

1 March 2019

218421

Ms Carolyn McNally
Secretary
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 200

Dear Ms McNally

**RE: Request for Secretary's Environmental Assessment Requirements
International Chinese School, 211 Pacific Highway, St Leonards**

We are writing on behalf of The Anglo Australian Christian and Charitable Trust, the proponent for the International Chinese School to locate at 211 Pacific Highway, St Leonards.

The proposed development includes a change of use from office premises to school and minor associated works. As the proposed development is for a new school on the site, it is State Significant Development (SSD) for the purposes of the Environmental Planning and Assessment Act 1979 (the Act).

The purpose of this letter is therefore to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed development. To support the request for the SEARs this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

This letter is accompanied by the following:

- Indicative Concept Scheme prepared by Stanton Dahl Architects (**Attachment A**); and
- Biodiversity Development Assessment Report Waiver Request (**Attachment B**).

1.0 International Chinese School

The International Chinese School (ICS) is a pioneering co-educational Christian school that welcomes students of all cultures. The School offers a dual language English and Mandarin program. It began operating in 2015 and has 35 students enrolled across Kindergarten to Year 4. The School currently operates within the St Paul's Anglican Church, Parish Hall in Chatswood but must relocate at the end of 2019.

With the current lease ending, and a desire to grow the capacity of the school to accommodate classes from K – 6, The Anglo Australian Christian and Charitable Trust is in the process of purchasing 211 Pacific Highway Limited, the owner of the ground lease for the site, with the view to relocate the school in preparation for the 2020 school year.

2.0 The site

The site is located at 211 Pacific Highway, St Leonards within the Willoughby City Council Local Government Area (LGA) and is approximately 500m south-west of the St Leonards Train Station and commercial centre (refer to **Figure 1**). The site forms part of the Gore Hill Memorial Cemetery and is owned by the Northern Metropolitan Cemeteries Trust. It is legally described as Lot 101 in DP791327. 211 Pacific Highway Limited owns the ground lease for the site. The proposal also involved works in Lot 1 in DP 1191604 ("The Avenue"), which is owned by the

Northern Metropolitan Cemeteries Trust and Lot 7083 in DP 93642 (Gore Hill Park), which is owned by Willoughby City Council.

The site is situated on the northern side of the Pacific Highway and is bounded by Gore Hill Memorial Cemetery and the recently upgraded Gore Hill Oval. It is surrounded by a mix of residential, commercial and institutional uses including:

- North: Gore Hill Memorial Cemetery, Royal North Shore Hospital and TAFE NSW;
- South: Multi-rise commercial towers and residential buildings;
- East: St Leonards Station and commercial centre;
- West: Multi-rise commercial towers and residential buildings.

The site is irregular in shape and has an area of approximately 1,563m². Historically the site was the location of the Sexton Cottage, which was demolished in 1984 and replaced with a single storey office building with undercroft carparking.

In July 2015, DA-2014/301 was granted by Willoughby City Council for alterations and additions to the existing office building (The Site) to include a first-floor addition to replace the existing mezzanine. The approved works are currently under construction and an approved elevation and section has been provided for information (Refer to **Figure 3 and 4**).

The Gore Hill Memorial Cemetery, which includes the subject site, is a State heritage listed item. The office building includes some of the original structure from Sexton's cottage.

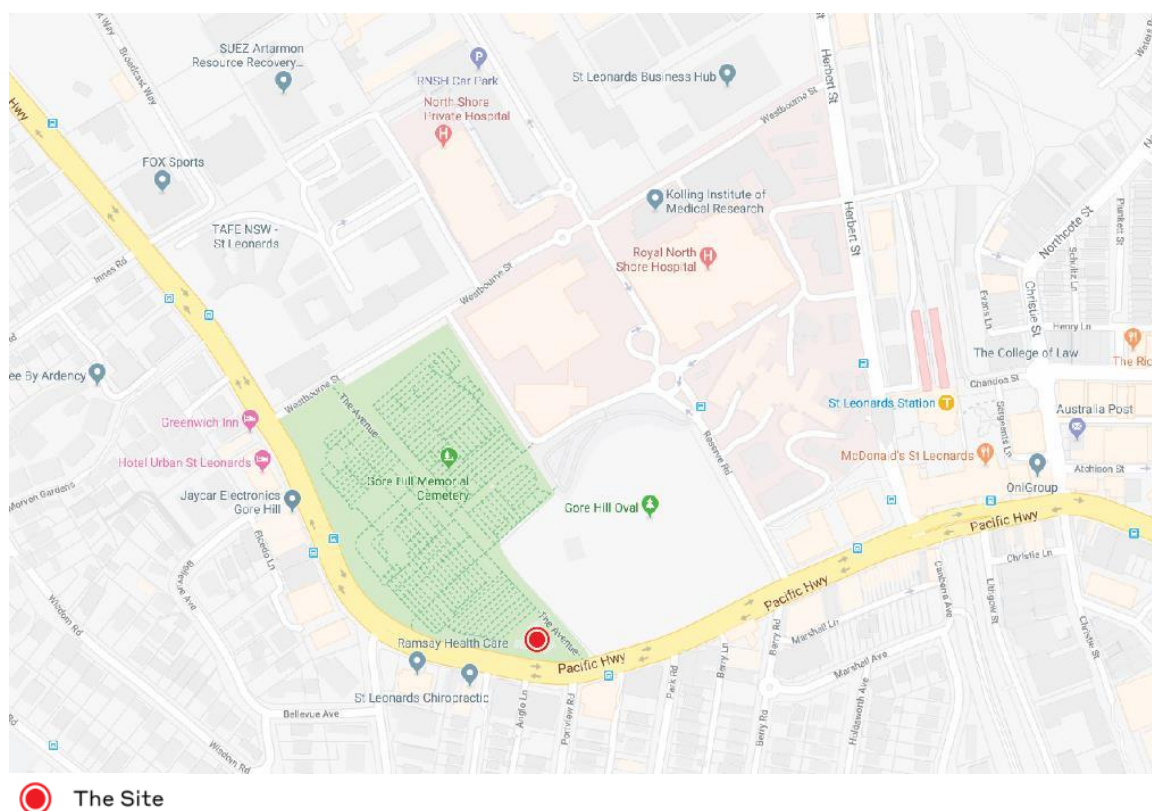


Figure 1 Locational Context Map

Source: Ethos Urban, Google Maps



 The site

Figure 2 Aerial photograph of the site

Source: Ethos Urban, Google Maps

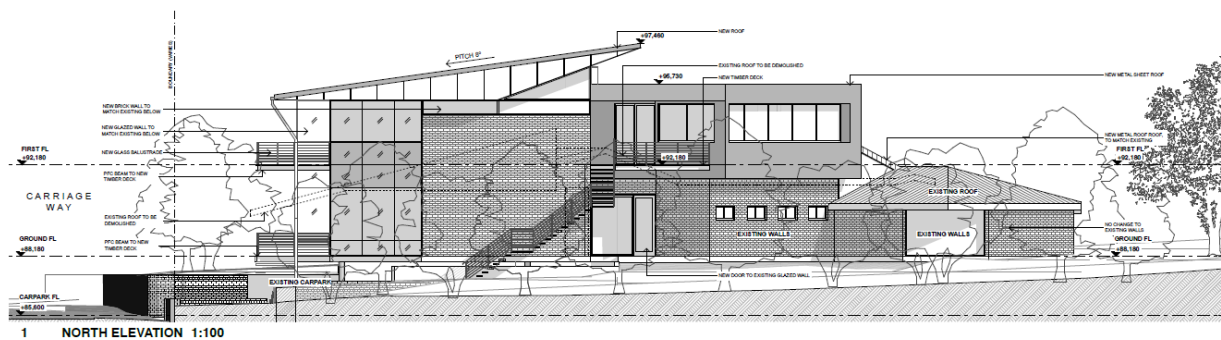


Figure 3 Scheme approved under DA-2014/301

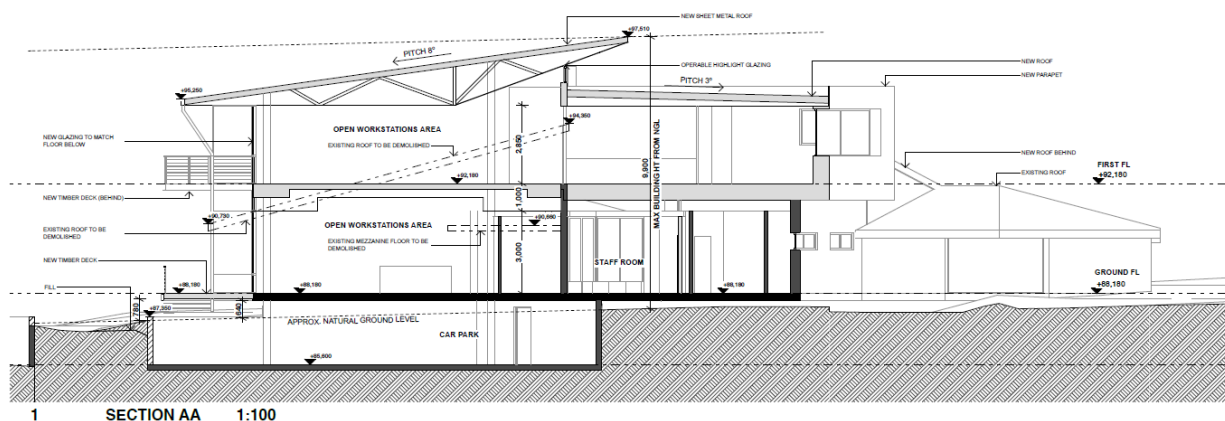


Figure 4 Scheme approved under DA-2014/301

3.0 Description of proposed development

The State Significant Development application will seek consent for the change of use of the Site to a school and minor associated works. The works will include the following:

- internal fit-out works including 8 classrooms, associated administration facilities and shared resource areas;
- provision of a new vehicular access point for drop off and pick up of students;
- selected tree removal and landscape works.

The proposed development will provide learning areas to accommodate up to 210 students within the school at any one time. It is noted that ICS currently only has an intake of approximately 35 students but has a full class enrolment for kindergarten in 2020, which will increase the student numbers to approximately 50.

ICS will make use of the existing access via the Council car park that services Gore Hill Oval. Whilst some open space is available on site, ICS also intends to utilise the open space facilities at Gore Hill Oval and is in early discussions with Willoughby Council in relation to the use of its facilities.

Draft architectural drawings have been prepared by Stanton Dahl Architects for information purposes (see **Attachment A**).

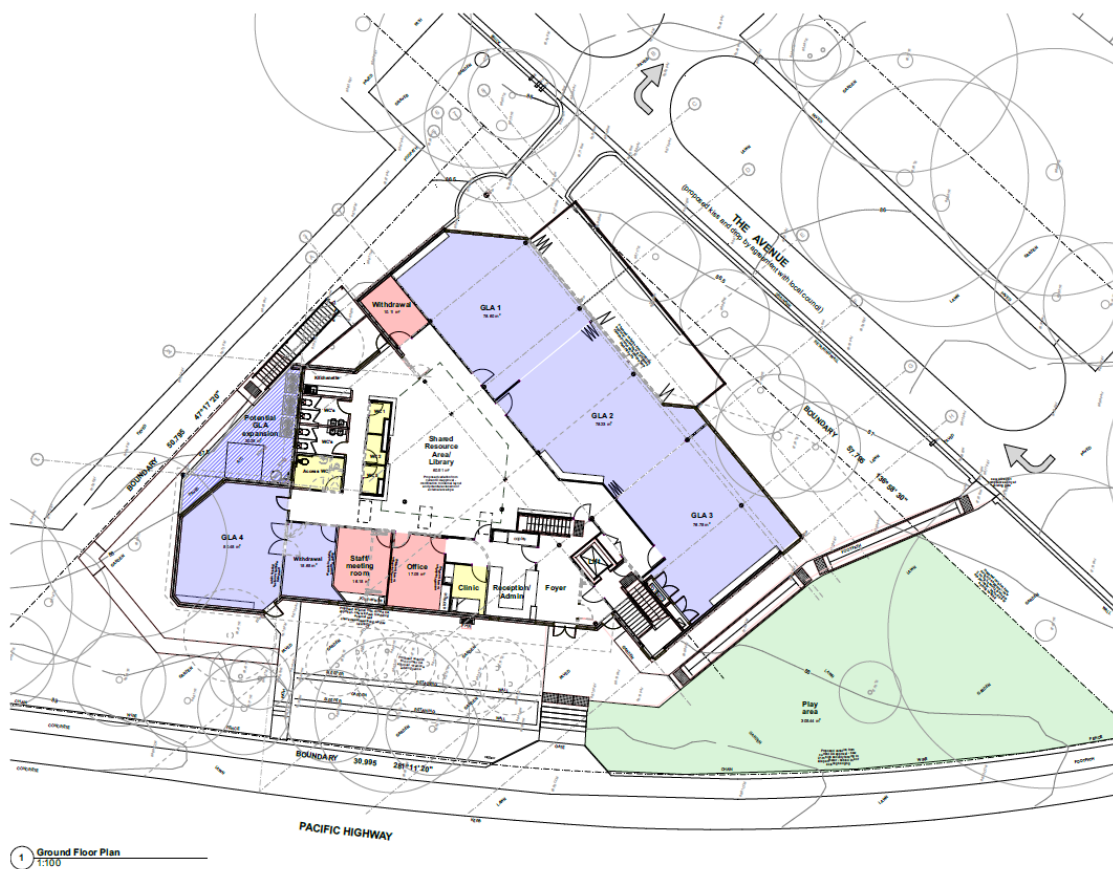


Figure 5 Ground floor architectural plans

Source: Stanton Dahl Architects

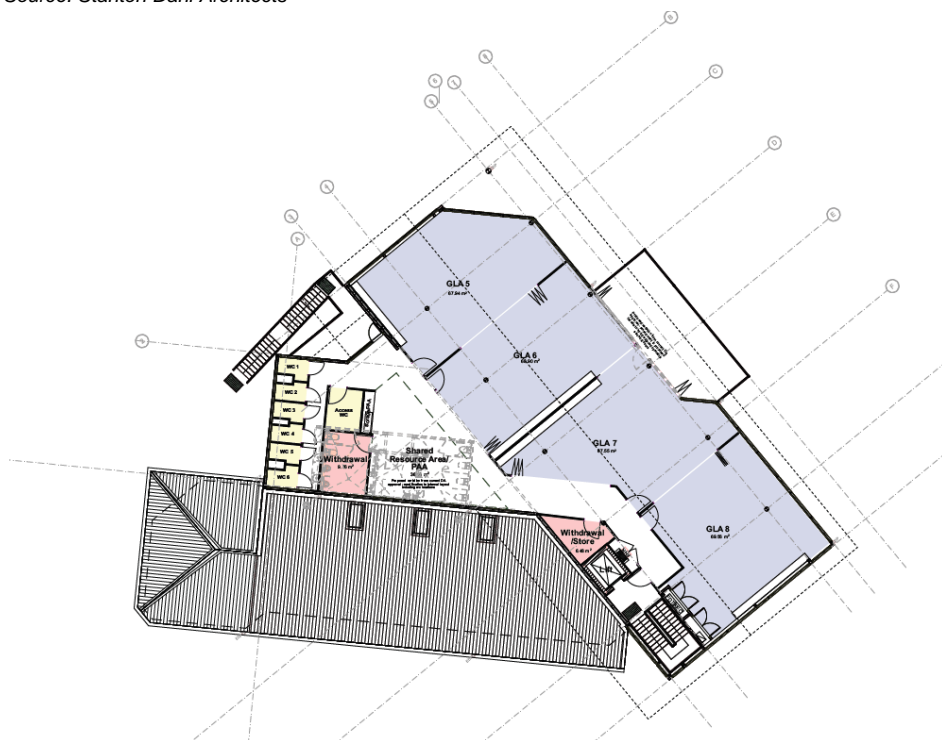


Figure 6 First floor architectural plans

Source: Stanton Dahl Architects

4.0 Planning Context

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the assessment framework for SSD. Under Section 4.38 of the Act the Minister for Planning is the consent authority for SSD. Section 4.12(8) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations.

4.2 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development which is declared to be State Significant. Clause 15 of Schedule 1 of the Policy provides that the proposed development as described herein is State Significant Development, as follows:

(1) *Development for the purpose of a new school (regardless of the capital investment value).*

The proposal involves a new school and is therefore SSD regardless of the capital investment value of the development. It is noted that legal advice was sought in relation to whether ICS would be a 'new school' for the purposes of the SRD SEPP. The advice concluded that "As the site has not been used for a school before that the above clause applies to any new school on the site regardless whether the school has an existing campus at Chatswood."

4.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) aims to make it easier for child-care providers, schools (including private schools), TAFEs and universities to build new facilities and improve existing ones by streamlining the planning process to save time and money and deliver greater consistency across NSW.

The site is zoned SP1 Special Activities (Cemetery) under Willoughby Local Environment Plan 2012. The Education SEPP makes the proposed school permissible in the zone by virtue of Clause 35(1) of the Education SEPP, as the SP1 Special Activities zone is a prescribed zone under Clause 33(r) of the Education SEPP.

Under Schedule 4 of Education SEPP, proposals for schools need to address Schools-design quality principles. There are seven principles which provide a guide for the development of schools to ensure that facilities are well-designed, appropriately located, and fit for purpose. The principles aim to ensure that the design of school infrastructure responds appropriately to the character of the area, landscape setting and surrounding built form to ensure that schools and school buildings are an integral part of the community.

Parts 3 and 4 provide provisions relevant to the development of early education and schools which will need to be considered as part of the future DA.

Minor alteration and addition work including internal fitouts have varying planning approval pathways under the Education SEPP, however, cannot be utilised in this application for the following reasons:

- internal fitouts are classified as development without consent under Clause 36(1)(b), however, the International Chinese School Limited is not a public authority, nor is the school existing; and
- internal fitouts are classified as complying development under Clause 39(1)(ix), however, this relates only to existing schools.

Hence, the scope of internal fitout works is included within the SSD Application.

4.4 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the

environment. No excavation works are proposed as part of the works, however, as the proposal involves a change of use, the suitability of the site will need to be considered as part of the DA.

4.5 Willoughby Local Environment Plan 2012

The site is subject to the provisions WLEP 2012. The key provisions of the WLEP 2012 are discussed below in Table 1.

Table 1 Review of consistency with WLEP 2012

Item	Control	Comment
Zone	SP1 – Special Activities: Cemetery	<p>The site is wholly located within the SP1 Zone. 'School' is a prohibited use within the zone under WLEP 2012.</p> <p>However, as noted in Section 4.3, the development is permissible in the zone by virtue of Clause 35(1) of the Education SEPP as the SP1 Special Activities zone is a prescribed zone under Clause 33(r) of the Education SEPP which overrides the zoning restrictions under Willoughby LEP.</p>
Height of Building	N/A	The site does not have a maximum height of building control.
Floor Space Ratio	N/A	The site does not have a floor space ratio control.
Heritage	<p>The site includes the following item of both state and local heritage significance as per the State Heritage Register and the Willoughby LEP 2012:</p> <ul style="list-style-type: none"> • State Heritage Act - Gore Hill Memorial Cemetery • General Item – Gore Hill Memorial 	As there is an identified heritage item on the site, a heritage impact statement will be submitted as part of the EIS.
Natural Resources Sensitivity	N/A	<p>The site is not identified as an area containing any of the following:</p> <ul style="list-style-type: none"> • High biodiversity; • Sensitive land; • Riparian corridor; or • Groundwater vulnerability.
Land Reservation Sensitivity	N/A	The site is not identified on the Land Reservation Acquisition Map.

5.0 Overview of likely environmental and planning issues

The impacts and risks associated with the proposal are summarised below and will be addressed in detail in the EIS. Overall, the risks from the proposal are considered to be low and will not generate any environmental impacts that cannot be managed appropriately.

5.1 Built Form and Design

As the School will utilise the existing building approved under DA-2014/301, there will be no built form or urban design assessment required. As required by the Education SEPP, the proposal will require an assessment of the works to reconfigure the existing building against the Schools-design quality principles. Due to the nature of the proposal, it is not considered necessary that it go through the State Design Review Panel process.

5.2 Heritage

The site contains an item of both local and state significant heritage under the WLEP 2012. The EIS will be accompanied by a Heritage Impact Statement to assess the impacts of the proposal, including the removal of trees and drop off configuration, on the site's heritage significance.

5.3 Traffic and Parking

The traffic and parking implications of the development will be considered in the proposal, and a traffic and parking assessment will be prepared by a specialist traffic consultant and submitted as part of the Environmental Impact Statement. The report will assess the access arrangements and the design and operation of the proposed access and parking including student drop off and pick up.

Currently the site is restricted from providing access from the Pacific Highway and relies on access through Council's carpark located adjacent to the site. The proposal seeks to include an additional access driveway through Council's car park to facilitate drop off and pick up of students to and from the school.

5.4 Tree Removal and Landscaping

The proposal will involve selected tree removal and landscaping works to maximise the areas of open space for the recreation of students. Landscape plans and an arborist report will be submitted with DA considering the impact of these works.

5.5 Biodiversity

A Biodiversity Assessment Waiver Request is included at **Attachment B**. It is considered that the proposed development will not result in any significant impact on biodiversity values, and that a waiver to the requirement for a BDAR can be provided in accordance with Section 7.9(2) of the *Biodiversity Conservation Act 2016*.

5.6 Open Space

The School will seek to use parts of Gore Hill Oval during lunchtime and for sports classes. Whilst it is understood that open space is in high demand, the EIS will demonstrate that there is capacity to accommodate the proposed use at the proposed times and that the use of public space for children to play is justified in this instance as it supports the strategic objective of providing school places to accommodate the growing population of the area. The School has commenced engagement with Council over the shared use of this public space.

5.7 Geotechnical/Site Contamination

Given the works are predominantly internal, no geotechnical work is proposed to be incorporated in the SSD. The SSD will, however, undertake a review with regard to the history of site contamination to ensure the site is suitable for an educational use.

5.8 Aboriginal Heritage

As the proposed development is for minor, predominantly internal works with an existing approved building, an Aboriginal Cultural Heritage Assessment is not appropriate for the DA and should not be required.

5.9 Environmental Amenity

Due to the nature of the proposal and the surrounding uses, the development is unlikely to have any adverse impacts on the amenity.

5.10 Stormwater Management

No changes are proposed to the existing stormwater management procedures approved under DA-2014/301. No additional stormwater management analysis is anticipated to be required for the SSD.

5.11 Building Code Australia

A BCA Report will be submitted as part of the EIS to confirm that the proposal will be capable of complying with the relevant provisions of the BCA for educational establishments.

5.12 Accessibility

An Access Statement will be prepared by a qualified accessibility consultant to ensure the proposed development will be capable of providing universal access to all areas in accordance with relevant Australian Standards.

5.13 Waste management

A Waste Management Plan will be submitted with the EIS to outline the management and monitoring of the waste generated as part of the proposal. The Waste Management Plan will also outline storage, collection points and method for removal.

5.14 Services Plan and Details

The existing site services will be augmented to service the proposed development, further information will be provided as part of the EIS.

5.15 Construction and Operation Impacts

The EIS will address and consider the following construction impacts of the detailed development:

- Noise and vibration;
- Soil, groundwater and geotechnical attributes of the site and environs;
- Access, parking and traffic; and
- Stormwater and air-borne pollutant control.

6.0 Consultation

In preparing the EIS, it is anticipated that the following key government agencies will be consulted with:

- Roads and Maritime Services;
- Transport for NSW;
- Office of Environment and Heritage; and
- Willoughby Council.

It is noted that due to the nature of the proposal and its location, the typical consultation requirements associated with an SSD prior to lodgement are not considered necessary.

7.0 Conclusion

The purpose of this letter is to request the SEARs for the preparation of an EIS for the proposed International Chinese School at 211 Pacific Highway, St Leonards.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact me or Chris Patfield on 9956 6962 or mrowe@ethosurban.com.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M Rowe', with a horizontal line underneath.

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