

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-9483 Upgrades to Chatswood Public School and Chatswood High School
Applicant	Department of Education
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, 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 is available [here](#).

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

Date of decision

30 November 2020

Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016*;
- 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.

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

- the proposal would provide a range of benefits for the region and the state as a whole, including improved educational facilities, 266 construction jobs, 20 full time equivalent operational jobs and over \$152 million capital investment;
- the proposal is permissible with development consent, and is consistent with NSW Government policies including:
 - A Metropolis of Three Cities – The Greater Sydney Region Plan;
 - State Infrastructure Strategy 2018-2038;
 - Transport for NSW's Future Transport Strategy 2056;
 - 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 road upgrade works, implementation of a School Transport Plan including sustainable transport measures, operational noise management, stormwater management, biodiversity offset requirements, tree protection, landscaping on site and to selected adjoining private properties and management of construction impacts including noise, dust, traffic and parking;
- 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 proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement (EIS) for the project from 3 April 2020 until 30 April 2020 (28 days) and received 28 submissions, comprising six submissions from public authorities (including Council) and 24 public submissions. Of the public submissions, 14 objected to the proposal.

The Department undertook a number of site inspections to inform its assessment of the proposal.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form and urban design, heritage, residential amenity, traffic and transport, biodiversity and tree removal. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form, urban design and residential amenity</i></p> <ul style="list-style-type: none"> Overdevelopment of the Chatswood Public School (CPS) site. The height, bulk and scale of buildings on the CPS site, particularly Buildings P1 and P2, and associated impacts on residential amenity including overshadowing, visual privacy, and loss of visual outlook. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In response to the issues raised regarding the built form of the new CPS buildings, the Applicant explored different design options to shift some of the height, bulk and scale further away from the low scale residential properties. This review process confirmed that there would be no feasible alternative options for reducing the height, bulk and scale. The Applicant advised that the proposed built form on the CPS site represents the most equitable balance of impacts. The Department acknowledges that Buildings P1 and P2 on the CPS site would be substantially higher than the adjoining low scale residential dwellings and there would be associated amenity impacts including loss of visual outlook from the private open spaces. Mitigation measures would be incorporated into the design including facade articulation through 'cut-out' sections and brick recesses which would provide relief to the bulk and scale of the buildings. The proposed landscaping would soften the appearance of the buildings. In terms of overshadowing, the proposal would have minimal additional impacts on the adjoining residential properties' solar access due to the site orientation and the extent of existing overshadowing caused by the high-rise buildings within the Chatswood CBD. Visual privacy of the adjoining residential properties would be sufficiently maintained through landscaping including trees at ground level, and planter boxes containing hedges and climbing plants. While there may still be some views from the new buildings, these views would predominantly be oblique views or partially obscured views. The Department considers this to be acceptable in an urban context. Due to the constrained nature of the site and need for the development to provide sufficient school facilities to meet the growing school population, the additional height, bulk and scale is unavoidable and justified in this particular case. For these reasons, the proposal would be in the public interest. <p><i>Conditions</i></p> <ul style="list-style-type: none"> To further assist in screening the visual impact of Buildings P1 and P2, a condition of consent is recommended requiring the Applicant to consult with selected adjoining residential property owners about undertaking landscaping works to their private open space. An option would include the planting of hedges and/or trees. This would be subject to agreement by the landowners and all costs for the improvement works to the private open spaces would be borne by the Applicant.
<p><i>Historic heritage</i></p> <ul style="list-style-type: none"> The proposal would detract from the significance of heritage items on the CPS site and nearby sites. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The entire CPS site is listed as a local heritage item in Willoughby Local Environmental Plan 2012. There are two buildings on the site which are of heritage significance and would be retained under the proposal. There are three local heritage listed items located near the sites. The EIS was supported by a Heritage Impact Statement (HIS) that assessed the heritage significance of the site and its context and the impacts of the proposed upgrades to the schools. The new buildings would respect the heritage significance of the heritage items on the CPS site. The proposal would not adversely impact on the heritage significance on nearby heritage items. The Department is satisfied that the proposal has been designed to minimise impacts to the heritage items on the CPS site and nearby heritage items. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A photographic survey of the CPS is to be prepared by the Applicant and submitted to Council for its historical archives prior to commencement of

	<p>construction.</p> <ul style="list-style-type: none"> • A dilapidation report is to be prepared by the Applicant and must provide a record of the existing condition of the heritage items on the CPS site. • A schedule of external materials and finishes which are predominantly neutral, recessive to the character of the area and compatible with the heritage listed items within the site and in the vicinity is to be prepared.
<p><i>Traffic, Transport and Accessibility</i></p> <ul style="list-style-type: none"> • Increased traffic congestion and associated impacts on local road network. • Insufficient staff car parking and associated impacts on on-street parking during construction and operation. • Pedestrian safety and efficiency impacts on Pacific Highway intersections from increased student numbers and lack of use of Pacific Highway footbridge. • Poor performance of existing drop-off / pick-up activities. • Safety and efficiency concerns with the use of existing Pacific Highway vehicular entrance during construction. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The intersection performance modelling undertaken as part of the Traffic Impact Assessment (TIA) found that the future performance of most surrounding key intersections would decrease by 2036. A travel mode share shift towards sustainable travel behaviours is proposed to reduce trips to/from the schools by private car to ensure the proposal does not contribute to a decrease in performance of the surrounding intersections. • The Department is satisfied the proposal would not result in unreasonable impacts on the local road network subject to the implementation of a School Travel Plan incorporating sustainable transport measures and a target mode share of 16 per cent reduction in car trips. • The reduced on-site car parking is supported by the Department and Council as it would encourage staff to use alternative travel modes due to the site's highly accessible location. The reduced on-site car parking would also assist in reducing the number of car trips generated by the proposal and achieving the target mode share. • Observation of use of the footbridge during a site inspection by the Department revealed that, in some instances, use of the stairs was faster to cross Pacific Highway compared to waiting at the signalised crossing. The School Travel Plan is proposed to include measures to encourage student and staff use of the Pacific Highway footbridge to ensure the proposal does not adversely impact on the efficiency of the Pacific Highway and Victoria Street intersection. Such measures include installation of signage and education of the time savings in using the bridge compared to waiting at the signalised crossing. • TfNSW advised that the Pacific Highway vehicle entrance should not be used during operation by vehicles larger than an ambulance vehicle. The Department considers that use of the existing Pacific Highway for emergency purposes at all times and ad-hoc deliveries outside of school hours is acceptable provided all vehicles can enter and exit in a forward direction. • The Applicant proposes to implement measures to encourage construction workers to use public transport such as provision of a secure tool storage area. • The Department is satisfied that subject to implementation of a Construction Worker and Staff Transportation Strategy, the proposal would not result in unreasonable impacts on the local street network and availability of on-street car parking for resident and visitor use. • The Applicant proposed to use the existing vehicular access on the Pacific Highway for construction access. Based on the submitted swept path analysis, Transport for NSW (TfNSW) advised that construction vehicles could not enter and leave the site in a forward direction using the Pacific Highway access. Accordingly, use of the Pacific Highway access during construction was not supported by TfNSW. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • A School Transport Plan is to be prepared by the Applicant in consultation with TfNSW. • Restriction of use of the Pacific Highway vehicular entrance during operation to emergency vehicles and delivery / service vehicles out of school hours. • No use of the Pacific Highway vehicle access by construction vehicles unless otherwise agreed by TfNSW in writing. • A Construction Traffic and Pedestrian Management Plan is to be prepared in consultation with Transport for NSW (TfNSW) and Council. • A Construction Worker and Staff Strategy is to be prepared.

Tree removal and biodiversity

- Impact on flora and fauna.
- Loss of leafy character of the area.
- Urban heat island effect.

Assessment

- A Biodiversity Development Assessment Report (BDAR) was submitted. The BDAR provided an assessment of the likely impacts on biodiversity, including predictions of vegetation clearing, potential impacts on any threatened species or population, and a detailed description of the measures to avoid, minimise, mitigate and offset biodiversity impacts.
- Impacts on biodiversity would occur from construction and operation of the proposal, including loss of native vegetation. The BDAR identifies that a biodiversity offset requirement of six ecosystem credits and two species credits would be required to offset the residual impacts of the development.
- The Department is satisfied that the direct biodiversity impacts of the proposal would be appropriately offset.
- The Department considers that the proposed replacement tree planting would provide adequate tree canopy across the sites and would maintain the leafy character and amenity of the area.

Conditions

- The biodiversity offset credits to be retired prior to the commencement of vegetation removal.
- Implementation of the Arboricultural Impact Assessment recommendations including protection of retained trees on site and adjoining the sites during construction.