proposed amendments to conditions are outlined in Section 3.2 of this Planning Statement. Condition A2, which lists the approved plans for the development, will require modification. No change is sought to a condition imposed as a requirement of concurrence or in accordance with GTAs. Hence (b) is not relevant to the subject modification.
(c) it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that	If required, the modification application may be notified in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>.

SECTION 4.55(2) EVALUATION	CONSIDERATION
requires the notification or advertising of applications for modification of a development consent, and	
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	If required, DPE will consider any submissions received during the notification process.

Subsections (1) and (1A) under Section 4.55 of the EP&A Act do not apply to Section 4.55(2) modifications. Subsection (4) is an advisory matter and does not require further matters to be considered.

Subsection 4.55(3) of the EP&A Act, however, requires that:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The environmental assessment matters relevant to the proposed modified development under Section 4.15(1)(a), (b), (c), (d) and (e) of the EP&A Act are outlined in Section 4.2 below.

4.2. Matters for Consideration

Section 4.15 (1) identifies the matters to be considered by Council when assessing a development application, being:

- a. *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) *(Repealed)**that apply to the land to which the development application relates,*
- b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*

e. *the public interest.*

These are addressed in Section 5 of this Planning Statement below.

5. SECTION 4.15(1) ASSESSMENT

5.1. Section 4.15(1)(a)(i) – Environmental Planning Instruments

The principal planning controls applying to the development are contained in:

- EP&A Act
- State Environmental Planning Policy (Planning Systems) 2021 (PSSEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP)
- North Sydney Local Environmental Plan 2013 (NSLEP 2013)

It is noted that only the applicable environmental planning instruments (EPIs) are considered in Section 5.

5.1.1. Environmental Planning and Assessment Act 1979

The amended proposal continues to be consistent with the objects of the EP&A Act. In particular:

- Maintains the social welfare of the community;
- Continues to promote sustainable management of built and cultural heritage (including Aboriginal heritage);
- Continues to promote good design and amenity of the built environment; and
- The proposal is an amendment to an approved development for a public purpose and therefore provides community related services.

The proposed changes continue to render the development consistent with Division 4.7 of the EP&A as follows:

- The amended proposal promotes public education services and therefore, stimulates social welfare of the community; and
- The amended proposal has been evaluated and assessed against the relevant heads of consideration in Section 4.15(1) of the EP&A Act.

5.1.2. State Environmental Planning Policy (Planning Systems) 2021

On 1 March 2022, the PSSEPP superseded the former State Environmental Planning Policy (State and Regional Development 2011).

Chapter 2 of the PSSEPP relates to State and Regional Development and is relevant to the subject modification application as it involves an amendment to the approved SSD for upgrades to North Sydney Public School.

Pursuant to Section 2.6 of the PSSEPP, the application is declared a modification to a SSD.

5.1.3. State Environmental Planning Policy (Transport and Infrastructure) 2021

On 1 March 2022, the TISEPP superseded the former State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Chapter 3 of the TISEPP relates to educational establishments and childcare facilities and is a relevant consideration in this subject modification application which involves amendments to the approved SSD for upgrades to North Sydney Public School. The aim of the chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

As outlined in Section 5.1.4 below, the proposal is permitted with development consent in the SP2 Infrastructure (Educational Establishment) zone in the NSLEP 2013.

Pursuant to Section 3.3.6 of the TISEPP, the following must be considered for the assessment of a school development permitted with consent:

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and

(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

A detailed assessment was undertaken in the Environmental Impact Statement (EIS) dated 27 August 2021 which accompanied SSD-11869481. The proposed modifications fundamentally do not alter this assessment.

Schedule 8 – Design Quality Principles

Schedule 8 of the TISEPP outlines the design quality principles that are to be considered for applications relating to schools. The amended proposal continues to be consistent with these principle as demonstrated below.

Table 4: Response to Schedule 8 of the TISEPP

PRINCIPLES	RESPONSE
Principle 1 – context, built form and landscape	The proposed amendments are minor and largely arise as a result of detailed design development and the need to facilitate construction access to the site. The built form continues to be compatible with the existing and desired future character of the locality.
Principle 2 – sustainable, efficient and durable	The original assessment in SD-11869481 remains unchanged.
Principle 3 – accessible and inclusive	The original assessment in SD-11869481 remains unchanged.
Principle 4 – health and safety	The original assessment in SD-11869481 remains unchanged.
Principle 5 - amenity	The amenity of the learning spaces is enhanced with the proposed window changes providing improved natural light and ventilation.

PRINCIPLES	RESPONSE
Principle 6 – whole of life, flexible and adaptive	The original assessment in SD-11869481 is unchanged.
Principle 7 - aesthetics	The original assessment in SD-11869481 is unchanged.

Section 3.58 Traffic Generating Development

SSD-11869481 was referred to Transport for NSW (TfNSW) as it constituted traffic generating development pursuant to Section 3.58 of the TISEPP (formerly Clause 57 of the ESEPP). In the context of the proposed amendments, referral to TfNSW is not required in this case. It is noted that Bay Road is a local road and falls under the jurisdiction of Council.

5.1.4. North Sydney Local Environmental Plan 2013

The NSLEP 2013 is the primary EPI applying to the site. The proposed amendments do not alter the original assessment undertaken in the EIS dated 27 August 2021 which accompanied SSD-11869481. The following table demonstrates the modification application's consistency with the relevant sections of the NSLEP 2013.

Table 5: Consistency with the NSLEP 2013

CONTROLS	COMMENTS
Land Use Table Zoning – SP2: Infrastructure	The site is zoned SP2 Infrastructure (Educational Establishment). The proposal is permissible with development consent in the zone.
Section 4.3 Height of buildings	The proposed changes do not alter the approved height in SSD-11869481.
Section 4.4 Floor space ratio	There is no applicable floor space ratio applying to the site.
Section 5.10 Heritage conservation	As assessed by Curio Projects in Appendix 4, the proposed amendments are consistent with Section 5.10 of the NSLEP 2013.
Section 5.21 Flood planning	The site is not flood affected. Hence Section 5.21 does not apply.
Division 1 North Sydney Centre	The site is not located in the North Sydney Centre. Hence Division 1 does not apply.
Section 6.10 Earthworks	Minor additional earthworks will be required in association with removal of part of the heritage fence and stone gutter, to provide construction access to the site. The minor additional earthworks will not detrimentally impact environmental processes and neighbouring uses. The heritage impact is assessed in Appendix 4.
Section 6.13 Vehicular access	This modification application seeks consent for temporary construction vehicular access from Bay Road. This is consistent with Section 6.13.
Section 6.15 Airspace operations	The assessment in SD-11869481 is unchanged.

5.2. Section 4.15(1)(a)(ii) – Draft Environmental Planning Instrument

There are no applicable draft EPIs requiring consideration in this Planning Statement.

5.3. Section 4.15(1)(a)(iii) – Development Control Plan

Section 5.11 of the EIS for SSD-11869481 considered the applicable provisions of the North Sydney Development Control Plan 2013 (NSDCP) in detail. The following table considers the applicable provisions in the context of the proposed modifications in this subject application.

Table 6: Consistency with the NSDCP

PROVISION	PROPOSAL
Part B - Development Controls	
Section 10 – Car parking and transport	This modification application seeks consent to provide temporary construction vehicular access from Bay Road. The Construction Environmental Management Plan (Appendix 3) depicts the site layout during construction and the Site Management Plan (Appendix 7) discusses how access will be managed during the construction process.
Section 11 – Construction management	The approved construction hours in SSD-11869481 are unchanged in this modification application. As discussed in this Planning Statement, consent is sought for temporary construction access from Bay Road. This amendment is consistent with Section 11 of the NSDCP and will facilitate an efficient/timely construction process.
Section 12 – Access	The proposed amendments to the pedestrian entry ramp and handrail are proposed to improve the development's compliance with the EFSG from an accessibility point of view. This is consistent with Section 12 of the NSDCP.
Section 13 – Heritage and Conservation	Curio Projects has prepared a HIS (Appendix 4). This undertakes a detailed assessment of the proposed amendments. Consistent with SSD-11869481 the amended proposal responds to the applicable controls in Section 13 of the NSDCP. The reinstatement of the fence and gutter will preserve the heritage significance of the site.
Part C – Character Statements	
Section 10 – Waverton / Wollstonecraft Planning Area	The amended proposal continues to be consistent with the desired future character of the Waverton/Wollstonecraft Planning Area.

5.3.1. Draft North Sydney Development Control Plan 2020 (NSDCP)

Council is proposing amendments to NSDCP 2013. Council publicly exhibited the proposed changes in 2020. The EIS for SSD-11869481 considered the relevant changes. The amended proposal is consistent with the relevant provisions of the draft NSDCP 2020.

5.4. Section 4.15(1)(a)(iiia) – Planning Agreements

There are no applicable planning agreements for the approved development SSD-11869481.

5.5. Section 4.15(1)(a)(iv) – Matters Prescribed by the Regulations

The proposed modifications do not result in any matters that are required to be considered by the consent authority under the *Environmental Planning and Assessment Regulation 2021* in addition to those already assessed and considered acceptable in the favourable determination of SSD-11869481.

5.6. Section 4.15(1)(b) – Likely Impacts of the Development

Visual Impact

The proposed amendments to the pedestrian entry ramp and windows result in a minor change in the visual presentation of the approved development as viewed from Bay Road. This is illustrated on the Amended Architectural Plans prepared by Fulton Trotter (Appendix 1). The ramp and window amendments are minor and on comparison of the streetscape character analysis are inconsequential from a visual impact perspective. Refer to the following images for a comparison between the approved and proposed amended elevations. They clearly demonstrate that the proposed external amendments will result in a minor and acceptable visual impact when viewed from the public domain.





Figure 14: Extract of the approved Bay Road perspective on drawing SD-1103 (Source: Fulton Trotter)



Figure 15: Extract of the amended Bay Road perspective on drawing SD-1103 (Source: Fulton Trotter)

There will be a short term visual impact associated with the proposed construction vehicle access as viewed from Bay Road with the temporary removal of part of the heritage listed fence. This minor impact is considered to be acceptable from a visual impact perspective given its short term/temporary nature and subsequent reinstatement (following completion of construction), noting the approved 3.5 metre opening for the pedestrian entry will be retained.

Internal Planning

The provision of the cleaner's cupboard on level 2 of Building I and realignment of the western WC wall on level 3 of

Building I are internal changes which do not cause any environmental impacts. In fact, these changes improve the internal planning of the new buildings.

Heritage

Curio Projects has prepared a HIS (Appendix 4). The HIS assesses the proposed amendments with a particular focus on the amendments to the windows of the southern elevation of Building I and the temporary removal of part of the heritage fence to provide construction access.

Curio Projects considers that the alterations to the approved windows will have no physical impact on the heritage fabric of any significant element within the site. The subject windows do not visually interact with any of the three heritage-listed buildings, meaning no visual impact is caused onto any significant view lines. In considering the minor nature of the amendments to the windows, the presentation of Building I will remain consistent with that originally approved in the SSD.

Curio Projects has provided ongoing heritage advice for the school upgrades to minimise any potential physical impact to the heritage fabric of the site, but with a balanced approach to prioritising the safety of children during the construction, ensuring the temporary construction access sits in a sensible location and the design/scale is compatible with the heritage context. The location of the proposed temporary access has been chosen to avoid any new penetrations to the heritage fence, noting the SSD approval provides a new pedestrian access from Bay Road being 3.5 metres wide. The proposed 6.6 metre width of the temporary access has been designed to reduce the potential physical impact on the fence and preserve the integrity of the sandstone blocks. The additional 600mm is required to allow blocks to be removed without being sectioned or permanently damaged. A detailed methodology is documented in Appendix 4 and informed by the RJC Group Dilapidation Report. Curio Projects consider that the proposed methodology minimises the physical impact to the sandstone blocks and ensure the fence will be reinstated post completion of construction.

From a heritage perspective, the enlargement of the opening in the Bay Road fence will have a temporary and limited visual impact on the overall character of the heritage significance of the site. The proposed methodology minimises any potential damage to the heritage fabric of the fence and will ensure it is carefully reinstated after a short period. Curio Projects recommends a heritage specialist is nominated to oversee the works to minimise impact. A simple photographic record is to be developed in accordance with the NSW Heritage Office document *Photographic Recording of using Film or Digital Capture* prior to the commencement of works. Following completion of works, it is to be submitted to Council and NSW Heritage Library. The Proponent accepts this as a condition of development consent.

Construction Management

The proposed amendment to the heritage fence results in a positive construction management outcome for the development, thereby enabling the construction works to be completed on time and to schedule. The Site Management Plan prepared by Taylor (Appendix 7) discusses the updated construction traffic management process for the works. As seen in the below figure extracted from Appendix 7, vehicles for construction will enter through the proposed vehicular entry off Bay Road. A turning circle will be provided on-site to allow all vehicles to enter and exit the site in the forward direction. Two traffic controllers, equipped with the required equipment will be stationed on both sides of Bay Road to halt traffic and pedestrian both entering and exiting the site. In accordance with condition B15 of the SSD, a Construction Traffic and Pedestrian Management Sub-Plan will be prepared prior to the commencement of works

and ensure construction traffic is managed appropriately. The same approach will be utilised with Construction Noise and Vibration Management Sub-Plan provided in condition B16.

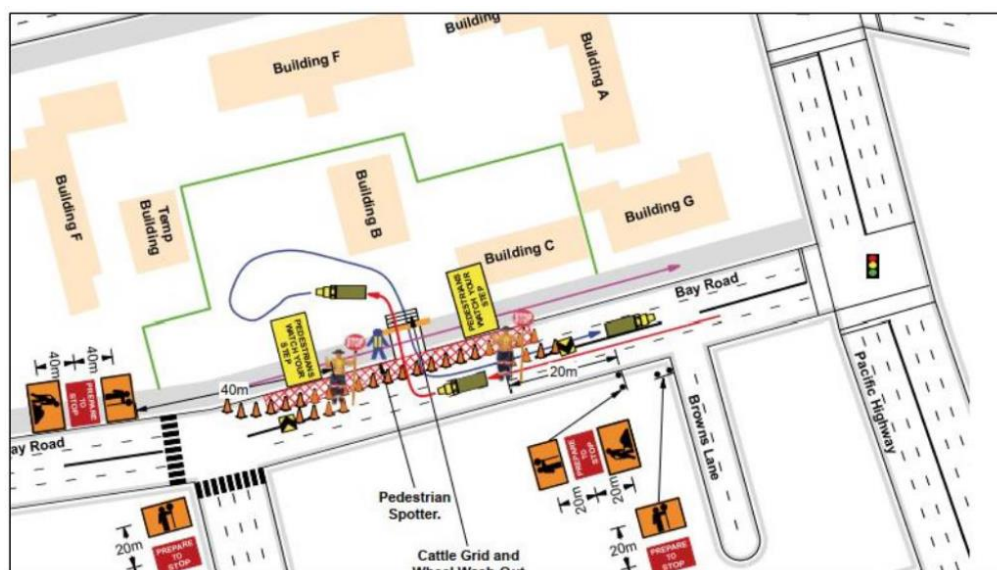


Figure 16: Proposed vehicle entry and exit from the site (Source: Taylor)

Sediment and Erosion

As discussed in Section 5.1.4 of this Planning Statement, minor additional excavation will be required to facilitate the construction access. Sediment and erosion will be managed in accordance with the Erosion and Sediment Control Plan prepared by Aurecon, drawing NSPS-AUR-00-00-DR-CC-0009, which accompanied the SSD. This will mitigate any associated impacts.

Tree Removal

As outlined in the Tree Removal Permit issued by Council dated 24 March 2022 (Appendix 8), two trees (*Callistemon viinialis*) on the Council nature strip (within the Bay Road reserve) will require removal to provide the construction access. ArborSkills Arboricultural Consultancy has liaised with Council, who advised that as the trees are owned by Council, Council will undertake an assessment and advise whether the trees can be removed, and this can be undertaken separately to the subject SSDA modification application. We understand that Council has considered removal to be acceptable and have issued a permit attached to this Planning Statement (Appendix 8). To this end, no consent is sought in this application for tree removal, as this has been facilitated separately with Council.

Acoustic

PWNA has prepared an Acoustic Letter (Appendix 2). They have undertaken an assessment of the proposed window changes to ascertain whether any acoustic impacts may arise. Based on the proposed external windows dimensions to the buildings, the required acoustic performance and recommended building constructions remain the same as those identified by Marshall Day in the SSD Noise and Vibration Assessment dated 13 August 2021. Hence, there are no

additional acoustic impacts beyond that originally considered and approved in SSD-11869481.

Access

The proposed entry ramp changes, specifically, the alteration of the gradient has been undertaken to achieve access requirements of the EFSG. This is a positive access outcome.

5.7. Section 4.15(c) – Suitability of the Site

The suitability for the site for the development was established by the granting of the original development consent. In considering the proposed modifications, the approved development still complies with the relevant provisions contained within the various applicable SEPPs, LEP, DCP, NCC/BCA and Australian Standards. Furthermore, the proposed modifications do not generate any significant additional impacts beyond those approved.

5.8. Section 4.15(1)(d) – Submissions

The consent authority will need to consider any submissions received in response to the public exhibition of the proposed development.

5.9. Section 4.15(1)(E) – Public Interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* ([2005] NSWLEC 148), the question that needs to be answered is *“Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development?”*

There are no unreasonable impacts that will result from the proposed modifications. Therefore, the benefits outweigh any disadvantage and as such the amended development will have an overall public benefit.

No public interest issues arise as a consequence of the proposed modifications. DPE’s intentions in imposing conditions to preserve the public interest are not affected, since the proposed modifications continue to give effect to those general intentions, simply in a more practical and achievable way. More specifically, the proposed amendment would be in the public interest, by undertaking minor changes to the approved built form and providing construction vehicular access to facilitate an efficient and timely construction process for the upgrades to the school.

6. CONCLUSION

This application seeks approval for a Section 4.55(2) modification to development consent SSD-11869481 granted on 21 February 2022 by DPE for upgrades to North Sydney Public School.

A comprehensive assessment of the proposed modifications has been made against all the applicable environmental planning provisions. The development has been found to be compliant in relation to all relevant planning controls in terms of standards, underlying objectives and merit. Arising from that assessment the amended proposal is considered to be:

- Substantially the same development as that which was originally approved;
- A suitable and desirable use for the site which meets the relevant heads of consideration under Section 4.15 (1) of the Act;
- In accordance with the aims, objectives and provisions of the planning instruments and controls;
- An appropriate and acceptable development that will not generate any unreasonable environmental impacts over and above that which was originally approved by DPE; and
- The amendment development is in the public interest.

We are satisfied that this proposal has properly responded to all relevant matters for consideration within the EP&A Act, and the accompanying Regulation. Accordingly, it is considered that the proposed development is worthy of DPE support.