

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-26876801 New The Forest High School
Applicant	Department of Education
Consent Authority	Minister for Planning

Decision

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

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

A copy of the Department of Planning and Environment's assessment report is available [here](#).

Date of decision

23 November 2023

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 2021*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

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

- the project would provide a range of benefits for the region and the State as a whole, including the provision of a new educational facilities, 120 operational jobs, 163 construction jobs and \$112,497,000 capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - Greater Sydney Commission (GSC) Greater Sydney Regional Plan: A Metropolis of Three Cities Central City District Plan;
 - Transport for NSW's Future Transport Strategy 2056;
 - Infrastructure NSW's State Infrastructure Strategy 2022-2042 Staying Ahead;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with traffic, transport and parking, flooding, noise and landscaping;
- engagement on the project is considered to be in line with Undertaking Engagement Guidelines for State Significant Projects, including the community participation objectives outlined in these guidelines; 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 from Wednesday 16 November 2022 until Wednesday 14 December 2022 (30 days) and received 30 submissions and one submission from Northern Beaches Council. 27 submissions were from the general public and 3 submissions from interest groups, including 15 objections, 12 providing comments and 3 in support. Advice was received from 6 government agencies.

The Applicant's Response to Submissions (RtS) was provided on 5 May 2023 and made publicly available on the Department's website and was referred to Council and relevant government agencies. The Department received a further submission from Council (in the form of comments) in response to the RtS.

On 4 September and 6 November 2023, the Applicant submitted a Supplementary Response to Submissions (SRtS) which responded to Council's and Environment and Heritage Group (EHG) concerns regarding artificial turf on the sports field, traffic impacts, stormwater management, flooding, and biodiversity impacts.

The Department undertook a site visit and engaged via phone and in person with the Arranounbai School.

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, design and built form, biodiversity impacts, flooding and stormwater and noise impacts. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Operational traffic</i></p> <ul style="list-style-type: none"> The proposed development will impact local road network, particularly on the intersections of Allambie Road and Aquatic Drive, Rodborough Road, and Warringah Road Safety of students accessing the school via walking and/or cycling Road safety for drivers and students associated with bus stop locations Proposed location of driveway off Allambie Road is a safety concern Adequacy of traffic modelling Proposed bus bays and on street drop-off/pick-up (DOPU) facilities would impact the environment Widening of existing shared path along Aquatic Drive and Allambie Road would reduce road widths Widening of roads would affect the identified Biobank site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department assessed the operational impacts of the proposed development upon the existing traffic in the area. The Applicant has demonstrated that the local road network could reasonably accommodate the additional traffic generated by the development of the school. The modelling considered the growth anticipated in the Frenchs Forest Precinct and additional local traffic associated with a recently approved Bunnings Warehouse store located at the corner of Warringah Road and Allambie Road. The Department is satisfied that the Applicant has demonstrated that the key intersections would operate at an acceptable, or have the similar, level of service, including with forecast population growth, Bunnings Warehouse and traffic generated by the proposal. The intended provision of bus services for students, proposed on site DOPU facility and proposed public domain works would alleviate traffic impacts associated with the school during peak periods. The proposal provides infrastructure upgrades to ensure safe access to the site, including zebra crossing at the corner of Rodborough Road and Allambie Road, pedestrian fencing, widening of the shared path to 3m on Allambie Road along the perimeter of the school site, footpath along the northern side of Aquatic Drive, and parking signage to indicate bus zones, DOPU zones, No Parking and No Stopping. The widening of the existing shared footpath would be limited to the school site and would not involve reducing the width of Allambie Road or the identified biobanking site. <p><i>Conditions</i></p> <p>The Department has recommended:</p> <ul style="list-style-type: none"> the preparation, implementation, and annual review of a School Travel Plan (STP) to ensure safe pedestrian movements and encourage sustainable transport modes. The STP is to be prepared in consultation with Transport for New South Wales (TfNSW).
<p><i>Operational parking</i></p> <ul style="list-style-type: none"> Outside of standard hours (OOSH) community use of the sports field and courts would affect existing parking in the area Adequacy of onsite parking for students and school visitors The proposed development would affect surrounding on street parking for residents Unsolicited parking in the 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal includes a basement car park to cater for 121 staff parking spaces. No provision has been made for Year 12 students to drive to the school. The Department is satisfied that the proposal would provide sufficient parking to cater for staff. The Applicant's RtS justified that the solution to congestion on the surrounding streets is to not provide more parking, which reinforces car dependence. As part of the RtS, the Applicant provided a public domain plan with

Issue	Consideration
<p>Arranounbai School and use of the shared driveway.</p>	<p>signage ('No Parking' and restricted timed parking) along Aquatic Drive, to support the effective functioning of the street and to support efficient DOPU movements.</p> <ul style="list-style-type: none"> The Department is of the view that the condition of consent requiring implementation of the STP encourages behaviour that would ensure mode share targets are met, through incentive-based programs (bicycle check-ups, cycle to school competitions, etc.) and learning programs. The STP would promote the use of active and sustainable transport modes and minimise parking impacts within the local road network. The Social Impact Assessment (addendum) identifies measures to address potential unsolicited parking in the Arranounbai School, such as enclosing the Arranounbai School car park with fencing. The private access road would include signage to indicate to drivers that parking would be limited to staff of the Forest High School and for staff/visitors of the Arranounbai School. <p><i>Conditions</i></p> <p>The Department has recommended:</p> <ul style="list-style-type: none"> the Applicant prepare and implement a STP in consultation with TfNSW. the development be undertaken in accordance with the recommendations of the SIA and addendum SIA.
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> Impacts to the existing biobank site and detrimental effects on the biodiversity of Manly Warringah War Memorial State Park and Curl Curl Creek Catchment Concerns regarding the quantity of trees and vegetation proposed to be removed Asset Protection Zone (APZ) for the school would have impacts on the surrounding bush. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> A Biodiversity Development Assessment Report (BDAR) has been prepared for the proposal. The assessment identified that the new school is located more than 240m from the primary bushfire hazard in the Manly Dam Reserve to the south, and more than 300m from the hazard to the southwest. The landscape scheme was designed to comply with the performance objectives of the bushfire protection guidelines. The proposed works have been designed to minimise clearing and maximise planting and open space for the students. The potential indirect impacts would be effectively managed via the implementation of a construction environmental management plan and other management measures identified in the BDAR. This would include the implementation of a vegetation management plan, microbat management plan, tree protection fencing during construction, and tree protection works carried out by a qualified arborist. The removal of some trees is required to accommodate appropriate facilities including a full-size sports field, and to address bushfire hazard affecting the school site. Trees have been retained as much as practicable and additional planting will provide approximately 25% canopy cover. The APZ does not include clearing of any Duffys Forest or high retention trees. To ensure that retained trees are appropriately protected, the Department has recommended conditions including the engagement of a qualified arborist to monitor works, and installation/removal of tree protection structures. <p><i>Conditions</i></p> <p>The Department has recommended:</p> <ul style="list-style-type: none"> the development to be undertaken in accordance with the recommendations of the BDAR. the development (including landscaping) be undertaken in accordance with the recommendations of the Bushfire Protection Assessment.
<p><i>Flooding and stormwater</i></p> <ul style="list-style-type: none"> Impacts on water quality and quantity affecting downstream areas during construction. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The assessment identified that stormwater and overland flow would be managed through proposed flood mitigation measures including stormwater detention tanks, pits and pipes that are designed to manage a 1% annual exceedance probability flood event. Flood modelling demonstrated the following changes to the flood levels on the adjoining properties: <ul style="list-style-type: none"> the increase on public land identified as Lot 3 DP829747 (a biobank site to the west of the subject site) would be no more than 54mm in

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	<p>some areas</p> <ul style="list-style-type: none"> other areas of increase in levels on Lot 3 DP829747 would be at a maximum of 20mm, where 20mm is the adverse flood impact threshold under Council's development control plan there would be a decrease in levels towards the boundary adjoining the private access road changes in flood levels in Madison Way would be within Council's draining reserve there would be a reduction in flood levels to private properties to the south on Madison Way. <p><i>Conditions</i></p> <p>The Department has recommended:</p> <ul style="list-style-type: none"> flood mitigation measures be adopted as per the Civil Engineering report dated October 2023.
<p><i>Noise</i></p> <ul style="list-style-type: none"> Adverse noise impacts from the operation of the school. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Noise and Vibration Impact Assessment (NVIA) included an assessment of operational noise impacts on nearby sensitive receivers. The NVIA generally concluded that noise levels from the operational use of the school meet applicable environmental noise criteria. Noise levels would be exceeded, particularly in the south west area of the site, when there are outdoor activities occurring for more than 4 hours per day. As such, a noise mitigation measure to construct a 2.1 metre-high noise barrier would be required to achieve compliance. The NVIA identified that standard school hours are between 8:30am and 3pm Monday to Friday. For outside of school hours use, the assessment concluded that outdoor events noise levels are expected to achieve compliance with the daytime and evening noise criteria. The Department has considered the findings of the NVIA and concludes that the proposal would not unreasonably impact on the acoustic amenity of surrounding occupants, subject to the implementation of the proposed mitigation measures and recommended conditions. <p><i>Conditions</i></p> <p>The Department has recommended the following conditions:</p> <ul style="list-style-type: none"> prior to the installation of mechanical plant and equipment, a detailed assessment must be undertaken by a suitably qualified person, demonstrating compliance with the noise criteria identified in the NVIA. operational noise must not exceed the noise criteria identified in the NVIA. the Applicant must undertake short term noise monitoring within two months following commencement of use (in accordance with the Noise Policy for Industry). Any exceedances of the noise criteria identified during the noise monitoring must be addressed through additional noise attenuation measures. an Out of Hours Event Management Plan must be prepared for events involving over 100 patrons for both school and community use.
<p><i>Design and built form</i></p> <ul style="list-style-type: none"> Concerns regarding the height exceedance of the school, and affecting the views and solar access of adjoining residences. Concern is raised regarding the proximity of new school buildings to Allambie Road and to residences. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The exceedance of the height of building controls is primarily due to the sloping topography of the site and functional requirements of the school buildings. The desire to limit school buildings to two-storey is to maintain visual privacy to adjacent residences. The proposed height is considered appropriate as it is consistent with the surrounding area, and achieves acceptable amenity outcomes in terms of visual impact, overshadowing, privacy and view sharing. The Department considers that the proposal is consistent with the objectives of the height of building development standard under the Warringah Local Environmental Plan (LEP). The Department is satisfied that the proposed building height, bulk and scale would be acceptable as the: <ul style="list-style-type: none"> components of the proposed buildings which do not comply with height of building control are limited to parts of the roofs, and would not result in significant overshadowing, visual impact, or view loss impacts

<i>Issue</i>	<i>Consideration</i>
	<ul style="list-style-type: none"> ○ proposed buildings include breaks in the built form to allow visual permeability, which provides a reduction in the building mass ○ most proposed buildings are sited along the northern and southern portion of the site, which minimises visual and amenity impacts on the low scale residences adjoining the site to the east ○ proposed external building materials predominately consist of muted tones and natural colours and this, coupled with the proposed landscaping, visually softens the appearance of the buildings ○ overall height, bulk and scale of the proposal would not significantly obstruct any views, and would enable an accessible design for the users of the development.
<p><i>Site selection</i></p> <ul style="list-style-type: none"> ● Justify why the school site has been selected. ● Former school site should be retained for future educational demands 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> ● The existing Forest High School is within the proposed future Frenchs Forest Strategic Centre, as identified in the <i>Frenchs Forest 2041 Place Strategy</i>. The strategy involves rezoning the existing school and surrounds, for the purpose of additional dwellings and new jobs, facilitating the anticipated growth in population. ● The site is identified as being located within the SP1 Special Activities zone of the Warringah LEP. 'Educational Establishments' are permissible with consent within the zone. ● The Department considers that the proposal is appropriate for the site, given it is consistent with the above strategic and statutory context.