



20 September 2019

St Aloysius' College Redevelopment (SSD 8669)

1. INTRODUCTION

1. On 8 July 2019, the Independent Planning Commission of NSW (the **Commission**) received from the NSW Department of Planning, Industry and Environment (the **Department**) a State significant development (**SSD**) application from St Aloysius' College Limited (the **Applicant**) for a staged redevelopment of the St Aloysius' College in Kirribilli (**Site**) comprising a concept development application and Stage 1 works (the **Application**).
2. The Application is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) as it is development for the purposes of an education establishment with a capital investment value greater than \$20 million, as defined under Clause 15(2) of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SRD SEPP**).
3. 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 SRD SEPP because:
 - North Sydney Council (**Council**) objected to the Application; and
 - the Department received more than 25 submissions from the public objecting to the Application.
4. Professor Mary O'Kane AC, Chair of the Commission, nominated Annelise Tuor (Chair), Chris Wilson and Soo-Tee Cheong to constitute the Commission to determine the Application.

1.1 Site and locality

5. The Department's Assessment Report for SSD 8669 dated July 2019 (**Department's Assessment Report**) describes the Site as having three campuses within Kirribilli, including:
 - St Aloysius' Junior School (**Junior Campus**) located at 29 Burton Street;
 - St Aloysius' Senior School (**Senior Campus**) located at 1-5 Jeffreys Street; and
 - St Aloysius' Middle School (**Main Campus**) located at 47 Upper Pitt Street.
6. The Site is located in Kirribilli, to the east of the Bradfield Highway/Sydney Harbour Bridge and the northern rail line. The Site is primarily bound by a mix of terrace and semi-detached dwellings and multi storey residential flat buildings, with the Junior Campus also bound by commercial businesses of Kirribilli village to the north and west. Figure 1 shows the location of the Site in the context of the surrounding locality.
7. St. Aloysius' College has operated in the area for over 115 years, with the college relocating from Woolloomooloo to its first campus, the Main Campus, in 1903. The Wyalla Senior Campus followed when it was acquired in 1916. After World War II, the number of students rapidly increased and the Wyalla site was redeveloped to cater for this growth, with the Junior Campus being acquired in 1991.



Figure 1: Site location and surrounding local context (Source: Department's Assessment Report)

1.2 Summary of Application

8. The Application before the Commission for determination proposes the following:
 - concept development application to develop the Junior, Senior and Main Campuses in two stages, including partial demolition, refurbishment and alterations and additions to existing buildings to provide new teaching and learning spaces and new multi-purpose / recreation / sports facilities.
 - Stage 1 works at the Main and Senior campuses comprising:
 - the demolition and rebuild of the four-storey north-east wing building on the Main Campus, construction of a new infill building in the existing quadrangle, and associated refurbishment of North Wing, South Wing, Great Hall and Chapel; and
 - alterations and a ground floor addition to the Wyalla building on the Senior Campus and internal refurbishment and upgrades to existing teaching and learning facilities.
9. The Applicant's Response to Submissions (**RtS**) dated December 2018 amended the scope of the Application to include:
 - a reduction in the proposed height of the redeveloped north-east wing of the Main Campus, to be consistent with the existing height;
 - changes to the balustrade design on the Main Campus rooftop terrace;
 - landscaping changes to retain trees along Bligh St and Crescent Place at the Junior Campus and 'Tree 60' adjacent to the Main Campus; and
 - minor amendments to the Senior Campus.
10. The Applicant provided additional information to the Commission on 15 August 2019, which included an amendment to the roof form and a lower ridge height of the proposed additional level at the Junior School. The Applicant confirmed in the additional information provided to the Commission on 30 August 2019 that the "*revised concept plans provided to*

the Commission on 15 August 2019 are an amendment to the Concept Proposal development application and are to supersede the corresponding documentation under the proposed Schedule 2 Condition A4”.

11. Key components of the Application are set out below in Table 1:

Table 1: Main Components of the Application (Source: Department’s Assessment Report)

Aspect	Description												
Project Summary	Concept development application and Stage 1 works for the redevelopment of St Aloysius’ College comprising the staged redevelopment of the Junior, Senior and Main Campuses including partial demolition, refurbishment and alterations and additions to existing buildings to provide new teaching and learning spaces and new multipurpose/sports facilities.												
Demolition	Partial demolition of the existing northeast wing building of the Main Campus.												
Built Form – Concept	Second storey and subterranean additions to Junior Campus.												
Built Form – Stage 1	<ul style="list-style-type: none"> Ground floor addition to the Wyalla building on the Senior Campus. Four storey north-east wing building on the Main Campus along with a new infill building in the existing quadrangle and single storey extension to level five of the north wing. 												
Site Area	<ul style="list-style-type: none"> Junior Campus: approximately 4335 square metres (m²). Senior Campus: approximately 3421 m². Main Campus: approximately 4054 m² 												
Gross floor area (GFA)	<table border="1"> <thead> <tr> <th></th> <th>Existing</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Junior Campus</td> <td>1992 m²</td> <td>3577 m²</td> </tr> <tr> <td>Senior Campus</td> <td>4230 m²</td> <td>4353 m²</td> </tr> <tr> <td>Main Campus</td> <td>10,373 m²</td> <td>73,480 m²</td> </tr> </tbody> </table>		Existing	Proposed	Junior Campus	1992 m ²	3577 m ²	Senior Campus	4230 m ²	4353 m ²	Main Campus	10,373 m ²	73,480 m ²
	Existing	Proposed											
Junior Campus	1992 m ²	3577 m ²											
Senior Campus	4230 m ²	4353 m ²											
Main Campus	10,373 m ²	73,480 m ²											
Uses	School (years three to 12) with ancillary community use.												
Access	<ul style="list-style-type: none"> Junior Campus: Existing vehicular access to undercroft parking from Humphrey Place. Main pedestrian access from Burton Street. Senior Campus: Existing vehicular access to parking and loading from Robertson Lane. Pedestrian access from Jeffreys Street and Upper Pitt Street. Main Campus: Existing vehicular access for servicing and loading off Upper Pitt Street and Jeffreys Street. Pedestrian access from existing Upper Pitt Street entrance and new Jeffreys Street entrance. 												
Student numbers/staff numbers	No change.												
Car Parking	No change – existing parking to be retained.												
Bicycle Parking	No change.												
Public Domain and landscaping	No change.												
Hours of operation	<ul style="list-style-type: none"> Core school activities: 8:30am to 3:30pm Monday to Friday. Extra-curricular school activities consistent with existing operations: Monday to Saturday up 10pm (New Year's Eve events extend to 12:30am). Non-school activities, including community and religious activities: Monday to Saturday consistent with existing operations up to 10pm. 												
Jobs	407 construction jobs (concept development application) and 372 construction jobs (Stage 1 works).												
CIV	Concept development application: \$70 million. Stage 1 \$62.5 million.												

12. The concept development application layouts for each Campus are shown in Figure 2, Figure 3 and Figure 4.

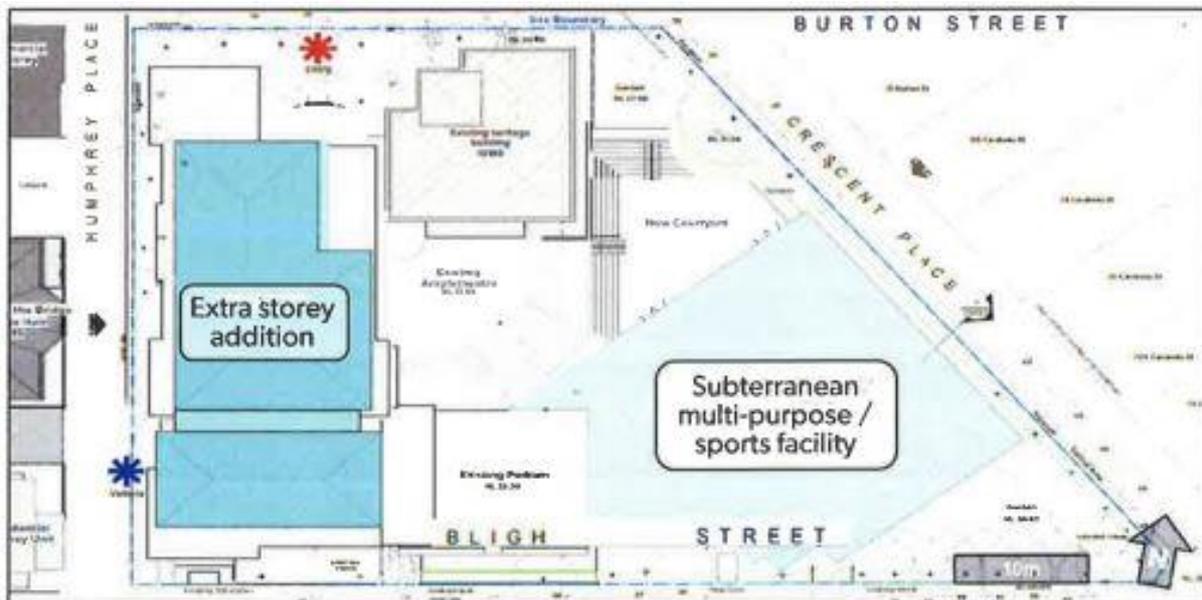


Figure 2: Junior Campus Concept Plan layout (Source: Applicant's EIS 2018)

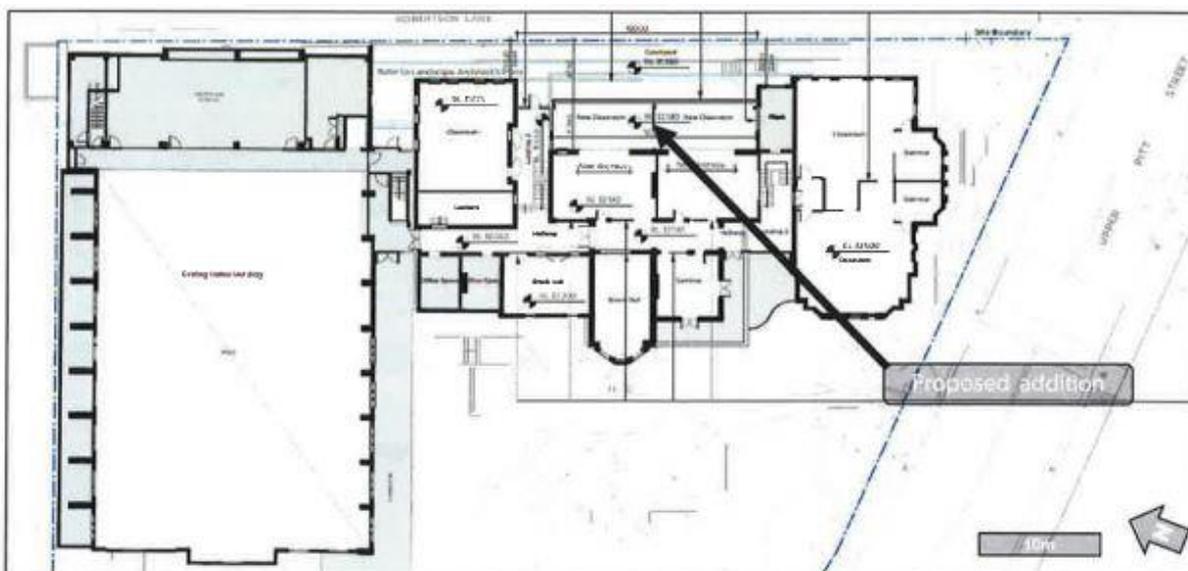


Figure 3: Senior Campus Concept Plan layout (Source: Applicant's EIS 2018)

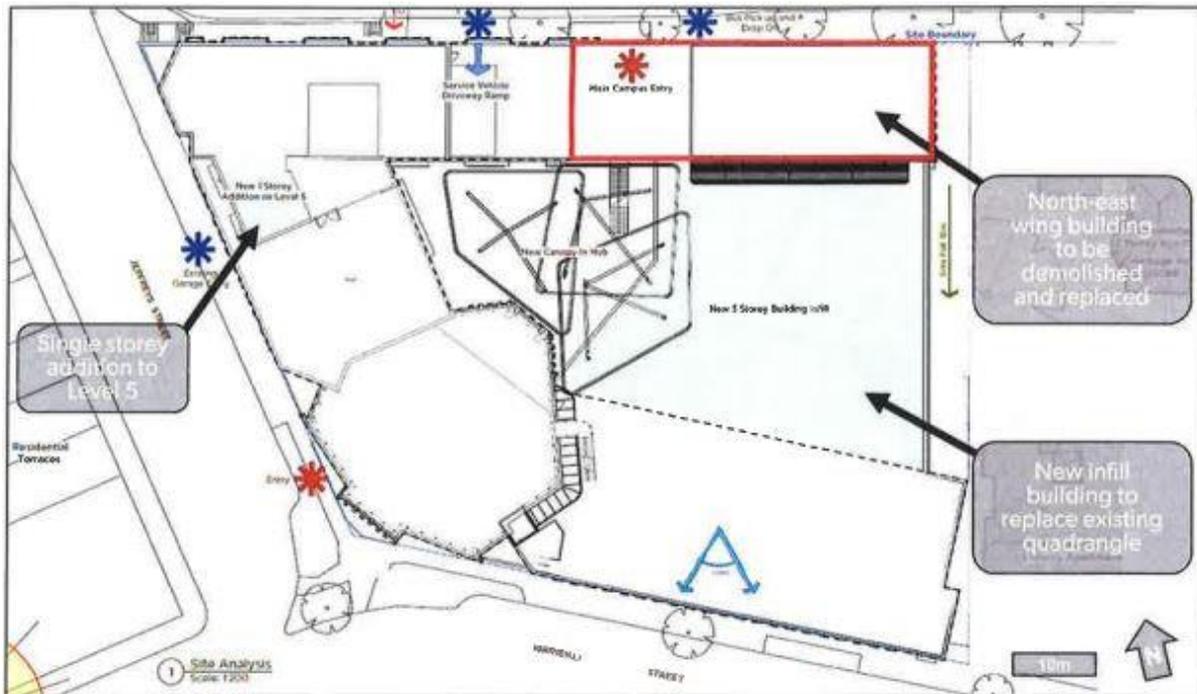


Figure 4: Main Campus Concept Plan layout (Source: Applicant's EIS 2018)

1.3 Stated need for the Application

13. The Applicant states in its Environmental Impact Statement (EIS) that:

"The proposed development will result in an improved educational environment for the school through:

- *Promoting excellence in Catholic and Jesuit education; Building on the strengths of the past to inform the present and create new futures that will enable students to experience growth and success;*
- *Achieve quality teaching and learning in all aspects of College life;"*

2. THE DEPARTMENT'S CONSIDERATION OF THE APPLICATION

2.1 Key steps in Department's consideration of the Application

14. The request for Secretary's Environmental Assessment Requirements (**SEARs**) was made by the Applicant on 28 July 2017 and SEARs were issued by the Department on 28 August 2017.
15. The Applicant's EIS, prepared by WillowTree Planning, dated 12 April 2018, was received by the Department on 12 April 2018.
16. The Department publicly exhibited the Application and EIS from 27 April 2018 to 28 May 2018. The Department received a total of 89 submissions, including six from public authorities, one from the Council, two from local community groups and 80 from the general public. Of the 89 submissions received, 78 public submissions, two community group submissions and the Council objected to the Application.
17. The key issues raised in Council's, the community groups' and the public's submissions included:
 - increased traffic congestion within Kirribilli with ensuing road safety concerns;

- lack of car parking and drop-off / pick-up zones;
- impacts on surrounding properties due to the overall built form, noise, view losses and overshadowing;
- impacts associated with an increased student population;
- impacts on the heritage values and character of Kirribilli;
- construction impacts including cumulative impacts with the Loreto Kirribilli school; and
- vegetation removal and landscaping.

18. The Department's breakdown of the matters raised in public submissions, and the percentage of submissions attributed to these matters, is provided in Figure 5.

Issue	Proportion of submissions
Lack of parking	68%
Traffic congestion	59%
Lack of, and inconsistency in, information provided in the EIS	51%
Operational noise	48%
Tree removal and lack of landscaping	49%
Construction noise, traffic and timeframes	43%
Lack of drop-off / pick-up areas	39%
Height, scale and setbacks of proposed buildings	40%
Lack of, poor quality and inaccuracy of consultation	34%
Visual appearance / impact of proposed buildings	28%
Extent and impacts of excavation	26%
Loss of views	24%
Use of public infrastructure with no public benefit	23%
Failure to comply with LEP and DCP requirements	21%
Failure to consider alternative options / other land available	21%
Overshadowing	20%
Heritage impacts	20%
Lack of open space for students	18%
Amenity impacts, including from lighting and loss of privacy	18%
Impacts on property values	5%

Figure 5: Summary of public submissions (Source: Department's Assessment Report)

19. On 13 December 2018, the Applicant provided a RtS to address the issues raised during exhibition of the Application.
20. The Department's Assessment Report stated that the RtS was made publicly available on its website and public authorities and members of the public who made submissions on the modification request were notified. The Department received an additional six submissions from public authorities and two public submissions. The public submissions stated that the Applicant's RtS did not address or respond to concerns raised about impacts on the property immediately to the east of the Site.

2.2 The Department's Assessment Report

21. The Department's Assessment Report, dated July 2019, identified the statutory context for the assessment of the Application:
 - the permissibility of the Application against the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* and the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)*, indicating that the Application is permissible with consent;
 - how the Application addresses the relevant environmental planning instruments (EPI) including the
 - Education SEPP;
 - SRD SEPP;
 - *State Environmental Planning Policy (Infrastructure) 2007*;
 - *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - *Draft State Environmental Planning Policy (Remediation of Land)*;
 - *Draft State Environmental Planning Policy (Environment)*;
 - *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*; and
 - the NSLEP 2013;
 - how the Applicant's EIS and RtS and the Department's assessment has addressed the objects of the EP&A Act and the principles of Ecologically Sustainable Development (ESD);
 - the matters for consideration under section 4.15 of the EP&A Act; and
 - the Application would not require a biodiversity development assessment report under the Biodiversity Conservation Act 2016.
22. The Department's Assessment Report identified the following key assessment issues with the Application:
 - built form and urban design;
 - the heights of the proposed buildings are greater than the limits under the NSLEP 2013;
 - heritage impacts on locally listed buildings and heritage conservation areas;
 - proposed materials and finishes of the new buildings; and
 - tree removal and landscaping;
 - environmental and residential amenity:
 - construction and operation noise impacts, particularly noise from rooftop events, outdoor sporting activities and mechanical plant;
 - impacts on views towards Sydney Harbour from surrounding residential buildings due to works at the Main Campus;
 - solar access and privacy impacts on properties immediately to the east of the Main Campus; and
 - light spill from the rooftop terrace at the Main Campus;
 - traffic and parking:
 - construction traffic, access and parking;
 - operational traffic and car parking including impacts associated with the use of the school facilities outside school events and concerns raised about the potential for an increased student population; and
 - operational bicycle parking and end-of-trip facilities.
23. Other issues assessed by the Department included contamination, vibration impacts during construction, biodiversity, construction air quality and erosion and sediment control, stormwater, utilities, archaeology, social impacts, accessibility, consultation and lack of available open space for students.
24. The Commission notes the Department's Assessment Report assessed the merits of the Application, considered the issues raised in the public authority and public submissions, as

well as the Applicant's responses to these.

25. The Commission notes the Department's Assessment Report also considered the Application against the provisions of The Greater Sydney Plan: A Metropolis of Three Cities (Sydney Plan) and the Greater Sydney Commission's North District Plan and concluded that the Application is appropriate for the Site given it proposes improved school facilities within a central mixed-use walkable location.

26. The Department's Assessment Report concluded that:

"... the proposed built form and scale is acceptable in the context of the existing development on the three campuses, the medium to high density and scale form [sic] of surrounding development, and the site constraints. The proposal would also have acceptable impacts with regard to operational noise, views, overshadowing and privacy, and would have acceptable traffic and parking impacts recognising that the proposal does not involve an increase in student numbers and does not alter existing access arrangements.

27. The Department's Assessment Report also concluded that the impacts of the Application are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent, which include:

- relevant matters for consideration in future development applications for the proposed works at the Junior Campus;
- design requirements for the glass balustrade and limits on the height of structures on the rooftop terrace of the Main Campus to minimise impacts on views;
- landscaping changes on the rooftop terrace and requirements for screening on windows of the Main Campus to limit impacts on privacy;
- a requirement to minimise noise and vibration impacts during construction and operation of the Application;
- a limit on the number, duration and attendance of events on the rooftop terrace on the Main Campus, as well as limits to sound amplification and monitoring to confirm the effectiveness of these measures;
- limiting the student and staff numbers at the school to reflect the assumption of no student growth in the Applicant's assessment;
- construction and operational traffic management measures; and
- requiring appropriate tree protection during construction, satisfactory replacement planting/landscaping and subsequent ongoing management.

3. THE COMMISSION'S MEETINGS AND SITE VISIT

28. As part of its consideration, the Commission met with the Department, the Applicant and the Council on 31 July 2019, with an additional meeting with the Department on 2 September 2019. The Commission also conducted a Site inspection and held a public meeting on 8 August 2019. A summary of the meetings, Site inspection and public meeting is set out below.

3.1 Meetings with the Department

29. On 31 July 2019, the Commission met with the Department to discuss the Application. Issues discussed at the meeting are recorded in the transcript, which was made available on the Commission's website on 1 August 2019.

30. An additional meeting was held with the Department on 2 September 2019 to discuss and clarify residual matters for the Commission's assessment. The transcript for this meeting was made available on the Commission's website on 9 September 2019.

3.2 Meeting with the Applicant

31. On 31 July 2019, the Commission met with the Applicant to discuss the Application. Issues discussed at the meeting are recorded in the transcript, which was made available on the Commission's website on 1 August 2019.

3.3 Meeting with Council

32. On 31 July 2019, the Commission met with Council to discuss the Application. Issues discussed at the meeting are recorded in the transcript, which was made available on the Commission's website on 1 August 2019.

3.4 Site inspection

33. On 8 August 2019, the Commission conducted an inspection of the Site and visited the surrounding locality. The Site inspection was attended by the Commission Panel and Secretariat and representatives of the Applicant. The Commission also inspected views of the Main Campus from the surrounding residential locality and from units 6,12 and 13 in Building No. 48 Upper Pitt Street and "Craiglea" at 49 Upper Pitt Street. The Site inspection notes were made available on the Commission's website on 16 August 2019.

3.5 Public Meeting

34. On 8 August 2019, the Commission held a public meeting at the Kirribilli Club, 11 Harbourview Crescent, Lavender Bay. A list of speakers that presented to the Commission, the transcript of the public meeting and a copy of the material tendered at the public meeting were made available on the Commission's website on 8 August 2019. An opportunity to lodge written comments within seven days of the public meeting was afforded to those present at the public meeting. The Commission received twenty-four (24) further submissions from the public and one on behalf of the Applicant. All submissions received are available on the Commission's website.

35. In summary, the main issues of concern raised at the public meeting included:
- the redevelopment would facilitate an increase in the student population;
 - increased traffic and parking impacts and that inadequate provision has been made for on-Site parking;
 - impacts on the iconic views of Sydney Harbour resulting from the Main Campus development;
 - noise impacts from activities and functions on the rooftop terraces (Main Campus) and from the proposed multi-purpose hall at the Junior Campus;
 - privacy and amenity impacts on properties adjacent to the Main Campus;
 - the bulk and scale of the proposed redevelopment of the Main Campus;
 - construction impacts on property, traffic and amenity;
 - impacts on property values; and
 - lack of community engagement.

4. ADDITIONAL INFORMATION

36. The Commission received the following additional information regarding the Application:
- 13 August 2019 – clarifications from the Department following the meeting with the Commission on 31 July 2019;
 - 15 August 2019 – additional information from the Applicant following the 31 July

- 2019 meeting with the Commission and the public meeting and Site inspection on 8 August 2019; and
- 29 August 2019 – additional information from the Applicant in response to questions raised by the Commission in its letters of 26, 27 and 28 August 2019.

All of the above information is available on the Commission's website.

5. THE COMMISSION'S CONSIDERATION

5.1 Material considered by the Commission

37. In its determination, the Commission has carefully considered the following material (**Material**):
- the SEARs for SSD 8669 dated 28 August 2017;
 - the Applicant's EIS titled *St Aloysius' College Redevelopment (Concept Master Plan and Built Form Approval) Report* dated 12 April 2018, prepared by Willowtree Planning, and its accompanying appendices;
 - the Response to Submissions Report dated December 2018, prepared by Willowtree Planning, and its accompanying appendices;
 - additional information provided by Willowtree Planning dated 21 December 2018, 2 April 2019, 4 June 2019 and 7 June 2019;
 - the Department's Assessment Report dated July 2019 and its accompanying appendices;
 - comments made by representatives of the Department, the Council and the Applicant at the respective panel meetings;
 - comments made by members of the public at the public meeting and all submissions received; and
 - additional information provided by the Department and the Applicant following their respective meetings with the Commission and correspondence from the Commission dated 26, 27 and 28 August 2019 (refer to paragraph 36).

5.2 Mandatory considerations

38. In determining this Application, the Commission has taken into consideration the following relevant mandatory considerations, as provided in section 4.15 of the EP&A Act (**mandatory considerations**). The Commission has only considered the likely impact of the Application and has not considered the likely impact of the carrying out of development that may be the subject of subsequent development applications, per section 4.22(5) of the EP&A Act:
- the provisions of:
 - relevant environmental planning instruments (EPIs); and
 - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved); and
 - development control plans; and
 - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4; and
 - the *Environmental Planning and Assessment Regulations 2000* (Regulations) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;
 - that apply to the land to which the Application relates;
 - 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 development;
- submissions made in accordance with the EP&A Act and Regulations; and
- the public interest.

5.3 Secretary's Environmental Assessment Requirements (SEARs)

39. On 28 August 2017, the Department notified the Applicant of the SEARs for the Application (SSD 8669).
40. The Department's Assessment Report states that: "*The EIS is compliant with the SEARs and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes*".
41. The Commission accepts the findings of the Department's Assessment Report that the EIS is compliant with the SEARs and finds the information provided is sufficient to enable the Commission to adequately consider and assess the Application for determination purposes.

5.4 Relevant Environmental Planning Instruments

42. The following environmental planning instruments (EPIs) are relevant to the Application:
 - SRD SEPP;
 - *State Environmental Planning Policy (Infrastructure) 2007*;
 - Education SEPP;
 - *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*; and
 - NSLEP 2013.

Permissibility – Building Height

43. The Department's Assessment Report concluded that the Application at the Senior Campus complies with height limits in the NSLEP 2013.
44. The Department's Assessment Report also noted that the proposed school buildings under the Application would exceed the permissible height limit of 8.5 metres (Junior Campus) and 12 metres (Main Campus) allowable under NSLEP 2013.
45. The Applicant's EIS and RtS includes justification for exceeding the height limits against clause 4.6 of the NSLEP 2013. As discussed in the Department's Assessment Report:

The Applicant advised that compliance with the development standard is unreasonable or unnecessary in the circumstances of the application on the following basis:

- *the maximum height limits do not reflect the existing maximum building heights.*
- *space is limited on the campuses and the proposed development is required to make efficient use of the campuses and to achieve the objectives of the school.*
- *the proposal responds to the local topography and height of existing development around the campuses.*
- *the proposed built form is appropriate given the campuses location within a medium to high density area.*

46. The Department's Assessment Report also noted that the height exceedances are permitted under clause 42 of the Education SEPP and concluded that the Applicant had provided adequate justification for exceeding the height limits against the requirements of clause 4.6 of the NSLEP 2013.

47. The Commission notes that under clause 42 of the Education SEPP “*development consent may be granted for development for the purpose of a school that is a State Significant Development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted*”. Consequently, although the Application contravenes the height control under NSLEP 2013, consent may be granted without the need for a written request to vary the standard under clause 4.6 of the LEP. Clause 35(6)(a) of the Education SEPP requires a consideration of “*the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4*”. The height of the development is a consideration under these principles and is provided under section 5.7.3.

Permissibility – Events held outside normal school hours

48. In response to the Commission’s request for further clarification, the Applicant advised in its correspondence dated 29 August 2019 that the current use of the Chapel terrace roof for events held outside normal school hours is not currently subject to approval or restriction from Council. Furthermore, the Applicant stated that the ten (10) external group venue hire events currently held at the Main Campus Chapel rooftop terrace each year:

“include, but [are] not limited to class reunions, funeral wakes, local church and community group functions, small social receptions including touring sports teams, celebrations and the like.

“Generally, the proposed uses would be incidental or ancillary to the use of the school (e.g. class reunions, funeral wakes, etc) and in accordance with the site’s SP2 Infrastructure zoning under North Sydney Local Environmental Plan 2013. Others (such as community group functions, sporting team receptions and photo opportunities, etc) would be considered to be for “the physical, social, cultural or intellectual development or welfare of the community”, in accordance with Section 35(5) of the Education SEPP.”

49. In relation to the proposed additional external group venue hire events to be held on the proposed rooftop terrace, the Applicant stated in its correspondence of 29 August 2019:

“The College seeks to utilise this space for external venue hire events on an annual basis. The College would seek to provide the space for commercial purposes to external users. There are no current plans for who these external users might be, only that the space be available for their use subject to a commercial agreement.

It is noted that the additional External Group Venue Hire would be consistent with the current practice”.

“While noting that the actual events proposed to be held are currently unknown, the College considers such events would be similar in nature and composition to the External Group Hire Events currently held on the Chapel Roof L4..... They could be “incidental or ancillary” to the purposes of educational establishments where the hiring group has ties to the College...

...the College considers that it would be likely that some events would be for the “physical, social, cultural, or intellectual development or welfare of the community” and would therefore be consistent with Section 35(5) of the Education SEPP.”

50. The Department’s Assessment Report notes that the Main Campus is located within land zoned ‘SP2 Infrastructure (Educational Establishment)’ under the NSLEP 2013. This zone permits development that is ordinarily incidental or ancillary to development for an educational establishment.

51. Additionally, clause 35(5) of the Education SEPP provides:

“A school (including any part of its site and any of its facilities) may be used, with development consent for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.”

52. The Department’s Assessment Report (sections 2.3 and 3.1) includes consideration of how the school’s facilities would generally facilitate community uses, however it does not specifically address how the community would benefit from the proposed commercial uses of the rooftop terraces consistent with clause 35(5) of the Education SEPP.

53. At its meeting with the Commission on 2 September 2019, the Department advised that it concurs with the Applicant’s position on the additional external group venue hire events in relation to clause 35(5) of the Education SEPP.

54. The Commission notes that under section 4.38(3) of the EP&A Act, development consent may be granted for SSD that is partly prohibited. Therefore, the use of the school for external group venue hire events that are not incidental and ancillary but categorised as a commercial use can be approved, subject to a merit consideration, regardless of its permissibility under the NSLEP 2013.

55. An assessment of the merits of the proposed use of the rooftop terraces for external group venue hire events is provided in section 5.7.1.

Compliance with relevant EPIs

56. The Commission notes the Department has provided an assessment of the Application against the relevant EPIs at Appendix B of its Assessment Report (paragraph 21) and in the supplementary information provided on 13 August 2019. The Commission is generally satisfied with the assessment conducted by the Department and the reasons it has identified in relation to the Application’s compliance with the identified EPIs. Further assessment of the proposal’s compliance is provided in section 5.7.

5.5 Relevant Proposed Instruments

57. The following draft EPIs are relevant to the Application:

- *Draft State Environmental Planning Policy (Remediation of Land); and*
- *Draft State Environmental Planning Policy (Environment).*

58. The Commission notes that the Department has provided an assessment of the Application against the relevant draft EPIs at Appendix B of its Assessment Report (paragraph 21). The Commission is satisfied with the assessment and conclusions in the Department’s Assessment Report for the reasons set out in Appendix B regarding the Application’s compliance with the identified draft EPIs

5.6 Relevant Development Control Plans

59. Under clause 11 of the SRD SEPP, development control plans do not apply to SSD and therefore have not been considered by the Commission in the assessment of this Application.

5.7 Likely impacts of the development on both natural and built environments

60. The Commission considers the key impacts associated with the Application include:
- the use of rooftop terraces on the Main Campus – including events held out of school hours;
 - other construction and operational noise impacts;
 - impacts of the built form of the Main Campus on views and privacy of neighbouring residences, streetscape and roof-scape character;
 - traffic and parking, including a cap on student population;
 - impacts on Heritage-listed buildings at the Junior and Senior campuses; and
 - other issues considered by the Department in its Assessment Report.

5.7.1 Main Campus Rooftop Terraces

Public and Council comments

61. Council and speakers at the public meeting raised concerns over the potential impacts associated with the use of the rooftop terraces for events held outside normal school hours.
62. At the public meeting questions were raised about the permissibility of the use of the school for commercial events. Concerns were also raised in public submissions and at the public meeting about noise, traffic and parking impacts during these events.

External Group Venue Hire Events

Applicant's consideration

63. The Applicant's proposal includes the continued use of the Chapel terrace roof for events that are currently held at the Main Campus. The Application also includes the use of the proposed rooftop terrace of the infill building for school activities and additional non-school events to be held outside school hours.
64. Current events held at the Chapel terrace roof comprise 41 school-related events per year (including an event on New Year's Eve) and 12 – 14 non-school related events per year. These events are held outside normal school hours (after 3:30 pm weekdays and on Saturdays). A summary of existing events held at the Chapel terrace roof is provided in Figure 6.

Table 1 Schedule of Current Chapel Terrace Roof Usage*					
Event	Facility	Days of the Week	Frequency (days per year)	Hours/ Duration of Use	Estimated Attendance at Event
School Related Activities					
Class Reunions	Chapel Terrace Roof	Friday/Saturday	10	6.00-10.00pm - 4 hours	80-100
New Year's Eve	Chapel Terrace Roof		1	5.00pm – 12.30am - 7.5 hours	320
College Staff-based events i.e. staff social events and Christmas Party	Chapel Terrace Roof	Thursday/Friday	8	3.30-5.30pm - 2 hours	80-150
Parent Events	Chapel Terrace Roof	Friday/Saturday	12	7.00-10.00pm – 3 hours	100-320
College Events	Chapel Terrace Roof	Monday-Saturday	10	7.00-10.00pm – 3 hours	100-320
Non-School Activities					
Events Hosted by the Society of Jesus	Chapel Terrace Roof	Thursday-Saturday	2-4	6.00-9.00pm – 3 hours	40
External Group Venue Hire	Chapel Terrace Roof	Monday-Saturday	10	7.00-10.00pm – 3 hours	20-100

Figure 6: Summary of events currently held at the Main Campus Chapel terrace roof (Source: Applicant's

Additional Information dated 15 August 2019)

65. The Application’s proposed rooftop terrace would be used as an area for school related activities that are currently held in the existing courtyard/quadrangle. These activities include:
- classes, student assemblies, recreation during school breaks, during school hours; and
 - the father/son barbeques and parent events, each occurring once per year, would be held after school during the week and on Saturdays.
66. The Application also includes use of the proposed rooftop terrace outside school hours for up to ten additional events that are non-school related, referred to as “External Group Venue Hire” events. A summary of the existing courtyard/quadrangle events and the proposed events to be held on the proposed rooftop terrace is provided in Figure 7 and Figure 8, respectively.

Event	Facility	Days of the Week	Frequency (days per year)	Hours/ Duration of Use	Estimated Attendance at Event
Recess	Courtyard/Quadrangle	Monday-Friday	180	10.35-10.55am - 20mins	650
Lunch	Courtyard/Quadrangle	Monday-Friday	180	12.45-1.25pm - 40mins	400
Before and After School Use	Courtyard/Quadrangle	Monday-Friday	180	7.30-8.25am - 55mins 3.15-5.00pm – 1 hour 45mins	50-100 50-250
Student Assembly	Courtyard/Quadrangle	Friday	40	8.25-8.45am – 20min	1180
Classes	Courtyard/Quadrangle	Monday-Friday	180	During School time – 1 hour in duration	26
Parent Event	Courtyard/Quadrangle	Saturday	1	7.00-10.00pm – 3 hours	850
Father/Son BBQ	Courtyard/Quadrangle	Friday	1	6.00-9.00pm – 3 hours	400

Figure 7: Summary of events currently held at the Main Campus Courtyard/Quadrangle (Source: Applicant’s Additional Information dated 15 August 2019)

Event	Facility	Days of the Week	Frequency (days per year)	Hours/ Duration of Use	Estimated Attendance at Event/ Use
School Related Activities					
Recess	Roof Terrace	Monday-Friday	180	10.35-10.55am - 20mins	650
Lunch	Roof Terrace	Monday-Friday	180	12.45-1.25pm - 40mins	400
Before and After School	Roof Terrace	Monday-Friday	180	7.30-8.25am - 55mins 3.15-5.00pm – 1 hour 45mins	50-100 50-250
Student Assembly	Roof Terrace	Friday	40	8.25-8.45am – 20mins	1180
Classes	Roof Terrace	Monday-Friday	180	During School time – 1 hour in duration	26
Music Recitals/Drama Productions	Multipurpose Hall	Thursday, Friday, Saturday	10	6.00-9.00pm – 3 hours	50-100
Parent Event	Roof Terrace	Saturday	1	7.00-10.00pm – 3 hours	1180
Father/Son BBQ	Roof Terrace	Friday	1	6.00-9.00pm – 3 hours	400
New Year’s Eve	Roof Terrace		1	5.00pm – 12.30am - 7.5 hours	1180
Non-School Related Activities					
External Group Venue Hire	Roof Terrace	Thursday-Saturday	10	7.00-10.00pm – 3 hours	100-300

Figure 8: Summary of proposed events to be held at the Main Campus Infill Building Roof Terrace
(Source: Applicant's Additional Information dated 15 August 2019)

67. The Applicant has advised that concurrent use of both the Chapel terrace roof and the proposed rooftop terrace at full capacity would occur only once a year. This would be for New Year's Eve events, when a maximum of 1,500 people would attend (320 at the Chapel terrace and 1,180 at the new terrace).

68. However, the Applicant has also advised that

"both terraces may be used concurrently with maximum capacity for one-off special events (for example a major historical celebration for either the College, city or nation). If two concurrent events are held on the two terraces, the Applicant has advised that it would limit total attendees to 330."

Department's consideration

69. The Department's Assessment Report states:

"The Department recognises the potential for noise impacts as a result of increased out of hours events at the Main Campus due to the increased capacity and amenity offered by the rooftop terrace, its raised open position and the proximity of it to sensitive receivers.

...

To ensure that the potential impacts from the use of the rooftop terrace can be effectively monitored and ensure that an evaluation of the management practices can occur, the Department recommends the establishment of a trial period of six months. Should there be no substantiated complaints or compliance actions during the trial period basis, the out of hours activities may continue to operate (subject to an application being lodged to the Department) on the rooftop terrace. In order to minimise noise impacts, the Department also considers that it would be appropriate to:

- limit the frequency of events to minimise the potential noise and disturbance to residents as set out in the RtS.*
- prohibit sound amplification for the purpose of announcement, amplification of school bell, broadcast, playing of music on the rooftop terrace.*
- require the south-facing doors on the multi-purpose room facing onto the roof terrace remain closed during any out of hours music recitals/ drama productions.*
- require the preparation of Out of Hours Event Management Plans (OHEMP) for events catering for over 100 people which be required to include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of an acoustic management plan."*

Commission's consideration

70. The Commission notes that currently the Chapel terrace roof is used for 53 to 55 events out of school hours. Forty-one of these events are school related and attended by between 80-320 people. Ten existing events are for External Group Venue Hire and attended by up to 100 people (see Figure 6). The Chapel terrace roof is located on the south west corner of the main school and impacts such as noise and overlooking would be mitigated by its distance from sensitive residential receptors. The courtyard/quadrangle is also currently used for two school events for up to 850 people (Parent Event) and 400 people (Father/Son BBQ), each held once per year.

71. The Commission acknowledges that objectors have raised concerns about out of hours use of the school, particularly due to the number of events and related noise and parking impacts. However, the Commission accepts that it is reasonable for the existing out of hours use of the Chapel terrace roof to continue given the relatively low scale and intensity

of the events and given these events are largely community related and ancillary to the school's function.

72. The Commission also considers the use of the proposed rooftop terrace for the two existing out of hours school related events is appropriate as they currently occur in the courtyard/quadrangle (Parent Event and Father/Son BBQ) and are ancillary to the school's function.
73. The Commission also accepts that the use of both the Chapel terrace roof and the proposed roof terrace for New Year's Eve is reasonable as it is a school event for families of past and present students and staff. The Commission notes that the number of people attending this event will increase from 320 currently on the Chapel terrace roof, by an additional 1180 on the proposed roof terrace, being a total of 1500 people.
74. The Commission has imposed a condition that Out of Hours Event Management Plans be prepared and implemented for these school and community uses attended by 100 or more people. These Out of Hours Event Management Plans would include measures to minimise local traffic and parking impacts as well as measures to minimise and monitor noise impacts.
75. However, the Commission is not satisfied that the Applicant has adequately justified the use of the rooftop terrace for the additional ten (10) External Group Venue Hire events. The Commission notes the Applicant's advice that the type of events is not yet known but would be for external users, subject to a commercial agreement. The Commission considers that the scale of these events, up to 300 people, even if the hiring group has links to the school, would not be "incidental or ancillary" to the purposes of educational establishments in accordance with the Site's SP2 zoning under the NSLEP 2013.
76. Furthermore, the Commission is not satisfied that the Applicant has demonstrated that these events would be for the "physical, social, cultural or intellectual development or welfare of the community" as per the requirements of clause 35(5) of the Education SEPP.
77. The Commission does not consider that there is sufficient certainty for these additional commercial uses to be approved subject to a trial period. Rather, any such use should be subject to a new development application, which is to be supported by information about the type of uses and satisfaction of clause 35(5) of the Education SEPP as well as information obtained from monitoring of noise and parking from similar events to be held on the proposed roof terrace, e.g. the Father and Son BBQ.
78. Furthermore, the Commission notes that over 60 out of hours events are proposed to be held on both roof terraces. In addition, there are other out of hours events that are held in the Main Campus, such as performances in the Great Hall. The cumulative impact of all the uses on the community, particularly impacts of noise, parking and traffic, would need to be assessed before additional out of hours commercial uses are considered.
79. Therefore, the Commission has imposed a condition of consent that excludes the carrying out of the ten (10) additional "External Group Venue Hire" events with up to 300 people on the proposed new terrace roof of the Main Campus. This is discussed further in paragraphs 98 to 104.

Noise Impacts of Rooftop Terraces

Public and Council comments

80. One of the key issues raised in public submissions and at the public meeting was amenity impacts from the noise generated during events held on the proposed rooftop terrace of the Main Campus, particularly outside normal school hours.
81. A potential consequence of moving the school activities from within the courtyard/quadrangle of the Main Campus to the proposed rooftop terrace is increased noise impacts at most surrounding receivers, as the noise would no longer be shielded by the surrounding buildings.

Applicant's consideration

82. The Applicant's Noise Impact Assessment (**NIA**) compared the predicted noise generated by activities on the proposed rooftop terrace with the noise generated by existing activities at the Main Campus courtyard/quadrangle.
83. The Applicant's NIA found that the normal school activities at the development are likely to cause an increase in noise at all surrounding receivers (of between 2 and 18 decibels (dB)) except for one receiver (R02 – 88 Kirribilli Avenue) which is immediately adjacent to the eastern boundary of the Main Campus (see Figure 9 for receiver locations).



Note 1: Affected residential receivers shaded in green have been assigned more stringent criteria (Residential 1) while those shaded in red have been assigned less stringent criteria (Residential 2). This is based on the existing noise exposure of these receivers from the noise survey undertaken. Project specific noise criteria are discussed in detail in **Section 4**.

Figure 9: Noise Receiver Locations around the Main Campus (Source: Applicant's NIA)

84. Receiver R02 is predicted to experience reduced noise (approximately 8 dB below existing levels) because the noise sources currently located in the existing courtyard/quadrangle would be elevated above the receiver, on the proposed rooftop terrace.
85. The Applicant's NIA also modelled the likely effect of an acoustic barrier at two different heights (1.8 metres and 2.1 metres). The Applicant's NIA predicts that the introduction of a 2.1 metre high noise barrier would effectively reduce noise levels by up to 7 dB at surrounding receivers.
86. During normal school activities and with the installation of a 2.1 metre barrier, the Applicant's NIA predicts an increase in noise levels compared with existing conditions (between 3 to 10 dB) at most surrounding receivers. The NIA predicts three receivers would experience reduced noise levels compared with current conditions.
87. At all receivers where noise levels are predicted to increase, the noise from the proposed

rooftop terrace during normal school activities would comply with the noise assessment criteria established in the Applicant's NIA (**noise criteria**). The noise criteria are based on the principles of the Environment Protection Authority's (**EPA's**) *Noise Policy for Industry* (2017).

88. The Applicant's NIA predicted that noise from the proposed rooftop terrace during normal school activities will exceed the noise criteria at only two receivers (R01 and R02), to the south and southeast of the Main Campus. However, both properties are predicted to achieve an improved acoustic outcome with mitigation as detailed in paragraphs 89 and 90.

89. The Applicant's NIA concluded:

"...despite R01 and R02's non-compliance with the established absolute noise criteria, it should be noted that with the relocation of the current courtyard social area to the proposed infill building rooftop area, in conjunction with the addition of an acoustic barrier greater than or equal to 1.8 m in height, the noise impact on these receivers is reduced compared to the existing noise emissions from the school. That is, R01 and R02 will receive a significant net benefit from the proposed change in terms of noise impacts with the addition of an acoustic barrier. As a result, this is considered an acceptable and positive outcome.

With the implementation of an acoustic barrier (with a minimum height of 2.1m) around the perimeter of the future rooftop terrace of infill building on the Main Campus, the proposed changes are considered to be acceptable and are not anticipated to result in adverse operational noise impacts at the surrounding residential receivers based upon the assessment presented in this report."

90. The Applicant proposes to install a 2.4 metre high glass acoustic barrier around the eastern and southern perimeter of the new rooftop terrace. The NIA noted that a higher (2.4 metre high) barrier will further reduce noise impacts at surrounding receivers compared with the modelling in the NIA.

91. During events held outside normal school hours on the proposed new rooftop terrace, the Applicant's NIA predicts that with the 2.1 metre high barrier, the noise levels would exceed the relevant noise criteria (established based on the EPA's *Noise Guide for Local Government* (2013)) at nine (9) residential receiver locations around the Main Campus. These exceedances would generally be between 1 and 3 dB above the criteria except at the receivers immediately to the east of the college (R01 and R02), predicted to experience noise levels up to 10 and 17 dB above the noise criteria.

92. On this basis, the Applicant's NIA concluded:

"...despite R01 and R02's non-compliance with the established criteria, it should be noted that with the move from events being held in the existing building but with direct line of sight of the residences, to the proposed infill building rooftop area, in conjunction with the addition of an acoustic barrier, a reduction in the noise impact on these receivers from OOSH events is expected. As a result, this is considered an acceptable and positive outcome."

93. With regard to the predicted exceedances of the noise criteria at other receivers, the Applicant's NIA also concluded that the installation of a 2.4 metre high acoustic barrier would result in noise impacts lower than predicted and the impacts could be further managed and mitigated through the implementation of an event noise management plan for larger events.

Department's consideration

94. The Department's Assessment Report noted that during normal school activities the Applicant's NIA predicts the Application would improve noise levels at the two most affected locations, due to the relocation of the noise source to a higher elevation on the proposed rooftop terrace. The Department's Assessment Report states:

"The Department concludes that the noise impacts of the proposed school-related use during standard hours can be appropriately managed subject to appropriate conditions. The Department has recommended conditions of consent requiring:

- evidence be provided prior to the commencement of construction that demonstrates that noise associated with plant and equipment would not exceed the project specific noise levels identified in the NIA.*
- noise monitoring to verify that operational noise levels do not exceed the project specific noise levels identified in the NIA.*
- the provision of further noise attenuating measures should noise monitoring identify exceedance of the project specific noise levels identified in the NIA."*

95. The Department has recognised the potential for noise impacts as a result of increased out of hours events at the Main Campus due to the increased capacity and amenity offered by the rooftop terrace, its raised open position and its proximity to sensitive receivers. It has recommended that the out of hours use of the proposed rooftop terrace be subject to a 6 month trial period to monitor the noise impacts during events and to determine whether or not these impacts are of such significance to warrant continued use of the terrace for events.

96. The Department also recommended conditions to:
- limit the frequency of events to minimise the potential noise and disturbance to residents as set out in the RtS;
 - prohibit sound amplification for the purpose of announcement, amplification of school bell, broadcast, playing of music on the rooftop terrace;
 - require the south-facing doors on the multi-purpose room facing onto the roof terrace remain closed during any out of hours music recitals/ drama productions;
 - relocate/redesign the BBQ and table tennis table area in the northeast corner of the rooftop terrace to improve noise amenity; and
 - require the preparation of Out of Hours Event Management Plans (OHEMP) for events catering for over 100 people which be required to include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of an acoustic management plan.

97. The Department Assessment Report concludes that: *"the Stage 1 works would have acceptable operational noise impacts and that appropriate mitigation measures and safeguards have been recommended."*

Commission's consideration

98. The Commission notes that the two receivers predicted to experience noise above the noise criteria during normal school activities at the Main Campus (R01 and R02) would experience a relative improvement in noise conditions as a result of the development (see paragraph 94). Noise levels at all other receivers are predicted to comply with the relevant noise criteria during normal school activities (see paragraph 88).

99. The Commission considers this is a reasonable outcome and is satisfied that the Department's proposed conditions would adequately address any potential noise impacts caused by the use of the rooftop terrace during normal school operation. The Commission has included amended conditions to require periodic monitoring to verify the Applicant's NIA predictions and to consider potential measures to reduce noise levels in the case of exceedances.
100. The use of the proposed new rooftop terrace for events outside school hours is predicted to generate noise that would exceed the relevant noise criteria at surrounding residential receivers (see paragraph 91).
101. The Commission notes that the predicted 1 to 3 dB exceedances of the noise criteria at most surrounding receivers are within a range considered by the EPA's *Noise Policy for Industry* (2017) as of negligible to marginal significance. It also notes that the noise modelling assumed a 2.1 metre high barrier and the proposed 2.4 metre high barrier would further reduce the likely noise levels experienced at the surrounding receivers (see paragraph 90).
102. The Commission notes that the predicted exceedances at the two most affected receivers during events held outside normal school hours are significant. As discussed in paragraph 79, the Commission has not approved the use of the proposed rooftop terrace for the additional ten (10) External Group Venue Hire events. This restriction would limit the frequency of events on the proposed rooftop terrace outside normal school hours to twice per year (during the Father/Son BBQ and Parent Events to be held on the proposed rooftop terrace).
103. The Commission considers that the noise of the two existing uses that are currently held in the courtyard/quadrangle (Parent Event and Father/son BBQ), which are proposed to be held on the proposed rooftop terrace, should be closely monitored to ensure compliance with the relevant noise criteria and that measures are taken, such as a reduction in numbers, to mitigate any unreasonable noise impacts. A condition to this effect has been included. However, given that these events already occur and are held at a low frequency, the Commission does not consider they should be subject to a trial period.
104. The Commission also accepts that the use of both the Chapel terrace roof and the proposed roof terrace for New Year's Eve is reasonable given the surrounding noise environment on that night.
105. However, the Commission is not satisfied that the Applicant has adequately justified the use of the rooftop terrace for the additional ten (10) External Group Venue Hire events given the predicted noise impacts from events on the proposed rooftop terrace and the information about these events provided to date. The Commission considers holding additional events is not reasonable and has included a condition that excludes the use of the rooftop terrace for the proposed ten (10) additional External Group Hire events from the consent.

5.7.2 Other Noise and Vibration Impacts

Construction Noise and Vibration

Public and Council comments

106. Noise and vibration impacts during construction of the development the subject of the Application was a concern raised in public submissions and at the public meeting,

including the duration of construction activities and concerns around consultation prior to and during construction.

Applicant's consideration

107. The Applicant's EIS does not include a detailed assessment of construction noise impacts during development of the Junior Campus as it would be assessed during future development applications.
108. The Applicant's NIA predicts that the noise generated during construction of Stage 1 (Main Campus and Senior Campus) will at times exceed construction noise guidelines in the EPA's *Interim Construction Noise Guideline (2009)* at seven surrounding receivers, particularly during rock breaking activities. One receiver (R02) is predicted to be highly noise affected during construction of the Main Campus.
109. The Applicant proposes to develop a construction noise and vibration management plan in consultation with the surrounding community to minimise these construction noise impacts and to limit construction activities to standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday).

Department's consideration

110. The Department's Assessment Report notes that concept development applications do not permit construction, therefore detailed assessment of construction noise and vibration impacts for the proposed Junior Campus works would be undertaken as part of any future development application for Stage 2. The Department has recommended a condition that would require this assessment.
111. The Department's Assessment Report considers the proposed construction noise management measures would help mitigate construction noise impacts and it has recommended conditions including:
 - restriction of noisy works to the following hours:
 - 9 am to 12 pm Monday to Friday;
 - 2 pm to 5 pm Monday to Friday; and
 - 9 am to 12 pm Saturday;
 - implementation of respite periods, where construction works generate particularly annoying or intrusive noise (as per the *Interim Construction Noise Guideline*); and
 - construction vehicles only to arrive to the work sites within the permitted construction hours.
112. In response to concerns raised in public submissions about the duration of construction activities, the Department's Assessment Report notes that a large component of the works would comprise internal refurbishment of existing buildings and that the Applicant should consider phasing the construction works to minimise impacts on residents to the east and north of the Main Campus. The Department has recommended conditions allowing the staged construction of the development and requiring the Applicant to consider the phasing of works to minimise cumulative impacts on residents.
113. The Department also recommended conditions requiring the preparation of a Community Communication Strategy to describe communication between the Applicant, the Council and the community during design and construction of the development the subject of the Application.
114. On the basis of implementing these mitigation measures, the Department's Assessment Report concludes that the construction noise impacts of the Stage 1 works would be

acceptable.

Commission's consideration

115. The Commission accepts the conclusions of the Department outlined in paragraphs 111 to 114 and is satisfied that noise impacts can be mitigated and/or managed to an acceptable level through the implementation of the recommended conditions of consent.
116. The Commission heard concerns raised by neighbouring residents about the lack of communication about the progress of works associated with the Application. The Commission agrees with the Department's recommended conditions requiring the development of a Community Communication Strategy, however it considers forming a community-based forum should not be optional. The Commission has amended the Department's recommended conditions to require the Applicant to form a community-based forum to keep surrounding landowners informed of progress of construction and seek feedback on the performance of construction management measures.

Other Operational Noise

Public comments

117. Public submissions raised concerns about the noise generated by activities held at the reoriented outdoor basketball court and indoor Multi-purpose hall at the Junior Campus.
118. Concerns were also raised in public submissions about the noise generated by the operation of mechanical plant and equipment at the college buildings.

Applicant's consideration

119. The Applicant's EIS noted that the detailed assessment of noise impacts of the Junior Campus and acoustic mitigation measures "*will be addressed in detail as part of the future detailed design Development Application.*"
120. The Applicant's NIA indicates that the operational noise impacts of the development of the Junior Campus and Senior Campus would be acceptable based on the ability to design mechanical plant and equipment to mitigate noise impacts on surrounding receivers.

Department's consideration

121. The Department's Assessment Report notes that impacts associated with the future use of the new facilities associated with the proposed concept works at the Junior Campus would be considered in future development application/s for the Stage 2 works and it has recommended conditions in the Concept Approval to this effect.
122. The Department's Assessment Report noted that the noise generated by mechanical plant and equipment at the new buildings would comply with the relevant noise trigger levels by implementing noise mitigation such as attenuators and enclosures on outdoor plant.

Commission's consideration

123. The Commission agrees that the Department's recommended conditions requiring an assessment of the noise impacts associated with the Junior Campus in future development application/s is an acceptable approach.

124. The Commission also agrees with the Department's conclusion that mitigating noise from mechanical plant and equipment is warranted and has included amended conditions to specify the following mitigation measures to be applied in the detailed design:
- (a) enclosures for external chillers including discharge attenuators;
 - (b) attenuators on all air handling units and acoustic rated louvres for mechanical plant rooms; and
 - (c) attenuators on all ventilation and exhaust fans.

5.7.3 Built Form and Visual Impacts

Public and Council comments

125. The Application's proposed development of the Main Campus includes changes in the built form of the building. In addition to building height compliance, submissions from the Council and the public raised concerns about the potential impacts of the development on the "iconic" views to Sydney Harbour from surrounding residences.
126. The Application also includes the development of an additional level on the western building at the Junior Campus and concerns were raised in submissions about the proposed height of the roof of this building.

Applicant's consideration

127. The Applicant's EIS included an assessment of the impacts of the development against the planning principles established by the Land and Environment Court in *Tenacity Consulting v Warringah [2004] NSWLEC 140 (Principles of view sharing: the impact on neighbours) (Tenacity)*.
128. Based on its consideration against the Tenacity principles, the Applicant's EIS concluded:
- *the proposal would not contribute to further unacceptable loss of views including water, land-water interfaces, whole views or scenic items, and overall would primarily retain the existing outlook.*
 - *the existing views are largely retained by the proposal and it is not anticipated that additional unacceptable view loss would result from the proposed development.*
 - *extent of the view loss could be considered to be low to moderate using the qualitative ratings recommended in Tenacity.*
 - *overall, the proposal is reasonable in the circumstances as the proposed replacement building would not exceed the height of the existing building and would result in acceptable view impacts.*
129. The Applicant's EIS and RtS included a Visual Assessment Report (**VAR**) which assessed the potential impacts on views to Sydney Harbour from residents to the north and east of the campus. The Applicant's VAR concluded that the proposal would have negligible to moderate impacts on views of the adjoining properties, and in many cases would have a positive impact through the clearing, modification and removal of existing visual obstructions.

Department's consideration

130. The Department's Assessment Report and additional information dated 13 August 2019 included an assessment of the proposed design of the development against the provisions

of clause 35(6) of the Education SEPP and the Design Principles in Schedule 4 to the Education SEPP. The Department's Assessment Report concluded that the height and scale of the built form would be acceptable on the following basis:

- *in the case of the Junior Campus, the building envelopes would not exceed the height of the tower of the original school building on the Campus, and would be similar in height to the two storey section of that building.*
- *the Junior Campus is located immediately adjacent to the Kirribilli village centre which has higher density development with a mixture of two to three storey buildings, and the proposed building envelopes would be well setback from the adjoining properties given that the Campus is surrounded by streets on all four boundaries.*
- *the proposed building on the Main Campus would not exceed the maximum height of the existing buildings and the height profile of the existing north-east wing building. Whilst the proposed feature entry portal shown on the plans submitted with the EIS and RtS would exceed the height profile of the existing north-east wing building, the Department has recommended a condition requiring the submission of amended plans requiring the feature entry to be reduced in height to match the existing building.*
- *the area surrounding the Main Campus is characterised by medium and high density development with varying building heights, many of which significantly exceeds the height of the proposed building.*
- *the proposed built form would not result in unacceptable impacts on privacy, solar access and views.*
- *the proposal would make efficient use of the constrained campuses to provide improved educational facilities.*

Overall, the Department concludes that the proposed bulk and scale is appropriate having regard to the surrounding development and site constraints. The Department notes the benefits associated with the proposed upgrade to the school facilities and considers the proposed height exceedances have been justified in terms of the objectives of the development standard and can be supported.

131. The Department's Assessment Report also concluded that the Application's proposed development at the Senior Campus would not have detrimental impacts on views.

132. In relation to the Junior Campus, the Department's Assessment Report concluded:

The Department is satisfied that the proposed works at the Junior Campus would not have significant impacts on existing important views as the multi-purpose/ sports facility would be largely belowground and the addition above the school building along the western boundary of the Campus would be adjacent to existing similar scale development. Nonetheless, the Department has recommended a condition that a future Stage 2 detailed development application include an assessment of the amenity impacts of the proposal, including view loss.

133. In relation to the Main Campus, the Department's Assessment Report states:

"The Department considers that the proposal has the greatest potential to impact views from properties to the north and east of the Main Campus due to their close proximity to the site and their iconic views across the Campus to the Sydney Opera House, Circular Quay, Sydney Harbour and Sydney Harbour Bridge. The affected properties include:

- *48 Upper Pitt Street.*
- *50-58 Upper Pitt Street.*
- *49 Upper Pitt Street/ 88 Kirribilli Avenue."*

134. The Department's Assessment Report considers the three main elements of the Application's proposed development of the Main Campus that would impact views towards

Sydney Harbour include: the height of the proposed new northeast wing building; the new plant and equipment on the roof of the buildings; and landscaping and structures on the proposed rooftop terrace.

135. In relation to the new northeast wing building, the Department’s Assessment Report concluded that:

“Overall, the Department considers that the proposal has been designed to be sympathetic to existing views and is a reasonable response in consideration of view sharing. Notwithstanding that the assessment [...] finds that the proposal would not have significant impacts on views to the properties to immediately north of the site, the Department does consider that there is opportunity to further limit impacts on existing views. It is considered that the feature entry portal could be reduced in height to match the height of the existing building, as requested in the public submissions, without compromising the design objective of the feature or building overall.”

136. On this basis, the Department recommended a condition to require the height of the entry portal to not exceed the existing building parapet level of RL 46.30 m.

137. The Application assessed by the Department comprised three additional plant enclosures along the northern wing of the Main Campus building (Figure 10).

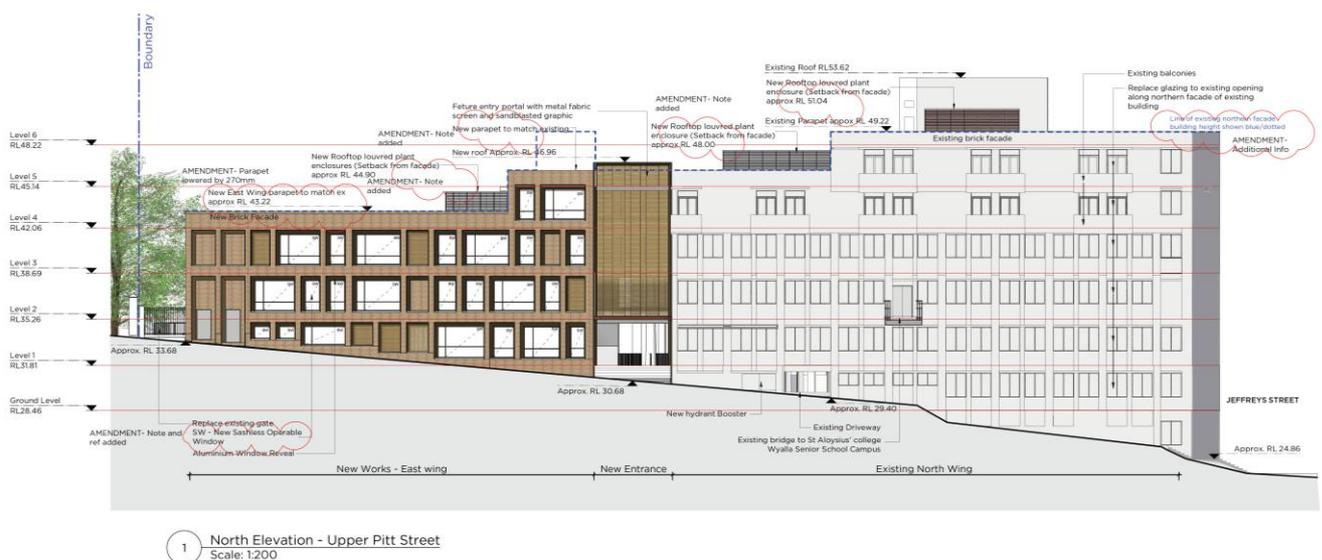


Figure 10: Proposed Northern Elevation - Main Campus (Source: Applicant’s RfS)

138. The Department’s Assessment Report concluded that the impacts of the rooftop plant would be offset by the improved views due to the removal of the existing stairwell (shown in Figure 10). The Department recommended a condition of consent to address the design of rooftop plant enclosures which states:

“Prior to the issue of a construction certificate for the Main Campus, details must be submitted to the satisfaction of the Planning Secretary of the minimum horizontal and vertical envelopes required for the enclosure of rooftop plant and equipment on the Main Campus.”

139. The Department’s Assessment Report considered the concerns raised in submissions about the impacts on views to residences to the north of the Main Campus caused by landscaping and structures on the rooftop terrace. The Department indicated it is satisfied

that the impacts on these residences would be minimal provided:

- all structures (including permanent and temporary structures) and plantings (at maturity) are kept below a plane drawn from the top of the southern parapet of the replacement north-east wing building and the top of the existing parapet of the southern elevation of the south-eastern wing building [see Figure 11];
- the proposed glazed balustrade around the perimeter of the rooftop terrace is frameless and the structural supports do not extend above the existing parapet of southern elevation of the south-eastern wing building as proposed in the RtS; and
- the glazed balustrade is low iron glass to maximise transparency.

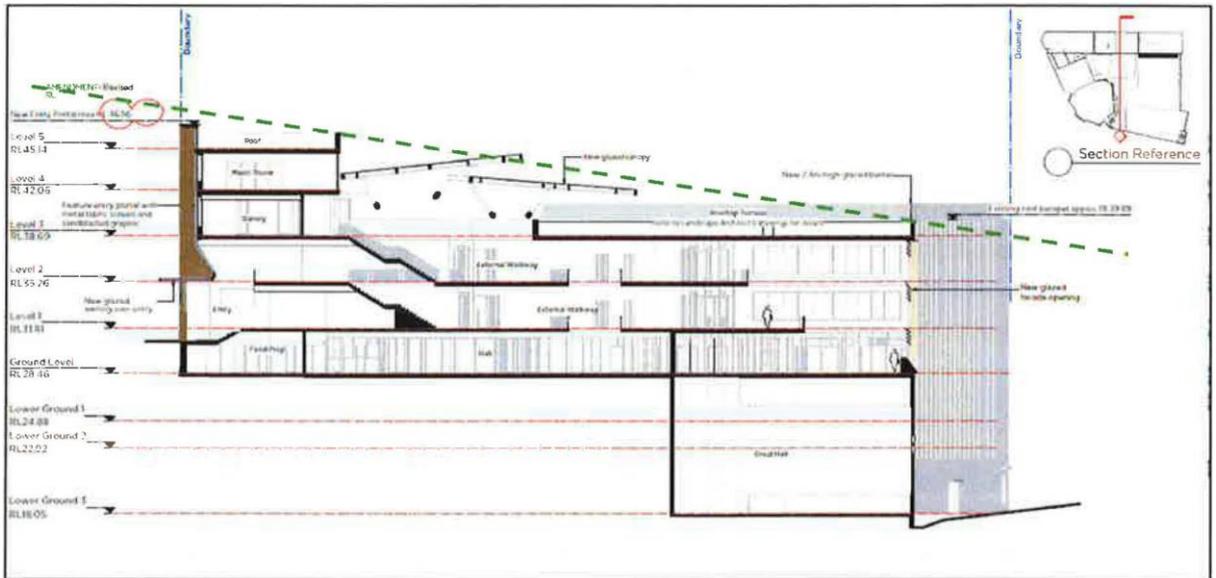


Figure 11: Plane drawn from northern parapet to southern parapet of the proposed replacement building - Main Campus (Source: Department's Assessment Report)

140. On the basis of these measures, the Department's assessment of visual impacts concluded:

"the view loss analysis undertaken is satisfactory and it has been adequately demonstrated that view loss impacts would be acceptable. The Department also concludes the proposed built form, as modified by the recommended conditions, is considered to be reasonable and appropriate in its context, consistent with step four of the established Tenacity planning principles."

Commission's consideration

141. The Commission notes the Department has assessed the proposed design of the development against the provisions of clause 35(6) of the Education SEPP and the Design Principles in Schedule 4 to the Education SEPP. However, the Commission sought further advice from the Department about its consideration of the proposed development against the design quality principles in clause 35(6)(a) of the Education SEPP.
142. In response, the Department provided additional information on 13 August 2019 to clarify and expand on its consideration of the design quality principles in its Assessment Report.
143. Subject to the following qualifications, the Commission agrees with the Department's conclusions that the proposed development is appropriate within the context of the existing buildings on the Site and context of surrounding development. However, the Commission considers that further improvements could be made to the design of the new building

envelope at the Junior Campus (see paragraphs 179 to 182) and the Main Campus, particularly the proposed new structures on the rooftop (discussed below).

144. During its consideration of the Application, the Commission visited a number of the potentially impacted residences at 48 Upper Pitt Street and 49 Upper Pitt Street/88 Kirribilli Avenue to observe current views and understand potential impacts of the Application on these views.
145. While the removal of the existing stairwell enclosure would improve views towards Sydney Harbour, the Commission notes the concerns raised by residents about the visual impacts of the proposed rooftop structures, including mechanical plant enclosures and the proposed lift servicing the Chapel terrace roof.
146. The Commission considers the proposed structures would also potentially detract from the roof-scape characteristics as viewed from the public domain (Sydney Harbour Bridge pedestrian walkway) and surrounding residences.
147. The key rooftop structures that may potentially intrude on views and the form of the building include:
 - mechanical plant enclosures;
 - the proposed glass lift servicing the Chapel roof terrace;
 - landscaping on the proposed rooftop terrace and glass balustrade;
 - enclosure of the stair wells; and
 - permanent and temporary shade structures.

Mechanical Plant Enclosures

148. The Commission requested the Applicant to consider redesigning and/or relocating the mechanical plant enclosures to avoid the need to build additional structures on the rooftop and minimise visual impacts to neighbouring residences.
149. In response, the Applicant provided further technical justification for the need to externally locate the plant, stating that the majority of the equipment is air cooled and thus requires exposure to external space and air circulation to operate properly. Therefore, these structures could not be removed from the external spaces on the Main Campus rooftop and placed internally.
150. The Applicant also revised its proposed plans which indicate the plant enclosures could be relocated and a new plant enclosure constructed immediately to the south of the existing lift overrun and plant room in the north western corner of the Main Campus building (see Figure 12).
151. While this may represent an improved visual outcome, the Commission is not satisfied that the Applicant has provided sufficient information to justify installing mechanical plant enclosures externally on the Main Campus and it considers the design and location of the rooftop plant should be further reviewed in order to further minimise visual impacts and improve the proposal's consistency with the principles of clause 35(6) of the Education SEPP, without compromising the operational performance of the building.

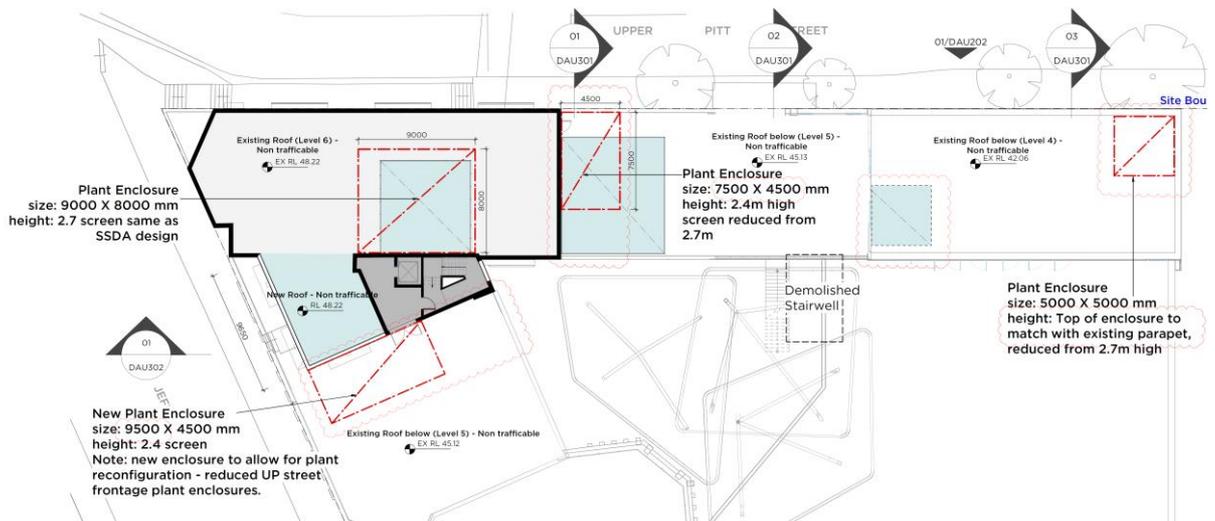


Figure 12: Extract of proposed amended Main Campus rooftop - revised locations of rooftop plant shown in red (Source: Applicant's Additional Information dated 29 August 2019)

152. In particular, the Commission notes that the principles in clause 35(6) of the Education SEPP including “context, built form and landscape” require a consideration that “schools should respond to and enhance the positive qualities of their setting, landscape and heritage...”. The Commission acknowledges the community’s concern that structures on the roof such as plant enclosures are not “positive qualities” of the existing setting and additional roof top structures would not “enhance” this setting.
153. Furthermore, the Commission notes that the Application’s proposed development at the Main Campus involves significant internal changes and additions to the existing built form and extra gross floor area. There would be opportunities to include the plant within the building envelopes, subject to internal redesign and appropriate facade treatment to provide air circulation, rather than providing additional structures on the roof.
154. The Commission has therefore imposed a condition of consent requiring all new rooftop plant and equipment to be wholly contained within the building envelope and to not be separate rooftop elements.
155. However, the Commission recognises that there may be technical constraints to locating all mechanical plant externally. Therefore, the Commission has also included conditions permitting the construction of rooftop plant as separate elements subject to a technical justification from an independent qualified mechanical engineer demonstrating that internal construction is not technically feasible, and for detailed designs of enclosures:
 - that are of the minimum horizontal and vertical dimensions required for the enclosure of the plant and equipment;
 - to be located to minimise impacts on the streetscape and on views from the public domain and residential properties; and
 - that are of a form, bulk, scale and materials to be integral and complimentary to the architecture of the building.

New lift to Chapel terrace roof

156. The proposed new lift to the Chapel terrace roof would also introduce a new intrusion on views to Sydney Harbour from residences to the north and east of the Main Campus, along with views from public spaces towards the Main Campus building. Although a glass lift, its overrun and structure would present as solid elements.

157. In response to further questions from the Commission, the Applicant has stated in its correspondence dated 29 August 2019

“As previously noted, the design and location of the glass lift was to satisfy the operational requirements of the College, providing adequate access to the roof terrace. Once again, if the height of the lift core were to be reduced to the level below, access to the roof terrace will be disconnected and will not satisfy the provisions of the relevant Australian Standards.

Whilst it is acknowledged the existing lift in the north-west corner serves Level 4, it is not capable of being upgraded to comply with accessibility or stretcher provisions. It also requires users to access non-public parts of the school, whereas, the proposed lift will be compliant with accessibility and stretcher provisions and is located in an areas more readily accessed by visitors. The proposed lift will connect all levels from the Great Hall to Level 4, significantly improving equitable access to the College’s facilities.”

158. The Commission accepts that the new lift would be required for moving people to and from the proposed rooftop terrace on Level 3 for school activities during school hours on a regular basis. However, the Commission considers the proposed lift is a visually prominent structure in a sensitive location and the potential impacts on views do not justify the provision of a lift to service the Chapel roof terrace on Level 4 for occasional events. The Commission is of the view that alternative designs to provide suitable and accessible access to the Chapel terrace roof are available.
159. The Commission has included a condition restricting the height of the proposed new lift to service floors only up to the proposed rooftop terrace at Level 3. To ensure adequate access for stretchers and mobility assisted patrons, the conditions include the provision of alternative equitable access to the Chapel terrace roof on Level 4, such as ramps, stairs or platform lifts. The conditions also require that these alternative access provisions do not impact on views from surrounding residential properties.

Rooftop Structures and Landscaping

160. In response to concerns raised in public submissions about the visual impacts of the proposed 2.4 metre high acoustic barrier on the new rooftop terrace, the Commission sought further justification from the Applicant about the proposal to install the barrier adjacent to the parapet. The Commission requested consideration of a one metre setback to minimise the visual impact of the building with the acoustic barrier, particularly from the public domain.
161. In response, the Applicant has advised in its correspondence on 29 August 2019 that the benefits of constructing the acoustic barrier away from the parapet wall would be outweighed by the risks such as maintenance, access and safety and would require additional structural support to ensure the barriers withstand wind forces. The potential issues noted by the Applicant included:
- parts of the stairwell being protected by no more than the existing parapet, which is non-compliant in terms of height;
 - the one metre setback would result in the acoustic barrier along the eastern elevation positioned almost entirely within the proposed planters and positioned within approximately 50% of the length of the southern elevation;
 - relocation of the acoustic barrier would require the inclusion of access gates to allow maintenance access, which could be accessed by students;
 - setback to the acoustic barrier along the eastern elevation will not improve the potential for neighbouring properties from being overlooked given the 3-5 metre landscaped buffer to the parapet; and
 - the setback would reduce the acoustic barrier’s visibility from a “small percentage of

possible viewing points.”

162. The Commission has noted these issues, however the placement of an acoustic barrier that would extend 1.2 metres directly above the parapet walls would have an undesirable visual impact when viewed from surrounding streets and the public domain including the Harbour Bridge pedestrian walkway and effectively increase the perceived height of the building. The Commission believes further justification for this increase in building height in these locations is necessary. Therefore, the Commission has imposed a condition requiring the barrier to be set back from the eastern and southern parapet wall by no less than 1 metre, unless further information can be provided to the satisfaction of the Planning Secretary to justify its placement against the parapet walls.
163. The Commission agrees with the Department’s conclusions about the proposed landscaping and other permanent structures on the rooftop terrace and supports its recommended condition to limit these structures to not extend above the plane between northern parapet and southern parapet (see paragraph 139).
164. The Commission has also imposed a condition restricting the placement of temporary or permanent structures (excluding landscaping and furniture including tables, chairs and portable umbrellas, under the plane) on the rooftop terraces additional to those approved under the present Application.
165. The Commission also identified that the proposed rooftop designs under the Application include uncovered staircases, which may present an issue with managing stormwater and drainage entering the stairwell of the building. The Commission has imposed a condition to require the Applicant to submit detailed drainage design to ensure that stormwater runoff from the roof top staircases into the building is appropriately managed.

Main Campus Entry Portal

166. The Commission notes the concerns raised in public submissions about the proposal to increase the height of the main entry portal to the Main Campus building.
167. The Commission notes that the Department’s recommended condition to require the height of the entry portal to not exceed the existing building parapet level of RL 46.30 m adequately addresses these concerns.

Privacy and amenity

168. The public submissions raised concerns about the ability for students to see into neighbouring homes and properties from the new buildings proposed in the Application on the Main Campus.
169. The Applicant’s EIS includes proposed mitigation measures to restrict the visibility of neighbouring residences to students at the Main Campus, which includes planter boxes on the eastern part of the proposed roof terrace, metal mesh screens on doors and windows of the eastern infill building and landscaping along the eastern boundary.
170. As noted in the Applicant’s EIS, landscaping along the eastern boundary includes:
 - *a hanging garden to be provided in the sunken courtyard along the eastern boundary of the Main Campus adjacent to 49 Upper Pitt Street, with creepers to be planted in elevated plant boxes with trellis.*
 - *raised fern gardens and tree planting to be provided along with raised sitting areas and play space on the rooftop terrace of the Main Campus. Trees to be planted along*

the eastern boundary of the terrace would be deciduous while trees adjacent to the north-east and western wing buildings would be evergreen

171. The Department's Assessment Report noted the Applicant's advice that ability for students to view into the neighbouring properties below would be restricted given the height of the new infill building above the potentially affected residences.
172. The Department recommended relocation/redesign of the BBQ and table tennis table area in the northeast corner of the rooftop terrace to improve noise amenity and privacy.
173. The Department also recommended a condition requiring the Applicant to amend the orientation of the stairway entry/exit at the south-eastern corner of the rooftop terrace and landscaping changes to discourage students milling around the edge of the terrace. The Applicant provided an amended layout plan to the Commission during its consideration of the Application to address these design changes.
174. Following its inspection of the Main Campus and discussions with representatives of the Craiglea property, the Commission reviewed the proposed landscaping along the eastern boundary of the infill building.
175. The Commission noted the concerns of the adjoining residents about the bulk and visual impact of the proposed infill building when viewed from the Craiglea property and the effectiveness of the proposed trellis (referred to as associated support structures in the conditions) to screen the infill building. Therefore, the Commission has imposed conditions to retain the existing ground level along the eastern boundary with a garden bed at least 1.2 metres wide to support the growth of vegetation that would more effectively screen the new infill building. The Commission has also imposed a condition requiring this vegetation be maintained to ensure that it does not impact views from potentially impacted residences.
176. The Commission has also imposed conditions that require either not installing the proposed elevated planting and associated support structures along the eastern boundary adjoining Craiglea, or relocating it to the school side of the raised garden bed.

Shadow Impacts

177. In relation to impacts on shadows cast by the new buildings at the Main Campus, the Department's Assessment Report states:

The shadow diagrams indicated that the proposal would have minimal additional shadowing of 49 Upper Pitt Street at 4pm on the June Winter Solstice. The SAR determined that the proposal would result in a maximum of two additional hours shadowing of two windows of 88 Kirribilli Avenue in the late afternoon. The SAR noted that these apartments would still enjoy three hours of daylight on the Winter Solstice which exceeds the minimum two hours required in the Apartment Design Guide (Department of Planning and Environment, 2015).

The Department is satisfied that the Applicant has demonstrated that the overshadowing impacts on 88 Kirribilli Avenue are acceptable given the constraints of the site due to the topography and the maintenance of at least three hours of daylight to the windows affected by the proposal.

178. The Commission sought further clarification about the Applicant's assessment of the proposed shadow impacts on properties to the east of the Main Campus. The Applicant provided updated shadow impact diagrams to demonstrate the predicted changes to solar

access of adjacent properties to the east of the Main Campus are minimal.

Junior Campus

179. Given the concerns about the relationship of the proposed additional level on the western building at the Junior Campus with the existing tower on the heritage building, the Commission sought further consideration by the Applicant of the proposed design of the roof form of the addition at the Junior Campus.
180. The Applicant amended its Concept Proposal designs for the proposed additional level to change the roof form and reduce the maximum height from approximately 12 metres to 11 metres as indicated in Figure 13 and Figure 14.

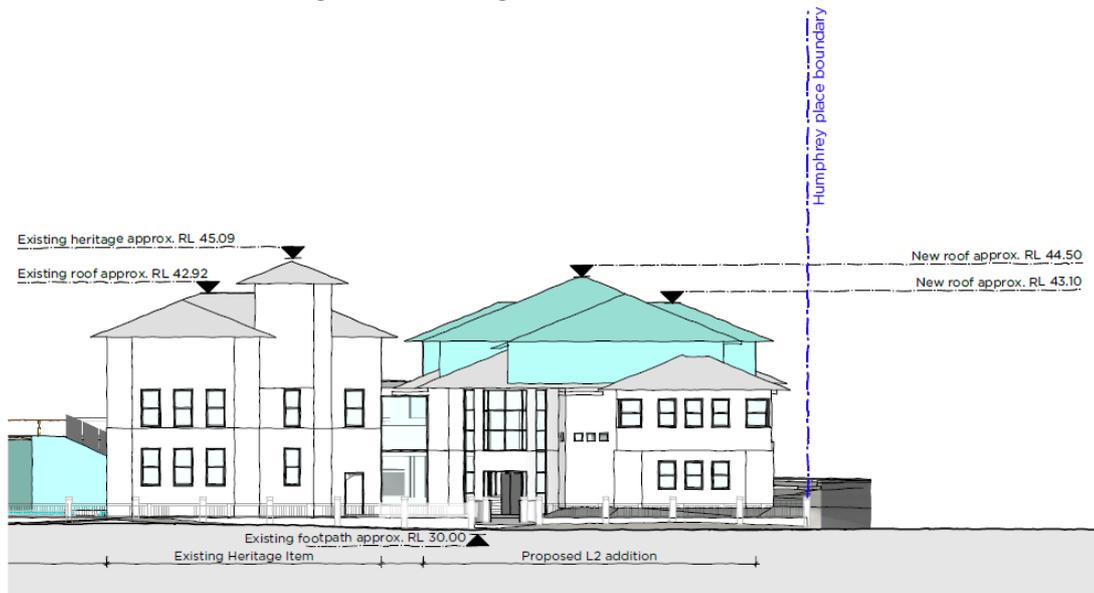


Figure 13: Junior Campus original building envelope (Source: Applicant's EIS)

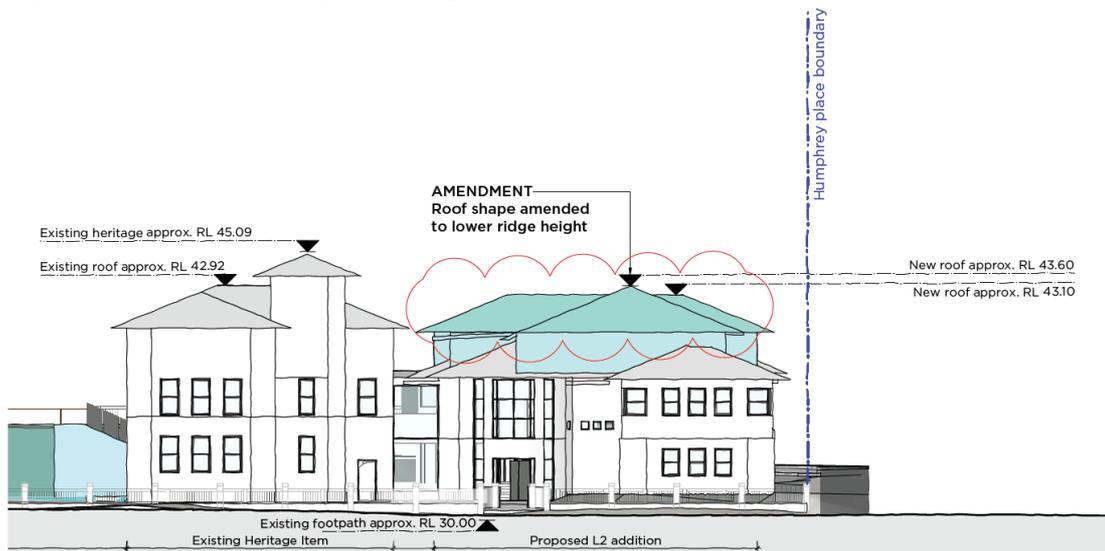


Figure 14: Amended Junior Campus building envelope (Source: Applicant's Additional Information dated 15 August 2019)

181. The Applicant advised on 29 August 2019 that

“the revised concept plans for [the] Junior School provided to the Commission on 15 August 2019 are an amendment to the Concept Proposal development application and are to supersede the corresponding documentation under the proposed Schedule 2 Condition A4.”

182. The Commission agrees to the amendment to the Application referred to at paragraphs 10 and 181 and is satisfied that this amendment adequately addresses the Commission’s concerns. In particular, the amendment to the Application maintains the prominence of the tower of the existing heritage item and responds to roof forms of existing buildings at the Junior School.

5.7.4 Traffic and parking

Public and Council comments

183. The Commission heard concerns from the Council, speakers at the public meeting, and received written comments regarding the impacts associated with traffic and parking. These concerns included:

- existing traffic and parking congestion and lack of on-Site parking;
- the existing school does not provide adequate on-Site parking that complies with the Council’s *Development Control Plan 2013 (DCP 2013)*;
- no improvement in on-Site parking and no on-Site drop-off / pick-up facilities, particularly as there are significant changes to the main Campus including new buildings and additional gross floor area;
- lack of traffic management resulting in safety concerns; and
- hazardous traffic and parking conditions including illegal parking causing inconvenience and amenity impacts to local residents.

184. The Department’s Assessment Report notes that:

Construction traffic and parking was raised as concerns in the public submissions, particularly the number of truck movements and the impact of these on congestion and road safety, as well as parking by construction workers increasing existing significant demand for parking on local streets. The cumulative impacts of the proposal and other major construction works in the area, particularly at Loreto Kirribilli, was also raised as a concern.

Applicant’s consideration

185. The Applicant provided a traffic and accessibility impact assessment (**TAIA**) as part of its EIS and RtS. The TAIA concluded that:

- *The proposed works within the Concept Plan would not result in any increase in either staff or student population at any of the three (3) campuses.*
- *The site is extremely well serviced by a range of high frequency public transport options for staff and students.*
- *The development would not result in any increase in net traffic generation of the College.*
- *Construction vehicle access should avoid the peak morning and afternoon College periods to minimise potential conflict with the movement of students to / from existing public transport nodes.*

186. The Applicant’s RtS addressed the parking provisions of the DCP 2013, stating that there were an additional 13 spaces above the minimum requirements, including 17 spaces through an existing arrangement with the Star of the Sea Church on Willoughby Street,

Kirribilli.

187. An addendum to the TAIA was provided by the Applicant in response to the Department's request for further information in relation to traffic generated during events held outside normal school hours. The addendum TAIA concluded:

- *at times when evening events are expected to commence, demand for on street parking within convenient walking distance to the Main Campus is generally high (between 68% and 87%) and would serve as a deterrent for private vehicle use by visitors during existing/ future evening events.*
- *all locations except for a small number close to retail areas on Broughton Street include a resident parking scheme in place which generally restricts parking to a two hour time except for residents with a parking permit.*
- *overall, the only change in events are proposed to occur during late evening periods and during such times when existing resident parking schemes operate providing limited opportunity for visitors to travel by car and park in the area. Further, any traffic which may be generated during these late evening periods would be during periods of when the road network has greater capacity than during typical road network peaks.*

188. The Applicant also included a preliminary construction traffic management plan (CTMP) as part of its EIS, which outlines the measures to manage traffic and pedestrian impacts during construction.

Department's consideration

189. The Department engaged an independent traffic consultant, Bitzios Consulting, to review the traffic impacts of the proposal and proposed traffic measures in the Applicant's EIS and RtS.

190. In relation to traffic impacts during the operation of the development, the Department's Assessment Report concluded:

The Department recognises Council's concerns with regard to the potential for the proposed redevelopment to allow for an increase in student numbers. Given the strong reliance of the TAIA on there being no increase in student and staff numbers, the Department considers that the imposition of a cap on student numbers is warranted.

Whilst the Department recognises Council's and the community's desire for the provision of on site drop-off/pick-up facilities, the constraints of the three campuses, existing high levels of public transport use and lack of increase in student numbers means that requiring such facilities to be provided would not be reasonable.

Overall, with the implementation of these measures, including the cap on the existing student numbers at the school, the Department is satisfied that the impacts of the proposal as a result of operational traffic would be acceptable

191. The Department's Assessment Report also considered parking impacts during the proposed events held outside normal school hours at the Main Campus proposed rooftop terrace. The Department's Assessment Report notes that with the implementation of traffic and parking monitoring during trial of the events and a limit on the number of events held each year, the parking impacts can be adequately managed.

192. In relation to construction traffic impacts, the Department's Assessment Report concluded:
The Department recognises that a development within an established urban environment would likely result in construction traffic impacts and as such, considers that all reasonable measures should be implemented to minimise and manage these impacts. In this regard,

the Department has recommended a condition requiring the preparation of a detailed CTMP prior to commencement of works which would be informed by the Road Safety Evaluation recommended by Transport for NSW and the Department's traffic consultant.

Given the potential for cumulative impacts, the Department has also recommended that the detailed CTMP considers other construction projects in Kirribilli underway at the same time as the proposed works and make appropriate arrangements to mitigate any cumulative impacts. In addition, given the potential for work zones to impact on existing drop-off/ pick-up zones, the Department has recommended that the detailed CTMP also ensure ongoing provision of the existing number of drop-off/ pick-up spaces during works.

Commission's consideration

193. Given the concerns raised in the Council submissions and public submissions, the Commission observed traffic conditions in the morning drop-off and afternoon pick-up periods, particularly around the Junior Campus. Although no significant traffic issues were observed by the Commission, it recognises this cannot be considered as representative of school pick-ups and drop-offs. Furthermore, the Commission acknowledges the constraints on traffic and parking presented by the width and layout of streets around the school campuses and the proximity of the school to public transport.
194. The Commission notes that an assessment of traffic impacts during construction and operation of the Junior Campus would form part of any future development application/s, and the Department has recommended conditions of consent requiring this assessment.
195. The Commission notes that although an agreement may be in place for parking spaces at the Star of the Sea Church, this should not be included in the provision for parking under the DCP 2013, therefore the Application would not comply with the DCP 2103 parking requirements.
196. However, the Commission notes that the provisions of DCP 2013 do not apply to the Application per clause 11 of the SRD SEPP, and based on the Commission's on-Site observations and review of the Material before it, the Commission accepts the operational traffic and parking issues are pre-existing and the Application is unlikely to result in an increase in operational traffic and parking. The Commission agrees with the addendum to the TAIA (see paragraph 187) that parking constraints in the surrounding streets would serve as a deterrent for private vehicle use by visitors during existing/future evening events.
197. In relation to the Department's recommended cap on student population, the Commission agrees with the Department's conclusions that a cap is warranted based on the Applicant's reliance on this in its assessment of operational traffic impacts. However, the Commission notes that some flexibility in the limit on student population is reasonable to facilitate temporary and unanticipated increases in student numbers. The Commission has therefore imposed a condition allowing an additional 20 students on a temporary basis above the proposed student population cap of 1,244, to allow for unanticipated fluctuations.
198. The Commission also heard concerns about parking impacts during events held outside school hours. Given the Commission has not approved the use of the ten (10) additional External Group Venue Hire events at the Main Campus, and has imposed a condition requiring traffic and parking management during the ongoing existing events, the Commission is satisfied that potential parking issues during events can be adequately managed.
199. The Commission considers that impacts associated with construction traffic must be carefully managed in order to avoid exacerbating the existing traffic and parking issues in

the locality. The Commission agrees with the conclusions of the Department and supports the development of a CTMP which is to be informed by a Road Safety Evaluation.

200. Based on the Material, the Commission finds that impacts associated with construction traffic can be mitigated and/or managed to an acceptable level with the implementation of conditions of consent (see paragraphs 197, 198 and 199).

5.7.5 Heritage

Public and Council comments

201. The Council and public submissions also raised concerns about impacts of the Application on the heritage fabric of the Junior Campus and Wyalla building of the Senior Campus, both listed as items of local heritage significance under NSLEP 2013.

Applicant's consideration

202. The Applicant's EIS includes a Heritage Impact Statement (**HIS**) which assessed the impacts of the Application on the heritage buildings. In relation the Junior Campus the Applicant's EIS concludes:

The proposed Concept Master Plan of the Junior Campus is considered to be generally acceptable in heritage terms for the following reasons:

- The proposed addition would enable essential educational facilities to be upgraded within the boundary of the Junior Campus;*
- The proposed works have been located to minimise adverse impacts on significant views to and from heritage items in the immediate area and the Careening Cove Conservation Area;*
- The scale, bulk and location of the proposed minor addition are acceptable in heritage terms as they would not visually dominate the former Milsons Point Public School, the St John the Baptist Anglican Church (7-9 Broughton Street), or other heritage items in the immediate area;*
- The proposed development will have an acceptable visual impact on the existing sightlines between the Junior School and the Careening Cove Conservation Area;*
- The location of the proposed works would maintain existing view corridors along street within the immediate Kirribilli area;*
- The proposed works have been assessed by Casey & Lowe, Consulting Archaeologists as having an acceptable archaeological impact;*
- The works would maintain a large section of the site as open playground to facilitate safe areas for activities within the boundary of the school.*

Overall, the proposed building envelopes for the Junior Campus are considered acceptable from a heritage perspective.

203. In relation the Senior Campus the Applicant's EIS concludes:

The architectural expression and materials of the proposed external works would be compatible with other development on the site and commensurate with the quality of buildings in the immediate area. The single storey additions and stair enclosures would be lightweight construction, consistent with best-practice heritage principles so that they are recognisable as new work.

Overall, Wyalla and all surviving nineteenth century fabric is to be protected from damage during construction works.

Department's consideration

204. The Department's Assessment Report notes:

The Department further concludes that the proposed built form would not be detrimental to the heritage values of the three campuses and the surrounding area as it would:

- *not visually dominate the original school house on the Junior Campus, the Wyalla building on the Senior Campus and other listed items on land surrounding the three campuses.*
- *not interrupt the existing layout of the three campuses or significantly alter the pattern of development in the area.*
- *generally maintain existing views to and from heritage items and the nearby heritage conservation areas.*

205. The Department has recommended conditions that require detailed elevations and a HIS that considers the appropriateness of the design of the proposed buildings to be included in a future Stage 2 development application.

206. The Department has also recommended conditions requiring archaeological salvage and archival recording of the Wyalla building prior to construction and the preparation of a Heritage Interpretation Plan for the Senior Campus.

Commission's consideration

207. The Commission inspected the Junior Campus and Senior Campus to better understand the proposed redevelopment in the context of the Site's constraints. The Commission noted the restricted space in the Senior Campus classrooms in the building.

208. As set out in paragraph 10 and paragraphs 179 to 182, the Applicant has revised its proposed concept design of the Junior Campus to amend the form and reduce the height of the new roof to be more sympathetic to the adjacent heritage building. The Commission notes the requirement for assessment of heritage impacts in a future development application for the Junior Campus and considers this amendment to the concept development application designs in the Application is reasonable.

209. The Commission agrees with the Department's conclusions, as set out at paragraph 204. regarding the Senior Campus redevelopment under the Application, that the proposed additions are not visually intrusive from the public domain and heritage conservation areas. The Commission considers the Department's recommended conditions adequately address the conservation of the building's heritage.

5.7.6 Other issues

210. Section 6.4, Table 12 of the Department's Assessment Report identified the following 'other issues' relevant to the Application, including:

- contamination;
- vibration;
- biodiversity;
- excavation and sediment, erosion and dust control;
- stormwater, drainage and flooding;
- utilities;
- indigenous and non-indigenous archaeology;
- social impacts;

- accessibility;
- wind tunnel effects; and
- lack of open space for students.

211. The Commission is satisfied with the Department's assessment of these other issues as set out in section 6.4 of its Assessment Report because it considers the identified issues can be mitigated and/or managed to an acceptable level through the recommended conditions of consent.

5.7.7 Social and Economic Impacts

Public and Council comments

212. The Council and the community raised concerns about the need for a redevelopment of the college campuses under the Application and that this would facilitate an increase in the student population.

Applicant's consideration

213. The Applicant's EIS states that:

"The proposal will retain and contribute to the provision of a state-of-the-art education facility. The strengthening of this sector is an important strategy for the infrastructure of the Sydney metropolitan area as a region as well as NSW. The development complements significant investment in infrastructure and will continue to be an employment generating development."

214. The Applicant states in its EIS that:

"the proposed development will provide public benefit through the provision of improved educational infrastructure, whilst providing wider public benefits through the generation of new jobs through the construction phase of development".

Department's consideration

215. The Department's Assessment Report notes that the Application involves the upgrade and improvement of an existing school in a central well-connected location, that the Site is well-established, and its redevelopment would not negatively impact the economic welfare of the community, nor the natural environment.

216. The Department states in its Assessment Report that:

"would provide benefit for the community by delivering contemporary teaching and learning facilities with adaptable and collaborative learning spaces to improve educational outcomes. The Concept Proposal would also generate 407 construction jobs and Stage 1 works would generate 372 construction jobs".

Commission's consideration

217. The Commission accepts the consideration of the Applicant and Department outlined in paragraphs 213 and 215 above. Based on the details provided in the Applicant's EIS, the Commission finds that the Application will have positive social and economic impacts through the redevelopment of an existing school to provide state-of-the-art education facilities. However, the Commission notes that although there is a significant increase in gross floor area, the proposal does not increase student and staff numbers, which is

reflected in a cap on numbers as a condition of consent. This limit on numbers is fundamental to the Commission's decision about the social and economic impacts of the Application.

218. The Commission accepts the consideration of the Applicant and Department outlined in paragraphs **Error! Reference source not found.** 214 and 216 above. Based on the details provided in the Applicant's EIS, the Commission finds that the Application will have a positive economic impact through the provision of up to 407 jobs during the construction phase of the concept development application and 372 jobs during the construction phase of Stage 1 works as well as improved educational facilities on a Site that is zoned for this purpose.

5.7.8 Amendments to the conditions of consent

219. The Commission has made a number of amendments to the conditions of consent recommended by the Department. The amendments include:
- not approving the ten (10) additional External Group Venue Hire events at the new rooftop terrace;
 - refinements to the design of rooftop enclosures for plant and equipment specifically the location of this equipment internally unless the Applicant can provide further justification in detailed design for externally locating these structures;
 - refinements to the design of the acoustic barrier on the proposed rooftop terrace requiring a minimum 1 metre setback from the parapet walls or further justification in detailed design for externally locating these structures less than a one metre setback;
 - restricting the height of the new lift to the proposed rooftop terrace at level 3 of the new infill building; and
 - additional landscaping requirements at the Main Campus;
 - monitoring of the noise generated during operation of the Main Campus including verifying the performance of mechanical plant acoustic treatment and noise generated during normal school hours and events held outside school hours on the rooftop terraces; and
 - requiring consultation with the community prior to and during construction of the development.

5.8 Suitability of the Site for the development

220. The Commission is generally satisfied that the Application is suitable for the Site as:
- it will provide for improved and accessible educational facilities within an existing school campus, as outlined in section 1.3;
 - the likely environmental impacts, outlined in section 5.7, associated with the Application can be adequately addressed through management and/or mitigation measures; and
 - the Application is generally consistent with the planning priorities set out in the Greater Sydney Region Plan and North District Plan, as outlined in section 2.2.

5.9 The public interest

Applicant's consideration

221. The Applicant's EIS states: *"In summary, the Staged Development is supportable from a technical viewpoint and satisfies relevant Government policies. It provides significant benefits for a wide range of stakeholders and is in the general public interest. Further, the proposed development has addressed the individual matters listed in the SEARs and are supported and justified through accompanying technical studies."*

222. The Applicant included an Ecologically Sustainable Development (ESD) report as part of its EIS. The report concludes: “Ecologically Sustainable Design

The purpose of this ESD Report is to outline the proposed measures to minimise consumption of resources, energy and water, and to demonstrate that the project has been assessed against a suitable accredited rating framework.

The sustainability measures proposed for the development encompass water and energy efficiency initiatives over and above the minimum compliance requirements of the BCA (i.e. Section J).

As a result of the sustainability initiatives discussed within this report, the St Aloysius’ College development is expected to achieve a high level of environmental sustainability.

Department’s consideration

223. The Department’s Assessment Report at Table 3 in section 4.4.2 includes consideration of the Application against the objects of the EP&A Act. The Department’s Assessment Report concludes that:

“The Department considers that the proposal is in the public interest as it would provide benefit for the community by delivering contemporary teaching and learning facilities with adaptable and collaborative learning spaces to improve educational outcomes. The Concept Proposal would also generate 407 construction jobs and Stage 1 works would generate 372 construction jobs.”

224. In relation to the principles of Ecologically Sustainable Development (ESD) the Department’s Assessment Report has considered the Application in relation to the ESD principles. The Department’s Assessment Report states:

The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. To ensure that the ESD measures are achieved, it is recommended that conditions be included in relation to works at the Main Campus which require:

- the appointment of a suitably qualified Green Star Accredited Professional to monitor the detailed design to ensure that all the ESD measures set out in Appendix 26 of the EIS are incorporated.*
- evidence to be provided from a suitably qualified Green Star Accredited Professional that the ESD measures set out in Appendix 26 of the EIS have been incorporated into the design prior to the commencement of construction.*
- evidence to be provided from a suitably qualified Green Star Accredited Professional that the ESD measures set out in Appendix 26 of the EIS have been implemented in the works prior to the issue of an occupation certificate for the final stage of works.*

Commission’s consideration

225. In considering whether the Application is in the public interest the Commission has had regard to the objects of the EP&A Act. Under section 1.3, the objects of the Act relevant to the proposal are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*

- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

226. The Commission notes that the Applicant has sought to achieve ESD initiatives through building design as noted in paragraph 224 above, consistent with section 1.3 object (b) of the EP&A Act.

227. The Commission finds that the Application is generally consistent with the ESD principles, the Objects of the Act, and is in the public interest because:

- it will allow for the provision of improved learning facilities at an existing facility located close to public transport;
- the design of the proposed development and recommended conditions of consent address concerns raised by the community about amenity impacts, as discussed in section 5.7; and
- it will generate 407 construction jobs during the concept development application phase and 372 construction jobs during the State 1 works phase, as set out in paragraph 223.

6. HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING ITS DECISION

228. The views of the community were expressed through:

- public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as outlined in paragraphs 14, 17 and 20;
- members of the public who spoke at the public meeting or sent written submissions after that meeting, as outlined in paragraph 34; and
- the Commission inspecting the Site and surrounding locality and viewing the Main Campus from the Craiglea property and apartments at 48 Upper Pitt Street, as outlined in paragraph 33.

229. In summary, views expressed by the community raised a number of concerns, as summarised in paragraphs 17 and 35.

230. The Commission carefully considered all of these views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in section 5 above.

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7. THE COMMISSION'S FINDINGS AND DETERMINATION

231. The Commission has carefully considered the Material before it, as outlined in paragraph 37.

232. The Commission finds that:

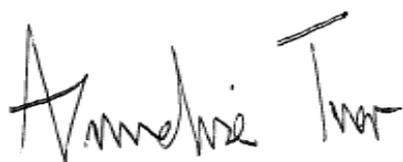
- it is reasonable for the existing out of hours use of the Chapel terrace roof to continue given the relatively low scale and intensity of the events and given these events are largely community related and ancillary to the school's function (see paragraph 73). However, based on the information about the additional External Group Venue Hire events, the Commission is not satisfied that these events satisfy clause 35(5) of the Education SEPP (see paragraph 76). Furthermore, given the predicted noise impacts resulting from events on the proposed rooftop terrace the Commission considers holding additional events is unreasonable and has included conditions that excludes the use of the proposed rooftop terrace for the proposed ten (10) External Group Venue Hire events (see paragraph 105);
- the potential noise impacts during construction and operation of the development the subject of the Application can be mitigated and/or managed to an acceptable level through implementation of the recommended conditions of consent (see paragraph 116);
- the proposed built form of the development is generally appropriate within the context of the existing buildings on the Site and setting of surrounding development (see paragraph 143). However, having considered the principles in clause 35(6) of the Education SEPP, the Commission requires further detailed design of rooftop mechanical plant enclosures, the new glass lift and noise barrier on the Main Campus to better respond and enhance the positive qualities of the school's setting and further minimise visual impacts (see paragraphs 152 and 155);
- the proposed measures to mitigate privacy concerns with adjacent residential properties are suitable subject to further refinements to the proposed landscaping along the eastern boundary (see paragraph 175);
- whilst there are existing issues associated with operational traffic and parking, the Application is unlikely to result in an increase in operational traffic or parking as the Application does not seek or allow for an increase in student or staff numbers apart from an additional 20 students on a temporary basis (see paragraph 197); and
- the construction traffic impacts associated with the Application can be managed and/or mitigated to an acceptable level with the implementation of the recommended conditions of consent (see paragraph 200).

233. The Commission finds that the impacts of the Application are acceptable and can be appropriately mitigated through the implementation of the Department's recommended conditions of consent as amended by the Commission (see paragraph 219).

234. The Commission has determined to approve the Application, subject to conditions. These conditions are designed to:

- prevent, minimise and/or offset adverse environmental impacts and impacts on the community;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development under the Application.

235. The reasons for the Decision are given in this Statement of Reasons for Decision dated **20 September 2019**.



Annelise Tuor (Chair)
Member of the Commission



Soo-Tee Cheong
Member of the Commission



Chris Wilson
Member of the Commission