



5 November 2019

Mr Peter Jamieson
CEO International Chinese School
1 View Street
Chatswood NSW 2067

Dear Mr Jamieson

**International Chinese School (SSD-10260)
Response to Submissions**

The exhibition of the development application including the Environmental Impact Statement (EIS) for the above proposal ended on 24 October 2019. All submissions received by the Department during the exhibition of the proposal are available on the Department's website at www.planningportal.nsw.gov.au/major-projects/projects.

In accordance with clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Planning Secretary requires the Applicant to respond to all issues raised in these submissions and government agency advice, and where necessary, technical supporting documents must be revised.

Please note that Transport for NSW (Roads and Maritime Services) have yet to provide comments in relation to the application. Any pending agency responses will be forwarded upon receipt.

Having reviewed the submissions and undertaken a preliminary assessment of the proposal, the Department is of the opinion that you have not demonstrated that the site is suitable for the proposed use having regard to issues of heritage, parking and traffic, use and reliance on Council's facilities and infrastructure, and unsuitable on-site open space provision. Consequently, the Department is of the opinion that there are significant issues with the merits of the proposal at the proposed site and you are required to address the key issues listed in Attachment 1.

Please provide your response to submissions to the Department by 2 January 2020.

Please note that under clause 113(7) of the EP&A Regulation, the days occurring between the date of this letter and the date on which your response to submissions is received by the Planning Secretary are not included in the deemed refusal period.

If you have any questions, please contact Dimitri Gotsis, who can be contacted on 8217 2053 or Dimitri.Gotsis@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'KH'.

Karen Harragon
Director, Social And Infrastructure Assessments

Social & Infrastructure Assessments
as delegate for the Secretary

ATTACHMENT 1

Heritage

- The RtS is to address the comments made in relation to the impacts of the proposed development on the state heritage item discussed in the NSW Heritage Council and Willoughby Council's submission. The Department notes its concerns with the impact of the proposal on the state heritage item as follows:
 - At present, a single vehicle access point is provided to the site from the existing driveway through Council's car park and the intensity of use of the approved office use on the site would be significantly lower than the proposed school use. The proposed use of the site as a school with up to 210 students would rely heavily upon the alteration and ongoing and frequent use of The Avenue by pedestrians and vehicles resulting in an intensity of use which would negatively impact the nature, character and setting of the state heritage item and its use by the broader public.
 - The Department considers that the extent of proposed paving for the five 'Kiss and Drop' spaces shown on drawing No. SSD01 and its proposed charcoal colour would significantly alter the appearance and visual consistency of The Avenue resulting in significant impacts on the physical and visual character of the state heritage item. The Department is concerned that the Heritage Impact Statement (HIS) prepared by 'NBRS Architecture' has not accurately ascertained the extent of new paving proposed and has not therefore provided a proper assessment of heritage impact. The Avenue currently contains a combination of paving, soft gravel and grass in uniform proportions along the majority of its length towards to north. Drawing No. SSD01 incorrectly notates the area of soft gravel and grass adjoining the pedestrian pathway as 'line of existing paving'. The HIS states that proposed works include "re-laying of existing paving". This description is inaccurate as the soft gravel and grass is proposed to be replaced with charcoal coloured paving bricks, resulting in a fully paved area between the school site and Council car park which significantly departs from the character of the ground surface treatment along the remaining length of The Avenue. Further, although indicated on drawing No. SSD01, the EIS has not discussed the proposed paving works to The Avenue in full detail.
 - The HIS notes that part 3.3 of the Gore Hill Memorial Cemetery Plan of Management (POM) requires that vehicular access on The Avenue be restricted to maintenance vehicles only and for access across The Avenue to the site's car park (from the existing car park driveway). The HIS then asserts that the vehicular use of the 'Kiss and Drop' area is supported by the POM as it provides access to the site. This is an incorrect interpretation of the POM as the existing access across The Avenue to the site is through the existing 'two way' driveway opposite the site's carpark entrance. The construction of an additional driveway into The Avenue to provide 'one way' access to a new 'Kiss and Drop' area and a 'one way' exit through the existing driveway would introduce new vehicular movements along and through The Avenue, in contrast to the current arrangement where access to the site requires vehicles to traverse across The Avenue. Further, the intensity of use of the 'Kiss and Drop' area during morning and afternoon peaks is at odds with the intent of the POM, which aims to minimise vehicle use and impacts within The Avenue and on the state heritage item. The RtS should include an addendum to the HIS which addresses the above.
 - A second building identification sign is shown on drawing No. SSD01 to be constructed adjacent to the pedestrian entrance on The Avenue. The EIS and HIS document one sign only and the second sign facing The Avenue has not been considered in the HIS or

EIS with respect to its visual impact to the state heritage item. Further, the sign appears to be located in an area which is currently provided with dense shrubs. Clarification of the number of signs proposed and the potential heritage impact of an additional sign facing the Avenue should be addressed in the RtS. This should include any details of vegetation impact.

Loss of Parking Spaces

- The loss of three parking spaces in the existing car park poses concern given the car park was recently redeveloped to cater for the needs of current and future users of the park and its associated facilities. Although it is noted that a car park study showed sufficient vacancy during proposed morning and afternoon school peak hours to accommodate expected parking demand generated by the school, the future development of the park and its facilities identified by Council raises concern regarding potential for land use conflict associated with the operation of the school use and the future increased reliance and usage of the car park. In particular, the future sports facility development on the south end of the park adjacent to the car park will create additional demand for car park use throughout the day. Further, the car park study was undertaken soon after the redevelopment and re-opening of the park and oval and may not present accurate current usage rates. The department shares the concern of council and that in public submissions, that the survey does not accurately reflect current usage of forecast parking demand for the public open space areas.
- The future redevelopment and increased use of the park has not been considered in the EIS with respect to the loss of three car spaces and how increased reliance on the car park in the future may impact upon the operation of the school's drop off and pick up operation. The Department notes the EIS has presented the option for use of the five proposed 'Kiss and Drop' spaces by the general public to address the loss of three parking spaces. This is not considered an appropriate solution given the heritage impacts discussed above.
- The RtS should include an assessment of potential parking demand and cumulative impacts associated with the use of the proposed school, existing and proposed facilities in the park. Further, the RtS should include an updated car park study which includes data over two separate weeks outside of school holidays to show the current car park usage rates.

Reliance on external open space/play area

- The EIS recognises the site has limited open space and details the proposed use of Gore Hill Park and oval to address the lack of open space on site. However, it is noted that Council cannot guarantee the continued use of Gore Hill Park and oval for school outdoor play use and that the use of the park and oval by the school may conflict with and unfairly limit the use of the park and oval by public users and other groups.
- The Department is concerned that despite a number of meetings between Council and the applicant, to date, no agreement has been met with respect to the permanent ongoing use of the park and oval by the school. The uncertainty of viable outdoor play area for up to 210 students at EIS stage is of significant concern to the Department.

Open space on site

- It is understood that the on-site open space is to be used when the park and oval cannot accommodate student play. The size and location of the open space adjoining the Pacific Highway has been highlighted as an issue with respect to the impact of noise and pollution and area per student.

- The RtS should include an acoustic report prepared by a suitably qualified consultant which assesses noise levels in the proposed area of open space at the times proposed for outdoor use of the area. Any recommendations of the report should be addressed in the RtS.

Traffic and Parking

- TfNSW (RMS) are yet to provide their advice in response to the exhibition of the proposal and have indicated they will provide comment by 7 November 2019. Advice received by the Department will be forwarded as supplementary advice to this request.
- Notwithstanding the above, Council have highlighted past issues raised by TfNSW (RMS) and the concerns of Council's Traffic Section. The Department requires that the issues raised be addressed, however, it is suggested that any response to issues raised in Council's submission be delayed until TfNSW (RMS) have provided comment.

Vehicular Access

- It unclear how the vehicle accessible paved areas that form part of the development, have been or will be constructed to an engineered specification that is consistent with required pavement standards. Details of pavement construction to be provided.

Owners consent and registration of use of land on title

- Council has not provided owners consent for works proposed to Council's carpark. Should the proposal be supported, written owner's consent is required in writing prior to the issue of consent.

Legal and ongoing use of land owned or managed by Council

Provided details of how the use for access by the school over council owned, or managed land is to be registered on title, including all easements over all relevant lands.

Consistency of Plan of Management

- Provide details of the proposal's consistency with the Gore Hill Park Plan of Management
- Provide details of the proposal's consistency with the Gore Hill Memorial Cemetery Plan of Management.