

ASSESSMENT REPORT

New Inner Sydney High School SSD 7610 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant Development (SSD) approval for the new Inner Sydney High School in the City of Sydney Local Government Area (LGA). The application has been lodged by Department of Education (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application seeks to modify conditions B33 and B34 (tree protection) of the consent to clarify construction activities to exclude demolition and archaeological investigations for the purpose of conditions B33 and B34.

2. SUBJECT SITE

The subject site is located at 242A and 244 Cleveland Street, Surry Hills (the site). The site is located adjacent to Prince Alfred Park immediately south of Central Railway Station. The site is 5,695 square metres in area and has two frontages; Chalmers Street and Cleveland Street.

Three existing buildings on the site, fronting Chalmers Street, are locally listed heritage items. The three-storey building on the western side of the site was built in 1969 and is not heritage listed. The existing staff carpark and service vehicle driveway is located on the Cleveland Street frontage which is 61.2 metres in length. The main entrance to the site is located on the Chalmers Street frontage which is 100.8 metres in length.

The location and context of the site are shown in **Figures 1 and 2**.

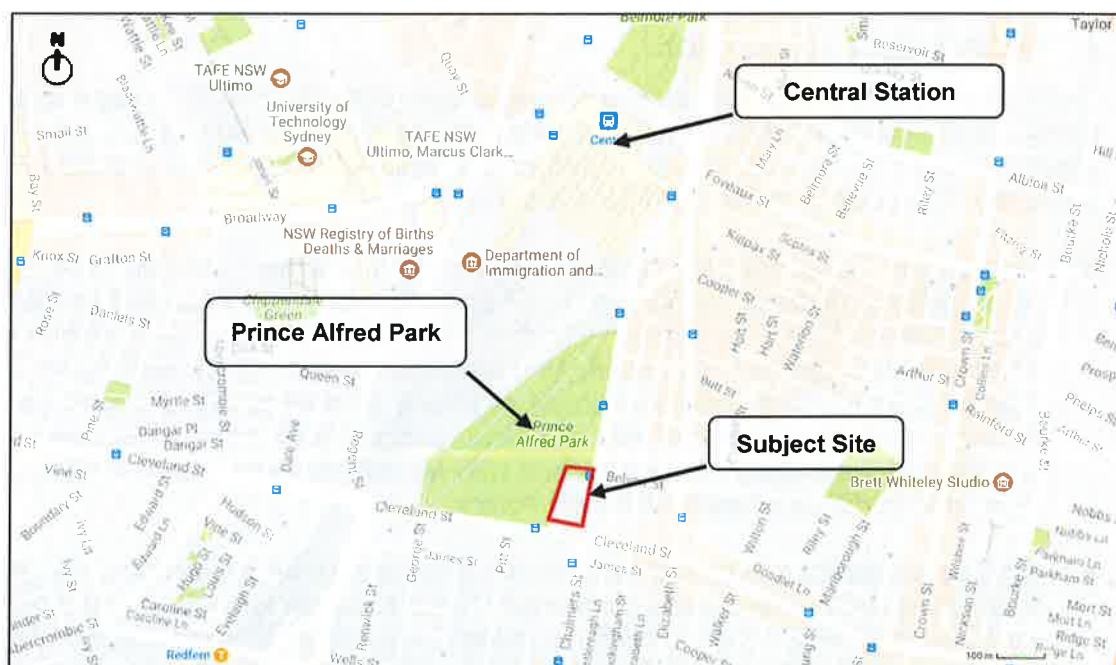


Figure 1: Location of the site (Source: Nearnmap 2018).



Figure 1: Existing development (Source: Nearmap 2017).

3. APPROVAL HISTORY

On 28 February 2018, the Executive Director, as delegate of the Minister for Planning, granted SSD approval for the development of the new Inner Sydney High School, involving:

- redevelopment of the existing Cleveland Street Intensive English High School
- demolition Building 4 and associated covered walkways
- adaptive reuse of existing heritage-listed buildings
- a proposed new 13 storey building, including basement and rooftop basketball court.

4. PROPOSED MODIFICATION

On 21 May 2018, the Applicant lodged an application (SSD 7610 MOD 1) seeking approval to clarify construction activities in relation to conditions B33 and B34 of the consent. These conditions require the submission of further arboricultural reports to the satisfaction of the Secretary. The detail of these conditions is set out below.

B33. Engage an appropriately qualified arborist to undertake detailed root and crown investigations of trees numbered 1, 17 and 18 within the Arboricultural Assessment undertaken by Ents Tree Consultants dated 3 May 2017, and provide recommendations to ensure the proposed pruning and tree protection measures are sufficient to enable the long-term health and stability of these trees will be maintained. A report documenting findings and recommendations, including design modifications required to ensure retention of these trees, in accordance with recommendations of the arborist, must be submitted to the satisfaction of the Secretary.

B34. Engage an appropriately qualified arborist to undertake an evaluation of the potential to retain the London Plane trees numbered 11 and 13 within the Arboricultural Assessment undertaken by Ents Tree Consultants dated 3 May 2017. A report documenting findings must be submitted to the satisfaction of the Secretary. Where the trees cannot be retained without significant design changes or any other justified reason to remove the trees, justification must be included.

The request seeks to modify both conditions to clarify that the reports are required to be submitted prior to the commencement of construction (excluding demolition and archaeological investigations). The modification application is requested as the conditions, as currently provided in the consent, require the reports to be submitted prior to the commencement of works. By default, this has captured both demolition and archaeological investigations in the construction definition.

The Applicant has provided a letter dated 4 April 2018 from an arboricultural consultant which states that the demolition and archaeological investigations would not result in any adverse impact or root system or crowns of the trees. The advice states that these works should be undertaken in accordance with Sections 10.5 and 10.6 of an updated Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services dated 28 March 2018.

The Applicant seeks the clarification of the requirement, informed by the updated Arboricultural Impact Assessment Report, to avoid unnecessary delays to the demolition and archaeological investigations.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 4.55(1) of the EP&A Act provides that a consent authority may, on an application being made by the applicant, modify a development consent granted by it, to correct a minor error, misdescription or miscalculation. Any application must be made in accordance with Clause 115 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The Department is satisfied the proposal is within the scope of section 4.55(1) as it seeks to correct a minor error, misdescription or miscalculation in the wording of the conditions of consent. The Department is also satisfied that the application has been made in accordance with the requirements of Clause 115 of the EP&A Regulation.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017
- State Environmental Planning Policy No.55 - Remediation of Land
- State Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Sydney Local Environmental Plan 2012.

The Department undertook a comprehensive assessment of the proposed development against the abovementioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director Social and Other Infrastructure Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

6. CONSULTATION

The EP&A Regulation does not require that the application be formally notified. Notwithstanding this, the modification application was made publicly available on the Department's website and referred to the City of Sydney for comment. Due to the minor nature of the proposed modification, the modification application was not exhibited by any other means.

7. ASSESSMENT

This application seeks to modify conditions B33 and B34 (tree protection) of the consent by clarifying construction to exclude demolition and archaeological investigations for the purpose of these conditions. This will enable these particular activities to commence prior to the satisfaction of the conditions.

Unless otherwise stated, conditions in Part B of the consent, are required to be satisfied prior to the commencement of any construction works on the site. In its original determination, the Department intended to allow the satisfaction of conditions to be staged across the three main phases of works on the site, including early works (demolition), early works (civil excavation), and main works (building construction). Consequently, a number of conditions in Part B specify that matters are to be satisfied prior to one of these phases of work. Conditions B33 and B34 did not include any such provision and refer instead to a broader reference of construction.

The Applicant has requested the modification on the basis that the demolition and archaeological investigations element of construction would not result in any adverse impact on the trees subject to the conditions, and to avoid unnecessary delays to the commencement of these works.

The Department has considered the Applicant's aboriginal advice and is satisfied that the proposed early works would not adversely impact the trees subject to the conditions. On this basis, the Department considers that the requested modification is reasonable and appropriate, subject to the modification of condition 35 to require that the works be undertaken in accordance recommendations set out in the aboriginal advice.

8. CONCLUSION

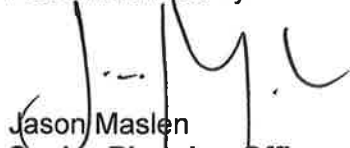
The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that it corrects a minor error, misdescription or miscalculation in the consent, and does not otherwise change the nature of the development or the assessed environmental impacts. Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Director, Social and Other Infrastructure Assessments, as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7610 MOD 1 falls within the scope of Section 4.55(1) of the EP&A Act
- **signs** the notice of the modification (**Appendix A**).

Recommended by:



Jason Maslen
Senior Planning Officer
Social and Other Infrastructure
Assessments

Recommended by:



Rebecca Sommer
A/Team Leader
School Infrastructure Assessments

DECISION

The recommendation is Approved by:



1/6/2018

Karen Harragon
Director
Social and Other Infrastructure Assessments
as delegate of the Minister for Planning.

APPENDIX A: MODIFICATION CONSENT

A copy of the modified consent can be found on the Departments website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9360

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. **Modification application**

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9360

