

# Notice of decision

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

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	SSD-11869481-MOD-3 Upgrade to North Sydney Public School-Mod-3
<b>Applicant</b>	NSW Department of Education
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director, Social and Infrastructure Assessments under delegation from the Minister for Planning and Public Spaces/Independent Planning Commission] has, under 4.55(2) 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 [here](#).

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

### Date of decision

22 December 2023

### 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 2021;
- 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 submissions made concerning the modification; and
- the submission from North Sydney Council (Council) concerning the modification (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 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 modification is permissible with consent, and is consistent with NSW Government policies including the:
  - A Metropolis of Three Cities – The Greater Sydney Region Plan;
  - Greater Sydney Region Plan
  - Transport for NSW's Future Transport Strategy 2056;
  - State Infrastructure Strategy 2022–2042: Staying Ahead;
- 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 standard, subject to additional conditions relating to heritage; and
- the public submissions have been considered and adequately addressed in the modification assessment report and through additional imposed conditions of consent. Engagement on the project is considered to be in line with the *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The department exhibited the modification from 14 November 2023 until 27 November 2023 (14 days) and received an objection from an individual and comment from Council.

The key issues raised by the community and considered in the department's assessment report and by the decision maker include heritage, noise and traffic. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Heritage</i> Proposed repairs to a section of the palisade fence along Pacific Highway may cause irreversible damage to the fence's local heritage significance</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The application was accompanied by a Heritage Advice which considered the potential impacts of the proposed repair works to the heritage palisade fence.</li> <li>• The Heritage Advice assessed the proposed repair works and provided recommendations to mitigate possible heritage impacts.</li> <li>• The Department considers the proposal is acceptable as the: <ul style="list-style-type: none"> <li>○ applicant has appropriately considered the potential impacts to the locally significant heritage item and the required mitigation measures</li> <li>○ recommendations by the HA would ensure the fabric of the heritage fence is adequately maintained and protected</li> <li>○ repair would ensure that the structural integrity and heritage value of the fence are maintained</li> <li>○ modification would improve streetscape along the Pacific Highway.</li> </ul> </li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Repairs to the heritage fence must be carried out in accordance with the recommendations of the Heritage Advice.</li> <li>• The Applicant must nominate a heritage specialist to oversee the repair works and provide Council a photographic recording of the heritage fence prior to work commencement.</li> </ul>
<p><i>Noise and traffic</i></p> <ul style="list-style-type: none"> <li>• Construction and operational noise</li> <li>• Construction generated traffic</li> </ul>	<p><i>Assessment</i></p> <p>The modification would not increase student population and will not significantly alter the approved construction noise and traffic levels. Traffic and noise impacts associated with the school upgrade were assessed at the time SSD 11869481 was determined.</p> <p>Existing conditions were imposed on the original SSD (SSD-11869481) to mitigate any unacceptable impact from construction and operational noise.</p> <p><i>Conditions</i></p> <p>No additional conditions of consent recommended.</p>