

# Notice of decision

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

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|-------------------------------------|----------------------------------------------|
| Application type                    | State significant development                |
| Application number and project name | SSD 8574 Waitara Public School Redevelopment |
| Applicant                           | NSW 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 the 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

26/2/19.

### Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report.
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000.
- the objects of the Act.
- all information submitted to the Department during the assessment of the development application and information considered in the Department's Assessment Report.
- the findings and recommendations in the Department's Assessment Report.
- 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 approximately \$30.5 million of capital investment, creation of a total of 88 construction and 10 operational jobs, and providing improved and enlarged facilities to support the growth in demand for primary student enrolments.
- the project is permissible with development consent and is consistent with NSW Government policies including the *State Infrastructure Strategy 2018-2038*, *Greater Sydney Regional Plan: A Metropolis of Three Cities*, the *Greater Sydney Commissions' North District Plan* and *Future Transport Strategy 2056*.
- 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 as identified in the Department's Assessment Report. The consent authority has included conditions to require refinements to the design of the proposed building, ensure construction impacts are appropriately managed, and ensure adequate car parking and access arrangements are provided on site.
- the community views have been considered and adequately addressed through the recommended conditions of consent.
- 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 29 March 2018 until 27 April 2018 (30 days). Twelve public submissions and a submission from Hornsby Shire Council were received.

The key issues raised in the submissions and considered in the Department's Assessment Report and by the decision maker relate to traffic and parking, built form and urban design, and tree removal, landscaping and biodiversity. Other issues are addressed in detail in the Department's Assessment Report.

| Issue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>Traffic and parking</b></p> <ul style="list-style-type: none"> <li>The proposal would worsen traffic congestion and reduce road safety.</li> <li>The proposal fails to provide adequate drop-off / pick-up facilities.</li> <li>The proposal does not include adequate car parking on site and fails to comply with the car parking requirements of the Hornsby Development Control Plan 2013.</li> <li>Service vehicle movements along Highlands Avenue should be minimised.</li> <li>Any additional pedestrian crossing on Myra Street should be located towards Park Lane to avoid impacts on the intersection of Edgeworth David Avenue and Myra Street.</li> </ul>                                                                                                      | <p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>A Traffic Impact Assessment (TIA) was prepared in support of the proposal which demonstrated that the local road network has capacity to accommodate the additional traffic generated by the development. A Road Safety Audit was also prepared which identified road safety risks on the surrounding network associated with the use of the site. The TIA identified potential mitigation measures to be implemented to address these risks.</li> <li>The proposal, subject to conditions imposed by the Department, would provide twelve additional parking spaces on site. This exceeds the three additional spaces required under the Hornsby Development Control Plan 2013 for the increase in staff expected as a result of the proposed development.</li> </ul> <p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>Conditions of consent have been imposed which require the Applicant to: <ul style="list-style-type: none"> <li>finalise road safety mitigation measures to be implemented as part of the development in consultation with Council.</li> <li>investigate the need for changes to, or expansion of, the drop-off / pick-up zone on Myra Street in consideration of the performance of Edgeworth David Avenue and Myra Street.</li> <li>provide twelve additional parking spaces on site while ensuring the existing turning area remains available when required for the turning of service and other vehicles.</li> <li>prepare a Green Travel Plan to encourage a reduction in car based trips to the site and reduce parking demand over time.</li> <li>prepare an Operational Transport and Access Management Plan which includes arrangements for the management and restriction of timing of service vehicle movements to the site.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Built form and urban design</b></p> <ul style="list-style-type: none"> <li>Existing historic buildings on site should be retained or relocated on the site.</li> <li>The proposed building is out of scale with the surrounding built form and exceeds the height limits of the Hornsby Development Control Plan 2013.</li> <li>Alternatives for the expansion of the school should be considered, including the acquisition of additional land.</li> <li>The proposed building is out of character with the neighbourhood and is unsympathetic to the heritage values of the conservation area in which it is located.</li> <li>The design and treatment of the proposed building accentuates the scale of the building and is out of character in the locality.</li> </ul> | <p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>The heritage listing of the site relates to the grounds of the school, particularly indigenous trees and cultural tree planting from the 1940's / 1950's that have been conserved on the site. The existing buildings on the site are not listed as items of heritage significance but are considered as contributory buildings within the Wahroonga (North) Heritage Conservation Area.</li> <li>The need to expand the capacity of the school, the desire to retain environmentally and historically significant trees, and objectives of the project to maximise play space for children necessitates the consolidation of the school into a larger building on site and the removal of existing buildings.</li> <li>The Applicant advised that while alternatives were considered for the expansion of education facilities in the area, the expansion of Waitara Public School as proposed was the only feasible option available to meet increased demand in the area.</li> <li>The higher built form would be consistent with the existing and emerging development in the wider surrounding area, including the higher density residential development to the east of Balmoral Street and the Hornsby Hospital to the north of the site. It would also elevate the presence of the school in the locality on a significant intersection of two locally-important roads.</li> <li>The design of the proposed building, subject to refinements required by conditions imposed by the Department, would be sympathetic to the character and heritage values of the site and include façade treatments that break up the visual bulk of the proposed building.</li> <li>The Department is satisfied that the removal of Building A is necessary and that the impacts are outweighed by the significant benefits of the proposal in providing new and improved education facilities for the immediate and broader community.</li> </ul> <p><b>Conditions</b></p> <ul style="list-style-type: none"> <li>Conditions of consent have been imposed which require the Applicant to: <ul style="list-style-type: none"> <li>undertake photographic archival recording of Building A prior to its demolition.</li> <li>prepare a heritage interpretation plan to acknowledge the historic heritage of the site which includes the use of interpretative material and physical building fabric in the redevelopment of the school.</li> </ul> </li> </ul> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>○ implement an unexpected finds protocol for historic heritage to ensure any archaeological relics uncovered during works are assessed and managed appropriately.</li> <li>○ submit revised elevations detailing refinements to the expression and treatment of the proposed building in consideration of the local character and heritage values of the site.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><i>Tree removal, landscaping and biodiversity</i></p> <ul style="list-style-type: none"> <li>• The proposal involves the removal of mature native trees which should be retained in the development.</li> <li>• The location of the proposed building in the north-west corner of the site is supported as it maximises the retention of trees on site.</li> <li>• The Flora and Fauna Assessment has not given due consideration to potential impacts on fauna that may be present on the site.</li> <li>• The proposal should include additional indigenous plantings.</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The proposed development has been designed to minimise tree removal on site and retain significant trees along the Edgeworth David Avenue and Myra Street frontages.</li> <li>• Appropriate consideration has been given to potential impacts on biodiversity, including additional information provided by the Applicant in the Response to Submissions. The Office of Environment and Heritage did not raise concerns with the assessment methodology and assumptions incorporated in the Flora and Fauna Assessment.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Conditions of consent have been imposed which require the Applicant to: <ul style="list-style-type: none"> <li>○ implement tree protection measures during construction works, including in relation to the Sydney Turpentine-Ironbark forest in the north-eastern corner of the site.</li> <li>○ implement appropriate procedures for treatment of nests or fauna found in trees to be removed.</li> <li>○ prepare detailed Landscape Plan(s) which emphasise planting of species from the Sydney Turpentine-Ironbark forest vegetation community.</li> <li>○ Implement the approved landscaping.</li> <li>○ prepare Landscape Management Plan which sets out arrangements for the ongoing maintenance of landscaping.</li> </ul> </li> </ul> |
| <p><i>Environmental amenity</i></p> <ul style="list-style-type: none"> <li>• The proposal would add to, and fails to address, the proliferation of advertising signs on site which create visual clutter and detract from the amenity of the area.</li> </ul>                                                                                                                                                                                                                                                                                                                          | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Existing business identification or advertising signs on the site are not within the scope of the application.</li> <li>• Due to the lack of information provided as to the details of the proposed business identification signs and their appropriateness in consideration of the design of the proposed building and character of the neighbourhood, the installation of business identification and advertising signs has been excluded from the approval.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><i>School size</i></p> <ul style="list-style-type: none"> <li>• The size of the school is inappropriate for students of primary school age.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Applicant has advised that the proposal provides adequate facilities to cater for the number of students proposed and the size of the school is in accordance with the Department of Education's policy for primary schools.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |