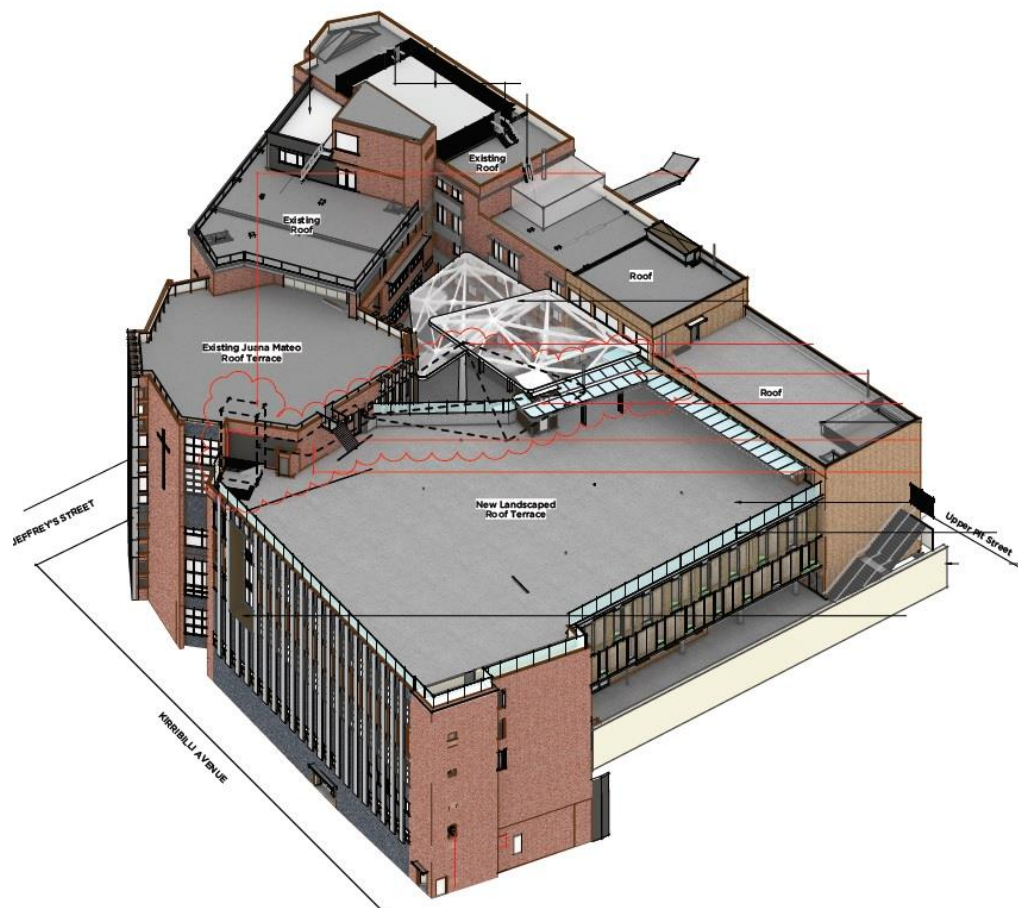


St Aloysius' College Redevelopment Modification 4

Stage 1 design change

State Significant Development Modification Assessment (SSD-8669-MOD-4)

March 2023



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Glossary

Abbreviation	Definition
Council	North Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
IPC	Independent Planning Commission
LGA	Local Government Area
NSLEP	North Sydney Local Environmental Plan 2013
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Site	47 Upper Pitt Street, Kirribilli
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 (SSD-8669-MOD-4) to modify the State Significant Development (SSD) consent for the St Aloysius' College Redevelopment (SSD-8669).

The modification application seeks approval for minor internal layout changes, a new lift addition and amendments to rooftop landscaping at the 47 Upper Pitt Street, Kirribilli campus.

This modification application does not seek any outer façade change and does not increase gross floor area.

The application has been lodged by Willowtree Planning, on behalf of St Aloysius' College (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

St Aloysius' College extends across three campuses in Kirribilli, including:

- St Aloysius' Junior School (Junior Campus) located at 29 Burton Street.
- St Aloysius' Senior School (Senior Campus) located at 1-5 Jeffreys Street.
- St Aloysius' Middle School (Main Campus) located at 47 Upper Pitt Street.

All three campuses are located within the North Sydney local government area (LGA).

The locations of the three campuses are shown in **Figure 11** Location of St Aloysius' College campuses at Kirribilli (Source: Nearmap 2023).

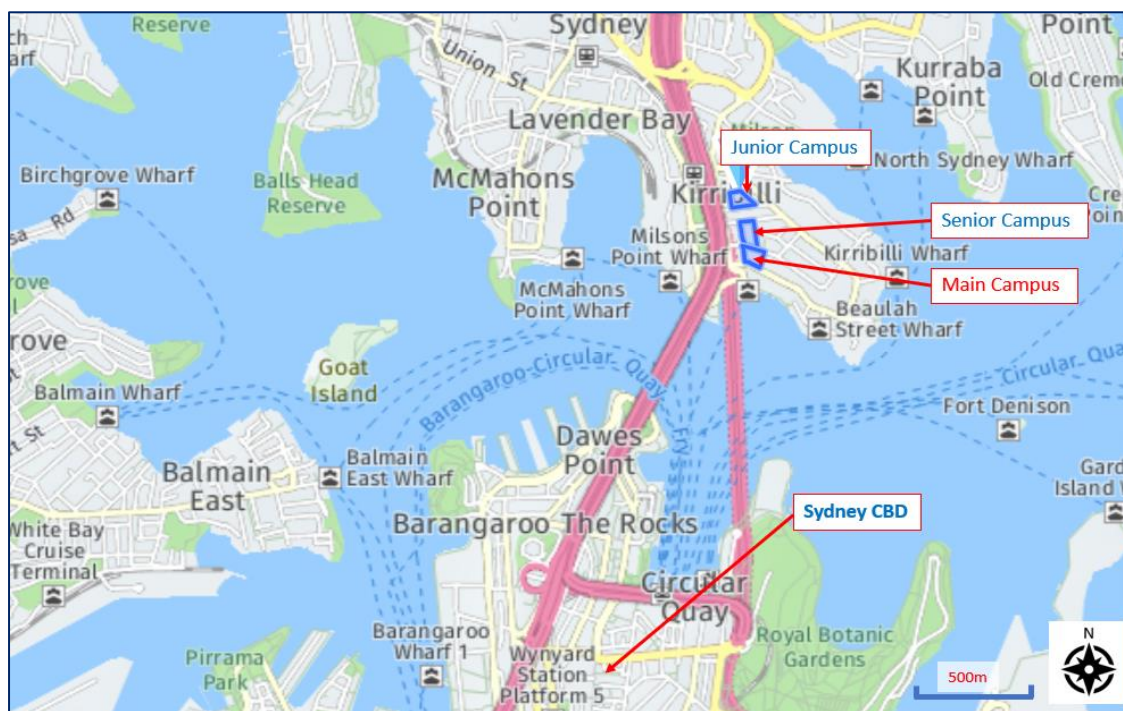


Figure 11 Location of St Aloysius' College campuses at Kirribilli (Source: Nearmap 2023)

The three campuses are located within 400 metres (m) of Milsons Point train station, Jeffrey Street Wharf and Milsons Point Wharf. The proposed changes for the current modification application relate to the Main Campus at 47 Upper Pitt Street (referred to as the site).

1.1.1 Junior Campus

The Junior Campus is legally described as Lot 1 DP830667 and is approximately 4335 square metres (sqm) in area. The campus is bounded by Burton Street to the north, Crescent Place to the east, Bligh Street to the south and Humphrey Place to the west. The Junior Campus accommodates students in Years 3 to 6 and includes general and specialist learning spaces, library, chapel and general-purpose rooms. The existing school buildings are located on the western and northern portions of this campus.

1.1.2 Senior Campus

The Senior Campus is legally described as Lot 101 DP1108496 and is approximately 3421sqm in area. The campus has frontage to Jeffrey Street to the west and Upper Pitt Street to the south. The campus also has a partial frontage to Robertson Lane to the east, with a public footpath running along the remainder of the eastern boundary which provides access between Robertson Lane and Upper Pitt Street.

The Senior Campus includes buildings that accommodate Years 11 and 12. The school buildings are located along the northern and eastern boundaries of the campus and range from two to four storeys in height. The centrally located building, known as 'Wyalla', is listed in the North Sydney Local Environmental Plan 2013 (NSLEP) as an item of local heritage significance. On campus parking is located on the roof of the northernmost building with access off Robertson Lane.

The Main Campus is located immediately to the south of the Senior Campus, on the southern side of Upper Pitt Street. A raised pedestrian bridge connects the two school campuses. The land surrounding the remainder of the Senior Campus is developed and used for residential purposes. Terrace and semi-detached housing are located on the western side of Jeffreys Street and multi-storey residential flat buildings to the north and east of the campus.

1.1.3 Main Campus

The Main Campus (site) is legally described as Lot 10 DP880841 and is approximately 4054sqm in area. The site has frontages to Upper Pitt Street to the north, Jeffreys Street to the west, and Kirribilli Avenue to the south.

The site accommodates Years 7 to 10 and provides shared school facilities. The Campus contains general teaching and learning facilities, administration offices, library, chapel, drama theatre, playhouse, art centre, hall and function rooms. The Campus buildings are located along the northern, western and southern boundaries. A ground floor quadrangle is located at the centre of these buildings and extends to the eastern boundary. The buildings range from three to nine storey across the Campus

The Senior Campus is located immediately to the north of the site, on the northern side of Upper Pitt Street. A raised pedestrian bridge connects the two campuses. The Sydney Harbour Foreshore/Broughton Street Lookout reserve is to the south-west. The remainder of the surrounding land accommodates a mix of terrace and semi-detached dwellings, converted mansion houses and multi-storey residential flat buildings. An aerial view of the campus and surrounds is included in **Figure 2**.



Figure 2 | Aerial view of existing Main Campus (Source: Nearmap 2023)

1.2 Approval history

On 20 September 2019, the Independent Planning Commission (IPC) granted consent (SSD-8669) for the concept proposal and first stage of works for the redevelopment of St Aloysius' College including:

- Concept proposal for the staged redevelopment of the Junior, Senior and Main campuses including partial demolition, refurbishment and alterations and additions to existing buildings to provide new teaching and learning spaces and new multi-purpose/sports facilities.
- Stage 1 works comprising:
 - alterations and a ground floor addition to the Whyalla building on the Senior Campus and internal refurbishment and upgrades to existing teaching and learning facilities.
 - the demolition and rebuild of the north-east wing building on the Main Campus, construction of a new infill building in the existing quadrangle, and associated refurbishment of north wing, south wing, great hall and chapel.

The development consent has been modified on three occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Sought to amend conditions A8 and A9 of the consent relating to student and staff numbers	Department	4.55(1A)	27 July 2021
MOD 2	Sought to amend condition B3 and minor internal alterations and additions.	Department	4.55(1A)	6 October 2021
MOD 3	Sought to remove one tree to facilitate a substation.	Department	4.55(1A)	13 October 2022

2 Proposed modification

On 30 January 2023 the Applicant lodged a modification application (SSD-8669-Mod-4) under section 4.55 (1A) of the EP&A Act relating to the site (Main Campus only).

The proposed modification seeks minor design changes to the Main Campus building within the site, which formed part of Stage 1 of the Concept approval. The proposed modification involves:

- amendments to the internal layout of multiple floors.
- addition of a new lift and removal of an existing lift.
- rooftop landscaping changes.

2.1 Internal layout changes to Main Campus building - Stage 1

Several design amendments are sought to the Main Campus building. The amendments (as modified by the additional information) are identified in **Table 2** and in **Figures 3 - 5**.

Table 2 | Summary of Internal layout modifications

Level	Description
Lower Ground Floor 1 (LGF1)	<ul style="list-style-type: none">• Minor excavation for new lift pit.
Ground Floor (LV0)	<ul style="list-style-type: none">• Addition of new lift at the centre of the building.• Internal layout changes to seminar and reception areas.• Reconfiguration of stairs on the southern side.
First Floor (LV1)	<ul style="list-style-type: none">• Internal layout modifications to staff, office and student toilet areas.• Addition of a new lift at the centre of the building.• Reconfiguration of stairs on the southern side.• Deletion of approved glazed canopy.• Reduction of void area.
Second Floor (LV2)	<ul style="list-style-type: none">• Internal layout modifications to staff, kitchen, office and student toilets.• Removal of existing lift and addition of new lift at the centre.• Reconfiguration of stairs on the southern side.• Deletion of approved glazed canopy.• Reduction of void area.
Third Floor (LV3)	<ul style="list-style-type: none">• Removal of southern side lift access to roof area.• Addition of new lift to centre of the building to access to the roof area.• Addition of new glazed awning adjacent to new lift.• Reconfiguration of stairs on the southern side.• Deletion of approved glazed canopy.• Minor alterations to the chapel wall adjacent to the lift to the south.

- #### Fourth Floor (LV4)

- ### Fifth Floor (LV5)

- ## Sixth Floor (LV6)

-
- Excavation for new lift pit
- Plan - LGF 1 New
Scale 1:500
- Not to the scale

Modification 4 (SSD-8669-MOD-4) | Modification Assessment Report

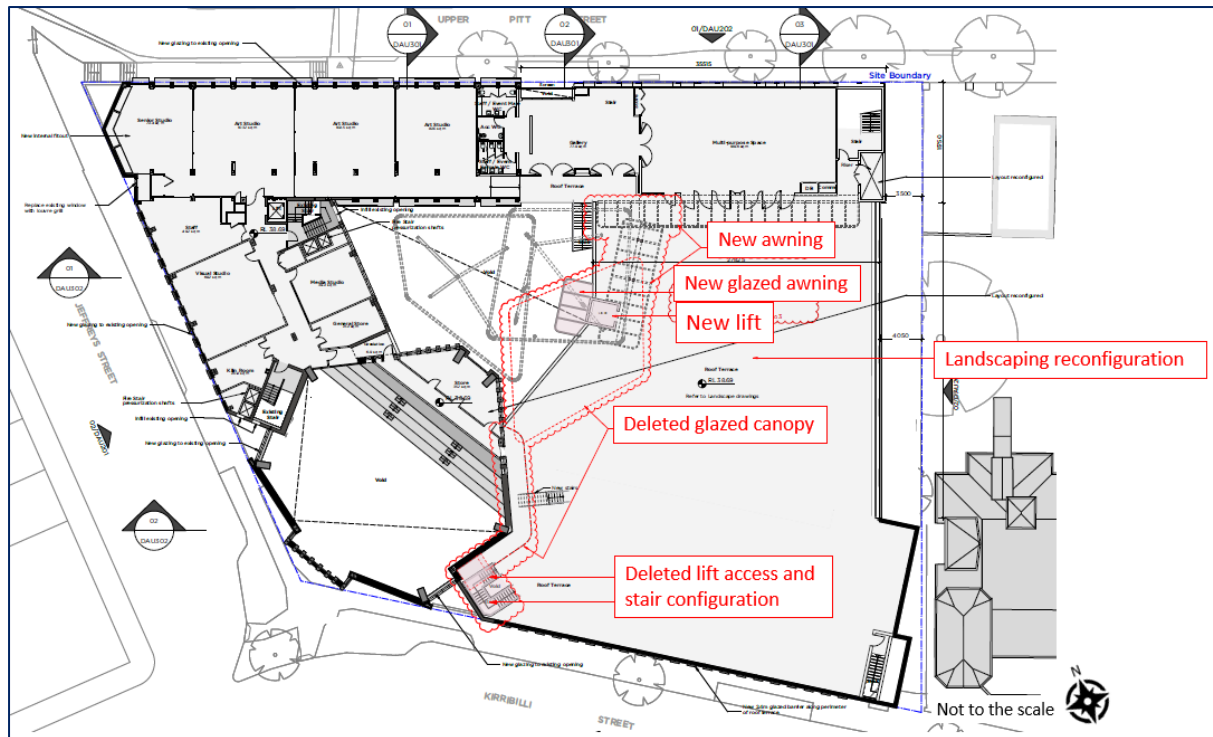


Figure 4 | Third floor modification (Source: Applicant's additional information 2023)

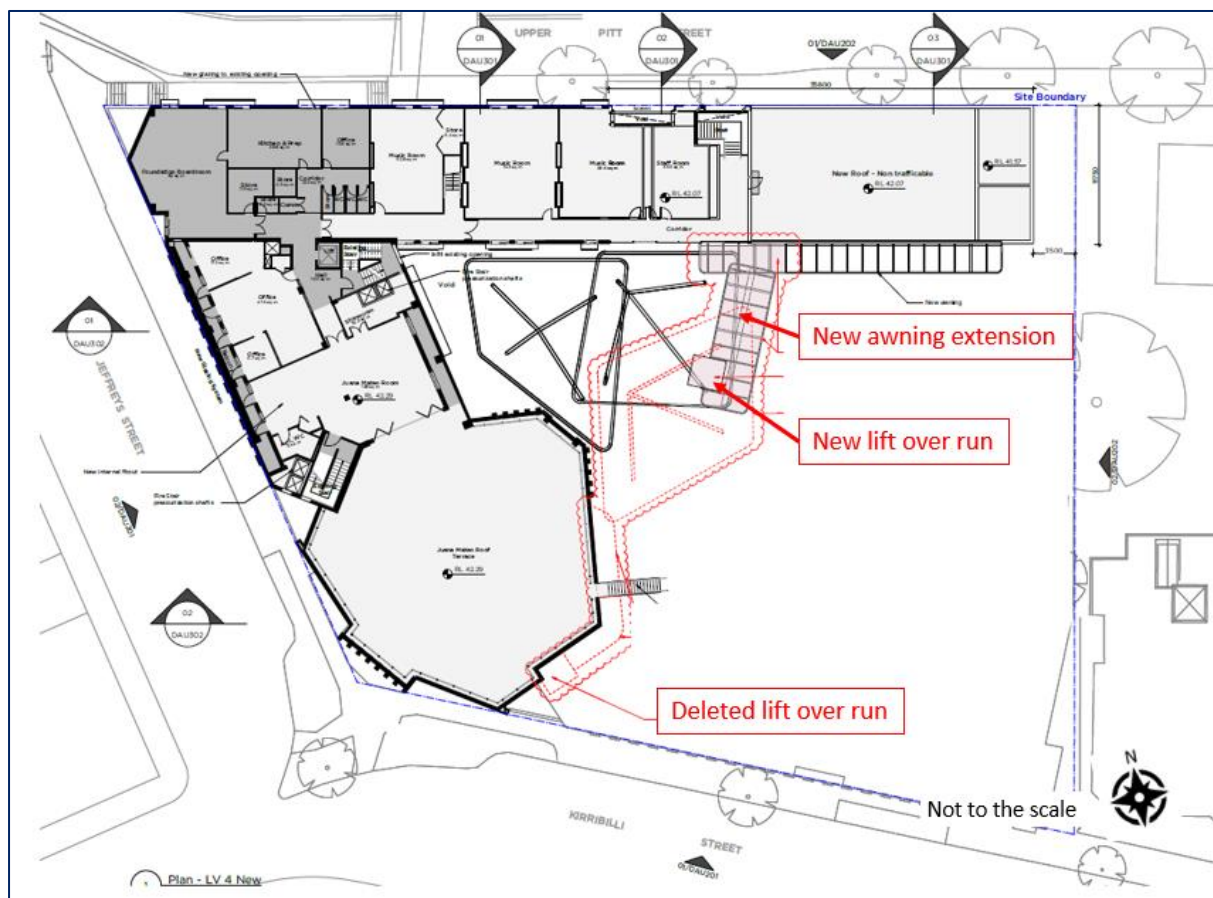


Figure 5 | Fourth floor modification (Source: Applicant's additional information 2023)

2.2 Addition and alterations to lifts, Main Campus building - Stage 1

- reduce service levels of the southern side lift from Lower Ground Floor 3 (LGF 3) to LV1 (previously this lift was approved from LGF3 to roof terrace LV3).
- addition of a new lift at centre of the building to service LV1 to LV3.

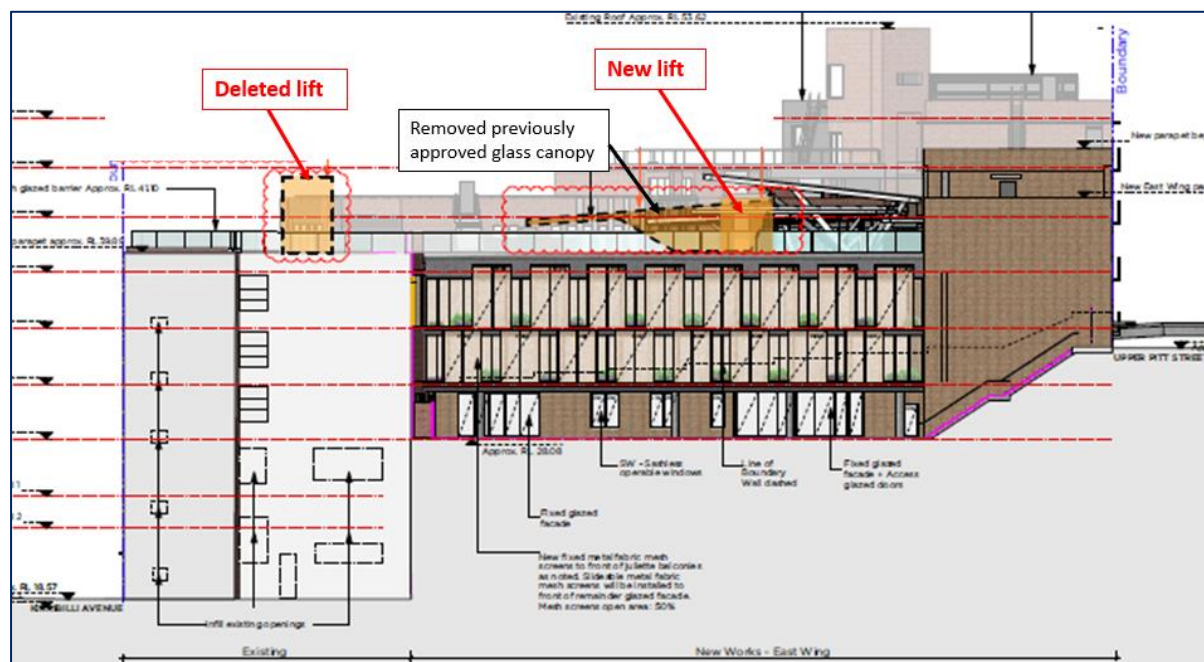


Figure 6 | East Elevation showing location of the approved and new lifts (Source: Applicant's additional information 2023)

2.3 Rooftop landscaping modifications, Main Campus building - Stage 1

The Department notes that condition Schedule 3 B5 (Stage 1) of SSD-8669 required the Applicant to submit an amended landscape plan for the rooftop landscaping of the Main Campus building.

Following the approval, the Applicant submitted a detailed landscape plan for the Main Campus building rooftop which was approved by the Department on 29 September 2022.

This modification application proposes further changes to the landscape plan approved by the Department, post determination of SSD-8669. The modifications involve the following rooftop landscaping changes:

- reconfiguration of an approved timber table to extend to the new lift.
- relocation of BBQ area.
- reshaping of a raised deck to the south.
- relocation of two planters near the Ping-Pong table and deletion of one planter.
- reorientation and change in the size of the approved basketball play area.
- redesign of the planter box near the timber table.
- additional planting on the eastern side of the roof.

The modified rooftop landscape plan is provided in **Figure 7**.

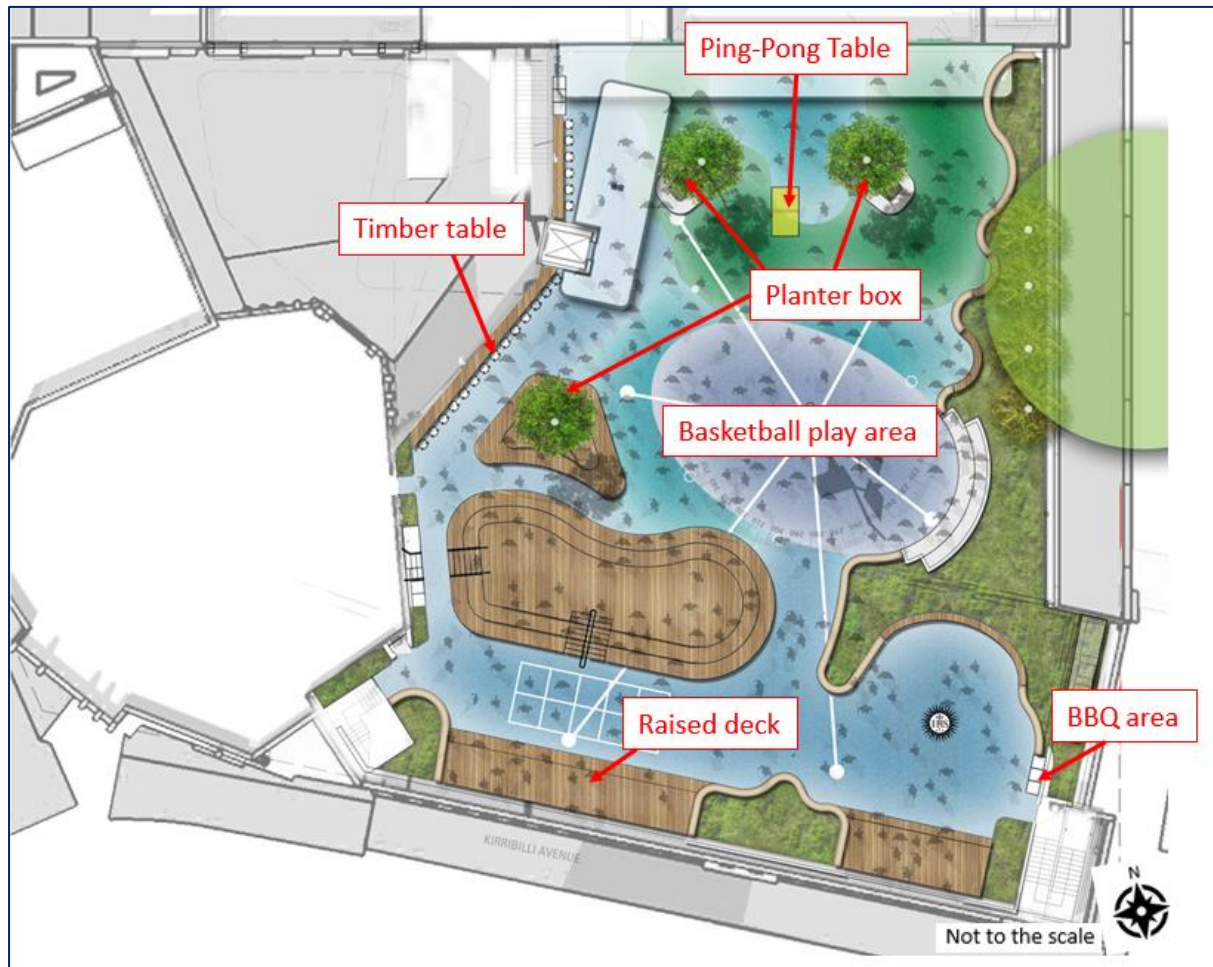


Figure 7 I Modified rooftop landscape plan (Source: Applicant's additional information 2023)

2.4 Modifications to Concept Proposal

The proposed modifications relate to Stage 1 works and would not result in any amendments to the Concept Proposal.

The Applicant has advised that the proposed alterations to internal floor layouts of the Main Campus building would not change the Gross Floor Area (GFA) of the Main Campus building as approved in Stage 1 of SSD-8669. In this regard, the Applicant has requested deletion of the GFA drawings in Schedule 2 Condition A4.

3 Strategic context

The Department considers that the proposed modification is appropriate for the site and the overall St Aloysius Campuses, given it remains consistent with:

- The Greater Sydney Region Plan: A Metropolis of Three Cities, as it proposes improved school facilities within a central mixed-use walkable location.
- the vision outlined in the Greater Sydney Commission's North District Plan, as it would support the provision of services and social infrastructure to meet people's changing needs.
- the State Infrastructure Strategy 2018 – 2038: Building the Momentum, as it proposes investment in the non-government school sector to provide modern learning environments for students and to continue to accommodate infrastructure and facilities sharing with communities.
- the NSW Future Transport Strategy 2056, as it supports the ongoing provision of a modern educational facility in a highly accessible location.

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 modification involving minimal environmental impacts 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 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(1A) 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(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2022, the Team Leader, School Infrastructure Assessments, may determine the application.

4.3 Mandatory matters for consideration

Since the determination of the original development application, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP.

As such, the Department has considered the development against the relevant provisions of the consolidated SEPPs. Section 4.55(1A) of the EP&A Act requires the matters listed in **Table 3** to be considered for a modification application involving minimal environmental impact.

Table 3 | Mandatory matters for consideration

Matter	Consideration
Whether the proposed modification is of minimal environmental impact.	The proposed modification would result in minimal environmental impacts as the modification seeks minor design modifications as discussed in Section 6 .
Whether the development to which the consent as modified related is substantially the same development.	The proposed modification does not seek to significantly amend the development. The development, as modified, is considered to be substantially the same development for which the consent was originally granted.
Whether notification has occurred, and any submissions have been considered.	Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 30 January 2023. North Sydney Council (Council) was notified of the development and no comments were received.
Any submission made concerning the proposed modification has been considered.	Council did not raise any concern regarding this modification, during consultation.
Any relevant provisions of section 4.15(1) of the EP&A Act.	The Department conducted a comprehensive assessment of the proposal against the mandatory matters for consideration as part of the original assessment of SSD-8669. 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 and conclusions made as part of the original assessment. The modification would not alter the development's existing compliance with the relevant planning instruments.
Consideration of the reasons for the granting of the consent that is sought to be modified.	The Department has considered the findings and recommendations of the Department's Assessment Report for SSD-8669. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development as modified.

5 Engagement

Section 105(4) of the EP&A Regulation specifies that the notification requirements do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 30 January 2023 and was referred to Council for comments.

5.1 Council comments

Council has not provided any comments with regard to the modification application.

5.2 Additional Information

The Department reviewed the Applicant's initial modification application and raised a number of concerns with regard to errors in plans/documentation, proposed external modifications on the eastern façade and the Upper Pitt Street facades as well as discrepancies at the roof level.

The Department conducted a meeting with the Applicant on 14 February 2023 to discuss the various aspects of the proposal and advised the Applicant the modification would require exhibition given the extent of external changes.

Following the meeting, the Applicant amended the plans to ensure to delete all external changes to windows that would impact on the neighbours or the elevation fronting Upper Pitt Street.

The Applicant submitted the amended plans and additional information on 23 February 2023, which was made available on the Department's website.

The Department reviewed the additional information and was satisfied that the proposed changes were restricted to the roof and the internal layout. Therefore, exhibition of this modification application was not required.

On 9 March 2023, the Department requested further information regarding consistency of the submitted landscape plans with the conditions of the original development consent.

On 16 March, the Applicant provided further clarification regarding the modified landscape plans and their relationship with the plans already approved by the Department on 29 September 2022 (as a post approval document) to comply with Schedule 3 condition B5 of SSD-8669.

6 Assessment

The Department has considered the merits of the application in accordance with the relevant matters under section 4.55(1A) and the objectives of the EP&A Act.

The Department considers the key issue of the proposed modification to be:

- internal layout changes.
- alterations to the lift.
- rooftop landscaping.

6.1 Internal layout changes – Stage 1

The modification application proposes to alter the internal layout on several levels of the Main Campus building within the site as identified in **Figures 2 - 6**. The Applicant has advised that the modifications are proposed to reflect detailed internal fitout, better functional arrangements and design development.

The Department is satisfied that the internal works are acceptable as the bulk and scale or the building footprint of the Main Campus building would not be impacted by the proposed changes.

Additionally, the reduction of service level of the southern side lift would be a positive outcome as it would decrease the building height, as viewed from the southern public domain.

6.2 Additions and alterations to the lifts – Stage 1

The Department considers that the proposed modification to approved lift on the southern side and addition of a new lift would not result in detrimental impacts to the surrounding neighbouring properties, would remain compatible with the overall design quality of the development, would not detract from the quality of the streetscape and would assist in providing the functional needs of the school. The new lift would not be visible from any street frontage.

The Department has recommended deletion of Schedule 3 Condition B3(d), as the glazed lift at the southern end would no longer serve LV3.

6.3 Rooftop landscaping – Stage 1

As discussed in Section 2.3, a landscape plan for the rooftop of the Main Campus building was approved by the Department as a post approval document, to comply with the requirements of Schedule 3 condition B5.

The modified landscape plan ensures compliance with this condition and proposes some additional amendments as itemised in **Section 2.3** and indicated in **Figure 7**.

The Department considers that the proposed landscaping amendments would not result any amenity impacts on the neighbours, nor result in non-compliance with the requirements of Schedule 3 condition B5 (discussed later). It would ensure that the rooftop space is a vibrant and useable area that allows the children open space to play and learn in.

The Department has assessed the modified landscape drawings and recommends that Schedule 3 condition B5 be amended to be consistent with the submitted landscape plan to be listed in Schedule

3 condition A2 (approved drawings). The recommended amendments to the condition are discussed in **Table 4**.

Table 4 | Amendments to condition no B5 and consistency with landscape drawing

Condition (Schedule 3 condition B5)	Department's assessment
<p>Prior to the issue of a construction certificate for the site, revised landscape plans must be submitted to the satisfaction of the Planning Secretary. The plans must detail:</p> <ul style="list-style-type: none"> (a) the relocation of the BBQ zone and ping pong table away from the eastern side of the proposed rooftop terrace and the extension of the raised garden (at least 3 metres wide) along the eastern boundary of the terrace in place of the BBQ zone; (b) the access to the south-eastern open stairwell on the proposed rooftop terrace moved to the western side of the stairwell, the raised garden extended to replace the former access path and access prevented to the eastern half of the top landing of the stairwell; (c) the revised location of the glazed acoustic barrier on the proposed rooftop terrace required under condition B6(b) and associated changes to the layout of landscaping; (d) the existing ground level along the eastern boundary adjacent to the proposed infill building to be retained and the provision of a garden bed of at least 1.2 metres wide along the length of the boundary generally in accordance with the extent shown in the landscape concept plan and with its height raised to match the level of the base of the existing sandstone block wall at the boundary; and (e) either: 	<p>The Department recommends deletion of condition B5(a) because the BBQ area has been relocated to the western side of the roof area, in the amended landscape plan.</p> <p>The Department recommends deletion of condition B5(b) as the access to the south-eastern open stair wall has been moved to the western side of the stairwell and raised garden has been extended.</p> <p>The Department recommends retention of condition B5(c) because the landscape plan does not include details of the acoustic barrier.</p> <p>The Department recommends retention of condition B5(d) as it does not relate to the rooftop.</p>

<ul style="list-style-type: none"> i) the deletion of the elevated planting and associated support structures along the eastern boundary adjoining 'Craiglea'; or ii) the elevated planting and associated supporting structures along the eastern boundary to be setback by at least 1.2 metres from the boundary and not to exceed the height of the raised garden bed required under condition B5(d) 	<p>The Department recommends retention of condition B5(e) as it does not relate to the rooftop.</p>
<ul style="list-style-type: none"> (f) detail the location, species, maturity and height at maturity of plants to be planted on-site; 	<p>The Department recommends retention of condition B5(f) as it is not relevant to this modification application.</p>
<ul style="list-style-type: none"> (g) include planting in the raised garden bed along the eastern boundary of the Main Campus required under condition B5(d) that would <ul style="list-style-type: none"> i) provide an effective landscape setting of the "infill" building from 'Craiglea'; ii) contribute to the amenity of 'Craiglea'; and iii) not impact on views from 'Craiglea'. 	<p>The Department recommends retention of condition B5(g) as it is not relevant to this modification application.</p>
<ul style="list-style-type: none"> (h) include species (trees, shrubs and groundcovers) of local provenance (i.e. the vegetation community that once occurred on the site); 	<p>The Department recommends retention of condition B5(h) as it is not relevant to this modification application.</p>
<ul style="list-style-type: none"> (i) include the planting of trees with a pot container of 75-100 litres or greater; 	<p>The Department recommends retention of condition as it is not relevant to this modification application.</p>
<ul style="list-style-type: none"> (j) include the provision of nest boxes suitable to native fauna likely to use the site; 	
<ul style="list-style-type: none"> (k) ensure the height of trees at maturity on the rooftop terrace at the site would not exceed a plane drawn from the top of the southern parapet of the replacement north-east wing building and the top of the existing parapet of the southern elevation of the south-eastern wing; and 	<p>The Department recommends retention of condition B5(j) as it is not relevant to this modification application.</p> <p>The Department recommends retention of condition B5(k) as this information has not been provided in the landscape plan package submitted with the Modification application.</p>

- (l) include specifications for the surface treatment of hardstand areas of the rooftop terrace using surfaces that are noise-absorbing, of a non-reflective nature and of muted tones.

The Department recommends retention of condition B5(l) as this information has not been provided.

6.4 Schedule 2 condition amendments – Concept proposal

The Applicant requested deletion of all GFA related plans from Schedule 2 and Schedule 3 Condition A4.

The Department accepts this request as the GFA plans are concept only.

7 Evaluation

The Department considers that the modification application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and continues to be consistent with the strategic direction for the state. The Department concludes that the impacts of the development are minimal and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

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

- the design amendments would not detrimentally impact approved building heights, setback and gross floor area of the development and would be compatible with the overall design of the proposal.
- the proposal would not alter the nature of the development as provided in the original approval.
- the proposal would not result in any additional unacceptable environmental impacts.

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

8 Recommendation

It is recommended that the Team Leader, Social and Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-8669-Mod-4 falls within the scope of section 4.55(1A) 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-8669.
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Nahid Mahmud

Snr Planning Officer

School Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink that reads "A. Coommar". The signature is written in a cursive, flowing style.

Aditi Coommar

Team Leader

School Infrastructure Assessments

as delegate of the Minister for Planning

Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

Appendix A – List of Documents

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-alloysius-college-mod-4-stage-1-design-changes>

Appendix B – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-alloysius-college-mod-4-stage-1-design-changes>