

# Notice of decision

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

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10465 Mosman High School Upgrade
<b>Applicant</b>	Department of Education
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

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

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

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

### Date of decision

6 August 2021

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

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

- the project would provide a range of benefits for the region and the State as a whole, including providing improved educational facilities, 70 construction jobs, six full time equivalent operational jobs and \$54 million capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including *A Metropolis of Three Cities – The Greater Sydney Region Plan*, the *State Infrastructure Strategy 2018-2038*, Transport for NSW's *Future Transport Strategy 2056*, and the Greater Sydney Commission's *North District Plan*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to traffic, construction and operational parking, construction noise and building demolition;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 8 April 2021 until 5 May 2021 (28 days) and received 13 submissions, including two objections, one in support of the project and 10 providing comments.

The Department also undertook a site walkover and engaged, via phone, with community members that lodged submissions.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic and parking and bulk and scale. Other issues raised are addressed in the Department's Assessment Report and within the table below.

<i>Issue</i>	<i>Consideration</i>
<p><i>Operational traffic</i></p> <ul style="list-style-type: none"> <li>existing traffic issues in the area.</li> <li>need for additional of drop-off/pick-up areas and relocation of buses.</li> <li>adequacy of end-of-trip facilities.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department assessed the operational impacts of the proposed upgrade upon the existing traffic in the area. The operational traffic impacts of the increase in staff (six) and students (88) were considered to have a negligible impact upon the existing traffic and parking in the area.</li> <li>As the proposed development is predominantly an upgrade of the existing school facilities, while acknowledging the queuing associated with the bus bays along Gladstone Avenue, the Department did not consider the proposed upgrade would further exacerbate bus queuing. While outside of the scope of the Department's assessment, the Department noted the Applicant had initiated discussions with TfNSW to review bus timetabling and potentially extend the bus bay and was supportive of this initiative.</li> <li>Upon review of comments received during the exhibition of the EIS, the Applicant reviewed the bicycle parking provisions and the on site end-of-trip facilities and increased both aspects to assist with encouraging a transport mode shift to the site. The Department was supportive of the increase in provided bicycle parks and end-of-trip facilities as well as the implementation of other measures to encourage less reliance on private vehicles.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>provision of at least six staff and 60 student bicycle parking spaces and preparation and implementation of a School Transport Plan (STP) that would incorporate and monitor sustainable transport measures.</li> </ul>
<p><i>Operational parking</i></p> <ul style="list-style-type: none"> <li>adequacy of on site staff parking.</li> <li>relocation of on site parking underground or at a walkable location.</li> <li>disabled car parking space on site.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>As part of its assessment of the changes to parking requirements at the site, the Department considered the adequacy of on site staff parking in relation to the increase in staff proposed as part of the proposed upgrade. As the proposed upgrade would not significantly increase the school population or teaching staff, the Department did not consider there would be a significant change in traffic movements, nor parking requirements.</li> <li>The Department acknowledged the concerns raised by the community and Council in relation to the level of parking on site as well as the impacts upon on-street parking in the vicinity. However, the Department recognises that the proposed upgrade would not significantly increase the intensity of use at the site and that the site is highly constrained.</li> <li>In considering the concerns raised in relation to the provision of an accessible car space, the Department noted there was no disabled car space within close proximity to the high school. As such, the Department required an accessible car space be provided at the school in accordance with Disability (Access to Premises – Buildings) Standards 2010.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>provision of at least one disabled car parking space per 100 car spaces be installed at the site in accordance with Disability (Access to Premises – Buildings) Standards 2010.</li> </ul>

<i>Issue</i>	<i>Consideration</i>
<p><i>Construction traffic and parking</i></p> <ul style="list-style-type: none"> <li><i>impacts of construction traffic on existing traffic flows and local parking.</i></li> <li><i>recommended Construction Traffic Management Plan be approved prior to commencement.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The construction of the proposed upgrade is anticipated to take a period of up to 15 months and it is anticipated that 25 construction vehicles, sized up to a 19 metre articulated vehicle, would access the site per day during construction hours.</li> <li>In noting the short-term nature of construction, the Department acknowledged there would be some changes to traffic flow. However, the establishment of a 'Works Zone' on Belmont Road and vehicles arriving within construction hours would alleviate some of this inconvenience.</li> <li>The Department has required the Applicant to establish a strategy to outline sufficient parking provisions for both construction workers and operational staff during construction works to minimise impacts upon the surrounding community.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>preparation of a Construction Traffic Management Plan as well as a Construction Transportation Strategy to detail the provision of sufficient parking facilities or other travel arrangements for construction workers and operational staff.</li> </ul>
<p><i>Bulk and scale</i></p> <ul style="list-style-type: none"> <li><i>two-storey street frontage preferred.</i></li> <li><i>inconsistencies with existing streetscape, particularly the upper levels and colours selected.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considered the proposed upgrade of the Mosman High School in conjunction with the constraints posed by the existing site as well as the need for improved and expanded educational facilities.</li> <li>While noting the increased height of the proposed building along Military Road, there is no prescribed height control for the site. Additionally, the Department considered the Applicant achieved a balance between the need for expanded facilities with minimal impact upon the surrounds by recessing upper levels of the building and providing transparent materials around the rooftop outdoor space.</li> <li>Further, the muted colour scheme of the pop-out windows proposed as part of the Applicant's Response to Submissions (RtS) were supported by the Department and would improve the overall development and its presence within a locally significant heritage area.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>consultation with Council on the detailed design of the rooftop area and selection of materials for enclosing the area with selected materials minimising the visual impact upon the surrounding Military Road Heritage Conservation Area.</li> </ul>
<p><i>Heritage</i></p> <ul style="list-style-type: none"> <li><i>recommended archival recording of buildings to be demolished.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considered the local heritage significance of buildings within the site, including those remaining and those to be demolished, as well as the presence of the site adjoining the locally listed Military Road Heritage Conservation Area.</li> <li>The Department considered the buildings to be demolished to not be of heritage significance. However, the Department noted their presence within the site. As such, the Department supported the views of Council and recommended that archival recording of the buildings to be demolished be undertaken prior to demolition.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>archival recording of Buildings B and C prior to any demolition works.</li> </ul>

Issue	Consideration
<p><i>Tree protection</i></p> <ul style="list-style-type: none"> <li><i>recommended tree protection measures be installed prior to commencement.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considered the Arboricultural Impact Assessment Report provide with the EIS and the proposed amendments to landscaping provided within the RtS.</li> <li>Of the 76 existing trees on the site, 13 trees were identified of high retention value, 56 with medium retention value and seven with low retention value. None of the trees of high retention value would be removed as part of the proposed development. However, a total of 20 trees, 15 of medium retention value and five of low retention value, would be removed to enable works to proceed.</li> <li>Noting the high level of tree retention proposed for the site, the Department agreed with the comments made by Council in relation to the installation of appropriate tree protection measures prior to the commencement of works.</li> </ul> <p><i>Conditions</i></p> <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> <li>engagement of a qualified arborist to monitor works and installation/removal tree protection structures.</li> </ul>
<p><i>Siting</i></p> <ul style="list-style-type: none"> <li><i>siting of a school at this location.</i></li> <li><i>importance of site.</i></li> <li><i>location of site entrance.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considered the proposed upgrade of the Mosman High School in conjunction with the constraints posed by the existing site as well as the need for improved and expanded educational facilities.</li> <li>As the site presently provides the infrastructure for a high school and the proposed upgrade would result in only a minor change to staff and student population, the site was considered to remain sufficient and appropriate for its use.</li> <li>The Department undertook a site walkover to observe the presence of the site within the local landscape and acknowledged the importance of the school at this location. The Department did not consider the relocation of the site entrance to result in any significant impacts upon the operation of the site.</li> <li>The Department supported the ongoing use of the site as a high school and supported the proposed upgrades to improve ongoing use.</li> </ul>
<p><i>Community use</i></p> <ul style="list-style-type: none"> <li><i>access through the site and use of the site out of school hours.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considered the existing operation of the school facilities and its benefit to the community. The Applicant highlighted the site is utilised by community groups and this enhanced the integration of the school site within the community.</li> <li>Whilst a community member indicated the site was only minimally provided for community use, the Applicant indicated the use of the site would be open to the community after hours on weekdays and on the weekends.</li> <li>As the site would be under construction and then an operational school site, access through the site by the community is not a planning consideration and should be discussed with the Applicant.</li> </ul> <p><i>Conditions</i></p> <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> <li>development of an Out of Hours Event Management Plan to indicate community uses of the site and ensure out of hours use of the site would have a negligible impact upon the surrounding sensitive receivers.</li> </ul>

<i><b>Issue</b></i>	<i><b>Consideration</b></i>
<p><i>School catchment area</i></p> <ul style="list-style-type: none"> <li><i>frequency of students residing outside of the catchment area.</i></li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department notes that public schools in NSW have an enrolment boundary that provides guidance on the area serviced by the school and provides a delineated area where enrolment will be guaranteed.</li> <li>In its assessment of access to the site, the Department noted that there were a number of bus routes utilised by students to access the site that would indicate residence outside of this catchment. While this is not directly a planning consideration, the potential traffic impacts were considered.</li> <li>The Department assessed the operational impacts of the proposed upgrade upon the existing traffic in the area and considered the increase in staff (six) and students (88) would have a negligible impact upon the existing traffic and parking in the area.</li> <li>The Department supported the commitment of the Applicant to enforce the school catchment boundary more strictly into the future.</li> </ul>
<p>Errors in EIS</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department, Council and members of the community noted a number of errors within the exhibited documentation provided as part of the exhibited materials in relation to the proposed upgrade.</li> <li>The Department sought clarification on these errors as part of the request for RtS as well as in subsequent Requests for Information.</li> <li>The Department considered only the correct information as part of its assessment that concluded the proposed upgrade would be suitable for the site and would be in the public interest.</li> </ul>