



Blue Gum Community School

State Significant Development

SSD 10444

January 2021



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Blue Gum Community School

Subtitle: State Significant Development SSD-10444

Cover image: *View of existing heritage listed residence [Source: Applicant's EIS 2020]*

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Glossary

Abbreviation	Definition
AAAC	Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment
AAR	Acoustic Assessment Report
APZ	Asset Protection Zone
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Hornsby Shire Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
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
ESD	Ecologically Sustainable Development
Education SEPP	SEPP (Educational Establishments and Child Care Facilities) 2017
HCA	Heritage Conservation Provider
HLEP	Hornsby Local Environmental Plan 2013
HDCP	Hornsby Development Control Plan 2013
IPA	Inner Protection Area
Minister	Minister for Planning and Public Spaces
NSW RFS	NSW Rural Fire Service
PBP 2019	Planning for Bushfire Protection 2019
PSI	Preliminary Site Investigation
RBL	Rated Background Level
RTS	Response to Submissions

SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SOHI	Statement of Heritage Impacts
SRD SEPP	SEPP (State and Regional Development) 2011
SRTS	Supplementary RTS
SSD	State Significant Development
TfNSW	Transport for NSW
TPIA	Traffic and Parking Assessment Report

Executive Summary

This report provides an assessment of a State significant development (SSD) application lodged by Best-Practice Education Group Pty Ltd (the Applicant). 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.

Assessment summary and conclusions

The Department of Planning, Industry and Environment (Department) has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), the issues raised in submissions as well as the Applicant's response to these.

The proposal would result in the adaptive re-use of an existing dwelling (Mount Errington) listed as an item of local heritage significance in Hornsby Local Environmental Plan 2013 (HLEP) and provide for a school and pre-school in proximity to the Hornsby railway station. The Department has recommended conditions to ensure the proposal adequately responds to the key issues raised in community and public authority submissions. The proposal, as regulated and managed by the conditions of consent, would retain the heritage significance of the dwelling and would not result in unreasonable amenity impacts on the surrounding locality.

The Department considers that the proposal is in the public interest and recommends the development be approved, subject to recommended conditions of consent. The application is referred to the Independent Planning Commission for determination as more than 50 community submissions were received during the exhibition period.

The Department identified historic heritage impacts, traffic and noise impacts as the key issues for assessment. The Department's assessment concludes that the:

- the proposal would ensure a viable long-term use of the heritage listed dwelling and gardens.
- the proposed external alterations to the dwelling, the gardens and removal of trees would have some impacts on its heritage significance. However, the Applicant has investigated design alternatives and demonstrated that the proposed site layout with on-site car parking and drop-off / pick-up and the alterations to the dwelling are integral to the viability of the development.
- the overall benefits of the proposal in retaining the dwelling and the gardens while proposing a school on the site, would outweigh the identified negative heritage impacts. Any residual impacts would be managed by recommended conditions of consent.
- surrounding road network has capacity to accommodate traffic and parking demand generated by the school, subject to recommended conditions regarding on-site traffic management.
- operational noise emissions from the site would not have significant impact on nearby residents, subject to the implementation of mitigation and management measures including construction of a new fence along the western boundary.

The Department is satisfied that the impacts of the proposed development and issues raised in the submissions have been considered in the Environmental Impact Statement (EIS), the Response to

Submissions (RTS) and supplementary RTS (SRTS). Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.

The proposal

The proposal seeks approval for the adaptive reuse of a heritage listed dwelling, Mount Errington, (the dwelling) as a new pre-school (32 students aged 3 – 5 years) and primary school (48 students aged 6 – 8 years) for up to 80 students and nine staff.

The proposal would comprise internal and external alterations to the dwelling to allow for the conversion of the dwelling to a school and pre-school. The proposal would also involve alterations to the heritage listed gardens including replacing a tennis court with an on-site carpark and widening the driveway to provide an overall 12 car spaces with a drop-off / pick-up bay. The proposed site layout would result in the removal of trees, an existing gate and posts.

The proposal has a Capital Investment Value (CIV) of \$617,388. The Applicant's EIS advises that the proposal would generate up to nine operational jobs and 20 construction jobs.

The site

The site is located at 1 Rosemead Road, Hornsby, within the Hornsby Shire local government area. The site is located within an established residential area characterised by mature gardens and bushland and sits within the Mount Errington Precinct of the Hornsby West Side Heritage Conservation Area as listed under the HLEP with frontage to Rosemead Road and William Street. The site accommodates a heritage item (Mount Errington house and gardens) of local significance listed under the HLEP. The site also adjoins several existing dwellings and street trees that are listed as heritage items of individual significance under the HLEP.

Engagement

The application was publicly exhibited between 11 June 2020 and 8 July 2020. The Department received a total of 63 submissions, including eight submissions from public authorities (comments from Council), one objection from a special interest group and 54 individual submissions from the community (including 52 objections).

Key issues raised in Council's and community submissions were impacts on the: heritage listed dwelling and gardens; traffic generation on the surrounding road network; the amenity of neighbours in terms of noise and overlooking; bushfire evacuation from the locality.

Following the close of exhibition, the Department engaged an independent consultant (GML Heritage Ltd) to review the impacts of the proposal on the heritage significance of the site.

The Applicant submitted a Response to Submissions (RTS) on 11 November 2020 responding to the issues raised in the submissions and by the Department's heritage consultant. Two public authorities made submissions (comments from Council) in response to the RTS.

On 27 November 2020, the Applicant submitted an amended proposal and supplementary RTS (SRTS) including an additional pergola type structure at the rear. The Department did not re-exhibit the amended proposal but made the documents public available on the website.

The Department received one community submission in response to the RTS and SRTS.

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1 Introduction

1.1 The application

- 1.1.1. This report provides an assessment of a state significant development (SSD) application for a new school, the Blue Gum Community School (SSD 10444), located at 1 Rosemead Road, Hornsby.
- 1.1.2. Best-Practice Education Group Pty Ltd (the Applicant) seeks approval for the adaptive reuse of an existing heritage listed dwelling, Mount Errington, as a new primary school and pre-school (the future school) for up to 80 students with associated landscaping works and carparking.

1.2 Site Description

- 1.2.1 The site is located at 1 Rosemead Road, Hornsby, at the corner of Rosemead Road and William Street, within the Hornsby Shire local government area (LGA). The site is legally described as Lot A in DP 327582. The site is approximately 1 kilometer (km) west of Hornsby Central Business District (CBD) and 20.5km north of Sydney CBD. The regional context of the site is shown in **Figure 1**.

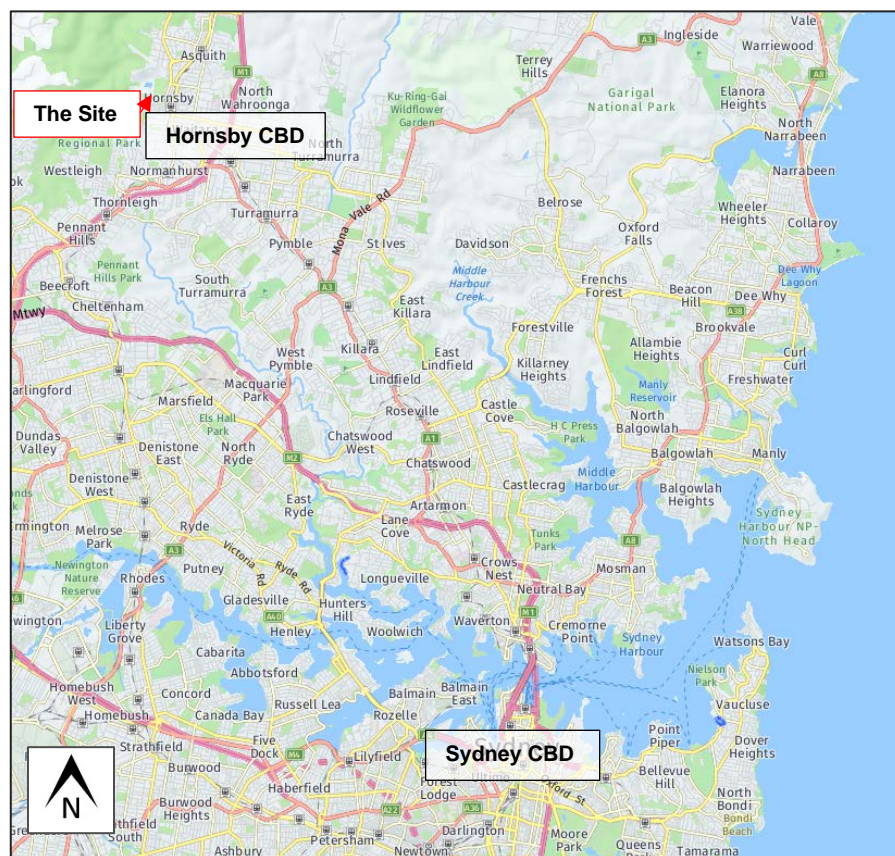


Figure 1 | Regional Context Map (Source: Nearmap 2020)

- 1.2.2 The site has an area of 3623 square metres (m²), is irregular in shape and is located at the intersection of Dural Street / Rosemead Road with an 83.1 metres (m) wide frontage to

Rosemead Road (north-western side) and a 40.5m frontage to William Street (south). The site is generally flat but has a slight downward slope towards William Street (south). The site is also bound by Dural Street to its north and surrounded by low density residential developments. The site comprises bushfire prone land. The local context of the site is identified in **Figure 2**.



Figure 2 | Local context of the site (Source: Nearmap 2020)

- 1.2.3 Current development within the site comprises a two storey dwelling, detached single car garage, looped entrance driveway and established gardens.
- 1.2.4 The dwelling and established gardens within the site is listed as a heritage item of local significance (Mount Errington and gardens – Item No 545) under Schedule 5 of the Hornsby Local Environmental Plan 2013 (HLEP).
- 1.2.5 The site is also listed as an item of significance on the National Trust Register (NSW). The State heritage inventory listing, in the statement of significance, writes: *“Gardens with period elements and retained from the Federation period including the mature Bunya Pine as well as later planting of local significance”*.

- 1.2.6 Vehicular and pedestrian access to the site is provided via a narrow driveway off Rosemead Road, which turns to the west in front of the dwelling and provides access to the detached garage adjoining the boundary with 1A Rosemead Road. An existing fence prohibits vehicular and pedestrian access to Williams Street.
- 1.2.7 The existing fences on both road frontages largely restricts access to the site to 2 entrance points on Rosemead Road. Timber gates to the driveway and the fence on Rosemead Road contribute significantly to the character of the site. A curved stone pathway leads to the dwelling from the gates.
- 1.2.8 Two significant trees (a Cabbage Tree Palm and a Giant White Bird of Paradise) are located very close to the driveway from Rosemead Road and are highly visible elements of the site (**Figure 5**).
- 1.2.9 The rear portion of the site is vacant with green lawn areas and scattered mature trees and vegetation. The majority of the trees on the site (including the front garden) comprise either exotic or non-endemic species. The Applicant's EIS advises that some of the large trees within the front and rear gardens are remnant to plant community type Smooth Bark Apple – Turpentine – Blackbutt tall open forest.
- 1.2.10 A low concrete edging separates the gardens from a lawn area which accommodates an unused tennis court with chain wire fencing. Site components are in **Figure 3**.

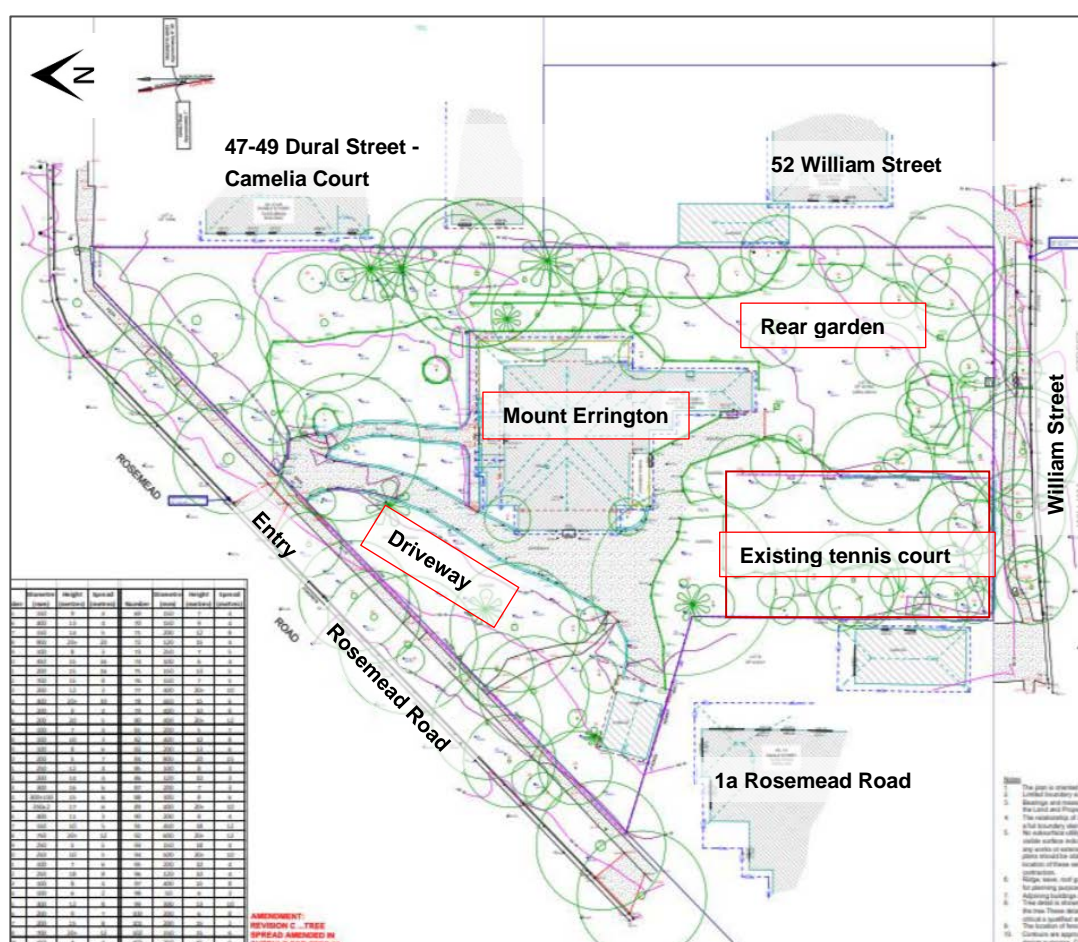


Figure 3 | Site plan and site components (Source: Applicant's EIS 2020)

Mount Errington and its features

- 1.2.11 The dwelling on the site is a significant heritage item in the locality known as Mount Errington (the dwelling). It has a footprint of approximately 425m² and is setback approximately 20m from the Rosemead Road boundary. The Applicant's EIS states that the building was built circa 1897 and is a stately federation 'Arts and Crafts' style structure.
- 1.2.12 The dwelling's primary elevation is to the corner of Rosemead Road and Dural Streets and features a semi-circular arch on the ground floor, supported by stone foundations, that leads to the verandah (**Figure 8**). The verandah runs along three sides of the ground floor, supported by painted timber posts and is enclosed on the western side. An elongated wing extends from the rear southern ground floor elevation.
- 1.2.13 The EIS states that the high-pitched roof exhibits a cross-gable and valley formation with wide bellcast eaves. The roof finishes include purple Bangor slate shingles and terracotta tile ridges. There is decorative timber paneling in the gable with extended eaves. A balcony sits under the primary gable on the first floor, supported by timber posts (above the front verandah). It is comprised of timber decking with a low-height simple timber railing.
- 1.2.14 Constructed of masonry, the building has face brick on the ground floor with roughcast render on the upper floor and the entrance arch. There are chimneys finished with roughcast render and decorative brick courses with terracotta chimney pots. Photos of the dwelling are provided in **Figures 4 - 8**.



Figure 4 | View from Rosemead Road (Source: DPIE 2020)



Figure 5 | View of the driveway and entry (Source: DPIE 2020)



Figure 6 | View of the side entrance to the dwelling with the enclosed verandah (Source: DPIE 2020)



Figure 7 | View of the tennis court and rear garden (Source: DPIE 2020)



Figure 8 | View from the dwelling of the entry gate from Rosemead Road (Source: DPIE 2020)

- 1.2.15 The internal layout of the dwelling includes bedrooms, bathroom, laundry, formal and informal living areas, large double storey lobby, kitchen and associated external porch spaces. The ceiling heights vary between 2.75m - 5.5m with ornate windows and doors on the exterior walls.
- 1.2.16 The EIS states that the interiors of the dwelling are largely intact, retaining much of the early layout and proportions, with high ceilings and a timber staircase at the entry foyer. The rooms

have retained significant original fabric including ceiling roses, skirtings, cornices, finishes and joinery. A section of highly significant early wallpaper has also been retained below the staircase (**Figure 11**).

1.2.17 However, alterations have been undertaken by previous owners to modernise the dwelling, with many works concentrated around the wet areas.

1.2.18 The existing internal floor plan of the dwelling is shown in **Figures 9** and **10** and photos of the significant internal components are provided in **Figures 11** and **12**.

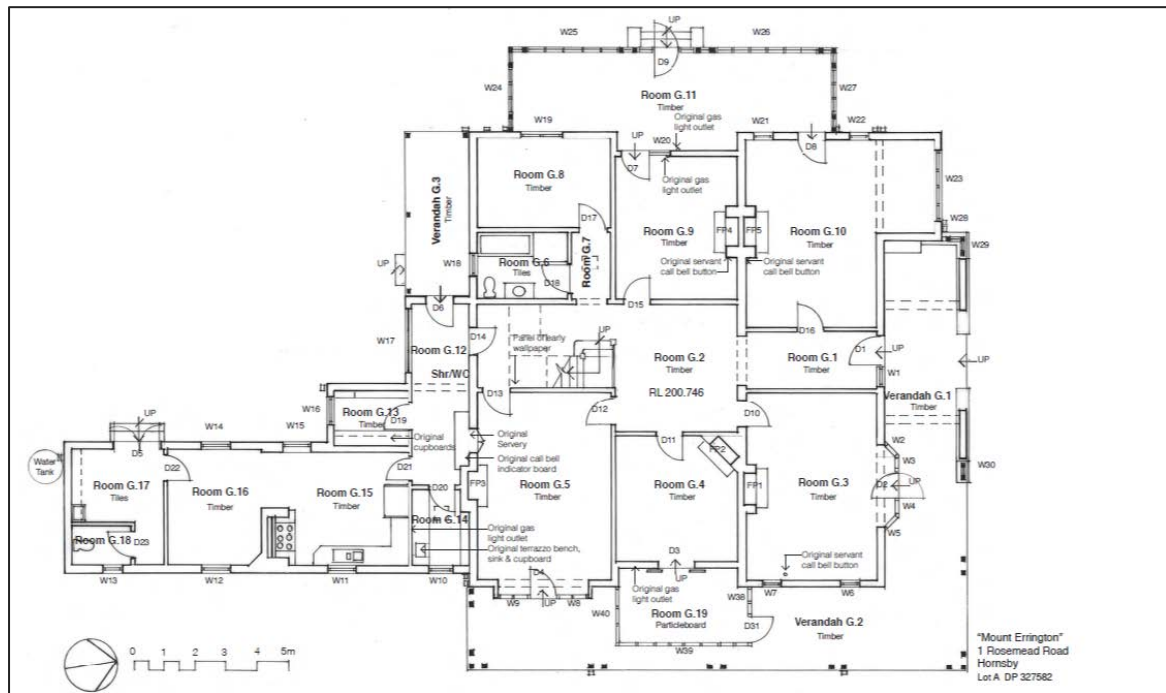


Figure 9 | Existing ground floor plan (Source: Applicant's EIS 2020)

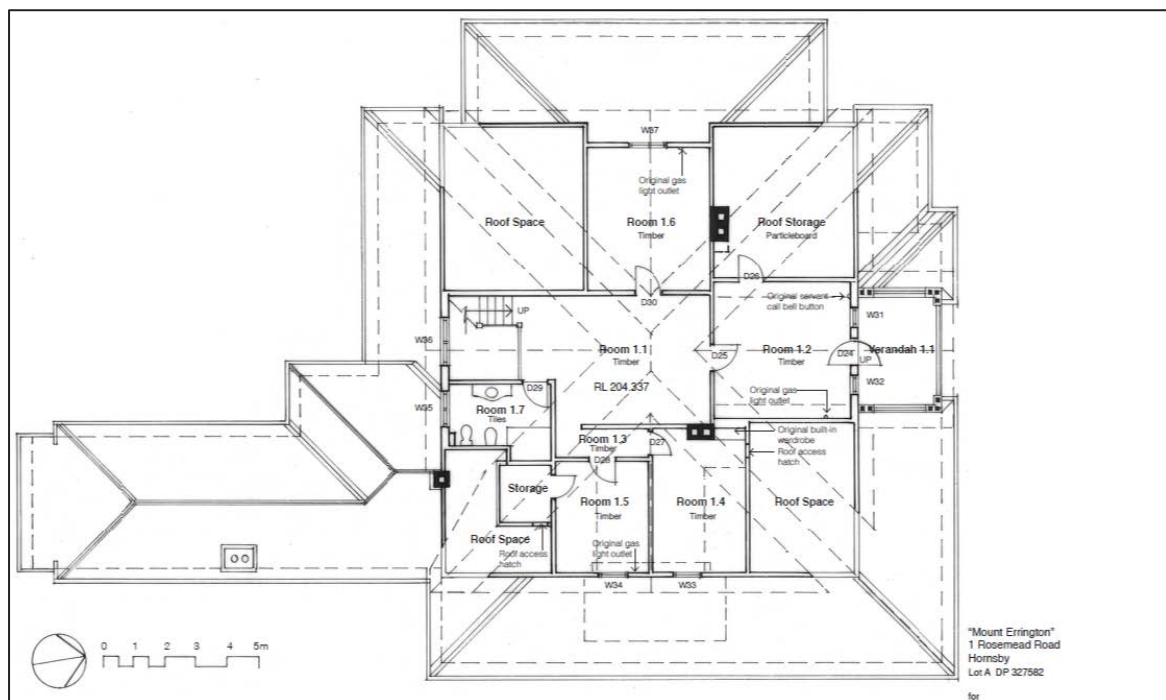


Figure 10 | Existing first floor plan (Source: Applicant's EIS 2020)



Figure 11 | Original wallpaper below central stair and ground floor lobby (Source: DPIE 2020)



Figure 12 | Living room with original leadlight door and ornate ceiling (Source: DPIE 2020)

1.3 Surrounding development

- 1.3.1 The site is located within the Mount Errington Precinct of Hornsby West Side Heritage Conservation Area (HCA) under the HLEP. Hornsby CBD, railway station, medium to high density residential developments and the Westfield shopping complex are located approximately 1km east and on a downward slope from the development site. The surrounding developments and local roads are identified in **Figures 2 and 15**.

The site adjoins low density residential developments to the east and west and on the opposite side of Rosemead Road, of which several existing dwellings and street trees are listed as heritage items of individual significance under the HLEP.

1A Rosemead Road Hornsby

- 1.3.2 The rear gardens of the site adjoin the property at 1A Rosemead Road to its south-west (**Figure 2**). The adjoining property accommodates a single storey residence with a rear / side yard and a garage located very close to the tennis court area. The boundary between the two sites is defined by an existing low wooden fence alongside on the northern boundary, and a buffer of mature trees and chain mail fencing on the western boundary (**Figure 13**).



Figure 13 | West view of 1A Rosemead Road from the site (Source: DPIE 2020)

47-49 Dural Street (Camelia Care aged-care facility)

- 1.3.3 Located on the eastern boundary of the site, Camelia Care is an aged care facility comprised of self-care units in a two storey multi-dwelling development. This development is well separated from the dwelling by existing gardens and mature trees (**Figure 14**).



Figure 14 | East view of 47-49 Dural Street from the first-floor balcony (Source: DPIE 2020)

Public transport

- 1.3.4 The site is in proximity to a major train / bus junction and is well serviced by public transport. The T9 Northern and T1 North Shore train lines and Hornsby railway station are located approximately 800m to the east of the site.
- 1.3.5 Local bus services operate along Peats Ferry Road and George Street, east of the site (adjacent to Hornsby railway station) and service Hornsby, Sydney and Parramatta. The broader local context is provided in **Figure 15**.



Figure 15 | Broader local Context and surrounding developments (Source: Nearmap 2020)

2 Project

2.1 Key Components and Features

2.1.1 The key components and features of the proposed Blue Gum Community School (the school), as set out in the EIS and refined in the Response to Submissions (RTS) and Supplementary RTS (SRTS), are provided in **Table 1** and shown in **Figures 16 - 20**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	Adaptive reuse of an existing heritage listed dwelling (Mount Errington) as a new pre-school (32 students aged 3 – 5 years) and primary school (48 students aged 6 – 8 years) for up to 80 students and nine staff including additions and alterations to the dwelling, on-site car parking, tree removal, landscape works and fencing.
Site area	3623m ² .
Building works and internal layout	<ul style="list-style-type: none"> • External modifications including a fire stair and exit. • Height of timber balustrade to the first-floor balcony raised on all sides under Building Code of Australia requirements. • An additional storeroom at the rear (ground level). • Internal alterations and modifications including: <ul style="list-style-type: none"> ○ modifications to the existing bathrooms. ○ modifications to external porch area and sunroom to create administration / staff areas and kitchen. ○ alterations to the existing bedrooms and living areas on both levels to create: <ul style="list-style-type: none"> – three pre-school rooms on the ground floor. – five general learning areas (GLAs) on the first and ground floors. – common areas (reading room and breakout spaces) on both levels.
Landscaping and fencing	<ul style="list-style-type: none"> • Reuse of the tennis court as a car parking area. • A pedestrian walkway with a covered pergola from William Street with new a gated entry. • Landscaping along the new pathway. • Removal of the existing fence, gate and installation of new fence and gate to Rosemead Road matching the existing style.

	<ul style="list-style-type: none"> • New timber fence (1.8m high) along William Street frontage and along the boundary with 1A Rosemead Road. • Retention of the majority of the front garden except for provision of new driveway and removal of trees. • Landscaped separate outdoor play areas within the rear garden for pre-school and primary school with a 1.8m high open paling fence between the dwelling and the eastern boundary. • Shades sails at the rear to create semi covered outdoor area for the pre-school. • Removal of 41 trees and replanting of three trees and shrubs within the site.
Access	<ul style="list-style-type: none"> • Retention, realignment and widening of the existing driveway from Rosemead Road. • Widening of the driveway area in front of the dwelling to connect the driveway to the new car park area at the rear. • Creation of an internal loop road with a new driveway crossing at the north-western corner, adjacent to 1A Rosemead Road to facilitate vehicle entry / exit in a forward direction to / from the site. • Retention of pedestrian access and creation of a new pedestrian entry from Rosemead Road. • New pedestrian access from William Street.
Car parking, bicycle parking and drop-off / pick-up zone	<ul style="list-style-type: none"> • Reuse of the tennis court as an at-grade car parking area with 10 car spaces including one accessible space and a turning area. • Two additional car spaces in front of the existing garage. • Six bicycle parking spaces adjoining the car park. • New internal drop-off / pick-up area utilising the loop road with an internal queuing capacity of up to 6 cars.
Signage	<ul style="list-style-type: none"> • One business identification sign (0.6m x 0.4m) on the Rosemead Road boundary fence.
Jobs	<ul style="list-style-type: none"> • Construction: 20 jobs. • Operational: 9 jobs.
CIV	<ul style="list-style-type: none"> • \$617,388

2.2 Physical layout and design

Proposed site layout

- 2.2.1 The proposal would largely retain the existing site layout and utilise the existing dwelling as the pre-school / school. Vehicular access to the site would be restricted from Rosemead Road using of the existing driveway (including realignment and widening). The proposal includes creation of another vehicular access point in the north-western corner, to allow one-way internal vehicular movement within the site via a loop road. The drop-off / pick-up area would be located on this loop road adjoining the dwelling. Widening the driveway would require the removal of two significant trees (marked as T111 and T112 in **Figure 16**) below.
- 2.2.2 The footprint of the tennis court would be converted to a carpark with 10 spaces for staff and visitors. The carpark would also be accessed via the inter loop road. The Applicant's EIS and landscape plans indicate that the original dimensions of the tennis court would be interpreted though landscaped and defined edges. Carpark spaces would be located on the eastern side of the carpark, allowing retention of a significant tree in the rear garden.
- 2.2.3 A narrow planting strip along the western boundary is proposed between the site and the property at 1A Rosemead Road to retain its amenity in lieu of the existing trees on this boundary that would be removed.
- 2.2.4 A second pedestrian entry is proposed from William Street with a pergola structure providing weatherproof access from the gate to the rear of the dwelling and an entry structure defining the rear entry point. A partly covered (shade sails) outdoor play area, amphitheatre, is proposed to be located at the end of this pedestrian path at the rear of the dwelling.
- 2.2.5 Accessible entry to the dwelling is proposed adjoining the amphitheatre via a ramp.
- 2.2.6 The majority of the front heritage significant garden would be retained as part of the proposal with the play areas proposed at the rear of the site. Extensive landscaping is proposed at the rear with separate play areas for pre-school and primary school students.
- 2.2.7 Fencing is proposed along various boundaries as summarised in **Table 1**.
- 2.2.8 The waste collection area is proposed within the front setback adjoining the garage with a bin enclosure visible from Rosemead Road.
- 2.2.9 The site layout is identified in **Figure 16**. The streetscape elevation for Rosemead Road is provided in **Figure 27** and the western boundary elevation is provided in **Figure 28**.

Proposed alternations to the existing dwelling

- 2.2.10 The proposed external and internal modifications to the dwelling are listed below and identified in **Figures 17 – 20**:
- conversion of existing rooms on both floors to GLAs for primary school and rooms for pre-school plus breakout spaces and reading rooms.
 - demolition of internal walls on the first floor to create one of the GLAs (School Room 4) and retention of the original wall nib for interpretation.
 - alterations to existing bathroom for accessibility, and construction of two new bathrooms.
 - increase in the height of the timber handrail on the first-floor balcony.

- the existing covered porch to rear of the property to be enclosed, to create a new administration space with the detail to match the existing western verandah.
- construction of an external fire stair from the first floor of the existing dwelling with an egress walkway, utilising the opening of an existing window.
- replacement of existing slate roof to match the existing roof.
- construction of skylight in one GLA (School Room 4 in **Figure 18**).
- polycarbonate protection to leadlight on doors and wallpaper on the ground floor.
- 1.2m glass balustrade on first floor stair landing.
- retention and restoration of existing original timber flooring in entry foyer.
- newly designed entry to the future school.
- new timber flooring with acoustic underlay on second-storey.

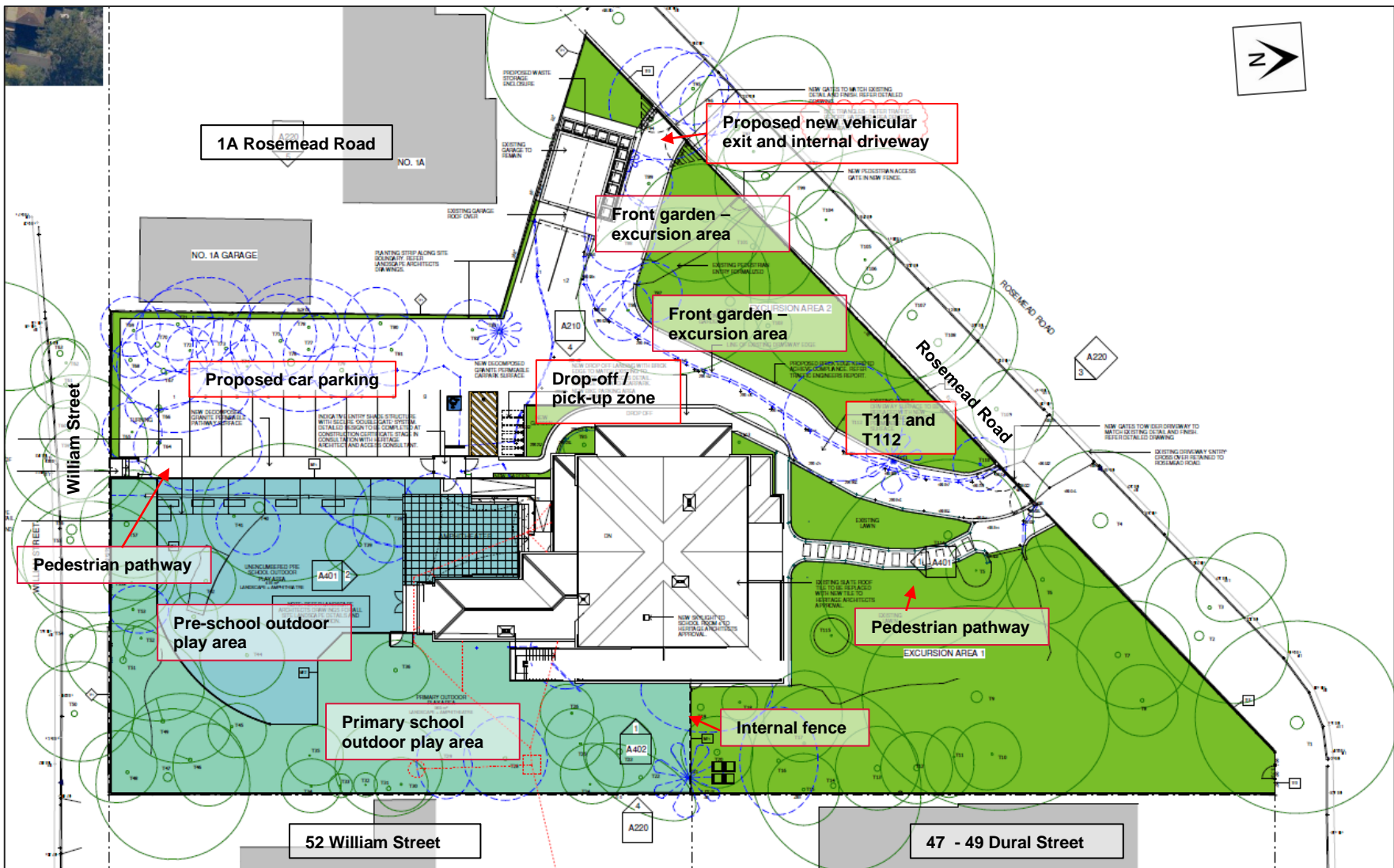
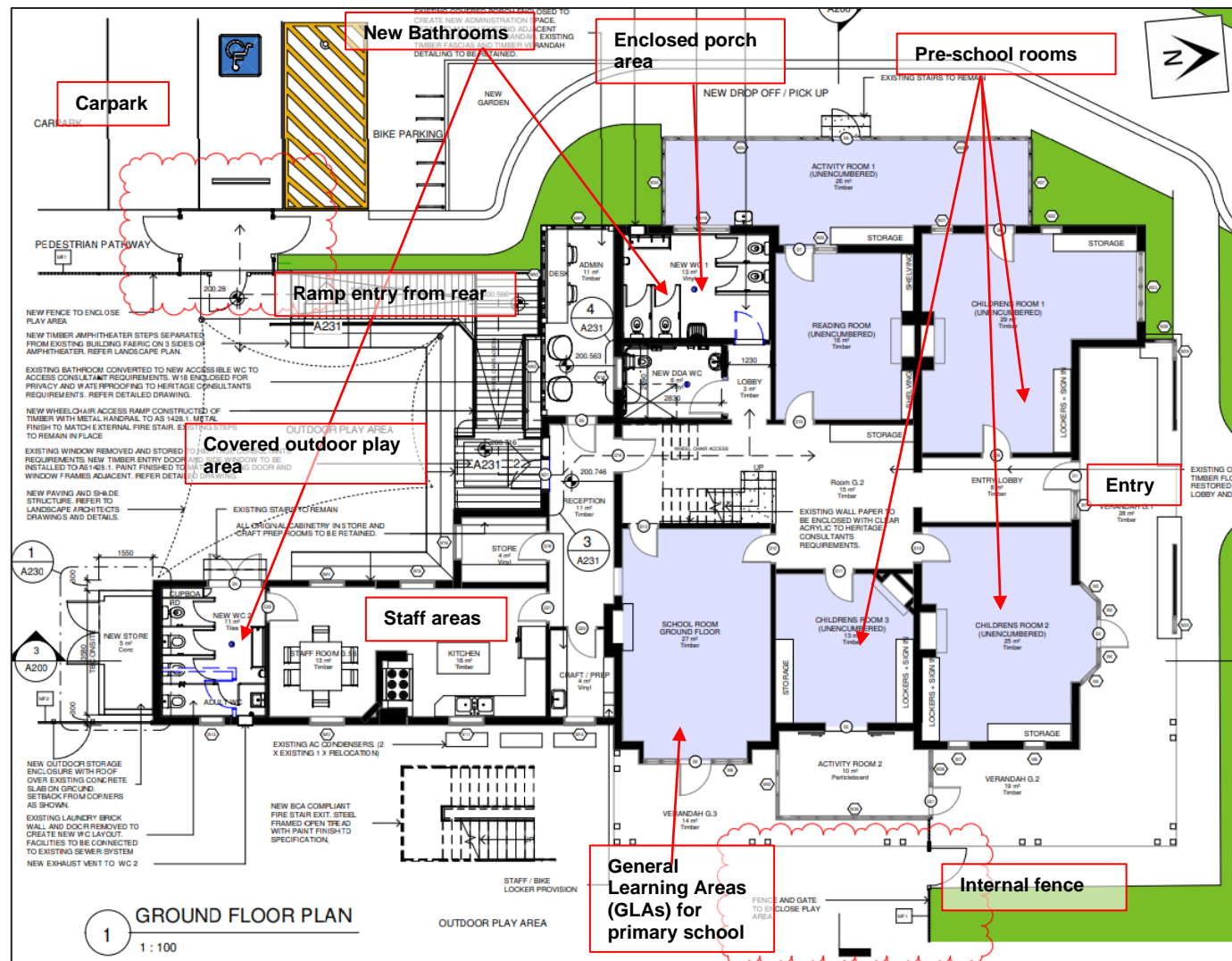


Figure 16 | Proposed site layout (Source: Applicant's SRTS 2020)



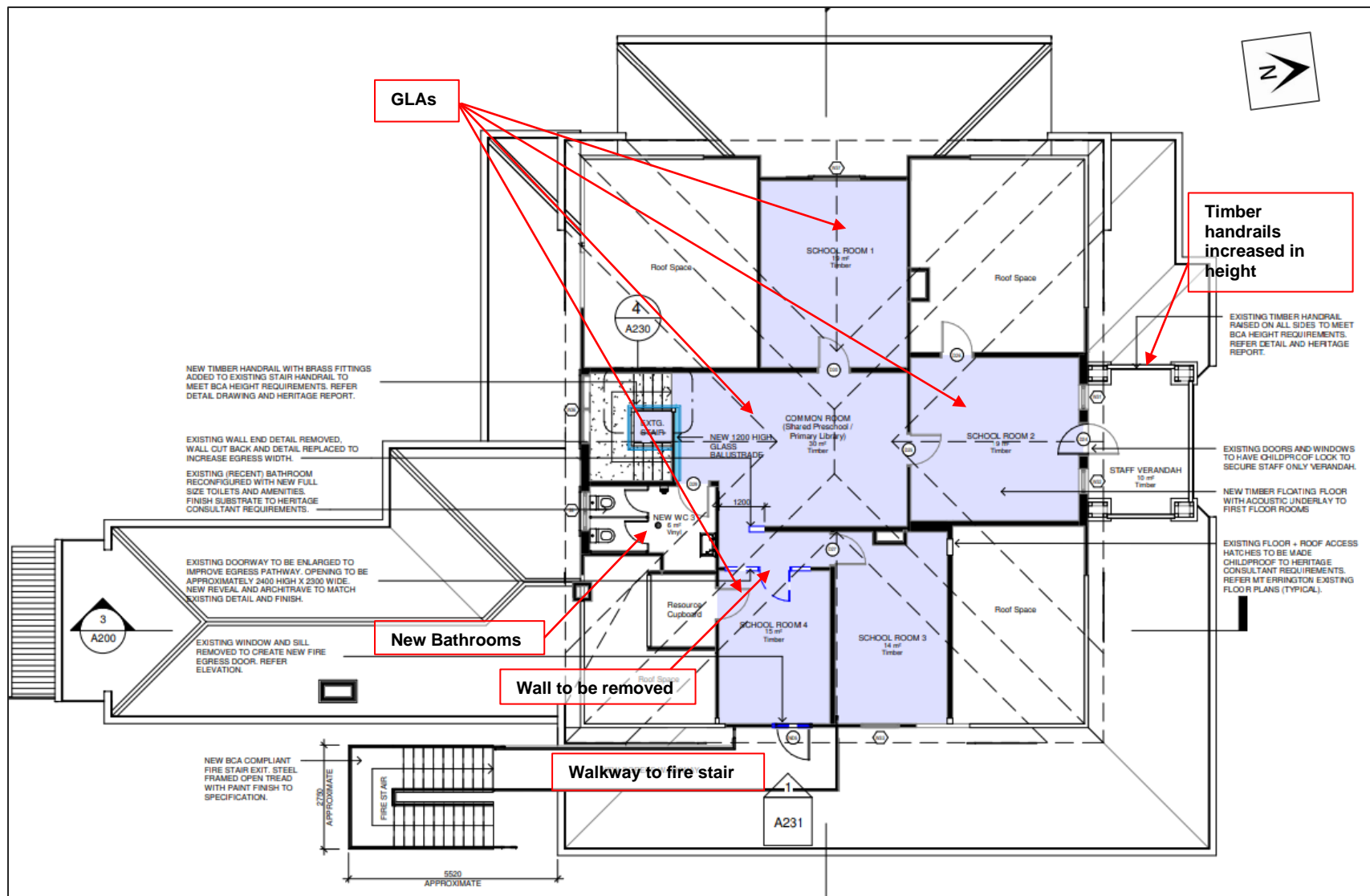


Figure 18 | Proposed First Floor Plan (Source: Applicant's SRTS 2020)

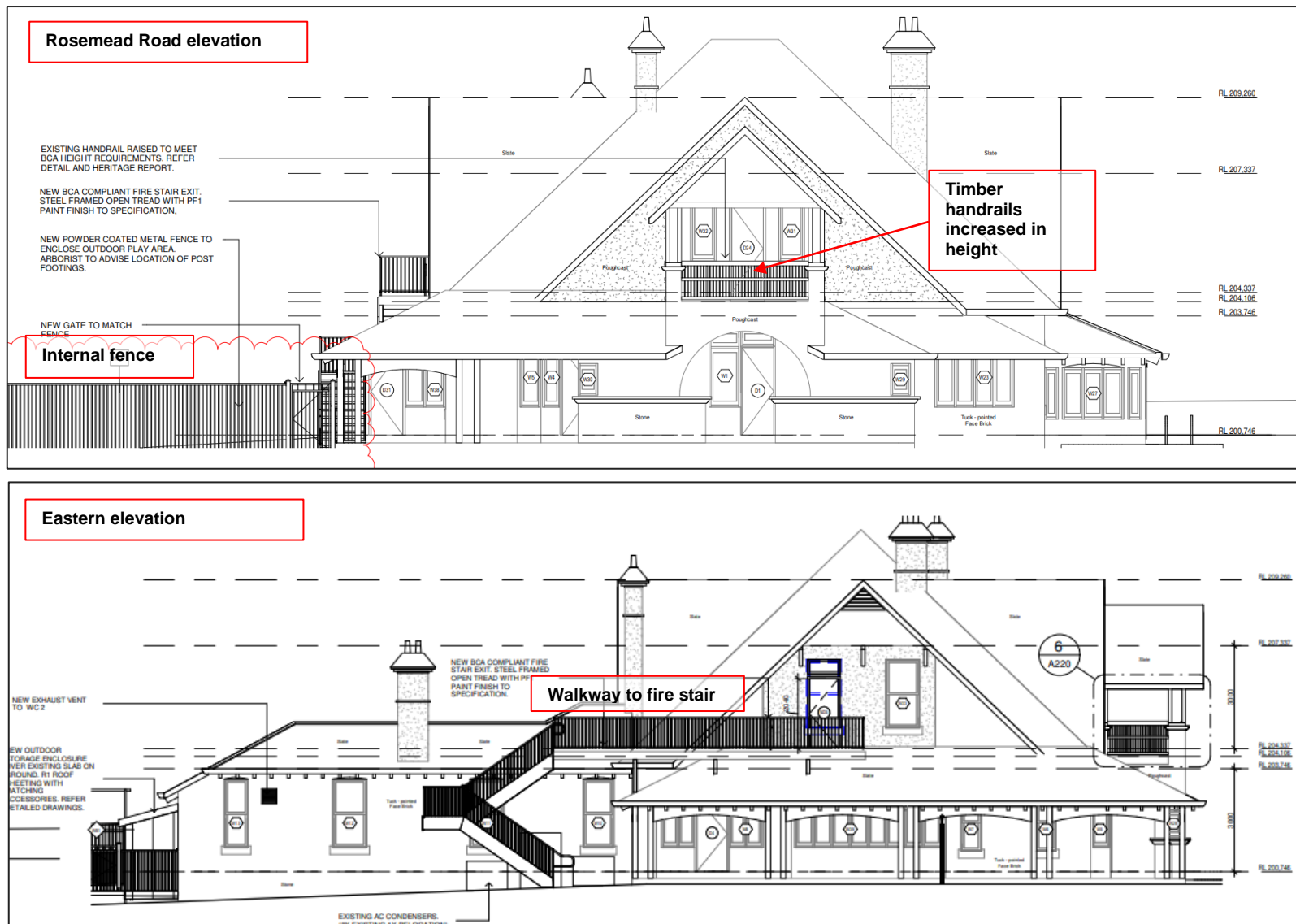


Figure 19 | Elevations front (above) and eastern side (below) (Source: Applicant's SRTS 2020)

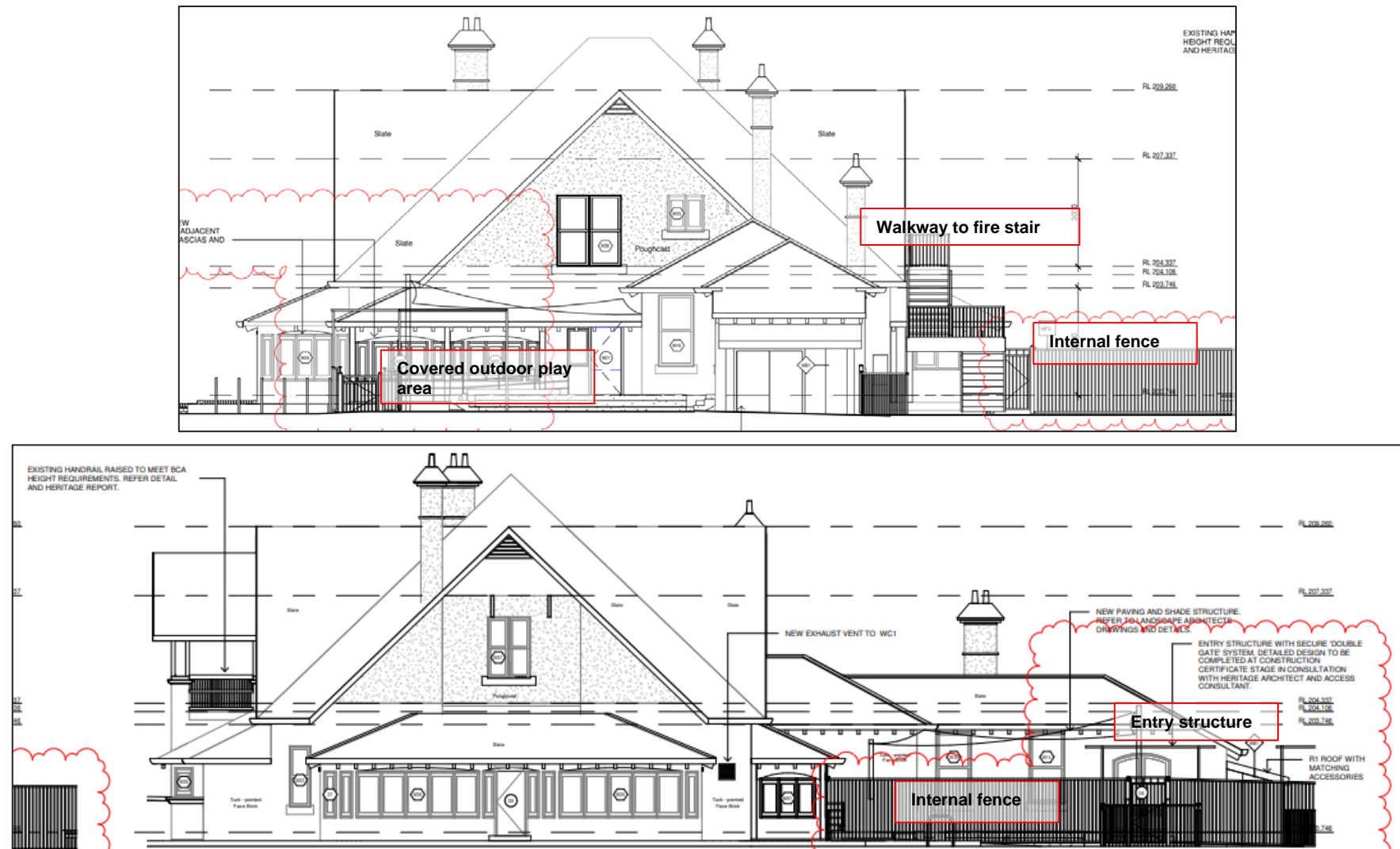


Figure 20 | Elevations rear (above) and western side (below) (Source: Applicant's SRTS 2020)

2.3 Uses and other activities

- 2.3.1 The Applicant proposes to undertake an adaptive reuse of the dwelling for a pre-school and primary school for up to 80 students and nine staff members comprising:
- pre-school – 32 students (aged 3 to 5 years).
 - primary school – 48 students (aged 6 to 8 years).
 - Out-of-school-hours (OOSH) – maximum 48 students.
- 2.3.2 Pre-school hours are proposed to be:
- Monday to Friday: 8am to 6pm with three enrolment options:
 - standard day (8am – 3:30m).
 - full day (8am - 6pm).
- 2.3.3 Primary school hours are proposed to be:
- Monday to Friday: 9am to 3pm.
- 2.3.4 OOSH care would operate:
- Monday to Friday: 8am to 9am and 3pm to 6pm.
- 2.3.5 Vacation care (for up to 48 students) would operate:
- Monday to Friday: 8am to 6pm.
- 2.3.6 No community use is proposed.

2.4 Related applications

- 2.4.1 The Applicant previously submitted local development application DA/1119/2019 to Hornsby Shire Council for a childcare centre and school on the site.
- 2.4.2 As a part of the local development application, Hornsby Shire Council conveyed numerous concerns regarding the proposal to the Applicant. However, prior to the determination of the application, Hornsby Shire Council determined that the application was an SSD. Consequently, the development application was withdrawn.

3 Strategic context

3.1 Project need and justification

- 3.1.1 The Applicant's EIS indicates that the school has been designed specifically to deliver a unique experience for children based on the school's central philosophy of quality indoor/outdoor, intimate and small-class education-based learning. It would cater for the social and educational needs of the Hornsby area and wider region.
- 3.1.2 The Applicant aims to provide learning opportunities in an environment where students can complete the primary Australian Curriculum subjects while having a unique education experience within the heritage listed dwelling and the gardens.
- 3.1.3 The Department notes the Applicant's justification and agrees that the proposal would facilitate an adaptive reuse of the heritage listed dwelling in the area for the purpose of a school, catering for the needs of the community in the region and providing additional learning facilities. The adaptive reuse and the proposed concurrent learning activities for pre-school and primary school would create a unique learning environment on the site.
- 3.1.4 The western side of Hornsby CBD is zoned to accommodate high density residential, commercial and mixed-use developments in the future and considers that the school would provide for an additional pre-school and a primary school facility for the existing and future population in the area.

3.2 Strategic context

- 3.2.1 The Department considers that the proposal is appropriate for the site given it is consistent with:
- *Greater Sydney Region Plan, A Metropolis of Three Cities*, as it proposes the development of new educational infrastructure to meet the growing needs of Sydney.
 - Greater Sydney Commission's *North District Plan*, as it would contribute towards a new school for the community and the future population in the area.
 - *NSW Future Transport Strategy 2056*, as it supports the ongoing provision of an existing education facility in a highly accessible location, being within 800m of Hornsby train station.
 - *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it proposes investment in the non-government school sector, provides for modern learning environments without impacting on a significant heritage item in the locality.
- 3.2.2 Additionally, the proposal would provide for a direct investment of approximately \$600,000 in the region, support nine operational jobs and 20 construction jobs.

4 Statutory Context

4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the proposal is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- 4.1.2 The proposed pre-school is sufficiently related to the school as both the uses occur in the dwelling and the gardens. The Applicant has identified that the proposed development would allow for siblings to study together in the pre-school and the school
- 4.1.3 Clause 8(2) of the SRD SEPP provisions confirm that where a single proposed development, in this instance the school component, is the subject of one development application and comprises development that is only partly State significant development declared under subclause 8(1), then the remainder of the development is also declared to be State significant development, ie the pre-school. The entire development is considered to be SSD.
- 4.1.4 In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (the Commission) is the consent authority as there are more than 50 unique public submissions objecting to the proposed development (53 objections).

4.2 Permissibility

- 4.2.1 The site is identified as being located within the R2 – Low Density Residential zone under HLEP. An ‘Educational establishment’ and ‘centre-based child-care facility’ are both permissible in the R2 zone with development consent.
- 4.2.2 Therefore, the Commission may determine the carrying out of the development.

4.3 Other approvals

- 4.3.1 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.
- 4.3.2 Under section 4.42 of the EP&A Act, a number of further approvals are required, and must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).
- 4.3.3 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory Matters for Consideration

Environmental planning instruments

- 4.4.1 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 relevant 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.
- 4.4.2 The Department has assessed the relevant EPIs in Appendix B and is satisfied the application is consistent with the requirements of the EPIs.

Objects of the EP&A Act

- 4.4.3 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.
- 4.4.4 A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of 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 provide a new school and a pre-school within an existing heritage listed dwelling, thus promoting the social and economic welfare of the local community.</p> <p>The development would not have a significant impact on the State's natural and other resources.</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. However, the proposal involves measures to deliver ecologically sustainable development that have been considered by the Department below. The adaptive reuse of the dwelling represents a sustainable outcome.
(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 heritage listed building as a fit-for-purpose school and pre-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 proposed development would not significantly impact on the natural environment or the conservation of threatened species or habitats. 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 does not involve any major building works that would impact on any nearby Aboriginal cultural heritage values of the site. The assessment of the impact of the proposal on the heritage values of the site is conducted in Section 6.1 .
(g) to promote good design and amenity of the built environment,	The proposal relates to an adaptive reuse of a heritage listed dwelling house and would not affect the overall external design of the existing building. The proposed internal layout would result in good design and amenity for the future users subject to recommended conditions of consent being implemented.
(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,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Hornsby Shire Council and other public authorities and considered their responses (Section 5.1 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 , including notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period. Issues raised in the submission have been considered in Section 6 .

Ecologically Sustainable Development (ESD)

- 4.4.5 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.
- 4.4.6 The Applicant's EIS has provided a brief assessment against the above principles and ensures a sustainable approach through the proposed reuse of the existing heritage listed building on the site. The Applicant does not propose specific ESD measures for the building.
- 4.4.7 The Department recognises the limited opportunities to incorporate ESD measures in the building considering the existing built form. However, the Department considers that ESD initiatives and sustainability measures can be included such as:
- efficient heating, ventilation and air conditioning selection.
 - use of energy efficient LED lighting and lighting control systems with dimmable fittings.
 - water efficient equipment, fixtures and fittings to minimise hot water consumption and subsequently reduce energy demand.
- 4.4.8 The Department has recommended a condition that requires the Applicant to implement the above ESD measures in the development prior to the commencement of operation.
- 4.4.9 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 proposed development. Having considered the objects of the EP&A Act, including the incorporation of the additional ESD measures, the Department considers the application can promote ESD subject to the recommended conditions.

Environmental Planning and Assessment Regulation 2000

- 4.4.10 Subject to any other references to compliance with the Environmental Planning and Assessment Regulation (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.

Planning Secretary's Environmental Assessment Requirements

- 4.4.11 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.

Section 4.15(1) matters for consideration

- 4.4.12 **Table 3** 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 EIS, referenced in the table.

Table 1 | 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 in Appendix B of this report.
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding this, the objectives of the relevant controls under the Hornsby Development Control Plan 2013 (HDCP), where relevant, has been considered in Section 6 .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	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.
(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 likely impacts of the development have been appropriately mitigated or conditioned as discussed in Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period and discussed in Sections 5 and 6 .
(e) the public interest	The proposal is in the public interest as discussed in Section 6 .

4.5 Biodiversity Development Assessment Report

- 4.5.1 Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSI and SSD 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.
- 4.5.2 The Applicant submitted a request to the Department to waive the requirement to submit a BDAR and included an ecological assessment as part of its request. The assessment found that vegetation across the site (both the front and rear gardens) has been significantly altered from their original state and comprises exotic and non-endemic natives (planted local endemics).
- 4.5.3 The assessment concludes that of the 115 identified trees within and around the site, about 7% (nine trees) constitute remnant species. While patches of existing vegetation conform to the plant community type (PCT) Smooth Bark Apple – Turpentine Blackbutt forest, the under storey vegetation is not native.
- 4.5.4 The proposal would only remove 13 trees of locally endemic species and is not likely to have a significant impact on biodiversity as there are no recorded threatened flora or fauna species on the site. Accordingly, the proposed development would not have a serious and irreversible impact that would require biodiversity offsets.
- 4.5.5 On 14 May 2020, the Environment, Energy and Science Group of the Department (EESG) determined that the proposal is not likely to have a significant impact on biodiversity values and a BDAR is not required to accompany the application.
- 4.5.6 The Department supported EESG's decision and it was determined that the application is not required to be accompanied by a BDAR under section 7.9(2) of the BC Act. Consequently, a BDAR waiver was issued on 15 May 2020.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 11 June 2020 until 8 July 2020 (28 days). The application was exhibited on the Department's website only with no public exhibition notices placed in newspapers (in accordance with the COVID-19 restrictions).
- 5.1.2 The Department also notified adjoining landholders and relevant state and local government authorities in writing. Department representatives visited the site to provide an informed assessment of the development.
- 5.1.3 The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions of consent at **Appendix C**.

5.2 Summary of submissions

- 5.2.1 The Department received a total of 63 submissions, comprising eight submissions from public authorities including Council (comment), one objection from a special interest group and 54 public submissions including 52 objections. A summary of submissions received is outlined in **Table 4** and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of submissions to the EIS

Submitter	Number	Position
Public authorities	8	
Sydney Water	1	Comment
NSW Rural Fire Service	1	Comment
Heritage Division, Department of Premier and Cabinet	1	Comment
Environment Protection Authority	1	Comment
EESG	1	Comment
Transport for NSW	1	Comment
Ausgrid	1	Support
Hornsby Shire Council	1	Comment
Special Interest Group	1	
Hornsby Conservation Society	1	Object

Community Members	54	
	48	Object
< 5 km	1	Support
	0	Comment
	2	Object
5–100 km	0	Support
	1	Comment
	2	Object
> 100 km	0	Support
	0	Comment
TOTAL	63	

Public authority submissions

- 5.2.2 The Department notes that Ausgrid and EPA did not provide any comments on the proposal.
- 5.2.3 A summary of the issues raised in other public authority submissions is provided at **Table 5** and copies of the submissions may be viewed at **Appendix A**.

Table 5 | Summary of public authority submissions to the EIS

Hornsby Shire Council (Council)

Council did not object to the proposal and was generally supportive of the proposed adaptive reuse of the dwelling house as it is a positive solution for the long-term conservation of the site. Council considered the proposed use would prevent undesirable developments such as subdivision that would have an irreversible and substantial detrimental impact on the garden, curtilage and setting.

However, Council raised the following concerns:

Heritage

- the submitted Statement of Heritage Impact does not identify the heritage significance and impact of removing the tennis court.
- relocation and repurposing of the entrance gates and posts would have a detrimental impact on the integrity of the site.
- the removal of the low timber fence along the Rosemead Road frontage and replacement with black metal fence would be unsympathetic.
- the accessible path at the rear should include alternative materials instead of concrete, while still meeting regulatory requirements.

- removal of the two significant trees in the front garden, Cabbage Tree Palm (T111) and Giant White Bird of Paradise (T112) would have a detrimental impact on the heritage significance of the site and the HCA.
- removal of 10 trees identified as heritage contributory elements near the north-western corner to locate the new driveway, would have an unsympathetic impact on the site and the streetscape.
- the powder coated metal fencing and gates on William Street does not complement the heritage significance of the site or the HCA.
- amendments to the balustrade on the first floor would remove the original fabric.
- the proposed alterations to the existing internal stair and the new external fire stairs would have adverse impacts but are accepted noting the use and the need.
- the fixtures in the original timber door leaves should be avoided.

Traffic

- the proposed “No Parking” signage along the southern side of Rosemead Road is not a desirable outcome.

Council also provided the following additional comments and recommendations:

- the use of tennis court as carpark is acceptable with the original dimension retained.
- existing entry gates and posts should remain in-situ and an alternative design solution should be investigated to meet heritage requirements.
- an alternate driveway design from Rosemead Road or William Street should be investigated, that retains the significant trees on the site.
- any new fencing design and materials on Rosemead Road and or William Street should match the heritage values of the site.
- new hard surface materials, including driveway / drop-off / pick-up areas, car parking areas, should match the existing or complement the existing style and character.
- the new accessible path and ramp at the rear is acceptable subject to an alternate handrail material that complements the dwelling.
- a detailed drawing of the new fire egress door should be included for assessment.
- the original balustrade on the first floor of the dwelling should be retained.
- the proposed covered outdoor area with a shade sail and other minor landscape additions are supported.
- the majority of the internal works are acceptable subject to implementation of recommendations regarding materials and an interpretation strategy.
- due to the proximity of the site to residential receivers, an assessment against ‘Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment (AAAC)’ should be conducted.
- the on-site drop-off / pick-up area is a desirable outcome for the site subject to an operational Traffic Management Plan detailing management of queuing.

Transport for NSW (TfNSW)

TfNSW provided the following comments:

- the drop-off / pick-up area from Rosemead Road appears to be narrow.

- active transport opportunities including provisions for off-street bicycle parking with end of trip facilities should be considered and incorporated.
- a Green Travel Plan should be prepared in consultation with TfNSW.
- written authorisation should be obtained to install School Zone signs and line marking.
- all works on local roads should be undertaken in consultation with Council.

EESG

EESG did not provide any specific comments regarding biodiversity impacts or flooding.

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

Heritage NSW commented that:

- the subject site is not listed or near any items that are listed on the State Heritage Register.
- the site does not contain any known historical archaeological deposits.

NSW Rural Fire Service (NSW RFS)

NSW RFS recommended the following conditions:

- the entire site should be managed as an inner protection zone (IPA).
- any new Class10B structures should be non-combustible.
- provision of utilities must comply with Planning for Bush Fire Protection 2019.
- a Bush Fire Emergency Management and Evacuation Plan should be prepared.

Sydney Water

Sydney Water specified any servicing requirements would be assessed with the section 73 application.

- 5.2.4 On 14 August 2020, the Department received an additional letter from the Mayor, Hornsby Shire Council (after close of exhibition), reiterating the concerns raised in the community submissions and requesting that the application not be supported.

Community submissions

- 5.2.4.1 A summary of the key issues raised in the public submissions (including the special interest group) is provided below and a copy of the submission may be viewed at **Appendix A**.
- 5.2.4.2 The Department also received four additional objections from community members after the close of exhibition. The concerns raised by these submitters are also considered in **Table 6**.

Table 6 | Summary of community submissions to the EIS exhibition

Issue	% of Submissions
<i>Heritage impacts to dwelling</i>	42 (76.3%)
<ul style="list-style-type: none"> • adverse heritage impacts to the existing heritage listed dwelling. 	
<i>Heritage impacts to listed gardens and landscaping</i>	40 (72.7%)

<ul style="list-style-type: none"> adverse heritage impacts due to loss of significant tree canopy and major alterations to the gardens. 	
<i>Traffic impacts (congestion)</i> <ul style="list-style-type: none"> increased traffic in the heritage conservation area. unsafe vehicular movements due to the narrow width of Rosemead Road and the nearby vehicular intersections. 	49 (89%)
<i>Traffic impacts (loss of on-street parking)</i> <ul style="list-style-type: none"> insufficient on-site car parking resulting in potential loss of on-street parking due to users of the site. potential safety issues with surrounding residents manoeuvring around additional cars on the street. insufficient analysis of traffic and parking impacts. no details to justify the data supporting walking / cycling transport mode share assumptions. 	39 (70.9%)
<i>Inappropriate development (site suitability)</i> <ul style="list-style-type: none"> inappropriate reuse of the heritage listed dwelling as a school, which is prohibited in the current land use zone. reduced amenity for surrounding residents, due to the proposed use. 	29 (52.7%)
<i>Amenity impacts (unneeded educational facility)</i> <ul style="list-style-type: none"> a school is not needed in the area. an additional school would generate further amenity impacts due to traffic, noise and overlooking. 	22 (40%)
<i>Impacts to emergency services (bushfire)</i> <ul style="list-style-type: none"> adverse impacts on the functioning of emergency services, and water main pressure in the area being impacted by the proposed development. 	23 (41.8%)
<i>Operational noise impacts</i> <ul style="list-style-type: none"> adverse impacts on the surrounding residents due to the noise generated by the proposed use. increase in staggered external noise impacts due to staggered outdoor play times. 	20 (36.3%)
<i>Impacts of proposed fencing</i> <ul style="list-style-type: none"> adverse impacts on the original fencing on Rosemead Road. inappropriate choice of materials and heights for boundary fencing. loss of landscaping buffers along property boundaries. 	11 (20%)
<i>Impacts to fauna</i> <ul style="list-style-type: none"> loss of fauna habitat due to a reduced tree canopy. 	11 (20%)
<i>Impacts on privacy</i>	7 (12%)

- loss of visual privacy due to the development.
-

5.3 Response to submissions

- 5.3.1 Following the exhibition of the application, 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.
- 5.3.2 The Department also identified several additional issues including impacts of the proposed alterations on the heritage item, traffic and noise.
- 5.3.3 Following the close of exhibition, the Department engaged an independent consultant, GML Heritage Ltd (GML), to review the impacts of the proposal on the heritage values of the site as well as Council's comments in this regard.
- 5.3.4 On 1 October 2020, the Department's representatives visited the site with GML and engaged with the Applicant to discuss possible options to reduce the impacts on the heritage significance of the dwelling, and especially the front gates and the posts.
- 5.3.5 On 7 October 2020, GML provided a peer review report (GML Report – **Appendix D**) to the Department.
- 5.3.6 Following the meeting and the comments from GML, the Department requested that the Applicant address the following matters in addition to the submissions received during exhibition of the application:
- address the concerns raised in the GML report and review the recommendations.
 - explore opportunities to reduce car parking on the site to retain trees.
 - provide a Green Travel Plan, or a revised mode share plan, with a higher reliance on public transport to reduce car parking on the site and improve the garden settings.
 - provide detailed design options and justification for the current (or amended) site layout.
 - consult with Council and explore opportunities to use the Rosemead Road frontage of the site as a drop-off / pick-up area so that the internal driveway, gates and posts can remain in-situ.
- 5.3.7 On 11 November 2020, the Applicant provided a Response to Submissions (RTS) (Appendix A) addressing the issues raised by public and public authority submissions as well as additional issues raised by the Department and the GML Report.
- 5.3.8 The RTS included a revised design option analysis to justify the proposed site layout and advised that the future school would cater for pre-school children and primary school children aged 6 – 8 years rather than the original proposal for 6 – 12 years. The RTS included the following design amendments:
- revised site layout locating the car spaces on the eastern side of the carpark.
 - pedestrian pathway moved to the eastern side of the carpark.
 - provision of six bicycle parking spaces.
 - amendments to the fencing along Rosemead Road, William Street and the western boundary with revised materials for the driveway area.

- existing main gate and posts removed and new wider gates / posts to driveway entry to match existing gates detail and finish.
- minor reduction in the indoor unencumbered play area and allowance for indoor learning space for primary school in the ground floor.
- replacement of the entire roof to match existing and retention of existing wall nibs.
- minor repositioning of the fire stairs to utilise an existing window.

5.3.9 The RTS was made publicly available on the Department's website and referred to the relevant public authorities. In response, the Department received two additional submissions from TfNSW and Council. In its submission, TfNSW did not raise any concerns and recommended conditions in relation to the development including the requirement for a Green Travel Plan and a Traffic Management Plan for the drop-off / pick-up area.

5.3.10 Council reviewed the Applicant's RTS and commented that the Applicant has undertaken a reasonable approach to consider Council's earlier comments and explore design alternatives that would minimise impacts on the heritage values of the site. The resultant design outcome is generally supported, subject to the implementation of recommended conditions of consent.

5.4 Community submissions to RTS

5.4.1 Following lodgement for the RTS, the Department received additional correspondence from one community member, raising concerns regarding inconsistencies in the Applicant's acoustic report and traffic report. This correspondence included additional acoustic and traffic reports in support of the objection.

5.5 Supplementary Response to Submissions (SRTS) and amended proposal

5.5.1 On 27 November 2020, the Applicant requested the consent authority to consider the following amendments to the proposal under clause 55 of the EP&A Regulation:

- the delineation of separate play areas for the pre-school and primary school.
- relocation of the secondary entrance gate (pedestrian) on the William Street frontage to enter at the pathway adjacent to the car parking area.
- height of the internal fencing to the play areas (bordering the carpark and on the eastern side) increased from 1.2m to 1.8m.
- addition of an open pergola like structure providing weatherproof pedestrian access from William Street.

5.5.2 On 28 November 2020, the Department accepted the SRTS including the amendments detailed above. The amendments are generally consistent with the project as exhibited. Due to the minor nature of the amendments, they were not re-exhibited. However, the information was placed on the Department's website and made publicly available.

5.5.3 Council's comments to the RTS were provided after the submission of the SRTS with no additional concerns raised regarding the amendments.

5.5.4 Following the Department's request for additional information, the Applicant submitted a further SRTS on 8 December 2020 responding to and addressing comments provided in an independent acoustic peer review report submitted with the community submissions.

6 Assessment

The Department has considered the EIS, the 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:

- historic heritage impacts.
- traffic impacts.
- noise impacts.

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 at **Section 6.5**.

6.1 Historic heritage impacts

- 6.1.1 The Applicant's EIS is supported by a Statement of Heritage Impact (SOHI), which indicates that the most significant building on the site is the existing two storey residential dwelling constructed circa 1897.
- 6.1.2 As described in **Section 1.1**, the SOHI describes the two storey dwelling, the fence and gates, and the front and rear gardens to be of significant heritage value.
- 6.1.3 The site is also located within an HCA with several adjoining developments of heritage significance as identified in **Figure 21** and **Table 7**. Additionally, the street trees on Rosemead Road and Dural Street are items of local heritage significance (items 468 and 544).



Figure 21 | Heritage context of the site (Source: HLEP)

Table 7 | Heritage items surrounding the site (Source: Applicant's EIS 2020)

Suburb	Item Name	Address	Property Description	Significance	Item no
Hornsby	House	52 William Street	Lot 5, DP 17856	Local	557
Hornsby	"Birklands"	52 Dural Street	Lot C, DP 361718	Local	824
Hornsby	House	4 Rosemead Road	Lot 51B, DP 412118	Local	546
Hornsby	"The Haven"	6 Rosemead Road	Lot 522, DP 626635	Local	825
Hornsby	"Kuranda"	8 Rosemead Road	Lot 53, DP 3369	Local	826

- 6.1.4 The proposal involves internal alterations to the dwelling including demolition of two internal walls to create GLAs, as well as bathroom and staff amenity areas. The external modification predominantly involves raising the height of the timber handrails on the front elevation and the addition of the fire stair to the east.
- 6.1.5 The development also includes conversion of the existing tennis court into a carpark, realignment of the driveway, removal of the front gates and posts with widening of the driveway entry and removal of trees including the two significant trees within the front setback area (**Figure 16**). Extensive landscaping of the rear lawn area is also proposed to cater for the school and pre-school as well as provision of a partly covered outdoor play area.
- 6.1.6 During the exhibition of the EIS, Council commented that they are generally supportive of the proposed adaptive reuse of the heritage item as it would prevent the site from being subdivided in the future and enable its long-term usage and maintenance. But Council raised significant concerns about several aspects of the development including removal of the gates and the trees within the front setback and widening of the driveway (see **Section 5.2**). This was later reiterated by Council's Mayor.
- 6.1.7 Most community submissions raised concerns regarding the detrimental impact of the proposed development on the dwelling and the heritage listed gardens. The submissions indicated that the dwelling should be preserved as a residence.
- 6.1.8 Following close of exhibition, the Department requested GML conduct an independent peer review of the SOHI, Council's comments and review of the merits of the proposal. The GML report concluded that the proposed use of the dwelling as a school is a suitable use for the site, ensuring that the house and garden are occupied and maintained into the future. The new use would also ensure that the dwellings remains legible as a large Arts and Crafts house in a substantial garden setting. However, GML agreed with most of Council's other concerns and made several recommendations in relation to the development. These were made available to the Applicant by the Department prior to the submission of their RTS.
- 6.1.9 The Applicant's RTS included a detailed design options analysis which considered four options for site layout and carpark in response to Council's and GML's comments. The Applicant's options analysis demonstrated that the proposed development in its current form was the only feasible and reasonable way to develop the site, complying with the relevant traffic guidelines with least impact on the heritage item. The RTS and SRTS included minor amendments in response to Council's and Department's concerns.

6.1.10 The Department agrees that the proposed use would ensure long term sustainability of the significant heritage listed dwelling. The impacts of the proposed alterations on the heritage values of the site and the Department's assessment are discussed below.

Impacts of alterations to the dwelling

6.1.11 The main components of the internal alterations, (as refined by the SRTS) are provided in **Section 2.2** and shown in **Figures 17 – 20**. Internal alterations are proposed to facilitate the new uses within the dwelling. The external alterations mainly include modification to the first-floor balcony and addition of the fire stairs at the location in **Figure 22**.



Figure 22 | East elevation and proposed location of external stair (Source: DPIE 2020)

6.1.12 The SOHI supporting the EIS indicated that the proposed changes to the dwelling are focused on meeting the requirements of BCA and State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP), while minimising the impacts on the significant heritage components. Internal works were also designed to be reversible for the potential future use of the site as a residential dwelling.

6.1.13 During the EIS exhibition, Council commented that the:

- first-floor balcony is highly significant in the context of the dwelling. The proposed balustrade amendment would have an irreversible detrimental effect on the integrity of the views from the streetscape. Consequently, it should be retained in-situ.
- fire stair is an unsightly bulky addition which would have an impact on significant fabric and on the item's integrity, visual setting and distant views. However, the stairs are integral to the proposed use and are acceptable as they are technically reversible.
- majority of the internal works are acceptable, subject to implementation of recommendations regarding materials and an interpretation strategy including:

- enclosure of any window should be avoided.
 - the original features, including air vents, architraves and skirtings and window joinery should be retained beneath the fibre cement sheeting.
 - the leadlight window features should not be enclosed with polycarbonate.
 - fixtures on the original timber door leaves would have an adverse impact.
 - the new entry door at the rear should be of timber and match the adjacent door.
 - the new handrail addition to the internal stairs including the paint, finish and nosing details would have adverse impacts but are reasonable for BCA compliance.
 - the protection of the wallpaper with polycarbonate is reasonable.
 - the nibs of the original wall should be retained where internal demolition is proposed.
 - proposed metal palisade balustrade design to the fire stairs is acceptable, subject to the exterior colour scheme matching the dwelling.
 - addition to the rear is not desirable, but acceptable as it is reversible.
- 6.1.14 Community submissions raised concerns regarding the proposed polycarbonate covering, covering heritage walls with cement sheeting, internal alterations including widening of doors, and proposed external alterations. The submissions indicated internal alterations would restrict a future owner from reversing the proposed use back to a dwelling.
- 6.1.15 The GML report generally agreed with Council's comments, and concluded that the:
- original balustrade to the first-floor balcony should be retained. A BCA compliant balustrade should be installed to its rear, which would not be visually obtrusive.
 - fire stair would have a moderate adverse impact but is a reasonable inclusion.
 - window into School Room 3 should be altered to a doorway to provide access to the fire stairs.
 - proposed additions and alterations to the house would have a minimal impact on the heritage significance of the dwelling, subject to the implementation of an appropriate heritage interpretation strategy and retention of significant fabric, such as timber fascia.
 - proposed enclosure to a window is acceptable as it would remain intact.
 - polycarbonate sheeting over the leadlight should only relate to doors (rather than windows and fireplace), and panels should be able to be removed in the future.
- 6.1.16 The Department requested the Applicant to address the above concerns and additionally requested a schematic internal layout be provided to demonstrate how the existing rooms would be used as classrooms for 48 primary school students.
- 6.1.17 In response to Council and GML's recommendations, the Applicant's RTS repositioned the fire stairs to align with an existing window opening, indicated that polycarbonate protection would be restricted to doors only and committed to restoring the wall nibs internally. The RTS also included a skylight to Room 4m, a 1.2m high glass balustrade on the first-floor landing and a schematic diagram for the classroom layout.
- 6.1.18 The Applicant advised that one of the school rooms (School Room 4) was amended to be located at the ground level and that the primary school would accommodate Year K – 2 rather than previously proposed Years K – 6. The revised layout is shown in **Figures 17** and **18**.
- 6.1.19 The RTS included an addendum SOHI which advised that the existing roof is causing water leakages and should be replaced with a new roof to prevent further damage, the design of

which would be determined by a heritage architect. The material and design would match the existing tiles including the use of Canadian slate.

- 6.1.20 The Applicant's RTS also explored options to retain the first-floor balustrade in-situ, but given the proposed use, this was not considered feasible for the safety of children and staff. The SOHI addendum stated that the height of the balustrade is not compliant with the National Construction Code and should be amended. The installation of a secondary glass balustrade behind the existing is not preferred as it would have negative impacts on the fabric and be intrusive to the elevation. Consequently, the proposed option to raise the height of this balcony is reasonable (**Figure 23**).

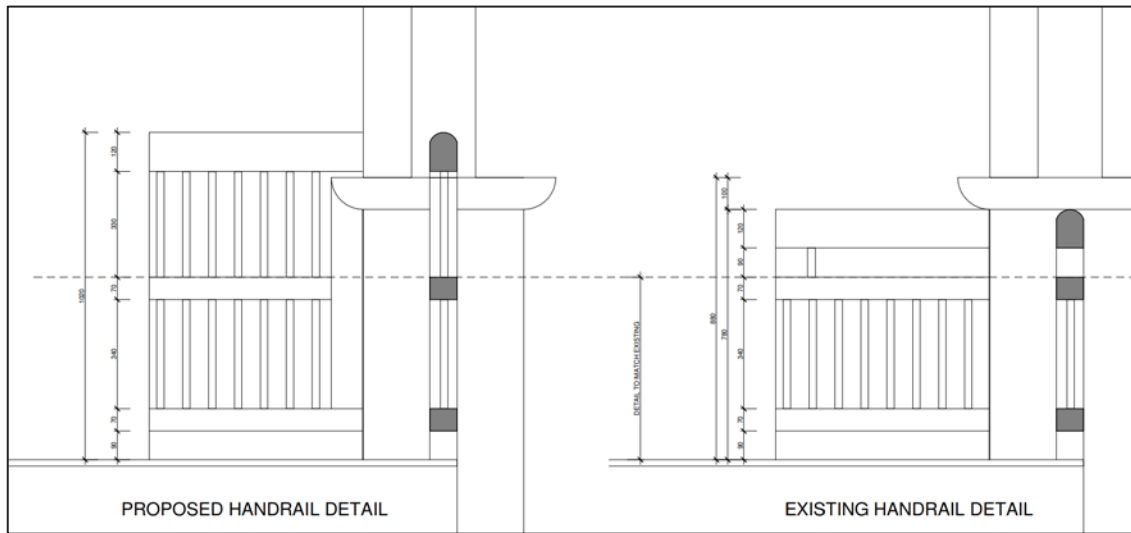


Figure 23 | Existing (left) and proposed (right) handrail detail (Source: Applicant's SRTS 2020)

- 6.1.21 Council reviewed the RTS and commented that the Applicant's justification was reasonable. Council supported the proposed timber balustrade subject to photographic recording of the original balcony and conditions regarding materials and finishes.
- 6.1.22 The Department has reviewed the submissions, the GML report and the Applicant's RTS. The Department acknowledges that amendments provided in the RTS have addressed most of the concerns raised by Council / GML and commit to implementing recommended internal interpretation strategies.
- 6.1.23 Proposed internal amendments enable the adaptive reuse of the dwelling as a pre-school and primary school and are, on balance, a positive outcome for the site, subject to the recommended conditions regarding interpretation strategies. Most of the internal changes are reversible and would not prevent the house from being used as a residence in the future.
- 6.1.24 The fire stairs would be disguised from the Rosemead Road streetscape and adjoining developments to the east due to existing vegetation of the site and orientation of the lot (**Figure 27**).
- 6.1.25 The amendments to the first-floor balcony would be highly visible from Rosemead Road. However, Department representatives noted during the site visit that the existing balustrade is very low and not safe for use even as a residence. As the existing balustrade poses a direct conflict with the proposed use on the site, the Department supports the proposal to increase the height of the balustrade. As evident from **Figure 23**, the Applicant's design encapsulates

the spirit of the original, while complying with relevant standards. A condition of consent recommends that the colour and materials of the balustrade comply with the heritage requirements and be endorsed by Council prior to construction.

- 6.1.26 The Department also supports the proposed roof restoration as it would assist in maintaining the dwelling in the long term. The Department has recommended conditions regarding the roof materials and requirements to consult with Council during the detailed design stages.

Impacts of proposed alterations to the garden, landscaping and tree removal

- 6.1.27 The heritage listed gardens surround the dwelling on all sides, providing significant viewpoints from Rosemead Road, William Street and neighbouring properties. The SOHI includes an extract from the State Heritage Inventory listing, which reads:

“Fine Federation house with remnant period garden. Significant elements including fine diagonal pattern timber gates on heavy posts and lozenge shape brown gravel drive with brick gutter edging. Tall Bunya Pine (circa 1900) is sited on the nature strip. An English Oak and large Palm clump are significant. Also of note are the Smooth Bark Angophora, Red Bloodwood, Liquid Amber and Lemon scented gum”.

- 6.1.28 The significant elements of the existing gardens including the fence, gate, driveway, tennis court and existing trees are described in **Section 1.1**. Photos of the entrance gate and the front and rear gardens are in **Figures 4, 7 and 8** and below in **Figures 24 – 25**.



Figure 24 | Original/early timber gates with gravel driveway from Rosemead Road (Source: DPIE 2020)



Figure 25 | View of the rear of the dwelling from the tennis court (Source: DPIE 2020)

6.1.29 The proposed landscaping works within the gardens initially included:

- replacement of the tennis court with a carpark, removal of trees, a pedestrian path on the western boundary and pedestrian access from William Street via a childproof metal gate.
- removal of a total of 40 trees including two significant ones - Cabbage Tree Palm and Giant White Bird of Paradise (**Figure 16**), 20 trees within the tennis court, one significant Juniper (T19 marked in **Figure 29**), trees within the new driveway, two street trees and two at the rear.
- widening and realignment of the entrance driveway with removal of the original gate and posts and construction of a new driveway at the north-western corner.
- landscaping of the rear garden to provide for outdoor play area for the students with metal fencing separating the carpark from driveways and play areas.
- a covered outdoor area (amphitheatre) at the rear of the dwelling with shade sails.
- new open metal fence and gate on Rosemead Road frontage and new fence to the east.
- a new vegetable garden on the eastern boundary.

Submissions

6.1.30 During the EIS exhibition, Council raised significant concerns regarding the:

- widening / realigning of the driveway, along with the loss of the two highly visible trees in the front garden.
- additional driveway leading to the loss of 10 trees, including two street trees.
- loss of the timber gates and posts.

- adverse impacts on the internal and external open metal fencing.
- 6.1.31 Council recommended the Applicant investigate an alternate driveway design which retains the identified significant trees within the front setback including the opportunity for a second driveway from William Street with alternate fencing and driveway materials. Council also recommended the retention of two trees (T19 and T27 in **Figure 29**) near the eastern elevation.
- 6.1.32 Council indicated that the SOHI did not fully identify the impacts of removing the tennis court, although converting this area to a carpark would have a minor impact and is acceptable subject to the implementation of heritage interpretation strategies. Council did not raise specific concerns about the loss of trees on the western boundary but generally considered tree removal to be excessive for the site. Council supported the covered outdoor area and the access ramp at the rear and recommended retention of T19 to screen the fire stairs.
- 6.1.33 Community submissions raised significant and similar concerns regarding the alterations to the garden, fencing and especially the loss of the tree canopy within the site.
- 6.1.34 The GML Report concurred with majority of the concerns raised by Council. GML however indicated that the second driveway crossing on Rosemead Road and associated loss of trees was acceptable as the trees are of moderate to low significance. GML emphasised the retention of the gates, posts, driveway alignment, T111 and T112 and alterations to the proposed fencing. GML additionally recommended that retention of the tennis court in-situ with the trees would be a preferred option.
- 6.1.35 Noting GML's comments, the Department engaged with the Applicant and requested the Applicant provide design options to investigate retention of the driveway configuration with the associated trees, gates and posts; retention of the tree canopy to the west; and retention of whole or part of the tennis court with less car parking on site and a drop-off / pick-up area at the Rosemead Road frontage.

Applicant's response and design option analysis

- 6.1.36 In response, the Applicant's RTS considered four design options as shown in **Figure 26**). Based on the design options above, the Applicant identified that:
- alleviating car parking from the site would have significant adverse traffic impacts on the surrounding residents and would be contradictory to advice from Council.
 - the retention of the driveway width is not feasible due to non-compliance with the Australian Standards for driveways.
 - the encroachment on T111 and T112 is high and retention or relocation is not feasible.
 - the driveway from William Street is not feasible due to poor sight lines and loss of street trees of heritage significance.
 - the location of the drop-off / pick-up zone within the Rosemead Road frontage would require a "No Parking" restriction and was not desirable to the residents or Council.
 - the retention of the tree canopy on the western boundary was not possible due to car parking on the site, which is integral to the proposed use. Similarly, retention of T19 and T27 were also not feasible due to bushfire safety.
 - The proposed location of the car park would retain a significant Blackbutt (T40 in **Figure 29**), which is desirable.

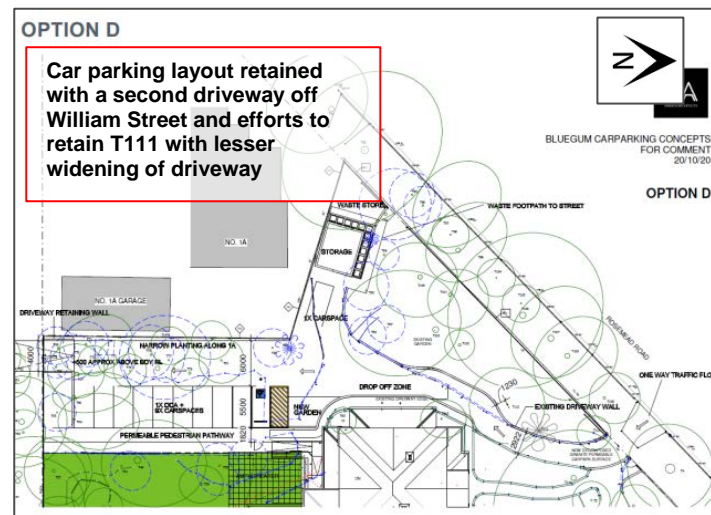
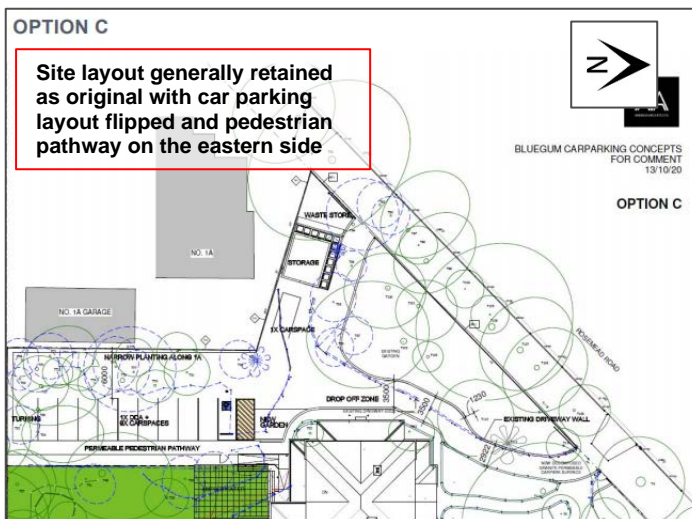
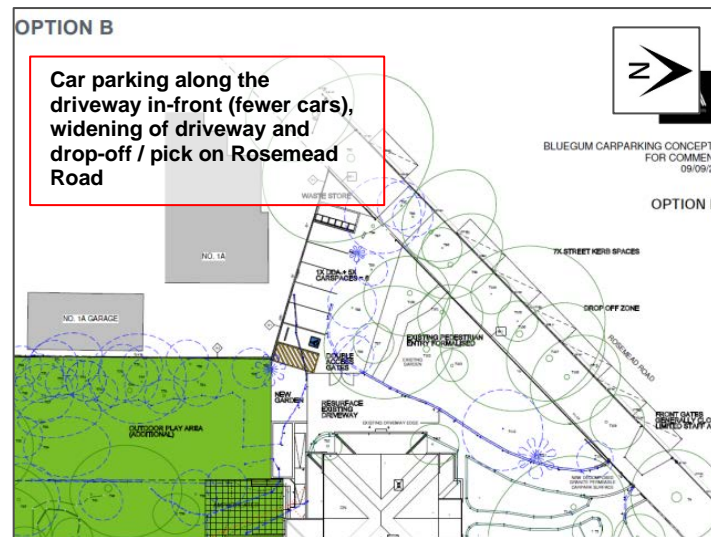
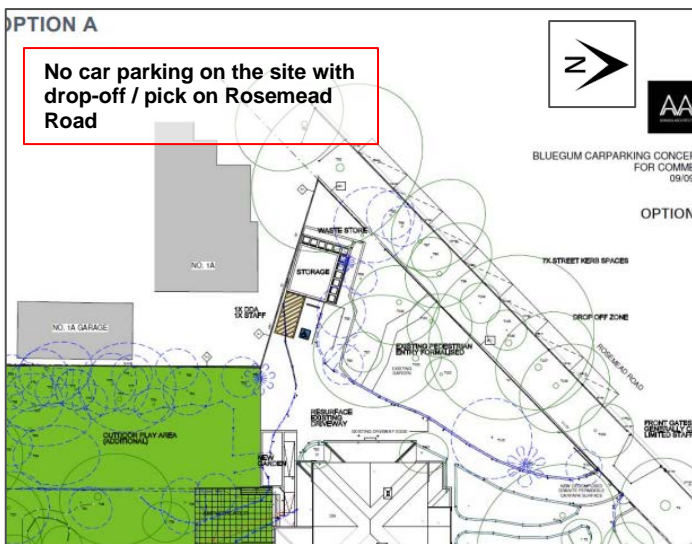


Figure 26 | Design options to justify the proposed design and site layout (Source: Applicant's RTS 2020)

Proposed design amendments in Applicant's RTS and SRTS

- 6.1.37 The Applicant's RTS concluded that none of the above options in **Figure 26** could be implemented in their entirety due to the identified consequential problems each one created. Thus, the revised site layout (refined by the SRTS) combined Options C and D with the:
- car spaces and the pedestrian pathway flipped to the eastern side of the carpark.
 - six bicycle parking spaces within the carpark.
 - a pergola type structure along the pedestrian pathway from William Street.
 - new brick edging along the drop-off / pick-up bay to match existing.
- 6.1.38 The Applicant committed to providing permeable decomposed granite as a driveway material, interpreting the dimensions of the tennis court and creating a future heritage walk along the pedestrian pathway at the rear, to tell the story of Mount Errington.
- 6.1.39 The RTS and the SRTS revised and refined the design and materials of fencing around the site including:
- removal of the black metal fence separating the carpark from the drop-off / pick-up area.
 - a 1.8m high open metal fence between the carpark and outdoor play area.
 - retention of existing fence on the eastern boundary.
 - a timber pailing fence on the Rosemead Road frontage (in lieu of the metal fence).
 - a 1.8m high timber fence and gates on the William Street boundary.
 - a 1.8m high (instead of 2.1m) lapped timber fencing on the boundary of 1A Rosemead Road raked down within the front setback.
 - a 1.8m high internal metal fence to separate outdoor play areas from the front gardens (**Figure 20**).
- 6.1.40 The SRTS included details of separate play areas for pre-school and primary school children at the rear including: reusing a tree trunk as a climbing structure, retaining the overall garden settings, retaining tree T40 with seating around existing trees and brick edging surrounding the lawn. The front gardens would be used as occasional excursion area for students.
- 6.1.41 The elevation to Rosemead Road and the western boundary is shown in **Figure 27 - 28**. The landscape plan submitted with the SRTS is shown in **Figure 29**.



Figure 27 | Rosemead Road streetscape elevation (Source: Applicant's SRTS 2020)

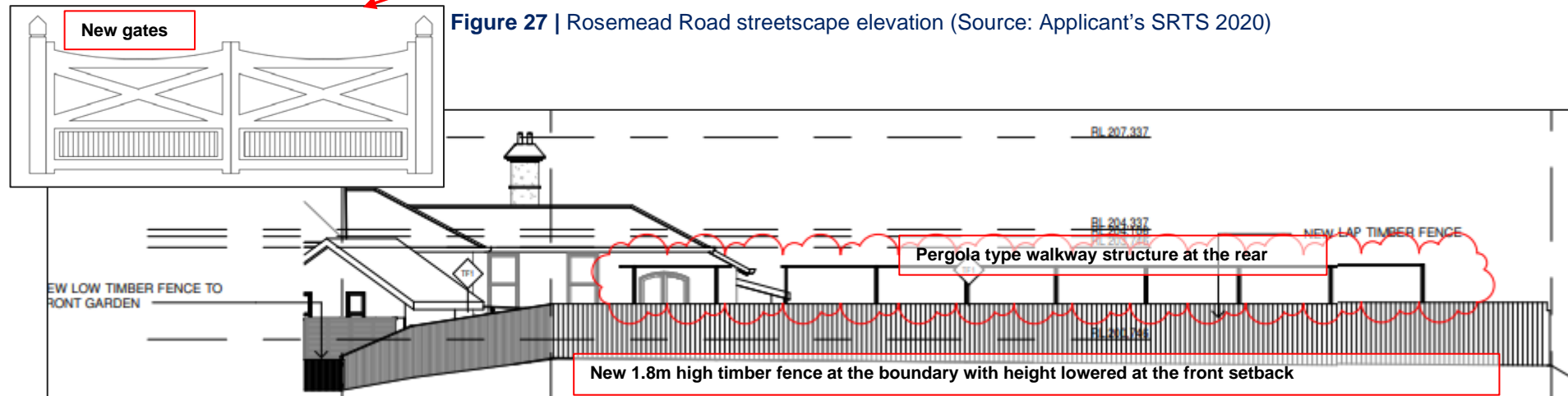
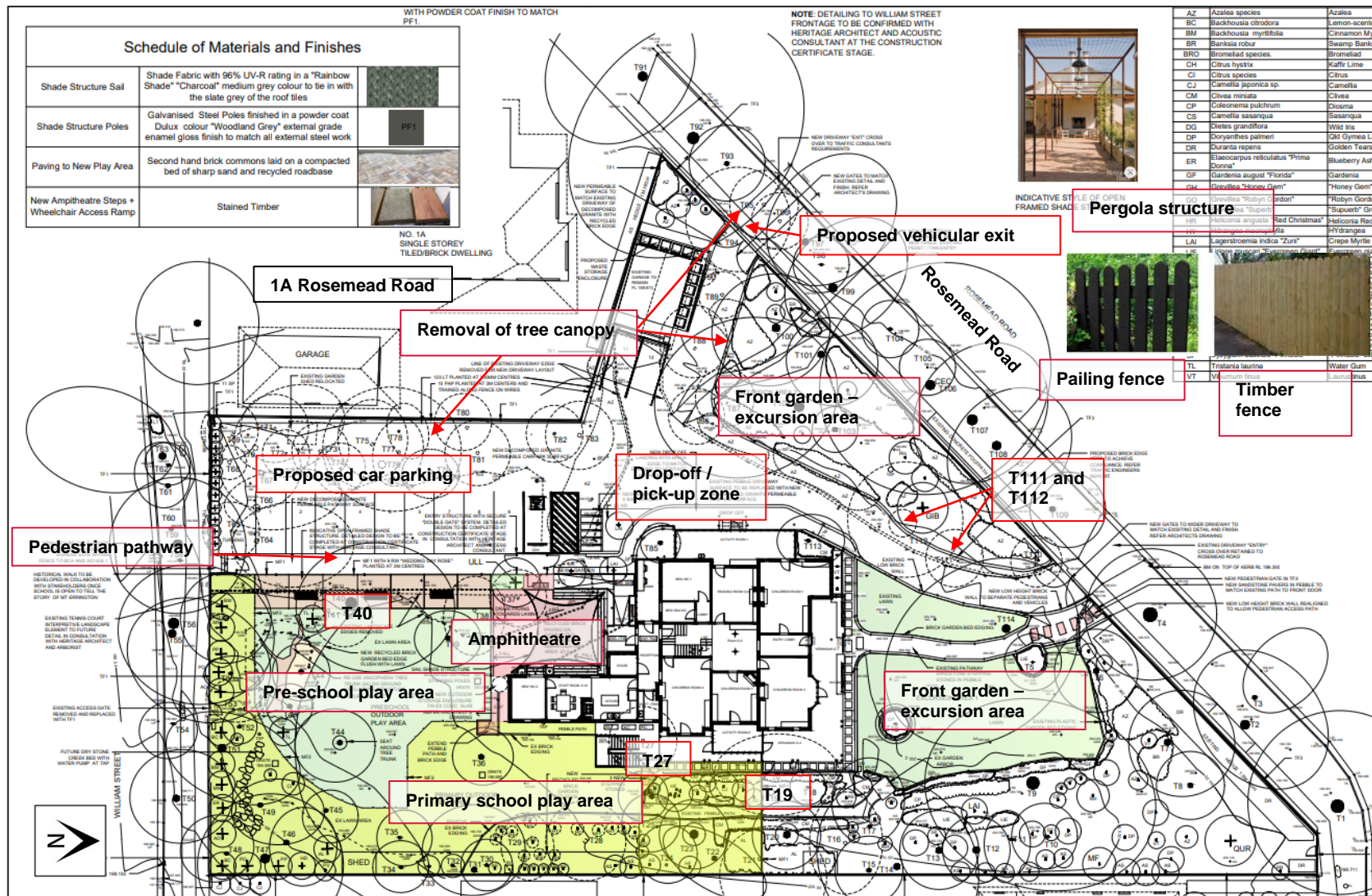


Figure 28 | Western boundary elevation as viewed from 1A Rosemead Road (Source: Applicant's SRTS 2020)



Addendum heritage response from the Applicant

- 6.1.42 The addendum SOHI submitted with the RTS and SRTS supported the proposed fencing / pergola structure as reversible changes and advised that it would not have significant negative impacts on the heritage listed dwelling.
- 6.1.43 The addendum SOHI also advised that the proposal retains substantial plantings within the site. In this regard, the addendum Arborist Report explored options for relocating and retaining T111 and T112 but concluded that this could not be practically achieved due to the high level of encroachment. The addendum SOHI noted this and advised that the removal of T111 and T112 would not generate a significant detrimental impact upon the existing setting, particularly as it would open the views of the primary elevation from the public domain. Similarly, addendum SOHI supports the removal of T19 and T27 to enable the construction of the fire stairs and minimise bushfire risks.
- 6.1.44 The addendum SOHI further advised that the existing gates on Rosemead Road are deteriorating due to rotting timber and water damage. Consequently, replacement of these gates with a new gate with the design, scale and form of the original gates would be the preferred option. This would respect the significance of the original gates and maintain the presentation to the public domain. The existing gates would be relocated to a location approved by the heritage consultant.
- 6.1.45 With regard to the concerns from the community and Council on the loss of tree canopy, the Applicant's RTS and the addendum Arborists Report identified that a large number of trees (57 trees) would be retained on the site, despite the revised design removing 41 trees (rather than 40 as originally proposed). The trees within and adjacent to the tennis court comprise planted species with low retention value and poor contribution to the site's heritage value. The Applicant proposes to plant three new trees capable of reaching a height of at least 10m at maturity, plus numerous shrubs and plants to suitably compensate the loss of this tree canopy.
- 6.1.46 Council reviewed the RTS and SRTS and commented that the Applicant has undertaken a reasonable design option analysis to justify the proposed development. The proposed development in its current form, including removal of the significant trees, is supported by Council as it would enable a long term favourable use of the site. Council recommended conditions including photographic recording of existing elements and appropriate heritage interpretation prior to work occurring.

Department's consideration

- 6.1.47 The Department has reviewed the proposed works to the landscaped gardens and the comments from Council and the recommendations of the GML report. The Department agrees with Council that the Applicant has considered all feasible options to develop the site with least impacts on its heritage values. The resultant site layout would impact on significant heritage listed trees, on the original gate / fence, and result in the removal of part of the existing tree canopy.
- 6.1.48 However, as discussed in **Section 6.2**, the Department considers that widening the driveway and replacement of the tennis court with 10 spaces and drop-off / pick-up within the site are integral to the development, complying with Council's requirements and ensuring least

impacts on the surrounding road network. On balance, the removal of these trees, gates, posts and realignment of the driveway are supported, subject to appropriate heritage interpretation of the significant elements. The Applicant has committed to replacing the gates with like for like which is acceptable.

- 6.1.49 The proposed fencing, along the western boundary and William Street, represents typical fencing in a residential area and would not significantly detract from the heritage value. The Department also considers that the pergola structure is reversible and would be needed to maintain weatherproof access for the parents and children.
- 6.1.50 The proposed bin enclosure, while being visible from Rosemead Road, would be screened appropriately by the proposed enclosure, existing trees and the boundary fence. Consequently, the Department considers that the enclosure design is acceptable and would eliminate odour impacts on the neighbour.
- 6.1.51 The impacts of tree removal have been appropriately justified in the Applicant's RTS and the supporting SOHI. The loss of the 41 trees would also not have any ecological irreversible impacts that warrant their retention, as discussed in **Section 4.5** and **Section 6.4**. The site and its surrounds have a substantial tree canopy and, subject to replacement planting, the loss of tree canopy would be suitably compensated. Conditions to this effect have been recommended.

Impacts on the neighbouring heritage items, archaeology and the HCA

- 6.1.52 The SOHI noted the proposed works to the carpark would be no more than 100mm below ground and the storage area at the rear would be a maximum of 400mm deep. Consequently, the proposed works would likely have no impact on historic archaeological relics that may be present below ground. The preparation of an unexpected find protocol will be required should archaeological material be encountered.
- 6.1.53 The GML report indicated that the SOHI does not adequately assess the impacts of the proposed development on the adjoining heritage items, the HCA and the potential archaeology.
- 6.1.54 The Department reviewed GML's comments but agrees with the Applicant that proposed works are minor and would not require any further assessment of archaeological impacts.
- 6.1.55 In considering the impacts of the development on the HCA, the Department notes the application proposes no change to the curtilage of the existing heritage item. The proposed design strives to retain the street trees on both frontages and maintain the tree canopy, where possible. Consequently, additional assessment of impacts on the adjoining heritage items or the HCA is not considered necessary.

Impacts of proposed signs

- 6.1.56 The proposal includes one sign on Rosemead Road fence (**Figure 27**). The SOHI advised that the sign would be sympathetic to the existing setting of the dwelling.
- 6.1.57 Community submissions objected to school zone signs in the HCA. Council have not raised concerns in this regard.

6.1.58 The Department is satisfied that the proposed sign on the boundary fence would not detract from the heritage significance of the site. Noting Council's views and the broader need for a school zone to ensure safety of the students, the Department has recommended a condition requiring school zone signs to be installed in accordance with TfNSW requirements.

Summary of Department's assessment of heritage impacts

6.1.59 On balance, the Department is satisfied that the proposal would ensure a viable long-term use of the site with no unreasonable impacts on its heritage values. The benefits of the proposal as an educational facility and childcare centre outweigh the identified negative impacts on the heritage listed dwelling. The proposal includes elements that would result in positive heritage outcomes, such as the symbolic representation of the tennis court, the improved fencing and gates. Other restorative elements retain legibility of the Arts and Crafts federation home in a substantial garden setting. Any residual impacts would be managed by recommended conditions of consent regarding photographic archival recording and heritage interpretation works.

6.2 Traffic and parking impacts

Operational traffic impacts and intersection performance

6.2.1 The site is located in a residential area. The nearby road hierarchy and intersections are provided in **Figure 30**.

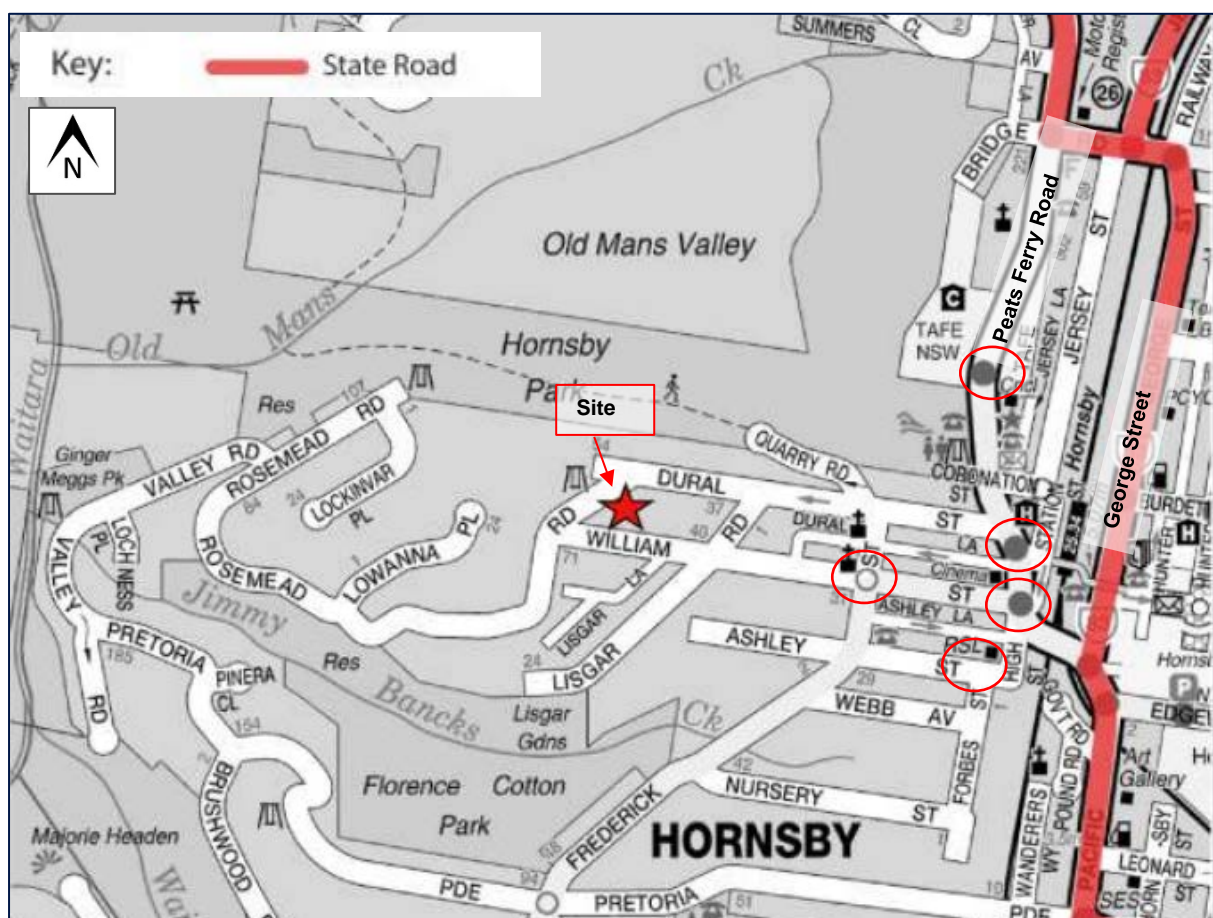


Figure 30 | Existing road network and nearby intersections (Source: Applicant's EIS 2020)

- 6.2.2 The Pacific Highway (known as Peats Ferry Road within the Hornsby CBD), George Street and Jersey Street North are classified as State Roads by TfNSW and are located within 1km of the site. A 'No right turn' restriction affects southbound traffic on Peats Ferry Road turning onto Dural Street between 7am-9am and 3pm-6pm weekdays. The intersection between William Street and Peats Ferry Road is signalised with a right turn holding bay (marked by a circle in **Figure 30**). Several priority-controlled intersections (Give Way signs) and roundabouts are also located in the near vicinity of the site including a roundabout on William Street / Fredrick Street.
- 6.2.3 The EIS was supported by a Traffic and Parking Assessment Report (TPIA), which states that Rosemead Road, Dural Street and William Street are local, unclassified roads (speed limit 50km/hour) and provide vehicular and pedestrian access to the site. Unrestricted kerbside parking is permitted on both sides of Rosemead Road and William Street. Public footpaths are provided along both site frontages, with pedestrian access gates provided off the Rosemead Road site frontage only.
- 6.2.4 The TPIA utilised Roads and Maritime Services publication *Guide to Traffic Generating Developments, Section 3 – Landuse Traffic Generation* (October 2002) to identify the traffic generation potential for the pre-school component. For the primary school component, surveys of several similar schools were conducted. The surveys identified that the AM peak hour for pre-school / primary school would be 7am – 9am. The PM peak hour for the pre-school / primary school would be 2:30pm – 4pm. Additionally, the primary school would also have a PM peak hour between 4pm – 6pm. The following traffic generation rates have been applied in the TPIA based on the above:
- Pre-school: 1.4 (AM) and 0.8 (PM) vehicle trips / child.
 - Long day care: 0.8 (AM), 0.3 (2:30 – 4pm) and 0.7 (4 – 6pm) vehicle trips / child.
 - Primary school: 0.75 (AM) and 0.55 (PM) vehicle trips / student (AM) (combined two way).

Considering the above rates, the TPIA concluded that the combined two-way trip (in and out) for the school would be (in vehicles per hour (vph)) as provided in **Table 8**.

Table 8 | Traffic generation rates (Source: Applicant's EIS 2020)

Traffic Generation Potential – Blue Gum Community School			
	7:00am-9:00am	2:30pm-4:00pm	4:00pm-6:00pm
Preschool (~16 kids)	22 vph	13 vph	-
Long day care (~16 kids)	13 vph	5 vph	11 vph
Primary school (48 kids)	36 vph	13 vph	17 vph
TOTAL	71 vph	31 vph	28 vph

- 6.2.5 Given that a left-in / left-out driveway system is proposed from the Rosemead Road frontage, the TPIA stated most traffic would likely approach the site from Peats Ferry Road onto William Street / Frederick Street / Dural Street / Rosemead Road. When exiting, vehicles would likely turn left out of the site back onto Rosemead Road / William Street / Peats Ferry Road.
- 6.2.6 The TPIA included "tube" traffic surveys on Rosemead Road for seven days in November 2019. The "tube" surveys identified that the average two-way peak hour traffic volume along Rosemead Road is in the order of 25vph. For traffic volumes on William Street and Dural

Street, the TPIA relied on traffic studies in other recent development applications lodged with Council and traffic studies conducted by Council, as traffic surveys in 2020 would not likely provide a realistic traffic volume data (due to COVID-19 restrictions). The Applicant's research on traffic surveys on the surrounding road network identified that:

- two-way traffic volumes along William Street (between Frederick Street / Peats Ferry Road) are in the order of 260-275vph.
- two-way traffic volumes along Frederick Street (between William Street and Dural Street) are in the order of 130-140vph.
- two-way traffic volumes along Dural Street (west of Frederick Street) are 40-45vph.

6.2.7 The TPIA identified that *Guide to Traffic Generating Developments, Section 4 – Interpretations of Traffic Impacts* (October 2002) sets out two-way hourly road capacity for one-lane per direction (such as Rosemead Road). It indicates that a Level of Service (LoS) "A" for a one lane per direction road is in the order of 200vph and LoS B is 380vph.

6.2.8 Based on the results of the traffic surveys / studies and the above guidelines, the TPIA concluded that even after adding the design traffic volume during peak hours, total traffic along Rosemead Road would not exceed 100vph, and the road would continue to operate at LoS A. Similarly, the traffic along William Street, Dural Street and Fredrick Street would also operate at LoS A – LoS B (200 – 346vph).

6.2.9 The TPIA advised that the cumulative traffic flows on Rosemead Road, Dural Street, Fredrick Street and William Street (west of Fredrick Street) including design traffic volume for the development would not exceed the threshold of 200vph which is the environmental goal for a local residential street (with speed limit 50km/hour). Traffic volume on these streets, during AM peak would be between 96 – 200vph (maximum after adding the design traffic volume).

6.2.10 The TPIA stated that William Street (between Fredrick Street and Peats Ferry Road) currently operates as a collector road carrying approximately 260-270vph during the weekday AM and PM peaks. The design traffic volume, when added to the background traffic, would result in approximately 340vph (AM peak) – 290vph (PM peak), being within acceptable parameters for a collector road (300 – 500vph).

6.2.11 The Applicant proposes to stagger the pre-school times to be between 2:30pm – 6pm. This would ensure that only 8 – 10 pre-school children would leave the site at any one time and would therefore reduce the overall traffic congestion in the PM peak (discussed in detail later). During the school holidays, vacation care program would be offered to the students (except three weeks of Christmas break). Based on the operation of a similar school in Canberra run by the Applicant, the TPIA assumes that about 32 – 40 children would be attending the vacation care. However, at this time the traffic generated by the development and the background traffic would be much lower (being school holiday period), thereby not causing any disruptions to local roads.

Submissions

6.2.12 Council did not raise any specific concern about the traffic generated by the development or its impacts on the surrounding road network.

6.2.13 Several community submissions raised significant concerns regarding traffic generation due to the development and its impact on the surrounding road network. The submissions indicated

that recent approvals of high-density developments on Dural Street / Peats Ferry Road have already created traffic congestion in the area which would be exacerbated due to this development. Submissions also raised concerns about unsafe vehicular movements due to the narrow width of Rosemead Road and the nearby vehicular intersections.

6.2.14 Neighbouring residents conducted a peer review of the Applicant's TPIA and included that report in their submissions (the peer review report). The peer review report included traffic counts on the surrounding roads and concluded the following:

- William Street would be carrying the majority of the traffic that would access the site (due to right turn restrictions at Peats Ferry Road / Dural Street intersection).
- the two-way traffic volume generated by the development in the AM peak would be 142vph (2 x 71 vph).
- William Street and Dural Street are not wide enough for two vehicles to pass each other and therefore cannot accommodate additional traffic in a safe manner.
- William Street is a local road with a maximum environmental capacity of 200vph. The design traffic volume on this street, post development, would substantially exceed its environmental capacity (being 217 – 289vph during AM peak on William Street) and would have detrimental impacts on the local road network.
- the existing right-turn lane at the Peats Ferry Road / William Street intersection can only accommodate up to four vehicles. The significant additional vehicles, especially during AM peak (the majority arriving 15 minutes prior to school start), would therefore have adverse impacts on this lane and the operation of the overall intersection.
- vehicles turning right would also obstruct the Station Street / Peats Ferry Road intersection, immediately north of this intersection, thus increasing chances of unsafe driving and accidents.

Applicant's RTS and further community submission

6.2.15 In response, the Applicant's RTS stated that the peer review traffic report from the residents (dated February 2020) was prepared prior to the lodgement of the SSD application and related to the previous local development application that was submitted with Council. The submitted TPIA has already considered and addressed the matters raised in this report. The RTS reiterated that the expected traffic generation from the development would not deteriorate the LoS of the surrounding roads. The additional traffic would also be within the environmental capacity of the surrounding local roads.

6.2.16 The Department received an additional correspondence following submission of the RTS. It included an updated peer review traffic report which reiterated that the proposal would generate traffic that is not within the environmental goals of the surrounding streets.

Department's consideration

6.2.17 The Department has reviewed the Applicant's TPIA and matters raised in community submissions, including the peer review report. Based on Council's and TfNSW's comments, which raised no concerns regarding traffic generation due to the development, the Department is satisfied that the traffic generated by the proposed development would be accommodated within the local road network. The Applicant proposes reasonable measures such as staggering the drop-off / pick-up times and staff on duty acting as traffic controllers to ensure

that the vehicle movements in and around the site do not cause disruption to the community. During AM peak, the pre-school children are likely to be dropped off earlier than the primary school children which would distribute the traffic over a period of one hour.

6.2.18 The HLEP zoning maps identify that the area surrounding the William Street / Peats Ferry Road / Station Street / Dural Street intersections are zoned for high density residential developments, mixed used developments and commercial developments in the future and the road network in this area is expected to accommodate a much higher volume of traffic in the future, when compared to the proposed scale of development. Consequently, the Department agrees with the Applicant's conclusions that the proposed traffic generation, within the environmental capacity of the roads, would not result in unacceptable impacts on the nearby intersections.

6.2.19 The Department has also reviewed the peer review report submitted with community submissions and notes the:

- submission incorrectly assumes that the traffic generated by the development comprises one-way traffic volume and therefore concludes that the trip generation would be twice the predicted quantity (such as 2 x 71 vph).
- submission also assumes that William Street is a local road with a speed limit of 40km/hour, whereas the Applicant's TPIA assumes that William Street is a collector road with a 50km/hour speed limit. Given that Council did not raise any concerns in relation to traffic generation, the Department agrees with the Applicant that William Street should be classified as a collector road with a speed limit of 50km/hour and environmental capacity of up to 380km/hour.
- peer review report identifies traffic volumes on William Street (east of Frederick Street) to be between 99 – 140vph for AM peak and in the order of 144 – 154 vehicle movements at 5pm (representing typical PM commuter peak time). Traffic volumes on William Street (west of Frederick Street) are identified to be about 83 vehicles at 8am and a maximum of 101 vehicles at 5pm on a typical weekday. Even if William Street is classified as a local road, the additional traffic volume would generally result in design traffic volume of about 200vph (being a maximum of 71vph in AM peak).

6.2.20 Based on assessment of the peer review report, the Department is satisfied that the proposed development would not result in unacceptable traffic impacts on the locality.

Car parking and bicycle parking

6.2.21 HDCP specifies the following car parking rates for the proposed development:

- childcare centre: 1 space / 4 children.
- school: 1 space / full-time teacher plus 1 space / 2 students of driving age.
- one on-site drop-off / pick-up bay.

6.2.22 The proposal involves the construction of an on-site car parking area accommodating 10 car parking spaces (including one accessible space) and six bicycle racks. Additionally, two car spaces are proposed in front of the garage. The TPIA stated that the car spaces comprise eight pre-school spaces (staff and parents combined), four primary school staff spaces thereby satisfying the HDCP requirements.

- 6.2.23 Community submissions to the EIS indicated the proposed number of car spaces is not sufficient to cater for the development and would result in staff parking on the surrounding local streets. Submissions also indicated that during one-off special events (such as a Christmas party), there would be additional on-street parking demands. Council did not raise any concerns regarding the proposed number of car spaces on the site.
- 6.2.24 As discussed in **Section 6.1**, during the EIS exhibition the Department requested the Applicant explore alternate options for reducing car parking spaces on the site and retaining the existing tennis court at the rear.
- 6.2.25 In response, the Applicant's RTS concluded that on-site car parking would be the preferred option that would satisfy Council's requirements and address community concerns. This arrangement would not unreasonably impact on the available car spaces on Rosemead Road / William Street. The Applicant's RTS amended the layout of the carpark and moved car spaces to the southern side (**Figure 16**). A turning area was proposed at the end of the carpark with sufficient aisle width adjoining the car spaces.
- 6.2.26 The RTS mentioned that the proposed development does not include any facilities or spaces for gatherings, such as a hall. Further, any special events would generally be separated for either the pre-school or the primary school. Any parking demand on the surrounding streets would be temporary, occasional and for a short period.
- 6.2.27 The Department notes the Applicant's justification and supports car parking spaces within the site to appropriately accommodate the staff / visitor's cars within the site and reduce any unreasonable impacts on the locality. The Department also considers that the proposed number of car spaces is appropriate for the development. The occasional special event at the school would be for short duration (typical to pre-school and lower primary children). The surrounding locality, as well as nearby Council carpark, would have capacity to accommodate additional parking demand, if needed.
- 6.2.28 The Department has recommended a condition requiring the layout of the proposed car parking facilities and bicycle parking spaces to be designed in accordance with the relevant Australian Standards. The Department has also recommended that an Events Management Plan be prepared prior to the first event on the site that would accommodate more than 50 people. The Events Management Plan should include details of arrival at the site and measures to discourage parents from travelling via car.

Sustainable transport and Green Travel Plan

- 6.2.29 The TPIA states that the site is within 750m walking distance to/from Hornsby railway station and bus interchange. The ready accessibility of the site by public transport would facilitate reduced car usage rates by staff in the future.
- 6.2.30 The peer review report submitted as part of the community submissions indicated that the site is located about 750 – 800m from the train station which is not a walkable distance. Therefore, use of alternate modes of transport is highly unlikely.
- 6.2.31 TfNSW reviewed the proposal and recommended that a Green Travel Plan be prepared prior to the issue of the Occupation Certificate and be implemented post commencement of operation of the development.

- 6.2.32 In response, the Applicant's RTS advised that given the location of the site, travel to the site by public transport would be a favourable option for staff. However, the RTS acknowledged that parents may not walk to / from the station (comprising a 1.5km walk in total) for dropping off / picking up young children.
- 6.2.33 Notwithstanding, the RTS advised that a staff member would be designated as the travel coordinator responsible for advising new staff and families of alternative transport options. This information would also be provided in the foyer's notice board as well as on their website. However, the Applicant advised that with low staff numbers, and small size of the future school, a Green Travel Plan would not be necessary.
- 6.2.34 TfNSW reviewed the RTS and recommended that a Green Travel Plan should be provided, to ensure compliance with SEARs requirements.
- 6.2.35 The Department acknowledges that while the future school has low staff numbers, there are opportunities to further reduce the traffic generation and private car usage by the Green Travel Plan. Based on TfNSW comments, the Department has recommended a condition requiring the Applicant to prepare a Green Travel Plan with clear mode share targets and methods to reduce private car usage in the future.

Access and pedestrian safety measures

Vehicular access

- 6.2.36 The proposal involves a one-way in and one way out internal driveway system. The vehicles are proposed to enter the site via the existing driveway from Rosemead Road and then exit via the new driveway crossing at the north-western corner. The internal loop road would act as a drop-off / pick-up area (the bay located near the dwelling on the site) with an internal queuing capacity of up to six vehicles.
- 6.2.37 In order to ensure driveway widths comply with relevant Australian Standards, the Applicant proposes to widen and internally realign the existing driveway from Rosemead Road. Location of the existing driveway and the proposed new crossover are identified in **Figures 16 and 31**.



Figure 31 | Locations of existing driveway (left) and new crossover (right) (Source: Applicant's EIS 2020)

- 6.2.38 During the EIS exhibition, Council and GML raised concerns regarding the adverse impacts of the widening of the driveway on the heritage values of the site. In response, the Applicant's

RTS included swept path analysis which demonstrated that standard or larger size cars would not be able to maneuver within the site, if the existing driveway width is retained.

- 6.2.39 However, to adhere to the heritage values of the site and in response to Council's concerns, the Applicant's RTS amended the driveway and the carpark surface materials to be made of permeable decomposed granite (rather than concrete). The Applicant's RTS also included swept paths which demonstrate that 99% of the standard cars would maneuver safely within the driveways and the turning areas.
- 6.2.40 The TPIA stated that deliveries to the future school are expected to be undertaken by light commercial vehicles. The vehicles would park within the drop-off / pick-up area, outside the school peak hours. Waste collection for the proposed development is proposed to be undertaken from the kerbside area directly outside the site frontage on Rosemead Road, with the bins to be lined up prior to the collection day.
- 6.2.41 Following submission of the RTS, the Department received a further peer review traffic report supporting correspondence from a previous submitter. The report raised concerns that the internal loop road should be considered as a circulation roadway. It would be blocked during drop-off / pick-up periods due to vehicles queuing within the site, which is non-compliant with Australian Standards that do not allow vehicles to be parked on circulation roadways.
- 6.2.42 The Department has reviewed the proposal and the submissions from Council and TfNSW. Based on comments from Council, the Department is satisfied that the proposed width of the driveways would provide appropriate vehicular access to / from the site. A left-in / left-out movement would ensure that the vehicles enter / exit the site in a forward direction ensuring safety of drivers and pedestrians in the locality. The internal loop road is a part of the driveways within the site and would not be utilised for parking of vehicles at any time. It would only be used for the drop-off / pick-up operations, which is considered acceptable.
- 6.2.43 The Department has recommended a condition of consent requiring the implementation of an Operational Traffic and Access Management Plan (OTAMP) and appropriate signage to restrict right-turn on to the site as well as service vehicle access during school peak hours.
- 6.2.44 The decomposed granite material is suitable and reasonable, considering the heritage values of the site.

Safety of access

- 6.2.45 Community submissions and the peer review report raised concerns that the vehicles approaching the driveway on Rosemead Road from Dural Street would have inadequate car stopping sight distance (being 26m) when compared to the acceptable criteria of 42m in Austroads' Guide to Road Design, Part 3: Geometric Design. The submissions concluded that the level of traffic generated at the inadequate sight distances, chances of accidents / rear-end collisions would increase and over 10,000 hazardous situations may be created within a period of one year.
- 6.2.46 Council did not raise any safety concerns regarding the driver sight distances at the driveway locations.
- 6.2.47 In response the Applicant's RTS and additional information submitted with the amended proposal indicated that the proposed entry driveway is located about 36m from the corner

from Rosemead Road / Dural Street. There is sufficient driver visibility through the fences and street trees. Additionally, the traffic surveys in the area conclude that the cars on these roads travel at much lower speed than 50km / hour and would be mandated to travel below 40km / hour during peak arrival and departure times. Consequently, chances of rear end collision or accidents would be minimal. The Applicant submitted a further amended site plan in December 2020, which included pedestrian sight triangle signs on either side of the exit driveway. The fence would be modified along these sight triangles (**Figure 16**) to allow for driver sight lines complying with the AS2890.1 requirement.

- 6.2.48 The community correspondence to the RTS reiterated its concerns about the stopping sight distance and its impacts on the safety of Rosemead Road.
- 6.2.49 The Department notes that car stopping sight distances (section 5.3.1 of the Austroads Guide) are measured between the driver's eye (1.1 m) and a stationary object on the road (usually 0.2m high) and would generally apply to the geometric design of new roads instead of the existing conditions. Council has not raised concerns regarding car stopping distance.
- 6.2.50 The Department considers that the proposed turning of vehicles onto the driveway from Rosemead Road would not likely have significant chances of accidents. However, noting the concerns raised in the community submissions, the Department has recommended that a Road Safety Audit (RSA) be undertaken at the driveway within four months of occupation of the development. Should the RSA identify any hazards in association with the use of this driveway, additional mitigation measures including appropriate signage should be installed on the road.

Pedestrian access

- 6.2.51 The proposed development, refined by the SRTS, retains the existing pedestrian pathway to the dwelling from Rosemead Road. A new pedestrian access is proposed from William Street to the east of the carpark with weatherproof access to the rear of the dwelling. Accessible entry is provided via a ramp from the rear courtyard. An informal new pedestrian entry is also proposed through the front garden adjoining the new driveway. The pedestrian access points are identified in **Figures 16** and **29**.
- 6.2.52 The Department considers that the proposal includes satisfactory pedestrian access from the street frontages and is acceptable in this regard.

Student drop-off / pick-up area and traffic management measures

- 6.2.53 In accordance with the requirements of the HDCP, the proposal includes an on-site drop-off / pick-up area adjacent to the dwelling for use by the primary school only. The pre-school parents and the families with children in the pre-school and primary school would use the carpark as they are required to sign the pre-school students in and out of the premises.
- 6.2.54 Swept path analysis diagrams submitted with the RTS indicate that the internal drop-off / pick-up area would be capable of accommodating six cars at any one time (**Figure 32**).

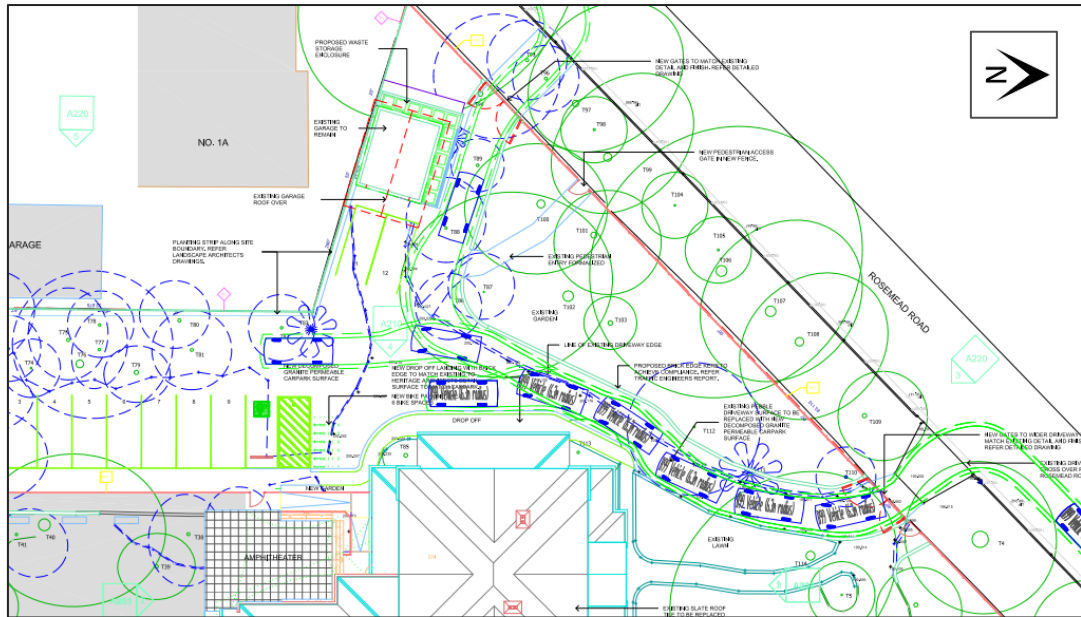


Figure 32 | Queuing within the drop-off / pick-up area (Source: Applicant's RTS 2020)

- 6.2.55 The TPIA stated that the primary school AM drop-off will typically occur between 8:30am-9am. During the AM drop-off period, the 'dwell-time' would be minimal and staff members would be employed to ensure that the process runs smoothly.
- 6.2.56 The PM peak pick-up period would typically occur between 2:50pm-3:20pm. The Applicant proposes to stagger the afternoon pick-up into 10-minute slots to distribute the number of cars accessing the site at any one time and reduce the overall queuing. Each slot would accommodate between 8 – 10 students with a maximum of 16 students.
- 6.2.57 Based on the operation of a similar model community school in Canberra run by the Applicant, the TPIA assumed that 50 – 60% students (24 – 30) would get picked up during this time. The remaining would be in the OOSH. The Canberra school operations also indicate that approximately 1/3 of the total enrolments in the pre-school and primary school are likely to be siblings (27 out of 80 children) who would be picked up between 2:50pm – 3:20pm.
- 6.2.58 Considering a dwell time of about 2 minutes, and assuming staff are present to manage the drop-off / pick-up on the site, the TPIA concluded that the six car spaces would be sufficient to accommodate the vehicles queues with no queuing on Rosemead Road.
- 6.2.59 The TPIA also stated that unrestricted kerbside parking spaces are available on Rosemead Road and William Street which may be utilised by parents to drop-off / pick-up children. If this is pursued then time bound (for drop-off / pick-up times) "No Parking" restrictions may be proposed along the southern side of Rosemead Road outside the site's frontage, subject to approval by Council's Local Traffic Committee. The TPIA emphasised however that the development does not encourage this method, nor is reliant on the kerbside parking spaces.
- 6.2.60 The TPIA included a preliminary OTAMP with the following measures proposed to be implemented on the site to ensure that drop-pick-up / carpark operations and deliveries on the site do not cause any disruption to the locality:
- the on-site parking spaces to include three staff spaces and nine unallocated spaces.

- four of the unallocated parking spaces are to be signposted as “15 Minute Parking” to ensure the spaces are regularly turned over during peak periods.
- the drop-off / pick-up area to be used by the primary school students.
- the PM pick-up to be staggered into 10-minute slots with a maximum of 16 children.
- the entry and exit driveways off the Rosemead Road site frontage to be signposted “Entry Only” and “Exit Only”, facing outwards to the street and restricted to left-in and left-out movements only (vehicles enter / exit in a forward direction).
- kerbside drop-off / pick-up on the opposite side of Rosemead Road (and William Street) not to be encouraged through various methods (newsletters and signs).
- deliveries to be scheduled to arrive outside of peak drop-off / pick-up periods and limited to light vehicles.

6.2.61 During the EIS exhibition, Council advised that a “No Parking” restriction on Rosemead Road was not desirable. Council further indicated that appropriate traffic management measures should be implemented to ensure that queuing on the street does not occur during drop-off / pick-up periods.

6.2.62 Community submissions and the peer review report raised significant concerns that the drop-off / pick-up operations would cause disruptions on the local roads and nearby intersections. The peer review report concluded that the pre-planned dwell time is unachievable. A significant number of vehicles would access the site within 10 minutes and therefore parents would utilise the surrounding streets to drop-off / pick-up children. This would lead to an unsafe environment with children crossing the streets.

6.2.63 Following comments from GML regarding impacts of the proposed drop-off / pick-up area on the heritage values of the site, the Department requested that the Applicant explore opportunities to include a drop-off / pick-up zone along the Rosemead Road frontage.

6.2.64 In response, the Applicant’s RTS advised that the drop-off / pick-up area has been designed in consultation with Council (prior to lodgement of the EIS). The design options analysis identified several problems with locating the drop-off / pick-up zone on the road and concluded that the on-site area is a preferred option. The Applicant also stated that the proposal does not rely on on-street “No Parking” provisions. Consequently, this would not be progressed.

6.2.65 TfNSW reviewed the RTS and indicated that the driveway width is such that vehicles cannot overtake each other within the site. This may result in unexpected vehicle queuing back to public road during the drop-off / pick-up times. TfNSW suggested that the Applicant prepares a detailed OTAMP in consultation with Council to manage the traffic during these times.

6.2.66 The community correspondence to the RTS stated that the staggering of pick-up times is not realistic. The drop-off / pick-up operations would result in queuing on Rosemead Road due to parents not complying with the staggered timings.

6.2.67 The Department has reviewed the drop-off / pick-up facilities within the site and considers that the proposed area is suitable to cater for the proposed low number of students.

6.2.68 Further, the staggered operations and availability of OOSH, plus some parents walking to / from the future school, would reduce the overall number of vehicles accessing the drop-off / pick-up area. Consequently, the six car spaces within the driveway would likely accommodate the queuing during the peak times. The residual impacts, such as managing the expected

dwelling times and avoiding vehicle overtaking, can be suitably managed via the implementation of the proposed measures in a detailed OTAMP. A condition to this effect is recommended.

Construction traffic

- 6.2.69 The proposed development does not involve major building works apart from the carpark and the driveway / cross overs. The TPIA states that construction activities are expected over a period of 12 weeks, during which all demolition and construction vehicles (including site personnel) would be parked within the site. The truck sizes would be restricted to up to medium rigid, and the expected number of truck movements would be up to 2 – 3 trucks per week.
- 6.2.70 The TPIA also states that construction vehicles would access the site from Peats Ferry Road and be parked within the site. Heavy vehicle movements during school peak times would be avoided.
- 6.2.71 The Department agrees with the Applicant's assessment of construction traffic. Noting the community concerns regarding the development and the surrounding residential developments, the Department has recommended a condition requiring the preparation of a Construction Traffic Management Plan for the site.

6.3 Noise Impacts

- 6.3.1 The EIS included an Acoustic Assessment Report (AAR) that assessed construction and operational noise impacts of the proposal and considered the potential impact of future school operations on surrounding properties considering the *Noise Policy for Industry*, requirements of Education SEPP and the AAAC.
- 6.3.2 The AAR indicated that the dominant noise source at the site is currently road traffic noise from Rosemead Road. The noise sensitive receivers include residences to the east (52 William Street), west (1A Rosemead Road, 35m west of the dwelling), south and north (opposite William Street and Rosemead Road).
- 6.3.3 For the residential receivers situated on the opposite sides of Rosemead Road and William Street, noise would be attenuated due to distance and road traffic noise. The residential receivers and the background noise measurement logger are shown in **Figure 33**.
- 6.3.4 Based on the background noise measurements and consistent with the AAAC guidelines, the AAR determined the Rated Background Sound Levels (RBLs) as identified in **Figure 34**.
- 6.3.5 The Noise Policy for Industry and the other relevant guidelines (such as AAAC) require that operational noise from the premises should not be more than 5dBA above the existing background LA90 sound levels measured at the boundary between the development and the nearest residential boundary, and that noise impact complies with any other specific guidelines. AAAC also allows for a maximum period of two hours each day where the measured background may be exceeded by up to 10dBA. The AAR noted that assessment of noise impacts is based on noise measurements for a 15- minute period.



Figure 33 | Location of sensitive receivers and noise logger (Source: Applicant's EIS 2020)

Rated Background Sound Levels for Assessment Purposes (dBA)	
L _{AF90}	39
L _{Aeq}	47

Figure 34 | RBLs determined by the Applicant (Source: Applicant's EIS 2020)

- 6.3.6 The outdoor play areas would have to achieve a required sound level below 55 dBA, given the RBL of 47 dBA and the requirements of the relevant guidelines.
- 6.3.7 The assessment of internal and external operational noise impacts due to the development are discussed below, based on the determined RBLs and the relevant guidelines.

Internal acoustic amenity for students

- 6.3.8 The AAR stated that sound levels within the future school would be influenced by the ambient external sound levels, as indicated by the RBLs, but would be attenuated by the external and internal structural features of the dwelling and proposed fit-out detail.
- 6.3.9 Considering the relevant acoustic guidelines, the AAR indicated that the internal areas of the future school should have a noise level of 40 dBA (GLAs) and 35 dBA for quiet areas (sleep areas).
- 6.3.10 The structure of the dwelling comprises double brick external walls, a timber framed slate clad roof, and glazed window and door elements. The AAR identified that solid form external wall elements have an attenuation rating in excess of 35 dBA, and in the case of double brick elements in excess of 50 dBA. Consequently, for this development the RBL of 47 dBA can readily be reduced to the desired maximum indoor sound levels of 40 dBA in GLAs and 35 dBA in the quiet areas, by the combined effect of external walls and structural elements.

6.3.11 The AAR also concluded that the glazing thickness of the openings is such that it can attenuate external noise by 20 dBA. Therefore, no further modification to the glazing is needed to maintain the internal noise criteria of 35 - 40 dBA.

Operational noise

6.3.12 The AAR identified the operational noise sources from the future school includes use of internal and outdoor areas by students, use of carpark and road traffic noise during drop-off / pick-up periods. The Applicant specified that no school bells, outdoor speakers or public address system would be used. Noise generation would be limited to daytime as operations are restricted to between 8am – 6pm with no operation or community use on the weekends.

Noise generated by indoor activities and mechanical plant

6.3.13 The AAR indicated that the noise generated by the indoor activities would vary between 70 – 75 dBA (being the worst-case scenario and the representative noise being two to three times that of typical adult conversation). The internal noise would be adequately attenuated by the brick walls and the thickness of the glazing as provided below in **Figure 35**.

Outdoor Area	Noise Level (dBA)	Attenuation due to Structures (dBA)	Maximum Impact at Boundary (dBA)	Allowable Impact * (RBL + 5 dBA)	Comply
Level 2					
Indoor Areas	70 - 75	40	30 - 35	44 *	YES
*Allowable noise impact is the L90 RBL plus 5 dBA, that is 39 + 5 = 44 dBA					

Figure 35 | Acoustic impact of internal noise (Source: Applicant's EIS 2020)

6.3.14 The AAR stated that the future school does not propose to use any outdoor air conditioning condenser units. Noise emission from indoor units would be attenuated by the structural elements of the dwelling and ensure no adverse acoustic impacts on the adjoining properties. The AAR assessed the impact of typical mechanical plant that may be used in the future school and concluded that acoustic impacts at all property boundaries would be significantly less than the L_{A90} RBL + 5dBA.

Noise generated from outdoor play areas at the rear

6.3.15 The AAR included surveys of similar pre-schools within Sydney to determine the sound pressure levels generated by pre-school children playing in the outdoor play areas with no close supervision. The surveys included individual groups of 5 – 8 children with a total of 40 children in the playground. Additionally, the AAAC identifies a sound pressure level generated by 10 children (3 – 5 years) would be between 84 – 90 dBA as a worst-case scenario. Based on the survey results and the AAAC, the AAR determined that typical maximum sound levels within the outdoor play areas would likely be 70 – 75 dBA.

6.3.16 For the school, the AAR adjusted the findings of a 2006 research study and a further UK based study in 2013 and determined that the “worst case” acoustic impact from 48 primary school children in the outdoor play area would likely be between 65 - 70 dBA.

6.3.17 The AAR included an indicative playtime schedule on a typical day, to determine the level of noise generated due to outdoor play as provided in **Figure 36**.

Time Range	Age Groups in Outdoor Areas
9:30 - 10:30 am	Preschool outdoor play time (16 - 32 children)
10:40 - 11:00 am	Primary morning tea and outdoor play (maximum 48 children)
11:15 - 11:45 am	Preschool outdoor (16 - 32 children)
11:45 - 12:15 pm	Preschool lunch outside (32 children)
12:30 - 1:30 pm	Lunch time for primary (maximum 48 children)
2:15- 2:45 pm	Afternoon outdoor play Preschool (16 - 32 children)
4:00 - 5:45 pm	Use of outdoor space for those children (mix Preschool and Primary) attending after school care - approximately 1 hour of this two hour window would be spent outside

Figure 36 | Indicative outdoor playtime schedule (Source: Applicant's EIS 2020)

6.3.18 Based on the above results and the indicative play schedule, the AAR estimated that a maximum acoustic impact of 70 – 75 dBA is anticipated at any time at the boundaries of the site, during outdoor play (measured at 2 – 5m of the individual groups of playing children). This would particularly correspond to the eastern site boundary, being the closest receiver.

6.3.19 Given the RBLs and the allowable exceedances, the AAR determined that maximum noise attenuation required for the nearest residential receivers would be:

- $(70 - 75) \text{ dBA} - 44 (39 + 5) \text{ dBA} = 31 \text{ dBA}$.
- $(70 - 75) \text{ dBA} - 49 (39 + 10) \text{ dBA} = 26 \text{ dBA}$, when outdoor play restricted to two hours.

6.3.20 The AAR stated that the impact of noise generated by the children on the nearest residential receivers would be attenuated by several mechanisms including: supervisions or management of children (5 – 10 dB); distance from the noise source (8 – 14 dB for 5 – 10m); external surfaces and landscape elements (3 – 5 dB); and boundary fence (15 – 20 dB for 1.8m high timber lapped and capped fence). A noise attenuation of 31 – 49 dB can be achieved by proposing a combination of the above measures at the adjoining residential boundaries.

Figure 37 provides the maximum noise emission at the boundaries after attenuation and establishes that it would be less than the required 55 dBA.

Outdoor Area	Noise Level (dBA)	Attenuation due to Control Mechanisms (dB)	Maximum Impact at Boundary (dB)	Allowable Impact * (RBL + 5 dB)	Comply
Outdoor Play Areas	70 - 75	31 - 44	44	39 - 44	YES

* Allowable noise impact is the L90 RBL plus 5 dBA, that is $39 + 5 = 44 \text{ dBA}$

Figure 37 | Predicted noise levels at the residential boundaries (Source: Applicant's EIS 2020)

6.3.21 The AAR initially proposed a 2.1m high double lapped timber fence (weighted reduction (Rw) rating of 25) on the western boundary (1.8m high in the front setback) but advised that a standard 1.8m high fence would also achieve the required noise attenuation. A 1.8m double lapped timber fence along the eastern boundary (1.2m high at the front setback) and a 1.8m high fence on the southern (William Street) boundary were also recommended.

6.3.22 To further control noise emission from outdoor play areas, the AAR recommended a maximum of 48 children be permitted in the play areas outside at any one time, no amplified

music in the external areas and a Noise Management Plan be prepared with supervision and management measures as well as complaint management mechanisms.

Noise emission from use of excursion areas in the front garden

6.3.23 The AAR indicated that the use of these areas would be structured and controlled, unlike the outdoor play areas. Consequently, the typical noise generation in this area would be a maximum of 65 – 68 dBA.

6.3.24 Considering a combination of the proposed measures above, a noise attenuation of 26- 39 dBA can be achieved with the maximum noise emission at the boundaries being 42 dBA (complying with the 44 dBA requirement).

Noise emission in the carpark and road traffic noise

6.3.25 The AAR advised that noise from the vehicles accessing the carpark would not exceed 5 dB above the 39 dBA RBL at any residential boundary. Notwithstanding, the AAR recommended that the carpark usage should be managed via the Noise Management Plan for the site to ensure appropriate driver behaviour.

6.3.26 The proposed development would increase the local road traffic from 12 vph to 71 vph (maximum). The AAAC indicates that traffic noise on local roads generated by vehicles associated with a childcare centre should comply with Leq, 1-hour 50 dB(A) at the assessment location. This noise level would be readily achieved by the development. Additionally, the proactive measures should be specified in the Noise Management Plan to reduce road traffic noise due to cars accessing the site.

Community use of the facilities

6.3.27 The EIS stated that community uses may be incorporated into the school once the use commences. The AAR stated that on any occasions when the facility may be used outside the typical opening hours neighbours would be notified in advance, and care would be taken to ensure that any such use did not involve the imposition of undue or non-compliant acoustic impacts at neighbouring property boundaries. However, no further details of such use or hours / duration have been provided in the application.

AAR conclusion and Noise Management Plan

6.3.28 The AAR included details of management measures to be added in the Noise Management Plan to ensure further mitigation and management of noise generated by the proposed use.

6.3.29 The AAR concluded that the operational noise sources generated by the future school would meet the relevant guidelines applicable to the site and would not have unreasonable impacts on the acoustic privacy of the adjoining residents.

Submissions and the Applicant's response

6.3.30 Council's submission on the EIS required the Applicant to consider the AAAC guidelines in their assessment.

6.3.31 Several community submissions raised significant concerns around the operational noise impacts on the amenity of the surrounding area. The community submissions included an independent peer review of the AAR. The peer review acoustic report noted errors in the AAR

including incorrect RBLs and lack of details of the on-site calibrator. The peer review report concluded that the:

- details of supervision methods or landscaping as attenuation measures are not provided.
- attenuation assumed due to distance should be 7 dB rather than 8 – 14dB.
- noise attenuation due to fencing incorrectly relies on the weighted reduction (Rw).
- attenuation that would be achieved by the proposed measures is 14 – 19dB resulting in outdoor play area noise levels to be 51 – 56 dBA at the residential property boundaries, which would exceed the noise goal by 7 – 12dB with a 1.8m high fence.
- traffic noise from the road exceeds the AAAC guidelines by 9dB.
- carpark noise would exceed the noise goal by 5dB.

- 6.3.32 The submission from 1A Rosemead Road specifically raised significant concerns that the garage at the rear of that property is currently used as a home office, and the proposed use would adversely impact on this use.
- 6.3.33 The Applicant reviewed the submissions and indicated that the AAR already includes an assessment against AAAC and therefore Council's comments in relation to an additional assessment against AAAC was not relevant.
- 6.3.34 The Applicant's also noted the concerns raised in the community submissions about noise goals and revised the site layout by moving the car spaces and the pedestrian pathway to the southern side. The addendum to the AAR advised that the proposed layout would ensure a distance increase from the western boundary, reducing the extent of noise attenuation needed. and a 1.8m high timber lapped and capped fence (reduced to 1.2m in the front setback) would be sufficient to reduce noise impacts at this boundary. It would in turn improve the visual impact of the fence on 1A Rosemead Road. The Applicant's RTS advised that the existing fence on the eastern boundary satisfies the acoustic requirements and is proposed to be retained.
- 6.3.35 The Applicant's RTS reiterated that the AAR includes a comprehensive assessment which concludes that, subject to the implementation of the noise attenuation measures, the proposal would not generate any unreasonable noise impacts on the surrounding residents.
- 6.3.36 Following the lodgement of the RTS, the Department further requested the Applicant to address the concerns raised in the peer review acoustic report. In response, the Applicant's SRTS included a further acoustic advice, which addressed the points raised in the peer review acoustic report. The advice concluded that the proposed methods of background noise assessment, road traffic noise assessment and the noise attenuation measures are correct. Consequently, no amendments are considered necessary. If need be, a clear 400 – 600mm high clear plastic can provided above the existing fence on the western boundary to further attenuate the noise and address the neighbour's concerns.
- 6.3.37 Council reviewed the RTS and raised no further concerns regarding noise emission, subject to the Department's review of the AAR. Council recommended that conditions should be included to limit noise generation and ensure clear operational procedures for recording and responding to any noise complaints that may arise.
- 6.3.38 Following the submission of the RTS and SRTS, the Department received an additional submission from a community member which included a further peer review acoustic report.

The additional peer review report raised concerns that the matters raised in the earlier community submissions have not been addressed and that the Applicant's AAR is erroneous.

- 6.3.39 In December 2020, the Applicant requested that the operating hours of the premises be from 7:30 – 6:30pm, with the pre-school operations commencing at 8am. The Applicant advised that this provide flexibility to the staff to enter the site and do the initial set-up. The Applicant also requested that the Department allow for occasional use of the premises on the weeknights and the weekends (for working bees or one-off events).

Department's consideration of operational noise

- 6.3.40 The Department has reviewed the application and submissions. The Department finds that the AAR and subsequent addendum documents provide a comprehensive assessment of the operational noise sources of the school. Noting the detailed assessment and Council's comments, the Department is satisfied that the proposal can operate in accordance with the established noise goals within the AAR, subject to implementation of the noise attenuation measures, construction of the fence and implementation of a noise management plan. Considering the level of noise attenuation that the boundary fence would achieve, the Department considers that a further increase in height is not necessary.
- 6.3.41 The Department acknowledges the points raised in the peer review acoustic report and notes the noise attenuation due to distance is conservative in the AAR. The nearest residence on the western side is 35m from the dwelling and the outdoor play areas. Consequently, the noise attenuation would be more than that for 5 – 10m. The building that adjoins the proposed carpark is a garage, which has been converted to a home office. However, a garage is not considered to be a sensitive noise receiver. It is unreasonable to expect that the noise emission experienced at the location of the garage would be the same as that within the adjoining dwelling. Notwithstanding, the operational noise goals have been considered at the property boundaries and would comply with the relevant guidelines.
- 6.3.42 The Department is satisfied that the impact of traffic noise generated during the morning and afternoon drop-off / pick-up periods would have an acceptable impact at the small number of surrounding residential receivers and would not exceed levels outlined in the AAR.
- 6.3.43 However, the Department acknowledges the concerns raised by the immediate neighbours regarding the suitability of the attenuation measures, the uncertainty of the proposed noise management measures and the final acoustic impacts due to the proposed use.
- 6.3.44 To address the concerns, the Department has recommended conditions including:
- prior to occupation, an additional noise assessment be undertaken by a suitably qualified acoustic consultant, to certify that the internal noise levels are achieved.
 - a noise management plan be prepared prior to the occupation.
 - within two months of commencement of operation noise monitoring be undertaken to establish whether the predicted noise levels from the internal and outdoor activities comply with the noise goals at the property boundaries. The monitoring should be repeated within one year of commencement of operation. If the noise monitoring identifies any exceedances, additional noise mitigation and management measures should be implemented including updating the noise management plan.

6.3.45 The Department notes the Applicant's EIS states that the operating hours would generally be between 8am – 6pm. While the AAR includes a general assessment of the acoustic environment and the RBLs between 7am – 6pm (daytime), it does not specifically include any assessment of operations before 8am or after 6pm. The Department also notes that the AAR mentions that community use may occur outside typical hours of operation, but such details have not been assessed in the technical documentation supporting the EIS or RTS. Noting the sensitive location of the site and the significant concerns raised by the community, the Department has recommended that the operation of the school be restricted between 8am – 6pm on weekdays. Any amendments to such hours would require further acoustic assessment by the Applicant, which has not been conducted at this stage.

Construction noise

6.3.46 The proposal involves minimal construction works. Construction activities are limited to landscaping and carpark areas. The AAR does not include an assessment of construction works on the neighbouring residents.

6.3.47 No concerns were raised by Council regarding construction noise impacts, subject to the implementation of a Construction Management Plan with noise management measures during construction.

6.3.48 The Department notes building works are minor, and an assessment of construction noise and vibration impacts is not necessary. The Department has recommended a condition requiring the preparation and implementation of a Construction Noise and Vibration Management Plan including:

- reasonable and feasible noise mitigation and management measures to ensure compliance with EPA's Interim Construction Noise Guideline (ICNG).
- details to demonstrate that during all times, the predicted noise levels would be below the 'highly affected noise level' identified in the ICNG (75dB LAeq).
- strategies of communicating with the community to manage noise impacts.
- measures to ensure appropriate complaint handling and monitoring.

6.4 Other issues

The Department's consideration of other issues is provided at **Table 9**.

Table 9 | Summary of other issues

Issue	Findings	Recommendations
Visual privacy	The site adjoins residential developments on both sides, with an aged-care facility and another dwelling adjoining the eastern boundary. The nearest residence is located at 1A Rosemead Road to the west. The private open space area of this property is fully visible from the site due to an open chain wire fence at the boundary.	The Department has assessed the proposal with regard to visual privacy. Given the proposed intensification of the use of the western side of the site including the carpark / driveway, the proposal would

The application (refined by the SRTS) proposes a 1.8m high lapped and capped fence along the western boundary that would restore the visual privacy of the neighbours. The Applicant's RTS identified that the adjoining dwelling to the east is visually separated from the site via an existing timber fence and vegetation.

During the EIS exhibition, the neighbours on the western side objected to the development on the basis that it would heavily impact on their visual privacy. The submitters indicated that the top-floor windows of the dwelling would overlook the yard of 1A Rosemead Road. Community objections also stated that the provision of a timber fence would detrimentally impact on the visual connection that both the properties currently enjoy. Council did not raise any concerns regarding visual privacy impacts.

In response, the Applicant's RTS indicated that the dwelling is sited away from all boundaries and provides visual privacy to the neighbours. The Applicant's RTS also indicated that whilst the neighbouring property enjoys pleasant views to the site due to the current open fencing, it would not be reasonable to expect this in the future. A 1.8m high boundary fencing is typical for any property and is required to ensure privacy for both properties.

likely impact on the level of privacy currently enjoyed by the immediately adjoining property to the west.

However, the internal layout of the dwelling in **Figures 17 and 18** shows that only one top floor window is located on the western elevation. This window would not directly overlook the neighbour's yard. The first-floor window on the southern side is for the stair landing with minimal opportunities for overlooking.

The Department agrees with the Applicant that a 1.8m high boundary fence is typical to residential areas and would maintain visual privacy. The visual connection within the front yard would be maintained by reducing the height of the fence to 1.2m.

The retention of the open chain wire fence would have negative impacts on the adjoining neighbour and is therefore not supported.

Bushfire safety and tree removal

The site comprises bushfire prone land. The EIS was referred to NSW RFS who advised that the entire site should be managed as an IPA and the Asset Protection Zone (APZ) requirements should comply with Planning for Bushfire Protection 2019 (PBP 2019). NSW RFS recommended additional construction standards for any new structure and requested that a Bushfire Emergency Management and Evacuation Plan be prepared.

Community submissions raised concerns that the proposed location of the future school would hinder the evacuation of the entire locality during bushfire events due to the

The Department has reviewed the proposal and the comments from public authorities.

The Department concurs with the Applicant that no public authority, including NSW RFS raised concerns regarding the location of the development, subject to the management of the site as an IPA and preparation of an emergency evacuation plan.

The Department is satisfied that the site would be suitable

narrow roads and the large number of proposed students. Submitters also indicated that the low water pressure in the area would restrict the ability to fight a fire.

In response, the Applicant emphasised that NSW RFS is supportive of the development subject to the emergency evacuation plan being prepared.

The Applicant also indicated that Sydney Water has provided comments and raised no concerns regarding water pressure or mains.

for the development, subject to conditions of consent.

Tree removal and biodiversity impacts

The proposal would result in the removal of 41 trees including 10 trees within the front setback, 20 trees within the tennis court area, two trees on the eastern side (T19 and T27 in **Figure 29**) and two trees within the front setback (T111 and T112). The application is supported by an Arborist Report which assessed 116 trees within and adjacent to the site. The Arborist's Report stated that the proposal (refined by the SRTS) would result in the removal of 41 trees from the site out of which 23 trees are of low or very low retention value, 16 are of moderate retention value and two are of high retention value.

During the EIS exhibition, submitters objected to the development due to the loss of tree canopy and the resultant loss of fauna habitat (especially birds). Council and the Department also raised concerns regarding the loss of tree canopy on the site, especially adjoining the tennis court and within the front setback. Council identified that the need to comply with the requirements of IPA in PBP 2019 may result in loss of the interconnected canopy on the site. Council advised that it would not support further removal of tree canopy for bushfire safety.

In response to the submissions, the Arborist Report stated that the site includes substantial tree planting. The proposal would retain 23 trees of high retention value and 34 trees of moderate retention value. Consequently, the

The Department's assessment in **Section 4.5** notes that a BDAR waiver was issued by EESG and the Department, prior to the issue of the EIS. The waiver assessment concluded that the proposed removal of the tree canopy would not have a significant ecological impact on the site and the surrounds.

The Department assessed the impacts of the loss of tree canopy on the heritage values of the site in **Section 6.1** and concludes that the impact is on balance acceptable, subject to replacement planting on the site. Removal of T111 and T112 are unavoidable to ensure safe access to the site. Removal of T19 and T27 are similar unavoidable to minimise bushfire hazards and provide for the fire stairs. The Applicant has assessed the 20 trees within the tennis court to have low retention value. Based on the Applicant's assessment and Council's final comments, the Department supports the removal of the 20 trees on the western boundary and the 10

loss of tree canopy was not considered substantial.

The Applicant's RTS included additional bushfire advice which indicated that PBP 2019 allows native trees to be retained as clumps or islands and some interlocking canopy is permissible if the canopy does not lead to the hazard. The supporting addendum Bushfire Report concluded that the landscape and tree retention, including the additional replacement planting, satisfies the requirements of NSW RFS, subject to recommended conditions and appropriate maintenance and management of vegetation on the site.

Council reviewed the RTS and agreed with the Applicant's justification regarding IPA and loss of tree canopy.

trees on the north-western driveway.

The Department notes that the proposal would retain the boundary planting along the eastern and southern boundaries as well as a significant gum tree in front and a Blackbutt at the rear (T40). Given the Applicant's RTS and Council's and NSW RFS comments, the Department agrees that the proposed management of the site as an IPA would likely not result in further removal of tree canopy. The Department has recommended conditions to ensure protection of other trees on the site during construction and in perpetuity.

**Social impacts
and site
suitability**

During the EIS exhibition, a significant number of submissions objected that the site is not suitable for the development. The submissions indicated that a commercial operation should not be allowed from a dwelling and would cause unnecessary amenity impacts on the adjoining residents.

The submitters also indicated that additional pre-schools and schools are not needed in the area due to the presence of several such developments near the site.

The site is also not suitable for the use given the high number of students proposed and due to the inevitable detrimental impacts on the heritage values of the dwelling.

Submissions also raised concerns regarding heritage listed dwellings being converted to child care centres in general.

Some submissions indicated that the number of children in the future school will be likely to exceed the HDCP requirements with no children from 0 – 2 years.

The Department has undertaken a comprehensive assessment of the suitability of the site for the development in **Sections 3, 4, and 6**. As discussed in **Sections 3 and 4**, the proposal complies with the strategic planning directions of the State and the locality.

It is a permissible development and the impacts on the surroundings regarding heritage, traffic, visual privacy, tree loss and noise are considered acceptable. Residual impacts can be managed by recommended conditions of consent.

The Department notes that the application is lodged under the Education SEPP which has no

specific requirement to accommodate 0 – 2 years. The development would allow the continued use of a heritage listed dwelling and is a positive outcome for the site with a benefit to the current and future population of the area. The Department is satisfied that the site is suitable for the development and is in the public interest.

Pre-school operations

The Education SEPP defines the pre-school as a centre-based child care facility. Clause 22 Part 3 of the Education SEPP states that concurrence of the Regulatory Authority is not required for a 'centre-based child care facility' if the floor area of the building or place complies with the relevant regulations regarding outdoor and indoor play areas.

The proposed pre-school would have a capacity of 32 children, requiring a total of 104m² (@3.25m² per child) of unencumbered indoor play space and 224m² of unencumbered outdoor play space (@7m² per child) under the provisions of Education SEPP. The proposal satisfies these play space requirements, achieving the provision of 109m² and 416m², respectively, and therefore separate concurrence of the Regulatory Authority is not required. The floor layout also includes a shared library for the pre-school and primary school students.

The Department is satisfied that the pre-school includes appropriate amenities and play space for children, while being visually integrated with the school. The compliance of the proposal with the Child Care Planning Guidelines is provided in **Appendix B** and is satisfactory.

The Department has recommended a condition requiring the Applicant to demonstrate, prior to the commencement of operation, that the future school would include suitable laundry, toilet and hygiene facilities appropriate for the age of the students.

Waste management

The Applicant's EIS included details of waste management measures during construction and operation of the development.

The proposed bin storage area would be located within the front setback. The Applicant's EIS advised that waste collection would occur from the kerb side and the bins would be lined up on the collection day.

The Department is satisfied that the site has sufficient space to store the required number of bins for the development. Kerbside collection from the Rosemead Road frontage is also feasible. The Department has recommended a condition requiring the Applicant to

	<p>Council did not provide any comments regarding the suitability of the bin enclosure area.</p>	<p>consult with Council regarding the size of the bin area prior to the issue of the construction certificate.</p>
Aboriginal cultural heritage	<p>The Application does not involve major building works and no formal Aboriginal Cultural Heritage Report was provided by the Applicant. The EIS states that the Applicant undertook consultation with representatives of the local aboriginal community, Metropolitan Local Aboriginal Land Council and an Indigenous Early Childhood Education Consultant. No representative has raised any concerns regarding the proposal. Representatives of the organisations recommended that the 'acknowledgment of country' be included on the front signage</p>	<p>The Department considers that the consultation undertaken by the Applicant is satisfactory for the development given the low level of site disturbance. A condition of consent requires the preparation and implementation of:</p> <ul style="list-style-type: none"> • an unexpected finds protocol in relation to Aboriginal cultural heritage during the landscaping works. • inclusion of the recommended acknowledgement of country in the proposed signage.
Site contamination	<p>The EIS includes a Preliminary Site Investigation (PSI) which advised that no gross contamination has been observed on the site and therefore no further testing is necessary. The PSI recommended that:</p> <ul style="list-style-type: none"> • any lead paint residues generated by the repair of areas of peeling paint caused by previous leaks (now repaired) at the site are safely collected and disposed of in a safe manner. • painted surfaces are maintained in a stable condition to ensure effective capping of older underlying lead-based paint films. • an unexpected finds procedure for hazardous materials is implemented during construction work in relation to soil contaminants. <p>EPA and Council did not comment in relation to contamination.</p>	<p>Based on the PSI, the Department is satisfied that the site does not include any significant soil contamination or hazardous materials. However, to comply with the requirements of State Environmental Planning Policy No 55 – Remediation of Land, the Department has recommended the conditions recommended in the PSI.</p> <p>The Department has also recommended that a suitably qualified consultant certify that the site is suitable for the use, prior to the issue of the occupation certificate.</p>

Contributions	Hornsby Shire Council's Section 7.12 Contributions Plan does not apply to this development as it proposes the adaptive reuse of a heritage listed dwelling (section 1.5).	The Department notes the provisions of the applicable Section 7.12 plan and has not sought a contribution for this development.
Construction Management	The Applicant's EIS advises that the proposal does not involve major building works. Notwithstanding, a Construction Management Plan would be prepared prior to the commencement of works and be implemented during construction. Council recommended a condition requiring the implementation of a Construction Management Plan.	The Department notes the Applicant's commitments and Council's recommendations regarding construction management on the site. Conditions to this effect have been recommended.

6.5 Summary of Department's consideration of submissions

A summary of the Department's consideration of the issues raised in submissions is provided in **Table 10**.

Table 10 | Department's consideration of key issues raised in submissions

Issue	Consideration
Site is not suitable for the development	The Department is satisfied that the school is a permissible development on the site and the impacts of the development on the surroundings, having regard to heritage, traffic, visual privacy, tree loss and noise are considered acceptable. Residual impacts can be managed by recommended conditions of consent. The Department has considered the suitability of the site in Sections 3, 4 and 6 .
Historic heritage impacts	The Department is satisfied that the proposal would ensure a viable long-term use of the site with no unreasonable impacts on its heritage values. The benefits of the proposal as an educational facility outweigh the identified negative impacts on the heritage listed dwelling and gardens. Any residual impacts would be managed by recommended conditions of consent. The heritage impacts of the development are considered in Section 6.1 .

Loss of trees	<p>The Department notes that the development would result in the loss of 41 trees on the site. However, the trees comprise mostly planted species and would not have significant ecological impacts. The loss of trees and resultant impacts are considered in Section 6.1.</p>
Traffic generation, safety of vehicle access, chances of accidents, parking demand on the street	<p>The Department has considered the details of the traffic impacts in Section 6.2. The Department is satisfied that operational traffic due to the development can be suitably accommodated on the surrounding road network. The proposal includes satisfactory on-site car parking provisions and drop-off / pick-up area, which would assist in reducing any impacts on the surrounding streets.</p> <p>The vehicle access points have been assessed as satisfactory as well. The residual traffic impacts can be managed via conditions of consent as discussed in Section 6.2.</p>
Noise Impacts	<p>The Department considers that operational noise emissions from the site would not have significant impacts on nearby residents, subject to the implementation of mitigation and management measures including the construction of perimeter fencing. The noise impacts are discussed in Section 6.3.</p>
Privacy Impacts (other)	<p>The Department is satisfied that the internal layout of the development would result in minimal opportunities for overlooking, and that the 1.8-metre-high boundary fence is typical of residential areas and would maintain visual privacy. The matter is discussed in Section 6.4.</p>
Bushfire evacuation	<p>NSW RFS has reviewed the application and is satisfied that the development would not cause any unreasonable impacts on bushfire evacuation for the locality subject to recommended conditions regarding the preparation and implementation of a Bushfire Evacuation Plan for the site as discussed in Section 6.4.</p>
No need for additional school in the area	<p>The development complies with the Strategic directions of the area as identified in Section 3.</p>

7 Evaluation

- 7.1.1 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, and concern raised in the community submissions and community correspondence. Issues raised 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 and can be appropriately mitigated by the recommended conditions of consent.
- 7.1.2 The proposed development would provide for childcare, primary school (total of 80 students) with an OOSH near the Hornsby CBD to cater for the existing and future population of the area.
- 7.1.3 The proposal is consistent with the objects of the *Environmental Planning and Assessment Act* (EP&A Act), including facilitating ecologically sustainable development (ESD), and is consistent with the vision outlined in the North District Plan, as it would provide new school infrastructure conveniently located near a public transport hub.
- 7.1.4 The application was publicly exhibited between 11 June 2020 and 8 July 2020. The Department received a total of 63 submissions, including eight from public authorities, one an objection from a special interest group and 54 individual community submissions (including 52 objections).
- 7.1.5 The Applicant submitted a RtS and further SRtS to address the concerns raised by Council, public authorities and the Department.
- 7.1.6 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ESD, and issues raised in all submissions. The Department identified historic heritage impacts, traffics and noise impacts as the key issues for assessment. The Department has concluded the:
- proposed development would result in the adaptive reuse of a heritage listed dwelling and is a long-term sustainable option of developing the site while ensuring the maintenance and retention of the dwelling and the gardens.
 - road network has capacity to accommodate traffic and parking demand generated by the proposed school, subject to recommended traffic management measures.
 - appropriate mitigation measures have been proposed to minimise noise and visual privacy impacts on nearby residential properties.
- 7.1.7 The proposal is in the public interest and would provide a range of public benefits, including:
- provision of new school and pre-school for the Hornsby LGA.
 - 20 new construction jobs and capacity for 9 FTE staff.
- 7.1.8 The impacts of the proposal have been addressed in the EIS, the RtS and SRtS. Conditions of consent are recommended to ensure that these impacts are managed appropriately.
- 7.1.9 The SSD application is referred to the Independent Planning Commission as more than 50 public submissions by way of objection have been received.

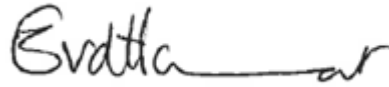
7.1.10 This assessment report is hereby presented to the Independent Planning Commission for determination.

Recommended by:



Karen Harragon
Director
Social and Infrastructure Assessments

Recommended by:



Erica Van Den Honert
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/30021>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/30021>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/30021>

4. Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/30021>

5. Additional submissions and correspondence 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 *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs 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 assessment of the proposal are:

- State Environmental Planning Policy (State and 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 Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft Education SEPP
- The Hornsby Shire Council Local Environmental Plan 2013 (HLEP).

COMPLIANCE WITH CONTROLS

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

The aims of the SRD SEPP are to identify state significant development (SSD) and state significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

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: b) 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 c) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The proposal is for a new school under clause 15(1) of Schedule 1 of the SRD SEPP.	Yes

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

The Education SEPP aims to simplify and standardise the approval process for child care 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 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application was referred to TfNSW (incorporating Road and Maritime Services) and comments considered.

The Education SEPP defines the CELC as a centre-based child care facility. Clause 22 of Part 3 of the Education SEPP states that concurrence is not required for a 'centre-based child care facility' (i.e. pre-school) if:

- a) *the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*
- b) *the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

The proposal for the pre-school (childcare centre) satisfies the numeric play space requirements for 32 children. Therefore, separate concurrence of the Regulatory Authority is not required (see **Section 6.4**).

The consent authority is also required to consider the relevant provisions of the Department's Child Care Planning Guideline prior to determining an application for a centre-based child care centre. Consideration of the relevant planning provisions of the Guidelines is provided below in **Table B2**.

Matter	Consideration/Comment
Design quality principles	
Context	The proposed pre-school is well integrated with the school and would cater for siblings of the same family. The pre-school fits into the context.
Built form	The pre-school rooms are integrated into the design of the school rooms to ensure the younger students form part of the school community.
Adaptive learning spaces	The design of the pre-school provides an unobstructed indoor space with opportunities for adaptive learning. The design also incorporates outdoor play areas that offer an opportunity to create a unique and exciting play space environment for younger children.
Sustainability	The unencumbered internal space provides opportunities for cross ventilation.

	Outdoor play space areas have been assessed as having access to satisfactory levels of natural daylight, while similarly providing areas for shade and weather protection.
Landscape	The landscape design for the proposed pre-school play areas are integrated into the landscaped garden settings and existing trees within the site.
Amenity	<p>The centre has been designed to ensure suitable indoor and outdoor play spaces are provided that would have suitable access to daylight and natural ventilation.</p> <p>The siting of the outdoor play areas minimises its exposure to public places and would ensure that occupants are not exposed to adverse amenity or privacy impacts. Potential of overlooking the neighbouring properties are minimised through construction of a boundary fence.</p>
Safety	<p>The layout of the proposed pre-school incorporates a secure single-entry point through the proposed reception area of the dwelling.</p> <p>The design incorporates secure fence lines around the outdoor play space areas to ensure safety is maintained.</p>
Matters for consideration	
Site selection and location	<p>The proposed pre-school forms part of the larger school development.</p> <p>The pre-school would be surrounded by residential developments. But the use is appropriately sited to ensure no adverse acoustic, privacy or amenity impacts arise at the land use interface. A dedicated car parking is proposed enabling drop-off / pick-up for young children at the rear of the dwelling, minimising any potential safety or traffic concerns.</p> <p>The location of the pre-school within the school would strengthen the relationship between the pre-school and school students.</p> <p>The site does not hold any preceding site contamination, flooding or bushfire constraints that would unnecessarily limit the ability for a centre-based child care centre from being established.</p>
Local character, streetscape and the public domain interface	<p>The proposed integration of the pre-school with the school would ensure it remains compatible with the character of the locality.</p> <p>The pre-school is located to ensure it is not unreasonably exposed to the public domain and provides for a clear delineation between the boundaries of the school play area and that for the pre-school.</p> <p>The proposed location of the centre reception and staff room would ensure that visibility of the centre car park is maximised.</p>

Building orientation, envelope, building design and accessibility	The Applicant has demonstrated that the design and location of the pre-school play areas on the southern side of the site would not result in any adverse environmental or amenity impacts on the adjoining neighbours.
Landscaping	<p>The proposed landscape design incorporates several passive and active landscape elements to help create a diverse and interesting learning environment.</p> <p>Appropriate fencing is proposed along the eastern, southern and western boundaries of the site to help minimise privacy impacts into the outdoor play space.</p>
Visual and acoustic privacy	<p>The pre-school is located away from the public domain. Accordingly, privacy impacts are minimised by reducing the exposure of the pre-school.</p> <p>The predicted noise impacts associated with the operation of the pre-school are generally satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent (Section 6.3).</p>
Noise and air pollution	The development would not result in noise or air pollution.
Hours of operation	The pre-school is proposed to operate between 8am - 6pm, Monday to Friday. The proposed hours of operation would not unreasonably impact on the locality.
Traffic, parking and pedestrian circulation	<p>Dedicated parking spaces have been allocated for the staff. In addition, a dedicated drop-off/pick-up space is proposed immediately adjacent to the dwelling.</p> <p>The Applicant's assessment concludes the staff parking proposed would sufficiently cater for the demand generated and the road network to be delivered would operate at a satisfactory level of service.</p>

National Regulations

Indoor space requirements	A minimum 104m ² of unencumbered indoor space is required based on the proposed 32 spaces. The proposal provides for 109m ² .
Laundry and hygiene facilities	<p>Laundry facilities are proposed to be provided on-site.</p> <p>Sufficient space is available for the provision of these facilities, within the dwelling. The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.</p>
Toilet and hygiene facilities	The Applicant confirms that the design of the CELC provides for adequate toilet and hygiene facilities appropriate to the developmental stage and age of children being cared for within the centre.

	The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.
Ventilation and natural light	Details submitted by the Applicant demonstrate that the indoor and outdoor play areas would receive sufficient natural daylight.
Administrative space	The internal layout of the proposed administrative functions of the pre-school has considered the interaction of staff, parents and children and visitors to ensure interactions are appropriately managed.
Nappy change facilities	The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.
Premises designed to facilitate supervision	The internal layout of the pre-school, including staff rooms and toilet facilities, have been designed to facilitate supervision between educators and children.
Emergency and evacuation procedures	<p>The Applicant states details surrounding emergency and evacuation procedures would be confirmed later.</p> <p>The Department has recommended a condition of consent requiring such details be provided prior to the issue of a construction certificate and certified by a suitably qualified access consultant.</p>
Outdoor space requirements	<p>A minimum 224m² of unencumbered indoor space is required based on the proposed 32 spaces.</p> <p>The proposal provides for 416m² of outdoor play area.</p>
Natural environmental	The landscape design for the gardens incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.
Shade	The outdoor play area includes a shaded area.
Fencing	The proposal would include provision of a 1.8m high metal palisade fence to separate the outdoor play areas from the front gardens.
Soil assessment	Previous site contamination assessments undertaken have satisfactorily demonstrated that the site does not pose a contamination threat.

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. 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
Principle 1 - context, built form and landscape	The proposed development would result in the adaptive reuse of a heritage item and would alter the setting of the heritage gardens to suit the needs of the development. The school would fit in the low-density character of the area and would respond to the context of its location near the railway station.
Principle 2 - sustainable, efficient and durable	The Department has recommended conditions to ensure that ESD measures are incorporated where possible (Section 4.5.3).
Principle 3 - accessible and inclusive	The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site. Accessible connections are provided to all levels.
Principle 4 - health and Safety	The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.
Principle 5 - amenity	The proposal provides a variety of internal and external learning places for both formal and informal educational opportunities. The design of the landscaping and covered outdoor areas provide ample shaded areas for students and staff.
Principle 6 - whole of life, flexible, adaptable	The adaptive reuse of the existing building would allow for long term adaptability through the provision of flexible formal and informal learning areas to respond to future learning requirements, or future proofed to return to its original use as a residence.
Principle 7 - aesthetics	The proposal has been designed to integrate with and respect the unique heritage and site constraints. Additionally, the proposed landscaping would soften any perceived bulk of the school building when viewed from adjoining sites.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a detailed site assessment which has not identified contamination on the site that needs remediation.

Subject to the implementation of the conditions regarding unexpected finds protocol and the certification by a suitable consultant the site can be made suitable for the development. In this regard, the application is assessed as satisfactory with regard to SEPP 55.

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 development includes one sign. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B3** demonstrates the consistency of the proposed signage with these assessment criteria.

Table B3 | SEPP 64 compliance table

Assessment Criteria	Comments	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 proposal involves a minor sign on the Rosemead Road fence which would be compatible with the character of the locality.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no theme of outdoor advertising	N/A
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 proposal does not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign would not dominate the skyline and would not impact the quality of any views or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed sign would not impact on existing views experienced by others or existing advertising rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The sign would complement the school's design and contribute to the visual interest of the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the sign is appropriate for the streetscape and setting within which it is proposed.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign is small and simple in design and would not result in visual clutter.	Yes
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign would sit well below the height of the building.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed sign.	Yes
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?	The sign is of appropriate scale and proportion and considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The sign is appropriately located at the site entrance and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the sign is to show the entrance of the school and shows a thoughtful interpretation with the broader site design.	Yes
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?	Safety devices are not necessary for the proposed design of the signs.	Yes
7 Illumination		
Would illumination result in unacceptable glare?	The sign is not proposed to be illuminated.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable.	N/A
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	N/A

Assessment Criteria	Comments	Compliance
Is the illumination subject to a curfew?	Not applicable.	N/A
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

Draft State Environmental Planning Policy (Remediation of Land)

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 would 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 sites 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 would be consistent with the objectives of the Draft Remediation SEPP.

Draft Education SEPP

The Draft Education SEPP would retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and childcare facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

The Department is satisfied that the proposal is consistent with the objectives of the Draft Education SEPP and continues to meet the requirements for SSD in accordance with the EIE.

Hornsby Local Environmental Plan 2013 (HLEP)

The HLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Hornsby Shire LGA. The HLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has considered all relevant provisions of the HLEP 2013 and matters raised by Council in its assessment (**Section 5**). The Department concludes the development is generally consistent with the relevant provisions of the HLEP, subject to implementation of recommended conditions. Consideration of the relevant clauses of the HLEP 2013 is provided in **Table B4**.

Table B4 | Consideration of the HLEP 2013

HLEP 2013	Department Comment/Assessment
Clause 4.3 Building height	The proposal would not change the existing building height for the site
Land use zone – R2 – Low density residential	School and childcare are permissible uses in the land use zone
Clause 4.4 Floor Space Ratio	Not relevant
Clause 5.10 Heritage conservation	Heritage impacts have been considered in Section 6.1.

Appendix C – Recommended Instrument of Consent / Approval

Appendix D – Independent Peer Review Report of Heritage Impacts