

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-11869481 Upgrade to North Sydney Public School
Applicant	Department of Education
Consent Authority	Minister for Planning

Decision

The Director, Social and Infrastructure Assessments under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

21 February 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the proposal would provide a range of benefits for the region and the state as a whole, including improved educational facilities, 134 construction jobs, 7 operational jobs and \$35 million capital investment;
- the proposal is permissible with development consent, and is consistent with NSW Government policies including:
 - A Metropolis of Three Cities – The Greater Sydney Region Plan;
 - State Infrastructure Strategy 2018-2038;
 - Transport for NSW's Future Transport Strategy 2056;
 - Northern City District Plan;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to implementation of a School Transport Plan including sustainable transport measures, stormwater management, tree protection, and management of construction impacts including traffic, parking, noise and dust;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the proposal and the recommended conditions of consent; and
- weighing all relevant considerations, the proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 7 September 2021 to 5 October 2021 (28 days) and received 13 submissions from the public and one from Council. Of the public submissions six were comments, six were objections and one was in support. Council provided comment.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic and transport, built form and urban design. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic, Transport and Parking</i></p> <ul style="list-style-type: none"> The proposal will increase congestion on Bay Road and alternative drop-off/pick-up locations should be explored. Council recommends that efforts should be made to minimise traffic impacts during construction and all relevant permits and construction management plans should be adhered to. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> A Transport and Accessibility Impacts Assessment was submitted that considered the impacts of the proposal on the surrounding road network. The Applicant's Response to Submissions (RtS) included a response to traffic issues raised by the public and comments made by Council. The Applicant advised: <ul style="list-style-type: none"> the local road network has capacity to accommodate the additional traffic generated by the proposal impacts of the new drop-off / pick-up area on Bay Road would be minimal and would reduce traffic impacts associated with the existing drop-off/pick-up area on McHatton Street modelled intersections would operate with a Level of Service that could accommodate traffic increases associated with the proposal and future background growth. The Department considers the proposal is acceptable as: <ul style="list-style-type: none"> the Applicant has appropriately considered potential additional traffic generated by the proposal and impacts on the performance on the surrounding road network the surrounding road network and intersections have the capacity to accommodate the expected minimal traffic increase associated with the proposal the new drop-off/pick-up area on Bay Road will reduce impacts on McHatton Street (where the existing drop-off-pick-up is located) and will have the capacity to accommodate drop-off/pick-up demand with minimal traffic impact on Bay Road. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Applicant must prepare, implement and review a School Transport Plan. The review of the plan would consider operational transport arrangements and any additional measures required to mitigate impacts on the local road network.
<p><i>Built Form and Urban Design</i></p> <ul style="list-style-type: none"> The bulk and scale of the proposal is excessive within a heritage streetscape. Front setback of 3m is insufficient for a three storey building. The building length should be broken up to soften the streetscape presentation of the new building. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In its RtS, the Applicant amended the design by refining the architectural expression and use of colours and materials including: <ul style="list-style-type: none"> amended southern façade (Bay Road) panelling from large format panels to a smaller scale panelised system with varied textures to reduce the scale of panels and introduce finer grain presentation in keeping with the streetscape increased depth of windows within southern and eastern facades to accentuate their recessed presentation new framing of windows to increase visual appearance of depth and to relate to the style of existing buildings on site modified brick pattern and texture on southern and eastern ground floor facades and introduction of heritage red feature panels in the framing and in between windows on the southern (Bay Road) façade. The Department considers the proposal is acceptable as: <ul style="list-style-type: none"> the massing and scale of the proposal would not be out of character within the streetscape which contains varied heights, building setbacks and use of colours and materials the height is appropriate in the context of a civic and community facility and the proposal provides a suitable transition between low scale residential development to the south and west and increased heights of development adjoining the Pacific highway to the east setbacks are appropriate in the context of varied setbacks in the streetscape.

	<p><i>Conditions</i></p> <ul style="list-style-type: none"> Colours and materials to be incorporated as proposed.
<p><i>Demolition of the school hall</i></p> <ul style="list-style-type: none"> The demolition of Lady Hay Hall should be reconsidered due to its community and heritage value. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In its RtS, the Applicant advised: <ul style="list-style-type: none"> lady Hay Hall is not unique to the school site as it was constructed as part of a post-war school expansion program of the 1950s and 1960s although the hall is named after a significant personality in the area in the early 1900s, the building itself has no association with the person other than its name the hall is neither architecturally or aesthetically unique at a local or state level and its demolition would be of a neutral impact to the heritage values of the site. The Department considers the demolition of Lady Hay Hall would be acceptable as its demolition would have a neutral impact on the heritage values of the site and its demolition would allow for high quality upgraded school facilities and open space.
<p><i>Basketball courts, open space and sun protection</i></p> <ul style="list-style-type: none"> The availability of outdoor play space for the proposal number of students is minimal. The treatment of outdoor play areas should ensure that sun protection is provided. The condition of the school basketball courts is poor and its upgrade should form part of the proposal. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In its RtS, the Applicant advised: <ul style="list-style-type: none"> the proposal includes the retention of existing shade sails adjoining Building A a new COLA is provided adjoining the hall and extending to the central courtyard the upgrade of the existing basketball courts does not form part of the current scope of works for the project opportunities in the future for the school to seek separate funding to upgrade facilities that have not been included in this project can be explored the proposal includes a new multipurpose Hall that has a larger floor area and higher ceilings than the existing hall, making it more suitable for a range of educational, sporting and recreational uses. The Department considers the proposal is acceptable as: <ul style="list-style-type: none"> the proposal would only reduce existing open space by 0.17sqm the removal of temporary buildings and new outdoor play areas would increase the usability of the site for open play the proposal includes soft and hard landscaping features which will improve the quality of usable outdoor play space the new hall would provide for additional recreation and sport activities which will increase activities that the basketball courts currently provide for and future upgrades of the basketball courts may occur sufficient sun protection for students and staff would be provided.
<p><i>Natural ventilation and noise intrusion</i></p> <ul style="list-style-type: none"> windows and doors would need to be closed at times to comply with Education Facilities Standards and Guidelines (EFSG) noise criteria, but mechanical ventilation should not be relied upon as it may not provide sufficient protection from airborne viruses. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In its RtS, the Applicant advised: <ul style="list-style-type: none"> the new buildings (excluding the hall) will be air conditioned and mechanically ventilated the proposed systems would exhaust the same amount of air as the introduced outside air, which would remove contaminants, allowing for windows and doors to be closed whilst maintaining adequate ventilation and air circulation the air would be cooled or heated by a fan coil unit in the ceiling, which would help de-stratify the air and reduce the change of pockets of stagnant air, helping to dilute any airborne pathogens. The Department considers the proposal is acceptable as: <ul style="list-style-type: none"> intrusive noise from the Pacific Highway and Bay Road will require the use of a mechanical ventilation system in order to comply with EFSG noise criteria the proposed mechanical ventilation systems would provide acceptable acoustic amenity and adequate ventilation and filtration to ensure the health and safety of students and staff is maintained. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The recommendations of the Noise and Vibration Assessment be implemented.
<p><i>Waste</i></p> <ul style="list-style-type: none"> Operational and construction 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided an Operational Waste Management Plan and

<p>waste should be minimised and hours allowed for waste collection should be conditioned to 7am to 7pm Monday to Friday.</p>	<p>Construction and Demolition Waste Management Plan which detailed proposed measures to reduce construction and operational waste.</p> <ul style="list-style-type: none"> • In its RtS, the Applicant advised: <ul style="list-style-type: none"> – the Applicant advised that the issue of rubbish collection times and frequency is an operational matter which is dealt with directly by the school and the rubbish collection contractor – the proposal's project team has notified the school of the resident's concerns and the school has advised that it will be discussing the issue with the rubbish collection contractor. • The existing waste storage area is large enough to accommodate an increase in operational waste generated by the increased student capacity. • The Department considers the waste minimisation measures proposed in the Applicant's Operational Waste Management Plan and Construction and Demolition Waste Management Plan are acceptable and that waste collection hours will be considered for review, if necessary, by the school and contractor.
<p><i>Consultation</i></p> <ul style="list-style-type: none"> • The School community and the wider community were not consulted regarding the planned lodgement of the development application. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant provided a Social Impact Assessment (SIA) which detailed pre SSD consultation with the community and stakeholders including school employees, parents and the surrounding community. • The Department publicly exhibited the proposal from 7 September 2021 to 5 October 2021 (28 days). Nearby and adjoining property owners and occupiers were notified as part of the public exhibition. The application was published on the Department's website. • The Department considers the exhibition of the proposal to be acceptable and in accordance with the requirements in Schedule 1 of the Act.