

International Chinese School

State Significant Development SSD-10260

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
AAR	Acoustic Assessment Report
BCA	Building Code of Australia
CIV	Capital Investment Value
Cemetery	Gore Hill Memorial Cemetery
Council	Willoughby City Council
Crown Lands	Crown Lands, DPIE
Department	Department of Planning, Industry and Environment
DRG	Division of Resources & Geoscience, DPIE
DSI	Detailed Site Investigation
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
GHP	Gore Hill Park
GTP	Green Travel Plan
GHPOM	Gore Hill Plan of Management 2016
Heritage NSW	Heritage Division of the Department of Premier and Cabinet
HIS	Statement of Heritage Impact
Minister	Minister for Planning and Public Spaces
NMCT	Northern Metropolitan Cemeteries Trust

OOSH	Out-of-school hours
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PTIA	Parking and Traffic Impact Assessment Report
RMS	Roads and Maritime Services, TfNSW
ROW	Right-of-ways
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SHR	State Heritage Register
SSD	State Significant Development
TfNSW	Transport for NSW
TMP	Traffic Management Plan
WDCP	Willoughby Development Control Plan 2006
WLEP	Willoughby Local Environmental Plan 2012

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the use of an existing building as a new primary school, the International Chinese School (ICS), at 211 Pacific Highway St Leonards (SSD-10260). The Applicant is The Trustee for Anglo Australian Christian and Charitable Trust and the site is located within the City of Willoughby local government area (LGA).

The site comprises Crown Land located at the south-western corner within the Gore Hill Memorial Cemetery (the Cemetery). It adjoins The Avenue, the central carriageway within the Cemetery, to its east and Pacific Highway to its south. Vehicular access is provided through the public carpark serving the Gore Hill Park (GHP). An existing office building on the site has recently been altered for anticipated use as a school (under a separate development application).

The proposal involves use of the existing building on the site as a primary school (K – Year 6) for a maximum of 160 students and 15 staff. The proposal also involves landscaping, fencing, signage and a new vehicular loop road from the public carpark to provide a drop-off / pick-up zone in The Avenue. A new deceleration lane from the Pacific Highway is proposed for access to the public carpark. The proposed operation is to be staged in three stages comprising the commencement of operation after completion of the landscaping works, construction of the drop-off / pick-up facility and then the construction of a deceleration lane on the Pacific Highway.

The proposal has a Capital Investment Value (CIV) of \$180,105 and would generate an estimated 13 construction jobs, while maintaining the operational jobs (15 staff) within the existing ICS. The proposal is SSD under clause 15(1) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school. Therefore, the Minister for Planning and Public Spaces is the consent authority.

The application was publicly exhibited between 27 September 2019 to 24 October 2019. The Department of Planning, Industry and Environment (the Department) received a total of 78 submissions, including five submissions from public authorities (including comment from Council), 70 individual public submissions and three submissions from special interest groups. The public submissions (individual and special interest groups) include 18 objections, one comment and 51 support letters. The key issues raised in the submissions include concerns regarding: site suitability; insufficient site area to accommodate a school; lack of on-site open space; reliance on Council managed facilities, adverse traffic and parking impacts; and heritage impacts.

In response to the submissions, the Applicant's Response to Submissions (RTS) and supplementary RTS (SRTS) included a number of amendments including a reduction in student numbers by 50 (from 210 to 160), additional operational measures to minimise impacts on existing users of GHP and the public carpark, proposal for a new deceleration lane from the Pacific Highway, refined details of paving and landscape and details of operational staging to support the delay of the delivery of the drop-off / pick-up zone. An additional four submissions were received from public authorities in response to the RTS. Council's comments to the RTS acknowledged the signing of the Deed of Agreement and raised no specific concerns, subject to the recommended conditions of consent.

The Department identified site suitability, traffic, access, parking and heritage as the key issues for assessment and considers that these were satisfactorily considered by the Applicant and found to be acceptable with the inclusion of environmental mitigation measures and conditions of consent.

The site is constrained given its location within the Cemetery, reliance on the adjoining public carpark for vehicular access and the lack of on-site open space. While reasonable open space is available on site for passive activities, the Applicant proposes that daily sporting activities would be carried out within the GHP Oval with minimal impact on other users.

In order to ensure access to the site from the public carpark, a legally binding Deed of Agreement would be established between the Applicant and Willoughby City Council (Council). The draft Deed specifies a five-year limited operation of the ICS on the site. It also includes a short-term licence period for access to and use of the public carpark which would expire in 12 months. The Applicant would need to renew this licence every year to continue the use for the period of five years. The Department notes that access to the site in the long-term, through the public carpark, may not be feasible due to future proposal for redevelopment of the GHP by Council. The Department considers that in the case of redevelopment of the GHP, the licence to use the public carpark would not be renewed by Council and therefore the use would not be able to continue in this scenario.

Due to the overall reliance of the development on the adjoining public carpark as well as the GHP Oval, the Department considers that the site is only suitable for use as a school for a short term. Consequently, the development consent is limited for five years, consistent with the draft Deed of Agreement between the Council and the Applicant. Further, the use would have to cease due to lack of access to the site, if the licence is not renewed in any other subsequent 12-month periods due to the redevelopment of the GHP.

The Department has also recommended conditions requiring the ICS to commence operation with 63 students only. The deceleration lane is required to be delivered and be operational prior to increase of student numbers beyond 63.

The proposed drop-off / pick-up zone on The Avenue would satisfactorily accommodate the demand generated during school operations with negligible impacts on the public use of the carpark. The residual impacts can be appropriately managed via the implementation of traffic management plans. The Applicant proposes the construction of a deceleration lane on the eastbound carriageway of the Pacific Highway, to provide a safe entry to the public carpark, minimise traffic impacts due to intensified daily usage of this access and avoid queuing of vehicles on the highway. The Department is satisfied that suitable access control measures and operational management measures have been proposed for maintaining the safety of the users while minimising impacts on concurrent public use. The Applicant has provided an interim traffic management plan for the ICS which would be implemented following commencement of operation of the premises and prior to the operation of the formal drop-off / pick up zone. The Department's assessment of this interim operational management plan is satisfactory.

The proposal would not result in any significant adverse impact on the heritage significance of the Cemetery and is consistent with the future strategic direction of Gore Hill Memorial Cemetery Plan of Management, which promotes activation of the precinct surrounding the burial grounds.

The Department considers the application is consistent with the objects of the Environmental Planning and Assessment Act 1979 (EP&A Act) including Greater Sydney Commission's Western City District Plan as it would allow for continued operation of the ICS (with a dual language program in English and Mandarin) within the St Leonards Health and Education Precinct with improved educational facilities.

Contents

1	Introduction	1
1.1	Site Description	1
1.2	Historical context and existing development on the site	3
1.3	Gore Hill Park (GHP)	7
1.4	Surrounding Development	9
2	Project	10
2.1	Key Components and Features	10
2.2	Project area / site description	11
2.3	Uses and activities	4
2.4	Timing	4
2.5	Related development	4
3	Strategic context	5
3.1	Project Need and Justification	5
3.2	Strategic Context	5
4	Statutory Context	6
4.1	State significance	6
4.2	Permissibility	6
4.3	Other Approvals	6
4.4	Mandatory Matters for Consideration	6
5	Engagement	11
5.1	Department's engagement	11
5.2	Summary of submissions	11
5.3	Public Authority submission	11
5.4	Community submissions	13
5.5	Response to submissions	15
5.6	Supplementary Response to Submissions	16
6	Assessment	18
6.1	Site Suitability	18
6.2	Traffic, access and parking	25
6.3	Heritage	34
6.4	Other issues	39
7	Evaluation	43
8	Recommendation	44
9	Determination	45
	Appendices	46
	Appendix A – List of referenced documents	46
	Appendix B – Statutory Considerations	47
	Appendix C – Recommended Instrument of Consent	53

1 Introduction

This report provides an assessment of a State significant development (SSD) application lodged under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a new school, the International Chinese School (ICS), located at 211 Pacific Highway, St Leonards within the City of Willoughby local government area (LGA). The application was lodged by The Trustee for Anglo Australian Christian and Charitable Trust (the Applicant).

Since 2015 the ICS has operated within the St Paul's Anglican Church in Chatswood and currently offers a dual language English and Mandarin program for up to 35 students (Kindergarten – Year 4). However, it needs to relocate to a new site to enable expansion and meet expected future enrolment demands. The application seeks approval to relocate the existing ICS to an existing office building on the site.

The proposal comprises the use of an existing building as a new primary school (Kindergarten – Year 6) for a maximum of 160 students and 15 full-time staff. The proposal also includes site landscaping, security fencing, signage, the establishment of vehicular access points for a drop-off / pick-up zone and associated roadworks on the adjoining lands and the Pacific Highway.

1.1 Site Description

The site is legally described as Lot 101 DP 791327, within the Gore Hill Memorial Cemetery (the Cemetery), located approximately 4 kilometres (km) south of the Chatswood Railway Station, 3km northwest of the North Sydney Central Business District (CBD) and 500 metres (m) west of the St Leonards Railway Station. The regional context is shown in **Figure 1**.



Figure 1 | Regional Context Map (Source: Gore Hill Memorial Cemetery Plan of Management)

The Cemetery comprises Crown land managed by the Northern Metropolitan Cemeteries Trust (NMCT). It is bound by Westbourne Street to the north, Reserve Road to the east and the Pacific Highway to the south and west. The western portion of the Cemetery adjoins Pacific Highway and the eastern portion adjoins Stuart Drive. The Cemetery is listed in the State Heritage Register (SHR) for its heritage values and includes three allotments:

- Lot 1 DP 1191604 – ‘The Avenue’ a former road reserve used for service access, which runs from southeast to northwest from the Pacific Highway to Westbourne Street, across the Cemetery.
- Lot 102 DP 791327 – two burial grounds occupied by the Cemetery on both sides of The Avenue.
- Lot 101 DP 791327 - site of the former caretaker’s cottage located at the southern end of the Cemetery with frontage to Pacific Highway.

The Gore Hill Park (GHP) and public carpark managed by Willoughby City Council (Council) adjoin the Cemetery to the south-east. Vehicular access to this carpark is from Pacific Highway.

The ICS is proposed to be located within Lot 101 DP 791327, on the site of the former caretaker’s cottage. The allotment is triangular in shape with an area of 1636.75 square metres (m²), located at the southern end of the Cemetery with frontage to Pacific Highway to the south and The Avenue to the east. The proposal also involves works within The Avenue and the public carpark.

Figure 2 identifies the location of the site in the context of the Cemetery and GHP. **Figure 3** identifies the site in the context of the NMCT managed land.



Figure 2 | Local Context (Source: Nearmap 2020)



Figure 3 | Location of the site within the NCMT land (Source: Gore Hill Memorial Cemetery Plan of Management)

1.2 Historical context and existing development on the site

Historically, the site accommodated the Sexton's Cottage (caretaker cottage). The building was demolished in 1984 and replaced by a single storey office building with a mezzanine level and a basement carpark with ten car spaces, approved by Council. The mezzanine level has been recently replaced by a first-floor addition and the internal layout repurposed for anticipated use as a school under a separate development application (see **Section 2.5**).

The maximum height of the existing building is 9.9 m. The gross floor area (GFA) is 1036m² and the floor space ratio for the site is 0.63:1.

The vehicular access to the site is from the Pacific Highway via the public carpark and across The Avenue (a brick paved driveway). This access was constructed at the time of developing the office building on the site.

The two pedestrian entry points to the site are along the Pacific Highway, in addition to the main Cemetery gates at The Avenue. There are also informal access points along the boundary with GHP due to the lack of fencing in this area.

The layout of the existing building and vehicular access are detailed in **Section 2**. The photos of the existing building, entry to the basement carpark in the surrounding context are provided in **Figures 4 – 9**.



Figure 4 | The building as viewed from The Avenue (Source: DPIE 2020)



Figure 5 | Interface of the building with the Cemetery (Source: DPIE 2020)



Figure 6 | Vehicular entry to the public carpark from Pacific Highway (Source: DPIE 2020)



Figure 7 | The public car park connection with The Avenue leading to the basement carpark for the existing building (Source: DPIE 2020)



Figure 8 | Entry to the basement carpark a from The Avenue (Source: DPIE 2020)



Figure 9 | View of the building from the Pacific Highway frontage (Source: DPIE 2020)

1.3 Gore Hill Park (GHP)

The GHP (Lot 7083 in DP 93642) comprises Crown land under the care, control and management of Council. Stage 1 redevelopment of the GHP was recently completed by Council and it reopened on 14 March 2019. A number of improvements were made to the park as part of the redevelopment program including installation of lighting, realignment of the oval, a playground with picnic facilities near the site, outdoor gymnasiums, perimeter walking track, bike racks, a part basketball court and three handball courts with lighting. A new public carpark with 37 spaces was also delivered as part of the Stage 1 redevelopment. The carpark has time limited (two hours) parking restrictions.

The GHP is predominately utilised during the week for passive recreation, personal training groups, individual exercise, and sport training in the evenings. During weekends, the GHP is used for competitive sports.

Council proposes a Stage 2 redevelopment of GHP to include further playground facilities on the north-eastern part, increase the size of the open space, and construction of a multi-storey indoor sporting facility on the southern side of the oval adjacent to the Pacific Highway.

While the works in relation to the Stage 2 redevelopment have not commenced, Council has advised that the public carpark at the south-western corner of GHP (currently providing vehicular access to the site) would be required as either part of the development site or for a construction compound during the Stage 2 building phase. **Figure 10** provides a view of the GHP from the Pacific Highway.



Figure 10 | Gore Hill Oval within the GHP (Source: DPIE 2020)

The concept plan for the GHP including the completed works in Stage 1 and the proposed works in Stage 2 are identified in **Figure 11**.

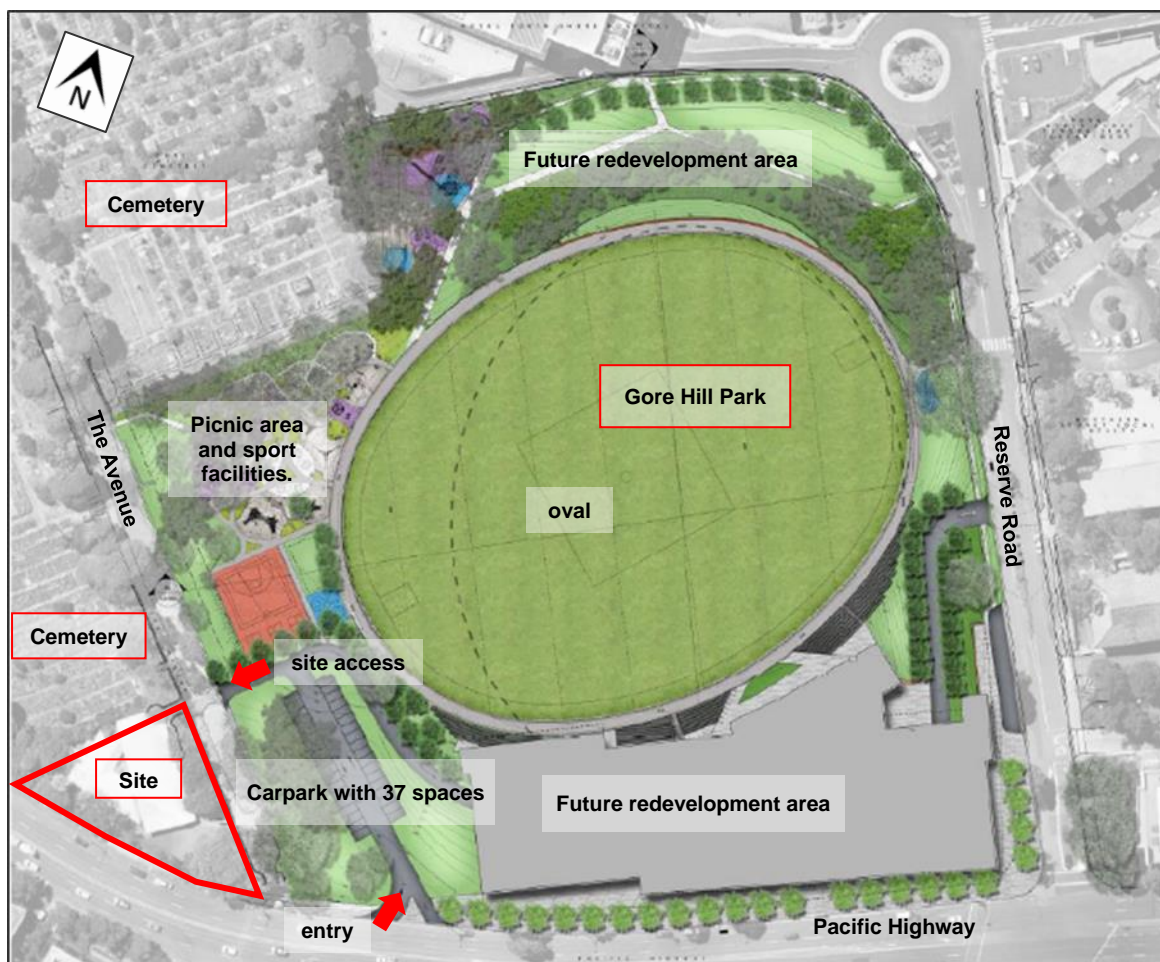


Figure 11 | GHP Concept Plan showing existing and proposed facilities (Source: Applicant's EIS)

All of the proposed sporting facilities, play areas and the carpark, completed in Stage 1, are located close to the eastern boundary of the site as identified in **Figure 11**.



Figure 12 | Existing picnic area with play facilities adjoining The Avenue and the site (Source: DPIE 2020)

1.4 Surrounding Development

The land surrounding the site comprises a mix of commercial, recreational, healthcare and educational facilities. The land uses in the immediate vicinity of the site include (identified in **Figure 13** and **14**):

- the GHP and the public carpark are located to the north-east of the site.
- further east of that is the St Leonards Railway Station and commercial centre (500m).
- a contemporary commercial development is located on the opposite side of Pacific Highway facing the site.
- established residential streets to the south of Pacific Highway, in the vicinity of the site comprise the suburb of Greenwich, located in the Lane Cove LGA.
- to the north, across Westbourne Street, is the Royal North Shore Hospital, North Shore Private Hospital and TAFE NSW St Leonards campus.



Figure 13 | The site and surrounding developments (Source: Nearmap 2020)

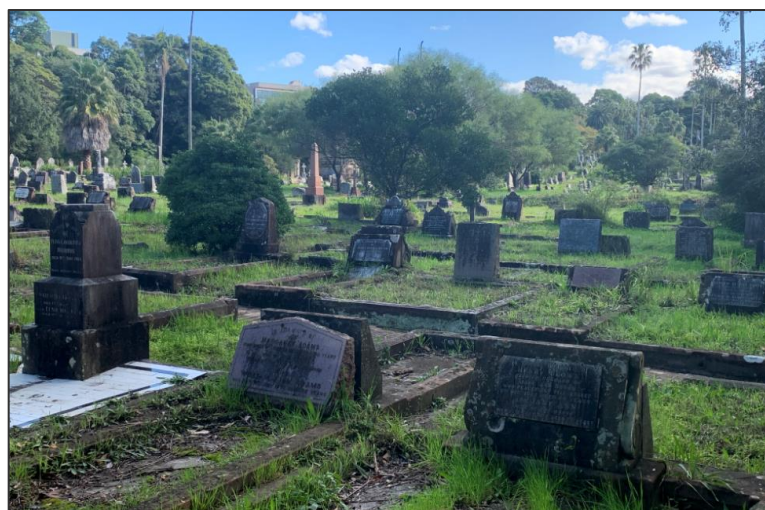


Figure 14 | The Cemetery adjoining the northern boundary of the site (Source: DPIE 2020)

2 Project

2.1 Key Components and Features

The key components and features of the proposal, as set out in the Environmental Impact Statement (EIS) and refined in the Response to Submissions (RTS) and supplementary RTS (SRTS), are provided in **Table 1** and **Figures 15 - 19**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	Use of an existing office building and basement carpark as a new primary school (ICS) for up to 160 students (K-6) and 15 full-time staff, associated landscaping, pedestrian access, play area, installation of signage and security fencing and external roadworks including creation of a drop-off / pick-up zone.
Site area	1636.75m ² .
Building works and internal layout	<ul style="list-style-type: none">• No modifications are proposed to the external appearance of the existing office building.• Existing internal layout utilised to provide:<ul style="list-style-type: none">○ four general learning areas (GLAs), shared learning / resource space, office and associated services with a raised covered balcony on the ground floor.○ three GLAs, shared learning / resource space, a covered balcony and services on the first floor.
On-site car parking and bicycle parking	<ul style="list-style-type: none">• Use of existing basement carpark comprising ten on-site car parking spaces and one motorcycle space.• Ten bicycle spaces at the ground level fronting the Pacific Highway.
Drop-off / Pick-up zone	<ul style="list-style-type: none">• Construction of a new one-way vehicular loop road connecting The Avenue with the public carpark.• Provision of five car spaces comprising a drop-off / pick-up zone on the Avenue accessed via the vehicular loop road.• Provision of permeable brick paving and removable bollards in this zone to match the existing character of The Avenue.
Vehicular access and works within public carpark	<ul style="list-style-type: none">• Modifications to the public car park to accommodate a new vehicular access point connecting the vehicular loop road.• Provision of three car spaces within the public carpark to offset the loss of three car spaces in creating the new vehicular access point.

Pedestrian access	<ul style="list-style-type: none"> Retention of existing pedestrian access via a pedestrian ramp off the western alignment of The Avenue. No pedestrian access to Pacific Highway (except for an existing emergency exit gate on the frontage).
Trees, landscaping, fencing and outdoor play area	<ul style="list-style-type: none"> Provision of an outdoor play area with outdoor learning pods, seating areas, paving and turf at the south-eastern corner of the site (between the building, the Pacific Highway and The Avenue). New tree planting, screen planting and feature plants throughout the outdoor play area. A 2.1m high powder coated palisade fence along the perimeter of the site.
Signage	<ul style="list-style-type: none"> One free-standing sign (2.4m x 0.95m) on the fence fronting Pacific Highway. One sign (2.4m x 0.95m) on the perimeter fence beside the entry gate from The Avenue.
External roadworks	<ul style="list-style-type: none"> Construction of a 35m long deceleration lane on the east bound carriageway of the Pacific Highway dedicated for entry to the public carpark. Removal of the existing pedestrian refuge at the vehicular entry to the public car park. Removal of the redundant driveway and road widening works along the Pacific Highway over a portion of The Avenue in front of the main Cemetery gates and GHP. Realignment of the existing pedestrian footpath along the deceleration lane. Construction of a pedestrian safety fence between the footpath and the deceleration lane.
Operational hours	<ul style="list-style-type: none"> Core hours: Monday to Friday 8:30am to 3:30pm. Staggered school day finishing times: <ul style="list-style-type: none"> Years K-2: 3pm. Years 3-6: 3:15pm. Out-of-school hours (OOSH) care program: 7am - 8:45am and 3pm - 6pm.
Capacity	<ul style="list-style-type: none"> 160 students (Years K - 6). 15 full-time equivalent staff.

2.2 Project area / site description

The development would retain the existing building and use the internal layout for the school. Works within The Avenue and the public carpark would accommodate the drop-off / pick zone and access. Landscaping works are proposed for outdoor play areas (**Figures 15 - 19**).

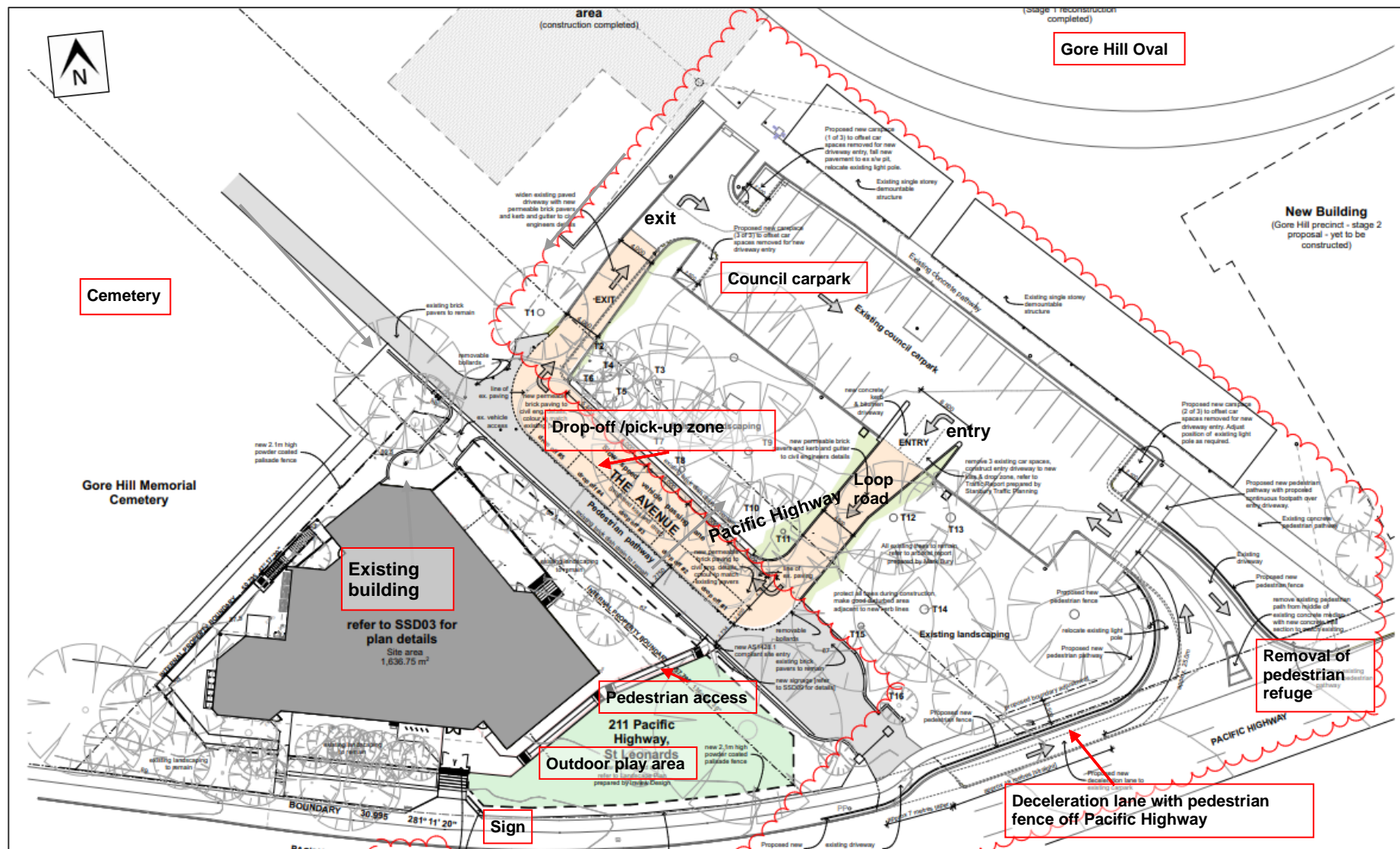


Figure 15 | Site Plan (Source: Applicant's SRTS)



Figure 16 | Floor plans of the existing building and vehicular areas approved by a separate development application (Source: Applicant's SRTS)

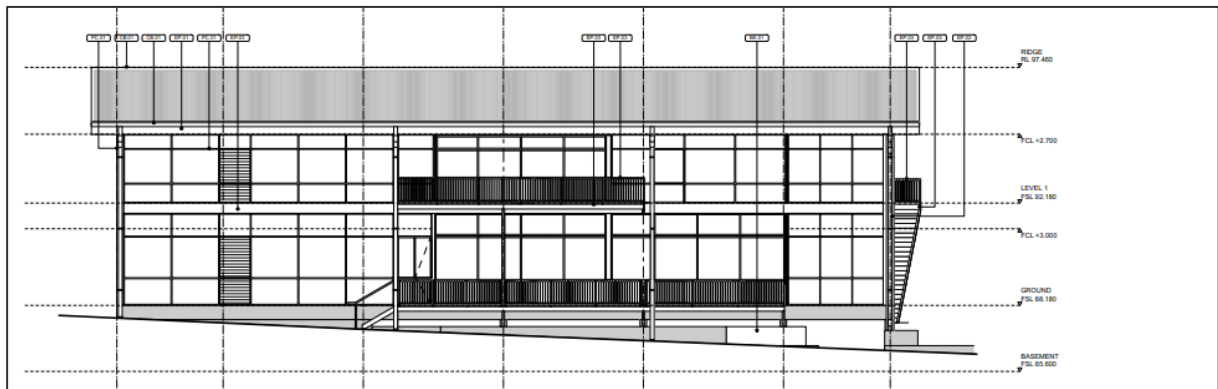


Figure 17 | Eastern elevation fronting The Avenue (Source: Applicant's EIS)

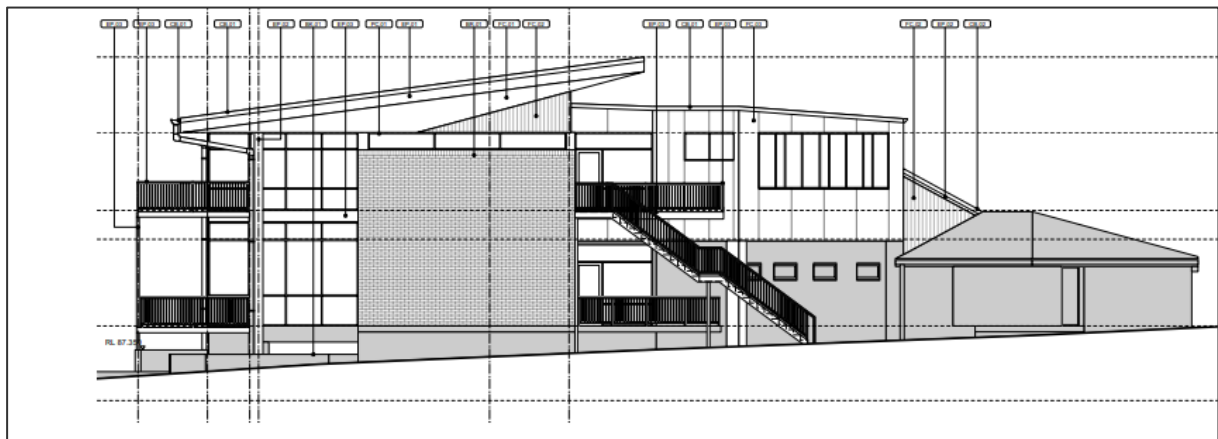


Figure 18 | Northern elevation fronting the Cemetery (Source: Applicant's EIS)

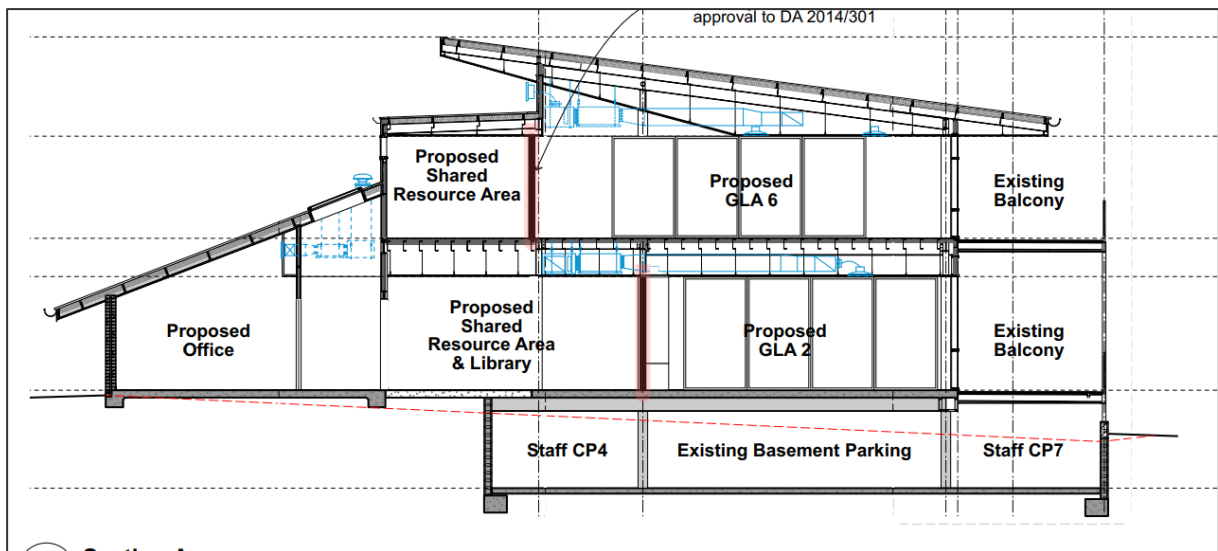


Figure 19 | Cross-section through the building showing the GLAs, staff areas and balcony (Source: Applicant's EIS)

Photos of the site and the proposed location of the drop-off / pick-up zone, outdoor play areas, vehicular loop road are identified in **Figures 20 – 22**.



Figure 20 | Pedestrian access, balconies and outdoor play areas viewed from The Avenue (Source: DPIE 2020)



Figure 21 | The proposed drop-off / pick-up zone and the vehicular access within The Avenue (Source: DPIE 2020)



Figure 22 | The proposed drop-off / pick-up zone (above) and the future vehicular connection point from the public carpark (below) (Source: DPIE 2020)

2.3 Uses and activities

The development involves the use of the site as a primary school with up to 160 students (K – 6), and an OOSH service with a maximum capacity of 25 children. The proposed operating hours of ICS and the OOSH are outlined in **Table 1**.

The Applicant proposes to use GHP Oval for organised sporting activities of the ICS students and lunchtime play. Students would access the GHP Oval between 11:20am and 11:50pm (lunchtime).

2.4 Timing

The Applicant advises that the ICS intends to operate as soon as practicable in 2020, following determination, as the previous location of the school is required to be vacated in July 2020. Consequently, the proposed operation is to be staged as follows:

- Stage 1 - construction of the security fencing at the perimeter of the site and associated landscaping/pathways to enable the school to commence operation with 63 students.
- Stage 2 - construction of the drop-off / pick-up facility within The Avenue and the associated modifications to the public carpark. Likely timing is proposed to be within seven months of the issue of the development consent.
- Stage 3 – construction of the deceleration lane and associated roadworks with the increase in student enrolment to 160.

2.5 Related development

The related development applications relevant to this application are provided below.

Table 2 | Related Development Applications

DA Number	Description of development	Relationship to SSD10260
DA 301/2014	On 20 July 2015, Council approved alterations and additions to the existing office building on the site to include a first-floor addition replacing the existing mezzanine.	The approved works have been completed as identified in the figures in Section 1 .
DA-301/2014/A	On 15 November 2019, Council approved a modification to the development consent for the internal fit-out works to the building in anticipation of the future change of use to a school.	The approved works have been completed and would allow for the GLAs, associated administration facilities and shared resource areas.

3 Strategic context

3.1 Project Need and Justification

The existing ICS is an important educational asset for the Chinese and English-speaking community. The proposed relocation of the existing ICS would ensure the continued operation and increase the capacity of the school beyond 2020.

Further, it would ensure that a high-quality educational facility is provided within a locality that needs for additional educational facilities.

The Department considers that the new school is necessary to meet the NSW Department of Education's need to provide suitable teaching spaces and improved educational facilities and curriculum that meet increased demand in the Willoughby LGA.

3.2 Strategic Context

The Department considers the proposal is appropriate for the site given it is consistent with:

- NSW State Priorities, as it would improve economic competitiveness and educational results by ensuring the continued operation and expansion of a primary school that offers a dual language program in English and Mandarin.
- the vision outlined in the Greater Sydney Commission's North District Plan, as it aligns with the directions and planning priorities outlined in the plan, in particular the growth of the St Leonards Health and Education Precinct and the creation of education opportunities to meet the future needs of a multicultural community.
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it would deliver a new educational facility to meet the needs of the growing population and economy.

The proposal would also provide direct investment in the region of \$180,105 and generate 13 construction jobs as well as retain the staff for the existing ICS at the new location.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for a new school under clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications dated 9 March 2020, the Executive Director, Infrastructure Assessments, may determine the application as:

- the relevant council has not made an objection.
- there are less than 50 public submissions by way of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is zoned SP1 – Special Activities: Cemetery under the Willoughby Local Environmental Plan 2012 (WLEP). 'Schools' are a prohibited use within this zone under the WLEP. However, the development is permissible in the zone under by virtue of clause 35(1) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) as SP1 Special Activities Zone is a prescribed zone under clause 33(r) of the Education SEPP, which overrides the WLEP.

4.3 Other Approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, several further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to,

the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 3**.

Table 3 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Consideration
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal would ensure the continued operation of a primary school that offers a dual language program in English and Mandarin.</p> <p>The school would to promote the social and economic welfare of the local community with no negative impacts on the natural environment.</p>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The development does not involve the construction of a new building but includes measures to deliver ecologically sustainable development wherever possible (see Section 4.4.3).
c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of land as it utilises an existing building as a fit-for-purpose school.
d) to promote the delivery and maintenance of affordable housing,	Not Applicable.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would not result in the removal of any trees within the site or The Avenue. The Department has considered the impacts of the proposed works on existing trees in Section 6 .
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would not impact on the heritage significance of the Cemetery or Aboriginal cultural heritage. The Department has considered the heritage impacts in Section 6.3 .

g) to promote good design and amenity of the built environment,	The proposal seeks to use an existing building for the purpose of a school. The existing building would integrate with the surrounding landscaping and public domain.
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal does not involve any major building works. The Applicant has prepared management plans to ensure that the completed development operates in accordance with legislation, guidelines, policies and procedures.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, authorities and consideration of their responses.	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (see Sections 5.3 and 6).
j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period. Issues raised in the submission have been addressed in Section 6 .

4.4.3 Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The proposal does not incorporate any ESD initiatives and sustainability measures beyond those already associated with existing development on the site, as there are no changes to the existing built form. Notwithstanding, the existing building incorporates the following ESD initiatives:

- maximisation of natural ventilation and controlled solar access to the internal spaces.
- cross ventilation to the learning spaces.
- natural daylighting access to the building to reduce the reliance on artificial lighting.
- thermal insulation within the external building envelope.
- use of energy efficient light fittings and water efficient fixtures.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposal.

Considering the minimal scope of building works associated with this development, the Department is satisfied that the sustainability measures within the existing building and promotion of sustainable travel modes would encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 4 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and the application, referenced in the table.

Table 4 | Section 4.15(1) Matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below and in Appendix B .
(a)(ii) any proposed instrument	Not Applicable
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP development control plans (DCPs) do not apply to SSD. Notwithstanding this, consideration has been given to the Willoughby Development Control Plan 2006, where relevant, at Section 6 .
(a)(iia) any planning agreement	Not Applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not Applicable.

(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The impacts of the proposal have been appropriately mitigated or conditioned as outlined at Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal. See Sections 5 and 6 .
(e) the public interest	The proposal is in the public interest. See Section 6 .

4.4.7 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The proposed works are not likely to have a significant impact on biodiversity values. The Environment, Energy and Science Group and the Department have determined that the application is not required to be accompanied by a BDAR in accordance with the BC Act.

Consequently, the requirement to lodge a BDAR with the application was waived formally on 3 June 2019 under section 7.9 of the BC Act.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 27 September 2019 to 24 October 2019 (28 days). The application was made publicly available on the Department's website, at the NSW Service Centre and at Council's office.

The Department placed a public exhibition notice in the North Shore Times on 26 November 2019 and notified adjoining landholders and relevant state and local government authorities in writing. Department representatives visited the site to enable an informed assessment of the development.

The Department has considered the comments raised in public authority and public submissions during the assessment of the application (**Section 6**) and / or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

During the exhibition period, the Department received a total of 78 submissions comprising five submissions from public authorities (including comments from Council), three objections from special interest groups and 70 individual submissions (including 18 objections, 51 supports and one comment).

A summary of the issues raised in the submissions is provided at **Sections 5.3** and **5.4** and copies of all the submissions may be viewed at **Appendix A**.

5.3 Public Authority submission

A summary of the issues raised in the Agency submissions is provided at **Table 5**.

Table 5 | Summary of key issues raised in the public authority submissions

Council

Council did not object to the proposal but provided the following comments:

Site Suitability

- the site is not suitable for the use due to limited on-site play areas; limited parking; drop-off / pick-up zones; and noise / air pollution due to the Pacific Highway.
- the constrained site is not suitable for a school population of 210 students.
- the continued use of the GHP Oval by the school cannot be guaranteed.
- the location of the school next to the Cemetery raises safety concerns for students.

Use of Council's Carpark

- Council's carpark should remain available during the future construction of a multi-purpose indoor sports facility as part of the Stage 2 redevelopment of GHP.

- details in relation to right-of-carriageway and future management of Crown land associated with the carpark should be provided.
- owners' consent for works within the public carpark has not been provided by Council.
- the works within the public carpark would reduce the number of public car spaces and impact the root zones of nearby trees.
- use of the public carpark for access to The Avenue would compromise access for existing and future recreational users.

Traffic and Safety

- the proposed use of the public carpark would result in:
 - vehicle queuing in the public car park and to the Pacific Highway.
 - lack of sight distance for approaching eastbound traffic on the Pacific Highway at the existing entry/exit point to the public carpark.
 - traffic congestion and conflicts in the public carpark during peak periods.
 - loss of car spaces impacting on the demand during peak demand periods
 - inadequate access and internal circulation to the site.
- there is inadequate capacity within the proposed drop-off / pick-up zone.
- there is a lack of disabled carpark facilities.
- there is insufficient access for service vehicles and buses.
- the additional traffic left-in turn movements during AM peak period would impact through traffic along the Pacific Highway.
- there would be a potential for students to cross the Pacific Highway illegally.
- the assumptions used for trip assignment in the SIDRA analysis and the Green Travel Plan may be inadequate.

Heritage

- the increased traffic movements and physical works associated with the proposed drop-off / pick-up zone on The Avenue would have adverse impact on the cultural and visual significance of the original carriageway and the heritage value of the Cemetery.

Council provided the following additional recommendations:

- potential use of the Pacific Highway for drop-offs and U-turns.
- provision of a deceleration lane on the Pacific Highway.
- granting of a time limited consent of 3 years.
- preparation of a legally binding agreement with Council regarding access to the public carpark as well as the use of GHP.

Environment Protection Authority (EPA)

The EPA advised that the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* and would not require an environment protection licence.

Environment, Energy and Science Group (EESG)

EESG advised that the recommendations in the Aboriginal Cultural Heritage Assessment Report be included in the conditions of consent.

Heritage Division, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW raised the following concerns:

- the proposed use would have an adverse impact on the heritage significance and character of the Cemetery due to the increase in vehicular traffic and pedestrian movements and the associated physical works.
- the new paving and demarcation of the proposed drop-off / pick-up zone in The Avenue and new security fencing around the perimeter of the site would have an adverse impact on the heritage values of the Cemetery.

Heritage NSW recommended that the proposed drop-off / pick-up zone be relocated to an area with a potential for lesser impact on the Cemetery such as the northeast of the public carpark.

Transport for NSW (TfNSW)

TfNSW requested the following issues to be addressed:

- assessment of the daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersections and the need/associated funding for upgrading or road improvement works (if required).
- provision of a deceleration lane for access to the site from the Pacific Highway.
- details of bus services, drop-off / pick-up zones, cycle and pedestrian facilities.
- details of car parking and compliance with the appropriate parking codes.
- vehicle types (trucks, buses service and delivery vehicles) accessing the site and likely arrival and departure times.
- removal of the existing vehicle crossover on the Pacific Highway and The Avenue.
- installation of School Zones and pavement markings on the Pacific Highway.

5.4 Community submissions

70 individual public submissions were received in response to the public exhibition of the proposal. Submissions comprised 18 objections, one comment and 51 submissions of support. An additional three objections were received from special interest groups.

The majority (71%) of community members who made a submission live within 5km from the proposal, with 29% living within 5-15km from the proposal.

The submissions in support were from people with children currently enrolled or intending to enrol at the ICS. The key point of support relates to the dual language program provided by the ICS and the educational benefits to students. A summary of the issues raised in objection in the public submissions (individual and special interest groups) is provided in **Table 6**.

Table 6 | Summary of Key Issues raised in the community objections

Issue	% of Submissions
<i>Public open space</i>	95%
<ul style="list-style-type: none">• the proposed use of GHP would:	

- restrict access to recreational facilities for local residents.
- result in dominant use of public land by one user.
- result in unacceptable reliance on using public space.
- the facilities at GHP Oval are not suitable for small children.

Traffic and parking impacts

85%

- the proposal would result in adverse traffic and parking impacts to the surrounding area because of:
 - increased traffic flows and congestion in the public carpark.
 - cumulative increase in traffic movements.
 - vehicle queuing at the entry/exit to the public carpark.
 - inadequate site distance at the entry/exit to the public carpark.
 - likelihood of motorists performing dangerous U-turns and parking illegally along the Pacific Highway.
 - pedestrian safety hazards for students in the public carpark.

Site suitability

75%

- the site is not suitable for use as a school because:
 - there is inadequate area to accommodate the school.
 - proximity to the Cemetery being an item of heritage significance.
 - lack of open space for the students within the site.
 - the building not being fit-for-purpose for a school.

Heritage Impacts

70%

- the proposal would have an adverse impact on the cultural and heritage significance and tranquil character of the Cemetery due to increased pedestrian and vehicular movements and the establishment of a drop-off / pick-up zone on The Avenue.

Other issues

5% or less

- the proposal is not for a new school.
 - the EIS is inadequate because:
 - it has no information as to the compliance with the registration criteria of the (NSW Education Standards Authority) and financial capacity of the Applicant.
 - it includes incorrect information regarding the impacts (traffic, car parking survey and others).
 - the proposal contravenes of State Environmental Planning Policy (Educational Facilities and Child Care Centre) 2017.
 - inadequate community consultation has been undertaken.
 - the proposal would generate adverse traffic and noise impacts
 - there is no evidence of secured tenancy on the site.
 - the school does not provide new placements for local families.
-

5.5 Response to submissions

Following the exhibition of the proposal, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions and matters raised following the Department's preliminary review of the EIS.

Applicant's engagement with Council

Following the exhibition of the EIS, the Applicant undertook consultation with Council and agreed to incorporate the proposed works in the public carpark within a legally binding Deed of Agreement.

On 16 March 2020, Council resolved to provide consent for works within the public carpark, subject to a five-year time limited consent and the signing of a Deed of Agreement between the Applicant and Council. The Deed would address various matters including no use of the Council carpark and the drop-off / pick-up zone during construction of the Stage 2 redevelopment of the GHP (estimated to commence within two years and last for 18 months minimum).

Response to Submissions

On 21 April 2020, the Applicant provided an RTS responding to the issues raised in the submissions, during the exhibition of the EIS. A copy of this is provided at **Appendix A**. The RTS included the following amendments to the proposal:

- a reduction in the maximum number of students by 50 (from 210 to 160).
- application for a five-year time limited consent.
- proposed construction of a deceleration lane on the east bound carriageway of the Pacific Highway and modifications to the entrance of the public carpark.
- construction of three parking spaces within the public carpark to compensate for the loss of spaces due to the construction of the vehicular access.
- additional management strategies in relation to:
 - vehicular traffic movements and pedestrian access.
 - use of GHP Oval for recreational purposes by students.
 - alternative access arrangements in the event the public carpark is closed.

The RtS also included minor design refinements including:

- changes to the pavement and bitumen within the vehicular loop road to a permeable subsurface that matches the colour and design of the existing paving.
- removal of existing hedge along the eastbound carriageway of the Pacific Highway.
- new pedestrian pathway with a continuous footpath over the entry driveway.
- widening of the existing driveway with permeable brick pavers and kerb and gutter.
- removal of direct pedestrian access between the school and the Pacific Highway footway.
- the provision of pedestrian fencing along the northern Pacific Highway kerb alignment.

The following additional information was also provided by the Applicant in its RtS:

- revised site area of 1636.75m².
- updated technical reports (Traffic, Heritage, Noise, Arboricultural reports).
- detailed drawing pavement construction of the proposed pick up drop zone in The Avenue.

The RtS was made publicly available on the Department's website and was referred to the public authorities for comments. An additional four submissions were received from public authorities including Council. No submissions were received from the public. A summary of the issues raised in the submissions is provided at **Table 7**.

Table 7 | Summary of public authority submissions to the RTS

Council

Council reviewed the RTS but did not raise any additional issues with the proposal, and advised the concerns raised in its original submission should continue to form part of the Department's assessment of the application.

Environment, Energy and Science Group (EESG)

EESG did not provide any specific comment on the RTS.

Heritage Division of the Department of Premier and Cabinet (Heritage NSW)

Heritage NSW reviewed the RtS and reiterated the concerns raised during EIS exhibition. Heritage NSW requested further consideration of mitigation measures to minimise adverse impacts to the heritage significance of the Cemetery.

Transport for NSW (TfNSW)

TfNSW reviewed the RtS and recommended conditions in relation to:

- installation of a pedestrian fence along the kerb line to the Pacific Highway.
- technical design details in relation to the pedestrian footpath along the Pacific Highway, stormwater management, swept paths and vehicular access requirements.
- installation of School Zones, road occupancy licence and a construction traffic management plan.

5.6 Supplementary Response to Submissions

On 3 May 2020, the Applicant provided a supplementary RTS (SRTS) including:

- design of the deceleration lane on the Pacific Highway, following consultation with TfNSW.
- updated Parking and Traffic Impact Assessment Report and additional survey information and amended plans with greater details on the drop-off / pick-up zone.

In May, June and July 2020, the Applicant provided the following SRTS:

- updated Lunchtime Management Plan and details of acoustic treatments of the building.
- information to support a request in delaying the construction of the deceleration lane.
- clarification regarding the Site Audit Statement, school operations, signage details.
- additional information traffic control requirements for the use of the public carpark.
- details on public access to facilities within the site.
- details of staging the proposed operations with an interim access management plan.

Following submission of the SRTS, the Department undertook consultation with Council and TfNSW in relation to the application.

TfNSW provided comments to the Department agreeing to the proposed delay in the construction of the deceleration lane, subject to additional conditions of consent.

Council also provided additional comments regarding the proposed interim arrangements and staging of the proposal. Council supported the proposed amendments subject to incorporation of additional conditions. Council also provided the Department with a copy of the draft Deed (unsigned) for information.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RTS and SRTS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- site suitability.
- traffic, access and parking.
- heritage.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed in **Section 6.4**.

6.1 Site Suitability

As discussed in **Sections 1** and **2**, the site is located on the northern side of the Pacific Highway and is bounded by the Cemetery and the recently upgraded GHP. The Cemetery, including the site, is listed as a heritage item in the SHR. The proposed ICS would use the existing access through the public carpark that services the GHP. Whilst some open space is available on site, the school also intends to utilise the open space facilities at GHP.

The Applicant's EIS included a detailed option analysis to justify the location of the ICS on the site. The analysis concludes that the Applicant has attempted to identify possible alternative locations for the school that would allow for the operation of the school to continue in 2020 and beyond. The site at 211 Pacific Highway was deemed as the most suitable site due to its location, size and that it is already under construction. Further, the proximity of this site to the existing school would ensure that current students in the catchment can still attend the ICS. The Applicant also advised that ICS offers a dual language program, and its location near Chatswood would cater for the community in the locality, who are likely to enrol in this program.

During the EIS exhibition, Council raised concerns regarding the use of the site as a school having regard to its location, site constraints and the reliance on Council land and recreational facilities. Council also advised that a reduction in the number of students may be a more acceptable outcome given the site constraints. The Department raised similar issues and requested the Applicant to undertake further consultation with Council and TfNSW in relation to these matters.

Community submissions raised concerns regarding the suitability of the site due to its proximity to the Cemetery, inadequate open space within the site as well as reliance on Council's facilities.

In response to these concerns the Applicant submitted an RTS, which amended the proposal by reducing student numbers from 210 to 160 (reduction by 50) and proposed a new deceleration lane on the Pacific Highway to access to the public carpark. Additionally, the SRTS included operational measures to manage the impacts on the public carpark and recreational facilities in the GHP (discussed in **Section 6.2**).

The Department's assessment of the proposal considers that the suitability of the site for the purpose of the school relies on the following matters: the impacts on the traffic network and access from the Pacific Highway; suitability of the open space within the site and use of the GHP; use of the public carpark; and the impacts on the heritage significance of the Cemetery. The amenity of open space

and availability of GHP Oval as well as the public carpark are discussed below. The traffic, access / parking and heritage are discussed in **Sections 6.2** and **6.3** respectively.

6.1.1 Open space

The Applicant has indicated that the on-site open space on the southwest side of the building would be used by students as an external play area at recess between 1:50pm to 2:10pm (**Figure 15**).

The Applicant proposes to use the GHP Oval for active student play at lunchtime and sports events to compensate for the limited open space on the site. To support the proposed use, the Applicant conducted surveys of the proposed use pattern at GHP. The EIS included an analysis of GHP usage based on the survey results and concluded that peak times for the use of the GHP Oval are between 12pm and 2pm (weekdays). Outside of these hours there is minimal public use, generally limited to running around the track around the oval. The ICS therefore proposes to use the Oval outside the identified peak hour usage times.

The Applicant's EIS advised that there are other schools in the locality that book public open space regularly for use by school students (such as Chatswood Public School).

The key concern raised in the public submissions to the EIS is the potential conflict between the ICS users and the other park users, that would arise from the proposed use of the oval. These concerns were expressed primarily from residents in the nearby suburb of Greenwich. Council, in their submission, indicated that the GHP Oval is only available to groups on a limited basis through a controlled booking process and continued permanent bookings for one user at a specific time of the day may not be able to be guaranteed long term.

Following the exhibition of the EIS, the Applicant undertook further consultation with Council. In its meeting on 16 March 2020, Council resolved that the Applicant may access the facilities of GHP by entering into a Deed of Agreement that recognises that the use of the oval would occur through Council's standard hire / allocation process. A copy of the draft Deed of Agreement has been submitted to the Department.

In response to the concerns raised in the submissions, the Applicant has confirmed that GHP would be booked on a regular basis via the Council's hiring policies. The Applicant's SRTS included a Lunchtime Management Plan, incorporating strategies to manage the use of the GHP by ICS students, reducing potential conflicts with the public users of the oval. These include:

- use of the oval by ICS between 11:20am -11:50am, outside of peak hour usage times.
- ensuring that the ICS students have lunch at school and use the school toilets prior to using the oval to avoid the use of the public toilet facilities in the oval.
- ensuring the use of the less busy portions of the oval by the students.
- constant supervision of students to ensure they remain in the designated play area.
- the employment of a school marshal to monitor concurrent public usage of the oval.
- when required, or during busy times at the oval, the students to stay on-site for lunch.
- transporting students to an alternative oval / park, twice a week, in a school bus, if needed.

The Department has considered the submissions and the Applicant's responses to those in detail. The Department's assessment of the on-site open space and the use of GHP are provided below.

Use of GHP

The GHP Oval is located very close to the site and can ideally be used by the students for short periods each day and would encourage the sharing of public facilities with a school. A pedestrian pathway connects the site to the GHP Oval with no need for the students to cross the public carpark. The daily operation of the ICS has been structured around the surveyed usage of the adjacent GHP Oval for a maximum of 30 minutes. Information provided by the Applicant satisfactorily establishes that the use of the GHP Oval by the ICS students is unlikely to have a significant impact on other users or community groups. Consequently, the Department supports the use of GHP oval by ICS and acknowledges that ultimately this is a matter for Council to consider and grant consent to via the Deed of Agreement. Appropriate management plans regarding the shared use of these facilities would likely be in place in the future, to ensure that sufficient play space is available for the students and the community. In case of busy times at the GHP Oval, the Applicant has provided an alternate provision for transporting students to another oval in the area, up to twice a week.

To ensure appropriate management and use of GHP Oval, a recommended condition of consent requires the Applicant to prepare an Operational Management Plan for ICS, which would include details of usage of GHP and associated safety and access measures.

Amenity of the on-site open space

The Applicant proposes the use of the triangular open space between the existing building on the site and the Pacific Highway (**Figure 20**) as the on-site play area. This open space is sufficiently screened from the Pacific Highway and therefore would retain the privacy of the students and other users.

An Acoustic Assessment Report (AAR) addendum submitted with the RTS includes an assessment of the road traffic noise impacts of this play area. Based on the background noise monitoring, the AAR addendum concludes that the noise level experienced by this play area would vary between 65dB(A) and 70dB(A) Leq on a typical school day, due to traffic noise on the Pacific Highway. The AAR has compared these noise levels with the EPA Road Noise Policy, which indicates that the ambient noise assessment criterion for a play area in a similar scenario should be 60dB(A). The noise levels experienced this play area would exceed the criterion by up to 10dB. The AAR recognises that this play area would have a reduced level of acoustic amenity but would still be able to function as an active open space.

The AAR addendum recommends the installation of an acoustic barrier around the play area to fully or partially mitigate traffic noise impacts of the Pacific Highway on this open space. However, this barrier may have negative visual impacts on the site and surroundings. No further recommendations have been provided to improve the acoustic amenity of this area.

The Department also notes that the EIS, RTS or SRTS do not include a detailed air quality assessment to assess the impact of air pollution at this location on the users of this play area.

The Department has assessed the amenity of the on-site designated play area and the supporting justification in the AAR. Based on the exceedances in the ambient noise levels identified in the AAR, and no proposed mitigation measures, the Department considers that this open space is not suitable for play area or outdoor learning. The Department also agrees that provision of a solid acoustic barrier may have unacceptable impacts on the heritage values of the site, The Avenue and the Cemetery.

Consequently, the Department recommends that this open space not be used by students at any time.

The Department notes that a smaller open space area is located at the north-eastern side of the building has direct access from the GLAs at ground level, the balcony and includes a turfed area with an established tree canopy for shade, adjoining The Avenue as identified in **Figures 23 and 24**.

The Department considers this open space would provide better amenity for students and a reasonably sized area suitable for passive play when used in conjunction with the adjoining balconies. There is also potential for screening / vegetation measures between the school building and The Avenue to minimise noise impacts from traffic along the Pacific Highway. Consequently, the Department has recommended a condition requiring the use of this area for play during recess.

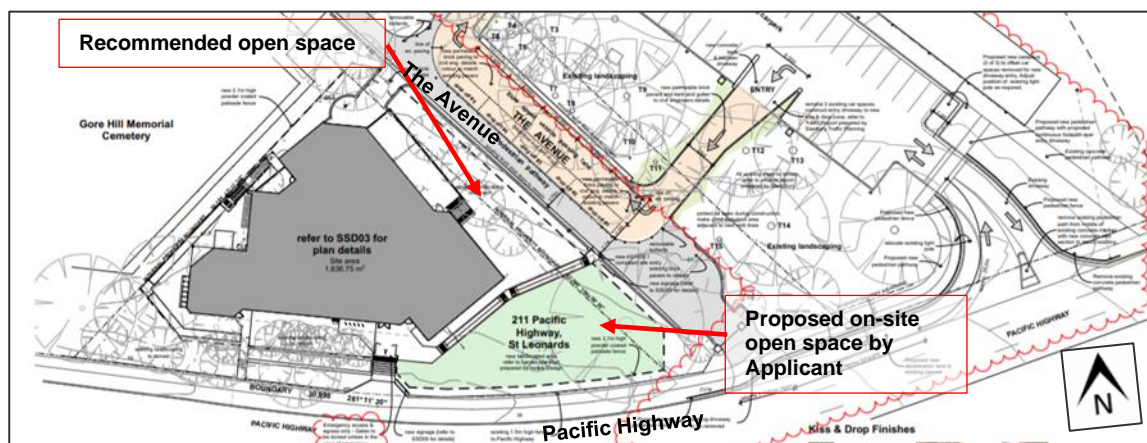


Figure 23 | Site Plan (Source: Applicant's SRTS)



Figure 24 | Existing open space northwest side of the building (Source: DPIE 2020)

Based on the above, the Department concludes that through additional provisions and management measures, the site can provide a reasonable level of open space suitable for passive activities at recess. The residual requirements for open space at lunch time can be through using the GHP Oval with minimal impact on other users.

6.1.2 Use of the public carpark

The access to the basement carpark within the site is currently through the public carpark in the GHP, to the east of the site. The proposed school would maintain this access. Additionally, it would also include a student drop-off / pick-up area within The Avenue with an additional vehicular loop road and access from the public carpark.

The EIS is supported by an analysis of the usage pattern for the public carpark, based on conducted surveys. The analysis concluded that the public carpark has significant capacity (more than 70% spaces being empty) during the AM (8am – 9am) and PM (2:30pm – 3:30pm) peak hours for the ICS. The peak hour of usage of the carpark is between 10am – 12pm when the entire public carpark is usually full. Given that the proposed ICS traffic would enter and leave the public carpark outside of the peak period, the Applicant did not identify any conflicts with the existing carpark usage.

The Department notes that the future works in Stage 2 of the redevelopment of GHP include the construction of a multi-purpose sports centre on the southern side (identified in **Figure 11**) with vehicular access via the Pacific Highway and the public carpark.

During the EIS exhibition, Council raised concerns regarding the reliance of ICS on the public carpark for access and advised that it would compromise the use of the public carpark by the existing and future recreational users. Council also noted it would limit future design options to use the public carpark either as part of the Stage 2 redevelopment of GHP or a construction compound during the building phase, noting that construction works are likely to commence in two years.

Additionally, Council stated that the ICS should enter into a legally binding agreement with Council to allow public access to the five car spaces in the drop-off / pick-up area and to the basement carpark of the existing building.

Following the EIS exhibition, the Applicant undertook consultation whereby Council consented to the proposed works and advised that the associated access arrangements within the public carpark should be established via a Deed of Agreement.

The Applicant's RTS committed to providing public access to the parking bays within the drop-off / pick-up zone outside of the school times. The RTS advised that access to the basement carpark can be provided to Council officials and sporting clubs on weekends when the ICS is not operational.

In response to Council's concerns regarding the closure of the public carpark, the Applicant's RTS includes a Statement of Operations detailing interim management measures in the event of closure of the public carpark for the Stage 2 redevelopment works. These include:

- the establishment of a temporary set drop-off / pick-up zone along Westbourne Street to the north of the Cemetery and allowing the students to temporarily walk through the Cemetery via The Avenue to access the site.
- applying 'No Parking' restrictions to five car parking spaces on this street during the AM and PM drop-off / pick-up times, with the regular four-hour limited parking restrictions at other times.
- alternate option of transporting the students in a bus from a central location such as Chatswood to an existing bus zone on Reserve Road or Westbourne Street.
- use of the existing path on the northern side of the GHP Oval for access from Reserve Road.
- management measures, such as appointment of a school marshal, to supervise drop-off / pick-up zones at Westbourne Street and Reserve Road.
- requiring parents and visitors to use the carpark on the northern side of GHP (**Figure 11**).

The Applicant advised that the temporary access management measures would be prepared in consultation with and to Council's satisfaction at the time when the public carpark may be closed. The proposed temporary drop-off / pick-up zones are identified in **Figure 25**.

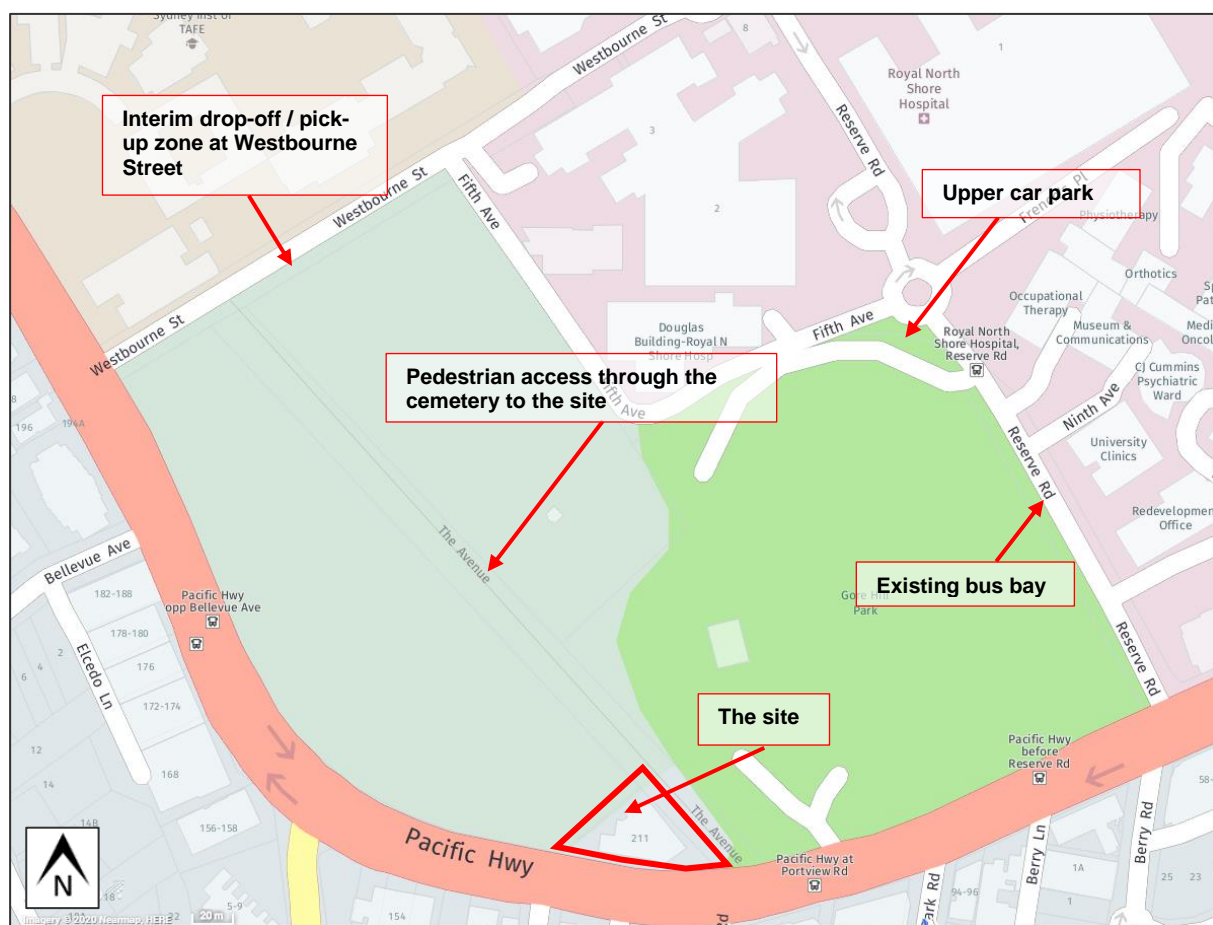


Figure 25 | Temporary drop-pick-up zone (Source: Nearmap 2020)

The Applicant advised that Council, as manager of the GHP and public carpark on behalf of Crown Lands, could maintain access to the basement car park for staff during works for Stage 2 redevelopment, as the basement accommodates a small number of vehicles for staff usage, and therefore generates a limited number of movements at the start and end of the day.

In response to the RTS, Council did not provide any specific comments in relation to the proposed temporary drop-off / pick-up zones or the access to the site from these areas. The Department notes that access to the public carpark is restricted by a short-term licence period of 12 months from the date of granting the licence, pursuant to the provisions of *Crownland Management Act 2016*. The licence period would have to be renewed on an on-going basis or a new licence issued by Council after each 12-month period to allow continued access to the public carpark by the school. The Department considers that this is a matter between Council and the Applicant.

The Department has reviewed the proposed use of the public carpark by ICS and considers that the daily access to the site by ICS users from the Pacific Highway via the public carpark would not have a significant impact on other recreational users of GHP, as the AM and PM school peak times do not coincide with the peak usage times for the GHP. The Applicant has proposed additional access measures from Pacific Highway (discussed in **Section 6.2**) to reduce queuing and congestion within the carpark or the Pacific Highway.

In order to ensure that the use of the public carpark by ICS users does not compromise existing or future community activities within the GHP, the Department has recommended a condition requiring no usage of the site outside of the core school hours (weekdays of school terms only). In addition to the terms of the future Deed of Agreement, the Department also recommends conditions requiring the Applicant to establish a legally binding public right-of-way (ROW) with Council for:

- pedestrian and vehicle access to the section of The Avenue in the immediate vicinity of the site.
- access to the 10 car spaces in the basement of the existing building by officials or ground staff associated with Gore Hill Park outside school hours (after 6pm) on weekdays and at all times during weekends.
- public access to the five car parking spaces in the drop-off / pick-up zone in The Avenue at all times except for the nominated school drop-off / pick-up times during weekdays of school term.

The Department is satisfied that subject to the implementation of the proposed traffic management measures / upgrades, ROWs and restricted use of the site as a school, the proposed use of the public carpark for access to the site and the drop-off / pick-up zone is acceptable.

However, the Department is concerned about continuing the use of the site as ICS during the Stage 2 redevelopment of the GHP due to the following reasons:

- the public carpark may be unavailable in its entirety during the Stage 2 redevelopment of GHP.
- given that the existing building has access through the public carpark, it is anticipated that Council would maintain access to the basement carpark through the building phase. However, the access to the drop-off / pick-up area cannot be guaranteed due to ongoing building works within the public carpark.
- the Applicant has provided insufficient analysis in relation to the arrangements for site access following temporary closure of the public carpark. While a temporary Statement of Operations has been provided, it is unclear as to whether the nearby streets are suitable for an alternative drop-off / pick-up zone, noting that the amendment to the parking restrictions on Westbourne Street or Reserve Road and associated roadworks would require assessment and approval by Council's Local Traffic Committee.
- the alternative pedestrian routes may not be suitable considering student safety and comfort during inclement weather. No detailed analysis was conducted in this regard.
- as noted in **Section 5**, Heritage NSW have concerns regarding the use of The Avenue for the purpose of a drop-off / pick-up zone as it would contradict the historic use of this road for mourners / users of the Cemetery. The provision of an interim drop-off / pick-up zone on Westbourne would imply that students would have to walk through the Cemetery on a daily basis. The Applicant has not consulted with Heritage NSW in this regard or assessed the impacts of increased pedestrian movements on the heritage significance of the Cemetery.

On that basis, the Department considers that the use of the ICS should cease if the licence to access the public carpark is not renewed beyond a stipulated 12-month period. The Department has recommended conditions requiring the following:

- no construction or operational works in relation to the development consent should be undertaken unless a copy of the signed Deed of Agreement and the licence are provided to the Planning Secretary.
- written evidence of the renewal of the licence / issue of a new licence by Council must be submitted to the Planning Secretary within one month, after each of the 12-month period.

6.1.3 Time limit on the development consent

As discussed above, the site is highly constrained and relies on adjoining land for the provision of access and open space. Considering these site constraints, the uncertainty of continued access to this open space as the GHP upgrading is progressed and the need for a Deed of Agreement between Council and the Applicant, a time limited consent is appropriate. Based on its negotiations with Council, the Applicant has requested that development consent for the use of the site as a school be granted for five years.

The Department also recognises that there a number of other constraints which could also impede the use of the site as a school in the long term, including access through the Cemetery, and increased activities within The Avenue conflicting with its intended use as the carriageway for the Cemetery (see **Section 6.3**).

The Department, however, agrees that the Applicant has provided sufficient information to establish that the site is suitable for use as a school with 160 students for a limited time, including access provisions, use of GHP Oval, suitable classrooms and within the building with adequate acoustic treatment. The residual impacts (such as amenity of the open space, use of the oval), can be managed through preparation of management / mitigation measures in accordance with recommended conditions of consent.

Consequently, the Department has recommended a condition limiting the development consent to a period of five years.

6.2 Traffic, access and parking

The EIS included a Parking and Traffic Impact Assessment (PTIA), assessing the proposal's impact on traffic, access, and parking in the locality. In response to concerns raised by Council, TfNSW and the community during the EIS exhibition, the Applicant's RTS included an updated PTIA to reflect the reduced maximum student population. The updated PTIA also included additional information in relation to traffic management, vehicular access and the roadworks.

The relevant matters in relation to operational traffic generation, vehicular access and parking arrangements are discussed below.

6.2.1 Traffic generation and intersection performance

The proposed development would result in additional vehicular trips that would access the site via the public carpark. Consequently, there would be an intensification of traffic flow within the public carpark and on the Pacific Highway at this location.

During the EIS exhibition, community submissions raised concerns regarding the cumulative impacts of the additional traffic generated by the proposal and increased congestion within the public carpark. Council also raised concerns regarding traffic congestion, conflicts in the public carpark, trip assignments rates and queuing across the entry / exit to the public carpark during peak periods due to the additional traffic. TfNSW raised a number of concerns regarding the peak hour traffic movements and traffic generation as well as the need for upgrading nearby intersections to accommodate the additional traffic due to the development. TfNSW and Council recommended that a dedicated access should be provided for entry to the public carpark from the Pacific Highway to avoid adverse impacts on the flowing traffic on the Pacific Highway.

In response to the concerns raised in submissions, the RTS included an updated PTIA, which includes traffic generation data for the AM (8am – 9am) and PM (2:30pm – 3:30pm) peak hours based on 135 students. 25 students would use OOSH and therefore were excluded from the school population contributing towards peak hour traffic.

The updated PTIA adopts an average trip generation rate in accordance with TfNSW Guide to Transport Impact Assessments and indicates that the ICS would generate approximately 94 and 68 vehicle trips to and from the site during weekday AM and PM peak hours, respectively. Based on existing traffic volumes on the Pacific Highway and the additional traffic, the updated PTIA includes a comparison between the existing and future performances at key identified intersections in the near vicinity of the site, during the AM / PM school peak hour.

The Applicant also submitted detailed plans for a deceleration lane to provide access to the public carpark from the eastbound carriageway of the Pacific Highway. An exclusive access to the public carpark would avoid queuing at the carpark entry and minimise impacts on through traffic.

The key intersections in the vicinity of the site and a comparison of the intersection performances is provided in **Figures 26 and 27**.

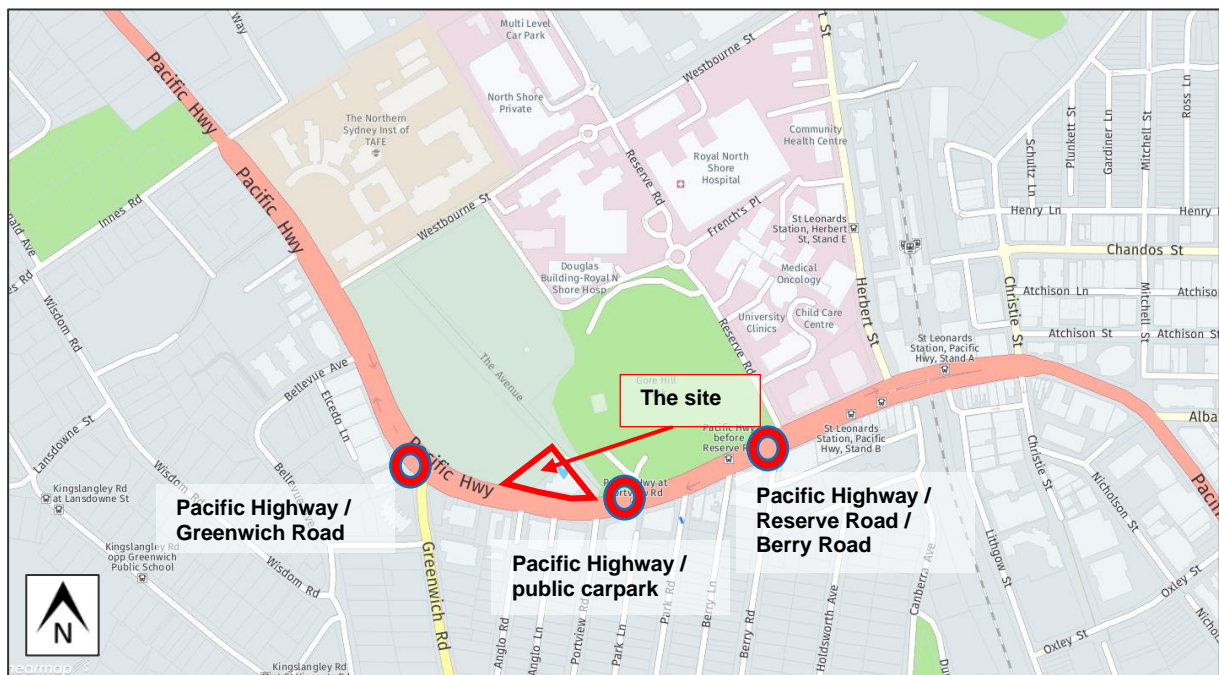


Figure 26 | Key Intersections surrounding the site (Source: Nearmap 2020)

SIDRA OUTPUT				
WEEKDAY PEAK HOUR PERFORMANCE				
	Existing Conditions		Projected Conditions	
	AM	PM	AM	PM
Pacific Hwy & Greenwich Rd				
Delay	25.3	18.9	25.9	19.6
Degree of Saturation	0.65	0.56	0.67	0.57
Level of Service	B	B	B	B
Pacific Hwy & Council Car Park Access Rd				
Delay	8.2	5.8	8.2	5.7
Degree of Saturation	0.32	0.25	0.33	0.26
Level of Service	A	A	A	A
Pacific Hwy, Reserve Rd & Berry Rd				
Delay	25.1	26.5	28.3	27.0
Degree of Saturation	0.77	0.47	0.79	0.48
Level of Service	B	B	B	B

Figure 27 | Intersection performances (existing and future) (Source: Applicant's RTS)

TfNSW has reviewed the updated PTIA supporting the RTS and raised no concerns regarding the traffic generation due to the proposed use on the site or the performance of the nearby intersections, subject to the provision of the deceleration lane. As discussed in **Section 6.1.2**, Council granted consent to traffic movements within the public carpark on 16 March 2020.

Discussions in **Section 6.1.2** note that the peak period for the school traffic does not coincide with the public carpark. Consequently, the Department considers that the likelihood of increase traffic congestion within the public carpark and queuing on the Pacific Highway due to ICS traffic is low. The provision of a deceleration lane would ensure a safe access to the public carpark from the Pacific Highway, reducing impacts on the traffic movement along the Pacific Highway (see **Section 6.2.3**). The proposed design of the internal driveways would ensure that the traffic generated during the AM and PM peak hours can be accommodated in the vehicular loop road and drop-off / pick-up zone without impacting on the traffic flow within the public carpark (see **Section 6.2.4**).

Figure 27 demonstrates that the key intersections would operate at LoS at A or B during the AM and PM peak periods for the ICS, representing a good operational level with spare capacity. Based on the above analysis, additional access provisions to the public carpark to cater for the ICS traffic, and comments from TfNSW, the Department is satisfied that the additional traffic generated by the ICS would not have an unreasonable impact on the surrounding traffic network or the public carpark. The proposed development is also acceptable regarding impacts on the intersection performances.

6.2.2 Vehicular and pedestrian access

Vehicular access

The vehicular entry to the public carpark from the Pacific Highway is identified in **Figures 6** and **26**. Internal alterations are proposed within the public carpark to accommodate a vehicular access loop road to provide access to the proposed drop-off / pick-up zone during the AM and PM peaks hours on a school day. The location of the additional access from the public car park and the vehicular loop road are provided in **Figures 15, 21** and **22**.

The original proposal submitted with the EIS resulted in the loss of three car spaces within the public carpark to accommodate the access. During the EIS exhibition, community submissions raised

concerns regarding the intensification of use of the vehicular access from the Pacific Highway, inadequate sight distances, and safety of motorists accessing the public carpark from the Pacific Highway. Council raised concerns regarding the loss of the three car spaces to accommodate the vehicular loop road and requested that details in relation to ROW and future management of Crown land associated with the carpark be provided. Council also advised that longer vehicles would not be able to access the proposed vehicular loop road.

In response, the Applicant's SRTS included amended plans which reinstated the three car spaces elsewhere within the public carpark, resulting in no net reduction in public parking. The proposal, as amended, also includes the following internal access / driveway provisions (**Figures 28 - 31**):

- a new ingress driveway from the public carpark to the Avenue (4m wide with 6.5m width at the entry) serving as the entry to the vehicular loop road.
- an access roadway within The Avenue with a width of 6.5m providing a 3m wide drop-off / pick-up zone in conjunction with the 3.5m wide through travel lane.
- widening of the existing driveway pavement at the north-east corner of site to be 4m and serving as the future egress driveway for the vehicular loop road.
- access to the basement carpark of the existing building from the travel lane within The Avenue
- permeable brick pavers, kerb and gutter for the new or widened driveways / travel lane.
- one-way clockwise movement between the public carpark and The Avenue.

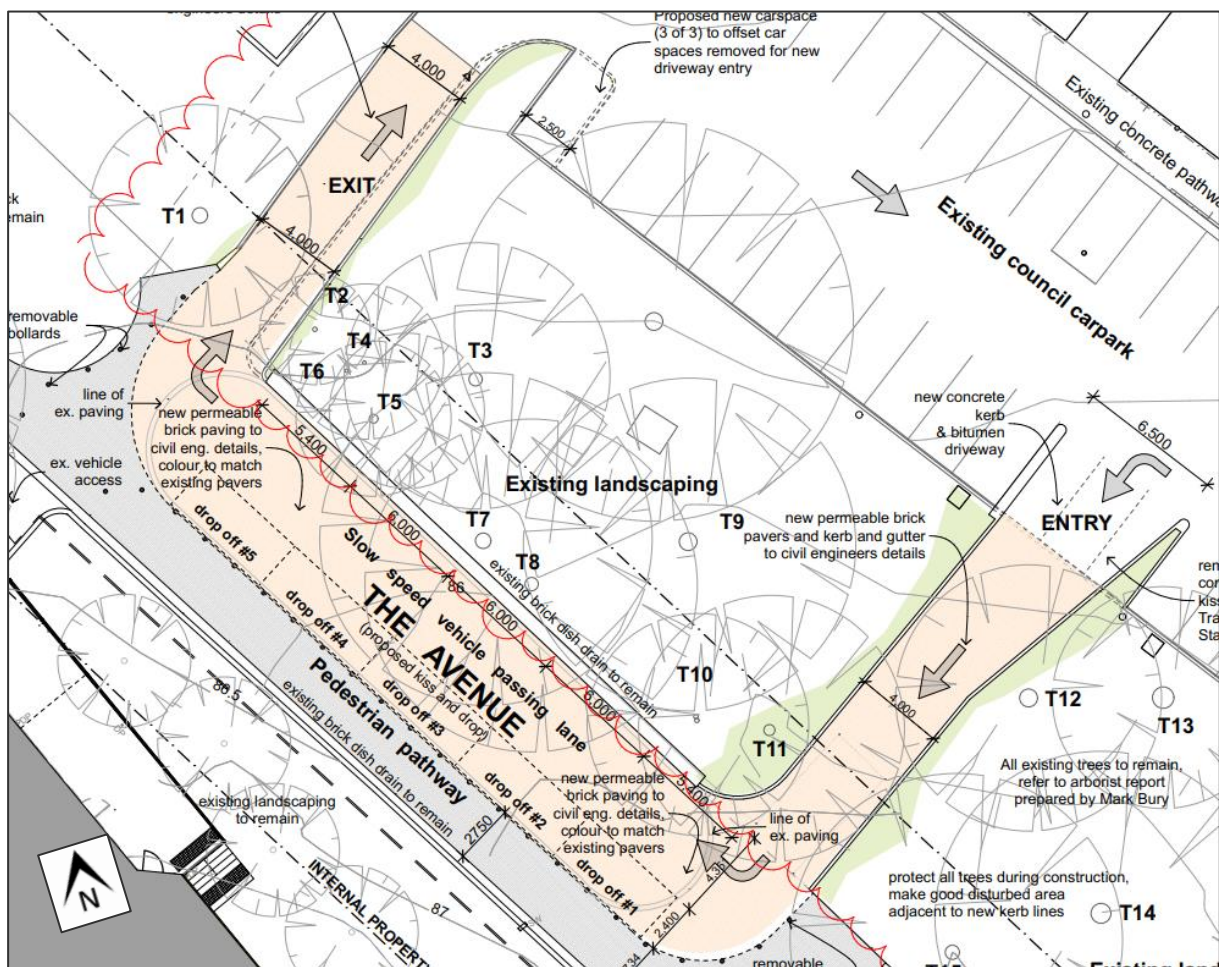


Figure 28 | (Source: Proposed driveway and roadworks within The Avenue (Applicant's SRTS))

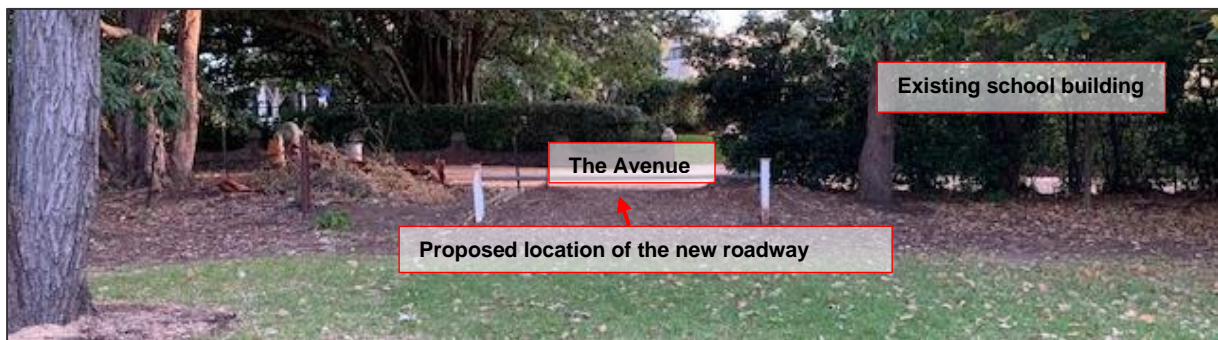


Figure 29 | Proposed new driveway access from Council carpark to The Avenue (Source: DPIE 2020)

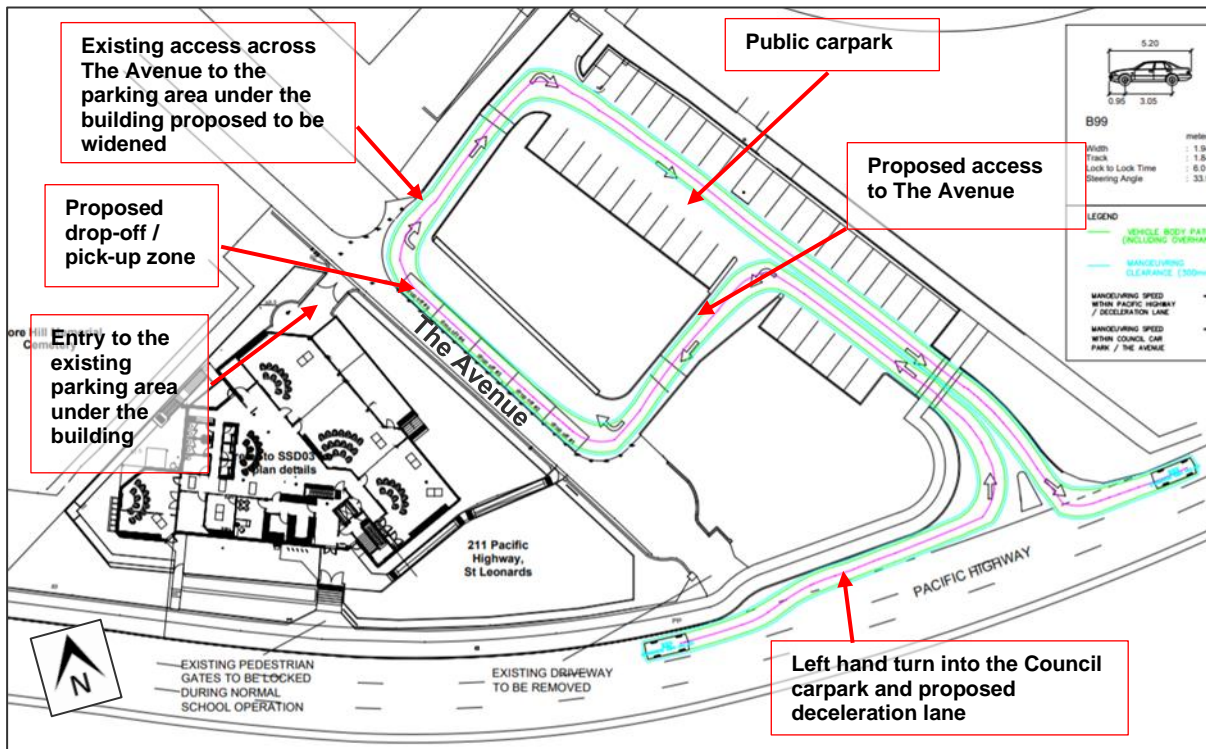


Figure 30 | Proposed vehicular access (Source: Applicant's RTS)



Figure 31 | Existing access from Council carpark to the site, proposed to be widened (Source: DPIE 2020)

The updated PTIA indicates the largest vehicle required to service the site would be the 8.8m long Medium Rigid Vehicle (MRV) for waste collection. Swept path analysis submitted with the updated PTIA demonstrate that an MRV is capable of servicing the site. The occasional access by one or more Small Rigid Vehicles such as minibuses for excursions would also be feasible. As such, the MRVs servicing the site would utilise the proposed drop-off / pick up zone between 10am – 2pm (outside the AM and PM peak hours) to reduce conflict with peak traffic movements in this area.

Based on the above, the Department concludes that the proposed driveways have sufficient width and manoeuvrability to accommodate cars and service vehicles in a safe and efficient manner. The Department has recommended conditions requiring the swept path of the longest vehicle accessing the site to be in accordance with relevant Australian Standards.

As discussed in **Section 6.1.2**, the Department has also recommended conditions requiring the Applicant to establish public ROW with Council for access to The Avenue and the vehicular loop road.

Pedestrian Access

No direct pedestrian access to the site is proposed from the Pacific Highway. The Cemetery gates at the southern end of The Avenue would be locked and only opened in case of an emergency. All pedestrian access to the site would be confined to The Avenue and the public carpark.

During the EIS exhibition, Council commented that there is potential for ICS users at the westbound public bus stop on the Pacific Highway to illegally cross the highway and access the site.

In this regard, the Department notes the nearest signalised pedestrian crossings are at the intersection with Greenwich Road / Pacific Highway, which is less than 150m west of the site and Reserve Road / Berry Road, approximately 200m to the east of the site. The proximity of these crossings to the site encourages ICS students to use the traffic lights to cross the highway.

Notwithstanding, and in response pedestrian safety concerns raised by TfNSW, the amended plans in the RTS propose pedestrian fencing along the entire northern kerb line of the Pacific Highway in the vicinity of the site. The Applicant's RTS also proposes to deliver a part of the planned shared pedestrian and bicycle path along the Pacific Highway frontage of the site, adjoining the deceleration lane. Specific management measures for pedestrian movements to and from the site are also contained within the updated TMP.

The Department is satisfied that the provision of fencing would reduce the chances of pedestrians illegally crossing the highway, and thus improve road safety at this location. The Department is also satisfied that pedestrians are provided with good connectivity to the site and that the surrounding pedestrian network can accommodate the additional pedestrian activities due to the proposed use.

6.2.3 Deceleration Lane

During the EIS exhibition, concerns were raised by the public authorities and the community regarding the suitability of the existing access to the public carpark from the Pacific Highway to cater for the proposed use, noting the daily increase in vehicle trips.

In response to the concerns, and following consultation with the relevant public authorities, the Applicant's RTS proposed the construction of a deceleration lane within the eastbound Pacific Highway carriageway, to exclusively serve the public carpark (**Figures 15 and 30**). The associated works would involve removal of the redundant driveway crossing between The Avenue and the Pacific

Highway, construction of a 37m long deceleration lane (including the taper), realignment of the pedestrian footpath along this section of the Pacific Highway and construction of a pedestrian fence.

The Applicant's RTS notes the proposed length of the deceleration lane is slightly less than the desirable 50m length specified by Austroads' Guide to Road Design. However, a greater length of the deceleration lane at this location would require the removal of the Cemetery gates at the entrance to the Avenue, which have significant heritage value. Consequently, the Applicant considered the proposed length would meet the purpose.

TfNSW reviewed the proposed plans and did not raise any concerns regarding design of the deceleration lane, subject to recommended conditions requiring its completion prior to the commencement of operation.

Following submission of the RTS, the Applicant requested construction of the deceleration lane be delayed until the start of the school year in 2021, to allow for commencement of operation in 2020 with 63 students. The Applicant submitted an SRTS which justified that 63 student enrolments would result in minimal traffic, excluding the need for a deceleration lane to the public carpark.

TfNSW reviewed the Applicant's request and advised the Department that the delayed delivery of the deceleration lane is acceptable, subject to detailed concept plans and request for a Works Authorisation Deed being submitted prior to the commencement of operation of the ICS. TfNSW also recommended no further increase in student numbers beyond the 63 enrolments be allowed prior to completion of the deceleration lane, associated approvals, and dedication of the lane to TfNSW. The Department has included conditions to this effect in the consent.

The Department is satisfied that the provision of a deceleration lane would reduce the potential for impacts on traffic flows along the Pacific Highway during peak school times. It would also improve the existing level of safety and efficiency for vehicles accessing the carpark and provide a significant public benefit with respect to the existing and future operational demands of GHP outside the operation of the ICS.

6.2.4 Drop-off / Pick-up Zone

To proposal involves construction of a student drop-off / pick-up zone within The Avenue in association with the vehicular loop road (**Figures 21 and 28**). The travel lane and the vehicular loop road (total length 30m) would have a queuing capacity of up to 10 vehicles, including a formal area with capacity for five car parking bays on The Avenue.

During the EIS exhibition, Council commented the capacity of the drop-off / pick-up zone would be inadequate and raised concerns in relation to the difficulty for vehicles leaving the parking bays due to a steady stream of vehicles accessing this zone. Council also raised safety concerns associated with the use of surrounding streets for the drop-off / pick-up of students including the Pacific Highway, due to the traffic congestion and excessive queuing within the carpark.

In response to the concerns, the Applicant amended the proposal by reducing the student numbers to 160. Consequently, the capacity of the proposed drop-off / pick-up facility represents one parent vehicle per 16 students. The updated Traffic Management Plan (TMP) in the RTS indicates that a rate of 1 parent vehicle per 30 students generally applies to schools in other LGAs. The queuing capacity within the site is comparable to other local schools, including the Artarmon and Mowbray Public Schools, which have drop-off / pick-up capacities for approximately 15 vehicles, with significantly larger student population of 1175 and 575 students, respectively.

The TMP incorporates a series of site-specific operational management measures, including staggering of school start and finish times, supervision of student drop-off / pick-up activities with The Avenue to avoid conflicts within the public carpark, and restrictions on parent visits to be outside school AM and PM peak times.

Council and TfNSW did not raise any concern regarding the design of the drop-off / pick up zone, following the submission of the RTS. Council advised that their recommended conditions regarding technical specifications of the design of the vehicular areas be incorporated in the consent.

The Department has reviewed the Applicant's RTS and considers the design of the drop-off / pick-up zone to be reasonable, considering the constraints of the site. The design would ensure least impact on the heritage values of The Avenue (see **Section 6.3**) and existing trees in the vicinity (see **Section 6.4**), while ensuring safe ingress / egress for ICS traffic.

While the proposed vehicular loop road can accommodate the likely number of vehicles generated by the ICS during peak hours, the Department acknowledges that the proposal involves an intensification of use of the public carpark. The Department is satisfied that the intensification of use of the public carpark can be managed through the implementation of an Operational Traffic and Access Management Plan to ensure the drop-off / pick-up arrangements do not unreasonably impede public vehicle access/egress movements within the Council carpark. The plan would incorporate the measures in the TMP and is recommended as a condition of consent.

Interim access arrangements

The ICS estimates a lead time of approximately six - seven months before the proposed drop-off / pick-up facility within The Avenue is constructed and is operational. The Applicant submitted an SRTS which proposes to stage the operation of the ICS, with the first stage involving the construction of the security fencing at the perimeter of the site and associated landscaping / pathways. This would allow for immediate commencement of operation of the school and cater for the continued education of the existing students of ICS. The second stage would involve the construction of the drop-off / pick-up zone within The Avenue and the associated modifications to the entry / exit to public carpark.

As part of the first stage, the ICS proposes a temporary drop-off / pick-up arrangement involving students being picked up by a minibus from the existing ICS site at View Street, Chatswood and dropped off within The Avenue, in front of the existing building. The same pick-up arrangement is proposed for the afternoon.

The Applicant SRTS includes swept path diagrams to demonstrate that a minibus (22-seater) is capable of entering and exiting The Avenue via the existing access from the public carpark (**Figure 31**). An interim access management plan is also proposed incorporating the following key measures:

- a maximum student capacity of 63 students.
- instructing all parents to drop-off / pick-up students from View Street Chatswood only.
- a maximum of three minibuses to access the drop-off / pick-up students to be students at 15-minute intervals, in both the morning and afternoon with only one minibus within the public carpark at any one time.
- not permitting buses to stop within public carpark.
- a school marshal to monitor the drop-off / pick-up activity.
- access to the site to be maintained at all times during ongoing construction of the drop-off / pick-up zone within The Avenue.

Council has provided comments supporting the temporary access arrangements, subject to the implementation of management measures.

The Department considers that the commencement of operation of the ICS is critical to continuing education for the students that are currently enrolled with the school at Chatswood. The Applicant has provided reasonable temporary measures to ensure that operation can commence with minimal student numbers and negligible impacts on the Pacific Highway or the public carpark.

The Department is satisfied that subject to the implementation of an interim access management plan, the temporary bus access arrangements would operate in a safe and efficient manner for the duration of the construction of the drop-off / pick-up facility. The Department is also satisfied the construction works associated with the drop-off / pick-up facility can be timed (such as during school holidays, after 3:30pm or only on Saturdays) so that access to the public car park is maintained at all times during construction works and disruption to the students is minimised. Conditions to this effect are included in the recommended development consent.

The Department has also recommended a condition requiring the delivery and operation of the drop-off / pick-up zone within the Avenue in association with the works within the public carpark to be completed within six months of commencement of operation, consistent with the proposed staging by the Applicant. The use of the building as ICS should cease after this period if the drop-off / pick-up zone is not constructed satisfactorily.

6.2.5 Parking and sustainable transport

Car parking

Willoughby Development Control Plan 2006 (WDCP) requires a parking rate of 1 space per 2 staff, 1 space per 10 tertiary students and 1 space per 10 students in assembly hall for a school. As the ICS caters for primary school children with no assembly hall, only the staff parking component of the WDCP would be applicable in this instance. Based on a maximum of 15 staff, a minimum of eight car spaces would be required on the site. The basement of the existing building includes 11 car spaces including, seven staff parking, three visitors (including one disabled) and one shared car space, complying with the above requirement.

During the EIS exhibition, Council raised concern regarding the vehicle circulation within the basement carpark, particularly for larger vehicles, and the high number of 'small car spaces' (six of the seven staff spaces) due to the constraints within the parking area. Of the seven staff car spaces, six car spaces would be less than the required 5.4m length.

In response, the updated PTIA included swept path diagrams illustrating that passenger vehicles can satisfactorily manoeuvre throughout the basement parking area.

The proposal, as amended by the RTS, also involves reinstating three car spaces in the public carpark that would be lost due to the location of the new vehicular loop road. Additionally, five car parking bays within The Avenue would also be available for public use on weekdays outside school times. The basement carpark would be made available for sporting coaches and ground staff affiliated with the GHP.

The Department's assessment notes the parking area on the site would attract a low volume of traffic and is primarily for use by staff who would be familiar with the vehicle layout. Larger vehicles would not use the basement carpark, therefore no further assessment is necessary.

The Department is satisfied there would be safe and efficient access for passenger vehicles within the site. A condition of consent requires the Applicant to demonstrate that the existing carparking layout complies with Australian Standard AS 2890-Off Street Parking facilities.

The WDCP requires the provision of one motorcycle space per 25 car spaces for all developments. The basement carpark includes one motorcycle space and complies with this requirement.

Bicycle parking

WDCP does not provide bicycle parking requirements specifically for schools, however the proposal includes five bicycle storage racks on the southern frontage of the site (Pacific Highway side) capable of accommodating up to 10 bicycles. The proposed bicycle parking provision, equating to approximately 1 space per 16 students is considered satisfactory. The provision of end of trip facilities is not warranted given the relatively small size of the school within an existing building.

Public transport

The site is located within walking distance of St Leonards railway station and commercial centre. Being located near the GHP and the Royal North Shore Hospital, the site also has access to numerous public bus routes.

During the EIS exhibition, TfNSW recommended that a Green Travel Plan (GTP) be prepared for the ICS with specific future mode share targets to promote use of public and other sustainable transport measures.

In response, the updated PTIA includes a preliminary GTP with information regarding sustainable transport modes and infrastructure, initiatives to encourage use of public transport and future modal shift targets along with monitoring and review measures.

The Department has assessed the Applicant's approach to introducing sustainable transport modes. The Department supports the modal split target for public transport usage. The Department notes that to achieve the modal share targets, reduce reliance on private vehicle usage and encourage active transport, the implementation of the GTP framework is required. Consequently, the Department has recommended a condition of consent requiring the preparation of a final GTP prior to the commencement of operations and its ongoing implementation and monitoring.

6.3 Heritage

The site is a parcel of land within the Cemetery previously occupied by a caretaker cottage (Sextons Cottage), which was largely demolished in 1984 and replaced with a new commercial building with only minor remnants of the original cottage remaining on the site.

Part of the site, Lot 101 DP 79137, is listed on the NSW State Heritage Register as an item of State Significance. The whole site is listed as an item of State heritage significance on Schedule 5 of the WLEP as Gore Hill Cemetery (I148). Lot 102 DP 79737 (being the Cemetery burial grounds) is also included within the WLEP listing and is listed on the NSW State Heritage Register.

The Cemetery has local and State heritage significance attributed to it being a landscaped public cemetery developed in the late 19th and early 20th century. The site adjoins The Avenue historically known as The Carriageway, which runs through the Cemetery from Westbourne Street in the north to

the Pacific Highway in the south and provides a distinctive character to the Cemetery. The burial grounds are located to the northeast and southwest of The Avenue (**Figures 4 and 5**).

In its submission to the EIS, Heritage NSW considered that the proposed use of the site as a school would have an adverse impact on the physical and visual character of the Cemetery and its State listed heritage values. The main concern related to the increase in vehicular and pedestrian movements and the physical impacts associated with roadworks within The Avenue. Council's submission to the EIS also raised concerns that are similar to Heritage NSW. The Department also reviewed the proposal and raised concerns regarding the inconsistencies of the proposed use with the Gore Hill Plan of Management 2016 (GHPOM), which guides the conservation and future development within the Cemetery site.

Community submissions objected to the intensification of the use of the site and the impact this would have on the tranquil nature and setting of the Cemetery.

The key heritage issues raised in the submissions relate to the proposed school use and the associated roadworks, are discussed below.

6.3.1 Proposed School Use

The Statement of Heritage Impact (HIS) in the EIS and a supplementary heritage statement in the RTS provide a response to the concerns raised in the submissions in relation to heritage matters. In addition, the HIS evaluates the proposal against the heritage provisions outlined in the GHPOM.

Intensification of use

The Applicant's HIS considers that the increased activity associated with the school would enhance the public appreciation and understanding of the heritage values of the Cemetery, in accordance with the strategic directions in the GHPOM.

The Applicant's HIS indicates that pedestrian and vehicular traffic movements to the site would only be limited to short periods in the morning and afternoon on a school day, which equates to less than 55% of the total number of days per year. Consequently, the limited movement within the southern part of The Avenue would not distract from the tranquil environment of the Cemetery.

The Department acknowledges the concerns raised in the submissions in relation to increased vehicular and pedestrian movements within The Avenue and the potential impact on the Cemetery. However, the Department recognises the site context has changed following the Stage 1 redevelopment of the GHP, where a significant increase in the recreational activities are noted adjoining the burial grounds (in the picnic area). Further increase in community and recreational activities are likely to occur once the multi-use indoor sports facility is constructed in the Stage 2 redevelopment of the GHP. The proposed intensification of future activities aligns with the GHPOM, which envisages additional activities within the Cemetery to increase knowledge and visitation, including open days, tours, outdoor movies, exhibitions, and functions within The Avenue.

As such, the Department considers that there is unlikely to be a significant adverse heritage impact on the solemn character of the Cemetery as the activity associated with student drop-off / pick-up zone would occur for short periods in the morning and afternoon on a school day. The installation of removable bollards would ensure the traffic movements are confined to the southern part of The Avenue, away from the burial grounds.

The Department also considers that the school use would be confined to the southeast end of the Cemetery where a higher intensity of activity in association with the commercial building was expected during the previous approvals.

Considering the relatively small school population, the Department is satisfied that the use is not likely to generate any significant adverse vehicular and pedestrian movements that would undermine the cultural significance or the heritage significance of the Cemetery or be inconsistent with the GHPOM. The Department considers the proposed ICS would encourage the active use of the existing building and provides the opportunity for increased interpretation / access and an increased level of security for the entire Cemetery site.

Conserving the Cemetery

A key management strategy in the GHPOM seeks to conserve the Cemetery as a heritage site for future generations. There are no ongoing burial interments and limited ashes interment due to the limited size of the Cemetery, resulting in little operating income for the management of the Cemetery.

The existing office building on the site was originally established partly to generate revenue for the Cemetery. Currently there is a ground lease for the site until 2053 which can provide income for the management of the Cemetery. However, the site has been vacant for two years, which is an indication the site is no longer suitable for office purposes due to its relative isolation and competition for office floorspace in nearby centres at Chatswood or North Sydney.

The Department notes that Council recently approved a new floor level on the existing building on the site, increasing the useable floor space of the building. Council subsequently approved its internal fit-out in anticipation of its future use as a school and more intensive use of the site.

Having regard to the above, the Department considers that the active use of the site is one aspect in achieving the conservation of the Cemetery in accordance with the GHPOM.

The Department's assessment concludes the ICS would support the active use of the site and assist funding the ongoing maintenance and conservation of the Cemetery, which is an outcome supported by the key strategic directions in the GHPOM.

6.3.2 Physical works

The physical works associated with the new vehicular access arrangements to the site involve the installation of new paving within the drop-off / pick-up zone demarcated by removable bollards within The Avenue and a new driveway access from the public carpark. A new security fence is also proposed be installed inside the boundary at the perimeter of the site. The proposed physical works within The Avenue and its interface with the public carpark are identified in **Figure 28**.

Initially Heritage NSW and the Department raised concerns regarding the proposed charcoal coloured paving within The Avenue. In response, the amended plans submitted with the proposal indicated that the proposed paving colour and texture would be consistent with the existing brick pavers in The Avenue. The proposed area of new paving is identified in light orange colour in **Figure 28**.

The Department considers the proposed works are acceptable, having regard to their impacts on the heritage significance of the Cemetery, because the:

- new paving is confined to a small portion of The Avenue in an area of gravel with limited seasonal grass growth due to heavy shading and no reticulation.

- existing 1970s red brick paving within The Avenue would be retained.
- new paving system would have an engineered substrate such that the existing trees between The Avenue and the public carpark are not detrimentally impacted by the proposed works.
- additional driveway access from the public carpark aligns with a former pedestrian accessway from GHP to The Avenue.
- new security fence is proposed to be set back from the boundary and screened by the existing hedges. The fence is proposed to be open palisade style which allows views through the fence to the landscaped setting of the building and cemetery.
- proposed drop-off / pick-up zone location and the bollards would allow for continuation of views along The Avenue and the retention of the existing treelined boundary.

Considering the above, the proposed works are supported by the Department.

6.3.3 Signage

Two signs for identification of the school are proposed to be installed on the site. The details of the signs are provided in **Section 2** and identified in **Figure 32**.

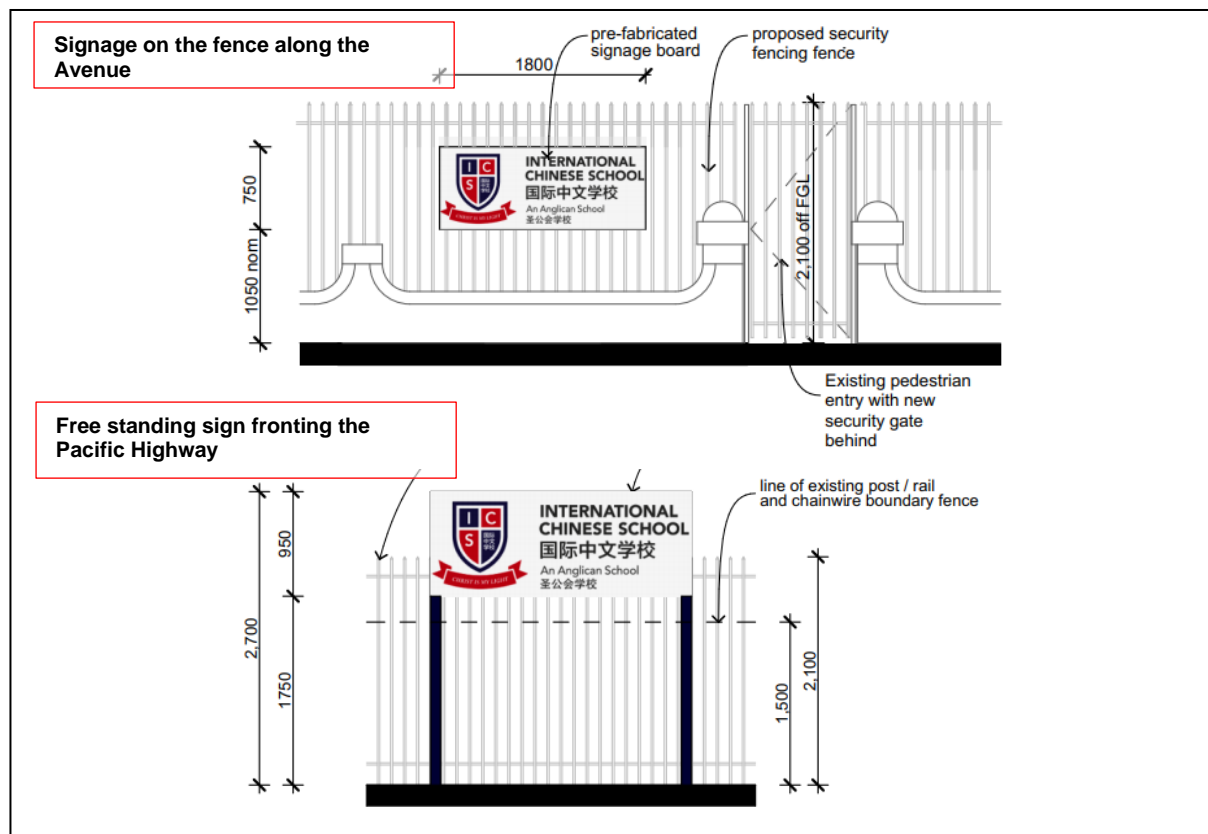


Figure 32 | Proposed signage (Source: Applicant's SRTS)

In its review of the proposal, TfNSW did not raise any concerns in terms of the impacts of the sign on the pedestrian safety and use of the Pacific Highway. Heritage NSW recommended that signage should not detract from the heritage values of the site and the surroundings.

The Department's assessment of the proposed signage concludes that the signs are of an appropriate scale, form and proportion that is suitable to the site. The signs would not detract from the heritage significance of the site and the surroundings. A detailed assessment of the signs against the provisions of State Environmental Planning Policy No. 64 has been conducted in **Appendix B**.

The Department anticipates that wayfinding signage would be needed within the public carpark as well as the site to identify the various parking areas and driveways. The Department considers the detailed design of the proposed signage including any directional signage across the site should be undertaken in consultation with Council to ensure it is consistent with the signage for the GHP and the Cemetery. A condition to this effect is recommended.

6.3.4 Impacts on built heritage

The proposal does not involve any external works to change the appearance of the existing building on the site. The proposed minor landscaping and fencing works within the site would have negligible impact on the heritage values of the Cemetery. The physical works with The Avenue have been assessed as satisfactory.

On balance, the impacts of the proposal on the built heritage of the site and surrounds is considered acceptable.

6.3.5 Aboriginal Cultural Heritage

The EIS includes an Aboriginal Cultural Heritage Assessment Report (ACHAR), as some of the proposed landscape works and the vehicular loop road may lead to ground disturbance within the site and the surrounding land.

The ACHAR concludes that works are proposed in areas that have been historically impacted and do not have potential to contain intact or extensive Aboriginal archaeological remains. Consequently, no further Aboriginal heritage investigations are considered necessary.

However, the ACHAR states that there remains a possibility for stone artefacts to be present in disturbed contexts within this area. Consequently, the ACHAR recommends:

- Aboriginal archaeological monitoring by a suitably qualified representative in conjunction with a representative of the Metropolitan Local Aboriginal Land Council during the initial earthworks in association with the proposed drop-off / pick-up zone within The Avenue. This would ensure that any exposed or identified stone artefacts or other Aboriginal archaeological material can be recorded and collected.
- the location of any collected stone artefacts should be recorded, and each artefact individually bagged for recording. All artefacts collected would be subject to recording and cataloguing by a suitably qualified consultant, in accordance with 'stone artefact deposition and storage' of OEH 2010 Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.
- an unexpected finds protocol should be prepared, as a precaution during construction.

The EESG reviewed the EIS and supported the recommendations in the submitted ACHAR.

The Department has recommended conditions of consent to ensure appropriate implementation of the recommendations of the ACHAR.

6.3.6 Historic Archaeology

The EIS was supported by a Historical Archaeological Assessment and Impact Statement. The report found that the site did not form part of the Cemetery reserved for burial purposes and thus graves or cemetery-related items are unlikely to be encountered. The recreation reserve associated with the GHP Oval has been disturbed and modified from the 1920s to the present day. Potential historical

archaeological resources in the site largely consist of late nineteenth and twentieth century former road surfaces and landscape modifications.

On balance of probabilities, the archaeological potential of the site is assessed as low, has limited archaeological research significance, and as such does not meet the threshold of 'relics' within the meaning of the *Heritage Act 1977* (NSW). The report recommended that an unexpected finds procedure for historic archaeology be in place and a briefing for contractors undertaking ground works be prepared detailing the type of material that may be encountered.

Heritage NSW reviewed the proposal with regard to historic archaeology and agreed with the conclusion of the report. The Department has recommended a condition requiring the implementation of an unexpected finds procedure during the construction works, including procedures in relation to human remains.

6.4 Other issues

The Department's consideration of other issues is provided at **Table 8**.

Table 8 | Department's assessment of other issues

Issue	Discussion	Finding / Recommended Conditions
Contamination	<ul style="list-style-type: none"> A Detailed Site Investigation (DSI) was submitted with the EIS, which concluded that all potential contaminants on the site were within the threshold of relevant site assessment criteria. The DSI identified potential data gaps in the sampling due to the existing building footprint and the tree root zones. Consequently, an EPA accredited Site Auditor was engaged to provide advice. Site observations by the Auditor did not identify any signs of significant contamination. Ongoing sources of contamination or likelihood of contaminated soils below the footprint of the existing building was considered low. A Site Audit Statement was subsequently issued identifying the site as suitable for its intended use as a school. 	<ul style="list-style-type: none"> Based on the Site Auditor's report, the Department is satisfied that the site is suitable for the proposed development and complies with the requirements of State Environmental Planning Policy No 55 – Remediation of Land. The Department has recommended a condition requiring an unexpected finds protocol to be developed for managing unexpected contaminants during construction works.

Noise and Vibration

Operational Noise

- The proposal is supported by an Acoustic Assessment Report (AAR), which includes a series of recommendations to ensure that the noise intrusion into the GLAs, due to road traffic noise from Pacific Highway is minimised.
 - The Applicant has advised that the existing building already incorporates acoustic treatments. While the treatments may not be the same as those recommended in the AAR, they would ensure that the recommended internal noise levels in the AAR (40dB(A)) are achieved.
 - The matters in relation to the acoustic amenity of the open space on the southern side of the site and the recommended alternate location of the on-site open space are discussed in **Section 6.1.1**.
 - The AAR establishes that the noise levels generated by the proposed use of the school would not adversely impact on the identified sensitive receivers in the near vicinity. The school does not include a public address system or any intensive outdoor activities on the site that may generate unreasonable noise impacts.
- The Department has reviewed the AAR and is satisfied that the noise generated due to the operation of the ICS would not have an unreasonable impact on the surrounding developments or residential receivers in Greenwich.
 - The Department has recommended conditions:
 - prior to the commencement of the operation, a suitably qualified acoustic consultant must certify that the internal acoustic treatment measures of the existing building achieve the internal noise criteria of 40dBA, as recommended in the AAR.
 - if the internal noise criteria for the existing building does not achieve the noise criteria, additional acoustic measures must be incorporated to the satisfaction of the Certifier and further acoustic certification obtained.
 - the noise generated by operation of the ICS and the OOSH must not exceed the noise limits specified in the AAR.

Construction Noise

- A construction noise and vibration assessment has been included in the AAR while noting that the proposal does not involve major building works.
 - The assessment concludes that without mitigation, noise at the most affected receivers around the site would generally comply with the established noise management levels for the site. The greatest noise impact would be to the residents to
- The Department notes that the proposal would not involve any major building works. Therefore, impacts of construction noise and vibration due to the proposed development are minimal.
 - Notwithstanding, the Department has recommended a condition requiring the submission of a Construction Noise and

	<p>the south west of the site at Greenwich, where there is less shielding from the existing commercial buildings along Pacific Highway. Reasonable and feasible noise mitigation measures are proposed to be applied.</p>	<p>Vibration Management Plan to ensure that the noise levels during the construction works within the public carpark, The Avenue and the Pacific Highway comply with the Interim Construction Noise Guidelines.</p>
<p>Impacts on existing trees</p>	<ul style="list-style-type: none"> • The proposal does not involve the removal of any trees. • A Tree Impact Assessment report was submitted with the application to assess the potential impact on existing trees in the vicinity of the new vehicular loop road and the drop-off / pick-up zone. • The report identified sixteen trees that may potentially be impacted by the driveway works. • During the EIS exhibition, Council raised concerns regarding the potential impact of the works on the existing vegetation within the Council carpark and The Avenue. • In response, the RTS included an addendum advice which concluded that the proposed construction methodology for the new access driveway would not cause any adverse impacts on the root zones of impacted trees. • The proposal also includes permeable pavers for the driveway to reduce impacts on the structural root zones of the trees. 	<ul style="list-style-type: none"> • The Department has reviewed the proposal and is satisfied that, subject to the implementation of the recommended construction methodology, the existing trees could be retained. • The Department has recommended conditions requiring: <ul style="list-style-type: none"> ○ the appointment of an AQF Level 5 Arborist as the Project Arborist for supervising all works within the tree protection zones of existing trees. ○ compliance certifications to be issued prior to construction commencing, to ensure that all tree protection measures are installed. ○ supervision of all works by the Project Arborist. ○ implementation of recommendations of the Tree Impact Assessment report for works within the tree protection zones of impacted trees.
<p>Disability Access</p>	<ul style="list-style-type: none"> • The disability access requirements for the existing building have been considered by Council as part of the DA for internal fit-out for a school. • The proposal would not involve any additional construction works for the school itself, however some landscape works are proposed along 	<ul style="list-style-type: none"> • The Department notes that the drop-off / pick zone is at-grade and connects to the accessible entry ramp to the site from the Avenue. • The Department recommended a condition requiring that prior to

	<p>with the drop-off / pick-up zone and driveways.</p> <ul style="list-style-type: none"> • A Disability Access Report was submitted with the EIS. • The report indicates that the existing vehicular ramp from The Avenue, the pedestrian entrance to the building, the lift and the stairs from the Pacific Highway can achieve compliance with the relevant disability standards. • During the EIS exhibition, Council raised concerns with the lack of disabled access from the site to the student drop-off / pick-up area. 	<p>commencement of operation, a suitably qualified Access Consultant should certify that the existing building, the pedestrian ramp within the site, stairs from the Pacific Highway and the landscaped areas of the site complies with the recommendations in the Disability Access Report.</p>
Waste Management	<ul style="list-style-type: none"> • A permanent bin storage area is proposed to be allocated, and scheduled waste pick up using Council's standard pick up service would be implemented. • Any hazardous waste or chemicals would to be disposed of in accordance with EPA regulations. 	<ul style="list-style-type: none"> • The Department recommends a condition requiring the preparation of a Waste Management Plan for the development including details of waste collection to minimise disturbance to the surrounding area.
Contributions	<ul style="list-style-type: none"> • In accordance with Willoughby Local Infrastructure Contributions Plan, the proposed development is subject to a section 7.12 levy, being 1% of CIV. • Council advised that further consultation be undertaken to ascertain what contributions would be appropriate in the form of a voluntary planning agreement (VPA). 	<ul style="list-style-type: none"> • The Department has reviewed Council's requests and notes that Applicant proposes to undertake works that are needed to cater for the development. • Thus, the Department considers that only the Section 7.12 levy applies to the development and has been levied as a condition of consent.

7 Evaluation

The Department has reviewed the EIS, RTS and SRTS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in the community submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable, subject to a short-term only use of the site, and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

The proposal would ensure that the ICS can continue to operate in 2020 in the new site and increase its capacity in the future. Further it would ensure that a high-quality educational facility is provided within an area that needs additional educational facilities.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and with the vision outlined in the North District Plan as it aligns with the directions and planning priorities outlined in the plan, having particular regard to the growth of the St Leonards Health and Education Precinct and the creation of education opportunities to meet the needs of a multicultural community.

The suitability of the site for the purpose of a school is the key issue for this proposal. The Department considers that the site is suitable for use as a school only for a limited period, as the site is located within a Cemetery and relies on access through a public carpark and usage of GHP Oval for outdoor activities by the students. Long term use of the GHP Oval and public carpark may not be possible due to likely redevelopment of the GHP. Due to the above constraints, the Department has recommended a time limited consent of five years, with the licence to use the public carpark being renewed after each of the stipulated 12-month periods.

Other identified issues in relation to traffic, access and parking and heritage have been satisfactorily addressed. The Applicant has committed to improvements in the public carpark and construction of a deceleration lane on the Pacific Highway to address the traffic impacts in association with the use. The proposed use of the site and works within The Avenue would ensure the activation of the Cemetery area, consistent with the Gore Hill Plan of Management 2016.

The Department has recommended conditions to manage the operation of the proposal, including the operation of the drop-off / pick-up zone, to ensure efficient operation of public carpark, use of GHP to avoid peak usage times and minimise conflicts with existing users.

On balance, the Department considers the proposal to be in the public interest and would provide of public benefits in the short term, including:

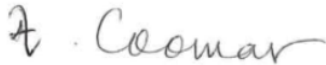
- the continued operation and expansion of a co-educational primary school that offers a dual language program in English and Mandarin.
- better connectivity from the Pacific Highway eastbound carriageway to the public carpark.
- improving existing safety and access for vehicles and pedestrians accessing Gore Hill Park.
- additional parking spaces available to the public outside school operating hours.
- an active use of the site and a source of income to assist in the ongoing maintenance and heritage conservation of the Cemetery.
- a direct investment of \$180,105 in the region and the creation of 13 construction jobs.

8 Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD-10260.
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

Recommended by:



Aditi Coomar
Team Leader
School Infrastructure Assessments

Recommended by:



Karen Harragon
Director
Social and Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:



16.07.2020

Glenn Snow

Acting Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10611>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10611>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10611>

4. Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10611>

5. Additional submissions from Public Authorities and community received after close of exhibition

Electronic copies of all information provided under separate cover.

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report included references to the provisions of the Environmental Planning Instruments (EPI) that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55).
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64).
- Draft State Environmental Planning Policy (Remediation of Land).
- Willoughby Local Environmental Plan 2012 (WLEP).

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy: The aims of this Policy are as follows: (a) to identify development that is State significant development.	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible under the Education SEPP. The proposal is for the purpose of a new school under clause 15 of Schedule 1.	Yes

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

The Education SEPP aims to simplify and standardise the approval process for childcare centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is State significant development even though the development would

contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposal does not include any building works and therefore complies with this requirement.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to Transport for NSW (TfNSW). The application was referred to TfNSW in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. In accordance with Clause 35 (6)(a), an Architectural Design Report was submitted with the application that responds to each of the design quality principles set out in Schedule 4.

An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	The existing building is situated between a heritage cemetery and a sporting oval facility. Whilst the proposal does not involve any changes to the built form, the building design references both low scale and modern roof lines aiding in its deceptive scale and incorporates materiality and new landscaping to breakdown and integrate its form and scale into the landscape.
Sustainable, efficient and durable	The existing building incorporates verandahs and roof overhangs providing sheltered, shaded and secure connections around the building facades and large glazed areas attracting natural light and ventilation to all learning spaces.
Accessible and inclusive	The EIS included an Access Report that assessed the proposal against the requirements of the Building Code of Australia 2016 (BCA), Disability (Access to Premises) Standards 2010 and the Disability Discrimination Act 1992 (DDA). The Applicant concluded that the proposal can achieve compliance with the relevant statutory requirements.
Health and Safety	The existing building and associated site works have been designed to ensure the safety and security of students including security fence around the entire site, verandahs with balustrade without climbable elements and bollards to cordon the set down/pick up zone. Crime Prevention Through Environmental Design principles have been considered and implemented in the site access requirements.
Amenity	The Department does not support the use of the open space area on the south-west side of the building due to poor amenity in terms of noise and air quality adjoining the Pacific Highway. The Department notes there is an alternative play area on the north-eastern side of the building that would provide better amenity. Conditions have been recommended to ensure use of this space in this regard.
Whole of life, flexible, adaptable	The existing building has been repurposed in anticipation of its future use as a school under a separate Council approval. The internal spaces have been designed to be flexible and adaptable.

Aesthetics	The proposal does not change the existing built form but the new access arrangements to accommodate the school maintain the existing landscape setting and character of the site.
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State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a state-wide approach to the remediation of contaminated land. SEPP 55 aims to promote the remediation of contained land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The Applicant submitted a Detailed Site Investigation with the EIS, which found that all potential contaminants on the site were within the threshold of relevant site assessment criteria. A Site Audit Statement was subsequently issued identifying the site as suitable for its intended use as a school. The Department considers in accordance with clause 7 of SEPP 55, the investigations undertaken of the subject site demonstrate that the site is suitable for its intended use.

Based on the above, the Department is satisfied that the site is suitable for its intended use.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The application includes the installation of two school identification signs: one freestanding sign behind the existing boundary fence on the Pacific Highway and one affixed to the security fence inside the boundary facing The Avenue. The RTS and the Statement of Heritage Impact included an assessment of the proposed signage against provisions of Schedule 1 of SEPP 64.

Under clause 8 of SEPP 64, consent must not be granted for any advertising sign application unless the proposal is consistent with the objectives of the SEPP and the assessment criteria contained in Schedule 1. The Applicant has provided an assessment of the proposed signage against the provisions of Schedule 1 of SEPP 64. The Department has considered the proposed sign against the same assessment criteria and found it to be acceptable. An assessment of the signs against Schedule 1 of SEPP 64 is provided in **Table B3**.

Table B3 | SEPP 64 Schedule 1 Compliance Table

Schedule 1 – Assessment Criteria	Compliance
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are compatible with the existing character of the locality and appropriately placed at the perimeter of the site.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs are consistent with the use of the site.

2. Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signs are modest in size and would not result in any adverse impact on the heritage significance of the Cemetery.
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3. Views and vistas

Does the proposal obscure or compromise important views?	The proposed signage would not obscure or compromise any view.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline or reduce the quality of any vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact upon the viewing rights of other advertisers.

4. Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable.
Does the proposal screen unsightliness?	The proposed signage contributes to the visual interest of the streetscape by contributing to the identification and recognition of the school.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The proposed signage is integrated with the existing boundary fencing.
Does the proposal require ongoing vegetation management?	No.

5. Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The proposed signage is in an appropriate location to assist in place identification and wayfinding.
Does the proposal respect important features of the site or building, or both?	Yes.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is compatible with the scale and proportion of existing fencing and therefore is appropriate for the sites.

6. Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.
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7. Illumination.

Would illumination result in unacceptable glare?	No, Illumination is not proposed.
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8. Safety

Would the proposal reduce the safety for any public road?	The proposed sign would not affect road safety as it is within the site boundary.
Would the proposal reduce the safety for pedestrians or cyclists?	The proposed sign would not affect pedestrian or cyclists' safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage is located well within the school and will not obscure sight lines from public area.

The Department considers that the proposed signage has been designed in accordance with clause 3 of SEPP 64, is compatible with the desired amenity and visual character of the area, provides effective communication, and is of a high-quality design and finish.

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of site or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to Council.

The Department is satisfied that the proposal is consistent with the Draft Remediation SEPP.

Willoughby Local Environmental Plan 2012 (WLEP)

The WLEP aims to encourage development at a scale that is sensitive to environmental constraints, and ensure development has appropriate levels of parking in connection with the location and good access to public transport.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the WLEP and those matters raised by Council in its assessment of the development (refer to Section 6). The Department concludes the proposal is consistent with the relevant provisions of the WLEP. Consideration of the relevant clauses of the WLEP is provided in **Table B4**.

Table B4 | Consideration of the WLEP

WLEP	Department Comment/Assessment
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned SP1 – Cemetery. 'Schools' are a prohibited use within the SP1 zone under WLEP, however, 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 WLEP 2012
Clause 4.3 Height of buildings	The site is not subject to a building height control.
Clause 4.4 Floor Space Ratio	The site is not subject to a floor space ratio control.
Clause 5.10 Heritage conservation	<p>The site is identified in Schedule 5 of the Willoughby Local Environmental Plan 2012 as an item of heritage significance (Listing No: I148; on Lots 101 and 102, DP 791327 – State Significance). The Department considers the proposal would not detract from the heritage significance of the Cemetery.</p> <p>The heritage aspects have been considered in Section 6 of the report.</p>

Other Policies

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development. Notwithstanding this, the objectives of relevant controls under the Willoughby Development Control Plan 2006, where relevant, have been considered in **Section 6** of this report. Whilst there is no specific reference to educational establishments, the DCP incorporates guidelines and controls in relation to heritage, signage and parking. These matters have been addressed in **Section 6** of this report.

Appendix C – Recommended Instrument of Consent