



Upgrade to North Sydney Public School - Modification 1

State Significant Development Modification Assessment
(SSD 11869481 MOD 1)

June 2022

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Glossary

Abbreviation	Definition
Applicant	NSW Department of Education
BCA	Building Code of Australia
Council	North Sydney Council
Department	Department of Planning and Environment
EFSG	NSW Department of Education Facilities Service Guidelines
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
GANSW	Government Architect NSW (GANSW)
HCA	Heritage Conservation Area
HIS	Heritage Impact Statement
NLEP	North Sydney Local Environmental Plan 2013
Minister	Minister for Planning
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department) assessment of an application to modify the State significant development (SSD) consent for the Upgrade to North Sydney Public School (SSD 11869481). The application was lodged on 27 April 2022 by NSW Department of Education (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application (SSD 11869481 Mod 1) seeks approval for minor design changes to door, window and wall size and locations, addition of a cleaner's storeroom, pedestrian access ramp reconfiguration, and temporary removal of a portion of the Bay Road heritage fence and adjacent stone gutter to enable construction vehicle access. The modification application also seeks to correct an approved landscape plan number in the development consent.

1.1 Background

The site is located at 182 Pacific Highway, North Sydney. The site adjoins the North Sydney Central Business District (CBD) and is located approximately 3km 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**).

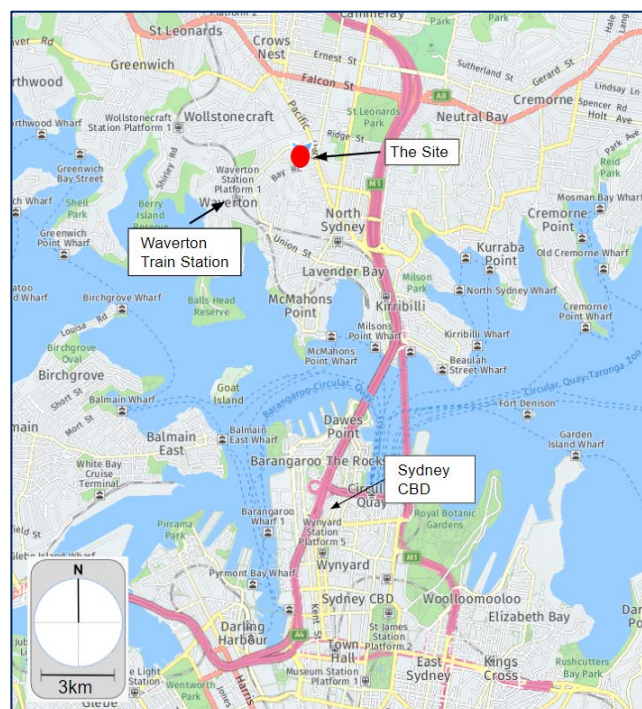


Figure 1 | Regional context of the site (Base source: Nearmap 2021)

The site is legally described as Lot 1 in DP184559 and Lot 1 in DP184591, and 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 six. Works associated with approval of SSD 11869481 have commenced on site.



Figure 2 | Existing conditions of the site and surrounds (Base source: Nearmap 2021)

Pedestrian access to the school is available from McHatton Street, Bay Road and the Pacific Highway. Vehicular access to an existing asphalt car park providing 50 car parking spaces is accessed off McHatton Street at the north-west corner of the site.

The site contains an item of local heritage significance under the North Sydney Local Environmental Plan 2013 (NLEP), being the 'gates and fence of former Crow's Nest House (Item #10957)' located along the site's southern and eastern boundaries. A number of heritage items of local significance under the NLEP are within proximity to the site to the south. Crows Nest Road Conservation Area (CA23) adjoins the site on its northern and western boundaries, and Priority Road and Edward Road Conservation Areas (CA17 & CA24) are located opposite the site to the south (**Figure 3**).



Figure 3 | Surrounding heritage context (Source: Applicant's Modification Application 2022)

The gates and fence of former Crow's Nest House and several buildings on site are also listed on the Department of Education Section 170 Heritage and Conservation Register being buildings A, D and F. (Figure 4).

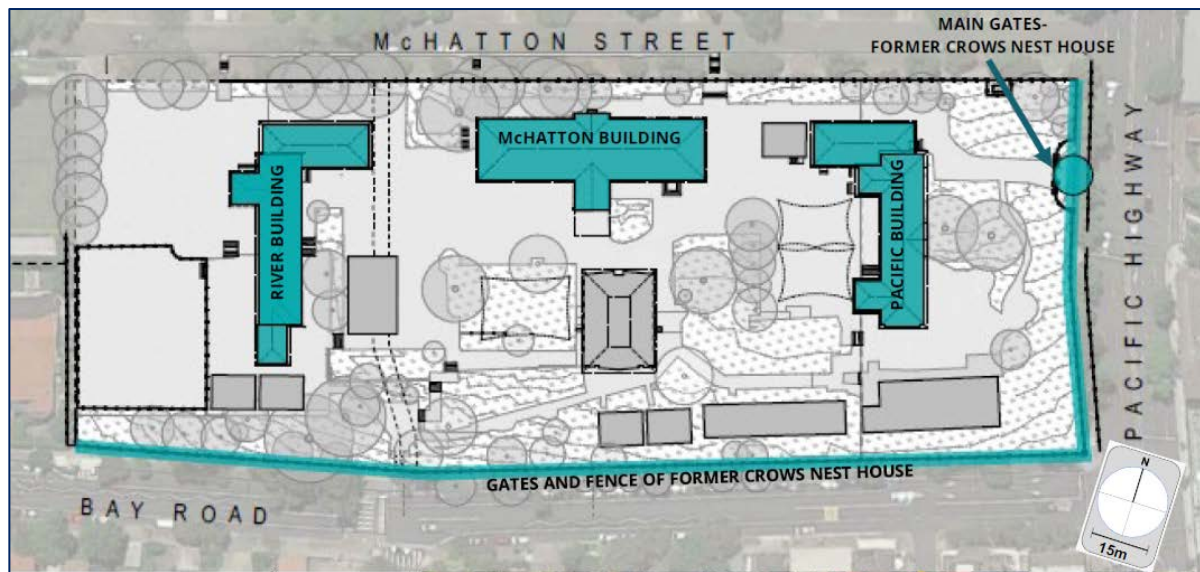


Figure 4 | The site's Section 170 Heritage and Conservation Register listed heritage Items
(Source: Applicant's Modification Application 2022)

1.2 Approval history

On 21 February 2022, development consent was granted by the Director, Social and Infrastructure Assessments, as delegate for the Minister for Planning, for the upgrade of North Sydney Public School (SSD 11869481). The development consent approved:

- 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.

The consent has not previously been modified.

2 Proposed modification

The modification application seeks approval for minor design changes to door, window and wall size and locations, addition of a cleaner's storeroom, pedestrian access ramp reconfiguration, and temporary removal of a portion of the Bay Road heritage fence and adjacent stone gutter to enable construction vehicle access. The modification application also seeks to correct an approved landscape plan number referenced in the development consent. The proposed modifications are described further as follows:

Design modifications

The following modifications are proposed:

- relocation of approved library entry doors to accommodate a new cleaner's storeroom on Level 2 in Building I (**Figure 5**)
- realignment of approved western walls of plant and toilet rooms on level 3 of Building I (**Figure 6**)
- increased size, reconfiguration and minor changes to construction of fixed and openable windows across all three levels of the southern elevation facing Bay Road (**Figure 7**)
- amend the approved louvre doors on the southern elevation of Building J (**Figure 8**).

The Applicant states that the new cleaner's storeroom and the realignment of library doors on level 2 and western walls on level 3 are the result of ongoing detailed design development. Changes to window size, configuration and construction are stated as being required for compliance with natural light and ventilation Building Code of Australia (BCA) requirements and the NSW Department of Education Facilities Service Guidelines (EFSG).

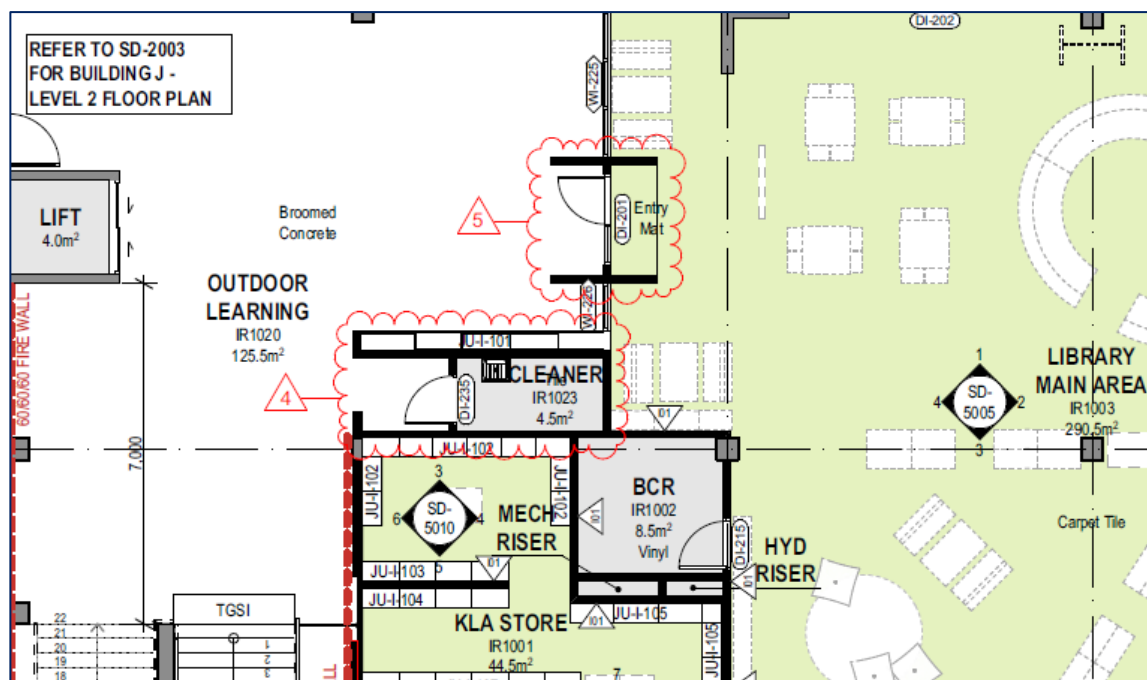
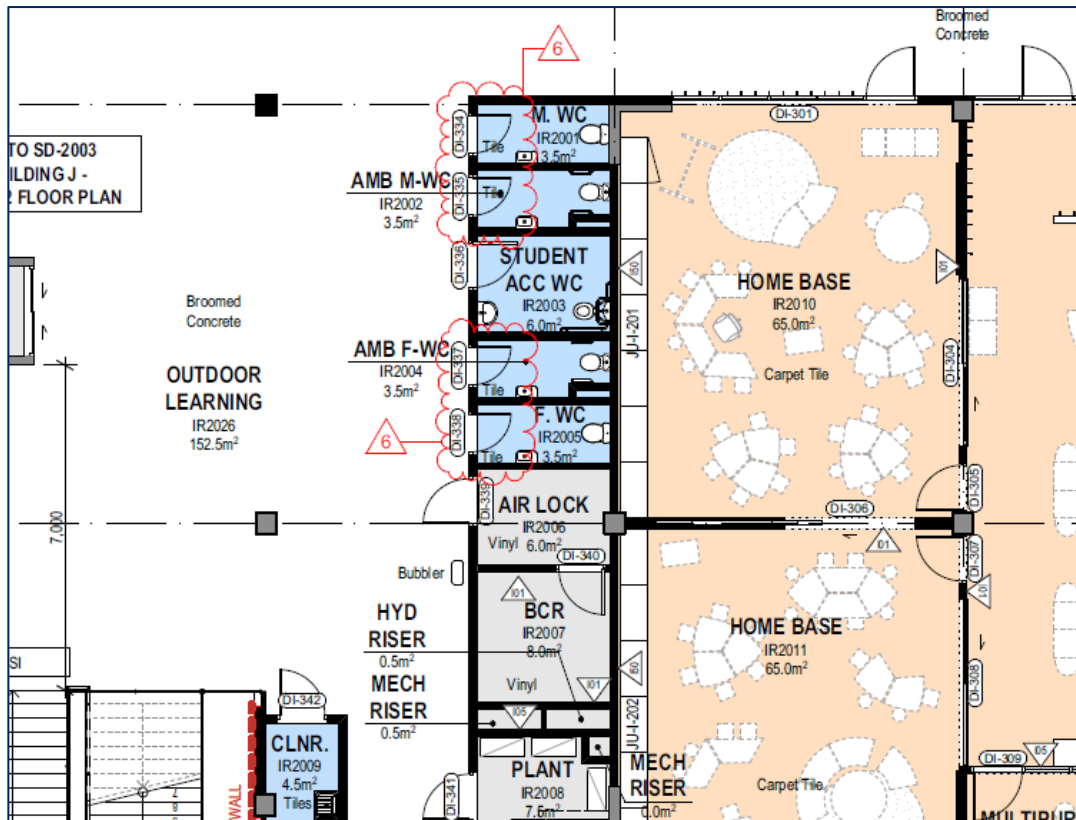
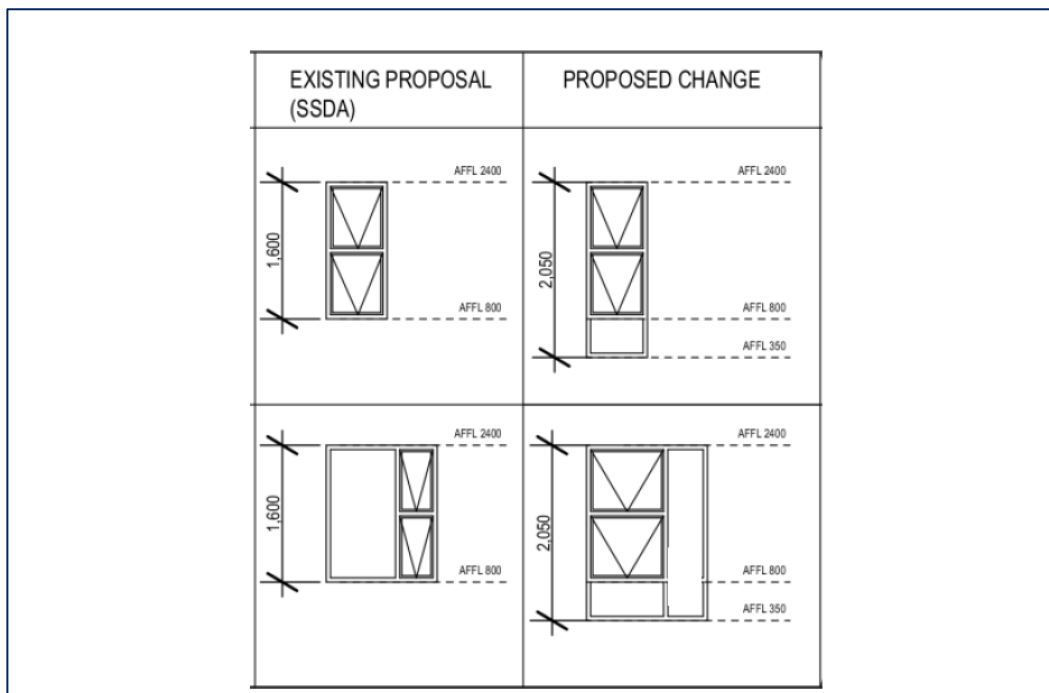


Figure 5 | Proposed new cleaner's room and relocated library entry doors outlined in red (Source: Applicant's Modification Application 2022)



**Figure 6 | Proposed realignment of walls on Level 3 – Building I outlined in red
(Source: Applicant's Modification Application 2022)**



**Figure 7 | Sample of window changes to the southern elevation (Bay Road)
(Source: Applicant's Modification Application 2022)**

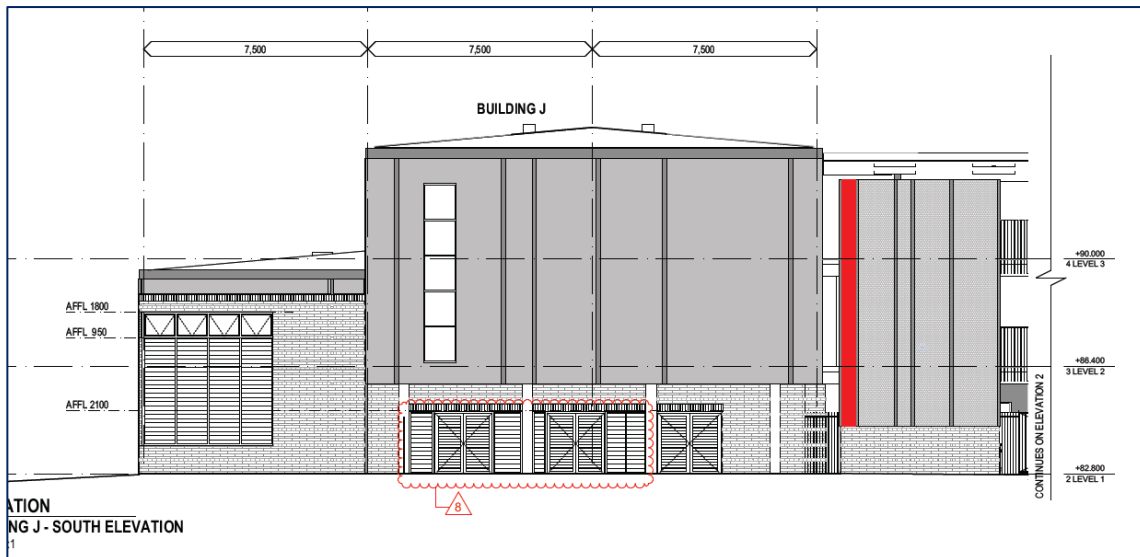


Figure 8 | Modification to louvre doors on southern elevation of Building J outlined in red (Source: Applicant's Modification Application 2022)

Ramp reconfiguration

Proposed amendments to the pedestrian ramp adjoining the Bay Road pedestrian entry and gates includes an increased ramp grade from 1:14 to 1:15 with a widened clearance of 2.1m between handrails (**Figure 9**). The Applicant states the amendment is required for compliance with EFSG requirements.

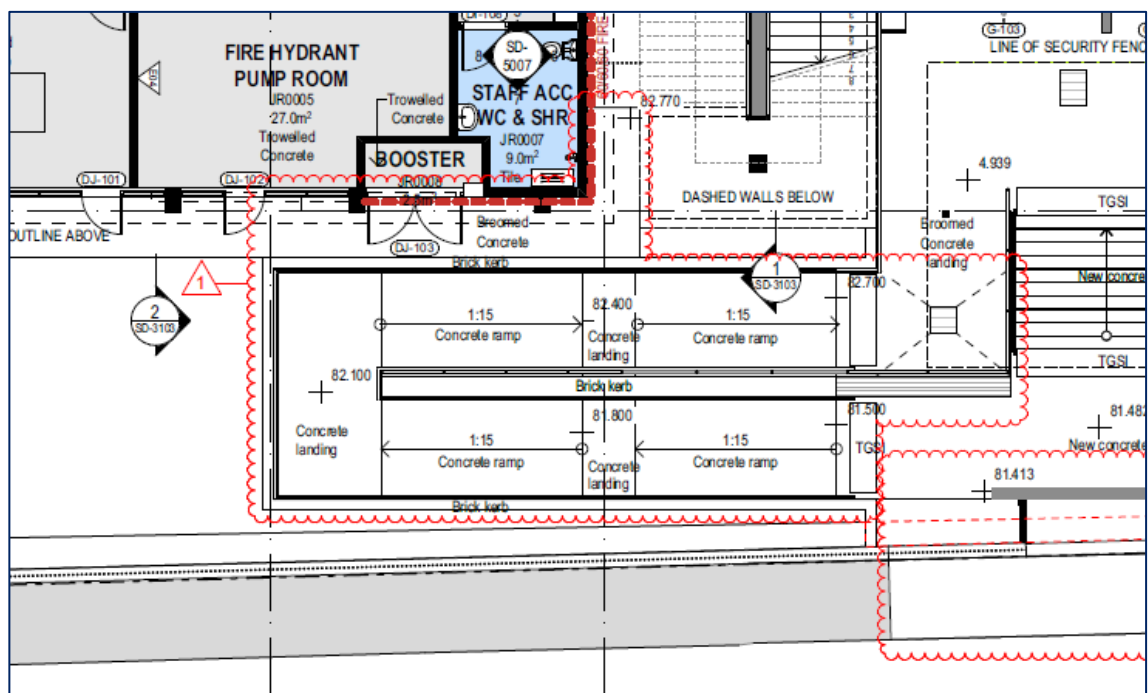


Figure 9 | Proposed ramp reconfiguration (Source: Applicant's Modification Application 2022)

Temporary removal of fence and stone gutter

Proposed modifications to the existing heritage fence and stone gutter include the temporary removal of 3.1m of heritage fence and stone gutter adjoining the approved Bay Road pedestrian entry (**Figure 10 & Figure 11**). The Applicant states that the temporary removal is required to allow for safe and efficient construction access into the site from Bay Road.

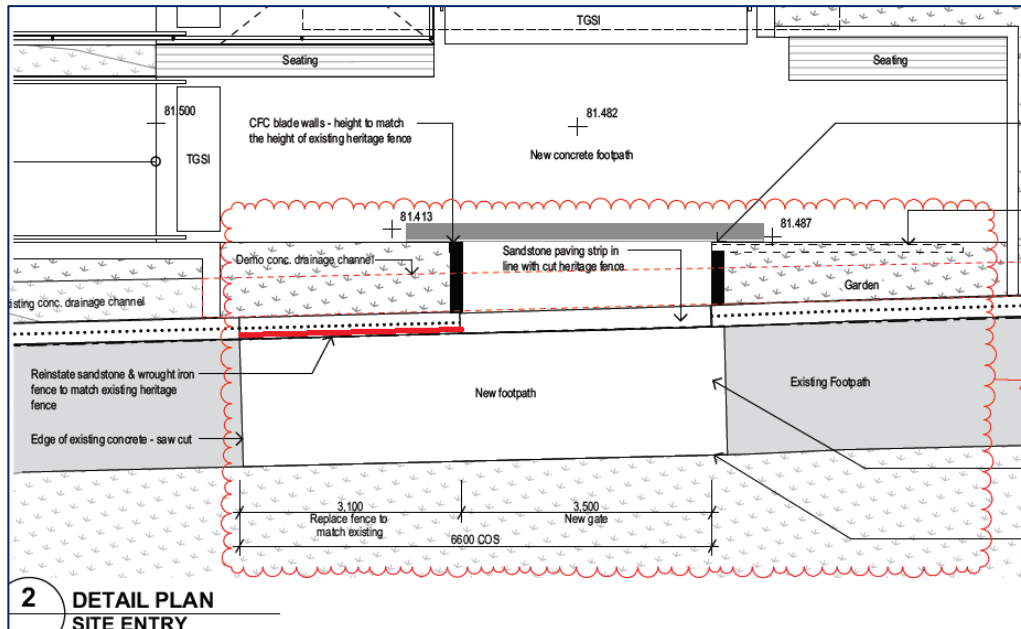


Figure 10 | Proposed modification to existing heritage fence
(Source: Applicant's Modification Application 2022)

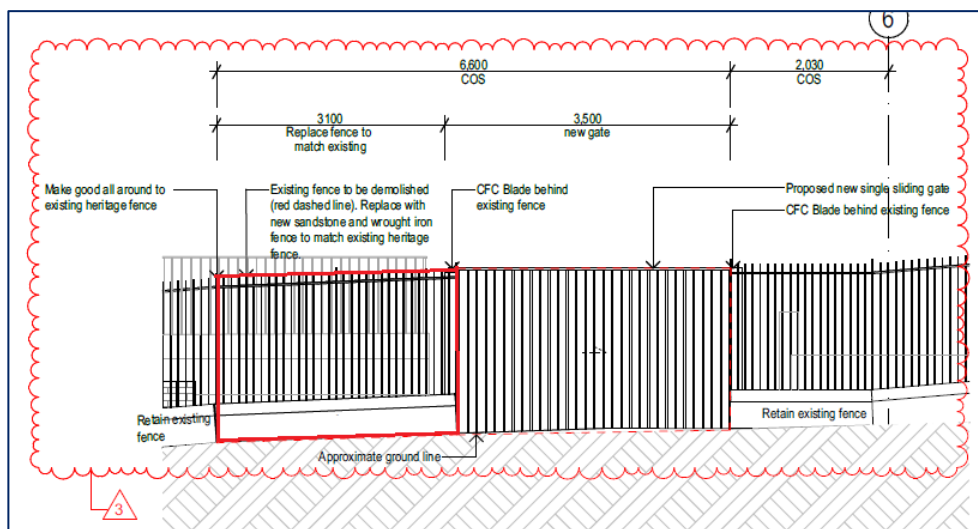


Figure 11 | Proposed modification to existing heritage fence facing Bay Road
(Source: Applicant's Modification Application 2022)

Administration correction

The modification application seeks to correct an administration error by correcting a duplicate reference to landscape drawing number LA101 to drawing number LA102 in condition A2 of the development consent.

3 Strategic context

The Department considers that the proposed amended development continues to be appropriate for the site given it remains consistent with:

- NSW State Priorities, through the provision of new and improved teaching and education facilities
- Greater Sydney Commission's (GSC) Greater Sydney Region Plan: A Metropolis of Three Cities, as it proposes upgraded school facilities to meet the growing needs of Sydney
- GSC's North District Plan, as it would provide much needed school infrastructure and provide opportunities to co-share facilities with the local community
- Transport for NSW's Future Transport Strategy 2056, 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
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum as it proposes:
 - o facilities to support the growth in demand for primary student enrolments within the school catchment
 - o a school design to accommodate infrastructure and facilities sharing with communities.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a section 4.55(2) modification application as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- is substantially the same development as originally approved
- would not involve any further significant disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&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&A Act, rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed 9 March 2022, the Director, Social and Infrastructure Assessments, may determine this modification application as

- the application has not been made by a person who has disclosed a reportable political donation under Section 10.4 of the EP&A Act in connection with the modification application
- there are less than 15 public submissions in the nature of objections
- North Sydney Council (Council) has not made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

4.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 11869481. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act or the conclusions of the original assessment.

The Department has considered the findings and recommendations in the Department's Assessment Report for SSD 11869481, including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for granting of the consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 106 of the Environmental Planning and Assessment Regulation 2021, the Department exhibited the application for 14 days from 4 May to 17 May 2022 by publishing the application on the Department's website.

The Department notified adjoining landowners, previous submitters to the original SSD application and Council in writing. No public submissions were received in response to the exhibition of the modification application. Council raised no objections to the proposed modification and provided comments which are summarised as follows:

- proposed modification to the heritage listed fence should be designed to maintain the heritage values, style and standard of construction as currently exists
- mature tree planting should be used to break up the bulk of the façade along Bay Road
- pedestrian safety should be a design priority and consideration should be given to barriers, lighting, line marking and/or signage to promote pedestrian safety at the Bay Road entry and ramp.

Due to the general nature of recommendations made in Council's comments, and in accordance with clause 59(2) of the Environmental Planning and Assessment Regulation 2021, the Department did not request the Applicant prepare a Response to Submissions.

Council's comments were made publicly available on the Department's website and comments made by Council have been considered in the Department's assessment of the modification application in Section 6 below.

6 Assessment

In assessing the merits of the proposed modification, the Department has considered:

- the Modification Report and associated documents (**Appendix A**)
- the environmental assessment for the original project and the conditions of approval
- comments received from Council and Government Architect NSW (GANSW) on the proposal (**Appendix A**)
- relevant Environment Planning Instruments, policies and guidelines
- the requirements of the EP&A Act.

Consideration of the key elements of the modification is included below.

6.1 Design Modifications and Ramp Reconfiguration

The Applicant states that the proposed cleaner's storeroom and realignment of library doors on level 2 and western walls on level 3, and the amended louvre doors fronting Bay Road on Building J are necessary as a result of ongoing detailed design of the approved development (**Figures 5 - 8**).

The pedestrian ramp adjoining the Bay Road pedestrian entry was approved with a 1:14 grade and 2m clearance between handrails. Proposed modifications include an increased ramp grade from 1:14 to 1:15 with a widened clearance of 2.1m between handrails (**Figure 9**). The Applicant states the amendment is required for compliance with EFSG requirements.

The modification application included a written justification of window changes prepared by Fulton Trotter Architects and an acoustic review memorandum prepared by Pulse White Noise Acoustics to support the proposed increased size, reconfiguration and minor changes to construction of fixed and openable windows across all three levels of south elevation facing Bay Road window. The modification application also included a Heritage Impact Statement (HIS) which provides an assessment of the proposed design modifications impacts on the heritage values of the site, the adjacent Priority Road Heritage Conservation Area (HCA) and three dwellings within close proximity of the site which are locally listed heritage items.

The modification application and written justification of window changes conclude that the proposed design modifications are required for compliance with relevant natural light and ventilation requirements contained within the BCA, and to meet required sill height, ramp grade and clearance requirements provided for home base windows and ramp configuration in the EFSG. The Acoustic review concludes that the proposed changes to the external window dimensions do not result in acoustic alterations relevant to the approval of SSD 11869481. The HIS concludes that the proposed design modifications to windows on the southern façade facing Bay Road will have a neutral impact on the heritage values of the site, adjoining HCA and surrounding heritage items.

Council made no comment with regard to the proposed design modifications or potential heritage impacts associated with the modification to windows. Council recommended that safety should be a design priority with respect to the ramp reconfiguration, and that consideration should be given to barriers, lighting, line marking and/or signage to promote pedestrian. Government Architect NSW

(GANSW) provided advice in response to the modification application which stated there was no concern with the proposed design modifications or ramp reconfiguration.

In relation to Council's comment regarding use of mature tree planting to break up the bulk of the façade along Bay Road, the Department notes the approved landscape plans include tree planting within the front building setback along Bay Road. The proposed modifications do not alter the approved height, bulk and scale of the buildings and consequently there is no nexus to require additional tree planting beyond the approved landscaping. Notwithstanding, and the Department's original assessment of the new buildings concluded that the landscaping and bulk, scale and design of the façade to be acceptable (**Appendix A**).

The Department has reviewed the information provided by the Applicant and considered the proposed design modifications in the context of the Department's original SSD assessment and Council's comments in response to the modification application. The Department considers that the proposed design modifications are appropriate as:

- the Applicant has demonstrated that the design modifications and ramp reconfiguration are required to meet relevant requirements of the BCA and EFSG
- the reconfigured ramp grade and handrail clearance will likely improve pedestrian safety
- the proposed addition of a cleaner's room, change to western walls and changes to window dimensions do not significantly alter the architectural form and appearance of the development and would not result in any adverse impacts to the Bay Road streetscape
- The design modifications to windows will have a neutral impact on the site's heritage values and surrounding HCA and heritage items.
- Council and GANSW did not raise any issue with the proposed modifications
- the alterations to window size and configuration will not result in additional acoustic impacts beyond what was assessed under the original SSD.

6.2 Temporary Removal of Fence and Gutter

The wrought iron and sandstone portion of the school's boundary fence is listed as a local heritage item under NLEP. The approved Bay Road pedestrian entry included the permanent removal of a 3.5m section of the heritage fence and corresponding portion of stone gutter on Bay Road to provide a pedestrian entry and operable gate for access to the school from Bay Road. The modification application seeks to temporarily remove a further 3.1m section of the heritage fence and stone gutter directly adjoining the approved 3.5 permanent removal portion of the fence to provide a total width of 6.1m for construction access and egress (**Figures 10 & 11**).

The modification application included a report prepared by Taylor Construction Group which provides rationale for the temporary removal of the heritage fence (rationale report), and a HIS prepared by Curio Projects. Both the rationale report and HIS consider Bay Road to be the most suitable location for construction vehicle access given that the approved works are located in the southern portion of the site adjacent to Bay Road, and the existing vehicle entry point on McHatton Street to the north (**Figure 12**) would not provide for safe movement of construction vehicles and pedestrians while the school is operational. Further, the fabric of retained heritage buildings on site could be negatively impacted by passing construction vehicles.

The Applicant's original construction site access arrangement assessed under SSD 11869481 included the use of a work zone on Bay Road (**Figure 2**).



Figure 12 | Construction vehicle route and site access
(Source: Applicant's SSD 11869481 EIS 2022)

The rational report details how 12.5m rigid trucks would enter and exit the site in a forward-in and forward-out direction (**Figure 13**), and states that the minimum width required for a gate to be used by 12.5m rigid trucks is 6m. The proposed temporary removal of the heritage fence and gutter would provide a sufficient width of 6.1m for construction vehicles to safely enter and exit the site.

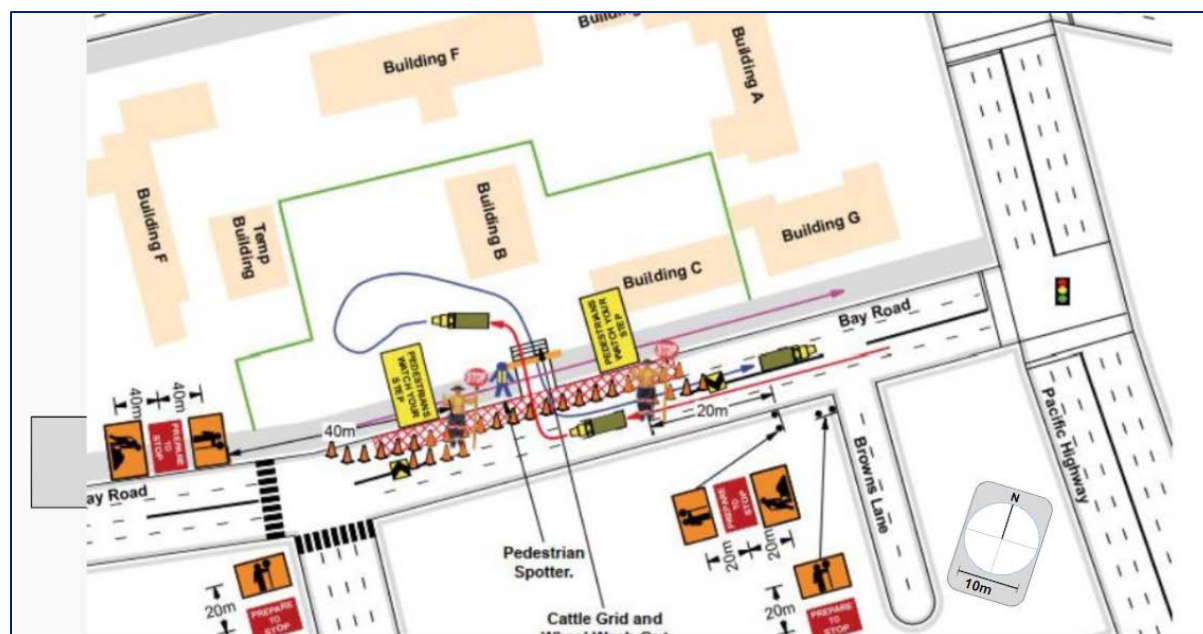


Figure 13 | Bay Road construction vehicle access and site manoeuvrability (Source: Applicant's Modification Application 2022)

The HIS provides proposed methodology for the removal, storage and reinstatement of the heritage fence which aims to minimise the physical impact to the heritage fabric, preserve its integrity and properly reinstate the removed parts after construction vehicle access is no longer required.

Methodology proposed for removal and reinstatement of the fence includes:

- tagging and/or marking metal and stone components to nominate area and number of components for removal
- fencing panels (wrought iron) to be removed to be slung and braced and cut as close to the base as possible and lifted onto a truck with carpet placed in between each row of panels to prevent damage during transport
- after removal of fence panels, sandstone base blocks to be removed and moved to prepared pallets on a truck, then cleaned ready for storage.
- the remaining visible face of sandstone blocks on site to be cleaned, dressed and tooled to form the return of the new entry
- when ready for return, fence panels will be cut to suit new configuration and panelling placed on returned bases with molten lead using traditional methods
- after final installation, 2 coats of suitable matching paint will be applied and allowed to cure for three days
- if damage to removed parts occurs during removal or storage, parts can be replaced with parts marked for permanent removal to match.

The HIS concludes that the works associated with the temporary removal of the fence will have a minor negative heritage impact on the existing heritage fabric of the fence. However, the HIS states that the works are consistent with the original application and despite having a minor negative heritage impact on the original fabric of the fence, the chosen location, size, and methodology for the temporary removal, storage and reinstatement of the fence will preserve the integrity of the original fence and facilitate acceptable reinstatement of the fence near the completion of works. The HIS states that the temporary removal of the stone gutter adjacent to the fence will not have any adverse impact to the heritage value of the site.

The HIS recommends that a heritage specialist is nominated to oversee the works to minimise impacts to the heritage values of the original fence and that photographic recording of the heritage fence be provided to Council prior to the commencement of works to remove the fence.

The Applicant included a Council issued tree removal permit with the modification application which provides conditional approval for the removal of two street trees on the nature strip adjoining the approved Bay Road pedestrian entry and area of heritage fence temporary removal. The proposed temporary removal of the heritage fence necessitates removal of one of the trees approved for removal. The tree removal permit provides a condition requiring removed trees be replaced with two street trees.

The Department has reviewed the information provided by the Applicant, including the HIS, and considered the proposed temporary removal of the heritage fence and stone gutter in the context of the Department's original SSD assessment. The Department considers that the proposed temporary removal and reinstatement of the heritage fence and gutter is appropriate as:

- the temporary removal of the heritage fence and gutter will provide safe and efficient access to the site for construction vehicles and equipment

- the Applicant has demonstrated that the minor negative impact to the heritage values of the fence will be mitigated by the proper and orderly reinstatement of the fence once construction access is no longer required.

The Department has recommended conditions that requires the temporary removal, storage and reconstruction of the subject portion of the heritage fence and gutter to be undertaken in accordance with the recommendations of the HIS which include:

- appointment of a heritage specialist by the Applicant to oversee these works
- removal, storage and reconstruction of the fence and gutter to be in accordance with the methodology contained in the HIS
- photographic record to be undertaken of the heritage fence and gutter prior its temporary removal in accordance with NSW Heritage Office document 'Photographic Recording of using Film or Digital Capture' and provided to Council for information.

7 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposed modification does not result in any intensification of the use, would not alter the approved building height, bulk or scale of the approved development and would not result in additional amenity impacts to surrounding properties
- the temporary removal and reinstatement of the Bay Road heritage fence and stone gutter would provide safe access for construction vehicles and equipment and would have an acceptable impact on the heritage significance of the site subject to conditions
- the proposed design modifications would meet Building Code of Australia and NSW Department of Education Facilities Service Guidelines requirements and the addition of a cleaner's room would improve the school's functional requirements
- the proposed modification corrects an administration error relating to an approved landscape plan
- the development to which the modification relates remains substantially the same.

Consequently, the proposal is in the public interest and it is recommended that the modification be approved.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application (SSD 11869481 Mod 1) falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 11869481
- **signs** the attached approval of the modification (**Appendix B**).

Prepared by:



Dimitri Gotsis
Senior Planning Officer
Social and Infrastructure Assessments

Recommended by:



Tahlia Alexander
A/Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to be 'KH' followed by a stylized flourish.

9 June 2022

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of referenced documents

Applicant's modification application

<https://pp.planningportal.nsw.gov.au/major-projects/projects/upgrade-north-sydney-public-school-modification-1>

Applicant's Original application and Department's assessment report SSD 11869481

<https://pp.planningportal.nsw.gov.au/major-projects/projects/upgrade-north-sydney-public-school-modification-1>

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