

Notice of decision SSD-8993-Mod-2

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-8993-Mod-2 SCEGGS Darlinghurst Concept and Stage 1
Applicant	SCEGGS Darlinghurst Limited
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Infrastructure Assessments, under delegation from the Minister for Planning and Public Spaces has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (the Act)* modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available at:
<https://www.planningportal.nsw.gov.au/major-projects/project/41781>

A copy of the Department of Planning, Industry & Environment's (Department) assessment report is available at:
<https://www.planningportal.nsw.gov.au/major-projects/project/41781>

Date of decision

6/07/2021

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 reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the findings and recommendations of the Independent Planning Commission's report
- the submissions made concerning the modification; and
- the views of the community about the project (see **Attachment 1**).

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

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including delivering a new educational facility with contemporary teaching and learning facilities;
- the modification is permissible with consent, and is consistent with NSW Government policies including the Greater Sydney Regional Plan - A Metropolis of Three Cities, NSW State Priorities, Eastern City District Plan, NSW Future Transport Strategy 2056 and State Infrastructure Strategy 2018 – 2038 Building the Momentum;
- 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 issues raised by the relevant Council during consultation have been considered and adequately addressed through the recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department did not exhibit the modification. However, the Department consulted with City of Sydney Council (Council). Council objected to the modification application.

The key issues raised by Council, considered in the Department's Assessment Report and by the decision maker include heritage impacts.

<i>Issue</i>	<i>Consideration</i>
<p><i>Heritage Impacts</i></p> <ul style="list-style-type: none"> • Concerns that the staging of the Heritage Conservation Management Plan (CMP) would undermine the intent of the condition and not allow the heritage parameters to be framed prior to the lodgement of Stage 1 Wilkinson House application. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has engaged with an independent heritage consultant (GML Heritage). • GML has advised that staging of the CMP is consistent with other similar concept development applications. • The whole of site CMP would be endorsed prior to the lodgement of any other application and would ensure that the heritage parameters are framed in advance. • The Department is satisfied that the staging would have no adverse impact on the heritage conservation of the site. <p><i>Conditions require:</i></p> <ul style="list-style-type: none"> • Submission and endorsement of the Concept Proposal CMP prior to the lodgement of the Stage 1 application. • Submission of subsequent CMPs with the future development applications.