

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-10260 International Chinese School
Applicant	The Trustee for Anglo Australian Christian & Charitable Trust
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

16 July 2020

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 2000;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (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. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including the continuing operation of an existing school on a new site with improved facilities, \$180,105, up to 13 construction jobs and retention of the existing operational jobs.
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - NSW State Priorities.
 - the Greater Sydney Commission's North District Plan.
 - Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum.
- 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 standards. Conditions of consent are recommended to address key impacts associated with site suitability, traffic, access and parking and heritage.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest, subject to the development consent being limited for a period of five years.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 27 September 2019 until 24 October 2019 (28 days) and received 74 submissions (including comments from Council). The 73 public submissions (70 individual and three from special interest groups) include 21 objections, one comment and 51 in support of the project.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include site suitability, traffic, access and parking and heritage. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Site suitability</i></p> <ul style="list-style-type: none"> • Site not suitable as a school due to: <ul style="list-style-type: none"> ○ limited on-site play areas and learning area for 210 students. ○ limited parking. ○ drop-off / pick-up zones within The Avenue. ○ noise / air pollution due to the Pacific Highway. ○ co-sharing of Gore Hill Park Oval with other community groups. ○ safety concerns for students, given the location of the school next to the Gore Hill Memorial Cemetery (Cemetery). ○ unavailability of the adjoining public carpark and access to the site during the future redevelopment of the Gore Hill Park Oval. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant amended the proposal to reduce the student numbers to be a maximum of 160. • The Applicant consulted with Council and provided management measures regarding access to and works within the public carpark, drop-off / pick-up zone and use of Gore Hill Park Oval. • The use of the site and access to the public carpark would be managed by a Deed of Agreement and a short-term Licence (12-month period) for access to the carpark. • The Department has reviewed the information and Council's comments and considers that the site is suitable for use as a school for a limited period. • The stipulated open space within the site is not considered to be suitable for use by the students due to noise from the Pacific Highway. The Department has recommended that an alternative open space within the site be used for this purpose. The organised lunchtime play can occur within the Gore Hill Park Oval. • The Department is satisfied that subject to the implementation of an Operational Management Plan and security measures, the location of the school is acceptable, subject to conditions. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • time limited development consent for five years. • maximum number of students restricted to 160. • construction works or operation of the school not to commence prior to a Deed of Agreement being signed by Council and the Applicant. • evidence of renewal of the short-term Licence to be provided to the Department within a month of renewal of the Licence, after each 12-month period. • use of the site as a school to cease upon expiry of the Licence or omission of access from the public carpark to enable redevelopment of the Gore Hill Park. • use of the drop-off / pick-up zone for car parking outside the school hours. • Use of the basement carpark within the existing building by Council staff and Gore Hill Park officials on the weekend. • Deletion of the use of the open space adjoining the Pacific Highway and use of the alternate open space fronting The Avenue for recess times. • use of Gore Hill Park Oval to be in accordance with terms of agreement with Council.
<p><i>Traffic and Access</i></p> <ul style="list-style-type: none"> • Vehicle queuing in the public carpark due to the drop-off / pick-up activities. • Unsafe access from the Pacific Highway. • Loss of car spaces within the public carpark. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant amended the proposal to include a deceleration lane for exclusive access to the public carpark from the Pacific Highway. • The Applicant also proposes to reinstate three car spaces within the public carpark. • The Department has reviewed the proposed management and mitigation measures in relation to the drop-off / pick-up activities, pedestrian access and safety and is satisfied that the proposal adequately responds to these aspects of the proposal. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • construction of the drop-off / pick-up zone, vehicular loop road and reinstatement of the car spaces in the public carpark within six months of the commencement of operation. • provision of an interim access management plan for the first six months of operation of the premises with mini-bus only access to the site for students. • construction of the deceleration lane within nine months of commencement of use. • Staff parking restricted to the basement of the existing building. • no increase in student numbers beyond 63, prior to completion of the deceleration lane.

	<ul style="list-style-type: none"> • preparation and implementation of an Operational Traffic and Access Management Plan following construction of the drop-off / pick-up zone. • no use of the site during weekends or outside core school hours to avoid adverse traffic impacts.
<p><i>Heritage</i></p> <ul style="list-style-type: none"> • Adverse impacts of the use on the heritage values of the Cemetery. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers that the proposed use would be consistent with the Gore Gill Cemetery Plan of Management in that it would activate The Avenue during the day times. • The proposed school would be adequately separated from the burial grounds. The drop-off / pick-up zone on The Avenue would be used mainly in the morning and afternoon peak times on a typical school day. Thus, the intensification of use of this carriageway is acceptable. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • The Operational Management Plan must include strategies to separate school activities from the Cemetery.