



New South Wales Government  
Independent Planning Commission

# **Loreto Normanhurst School Redevelopment (Concept Proposal and Stage 1) (SSD-8996)**

## **Statement of Reasons for Decision**

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21 October 2021 Final Report ©  
State of New South Wales through the Independent Planning Commission 2021

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## EXECUTIVE SUMMARY

Loreto Normanhurst Limited has sought development consent for the staged redevelopment of Loreto Normanhurst, an independent girls' school at Normanhurst, in the Hornsby Local Government Area (LGA), on Sydney's Upper North Shore.

Under the \$130-million concept proposal, 10 new or extended building envelopes would be established on the Pennant Hills Road campus, and there would be a staged increase in the student population from 1150 to a maximum of 2000.

Stage 1 of the redevelopment would see several existing buildings and sports courts demolished, and 105 trees removed. New boarding accommodation for up to 216 students and staff would be constructed, as well as a new through-site road, car parking, student pick-up/drop-off facilities, and hard and soft landscaping.

Student numbers would rise by 500 as part of Stage 1.

A whole-of-government assessment finalised by the Department of Planning Industry & Environment in August this year concluded the impacts of this proposal would be "acceptable and appropriately mitigated through the implementation of the recommended conditions of consent." However, the Independent Planning Commission is the consent authority because the Department received more than 50 public objections in response to exhibition of this state significant development application.

Commissioners Adrian Pilton (Panel Chair), Wendy Lewin and Juliet Grant were appointed to constitute the Commission in making the final decision.

As part of their determination process, the Panel met with representatives of the Applicant, Department, and Hornsby Shire Council; and conducted a virtual inspection of the site and physical locality tour of the surrounding area.

The community had its say on the proposed redevelopment in written submissions to the Commission and at an electronic public meeting in September. Concerns raised in those submissions centred around traffic congestion; parking; emergency vehicle access; construction impacts; tree removal; biodiversity; and loss of amenity.

After careful consideration of all the material, and having taken into account the community's views, the Commission has determined that development consent should be granted for the Application, subject to conditions. These conditions are designed to prevent, minimise and/or offset adverse environmental impacts, and ensure ongoing monitoring and appropriate environmental management of the site.

The Commission's reasons for approval of the Application are set out in this Statement of Reasons for Decision.

# CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>I</b>
<b>DEFINED TERMS</b> .....	<b>I</b>
<b>1 INTRODUCTION</b> .....	<b>1</b>
<b>2 SITE AND LOCATION</b> .....	<b>2</b>
2.1 Local Context .....	3
<b>3 BACKGROUND</b> .....	<b>4</b>
3.1 Existing Operations.....	4
3.2 Related Development .....	5
<b>4 THE APPLICATION</b> .....	<b>7</b>
4.1 Concept Proposal .....	7
4.2 Stage 1 Works .....	9
4.3 Changes to the Application.....	11
4.4 Need and Strategic Context .....	11
<b>5 STATUTORY CONTEXT</b> .....	<b>13</b>
5.1 State Significant Development .....	13
5.2 Permissibility .....	13
5.3 Mandatory Considerations.....	13
5.4 Additional Considerations.....	16
<b>6 THE COMMISSION’S CONSIDERATION</b> .....	<b>17</b>
6.1 The Commission’s Meetings .....	17
6.2 Material Considered by the Commission.....	17
6.3 Virtual Site Inspection .....	18
6.4 Locality Inspection .....	18
<b>7 COMMUNITY PARTICIPATION</b> .....	<b>19</b>
7.1 Public Meeting .....	19
7.2 Public Submissions.....	19
7.3 Key Issues .....	19
<b>8 CONSIDERATION OF KEY ISSUES</b> .....	<b>22</b>
8.1 Built Form.....	22
8.2 Ecologically Sustainable Development .....	26
8.3 Staging of the Development and Increase in School Population.....	27
8.4 Traffic and Parking.....	27
8.5 Tree Removal and Replacement.....	32
8.6 Biodiversity.....	33
8.7 Other Issues.....	34
<b>9 CONCLUSION: THE COMMISSION’S FINDINGS AND DETERMINATION</b> .....	<b>38</b>
<b>APPENDIX A</b> .....	<b>39</b>

## DEFINED TERMS

ABBREVIATION	DEFINITION
<b>Applicant</b>	Loreto Normanhurst Limited
<b>Application</b>	Loreto Normanhurst School Redevelopment (Concept Proposal and Stage 1) (SSD-8996)
<b>AR</b>	Department's Assessment Report (dated August 2021)
<b>AR para.</b>	Paragraph of the Department's Assessment Report (dated August 2021)
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CIV</b>	Capital Investment Value
<b>CMP</b>	Construction Management Plan
<b>Commission</b>	NSW Independent Planning Commission
<b>Concept Proposal</b>	The Application includes a concept proposal for 10 building envelopes for new or extended buildings and a staged increase of 850 students
<b>Council</b>	Hornsby Shire Council
<b>CPTED</b>	Crime Prevention Through Environmental Design
<b>CTMP</b>	Construction Traffic Management Plan
<b>DA</b>	Development Application
<b>Department</b>	Department of Planning, Industry and Environment
<b>Education SEPP</b>	<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>
<b>EES</b>	Environment, Energy and Sciences Group of the Department
<b>EIS</b>	Environmental Impact Statement
<b>ELC</b>	Early Learning Centre
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>GFA</b>	Gross Floor Area
<b>GTP</b>	Green Travel Plan
<b>HDCP 2013</b>	<i>Hornsby Development Control Plan 2013</i>
<b>HLEP 2013</b>	<i>Hornsby Local Environmental Plan 2013</i>
<b>HOB</b>	Height of Building
<b>ICNG</b>	<i>Interim Construction Noise Guideline</i>
<b>Infrastructure SEPP</b>	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The material identified in section 6.2
<b>OTMP</b>	Operational Traffic Management Plan

<b>Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>RFS</b>	NSW Rural Fire Service
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP 55</b>	<i>State Environmental Planning Policy No.55 – Remediation of Land</i>
<b>SEPP 64</b>	<i>State Environmental Planning Policy No 64 – Advertising and Signage</i>
<b>SEPP SRD</b>	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
<b>Site</b>	4, 6, 14, 16, 30-62, 24-28 Mount Pleasant Avenue, 89 and 91-93 Pennant Hills Road, Normanhurst
<b>SRtS</b>	Supplementary Response to Submissions
<b>SSD</b>	State Significant Development
<b>Stage 1</b>	The Application includes Stage 1 works, comprised of demolition of structures and tree removal, construction of a new boarding accommodation building, car parking, through site road, student pick-up/drop-off facilities, landscaping and an additional 500 students
<b>TAR</b>	Transport Assessment Report
<b>TfNSW</b>	Transport for NSW

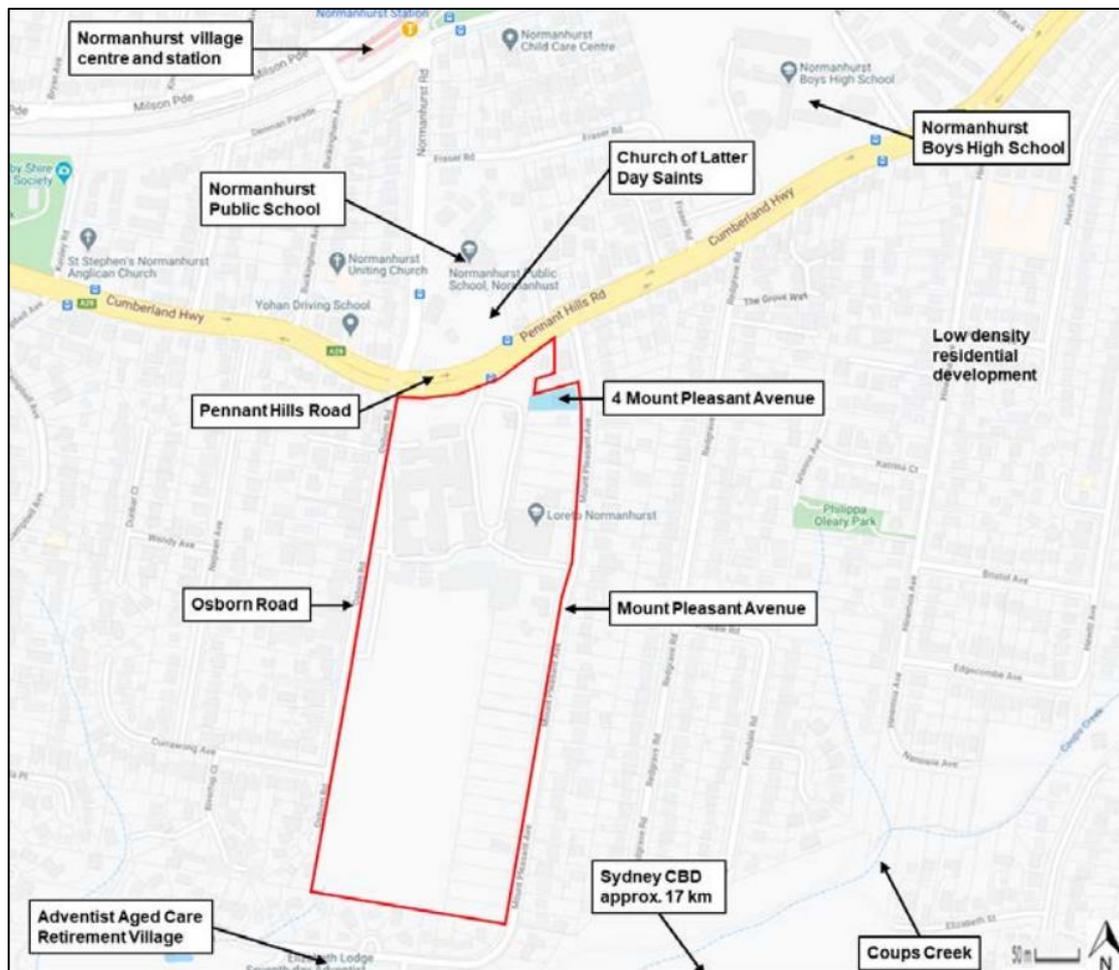
## 1 INTRODUCTION

1. On 26 August 2021, the NSW Department of Planning, Industry and Environment (**Department**) referred a State significant development (**SSD**) application (SSD-8996) (**Application**) from Loreto Normanhurst Limited (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for the redevelopment of Loreto Normanhurst, an independent girl's school in Normanhurst in the Hornsby Local Government Area (**LGA**).
3. The Application includes a concept proposal for 10 building envelopes for new or extended buildings and a staged increase of 850 students (**Concept Proposal**); and Stage 1 works involving demolition of structures and tree removal, construction of a new boarding accommodation building, car parking, a through site road, student pick-up/drop-off facilities, landscaping and an additional 500 students (**Stage 1**). For the purpose of this Statement of Reasons, both the Concept Proposal and Stage 1 are together referred to as the Application.
4. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
  - the Application constitutes SSD under section 4.36 of the EP&A Act as the Application has a capital investment value (**CIV**) of more than \$20 million for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of SEPP SRD; and
  - the Department received more than 50 submissions from the public objecting to the Application.
5. Professor Mary O'Kane AC, Chair of the Commission, nominated Commissioners Adrian Pilton (Chair), Wendy Lewin and Juliet Grant to constitute the Commission Panel determining the Application.

## 2 SITE AND LOCATION

- The 'site' for the purpose of this Statement of Reasons is defined as 4, 6, 14, 16, 30-62, 24-28 Mount Pleasant Avenue, 89 and 91-93 Pennant Hills Road, Normanhurst (**Site**).
- The Department's Assessment Report (**AR**), dated August 2021, describes the Site at section 1.2.
- At AR paragraph 1.2.1 (**AR para.**), the Department states that the Site is approximately 17 kilometres north-west of Sydney CBD and 400 metres south of Normanhurst village centre and Normanhurst Train Station. AR para. 1.2.2 states that the Site is comprised of an area of approximately 13.17 hectares and is bound by Pennant Hills Road to the north, Mount Pleasant Avenue to the east, Osborn Road to the west and residential properties to the south.
- The Site is occupied by Loreto Normanhurst, an independent girl's school that currently caters for students from Years 5 to 12. The existing operations at the Site are described at section 3.1.
- The location of the Site is illustrated in **Figure 1**.

**Figure 1** Site Location (source: Department's AR, Figure 1)



- A large part of the Site is identified as a local heritage item under the *Hornsby Local Environmental Plan 2013 (HLEP 2013)* and is referred to as 'Loretto Convent group – grounds, gates and cemetery' (Item number 607). The residential house at 4 Mount Pleasant Avenue, which is located within the boundary of the Site, is also identified as a Local Heritage item under the HLEP 2013 (Item number 603).

12. The bushland cemetery portion of the Site, also described as ‘*Loretto Convent group – grounds, gates and cemetery*’, is identified as having local archaeological significance under the HLEP 2013.
13. It is noted that although the Site does not contain heritage items listed on the State Heritage Register, the Convent and bushland cemetery are listed on the National Trust of Australia’s (non-statutory) Jubilee Register (AR para. 1.2.13).

## **2.1 Local Context**

14. The Department describes the surrounding context of the Site at AR para. 1.3.1, as follows:

*The site is surrounded by low density residential dwellings to the east and west and beyond adjoining Osborn Road and Mount Pleasant Avenue. Residential dwellings adjoin the southern boundary of the site. The southern boundary of the site also forms the boundary between Ku-ring-gai LGA and Hornsby LGA. Beyond this is the Adventist Aged Care Retirement Village located within the Ku-ring-Gai LGA, and bushland including Coups Creek.*

15. Normanhurst Public School and Normanhurst Boys High School are both located to the north of the Site on the opposite side of Pennant Hills Road.
16. Osborn Road and Mount Pleasant Avenue are local roads with single lane in each direction and both are no-through roads. Pennant Hills Road is a State road with three lanes in each direction.

### 3 BACKGROUND

17. A brief summary of the history of the Application is provided at **Table 1**.

**Table 1** *Timeline of key events (source: Department's AR)*

Date	Event
12 January 2018	The Department issued the Secretary's Environmental Assessment Requirements ( <b>SEARs</b> ) for the Application.
18 June 2019	The Applicant submitted the Environmental Impact Statement ( <b>EIS</b> ) for the Application to the Department.
28 June 2019 – 25 July 2019 9 December 2019 – 31 January 2020	The Department publicly exhibited the EIS from 28 June 2019 to 25 July 2019 (first exhibition period). The Department re-exhibited the EIS from 9 December 2019 to 31 January 2020 due to an administrative error resulting in not all relevant surrounding landowners and occupiers being originally notified (second exhibition period). During the two exhibition periods, the Department received 72 submissions, including: <ul style="list-style-type: none"> <li>• 8 submissions from public authorities (including Council);</li> <li>• 62 individual public submissions (including 61 objections); and</li> <li>• 2 submissions from special interest groups (both providing comments).</li> </ul>
4 February 2020	The Department requested the Applicant provide a Response to Submissions ( <b>RtS</b> ) after the extended exhibition period.
15 February 2021	The Applicant submitted a RtS responding to the issues raised in the submissions and included amendments to the Application.
23 February 2021 – 8 March 2021	The RtS and amended proposal were publicly exhibited. The Department received 90 submissions, including: <ul style="list-style-type: none"> <li>• 8 submissions from public authorities (including Council); and</li> <li>• 82 individual public submissions (including 78 objections).</li> </ul>
11 March 2021	The Department requested the Applicant prepare a response to issues raised in submissions to RtS.
20 May 2021	The Applicant submitted a Supplementary Response to Submissions ( <b>SRtS</b> ) responding to the issues raised in the submissions, including updated traffic modelling.
26 August 2021	The Commission received the Department's referral of the Application, including the Department's AR and recommended conditions of consent.

#### 3.1 Existing Operations

18. Loreto Normanhurst is an independent girls' school that currently caters for Years 5 to 12. The Commission understands that the school currently has 1,110 enrolled students (104 primary students and 996 secondary students), including 155 student boarders, and 254 full-time equivalent staff members (AR para. 1.2.14).
19. The Commission notes the school currently has an approved maximum capacity of 1,150 students under a previous development consent (discussed further at section 3.2).

20. Existing development at the Site comprises the Loreto Normanhurst campus, including 17 main school buildings, which are located at the northern end of the Site. The school buildings range between one and four storeys in height and are a variety of ages and architectural styles. The buildings are generally comprised of masonry construction. The formal names and current uses of each of the existing buildings at the Site are described at Table 1 of the Department's AR.
21. A large sports oval is located at the centre of the Site. The southern part of the Site is occupied by remnant bushland, including a bushland cemetery associated with the former use of the Site as a convent.
22. Core school hours are between 8:20am and 3:15pm Monday to Friday (AR para. 1.2.15). The campus remains open to boarding students 24 hours a day, seven days a week. An afterschool care program is provided between 3:15pm and 8.00pm Monday to Friday (AR para. 1.2.15).
23. Existing vehicle access to the Site is provided via six gated vehicle and pedestrian entry points, including four along Osborn Road, one on Pennant Hills Road and one on Mount Pleasant Avenue. Separate and direct driveway access is provided to the Health Centre, Loreto Community House and No. 4 Mount Pleasant Avenue.
24. The Site currently provides a total of 187 car parking spaces across four parking areas.
25. Existing student pick-up/drop-off facilities are provided on Site and are accessed via a one-way driveway from Osborn Road. Facilities include four pick-up/drop-off spaces, three vehicle queuing spaces and two bus bays.

### **3.2 Related Development**

26. The Commission notes that in addition to the Application before the Commission for determination, separate related development applications have recently been approved both at the Site and nearby. A summary of related developments is provided below.

#### *New School Building*

27. On 3 November 2004, Council approved an application to develop a new school building on the site (DA/1277/2004) and imposed a maximum student cap of 850 students (AR para. 2.6.1). The Commission understands the development comprised a new school building, music facilities, covered courtyard, canteen and uniform shop.
28. On 27 July 2011, the consent was modified to allow for alterations and additions and the increase in the student cap to 1,150 students (DA/1277/2004/C) (AR para. 2.6.1).

#### *Early Learning Centre*

29. On 18 December 2019, the Sydney North Planning Panel approved an application for the demolition of an existing dwelling and construction of a two-storey Early Learning Centre (**ELC**) fronting Mount Pleasant Avenue to provide 80 childcare places (DA/1227/2018) (AR para. 2.6.2).
30. On 22 April 2020, the consent was modified to provide for minor internal and external alterations (AR para. 2.6.2).
31. At AR para. 2.6.3, the Department describes that a condition was imposed which required 25 car spaces to be allocated to the ELC, including pick-up/drop-off spaces.

#### *Wahroonga Estate Concept Approval*

32. On 31 March 2010, the then Minister for Planning approved the Wahroonga Estate Concept Plan (MP 07\_0166) for a new hospital, 500 dwellings, student accommodation, seniors housing, commercial uses, new school and church within the Ku-ring-gai LGA (AR para. 2.6.4).

33. The Wahroonga Estate site boundary adjoins the southern boundary of the Site and includes the properties located at the southern end of Mount Pleasant Avenue.
34. At AR para. 2.6.5, the Department describes that a condition was imposed which required the Wahroonga Estate proponent to install a 'No Right Turn' sign at the Mount Pleasant Avenue / Pennant Hills Road intersection to restrict vehicle movements from Mount Pleasant Avenue across and onto Pennant Hills Road. The 'No Right Turn' sign is discussed further at section 8.4.

## 4 THE APPLICATION

35. The main components of the Application are set out at Table 2 of the Department's AR, which is attached in full at **Appendix A** of this Statement of Reasons. The following sections provide a summary of the main components of the Application.

### 4.1 Concept Proposal

36. **Table 2** provides a summary of the main components of the Concept Proposal.

**Table 2** Summary of the main components of the Concept Proposal  
(source: Department's AR Table 3)

<b>CONCEPT PROPOSAL</b>	
<b>Component</b>	<b>Description</b>
<b>Project summary</b>	Concept Proposal for 10 building envelopes for school buildings and facilities, an increase in student numbers by 850 students, associated car parking, infrastructure and landscape masterplan. Eight of the 10 building envelopes would be new buildings while the remaining two would be expansions to existing buildings.
<b>Building envelopes</b>	<ul style="list-style-type: none"> <li>• Envelope 1: Boarding Accommodation Building;</li> <li>• Envelope 2: Senior School;</li> <li>• Envelope 4: Primary School;</li> <li>• Envelope 5: Mary Ward Building;</li> <li>• Envelope 6: Gymnasium;</li> <li>• Envelope 7: Gonzaga Barry Performing Arts Centre;</li> <li>• Envelope 8: P3A Osborn Road carpark and sports field;</li> <li>• Envelope 12: Pedestrian link building;</li> <li>• Envelope 13: P4A Multi-sport Court carpark; and</li> <li>• Envelope 14: P1A Tennis Court carpark.</li> </ul> <p><i>Note: Envelopes 3, 9, 10 and 11 are intentionally excluded. Refer to details at paragraph 38.</i></p>
<b>Gross Floor Area (GFA)</b>	The total proposed GFA of the 10 building envelopes is 25,895m <sup>2</sup> .
<b>Demolition works</b>	<p>The Application indicatively shows demolition of the following existing buildings (excluding those proposed for removal as part of Stage 1 works) to facilitate the development:</p> <ul style="list-style-type: none"> <li>• Birrane, Mulhall and Frizelle Wings;</li> <li>• Deirdre Rofe Centre;</li> <li>• Gymnasium building;</li> <li>• Veronica Reid portables;</li> <li>• Mary Ward Health Centre; and</li> <li>• Section of Teres Ball Centre.</li> </ul>
<b>School population</b>	<ul style="list-style-type: none"> <li>• An overall increase of student capacity of 850 students (from 1,150 to 2,000 students); and</li> <li>• 71 additional full time equivalent operational jobs (from 254 to 325 jobs).</li> </ul>
<b>Staging</b>	Long-term 30-year framework for growth of the school with no details of future stages (beyond Stage 1) provided.
<b>CIV</b>	\$130,133,710 (\$90,025,000 excluding Stage 1).

37. The proposed uses, scale and key characteristics of each of the proposed building envelopes are summarised in **Table 3**.
38. Envelopes 3, 9 and 10 were deleted from the Concept Proposal by the Applicant as part of the amendments to the RtS in response to submissions received to the EIS and additional consultation with the community. Envelope 11 relates to the Mount Pleasant Avenue ELC, and as such is not considered as part of the Application.

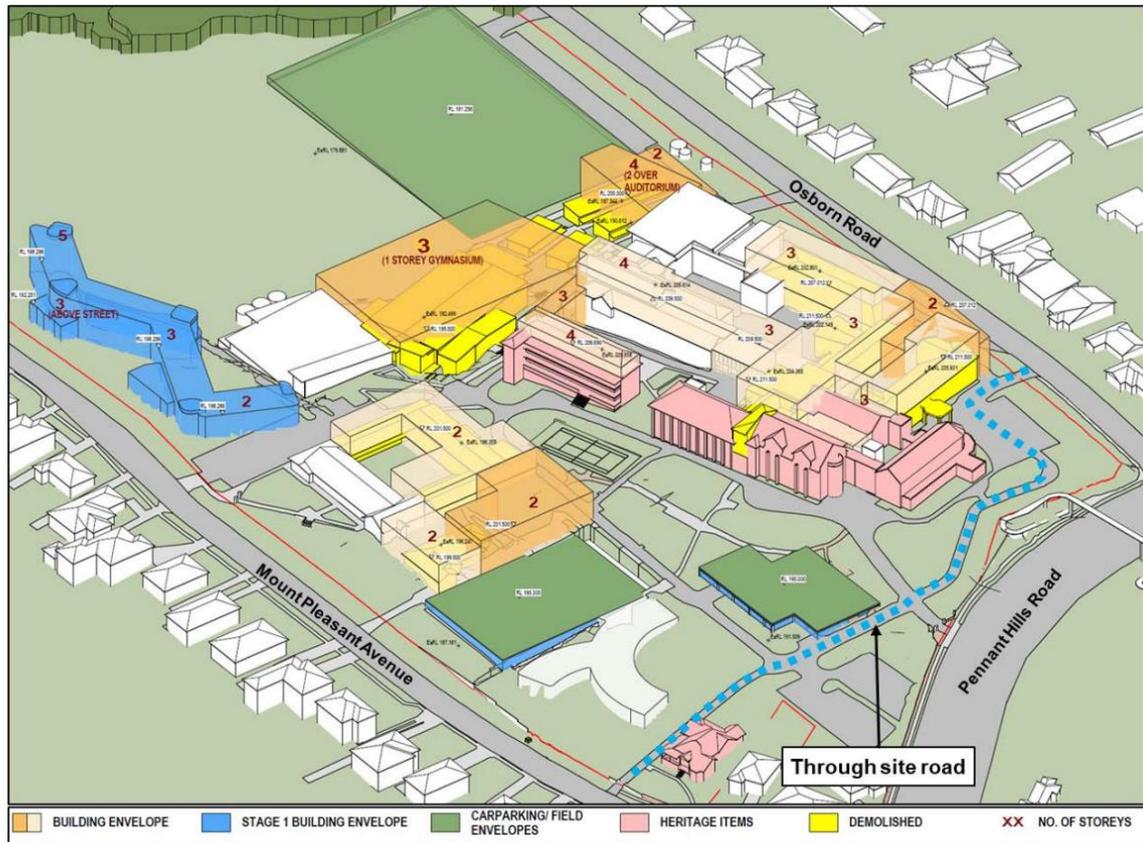
**Table 3** Description of Concept Proposal  
(source: based on paragraph 2.2.2 of the AR)

<b>Envelope</b>	<b>Description of proposed development</b>
<b>Envelope 1: Boarding Accommodation Building</b>	The Boarding Accommodation building is proposed to comprise a two to five storey building with a maximum building envelope height of 17.7 metres (RL199.5 metres) providing for 4,845m <sup>2</sup> of GFA for student and staff accommodation.
<b>Envelope 2: Senior School</b>	The redevelopment of the senior school is proposed to provide for new and replacement buildings to provide a 5,200m <sup>2</sup> GFA extension with a maximum height of 20 metres (RL 211.5 metres).  The proposed building envelopes include: <ul style="list-style-type: none"> <li>• Two-storey and three-storey building envelopes to replace the Birrane, Frizelle and Mulhall Wings and Deirdre Rolf building, which are to be demolished;</li> <li>• a new two-storey envelope connecting the Birrane and Frizelle Wings and Deirdre Rolf buildings fronting Osborn Road; and</li> <li>• one and two-storey roof extension envelope above the Resource Centre.</li> </ul>
<b>Envelope 4: Primary School</b>	A two-storey building envelope with a maximum height of 13.6 metres (RL 201.5 metres) is proposed to facilitate the replacement of “the 1980’s rear single-storey component of the Teres Ball Centre and the Health Centre”, which is proposed to be demolished to provide a 9,000m <sup>2</sup> GFA extension to the primary school.
<b>Envelope 5: Mary Ward Building</b>	A single-storey building envelope with a maximum height of 20.6 metres (RL 209 metres) is proposed to facilitate an extension to the Mary Ward building to provide an additional 400m <sup>2</sup> of GFA and convert the former boarding accommodation to teaching spaces.
<b>Envelope 6: Gymnasium</b>	A three-storey building envelope is proposed for a new gymnasium to replace the existing gymnasium. The proposed building envelope has a maximum height of 13.1 metres (RL 195 metres) and would provide for 3,800m <sup>2</sup> of GFA.
<b>Envelope 7: Gonzaga Barry Performing Arts Centre</b>	A two to four-storey building envelope with a maximum height of 18.2 metres (RL 200 metres) is proposed to provide for 2,200m <sup>2</sup> of GFA for a new theatre and classrooms.
<b>Envelope 8: P3A Osborn Road carpark and sports field</b>	The proposed P3A Osborn carpark comprises a lower-ground level carpark envelope with surface level playing field above. The carpark is proposed to replace the interim at-grade carpark used during Stage 1. The carpark is proposed to have a maximum height ranging from 0 to 2 metres (RL 181.23 metres).

<b>Envelope 12: Pedestrian link building</b>	A three-storey building envelope with a maximum height of 13 metres (RL 201.5 metres) is proposed to provide for 450m <sup>2</sup> of GFA for school use and to connect the Resource Centre and Mary Ward buildings.
<b>Envelope 13: P4A Multi-sport Court carpark</b>	The proposed P4A Multi-Purpose Court carpark comprises a lower-ground level carpark envelope with three multi-purpose courts above. The carpark is proposed to have a maximum height of 3 metres (RL 190.3 metres).
<b>Envelope 14: P1A Tennis Court carpark</b>	The proposed P1A Tennis Court carpark comprises a lower-ground level carpark envelope with two tennis courts above. The carpark is proposed to have a maximum height of 3 metres (RL 195 metres).

39. The proposed building envelope heights and massing are shown in **Figure 2**.

**Figure 2** Concept Proposal building envelope heights and massing  
(source: Figure 12 of the Department's AR)



## 4.2 Stage 1 Works

40. **Table 4** provides a summary of the main components of the Stage 1 works.
41. Three of the building envelopes described in **Table 3**, Envelopes 1, 13 and 14, form part of the Stage 1 works.

**Table 4** Summary of the main components of the Stage 1 works  
(source: Department's AR Table 3)

<b>STAGE 1 WORKS</b>	
<b>Component</b>	<b>Description</b>
<b>Project summary</b>	Stage 1 of the development comprises a staged increase of 500 students, staged construction and operation of a two to five-storey boarding accommodation building for 216 students and staff, alterations to existing car parking areas, new carparks, creation of a through site road, provision of pick-up/drop-off facilities and hard and soft landscaping. School population increases are phased to align with infrastructure works.
<b>Site preparation works and remediation</b>	<ul style="list-style-type: none"> <li>• Demolition of existing buildings and structures including: <ul style="list-style-type: none"> <li>○ Loreto Community House (two dwellings);</li> <li>○ 1960s additions connecting the Givendale, Convent and Mary Ward Buildings;</li> <li>○ Mount Pleasant multi-purpose basketball courts and associated structures;</li> <li>○ two tennis courts and sheds fronting Pennant Hills Road; and</li> <li>○ the garage of No. 4 Mount Pleasant Avenue.</li> </ul> </li> <li>• Removal of 105 trees, bulk earthworks and remediation works.</li> </ul>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• Construction of a two to five-storey boarding accommodation building, including accommodation for 216 students within 125 rooms, and two self-contained three-bedroom apartments for staff at levels 2 and 3 each with kitchen, bathroom, living and dining areas.</li> <li>• Construction of a single-storey building (P1A Tennis Court carpark) containing 42 car parking spaces at lower-ground level and two tennis courts at roof level.</li> <li>• Construction of a single-storey building (P4A Multi-purpose carpark) with 64 car parking spaces at lower-ground level and three multi-purpose courts at roof level.</li> <li>• Construction of a stand-alone electrical sub-station outside the Teres Ball Centre.</li> </ul>
<b>GFA</b>	The total proposed GFA of the Stage 1 works is 4,845m <sup>2</sup> .
<b>Car parking and pick-up/drop-off facilities</b>	<ul style="list-style-type: none"> <li>• Provision of three new car parking areas and amendment of existing car parking areas to provide an increase of 123 car parking spaces (from 197 to 320 spaces).</li> <li>• Two additional bus parking bays (from two to four).</li> <li>• One additional student pick-up/drop-off bay (from four to five) within the P3A Osborn Road carpark.</li> <li>• Creation of a new east-west one-way through site road with entry from the Osborn Road entry to the P2 Admin carpark and exit via 4 Mount Pleasant Avenue, including three additional student pick-up/drop off bays at the P1A Tennis Court carpark; and</li> <li>• Bicycle parking.</li> </ul>
<b>CIV</b>	\$40,108,710

42. A perspective photomontage of the proposed boarding accommodation building is shown in **Figure 3**.

**Figure 3** Photomontage of the boarding accommodation building – view of the western elevation facing the school oval (source: Figure 17 of the Department’s AR / Applicant’s SRtS)



### 4.3 Changes to the Application

43. The Commission acknowledges that the Applicant’s RtS included amendments to the Application proposed in the EIS.
44. The key amendments are described in full at AR para. 5.4.2, and summarised below:
- amendments to the Concept Proposal building envelopes, including the deletion of the proposed building fronting Pennant Hills Road and refinements to the size and scale of building envelopes;
  - expansion of the Site boundary to include 4 Mount Pleasant Avenue;
  - introduction of the through site road to provide improvements to the student pick-up/drop-off facilities;
  - staging of infrastructure works to align with student population increases; and
  - amendments to the design of the boarding accommodation building in Stage 1.
45. The Commission notes the Applicant’s comments about the changes made to the Application during its meeting with the Commission on 21 September 2021. The Applicant described that the Application had evolved as a result of consultation with the community and, in particular, the community’s concerns relating to traffic congestion and parking impacts to the local street network. The school’s purchase of 4 Mount Pleasant Avenue to facilitate the introduction of the through site road to provide improvements to the student pick-up/drop-off facilities was a key response to this (Meeting Transcript, pages 8 and 9).

### 4.4 Need and Strategic Context

46. At AR para. 3.1.1 the Department states that the Applicant identified the need for the redevelopment of the school to “*meet contemporary and evolving learning and educational standards, and the expectations of the school community*”.

47. Further, the Department describes that the redevelopment is intended to “*develop a new strategic masterplan that can guide future development of the school in an orderly and organised manner*” and “*develop a facility that increasingly meets the needs of the growing population in the North District*” while still protecting, preserving, and retaining the Site’s unique ecological, aesthetic and historic qualities (AR para. 3.1.2).
48. The Commission heard the Applicant’s comments about the need to increase student numbers during its meeting with the Commission on 21 September 2021. The Applicant stated:
- By establishing these facilities over the 30 years, our intention is that it would allow for early learning, learning across primary years and... strengthen the offering in the secondary school positioning so as to be sustainable in how we plan, ensure a most robust use of resources and stewardship of those resources, introduce our educational philosophy and student growth model to family and children from those earlier really critical early years of learning... and thereby, of course, offer also a pathway to secondary education within the school as that full gamut (Meeting Transcript, page 6).*
49. The Commission also acknowledges the Applicant’s presentation at the Public Meeting on 27 September 2021, where the Applicant described its long-term planning approach to ensure the impacts of increased student numbers is considered at the planning stage and “*growth in student populations is linked with the infrastructure delivery*” (Public Meeting transcript, page 12).
50. The Commission understands the Concept Proposal has a CIV of \$130,133,710 and is predicted to generate 555 construction jobs for the duration of all stages and 71 new operational jobs; and Stage 1 has a CIV of \$40,108,710 and is predicted to generate 184 construction jobs and 36 new operational jobs (AR para. 3.2.1).

## 5 STATUTORY CONTEXT

### 5.1 State Significant Development

51. As stated in paragraph 4, the Application is identified as SSD as it is development for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of SEPP SRD.
52. Under section 4.5(a) of the EP&A Act and clause 8A(1) of SEPP SRD, the Commission is the consent authority for the Application because the Department received more than 50 unique objections during the exhibition period.

### 5.2 Permissibility

53. The Site is located on land zoned R2 Low Density Residential under the HLEP 2013.
54. Paragraphs 4.3.2 to 4.3.4 of the Department's AR describe that development for the purpose of an educational establishment is permitted with consent in the R2 zone, including "*any development which is ordinarily incidental or ancillary to educational establishment*". The Department states that the proposed development is consistent with the objectives of the zone as it seeks to support the wellbeing of the community, including educational, recreational, community, religious and other activities.
55. The Commission notes that the proposed boarding accommodation building is permitted in the R2 zone and acknowledges that the Department is satisfied that the building is an integral part of the school's functions (AR para. 4.3.3).
56. The Department refers to clause 35(11) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)* which states that development for the purpose of "*residential accommodation for students that is associated with a school*" may also be carried out with development consent on land within the boundaries of an existing school.
57. The Commission finds that the proposed development is permissible with consent.

### 5.3 Mandatory Considerations

58. In determining this Application, the Commission has taken into consideration the following matters under section 4.15(1) of the EP&A Act (**Mandatory Considerations**) that are relevant to the Application:
  - the provisions of the following as they apply to the land on which the Application relates:
    - any Environmental Planning Instrument (**EPI**);
    - any proposed instrument;
    - any development control plan;
    - any planning agreement that has been entered into under s 7.4 of the EP&A Act (or draft planning agreement offered);
    - matters prescribed under the *Environmental Planning and Assessment Regulation 2000 (Regulation)*;
  - the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
  - the suitability of the site for the development;
  - submissions made in accordance with the EP&A Act and Regulation; and
  - the public interest.
59. The Department has considered the Mandatory Considerations at section 4.5 of the AR, and the Commission agrees with the Department's assessment conducted on its behalf.

60. The Commission has summarised its consideration of the relevant Mandatory Considerations in **Table 5** and elsewhere in this Statement of Reasons, noting the Mandatory Considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that the Panel has considered matters other than the Mandatory Considerations, the Commission has considered those matters having regard to the subject matter, scope and purpose of the EP&A Act.

**Table 5** Mandatory Considerations

<b>Mandatory Considerations</b>	<b>Commission's Comments</b>
<b>Relevant Environmental Planning Instruments</b>	<p>Appendix B of the Department's AR identifies relevant EPIs for consideration. The key EPIs include:</p> <ul style="list-style-type: none"> <li>• SEPP SRD;</li> <li>• Education SEPP;</li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</i>;</li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>;</li> <li>• <i>State Environmental Planning Policy No. 55 – Remediation of Land</i>;</li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>; and</li> <li>• HLEP 2013.</li> </ul> <p>The Commission agrees with the Department's assessment with respect to the EPIs that are of relevance to the Application as set out in Appendix B of the AR. The Commission therefore adopts the Department's assessment.</p>
<b>Relevant proposed EPIs</b>	<p>The Commission has considered relevant proposed EPIs in making its determination, including the:</p> <ul style="list-style-type: none"> <li>• <i>Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities)</i>;</li> <li>• <i>Draft State Environmental Planning Policy (Remediation of Land)</i>;</li> <li>• <i>Draft State Environmental Planning Policy (Environment)</i>;</li> <li>• <i>Draft State Environmental Planning Policy (Housing Diversity)</i>; and</li> <li>• <i>Draft Design and Place State Environmental Planning Policy</i>.</li> </ul>
<b>Relevant Development Control Plans</b>	<p>Pursuant to clause 11 of SEPP SRD, development control plans do not apply to SSD. The Commission does not consider any development control plan to be relevant to the determination of the Application.</p>
<b>Likely Impacts of the Development</b>	<p>The likely impacts of the Application have been considered in section 7 of this Statement of Reasons.</p>
<b>Suitability of the Site for Development</b>	<p>The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the purposes of redevelopment of an existing school for the following reasons:</p> <ul style="list-style-type: none"> <li>• the Site is located on land zoned R2 and the Application is permissible with consent under HLEP 2013, the Education SEPP and the SRD SEPP;</li> </ul>

<b>Mandatory Considerations</b>	<b>Commission's Comments</b>
	<ul style="list-style-type: none"> <li>• the Application complies with the strategic planning directions of State and Local planning policies (refer to section 5.4);</li> <li>• the Site includes an existing school and is well placed to support the demand for increased student enrolments in the non-government school sector;</li> <li>• the Application is an orderly and economic use of the Site and will provide new school infrastructure and replace ageing school infrastructure that is no longer fit-for-purpose;</li> <li>• environmental impacts have been avoided and mitigated where possible; and</li> <li>• impacts on surrounding land uses have been minimised and are capable of being further mitigated through conditions of consent.</li> </ul>
<b>Objects of the EP&amp;A Act</b>	<p>In this determination, the Commission has carefully considered the Objects of the EP&amp;A Act. The Commission agrees with the Department's assessment of the Application against the Objects of the EP&amp;A Act provided at Table 7 of the AR, which finds that the Application is consistent with those Objects.</p> <p>The Commission finds the Application has been assessed in accordance with relevant EPIs and is capable of complying with the required mitigation measures to achieve consistency with the Objects of the EP&amp;A Act.</p>
<b>Ecologically Sustainable Development (ESD)</b>	<p>The Commission agrees with the Department's assessment of the Application under the ESD principles and finds that the precautionary and inter-generational equity principles have been applied via a thorough and rigorous assessment of the potential environmental impacts of the Application.</p> <p>The Commission finds the Application promotes ESD and is consistent with the precautionary and inter-generational principles subject to the imposed conditions.</p> <p>ESD is discussed further at section 8.2 of this Statement of Reasons.</p>
<b>The Public Interest</b>	<p>The Commission has considered whether the Application is in the public interest in making its determination. The Commission has weighed up the benefits of the Application against the impacts and the proposed minimisation and mitigation measures to reduce impacts.</p> <p>The Commission finds that the Application will provide for contemporary teaching and learning facilities at an existing school that are fit-for-purpose and will benefit both primary and secondary school students. The proposed facilities would improve educational outcomes while minimising impacts to existing school operations.</p> <p>The project would generate 555 construction jobs and 71 new operational jobs for the local area.</p> <p>The Commission finds that on balance, and when weighed against the Objects of the EP&amp;A Act, the principles of ESD and the benefits of the Application, the impacts of the Application are acceptable and can be appropriately managed and mitigated through the requirements of conditions of consent imposed by the Commission.</p> <p>For the reasons above, the Commission finds the Application to be in the public interest.</p>

#### 5.4 Additional Considerations

61. In determining this Application, the Commission has also considered relevant strategic planning policies and guidelines relevant to the Site and to the Application, including:
- NSW Premier's Priority for high quality education;
  - *Greater Sydney Region Plan – A Metropolis of Three Cities, 2018*;
  - *North District Plan, 2018*;
  - *Educational Facilities Standards and Guidelines*;
  - *Greener Places, 2020* (NSW Government Architect);
  - *Better Placed, 2017* (NSW Government Architect);
  - *NSW Future Transport Strategy 2056, 2018*;
  - *State Infrastructure Strategy 2018–2038: Building the Momentum, 2018*;
  - *Interim Construction Noise Guideline*;
  - *NSW Noise Policy for Industry*;
  - *NSW Road Noise Policy*;
  - *Sydney's Cycling Future 2013*;
  - *Sydney's Walking Future 2013*;
  - *Sydney's Bus Future 2013*; and
  - Crime Prevention Through Environmental Design (**CPTED**) Principles.

## 6 THE COMMISSION'S CONSIDERATION

### 6.1 The Commission's Meetings

62. As part of its determination process, the Commission met with various persons as set out in **Table 6**. All meeting and site inspection notes have been made available on the Commission's website.

*Table 6 Commission's Meetings*

Meeting	Date of Meeting / Inspection	Transcript / Notes Available
Locality Tour	10 September 2021, 12 September 2021 and 19 September 2021	28 September 2021
Department	21 September 2021	24 September 2021
Council	21 September 2021	24 September 2021
Virtual Site Inspection	21 September 2021	27 and 28 September 2021
Applicant	21 September 2021	24 September 2021
Public Meeting	27 September 2021	28 September 2021

### 6.2 Material Considered by the Commission

63. In making its determination in relation to the Application, the Commission has carefully considered the following material (**Material**), along with other documents referred to in this Statement of Reasons:
- the SEARs issued by the Department, dated 12 January 2018;
  - the Applicant's EIS, dated 18 June 2019, and its accompanying appendices;
  - all submissions made to the Department in respect of the Application during the public exhibition of the EIS, from 28 June 2019 to 25 July 2019, and again from 9 December 2019 to 31 January 2020, including submissions from members of the public, community organisations and public authorities;
  - the Applicant's RtS and Amended Concept Proposal and Stage 1 Application, dated 8 February 2021, and its accompanying appendices;
  - all submissions made to the Department in respect of the Application during the public exhibition of the RtS, from 23 February to 8 March 2021, including submissions from members of the public, community organisations and public authorities;
  - the Applicant's SRtS, dated 19 May 2021, and its accompanying appendices;
  - the Department's AR, dated August 2021 and received by the Commission on 26 August 2021, including material considered in that report, its accompanying appendices and referral documentation including additional agency submissions;
  - the Department's recommended conditions of consent, received by the Commission on 26 August 2021;
  - all comments made during the Commission's meetings with the Applicant, Council and the Department;
  - the material covered during the virtual site inspection;
  - the material covered during the locality inspection;
  - the material presented to the Commission at the Public Meeting held on 27 September 2021;

- all speaker comments made to the Commission at the Public Meeting held on 27 September 2021;
- all written comments received by the Commission up until 5pm on 4 October 2021;
- correspondence from the Applicant to the Commission, dated 24 September 2021, and its accompanying appendices; and
- the Department's response to the Commission's request for information, dated 13 October 2021, and its accompanying appendices.

### **6.3 Virtual Site Inspection**

64. At the time the Application was referred to the Commission, and for the majority of the Commission's consideration of the Application, the Greater Sydney Region was subject to COVID-19 restrictions, preventing the Commission Panel from conducting a physical site inspection in the normal way. As an alternative, on 21 September 2021, the Applicant presented a virtual inspection of the Site and immediate surrounds to the Commission Panel via video conference (comprised of a live Site walk-through) so that the Commission Panel could gain an understanding of the physical characteristics of the Site and locality.
65. A full transcript of the virtual site inspection was made publicly available on the Commission's website on 27 September 2021. Photographs of key locations along the virtual site inspection route were captured and made publicly available on the Commission's website on 28 September 2021.

### **6.4 Locality Inspection**

66. In addition to the virtual site inspection, the Commission Panel determined that it would be assisted by undertaking a physical locality tour to view the broader context of the area surrounding the Site and its physical characteristics.
67. Commissioners individually undertook locality tours to the Site's surrounds in accordance with public health orders in place at the time. Commissioner Wendy Lewin travelled to the locality of the Site and inspected the area on 10 September 2021; Commissioner Juliet Grant travelled to the locality of the Site and inspected the area on 12 September 2021; and Commissioner Adrian Pilton (Panel Chair) travelled to the locality of the Site and inspected the area on 19 September 2021. The Commissioners each travelled the same route and made observations from the same locations.
68. Photographs of key locations along the locality tour route were captured and made publicly available on the Commission's website on 28 September 2021.

## 7 COMMUNITY PARTICIPATION

### 7.1 Public Meeting

70. The Commission conducted a Public Meeting on 27 September 2021. The Public Meeting was held electronically with registered speakers presenting to the Commission Panel via telephone or video conference. The Public Meeting was streamed live on the Commission's website.
71. The Commission heard from the Department, the Applicant and individual community members. In total, 18 speakers presented to the Commission during the Public Meeting, including the Department and the Applicant.
72. Presentations made at the Public Meeting have been considered by the Commission as submissions and are summarised in section 7.3.

### 7.2 Public Submissions

73. As described at **Table 1**, the Department publicly exhibited the Application three times and received a total of 162 submissions on the Application, comprised of 72 submissions on the EIS and 90 submissions on the RtS. Submissions to the Department have been considered by the Commission in its determination of the Application.
74. The Commission invited written submissions from all persons between 31 August 2021 and 4 October 2021. During this period, the Commission received a total of 20 written submissions on the Application, including:
  - 19 submissions objecting to the Application (95%); and
  - 1 comment on the Application, neither in objection nor support (5%).
75. Key comments about the Application raised through submissions related to:
  - traffic and parking;
  - emergency vehicle access;
  - construction impacts;
  - tree removal;
  - biodiversity; and
  - built form.

Comments made through submissions are summarised in the paragraphs below. The Commission notes that as the issue of traffic and parking was raised as a key reason for objection, it has been summarised under a number of sub-headings to best represent the comments made in submissions.

### 7.3 Key Issues

#### *Traffic and Parking Issues in the Local Road Network*

76. The Commission heard presentations at the Public Meeting and received submissions from members of the public regarding traffic impact on the broader road network. Submissions commented that existing traffic conditions are unacceptable during school pick-up/drop-off times and are likely to be exacerbated by the proposed increase in student numbers, with existing traffic congestion from Loreto Normanhurst impacting pick-up/drop-off arrangements at other nearby schools.
77. At the Public Meeting, speakers commented that the proposed Green Travel Plan is unachievable and unrealistic, commenting that it is unlikely that children will cycle along Pennant Hills Road.

### *Traffic and Parking Issues at Mount Pleasant Avenue*

78. The Commission heard presentations at the Public Meeting and received submissions from members of the public regarding traffic congestion at Mount Pleasant Avenue, with congestion during student pick-up/drop-off times identified as an existing issue.
79. Submissions raised concern about the exit of the proposed through site road increasing traffic issues, particularly at the intersection of Mount Pleasant Avenue / Pennant Hills Road. Concern was also raised about pedestrian safety; amenity impacts to nearby residences; on-street parking impacts; dangerous traffic conditions; and, the cumulative traffic impact of the approved ELC. The Commission heard from a speaker at the Public Meeting regarding traffic safety concerns for their son who lives with disability.
80. A number of submissions raised concern about the proposed 'No-Right-Turn' restriction from Mount Pleasant Avenue to Pennant Hills Road and questioned if it would improve traffic congestion. At the Public Meeting, speakers commented the intersection should be signalised however noted that Transport for NSW (**TfNSW**) do not support another signalised intersection so close to the Osborn Road / Pennant Hills Road signalised intersection.

### *Traffic and Parking Issues at Osborn Road*

81. Submissions made to the Commission expressed frustration regarding existing traffic congestion on Osborn Road and at the Osborn Road / Pennant Hills Road intersection, especially during school times. Concern about impacts to pedestrian safety at Osborn Road were also raised.
82. The Commission notes that submissions were made both for and against the widening of Osborn Road.
83. Submissions raised concern about insufficient on-site parking facilities for school staff and students and the impacts of overflow parking on to Osborn Road, resulting in one-way traffic flows.

### *Emergency Vehicle Access*

84. The Commission received several submissions that raised concern about emergency vehicle access and the impact of increased school traffic congestion for emergency vehicles. One speaker highlighted that both Mount Pleasant Avenue and Osborn Road are no-through roads and are the only exit for residents and the Adventist Aged Care Facility.

### *Construction Impacts*

85. The Commission received submissions that raised concern regarding construction impacts, including noise, dust and traffic impacts.

### *Biodiversity and Tree Removal*

86. The impact of the proposed development on biodiversity was raised in submissions received by the Commission.
87. Submissions raised concern about the number of trees proposed to be removed, with particular concern about trees located to the east of the proposed boarding accommodation building and impacts to the amenity of Mount Pleasant Avenue.
88. At the Public Meeting, the Commission heard a presentation that raised concerns about the impact of the proposed tree removal on a resident pair of Powerful Owls, a listed threatened species (Meeting Transcript, page 37).

### *Built Form*

89. The Commission heard presentations at the Public Meeting and received written submissions regarding the proposed built form and impact on the amenity of the surrounding residential area.
90. With regard to the Stage 1 works, submissions commented that the height and scale of the proposed boarding accommodation building is excessive and inconsistent with the surrounding R2 low density residential zoning and would cause visual impacts to surrounding residences. Some submissions suggested that relocation of the boarding accommodation building to the centre of the Site would be appropriate to reduce the built form impacts to Mount Pleasant Avenue and to retain existing trees currently proposed for removal.

## 8 CONSIDERATION OF KEY ISSUES

### 8.1 Built Form

91. As noted in section 7, the Commission heard from speakers at the Public Meeting and received written submissions that raised concern about the proposed scale of the Application, in particular regarding the height and scale impacts of the proposed Stage 1 boarding accommodation building.
92. The Commission has given consideration to the Application's proposed built form in the following sections. The Commission's findings relating to the Concept Proposal are set out in section 8.1.1, and the Commission's findings relating to Stage 1 are set out in section 8.1.2.

#### 8.1.1 Concept Proposal

93. As described at section 4, the Concept Proposal includes 10 building envelopes located within the northern part of the Site comprising a total of 25,895m<sup>2</sup> of GFA. Eight of the ten building envelopes are proposed for new buildings and the remaining two building envelopes are proposed to be expansions to existing buildings.

#### *Height and Scale of Building Envelopes*

94. The Commission notes that the Site is subject to an 8.5 metre height of building (**HOB**) development standard under the HLEP 2013 and that seven of the ten concept building envelopes, including the Stage 1 boarding accommodation building envelope, would exceed the HOB development standard (AR para. 6.3.4).

95. At AR para. 6.3.6, the Department states:

*Clause 42 of the Education SEPP provides that consent may be granted for the development of a school that is SSD, even where the development would contravene a development standard imposed by that SEPP or any other environmental planning instrument under which the consent is granted. Consequently, the HOB development standard within the HLEP does not apply to this development. However, it is still appropriate to give it consideration as a development assessment guide.*

96. The Applicant has provided justification for the building envelope heights and exceedances in the EIS and amending RtS, having regard to clause 4.6 of the HLEP 2013, which provides flexibility by allowing for contravention of a development standard where compliance is unreasonable and unnecessary.

97. At AR para. 6.3.16 and 6.3.17, the Department states that in considering the merits of the proposal and the building height, the Department was guided by clause 4.6 of the HLEP 2013. In addition, the Department states:

*The Department has also considered the established principle in the case of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009. In accordance with this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant for a clause 4.6 variation request to be upheld.*

*Based on the above, the Department considers the proposed exceedance to the HLEP HOB development standard is acceptable in this case (except Envelope 2)...*

98. The Commission agrees with the Department that the proposed exceedance of the HLEP 2013 HOB development standard is permissible under the Education SEPP. The Commission accepts the Applicant's justification for the proposed building envelope heights and its assessment of environmental impacts including overshadowing and view and visual impacts (section 5.1 of the Applicant's RtS).

99. The Commission acknowledges that the existing school buildings on the Site already exceed the HLEP 2013 HOB development standard and the proposed increase in height is limited to the area of the existing buildings at the northern part of the Site away from the sports oval and forest areas, thereby maintaining the natural environment as a key feature of the school Site.
100. The Commission agrees with the Applicant's position that building envelopes fronting Mount Pleasant Avenue and Osborn Road largely present as two to three storeys and buildings with the greatest non-compliances occur within the centre of the Site, which ensures an appropriate built form relationship to neighbouring properties (AR para. 6.3.7).
101. Notwithstanding the above, the Commission agrees with the Department's concerns regarding the scale of proposed Envelope 2, which comprises the redevelopment of the senior school.
102. At AR para. 6.3.20 and 6.3.21, the Department states:
- ...the land at the northern end of the site (and particularly in the location of the existing Birrane Wing and Deirdre Rolf Centre) is elevated above Osborn Road and Pennant Hills Road and forms the highest point of the site. The result is that this part of the site, and particularly these buildings, are highly visible from within the Osborn Road streetscape.*
103. The Department acknowledges the Applicant's response to its concerns about the height, bulk and scale of Envelope 2, and notes the RtS amendments included a reduction in the height of the Deirdre Rolf Centre and of the connecting envelope by one storey and deletion of the projecting envelope near the Chapel building (AR para. 6.3.22).
104. However, at AR para. 6.3.23 and 6.3.24, the Department states:
- Notwithstanding these changes, the Department maintains its concern that the Birrane Wing, Deirdre Rolf Centre and connecting envelope that form part of Envelope 2 have the potential to facilitate future development that would present significant height, bulk and scale when viewed from Osborn Road...*
- Consequently, the Department considers that the excessive height, bulk and scale of the subject components of Building Envelope 2 would not provide a positive contribution to the streetscape and character of the area. The Department is not satisfied that the design of the building envelope in its current form would be consistent with the Design Quality Principles for schools under Schedule 4 of the Education SEPP...*
105. The Commission agrees with the Department and has therefore imposed the Department's recommended conditions relating to Envelope 2 under Schedule 2, conditions A11 and B1, which limit the overall building height to specified RL levels. The Commission agrees with the Department's view that subject to these conditions, Building Envelope 2 would no longer be visually dominant within the streetscape and would be compatible with the existing low scale residential character on the opposite side of Osborn Road.
106. The Commission notes the Department's Assessment of the height, bulk and scale of the remaining envelopes at AR para. 6.3.15. The Commission agrees with the Department's assessment and is satisfied that the revised building envelopes in the Concept Proposal are of an acceptable height and scale, and future development of each envelope can achieve suitable design outcomes.

107. To ensure future development application(s) associated with the Concept Proposal achieve positive design outcomes, the Commission has imposed conditions under Schedule 2, conditions B4 to B7, which require the Applicant to demonstrate the design quality of future buildings, having regard to existing buildings on the Site, the character of surrounding development, the amenity of neighbours, and the design quality principles under Schedule 4 of the Education SEPP.

### *Demolition Works*

108. The Commission acknowledges the Department's view regarding the demolition of existing structures at Table 7 of the AR. The Department states:

*The proposal involves the demolition of existing buildings and structures on a site of local heritage significance and the establishment of new building envelopes and the construction of a new Boarding Accommodation building. The Department has considered the heritage impacts of the Concept proposal and the Stage 1 works, including impacts to Aboriginal cultural heritage, in detail at Section 6.6, and concludes the proposal is acceptable subject to conditions.*

109. The Commission acknowledges the Applicant's Heritage Impact Statement, which was prepared as part of the EIS and amended by the RtS (prepared by Weir Phillips Heritage, dated December 2020), finds the most significant buildings on the Site (the 1897 Convent Building and the 1953 Chapel) are retained, together with their setting; buildings considered to have moderate or little significance are retained and adapted; and less significant buildings are altered or adapted, thereby reducing the need for new development. The report finds the Application to be appropriate from a heritage perspective and considers the proposed amendments to the Application under the RtS, including the general reduction in scale of the proposed building envelopes, "support and enhance the core significance of the site as a place of education whilst maintaining the fabric and setting of heritage significant elements" (Executive Summary, page 4).
110. The Applicant's Aboriginal Cultural Heritage Assessment, which was prepared as part of the EIS and amended by the RtS (prepared by Eco Logical, dated 17 December 2020), finds that the majority of the Site has low Aboriginal archaeological sensitivity given that it has been highly disturbed over the years and is some distance from waterways (page 6). The report finds the southern woodlands area of the campus could be considered as low to moderate in archaeological potential (page 6), however no works are proposed to this area of the Site under the Application.
111. The Commission is satisfied that the proposed demolition of existing structures on the Site under the Concept Proposal is not likely to impact buildings of heritage significance or Aboriginal items and agrees with the Department that the works are acceptable subject to conditions.

### **8.1.2 Stage 1 Works**

112. The Commission heard from speakers at the Public Meeting and received written submissions that raised concern about the proposed Stage 1 works. Concerns primarily related to traffic and parking matters caused by the Stage 1 works, which are addressed at section 8.4. With regard to built form, submissions raised concerns about the proposed height and resulting visual impacts of the proposed Stage 1 boarding accommodation building, especially when viewed from Mount Pleasant Avenue. The Commission also heard concerns about the impacts of the proposed tree removal associated with the development.
113. As described at section 4, the Stage 1 Works comprise the construction and operation of a new boarding accommodation building for students and staff; amendments to existing and provision of new car parking areas; a through site road; pick-up/drop-off facilities; and hard and soft landscaping.

### *Boarding Accommodation Building*

114. The Commission notes that the proposed boarding accommodation building currently before the Commission for determination has evolved to respond to submissions received to the EIS, RtS and SRtS, including public submissions and submission from Council. The height, scale and building footprint has been amended by the Applicant.
115. The Commission understands that Council's primary concerns related to the unbroken length of the building fronting Mount Pleasant Avenue (150 metres); the atypical scale and character of the building within the low-density residential zone; the lack of appropriate transition in scale; and non-compliance with the *Hornsby Development Control Plan 2013 (HDCP 2013)* built form controls.
116. As noted above, the height, scale and building footprint has been amended by the Applicant through the assessment process. The Commission understands that Council's concerns have been addressed through the redesign of the boarding accommodation building, as discussed during the Commission's meeting with Council on 21 September 2021 (Meeting Transcript, page 2).
117. The Commission acknowledges the Department's views at AR para. 6.3.39 that "*the height, bulk and scale of the Boarding Accommodation building is acceptable and the visual impact of the building on the Mount Pleasant Avenue streetscape is appropriate*".
118. Although the Commission acknowledges that submissions received called for the boarding accommodation building to be relocated to the centre of the Site, or redesigned further, the Commission finds that the location, arrangement, setting and design of the building is appropriate to the Site. The Commission finds the proposed building has been well considered and sensitively designed to retain significant trees, create high amenity internal and external spaces for students, and minimise visual impacts to surrounding residences. The Commission agrees with the Applicant's comments at its meeting with the Commission on 21 September 2021 that the boarding accommodation building responds to the topography of the Site to minimise the scale of the development when viewed from Mount Pleasant Avenue (Meeting Transcript, page 26). The Commission therefore finds that the boarding accommodation building is of an appropriate scale and design for its purpose on the Site and is approvable subject to conditions.
119. The Commission notes that the Department has identified nine additional trees (including three trees of high retention value) that could be retained subject to minor design amendments to the loading bay at the ground and basement level of the boarding accommodation building (AR para. 6.4.19). The Commission agrees with the Department's recommendations in this regard and accordingly has imposed Schedule 3, condition B2 which requires design amendments to enable the identified trees to be retained.

### *Parking Structures and Sports Courts*

120. Regarding the P1A Tennis Court and P4A Multi-Purpose Court carpark buildings, the Commission acknowledges the Department's conclusion that the structures are acceptable given that they are wholly contained within the building envelopes and are of a height and form that is unobtrusive in nature and sympathetic to the existing school buildings and the Site context (AR para. 6.3.42). The Commission understands that the carpark buildings are of simple concrete design with sports courts above and open ground floor elevations that are proposed to be landscaped, including with screening from climbing plants (AR para. 6.3.46).
121. The Commission agrees with the Department's view that the P1A Tennis Court and P4A Multi-Purpose Court carpark buildings are of an appropriate design and scale for the Site.

### Demolition and Site Preparation Works

122. As described at **Table 4**, Stage 1 includes Site preparation works, demolition of existing structures, bulk earthworks, remediation and tree removal. The Commission considers tree removal and replacement further at section 8.5.
123. At AR para. 6.3.59, the Department states that none of the buildings to be demolished as part of Stage 1 works (Givendale 1960s additions, Loreto Community House, courts and sheds) are identified as having heritage significance and in some instances are detracting additions to items. The Commission agrees with the Department that proposed Stage 1 demolition works are acceptable subject to conditions.
124. The Commission acknowledges that the Department is satisfied that the Applicant has adequately demonstrated the Site is suitable, subject to remediation, for the continued use as a school as required by *State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)*.
125. The Commission has imposed the Department's recommended conditions relating to remediation and environmental auditing.

### 8.2 Ecologically Sustainable Development

126. The Commission notes that AR para. 4.5.9 to AR para. 4.5.15 describe how ESD principles have been incorporated into the Application.

#### Concept Proposal

127. At AR para. 4.5.10, the Department notes the ESD initiatives and opportunities that are proposed to be explored as part of the detailed design of future development(s). The Department notes that the Applicant is "*targeting measures to achieve a minimum of a 4-Star Green Star rating equivalency*". At AR para. 4.5.11 the Department recommends that future development applications relating to the Concept Proposal "*demonstrate how ESD principles have been incorporated into the proposal, the minimum 4-Star Green Star rating or equivalent sustainability target is met, and all new buildings consider the installation of green / biodiversity roofs*".
128. The Commission disagrees with the Department's recommendation that future development(s) on the Site should achieve only a minimum 4-Star Green Star rating. The Commission is of the view that a minimum 5-Star Green Star rating or equivalent is achievable and an appropriate requirement for new development relating to the Concept Proposal. The Commission has therefore imposed Schedule 2, condition B20, which requires a minimum 5-Star Green Star rating or equivalent for future development on the Site.
129. The Commission acknowledges the Department's recommendation that green roofs should be installed on all new buildings. The Commission is of the view that such initiatives could be considered by the Applicant as part of its detailed design process for future development if it is found to be appropriate, however the Commission does not consider that such initiatives should be required or mandated, and has therefore not imposed the Department's recommended condition in relation to green roofs.

#### Stage 1

130. At AR para. 4.5.12, the Department notes that the Applicant is targeting a 5-Star Green Star rating equivalency for the boarding accommodation building. At AR para. 4.5.12, the Department notes that a 5-Star Green Star rating equivalency for the boarding accommodation exceeds the target in the Educational Facilities Standards and Guidelines.
131. The Commission supports the Applicant's ambition and has imposed Schedule 3, Condition C27 requiring a 5-Star Green Star rating equivalency be achieved for the boarding accommodation building.

132. The Commission agrees with the Department's recommended condition that a suitably qualified Green Star accredited professional be appointed to monitor the detailed design to ensure the ESD measures are incorporated in the development. The Commission has therefore imposed Schedule 3, Condition C28.
133. The Commission agrees with the Department's view that "*the precautionary and inter-generational equity principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the development*" and the proposed development is "*consistent with ESD principles as described in the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation*" (AR para. 4.5.13).

### **8.3 Staging of the Development and Increase in School Population**

134. The Commission heard presentations at the Public Meeting and received submissions from members of the public that raised concern about the proposed increase in student numbers at the school, and the resulting traffic congestion impacts to the local street network.
135. The Commission acknowledges that the proposed increase in student numbers at the school (from 1,150 to 2,000 students) is a key concern for the local community. However, after hearing the Applicant's comments about the school's 30-year staged growth strategy during its meeting with the Commission on 21 September 2021 (discussed at section 4.4), and noting that the increase in student numbers incorporates both primary and secondary students, the Commission is satisfied that the proposed increase in student numbers is justified and can be appropriately managed.
136. The Commission also acknowledges the Applicant's presentation at the Public Meeting on 27 September 2021, where the Applicant described its commitment to ensure the impacts of increased student numbers are considered upfront to ensure that "*growth in student populations is linked with the infrastructure delivery*" (Public Meeting Transcript, page 12).
137. During its meeting with the Commission on 21 September 2021, the Applicant described that Stage 1 is proposed to be delivered through a number of sub-phases with the aim of ensuring that the required traffic related infrastructure and student pick-up/drop-off facilities would be completed prior to an increase in student numbers (Meeting Transcript, pages 15 and 16). The Applicant noted that the works proposed to be delivered first would also alleviate existing traffic congestion issues at the Site.
138. The Commission is satisfied with the Applicant's proposed staging plan and has imposed Schedule 3, conditions A9 to A12 to ensure the delivery of the required car parking and pick-up/drop-off spaces prior to each proposed increase in school population.

### **8.4 Traffic and Parking**

139. The Concept Proposal and Stage 1 works comprise the following traffic and parking works:
  - provision of an additional 236 on-site parking spaces (increasing the parking provision from 187 to 423 spaces, with Stage 1 initially providing 123 spaces);
  - creation of a new east-west through site road providing a one-way road from the Osborn Road entry to the P2 Admin carpark and exiting via 4 Mount Pleasant Avenue, with access to the P1A Tennis Court carpark and provision of three new pick-up/drop-off bays;
  - additional student pick-up/drop-off bays (increasing the number of bays from four to five) at the P3A Osborn Road carpark;
  - an additional two bus parking bays; and

- bicycle and end-of-trip facilities.
140. The Commission heard presentations at the Public Meeting and received submissions from members of the public that raised concerns about a range of traffic matters, as described at section 7.3.
  141. The Commission notes the Application includes a Transport Assessment Report (**TAR**), Green Travel Plan (**GTP**), Operational Traffic Management Plan (**OTMP**) and Construction Traffic Management Plan (**CTMP**), which consider the existing road and pedestrian conditions, sustainable transport measures and construction and operational impacts (AR para. 6.2.2).
  142. The Commission considers the key assessment issues relating to traffic and parking can be divided into on-site traffic management and traffic congestion and intersection impacts. These matters are considered in the following paragraphs.

#### *On-site Traffic Management*

143. At AR para. 6.2.29, the Department describes the Applicant's response to concerns raised during the exhibition of the EIS by public authorities and members of the public about traffic and parking impacts. The Applicant amended the Application through the RtS to improve traffic arrangements by including the proposed through site road and making changes to the existing student pick-up/drop-off facilities and bus bays. As noted at section 8.3, these facilities are proposed to be delivered ahead of an increase in student numbers. The RtS also includes an OTMP that sets out the proposed management and operation of the pick-up/drop-off facilities.
144. The Applicant is of the view that the proposed traffic arrangements, as amended, "*will significantly address traffic and parking issues with the school*" (page 12 of the Applicant's RtS, dated 8 February 2021).
145. The Commission acknowledges that the Department referred the Application to TfNSW for review. In its letter to the Department dated 3 June 2021, TfNSW stated that its proposed conditions had been incorporated into the Department's recommended conditions of consent and it has no further comments on the Application.
146. The Commission notes the Department's view that "*subject to the completion of the through site road, pickup/drop-off and parking infrastructure the Stage 1 works would adequately accommodate the proposed school population increase*" (Table 21 of the AR, page 114).
147. On 1 October 2021, the Commission sought clarification from the Department regarding vehicle queuing, including confirmation of the number of queuing vehicles that can be accommodated at the proposed new through site road and Osborn Road student pick-up/drop-off facilities. The Department provided a clarification letter in response, dated 13 October 2021 (with supporting appendices), which confirmed that the number of queuing vehicles that can be accommodated on the Site is as follows:
  - through site road – 24 vehicles (queue length of 147.31 metres); and
  - Osborn Road – 13 vehicles (queue length of 81.54 metres).

148. The Commission notes that in its clarification letter, the Department states that the queue length provided in the Department's AR was obtained from the Applicant's Traffic Report submitted with the RtS, and that the numerical queue length provided in the Traffic Report included an error. The Department states that "*notwithstanding, the amended on-site queue length is greater than that originally assessed by the Department [and therefore] the findings of the Department's assessment report (paragraphs 6.2.18 – 6.2.51) that the proposed on-site queueing capacity would meet the demand for pick-up/drop-off is not changed by the submission of the Applicant's additional information*" (page 1 of the Department's clarification letter). The Commission accepts that the Department's assessment remains unchanged.
149. The Commission acknowledges the Department's confirmation that the number of vehicles that can be accommodated within the on-site queue lengths has been calculated in accordance with the relevant Australian Standard (AS2890.1) (page 1 of the Department's clarification letter). The Commission also acknowledges that the Department's independent traffic consultant (Bitzios) is satisfied that the proposed vehicle queueing lengths and number of vehicle queuing spaces is appropriate for the proposal (page 2 of the Department's clarification letter). The Commission therefore understands that Bitzios' assessment of the Application remains unchanged.
150. The Commission agrees with the Department's assessment regarding on-site traffic queuing and is of the view that the through road is an appropriate traffic management measure. The Commission acknowledges that submissions received raised concerns about the impacts of traffic congestion on the surrounding street network, however the Commission finds that the proposed provision of increased on-site queuing capacity and additional on-site student pick-up/drop-off facilities will improve the existing traffic conditions and assist in mitigating the impacts of the growth in student and staff population at the Site.
151. The number of on-site parking spaces were also amended by the Applicant through the RtS to address concerns raised by Council and the Department. Council's concerns are described at AR para. 6.2.56:
- ...after reviewing the RtS Council noted the current school parking provision (197 spaces) does not meet the HDCP requirement (254 spaces) for the existing school population (57 space shortfall). Council advised that additional parking should be provided as part of the Stage 1 works to meet existing demand prior to any increase in student and staff numbers.*
152. Bitzios recommended the Applicant consider the HDCP 2013 car parking requirements (AR para. 6.2.57). In response, the Applicant reconfigured the on-site car parking arrangements to provide additional parking spaces (AR para. 6.2.58 to 6.2.62), including 123 additional spaces during Stage 1.
153. The Department states that it is satisfied the proposed Stage 1 car parking is sufficient to cater for both staff members and students of driving age despite there being a minor shortfall (6 spaces) with regard to the HDCP 2013 car parking rate. The Department considers this would be "*acceptable as the GTP is targeting an overall reduction in private vehicle usage of 5.1% for staff and 11.4% for students*" (AR para. 6.2.63).
154. Regarding car parking for the future stage(s) of the Concept Proposal, the Department's view is set out at AR para. 6.2.64:
- ...the P3A Osborn Road carpark building envelope would have capacity to provide for up to 433 car parking spaces on-site overall which would comply with the recommended minimum car parking rate under the HDCP (381 spaces). The Department supports the provision of the P3A carpark building envelope in order to ensure that there is certainty that sufficient car parking could be provided for the future increase in school population under the future stage/s.*

155. The Commission is satisfied with the on-site car parking strategy and has imposed the Department's recommended conditions to ensure that the proposed car parking numbers are achieved.
156. Regarding on-site bicycle parking, the Department has recommended conditions requiring that, prior to the first increase in student numbers as part of Stage 1 works, the proposed number of bicycle parking spaces be amended to "*include 51 secure and conveniently located bicycle storage facilities for use by students and staff in accordance with the HDCP requirements*" (AR para. 6.2.74). The Commission agrees with the Department's recommendation and has imposed conditions accordingly.

### *Traffic Congestion and Intersection Impacts*

157. As described at section 7.3, the Commission heard presentations at the Public Meeting and received written submissions that raised concerns about traffic congestion impacts along Mount Pleasant Avenue and Osborn Road, which the Commission notes are both no-through roads, and impacts at the intersections of those streets with Pennant Hills Road.
158. The Commission acknowledges Council's concerns about the impacts of school traffic on the local road network. During its meeting with the Commission on 21 September 2021, Council stated:

*In our experience, parents and carers often break the road rules near schools due to the constrained road geometry, in particular, along Osborn Road. Any illegal parking or lack of cooperation by the drivers will have a significant adverse traffic impact on the nearby road network. This is nearly impossible to model using traffic analysis software... While the use of green plans is encouraged, the GTPs are not enforceable by Council or New South Wales Police as there are no legal means to prevent a legally registered vehicle and a licensed driver from driving on public roads to get to a destination. This is evident at most private schools where many red P plated cars are parked in the local streets (Meeting Transcript, pages 4 and 5).*

159. The Commission understands Council's view that Osborn Road should be widened to maintain an orderly flow of traffic and improve pedestrian amenity (Meeting Transcript, page 5). At its meeting with the Commission, Council stated:

*So the way we see it is that addressing the road widening issue is more of an engineering approach to managing the issue, rather than relying on these cooperative measures that are proposed (Meeting Transcript, page 9).*

*...our preferred solution would be to have a spare lane in there so that if the vehicle – vehicles potentially do queue, anyone else that's not related to the school traffic can actually pass through the location (Meeting Transcript, page 10).*

160. During its meeting with the Commission on 21 September 2021, the Department commented that it does not consider widening of Osborn Road to be necessary and any widening "*would have potentially quite a lot of streetscape impacts in terms of taking up road – existing verge space... and landscaping. So all those things put together, the Department concluded it wasn't necessary to widen in that location*" (Meeting Transcript, page 11).
161. At its meeting with the Commission, the Applicant commented that it had discussed the option of widening Osborn Road with Council, however given that this would only be necessary if additional queuing capacity is required, and that queuing is proposed to be entirely managed on the Site, widening of Osborn Road not required (Meeting transcript, page 21).
162. The Commission agrees with the Department and the Applicant and is of the view that the traffic flow benefits of widening Osborn Road (to provide an additional traffic lane) would not outweigh the significant detrimental streetscape impacts.

163. The Commission heard concerns from the community during the Public Meeting and received written submissions regarding the impact on residents of the “No Right Turn” restriction proposed by the Applicant and the Department at the intersection of Mount Pleasant Avenue and Pennant Hills Road.
164. The Department’s independent traffic consultant, Bitzios, advised that *“the right turn is an extremely difficult and dangerous manoeuvre to undertake during school peak periods due to needing to cross three lanes of traffic on Pennant Hills Road”* (AR para. 6.2.118). Bitzios supports the proposed “No Right Turn” ban during peak time periods.
165. The Commission notes that a speaker at the Public Meeting suggested the intersection be signalised. The Commission acknowledges the Department’s correspondence with TfNSW (AR para. 6.2.119) and that TfNSW does not support the signalisation of this intersection due to its proximity to the Osborn Road / Pennant Hills Road intersection and impacts on traffic flows on Pennant Hills Road. AR para. 6.2.122 states:
- The Department liaised with TfNSW about the potential to install ‘No Right Turn’ signage to restrict right turns out of Mount Pleasant Avenue onto Pennant Hills Road during peak times (8am – 9.30am and 2.30pm – 4pm on school days). TfNSW advised that it is not opposed to the Department requiring the Applicant to install the signage subject to consultation and approval of Council.*
166. Although the Commission acknowledges that the right turn ban may cause some inconvenience to residents, the Commission acknowledges TfNSW’s advice and agrees with the Department that the right turn ban would deliver significant safety benefits (AR para. 6.2.124). The Commission agrees with the Department that the restriction should be limited to peak periods on school days to limit impacts to residents.
167. The Commission understands that the Applicant will direct parents and guardians to collect students from the through site road pick-up/drop-off location only if they will subsequently travel to the west, and to use the Osborn Road pick-up/drop-off location (and therefore the Osborn Road / Pennant Hills Road signalised intersection) to turn right onto Pennant Hills Road if they intend to travel to the east.
168. The Commission has accordingly imposed Schedule 3, Condition E27 to restrict turning right at the intersection during peak periods (8:00am–9:30am school days; and 2:30pm–4:00pm school days).
169. The Commission received submissions which raised concern regarding emergency vehicle access along the two no-through roads adjoining the Site. One submission raised concern that *“increased traffic will impact access for emergency vehicles on this street... a particular concern given the aged care facility at the end of our street and our close proximity to bush”*.
170. The Application was referred to the NSW Rural Fire Service (**RFS**) who advised that *“emergency vehicle access should continue to be provided onto the sports fields from Mount Pleasant Avenue and/or Osborne Road”* and that a ‘Bushfire Emergency Management and Evacuation Plan’ should be prepared. The Department agrees with the RFS comments and has recommended conditions accordingly.
171. The Commission has imposed conditions to ensure the Application adequately manages emergency vehicle access (Schedule 2, Condition B24 and Schedule 3 Conditions A24, A25 and E14).
172. In regard to emergency vehicle access for ambulances, noting the Adventist Aged Care Retirement Village located on Mount Pleasant Avenue, the Commission is satisfied that the traffic and parking response, as discussed throughout this Statement of Reasons, adequately addresses traffic congestion to the local street network.

## Summary

173. With respect to traffic and parking matters, in weighing up the Material before it, the Commission finds the proposed Concept Plan and Stage 1 works provide a sufficient level of parking to accommodate the additional student and staff requirements. The proposed through site road, additional pick-up/drop-off zones and queuing capacity will accommodate the proposed growth in student and staff population at the Site, and will mitigate traffic issues by accommodating more vehicles on Site and assist in removing the congestion from the surrounding local road network during peak school pick-up/drop-off times.
174. The Commission finds the proposed traffic generation and intersection impacts have been reasonably predicted and modelled and the mitigation measures, such as implementation of a GTP, OTMP, CTMP and 'No Right Turn' restriction, are appropriate to reduce adverse impacts. The Commission considers the residual impacts are not unreasonable in the context of the Site.
175. The Commission has imposed traffic conditions relating to the Concept Plan and Stage 1 works to ensure that future development application(s) are accompanied by a Traffic Impact Assessment prepared by a suitably qualified consultant that assesses the traffic, transport and pedestrian impacts on the road and footpath networks and nearby intersection capacity (Schedule 2, Condition B14). All road and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). Subject to these conditions, the Commission finds the Application to be reasonable.

## 8.5 Tree Removal and Replacement

176. The Commission received submissions objecting to the Application's proposed removal of trees on the Site. Residents of Mount Pleasant Avenue were particularly concerned about the changes to the streetscape of Mount Pleasant Avenue as a result of the tree removal associated with the construction of the proposed boarding accommodation building.
177. AR para. 6.4.2 states that the proposal is likely to result in the removal of 119 trees (105 within Stage 1 and 14 within the remainder of the Concept Proposal) to facilitate the development.
178. AR para. 6.4.4 notes that the Concept Proposal does not include any physical works, and as such it does not seek approval for tree removal at this stage. The Commission has imposed conditions to ensure that any future tree removal associated with the Concept Proposal is considered with the detailed design of future buildings and spaces as part future detailed DA(s) (Schedule 2, conditions B9 to B11).
179. The 105 trees proposed to be removed as part of Stage 1 involves the removal of 70 trees to accommodate the boarding accommodation building and 35 trees to accommodate car parking and the through site road.
180. An Arboricultural Impact Assessment Report was submitted with the EIS and amended by the RtS (prepared by Earthscape Horticultural Services, dated January 2021). AR para. 6.4.10 summarises that the assessment indicates the 105 trees identified for removal have the following values:
  - nine trees with high significance / retention value;
  - 46 trees of moderate significance / retention value; and
  - 50 trees with low significance / retention value.
181. AR para. 6.4.11 notes that the Arboricultural Impact Assessment Report states that due to the location of the boarding accommodation building, carparks and through site road, it is not possible to retain the trees identified for removal.

182. During the virtual Site inspection on 21 September 2021, and as part of its physical locality tour, the Commission Panel viewed the trees proposed to be removed as part of the Stage 1 works.
183. Following the Commission Panel's inspections, the Applicant provided additional clarification about the trees proposed to be removed to make way for the boarding accommodation building. The clarification, provided to the Commission on 24 September 2021, illustrates the trees proposed to be removed under the Application currently before the Commission for determination, as well as the nine additional trees that could be retained subject to the Department's recommended design amendments to the loading bay at ground and basement level of the building, as discussed at paragraph 119. The Commission agrees with the Department's recommendation and has imposed Schedule 3, Condition B2 which requires the design amendments to be made to enable the retention of the identified trees.
184. The Commission also notes the Department's recommended design amendments to the P3A Osborn Road carpark to increase tree retention in a location proposed for temporary car parking. The Commission supports the Department's recommendations and has imposed Schedule 3, condition B3 which requires design amendments to the P3A Osborn Road carpark to facilitate the retention of the identified trees.
185. The Commission acknowledges the Applicant's commitment to a 1:1 replacement of trees on the Site (Meeting Transcript, page 27), resulting in the existing tree canopy being largely maintained. The Commission notes AR para. 6.4.30 states that the proposed tree canopy coverage of 55,865m<sup>2</sup> (42%) exceeds the recommended canopy coverage target within the NSW Government's *draft Greener Places Design Guide 2020* (40%). The Commission imposed Schedule 3, Condition B5, which requires the tree canopy coverage to be no less than 42% of the Site area, and for replacement planting to be comprised of advanced tree stock.
186. The Commission acknowledges that the Department states that "*the zig-zag footprint of the building has allowed for the retention of numerous trees that would have been lost if the building were to have a more conventional rectilinear footprint*" (AR para. 6.4.18). The Commission also notes that the design provides for a highly articulated building with landscaped setbacks between six metres and 24 metres from the Mount Pleasant Avenue Site boundary (AR para. 6.3.39).
187. While the Commission acknowledges that submissions received object to the proposed removal of trees from the Site, the Commission agrees with the Department's view that on balance, and subject to conditions requiring replacement planting, the proposed tree removal is acceptable.

## 8.6 Biodiversity

188. The Application included a Biodiversity Development Assessment Report (**BDAR**) prepared under section 7.9(2) of the *Biodiversity Conservation Act 2016* (**BC Act**) that provides an assessment of the biodiversity on the Site.
189. The Commission notes the Applicant amended the BDAR (prepared by Eco Logical, dated 16 December 2020) in response to comments provided by the Environment, Energy and Sciences Group of the Department (**EES**) (AR para. 4.4.3) and in response to public submissions during the exhibition of the EIS, which raised concerns about the impact of the development on the existing bushland (AR para. 4.4.4). The Commission notes that the amended BDAR identifies that vegetation within the development footprint of the Concept Proposal (including Stage 1) is "*highly disturbed, with a mixed canopy of mature exotic and native planted species and some remnant regrowth canopy species which have been incorporated into horticultural landscape gardens*" (AR para. 4.4.6).

190. The Department states that despite the presence of native vegetation on the Site, “no threatened fauna species were recorded within the study area during the targeted surveys on the site. Notwithstanding, the BDAR states that the Grey Headed Flying Fox and Powerful owl are likely to use the site for foraging purposes. The vegetation on the site may also be utilised by the species for movement” (AR para. 4.4.9).
191. The Commission acknowledges that it heard concerns from one speaker at the Public Meeting in relation to biodiversity, and specifically comments about bats that inhabit the area (microbats, Grey Headed Flying Foxes the Gould’s Wattled Bat) and the presence of a resident pair of Powerful Owls (described at paragraph 88).
192. The Commission notes that the Application does not include disturbance to the existing bushland area at the southern part of the Site and agrees with the Department’s view that the proposed development has been sited to avoid and minimise impacts on significant vegetation, identified plant communities and species within the Site (AR para. 4.4.10).
193. The Commission notes AR para. 4.4.24 which states:
- The BDAR identified that one Matter of National Environmental Significance (MNES), Pteropus poliocephalus (Grey-headed Flying-fox), which is listed as Vulnerable under the EPBC Act and is likely to use some of the site for foraging. The Eucalyptus scoparia (Wallangarra White Gum) and Syzygium paniculatum (Magenta Lilly Pilly) are also listed as threatened species in the EPBC Act. The BDAR included an assessment of the Grey-headed Flying-fox, Eucalyptus scoparia and Syzygium paniculatum against the Commonwealth Significant Impact Criteria and concluded that the proposal would not have a significant impact on these species. Notwithstanding, MNES is not a matter for consideration under this application, which is not subject to the NSW Assessment Bilateral Agreement.*
194. The Commission acknowledges that in its letter to the Department dated 12 March 2021, EES confirmed that it has considered the amended BDAR and confirmed it has addressed its initial concerns.
195. At AR para. 4.4.23, the Department states that it is “satisfied that indirect impacts occurring during construction are likely to be minor and can be adequately managed and mitigated by the implementation of the BDAR mitigation measures and the Department’s recommended Construction Environmental Management Plan”. The Commission agrees with the Department’s finding in this regard.
196. The Commission has imposed conditions to ensure the mitigation and management measures proposed in the amended BDAR are provided to ameliorate impacts on flora and fauna during construction works (Schedule 3, Condition C14) and incorporated in the Operational Landscape Management Plan (Schedule 3, Condition E31). The Commission has imposed a condition requiring that trees for removal that have hollows must be retained in part as ground fauna habitat or used as replacement hollows and attached to trees within the Site, or if it is not feasible to use salvaged hollows, to replace the loss of each tree hollow with artificial nest box at a minimum ratio of 1:1 (Schedule 3, Condition B5(g) and D20). The Commission has also imposed the Department’s recommended condition regarding the retirement of ecosystem credits (Schedule 3, Conditions C23 to C25).

## **8.7 Other Issues**

### **8.7.1 Bushfire**

197. The Commission notes that the Department sought advice from the RFS during its assessment of the Application. In its submission to the Department dated 5 July 2019, the RFS recommended conditions be placed on any consent issued requiring compliance with relevant bushfire planning guidelines for new development on the Site.

198. The Commission has imposed the conditions recommended by RFS at Schedule 3, conditions A22 to A25, which includes a requirement for Stage 1 and any future development application(s) associated with the Concept Proposal to comply with 'Planning for Bush Fire Protection 2019' (or any other updated version). The Commission has also imposed Schedule 3 condition E14, which requires the Applicant to prepare a 'Bush Fire Emergency Management and Evacuation Plan' consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.
199. The Commission finds the Applicant's proposed bushfire management measures are suitable for the Application.

### 8.7.2 Noise

200. The Commission received submissions raising concerns regarding construction and operational noise impacts.
201. The Commission has imposed the Department's recommended condition that requires any future application(s) associated with the Concept Proposal to be accompanied by a Construction Noise and Vibration Impact Assessment and management and mitigation measures to address any construction noise exceedances (Schedule 2, Condition B28).
202. The Commission agrees with the Department's view that the assessment of operational noise impacts from future application(s) associated with the Concept Proposal is best undertaken when uses, operational capacity and hours of operation are defined (AR para. 6.5.6). The Commission has imposed Schedule 2, Condition B21, which requires future application(s) associated with the Concept Proposal to be accompanied by a Noise and Vibration Impact Assessment.
203. Regarding Stage 1, the Commission understands the Department is satisfied that construction impacts would not adversely impact the ongoing operation of the school, subject to conditions (AR para. 6.5.30). The Commission agrees with the Department's findings and imposes the Department's recommended conditions (Schedule 3, Conditions D13 to D15).
204. The Commission understands that the Stage 1 operational noise sources would primarily arise from the use of: school buildings; the school bell and public address system; sports courts; carparks and through site road; and mechanical plant. The Department "*acknowledges that the school would generate some level of additional noise from its operation. However, the noise generated from the proposal Stage 1 works is acceptable*" (AR para. 6.5.13). The Commission agrees with the Department's finding and considers that operational noise generated by Stage 1 is acceptable and accordingly has imposed the Department's recommended conditions (Schedule 3, Conditions F8 to F11).

### 8.7.3 Construction

205. The Commission acknowledges resident's concerns regarding construction impacts, including noise, dust and traffic, and the impact of construction vehicles parking within the surrounding street network.
206. As part of the RtS, the Applicant submitted a preliminary Construction Management Plan (CMP) which suggests indicative management measures and procedures. The Department has noted that the CMP has not been finalised and recommends a condition requiring preparation of a final CMP prior to any demolition or construction works commencing at the Site.

207. The Commission notes that the Department have stated that they are “satisfied that staged construction, operation and remediation can be appropriately managed on the site, subject to the implementation of a CMP incorporating the other environmental management plans (CPTMP, CNVMP, RAP, archaeological unexpected finds protocol)” (AR para. 6.6.1). Further to this, the Department has recommended a condition requiring future DA(s) associated with the Concept Proposal for demolition or new built form include a Construction Management Plan.
208. The Commission is satisfied that construction management has been adequately addressed and has imposed the Department’s recommended conditions.

#### 8.7.4 Signage

209. The Commission notes that indicative external signage is shown in the conceptual landscape plans included in the Application (prepared by Oculus, dated July 2021).
210. The Commission acknowledges the Department’s comments regarding signage during its meeting with the Commission on 21 September 2021:

*The Department would like to clarify that the applicant has confirmed at page 59 of its EIS that it does not seek consent for the installation or display of external signage as part of this application. This being the case, the Department has not considered it necessary to assess the application against the requirements of SEPP 64. Notwithstanding that the applicant has confirmed it does not seek approval for signage, the Department acknowledges that indicative signage is shown on the conceptual landscape plans as outlined in red on this slide. To ensure signage is not approved and to avoid any ambiguity, an additional condition could be imposed stipulating that separate approval is required for any signage or works (Meeting Transcript, page 6).*

211. The Commission also notes the Applicant’s comments during its meeting with the Commission that confirmed that no signage is proposed as part of the Application and that any future signage will be subject to a separate development application (Meeting Transcript, page 28).
212. The Commission has imposed a new condition (Schedule 2, Condition A10) which excludes the installation or display of new external signage at the Site. Any future signage at the Site must consider *State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)*.

#### 8.7.5 Outdoor Lighting

213. Table 21 of the AR states that no external floodlighting of buildings or the grounds is proposed under the Application, and outdoor lighting is proposed to be limited to external security lighting.
214. The Commission has therefore imposed conditions to ensure that all outdoor lighting has been designed to comply with relevant Australian standards and ensure that future development application(s) associated with the Concept Proposal include an assessment of amenity impacts including light spill.

#### 8.7.6 Electrical Sub-station

215. The Stage 1 works include the construction of a standalone electrical sub-station. The Department states that in response to concerns raised in submissions about the location of the sub-station, the Applicant relocated it from outside the Mount Pleasant Avenue frontage of the Teres Ball Centre building to the Primary School carpark opposite the driveway entrance and the boarding accommodation building (Table 21 of the AR).

216. The Commission acknowledges that the Department supports the relocation of the sub-station noting the revised location is set back 6 metres from Mount Pleasant Avenue and within the existing carpark, and would not result in the removal of any existing trees (Table 21 of the AR, page 110).
217. To ensure the sub-station does not have adverse impacts on visual amenity or existing trees, the Commission has imposed the Department's recommended condition at Schedule 3, Condition B4, which requires that:
- no sub-station service connections to be tracked through the TPZ of any existing adjoining trees;
  - access to sub-station must be from the existing driveway and must not include a new separate driveway connected to Mount Pleasant Avenue; and
  - landscape screening must be provided around the sub-station.

## 9 CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

218. The views of the community were expressed through public submissions and comments received as part of the Department's exhibition of the Application, as part of the Commission's determination process, and in presentations to the Commission at the Public Meeting. The Commission has carefully considered all of these views in making its decision.
219. The Commission has carefully considered the Material before it as set out in section 6.2 of this Statement of Reasons. Based on its consideration of the Material, the Commission finds that the Application should be approved subject to conditions of consent for the following reasons:
- the Site is located on land zoned R2 and the Application is permissible with consent under the HLEP 2013, the Education SEPP and the SRD SEPP;
  - the Application complies with the strategic planning directions of State and Local planning policies;
  - the Site includes an existing school and is well placed to support the demand for increased student enrolments in the non-government school sector;
  - the Application is an orderly and economic use of the Site and will provide new school infrastructure and replace ageing school infrastructure;
  - environmental impacts have been avoided and mitigated where possible; and
  - impacts on surrounding land uses have been minimised and are capable of being further mitigated through conditions on consent.
220. For the reasons set out in paragraph 219, the Commission has determined that consent should be granted subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
  - set standards and performance measures for acceptable environmental performance;
  - require regular monitoring and reporting; and
  - provide for the on-going environmental management of the development.
221. The reasons for the Decision are given in the Statement of Reasons for Decision dated 21 October 2021.



**Adrian Pilton (Chair)**  
Member of the Commission



**Wendy Lewin**  
Member of the Commission



**Juliet Grant**  
Member of the Commission

## APPENDIX A

**Table 7** Main components of the Concept Proposal and Stage 1 works  
(source: Department's AR Table 3)

CONCEPT PROPOSAL			
Component	Description		
<b>Project summary</b>	<ul style="list-style-type: none"> <li>• Concept Proposal for 10 building envelopes for school buildings and facilities, an increase in student numbers by 850 students, associated car parking, infrastructure and landscape masterplan. Eight of the 10 building envelopes would be new buildings while the remaining two would be expansions to existing buildings.</li> <li>• Stage 1 of the development comprising staged increase of 500 students, staged construction and operation of a two to five storey boarding accommodation building for 216 students and staff, alterations to existing car parking areas, new carparks, creation of a through site road, provision of pick-up/drop-off facilities and hard and soft landscaping.</li> </ul>		
<b>Site area</b>	13.17 hectares		
<b>Demolition</b>	<ul style="list-style-type: none"> <li>• The application indicatively shows the demolition of the following buildings (excluding those proposed for removal as part of Stage 1 works) to facilitate the development (Figure 14):               <ul style="list-style-type: none"> <li>○ Birrane, Mulhall and Frizelle Wings.</li> <li>○ Deirdre Rofe Centre.</li> <li>○ Gymnasium building.</li> <li>○ Veronica Reid portables.</li> <li>○ Mary Ward Health Centre.</li> <li>○ Section of Teres Ball Centre.</li> </ul> </li> </ul>		
<b>Building envelope height and Gross Floor Area (GFA)</b>	10 building envelopes located within the northern part of the site, comprising:		
	<b>Building Envelopes*</b>	<b>Max. Height</b>	<b>Max. GFA</b>
	Envelope 1 – Boarding Accommodation building	RL199.5m (17.7m)	4,845m <sup>2</sup>
	Envelope 2 – Senior School	RL 211.5m (20m)	5,200m <sup>2</sup>
	Envelope 4 – Primary School	RL 201.5m (13.6m)	9,000m <sup>2</sup>
	Envelope 5 – Mary Ward Building	RL 209m (20.6m)	400m <sup>2</sup>
	Envelope 6 – Gymnasium	RL 195m (13.1m)	3,800m <sup>2</sup>
	Envelope 7 – Gonzaga Barry Performing Arts Centre	RL 200m (18.2m)	2,200m <sup>2</sup>
	Envelope 8 – P3A Osborn Road carpark and sports field	RL 181.23 (0-2m)	0m <sup>2</sup>
	Envelope 12 – Pedestrian link building	RL 201.5m (13m)	450m <sup>2</sup>

	Envelope 13 – P4A Multi-sport Court carpark	RL 190.3m (3m)	0m <sup>2</sup>
	Envelope 14 – P1A Tennis Court carpark	RL 195m (3m)	0m <sup>2</sup>
	<b>Total</b>		<b>25,895m<sup>2</sup></b>
	*As part of the RtS, the Applicant deleted Envelopes 3, 9 and 10 from the proposal and Envelope 11 relates to the Mount Pleasant Avenue ELC (not part of this application).		
<b>Student capacity</b>	<ul style="list-style-type: none"> <li>• An overall increase of student capacity of 850 students (from 1150 to 2000 students): <ul style="list-style-type: none"> <li>○ predicted 450 primary and 1550 secondary students.</li> <li>○ delivery in two stages, including an increase of: <ul style="list-style-type: none"> <li>▪ 500 students linked with the construction of new car parking and pick-up/drop-off facilities in the Stage 1 works; and</li> <li>▪ 350 students associated with the development of Envelope 8 (underground carpark).</li> </ul> </li> </ul> </li> <li>• Boarding accommodation for 216 students within Stage 1 works (increase of 61 boarders).</li> </ul>		
<b>Car parking and pick-up / drop-off</b>	<ul style="list-style-type: none"> <li>• A staged increase of 236 on-site car parking spaces (from 197 to 433 spaces): <ul style="list-style-type: none"> <li>○ 123 car parking spaces as part of the Stage 1 works.</li> <li>○ up to 113 additional car parking spaces at a later stage within Envelope 8 (underground carpark) accessed from Osborn Road.</li> </ul> </li> <li>• The car parking spaces would be used as follows: <ul style="list-style-type: none"> <li>○ 423 car parking spaces for the use of the school; and</li> <li>○ 10 car parking spaces for the sole use of the future ELC.</li> </ul> </li> <li>• An increase of one pick-up/drop-off space (from four to five spaces) in Stage 1.</li> <li>• An increase of two bus parking bays (from two to four bays) accessed via the slip road off Osborn Road.</li> </ul>		
<b>Bicycle parking</b>	<ul style="list-style-type: none"> <li>• Bicycle parking and end-of-trip facilities to be provided in accordance with the <i>Hornsby Development Control Plan 2013</i> (HDCP 2013).</li> </ul>		
<b>Landscaping and tree removal</b>	<ul style="list-style-type: none"> <li>• Concept landscape masterplan including: <ul style="list-style-type: none"> <li>○ landscaping between building envelopes and on the roof of Envelope 8; and</li> <li>○ hard and soft landscaping provided as part of Stage 1 works.</li> </ul> </li> <li>• Removal of 119 trees (105 within Stage 1 and 14 in future stages).</li> </ul>		
<b>Concept staging</b>	<ul style="list-style-type: none"> <li>• The Concept Proposal establishes a long-term 30-year framework for growth of the school with no details of future stages (beyond Stage 1) provided.</li> </ul>		

<b>Jobs</b>	<ul style="list-style-type: none"> <li>• Total jobs over all construction and operational stages associated with the Concept Proposal: <ul style="list-style-type: none"> <li>○ 555 full time equivalent construction jobs; and</li> <li>○ 71 additional full time equivalent operational jobs (from 254 to 325 jobs).</li> </ul> </li> </ul>
<b>Capital Investment Value (CIV)</b>	<ul style="list-style-type: none"> <li>• \$130,133,710</li> <li>• \$90,025,000 excluding Stage 1</li> </ul>
<b>STAGE 1 WORKS</b>	
<b>Component</b>	<b>Description</b>
<b>Project summary</b>	Staged construction and operation of a two to five storey boarding accommodation building for students and staff, amendments to existing and provision of new car parking areas, a through site road, pick-up/drop-off facilities, and hard and soft landscaping.
<b>Site preparation works and remediation</b>	<ul style="list-style-type: none"> <li>• Demolition of existing building and structures: <ul style="list-style-type: none"> <li>○ Loreto Community House (2 dwellings);</li> <li>○ 1960's additions connecting the Givendale, Convent and Mary Ward Buildings;</li> <li>○ Mount Pleasant multi-purpose basketball courts and associated structures;</li> <li>○ two tennis courts and sheds fronting Pennant Hills Road; and</li> <li>○ the garage of No. 4 Mount Pleasant Avenue.</li> </ul> </li> <li>• Temporary relocation of the Uniform Shop to the site of the future ELC building.</li> <li>• Bulk earthworks resulting in the removal of approximately 10,462 cubic metres (m<sup>3</sup>) from the site, (11,470 m<sup>3</sup> of cut and 1008m<sup>3</sup> of fill).</li> <li>• Remediation works.</li> </ul>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• Construction of a two to five storey (maximum RL 199.5m / 17.7 m) boarding accommodation building including: <ul style="list-style-type: none"> <li>○ accommodation for 216 students within 125 rooms (6-bed, twin and single rooms);</li> <li>○ amenities including common areas, kitchen, dining, lounge, music, wellness, luggage/storage, active lobby and laundry rooms; and</li> <li>○ two self-contained three-bedroom apartments for staff at levels 2 and 3 each with kitchen, bathroom, living and dining areas.</li> </ul> </li> <li>• Construction of a single storey building (P1A Tennis Court carpark) containing 42 car parking spaces at lower-ground level and two tennis courts on the roof.</li> <li>• Construction of a single storey building (P4A Multi-purpose carpark) with 64 car parking spaces at lower-ground level and three multi-purpose courts on the roof.</li> <li>• Construction of a stand-alone electrical sub-station outside the Teres Ball Centre.</li> </ul>

<b>GFA</b>	4,845m <sup>2</sup>
<b>Student capacity</b>	Staged increase of 500 school students (from 1150 to 1650 students) associated with the construction of car parking and pick-up/drop-off facilities.
<b>Car parking</b>	Provision of three new car parking areas and amendment of existing car parking areas, to provide an overall increase of 123 car parking spaces (from 197 to 320 spaces).
<b>Pick-up/drop-off facilities</b>	<ul style="list-style-type: none"> <li>• One additional student pick-up/drop-off bay (from four to five) comprising removal of four existing and provision of five replacement pick-up/drop-off bays within the P3A Osborn Road carpark and adjacent to the P1 Pennant Hills Road carpark.</li> <li>• Two additional bus parking bays (from two to four bus bays).</li> </ul>
<b>Through site road</b>	<ul style="list-style-type: none"> <li>• Creation of a new east-west through site road: <ul style="list-style-type: none"> <li>○ one-way road from the Osborn Road entry to the P2 Admin carpark, and exit via 4 Mount Pleasant Avenue; and</li> <li>○ providing access to the P1A Tennis Court carpark and three pick-up/drop off bays.</li> </ul> </li> </ul>
<b>Bicycle parking</b>	<ul style="list-style-type: none"> <li>• A total of 21 bicycle parking spaces: <ul style="list-style-type: none"> <li>○ 5 to 15 spaces within the basement of the boarding accommodation building;</li> <li>○ 6 spaces within the P4A carpark; and</li> <li>○ 10 spaces elsewhere within the campus (subject to detailed design).</li> </ul> </li> </ul>
<b>Trees and landscaping</b>	<ul style="list-style-type: none"> <li>• Removal of 105 trees (70 in the location of the boarding accommodation building and 35 elsewhere), provision of 105 replacement trees.</li> <li>• Hard and soft landscaping.</li> <li>• Expansion of the existing oval and running track.</li> </ul>
<b>Staging</b>	Four construction and operational stages (as described in Section 2.4 of the AR).
<b>Jobs</b>	<ul style="list-style-type: none"> <li>• Total jobs over the four construction and operational stages: <ul style="list-style-type: none"> <li>○ 184 construction jobs; and</li> <li>○ 36 operational jobs.</li> </ul> </li> </ul>
<b>CIV</b>	\$40,108,710