



PLANNING AND INFRASTRUCTURE
Planning Unit

26 June 2025

Department of Planning and Environment
School Infrastructure Assessments
12 Darcy Street
PARRAMATTA NSW 2150
ATT: Ingrid Zhu

Dear Ms/Mrs Zhu,

**RE: State Significant Development 10260 Modification 6
International Chinese School, 211 Pacific Highway, St Leonards**

I am writing to you regarding State Significant Development 10260 Modification 6, involving the International Chinese School (ICS) at 211 Pacific Highway, St Leonards. The modification proposes the amendment of Condition F2A (completion of roadworks/deceleration land and dedication of land).

The proponent has explained the changes to the condition as follows:

- *making the dedication to Council's satisfaction not TfNSW, as Council is the owner of the Pacific Highway,*
- *extending the time for the transfer to occur reflecting Crown Lands processes, and*
- *incorporating additional flexibility for the Applicant to demonstrate it has undertaken best endeavours in relation to facilitating the process, in acknowledgement that the transfer of the land between two Government agencies is ultimately outside of its control.*

Council appreciates the opportunity to provide comments on this matter.

Please note the Council comments in Attachment 1 to this letter. A summary is provided below regarding the Council response:

a) General

Council acknowledges that State Significant Development 10260, and Modifications 1, 2, 3, 4 and 5 have been approved, and this submission is provided on this basis.

Notwithstanding the above, and prior to the specific consideration of Modification 6 below, Council staff restate the previously raised concerns regarding the appropriateness of the use of 211 Pacific Highway by the International Chinese School

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for the purposes of a permanent education establishment. This fundamental position, as expressed in our previous submissions, has not changed.

b) Council comments regarding Modification 6 requested changes to Condition F2A

- Subject to the agreement of TfNSW, there is no objection to amending the condition to reflect Council as the owner of the deceleration land.
- The concern of the proponent regarding process timeframes is understood. There is no objection to amending the condition to extend time to complete and register the dedicated land from the existing 18 months from date of determination of Modification 3 to Modification 6.
- Council is concerned that this proposed change leaves no requirement for the proponent to complete and register dedication / transfer of title regarding the deceleration land. Council therefore objects to the proposed addition to Condition F2A of:

Should the boundary adjustment not be completed and registered in the time nominated under this condition, the Applicant must demonstrate to the Secretary's satisfaction that it has undertaken best endeavours to facilitate the process.

If there were unforeseen delays involving Crown Lands, a further extension to the timeframe could be considered at an appropriate time, closer to the 18 month completion and finalisation date from the Modification 6 determination. Council does not consider this position to be unreasonable, noting the applicant has already shown a preparedness to review and modify the conditions as required.

Should you have any question in regards this letter and Attachment 1, please contact Craig O'Brien on (02) 9777 7647.

Yours sincerely,



Dyalan Govender
HEAD OF PLANNING

Attachment 1

Summary of Proposed Modification

Condition F2A (under Completion of roadworks/deceleration land and dedication of land) proposes to be amended under Modification 6 is as follows:

The existing Condition F2A is as follows:

F2A. Within 18 months from date of determination of SSD-10260-Mod-3, the Applicant must provide following evidence to the satisfaction of the Planning Secretary and a copy submitted to Council and the Certifier for information: (a) matters in relation to the dedication of the deceleration lane to TfNSW have been completed; and (b) the relevant boundary adjustment is completed and registered.

The proponent seeks for the new condition to read as follows:

(Note red is a deletion, and green an inclusion):

F2A. Within 18 months from date of determination of SSD-10260-Mod-3 6, the Applicant must provide following evidence to the satisfaction of the Planning Secretary and a copy submitted to Council TfNSW and the Certifier for information:

- (a) matters in relation to the dedication / transfer of title of the deceleration lane to Council's TfNSW satisfaction; and*
- (b) the relevant boundary adjustment is completed and registered.*

Should the boundary adjustment not be completed and registered in the time nominated under this condition, the Applicant must demonstrate to the Secretary's satisfaction that it has undertaken best endeavours to facilitate the process.

Proponent reasons for changes:

Whilst the Pacific Highway is a classified road, it is owned by Willoughby Council but maintained by TfNSW. Therefore this condition should require the transfer of title / dedication of the land (noting there are different mechanisms that might be used) to Council's satisfaction and not TfNSW.

The time has been extended to 18 months from the date of this modification based on the time advised by Crown Lands that it will take for the process to be completed.

The dedication and registration of the deceleration lane between two Government agencies is ultimately outside the control of the Applicant, which it has fulfilled its broader obligations under the consent to deliver the deceleration lane. Notwithstanding this, it is acknowledged that the transfer is still important to the Department and the Applicant is committed to facilitating the process. Accordingly the proposed condition incorporates additional flexibility regarding Christian Providence Ltd's responsibility under this condition to demonstrate to the Secretary's satisfaction that it has undertaken best endeavours to facilitate the process.

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Council's Response

a) General

Council acknowledges that State Significant Development 10260, and Modifications 1, 2, 3, 4 and 5 have been approved, and this submission is provided on this basis.

Notwithstanding the above, and prior to the specific consideration of Modification 6 below, Council staff restate the previously raised concerns regarding the appropriateness of the use of 211 Pacific Highway by the International Chinese School for the purposes of a permanent education establishment. This fundamental position, as expressed in our previous submissions, has not changed.

Part of the concern has been based on the ability of the site to accommodate a school with the student numbers proposed, and the reliance of vehicle access to the site over a public car park. In particular, Council has had concerns regarding:

- Reliance of the school on the regional public open space, being Gore Hill Park, and the subsequent impacts for the general public.
- The need for future upgrades to Gore Hill Park to provide new and improve existing publicly accessible facilities. The park is a regional recreation facility and given growth in its catchment, upgrades are necessary to increase its capacity support regional recreation needs. These upgrades will have impacts on the public car park, including its use as a construction site and potential future reconfiguration such that permanent, ongoing access cannot be provided. The date of these changes are yet to be determined, but planning for the upgrade has commenced.

b) Council comments regarding Modification 6 requested changes to Condition F2A

Proposed change:

Dedication of deceleration land to Council's satisfaction and not TfNSW

Council comment

Subject to the agreement of TfNSW, there is no objection to amending the condition to reflect Council as the owner of the deceleration land.

Proposed change:

Extending time to complete and register the deceleration land from the existing 18 months from date of determination of Modification 3 to Modification 6.

Council comment

The concern of the proponent regarding process timeframes is understood. There is no objection to this request, with Council supportive of a reasonable but specified time period for the full process to be completed.

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Proposed change:

If dedication is not achieved within the abovementioned timeframe, the proponent would be required to demonstrate that it has undertaken best endeavours to facilitate the process, and following that there would be no dedication completion date.

Council comment

Council is concerned that this proposed change leaves no requirement for the proponent to complete and register dedication / transfer of title regarding the deceleration land. The following should be noted:

- It is considered that, as the deceleration lane was a TfNSW requirement for the occupation of 211 Pacific Highway by the International Chinese School (ICS), it is the responsibility of ICS to finalise outstanding matters, including this matter. It would be an unsatisfactory outcome if the dedication was to continue unresolved into the future, and left to Council to pursue with Crown Lands.
- The deceleration lane has been physically built and is being used, which should assist the proponent in progressing completion and registration regarding dedication / transfer of title. Council encourages the progression of this matter as soon as possible.
- The Pacific Highway is a state road and the deceleration lane is used to access the regional recreational facility being Gore Hill Park, as well as the ICS. The dedicated land is of importance and should be resolved by the responsible party as soon as possible.

On this basis Council objects to the proposed addition to Condition F2A of:

Should the boundary adjustment not be completed and registered in the time nominated under this condition, the Applicant must demonstrate to the Secretary's satisfaction that it has undertaken best endeavours to facilitate the process.

In terms of the proponent progressing this matter, Council would facilitate the process where it's involvement is concerned.

If there were unforeseen delays involving Crown Lands, a further extension to the timeframe could be considered at an appropriate time, closer to the 18 month completion and finalisation date from the Modification 6 determination.

Council does not consider this position to be unreasonable, noting the applicant has already shown a preparedness to review and modify the conditions as required.