

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 modification
Application number and project name	SSD-11869481-Mod-1 Upgrade to North Sydney Public School – Modification 1
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 instrument of modification and conditions is available [here](#).

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

Date of decision

9 June 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 Modification Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the Department during the assessment of the modification application and any additional information considered in the Department's Modification Assessment Report; and
- the findings and recommendations in the Department's Modification Assessment Report; and
- the submission from North Sydney Council (Council) about the project (see **Attachment 1**).

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

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

- the proposal is permissible with development consent, and remains consistent with NSW Government policies including:
 - o A Metropolis of Three Cities – The Greater Sydney Region Plan;
 - o State Infrastructure Strategy 2018-2038;
 - o Transport for NSW's Future Transport Strategy 2056;
 - o Northern City District Plan;
- the impacts on the environment including heritage significance of the site can be appropriately minimised and managed to an acceptable level subject to additional conditions relating to the proper management of removal, storage and reinstatement of the heritage fence and gutter;
- the submission from Council has been considered and adequately addressed in the modification assessment report and through additional imposed conditions of consent; and
- weighing all relevant considerations, the proposal is in the public interest.

Attachment 1 – Consideration of Council Comments

The Department exhibited the modification application from 4 May 2022 to 17 May 2022 (14 days). One submission from Council was received providing comments. No submissions from the public were received.

The key issues raised by Council and considered in the Department's Modification Assessment Report and by the decision maker include heritage, pedestrian safety and tree planting. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Heritage</i> Proposed modification to the heritage listed fence should be designed to maintain the heritage values, style and standard of construction as currently exist	<i>Assessment</i> • A Heritage Impact Statement was submitted that considered the impacts of the temporary removal of the heritage fence on the heritage values of the existing fence. • The HIS advised: – prescribed methodology for the removal, storage and reinstatement of the heritage fence aims to minimise the impact on the fabric and heritage values of the heritage fence – despite the minor negative impact to the existing fence associated with its temporary removal, the works are consistent with the original application and 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 Department considers the proposal is acceptable as: – the Applicant has appropriately considered potential heritage impacts to the heritage fence – methodology for the removal, storage and reinstatement of the heritage fence will ensure the heritage fabric of the existing fence is protected – the temporary removal of the heritage fence and gutter will provide safe and efficient access to the site for construction vehicles and equipment. <i>Conditions</i> • The Applicant must nominate a heritage specialist to oversee the works to minimise impacts to the heritage values of the original fence and photographic recording of the heritage fence be provided to Council prior to the commencement of works to remove the fence. • Removal, storage and reconstruction of the fence must be carried out in accordance with the methodology contained in the Heritage Impact Statement.
<i>Tree Planting</i> Mature tree planting should be used to break up the bulk of the façade along Bay Road	<i>Assessment</i> • The modification application does not include changes to the height, bulk or scale of Building J or Building I. The modification includes only minor changes to window size and configuration on the southern building elevations. • Tree planting along the Bay Road frontage of the site was considered and approved under the original consent (SSD 11869481) and when established, trees will provide suitable screening of the façade. • Two street trees were approved by Council for removal and 2 replacement trees are required by Council. • The Department concludes the proposed modifications are acceptable as: – sufficient tree planting has been approved on site to help break up the bulk of the façade along Bay Road. – the Department's original assessment of the new buildings concluded that the landscaping and bulk, scale and design of the façade to be acceptable – the proposal does not result in any changes to the height, bulk and scale of the approved buildings.
<i>Pedestrian Safety</i> 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.	<i>Assessment</i> • The modification application seeks to increase the approved 1:14 ramp gradient to a 1.15 gradient, and to widen clearance between railings to 2.1 metres (m) from an 2m. • The original application (SSD 11869481) included a lighting strategy and signage plan for the site which includes façade mounted lighting to illuminate the Bay Road entry ramp and way-finding and building identification signage on facades and within the site. • Line marking would be undertaken in accordance with relevant requirements of the Building Code of Australia. • The Department considers the proposal is acceptable as the proposed ramp grade, ramp railing clearance, and the existing lighting strategy and approved signage for the site would provide adequate pedestrian safety.