



Trinity Grammar School Redevelopment

State Significant Development Assessment SSD-10371

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Cover image: View of proposed building form the Victoria Street entry (source PMDL Architecture)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AIA	Arboricultural Impact Assessment
ALEP 2013	Ashfield Local Environmental Plan 2013
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CMP	Construction Management Plan
CTMP	Construction Traffic Management Plan
Council	Inner West Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GTP	Green Travel Plan
ICNG	Interim Construction Noise Guideline
Heritage	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
HCA	Heritage Conservation Area
LEC	NSW Land and Environment Court

LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
NIA	Noise Impact Assessment
OTAMP	Operational Transport and Access Management Plan
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
VIA	Visual Impact Assessment

Executive Summary

This report provides an assessment of a State significant development (SSD) application lodged by The Council of Trinity Grammar School (the Applicant) for the redevelopment of Trinity Grammar School, Summer Hill campus (SSD 10371). The proposal involves demolition and refurbishment of a number of buildings, construction of four new buildings, reconfiguration and expansion of the underground car park, landscaping, ancillary civil works and staged increase in students. The proposal is SSD under clause 15 of Schedule 1 of the State and Environmental Planning Policy (State and Regional Development) 2011.

The Department notes that Trinity Grammar School, Summer Hill campus currently has an approved capacity of 1500 students. However, currently 1655 students attend the site. The Applicant also seeks to regularise the current student numbers within the site to be 1655 (in lieu of 1500) prior to redevelopment occurring.

The Applicant also seeks approval for staged increase of students from 1655 to 2100 and staff from 277 to 321 in association with the redevelopment. The proposal is SSD under clause 15 of Schedule 1 of the State and Environmental Planning Policy (State and Regional Development) 2011.

Assessment summary and conclusion

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

The Department concludes that the proposal is in the public interest and recommends the application be approved, subject to conditions addressing traffic and transport, built form, landscaping and visual impacts, heritage, and noise. The application is referred to the Independent Planning Commission for determination as more than 50 public submissions were received by way of objection.

The Department identified traffic and transport, built form, landscaping and visual impacts, heritage, and noise impacts as the key issues for assessment. The Department concludes that the:

- proposed built form would integrate well with the site, despite the increased scale of buildings at the centre. The new buildings would not have unacceptable impacts on the character of the locality, including the character of surrounding heritage conservation areas.
- proposal would require the demolition of four dwellings on Seaview Street, which has been assessed as satisfactory as they do not contribute to the heritage significance of the school site
- proposed development would result in loss of Sydney city views from one dwelling at 159 Victoria Street, Ashfield. However, retention of the views of this dwelling would require significant alterations to the proposed building and compromise its functions.
- proposal provides well-designed landscaped spaces. The development would require the removal of 29 trees which will be offset by replacement planting comprising 67 trees.
- development would have some neighbourhood impacts due to construction and operational noise. However, these impacts can be appropriately managed by the implementation of

management / mitigation measures, construction of an acoustic fence along Seaview Street and the implementation of a Construction Noise and Vibration Management Plan.

- proposal would improve the internal amenity and functionality of the school, including a significant improvement to traffic flows associated with drop-off / pick-up movements.
- improved reconfiguration of the existing car parks, when complete, would support the regularisation of current students at 1655 and staff at 277.
- a further staged increase to 2100 students and 321 staff can be supported subject to completion of additional external civil and roadworks.
- the proposal would have minor impact on the surrounding road network operations and would not deteriorate the performance of the key identified intersections that would continue to operate at good or acceptable levels of service.
- proposed mitigation measures including external roadworks would alleviate adverse traffic impacts on the locality due to the development.
- proposed modal shift of 10% from private vehicles to sustainable modes of transport (in the Applicant's Green Travel Plan) would improve the traffic impacts on the locality in the future and is considered obtainable.

The Department is satisfied that the impacts of the proposal and the issues raised in the submissions have been addressed in the Applicant's Environmental Impact Statement (EIS), Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS). Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.

The proposal

The proposal seeks approval for the redevelopment of Trinity Grammar School, Summer Hill Campus comprising:

- alterations and additions in six construction stages including:
 - demolition of some existing buildings and removal of 29 trees.
 - construction of a new five-storey building including basement (Teaching Learning and Library Building), a new three storey building (Multi-purpose pavilion) and a new Maintenance Building.
 - alterations and additions to existing buildings to create a new Performing Arts Building.
 - extension and reconfiguration of the existing car park.
 - alterations to Music Building, New Founders Building, Assembly Hall and North Quad Building.
- regularisation of current students numbers at 1655 and staff at 277.
- subsequent staged increase in student numbers from 1655 to 2100, increase in staff from 277 to 321 in association with the redevelopment.

The proposal has a capital investment value (CIV) of \$127.7 million and would generate 543 construction jobs and 44 additional operational jobs.

The site

Trinity Grammar School (the site) is at 119 Prospect Road, Summer Hill and is bounded by Prospect Road to the east, Yeo Park to the south, Victoria Street to the west and Seaview Street to the north.

The proposal also includes two additional allotments, 50 and 52 Seaview Street, that are owned by the school.

Engagement

The application was exhibited between 5 May and 3 June 2020. The Department received 80 submissions, including seven from public authorities (comment from Inner West Council) and 73 public submissions (71 objections). Key issues raised in the submissions included traffic and parking, building scale and character, heritage, and noise.

The Applicant submitted the RtS on 6 November 2020, responding to the issues and including minor design amendments. Following further requests for information from Inner West Council and the Department, several supplementary RtS were provided in January and February 2021.

The application was re-exhibited for 14 days between 5 March and 18 March 2021 inclusive, to include the correct address of all included allotments. The Department received a total of nine submissions, including five from public authorities and four objections from previous submitters. The Applicant submitted a further RtS on 25 March 2021 responding to the issues raised during re-exhibition including traffic and car parking, construction traffic, view loss, building height, residential amenity including noise impacts and increased student population.

Upon further review of the traffic impacts, on 15 April 2021 the Department requested that the Applicant provide additional traffic analysis for Victoria Street / Liverpool Road, Harland Street / Queen Street, and Service Avenue / Harland Street intersections and to identify associated mitigation measures (if any), further analysis of the intersection of Old Canterbury Road with Prospect Road and Hurlstone Avenue and associated consultation and mitigation measures (if any), and a revised Green Travel Plan.

On 29 June 2021, the Applicant provided the SRtS in response to the request for additional information. The SRtS included detailed traffic analysis of the intersections and associated evidence of consultation with the relevant authorities. Additionally, the Applicant provided clarification around proposed student numbers.

Inner West Council and Transport for NSW have reviewed the SRtS and have not raised any concerns.

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1 Introduction

1.1 The Application

- 1.1.1 This report provides an assessment of a State significant development (SSD) application for the redevelopment of Trinity Grammar School (SSD-10371).
- 1.1.2 The proposal seeks approval for alterations and additions to Trinity Grammar School, Summer Hill campus in six stages, involving demolition of some existing buildings, construction of four new buildings (3 to 5 storeys), refurbishment of four existing buildings, reconfiguration and expansion of the underground car park, landscaping, external road and public domain works, signage, staged increase in student numbers to 2100, and increase in staff to 321.
- 1.1.3 The application has been lodged by The Council of Trinity Grammar School (the Applicant). The site is located within the Inner West local government area (LGA).

1.2 Site description and context

- 1.2.1 Trinity Grammar School (the site) is located approximately 7 kilometres (km) south-west of the Sydney central business district (CBD) as identified in **Figure 1**.

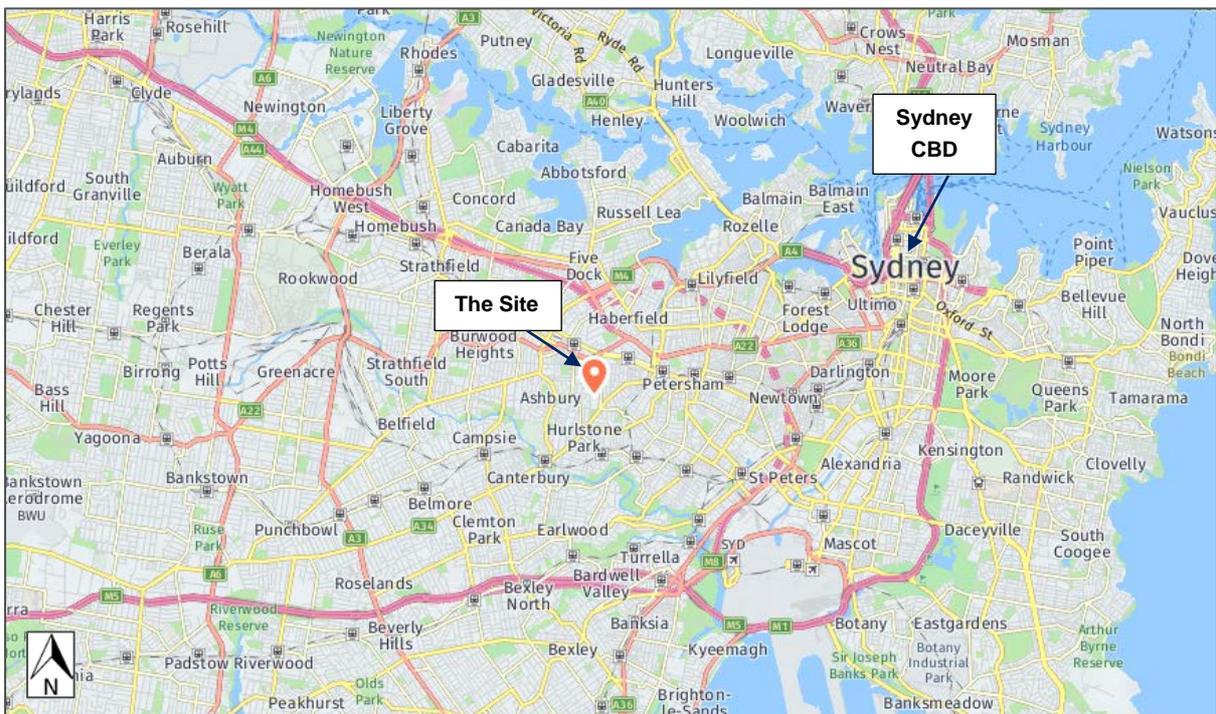


Figure 1 | Regional Context Map (Source: Nearmap 2021)

- 1.2.2 The site is located at 119 Prospect Road, and 50-52 Seaview Street, Summer Hill and is bounded by Prospect Road to the east, Yeo Park to the south, Victoria Street to the west and Seaview Street to the north. The allotments 50 and 52 Seaview Street, are owned by the school.

- 1.2.3 The legal description of the site (119 Prospect Road and 50 – 52 Seaview Street) is Lot 11 DP 1171965, Lots 5 and 6 DP 15765 as identified in **Figure 2**. The site is generally flat with a total area of 65,596 square metres (sqm).
- 1.2.4 The site currently incorporates a junior, middle and senior school, with students from kindergarten (K) to year 12. The boundary of the current school is shown on **Figure 2**.
- 1.2.5 Currently there are 1655 students in attendance at the school with 277 full-time equivalent (FTE) staff. This is 155 students more than currently provided for under the most recent development consent.
- 1.2.6 Buildings on the site are concentrated in the northern and central parts, with the western and southern parts of the site being open playing fields (ovals) with underground parking.



Figure 2 | Site location (Source: Applicant's EIS 2020)

Heritage listings on site

- 1.2.7 The site is listed as an item of local heritage significance in the Ashfield Local Environmental Plan (ALEP) 2013, relating to the Headmaster's Residence and the War Memorial Chapel

(Chapel) that are located towards the north eastern boundary of the school site fronting Prospect Road.

Existing buildings and landscaped areas

1.2.8 The existing buildings and landscape features on the site are identified in **Figure 3** and described below, including the:

- Headmaster's Residence, a two-storey building fronting Prospect Road, currently the headmaster's office and adjoining the enrolment centre to its south. The residence was constructed during the early 1880s and is a contributory heritage element.
- War Memorial Chapel was constructed in 1957 and is a contributory heritage element. The Chapel is located to the north of the Dining Hall, forming the northeast corner of the open space, the Quadrangle.
- Hurlstone Court, constructed in 1977, located on the western side of the Headmasters Residence. The courtyard contains general landscaping and a central seated area connecting the residence and office to the buildings located to the west.
- Quadrangle, a focal landscape feature within the site for assembly and meeting. It is bordered by the War Memorial Chapel to the northeast, the North Quad Building (Quadrangle Building in **Figure 3**) to the northwest and west, the Dining Hall to the east, and New Founder's Building to the south.
- James Wilson Hogg Assembly Hall (Assembly Hall in **Figure 3**), located in proximity to the Quadrangle, adjacent to the New Founder's Building.
- North Quad Building, at the northern and western boundaries of the Quadrangle, creating a through site link between the Quadrangle, the Latham Theatre and New School building to the west.
- New Founder's Building, located south of the Quadrangle.
- Dining Hall, a two-storey building located on the eastern side of the campus, south of the Chapel and the Quadrangle, adjoining the Headmaster's Residence.
- New School Building is a two-storey structure, between the Sports Centre and Health Centre buildings. The Latham Theatre is also located south of the New School Building, which connects to the North Quad Building to the south.
- Roderick West School of Music (Music building), located between Ovals 1 and 3 to the north of the New Founder's Building.
- Health Centre Building, Southern Buildings and Loading Dock, three distinct two storey buildings, located between the Music Building to the south and New School Building to the north. The Design Centre is connected to the Delmar Gallery in the north-west corner of the site, east of the Delmar Gallery and connected to the School of Science building.
- School of Science Building, located to the north of the Oval 2 between the Design Centre and Sports Centre. The School of Science Building connects to the Design Centre and is accessible from Seaview Street to the north.
- Junior School Building, located to the north of the site fronting Seaview Street.
- Greek Theatre and Compass Court, located to the north and south of the Latham Theatre respectively. The Greek Theatre has a semi-circular form with wide steps, mimicking the style of an outdoor Greek Theatre. The Compass Court has incorporated a compass into the centre of the circular courtyard and is used as a turning circle for delivery vehicles.

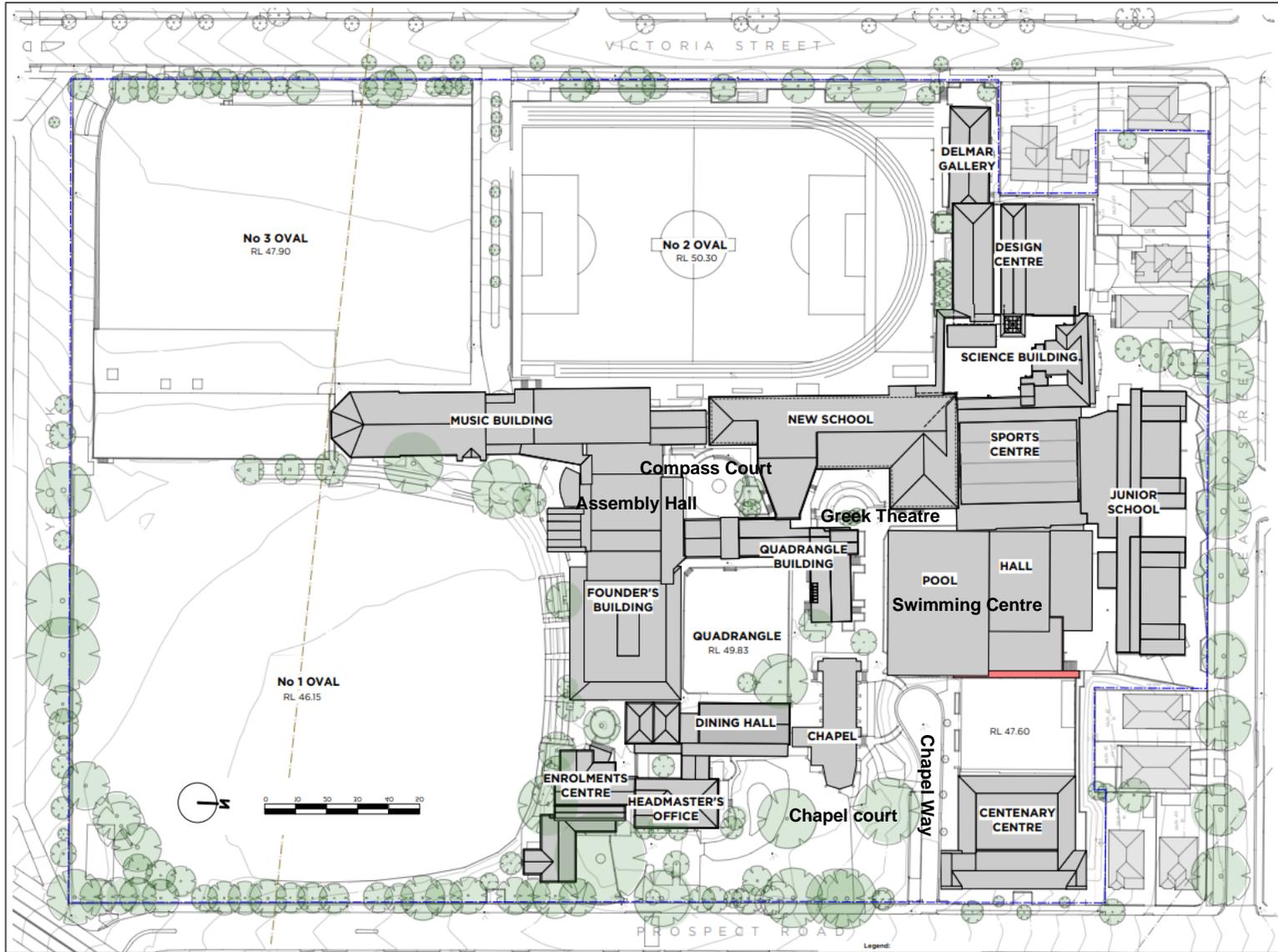


Figure 3 | Existing buildings and landscape features of the site (Source: Applicant's RtS 2020)

- Sports Centre, a flat roof form with the Junior School to the north, Swimming Centre to the east, the New School to the south and Design Centre to the west. It is a three-storey equivalent building.
- Centenary Centre, located to the east of the site fronting Prospect Road. The Centenary Centre was constructed in 2015 and opened early 2016.
- Swimming Centre (pool), a rectangular building with a flat roof to the north of the Centenary Centre which houses the indoor swimming pool.

1.2.9 The War Memorial Chapel Court is located south-east of the chapel, and to the north of the Dining Hall and beside the Chapel Way. The courtyard contains commemorative plaques to former Headmasters, staff, Trinitarians, School Councilors.

1.2.10 There are three ovals located on the site. Oval 1 and Oval 3 form the western boundary of the site with Victoria Street. Oval 2 and Oval 3 form the southern boundary adjoining Yeo Park (identified as Heritage Item 335 in ALEP). The Oval 2 has a running track around the outside and features artificial grass within.

Access and existing car parking

1.2.11 Underground parking is provided, accessed from Victoria Street frontage. The car park locations are identified in **Figure 4**.

1.2.12 The school currently has two underground car parks that are not connected. The main car park (Jubilee car park) is open to visitors and contains the drop-off / pick-up area, and the southern (staff) car park provides staff parking. Jubilee car park contains 211 car parking spaces accessed via a driveway between Oval 2 and Oval 3, and serves as the primary drop-off / pick-up point for parents.

1.2.13 The staff car park contains 91 car parking spaces and is accessed by a driveway next to Yeo Park. This car park is secure, and access controlled via a boom gate. A small car park with five spaces on the eastern side of the school provides parking for the enrolment centre and other authorised parking.

1.2.14 Prominent sandstone gates (Chapel Gates) on the western side of Prospect Road present the main pedestrian entrance to the site adjoining the Centenary Centre. An internal road, Chapel Way, leads to the Chapel from this gate, ending in a cul-de-sac (shown in **Figure 3**). The Applicant advises that Chapel Way is used by buses transporting students, and a bus shelter is on the south side of the Chapel Way.



Figure 4 | Locating of existing car parks (Source: Applicant's EIS 2020)

1.2.15 Pedestrian access to the site is also available from Victoria Street and Seaview Street frontages.

1.2.16 An aerial view of the site is provided in **Figure 5** and photos of the site are provided in **Figures 6 - 8**.



Figure 5 | Aerial view of site and surrounds (Source: Applicant's EIS 2020)



Figure 6 | Vehicle entrance to underground car park on Victoria Street (Source: DPIE 2020)



Figure 7 | Dwellings on Seaview Street proposed for demolition and location of proposed new maintenance building (Source: Google Maps 2020)

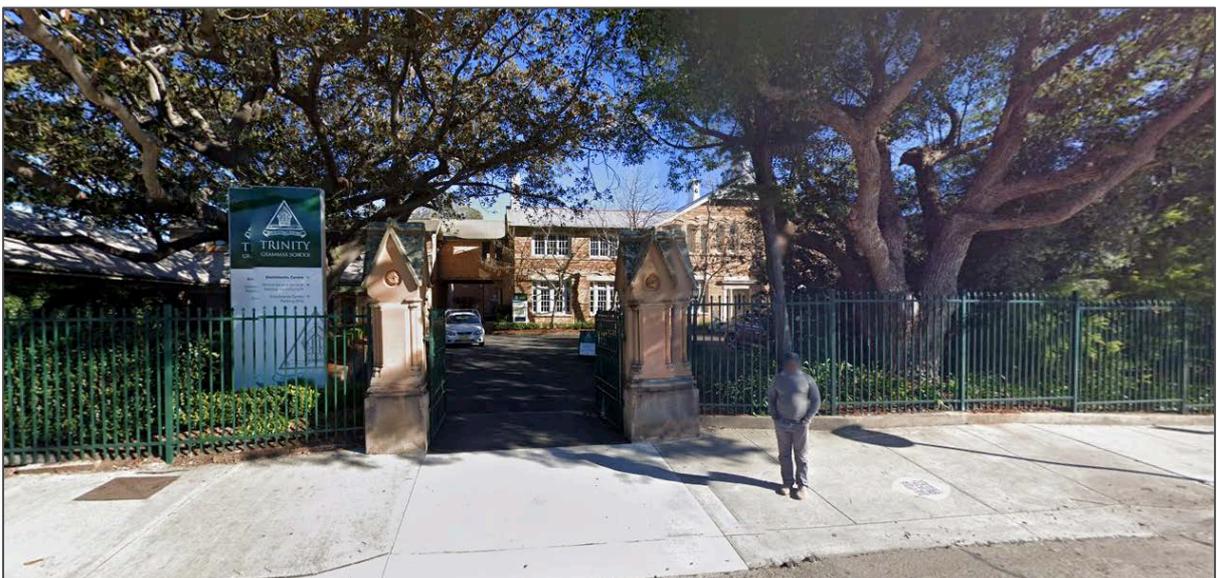


Figure 8 | Main entrance on Prospect Road, including heritage listed Headmasters Residence (Source: Google Maps 2020)

Residences fronting Seaview Street

1.2.17 The school includes two dwellings fronting Seaview Street (46 and 48) and forming part of the existing site (119 Prospect Road). The dwelling house at 46 Seaview Street is single storey and adjoins an existing sub-station, west of the Junior School building. It is located within the curtilage of the heritage significant buildings of the site.

1.2.18 The application includes two additional dwelling allotments (50 and 52 Seaview Street) at the north-western corner of the site fronting Seaview Street. The details of the dwellings are discussed in **Section 6**. Neither of these dwellings are heritage listed items or located in a heritage conservation area.

Surrounding development and heritage conservation areas

1.2.19 Land surrounding the site is residential in character, contains individually listed buildings and contains several heritage conservation areas (**Figure 9**) and a variety of one to two storey dwelling houses predominantly characterised by federation and interwar single-storey brick dwellings.

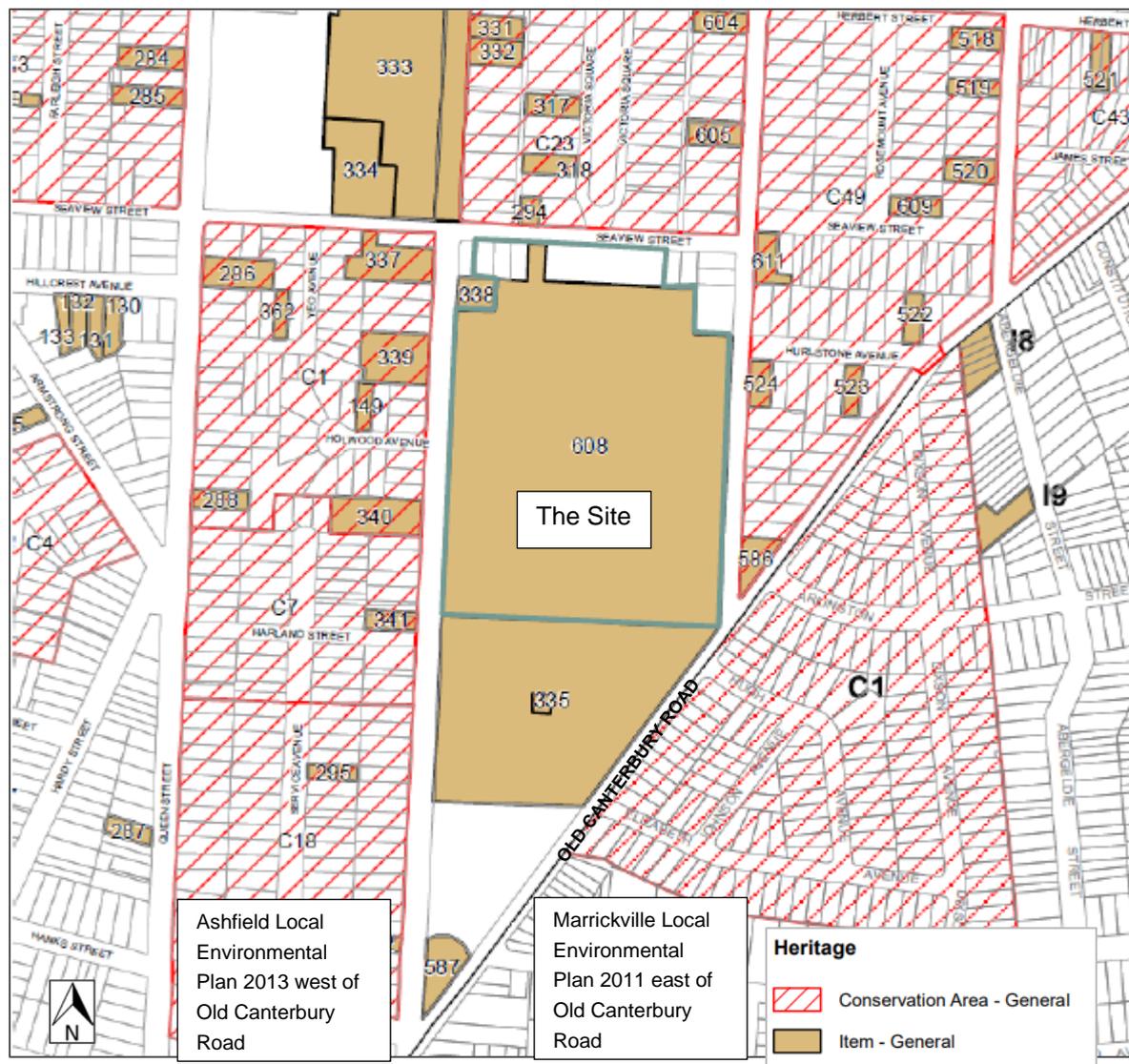


Figure 9 | Heritage items and heritage conservation areas (Source: Applicant's EIS 2020)

1.2.20 Other nearby development includes Yeo Park (listed as an item of local heritage significance in ALEP) immediately to the south of the site and Yeo Park Infants School, as well as several aged care facilities including Cardinal Freeman retirement village north-west of the site. Surrounding developments are identified in **Figure 9**.

Existing vegetation

1.2.21 The Applicant's EIS identifies 34 trees on or adjacent to the site. The trees comprise a variety of ornamental and indigenous trees scattered through the site and around the site boundaries.

Road network and public transport

1.2.22 The south-east corner of the site is located at the Prospect Road / Old Canterbury Road intersection. The site is well serviced by public transport. Key transport infrastructure near the site includes:

- train stations at Summer Hill, Ashfield and Lewisham, between 1.5 – 2km.
- light rail stations for Arington, Waratah Mills, Lewisham West and Dulwich Grove, located between 900 metres (m) – 1.6km.
- proposed Sydney Metro stations, when completed, at Hurlstone Park, Canterbury and Dulwich Hill - within 2.3km.
- a number of public buses service the site and surrounding streets.

1.2.23 Additionally, the school operates a substantial bus network to meet the needs of students. There are 11 existing school bus routes with stops at 39 locations.

1.3 Site history: previous application and Land and Environment Court decision

1.3.1 A development consent was previously granted by the NSW Land and Environment Court (LEC) on 7 November 2007 for works to the school, including a new swimming pool, multipurpose hall, classroom building and an underground car park. Works under the approval were completed. Conditions of the approval limited the number of students on the campus to a maximum of 1500.

1.3.2 In 2015, the LEC considered a modification application which sought to modify condition 5 to increase student numbers to 1700. The modification was refused by the LEC as it was found not to meet the 'substantially the same development test' required for modification applications.

1.3.3 Specifically, the LEC found that the proposed increase in student numbers would generate environmental impacts (particularly traffic, but also noise impacts) of a quantity and quality that would render the modified proposal not substantially the same as the original development approved by the LEC.

1.3.4 The decision of the LEC also included a merits assessment of the proposal. The LEC found that the school was already generating unacceptable traffic and amenity impacts and an increase in student numbers by 200 would exacerbate those impacts.

1.3.5 The Court concluded that it would not be in the public interest to approve the modification, even if it met the section 4.55(2) of *Environmental Planning and Assessment Act 1979* (EP&A Act) (substantially the same development) test.

2 Project

2.1 Key Components

2.1.1 The key components and features of the proposal as modified by the response to submissions (RtS) and supplementary RtS (SRtS) are provided in **Table 1** and shown in **Figures 10 to 22**.

Table 1 | Main components of the project

Aspect	Description
Project summary	<ul style="list-style-type: none"> Alterations and additions to the school in six construction stages involving demolition of some existing buildings, construction of four new buildings (3 to 5 storeys), refurbishment of four existing buildings, reconfiguration of the underground car park, associated landscaping, road and public domain works, ancillary signage, staged increase in student numbers to 2100, and increase in staff to 321.
Site area	65,596sqm.
Demolition	<ul style="list-style-type: none"> Demolition of the existing New School building. Demolition of part of Music Building and part of Assembly Hall. Demolition of houses at 46, 48, 50 and 52 Seaview Street.
Bulk earthworks	<ul style="list-style-type: none"> Bulk earthworks to reconfigure the existing underground parking area and provide new connections.
Development components	<ul style="list-style-type: none"> Construction of a new five-storey building (plus basement) identified as the Teaching Learning and Library (TNL) Building. The built form would: <ul style="list-style-type: none"> be five storeys (maximum height of 21m above ground) in height incorporate a library, teaching and learning spaces, staff areas, amenities, roof level terrace, ground level covered outdoor space (the 'Agora'). Construction of a new (three storey equivalent) building identified as the Multi-purpose pavilion. The built form would: <ul style="list-style-type: none"> have a maximum height of 16m. incorporate multipurpose space, an indoor basketball court, spectator seating and amenities. Construction of new Service, Maintenance and Delivery Building (Maintenance Building) on Seaview Street. The built form would: <ul style="list-style-type: none"> be up to three storeys (maximum height 8.5m). incorporate storage space, office space and workshop.

- Alterations and additions to existing buildings to create a new Performing Arts Building. The alterations would:
 - be up to 5 storeys (15m) in height and involve infill development connecting the existing Music Building, New Founders Building and the Assembly Hall.
 - incorporate theatre, cafeteria, lobby for the adjoining Assembly Hall, learning spaces, staff areas, amenities and roof terrace.
- Refurbishment of the following buildings with internal and external alterations to improve functionality and access and connections:
 - Music Building.
 - New Founders Building.
 - the Assembly Hall.
 - North Quad Building.

Gross floor area (GFA)	<ul style="list-style-type: none"> • Proposed additional GFA of 12,210sqm.
Car park	<ul style="list-style-type: none"> • Extension and reconfiguration of the Jubilee car park and the staff car park with new underground connections to improve drop-off / pick-up traffic flow. Revised car park area would include: <ul style="list-style-type: none"> ○ 324 car parking spaces (increase from 312 existing). ○ 28 drop-off/pick-up spaces (increase from 18 existing). ○ loading dock and service area.
Proposed population	<ul style="list-style-type: none"> • Regularisation of existing student population of 1655 and 277 staff • Increase of 445 students in six stages (1655 – 2100). • Increase of 44 staff to 321 staff.
Public domain and landscaping	<ul style="list-style-type: none"> • Landscape improvements across the site to improve connectivity and amenity with new paths, plantings and outdoor learning spaces. • New Junior School outdoor teaching and play area fronting Seaview Street. • Removal of 29 trees. • Retention and protection of 10 existing trees on and around the site. • Planting of 67 trees on the site. • A 2m high fence along Seaview Street in front of the new building.
Access and road upgrade	<ul style="list-style-type: none"> • Retention of existing vehicular access to the site. • Service vehicle access via southern driveway on Victoria Street. • New Maintenance Building access on Seaview Street. • Provision of an additional left turn lane out of Prospect Road on to Old Canterbury Road. • Improved splitter pedestrian refuge on Prospect Road Upgrades to Victoria Street footpath.
Signage	<ul style="list-style-type: none"> • New business identification signage including:

- two pylon signs on Victoria Street (one is a replacement sign) (5m high x 2.2m wide) with recessed floor lighting.
- LED backlit façade sign on the western façade of the lift tower of the Teaching and Learning Building (2.58m high x 2.4m wide).
- two sided LED backlit and static graphic pylon signs facing the Oval and Yeo Park (6m high x 4m wide).
- non-illuminated new sandstone retaining wall with school logo at the corner of Prospect Road and Old Canterbury Road.
- replacement signage on the Prospect Road façade of the Centenary Centre with similar scale and format to existing.
- non-illuminated wayfinding sign on front fence of Seaview Street Maintenance Building (0.8m high x 1.2m wide).

Jobs	<ul style="list-style-type: none"> • 543 construction jobs and 44 additional operational jobs.
<hr/>	
CIV	<ul style="list-style-type: none"> • \$127.7 million.
<hr/>	
Staging	<ul style="list-style-type: none"> • Six construction stages (detailed in Section 2.3).

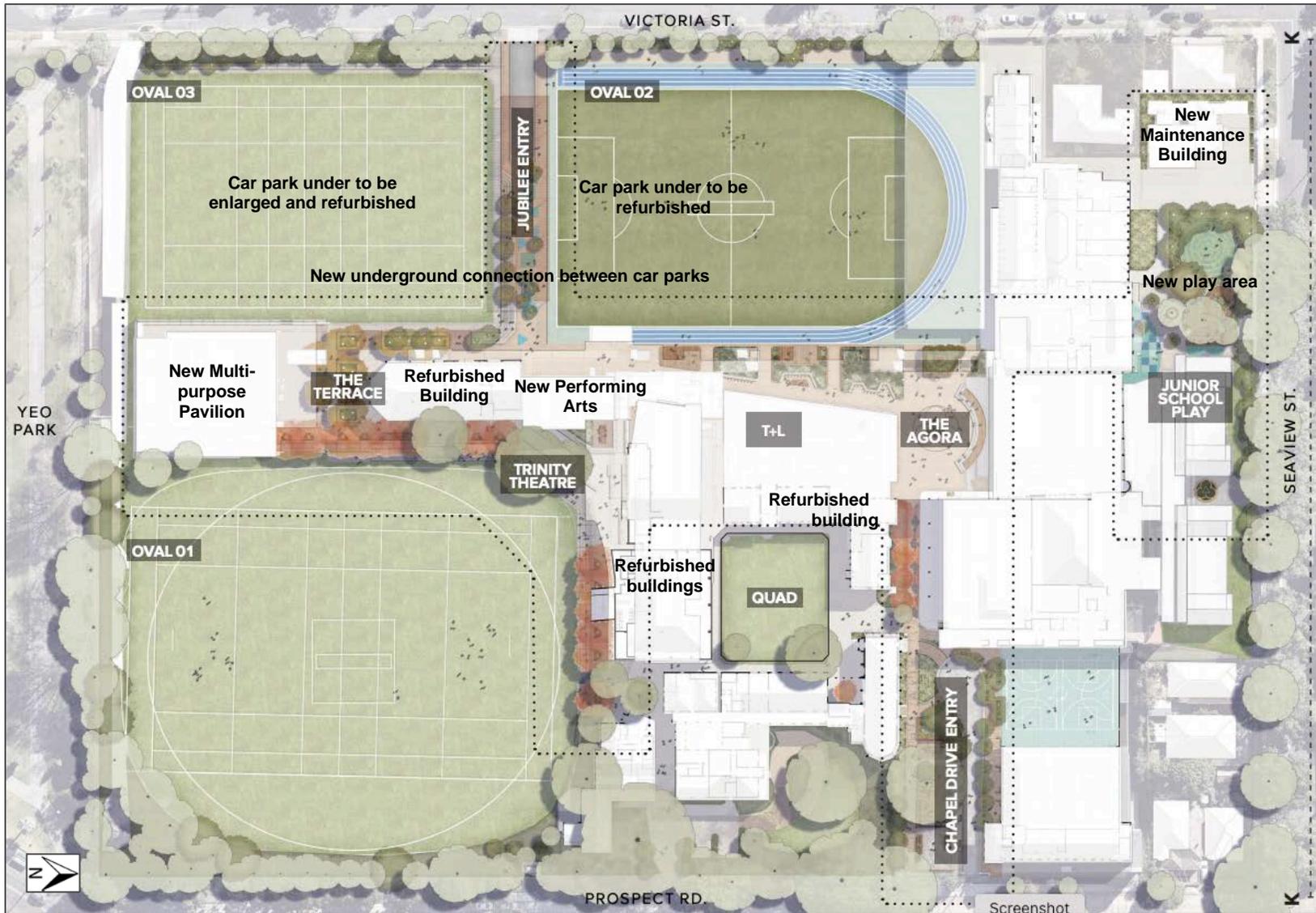


Figure 10 | Extract from landscape plan showing proposed site layout (Source: Applicant's RtS 2020)

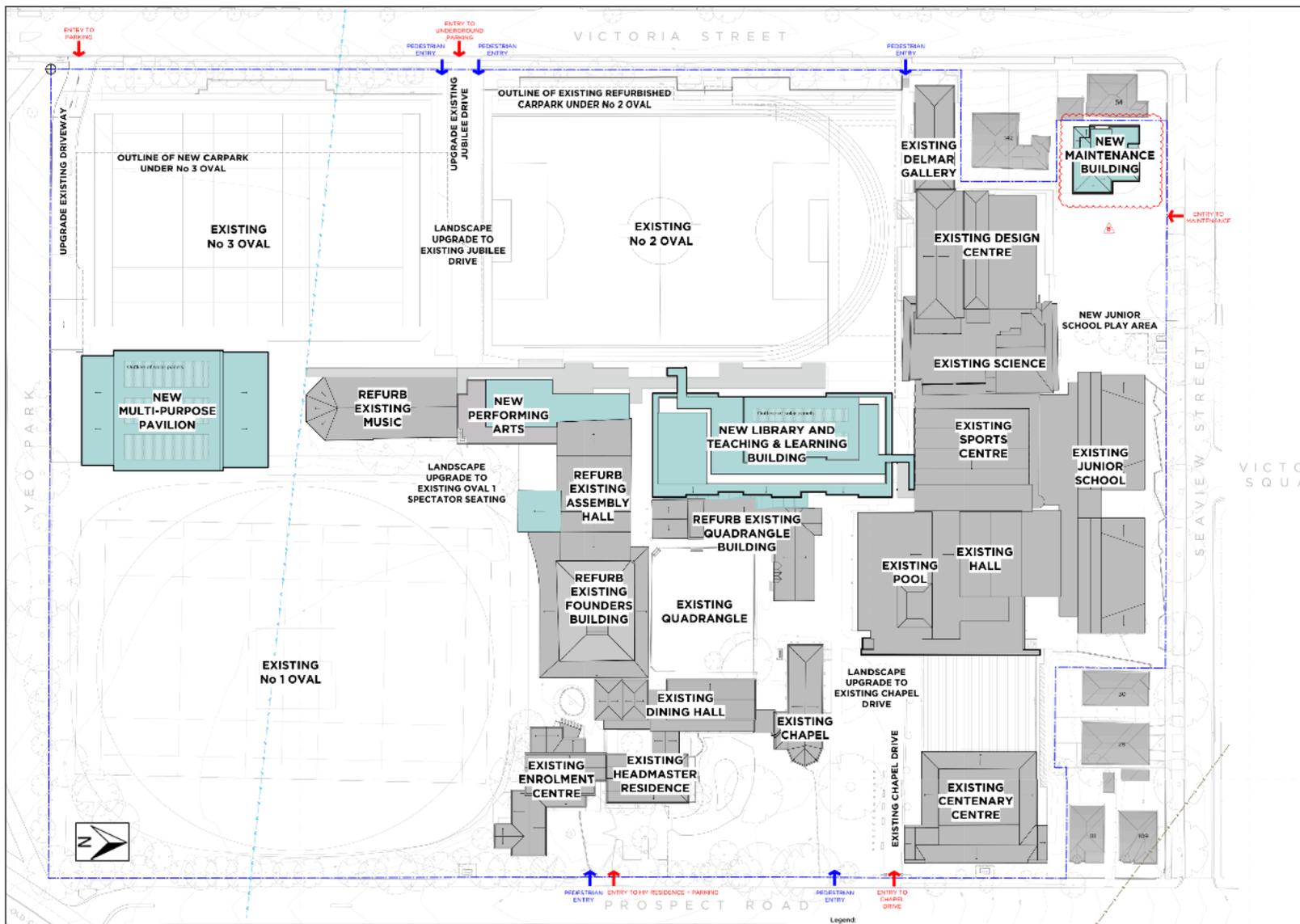


Figure 11 | Site plan showing location of new buildings (blue) in the context of the existing buildings (Source: Applicant's SRtS 2021)

2.2 Physical layout and design

- 2.2.1 The proposal involves the demolition of some school buildings, refurbishment of some buildings on the site and construction of new buildings to create improved teaching spaces and additional facilities as connections between the buildings. The proposal would significantly increase in the number of car spaces and drop-off/pick-up spaces within the site. The site layout would create three distinct precincts:
- five-storey Teaching and Learning Precinct.
 - five-storey Performing Arts Precinct.
 - Multi-purpose pavilion to the south, fronting Yeo Park.
- 2.2.2 The Applicant’s EIS advises that the proposed site layout improves circulation within the site. In this regard, an “Arrow Building” is proposed, which is an external walkway structure connecting both new precincts and existing buildings, improving circulation horizontally and vertically. The Arrow Building would provide opportunities for elevated outdoor learning support and passive recreational spaces and improving visibility and supervision. The ground floor plan is shown in **Figure 18**.
- 2.2.3 The new TNL building would be located at the centre of the site. The built form is proposed to step in and out, creating a variety of spaces and reducing the appearance of bulk and scale. The facade design proposed is contemporary, featuring irregular perforated metal screens, coloured fins, masonry walls and timber look detailing including soffits.
- 2.2.4 The new Multi-purpose pavilion is proposed to be located on the southern boundary between Ovals 1 and 3. The façade design of this building would reference the new TNL Building and include a combination of masonry and undulated wall profile finishes.
- 2.2.5 A variety of landscaped spaces and places are proposed to complement the built form of the site, discussed in **Section 6**. The views of the new / refurbished buildings from various locations and streetscape elevations are provided below from **Figures 12 – 17**.



Figure 12 | Proposed buildings as viewed Oval 2 (Source: Applicant’s EIS 2020)

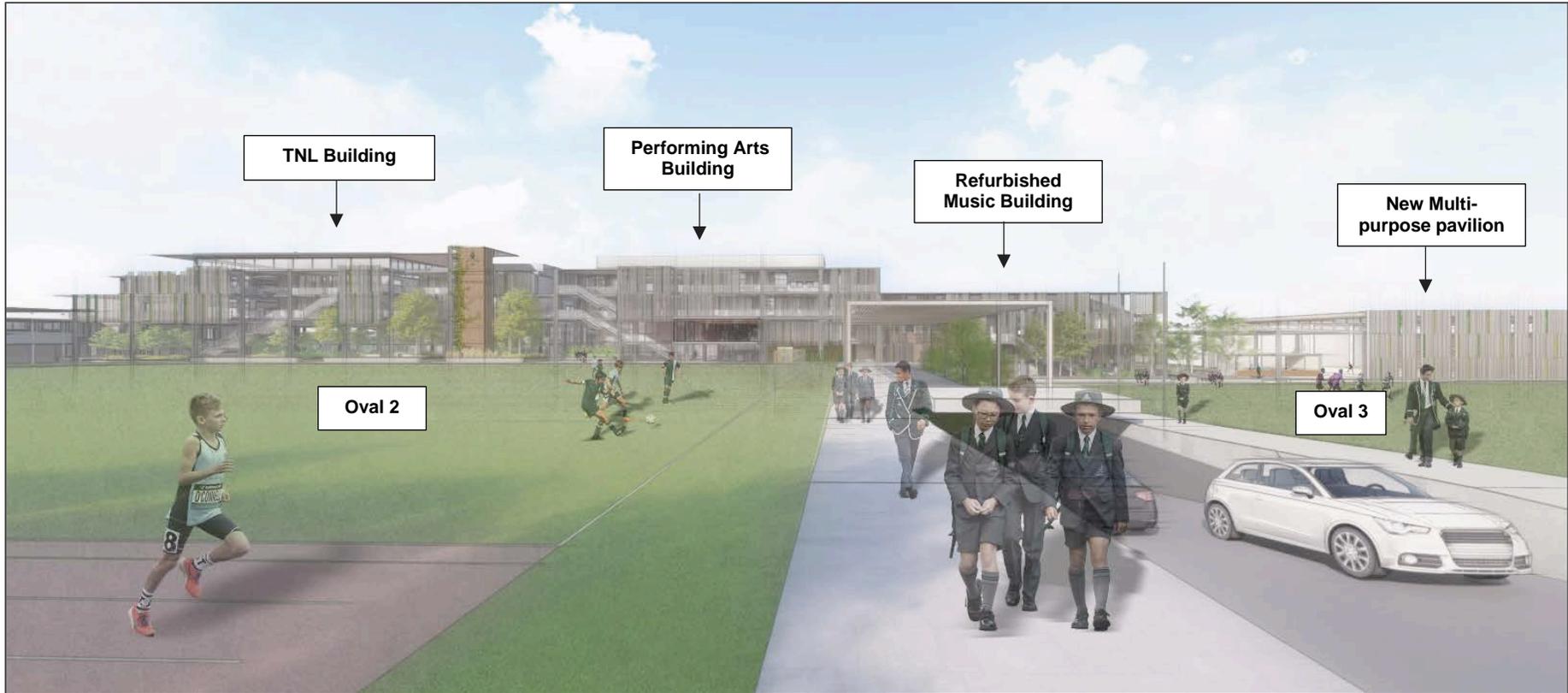


Figure 13 | Vehicle entrance to underground car park as viewed from Victoria Street (Source: Applicant's EIS 2020)

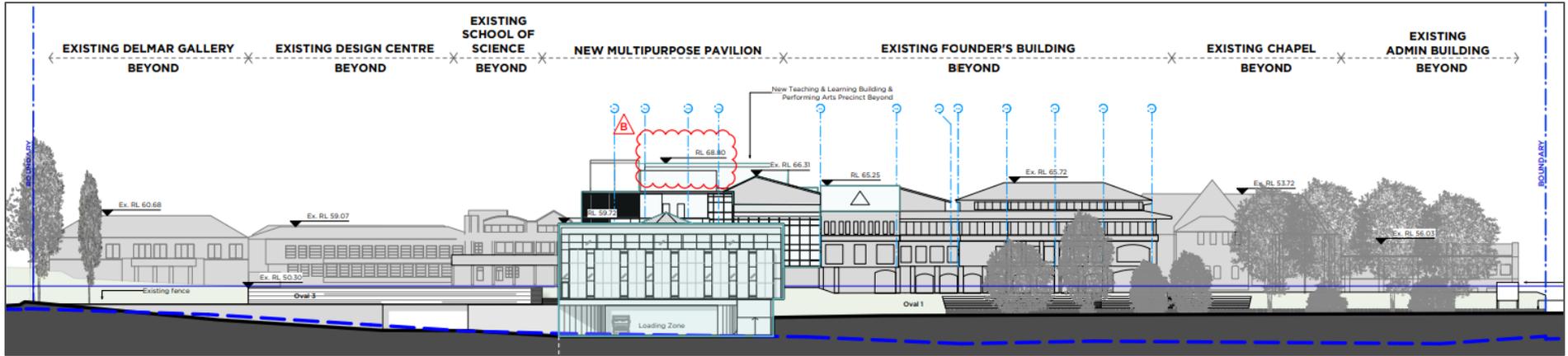


Figure 14 | Southern elevation (Yeo Park) (Source: Applicant's SRtS 2021)

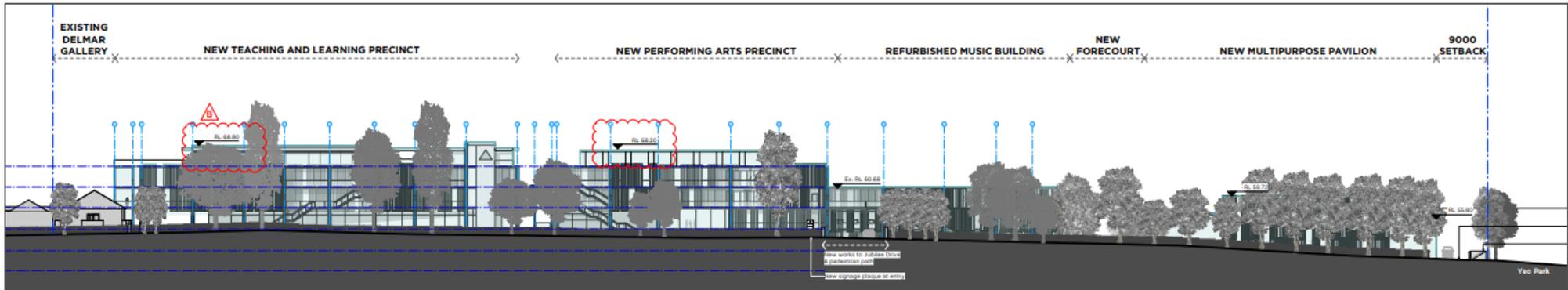


Figure 15 | Western elevation (Victoria Street) (Source: Applicant's SRtS 2021)

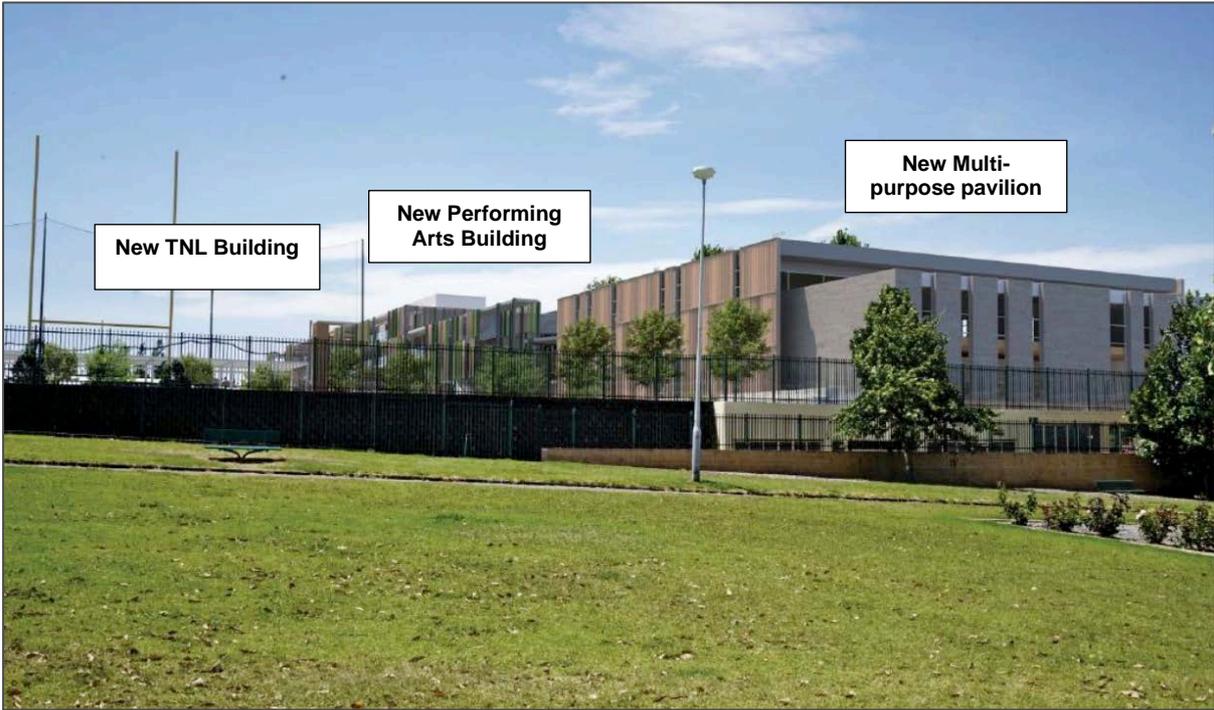


Figure 16 | Proposed Multipurpose pavilion as viewed from Yeo Park (Source: Applicant’s EIS 2020)

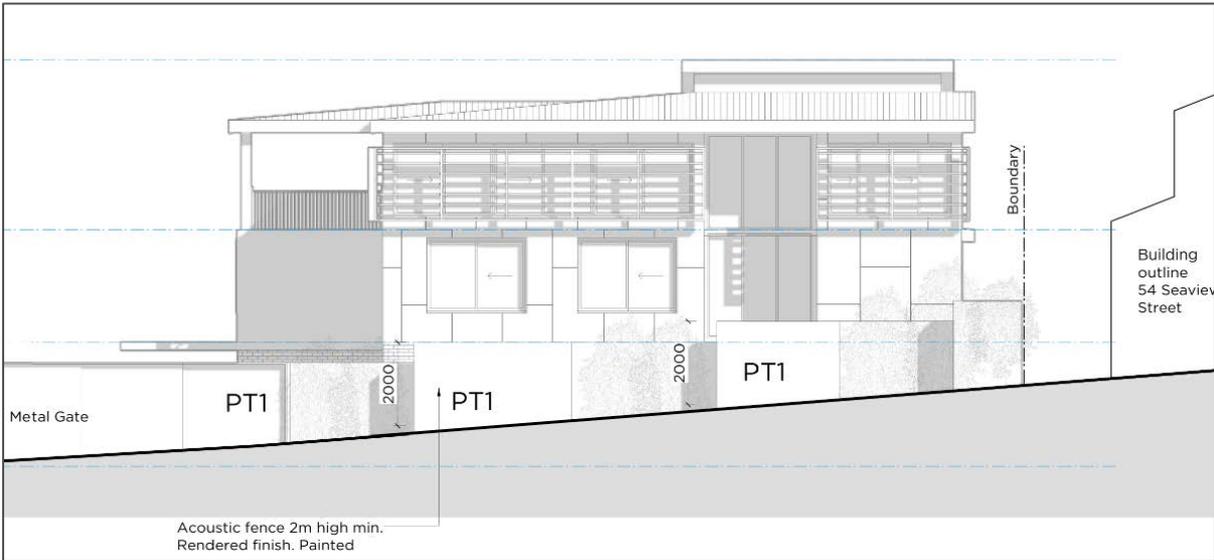


Figure 17 | Proposed Maintenance Building with the 2m high acoustic fence as viewed from Seaview Street (Source: Applicant’s SRtS 2021)

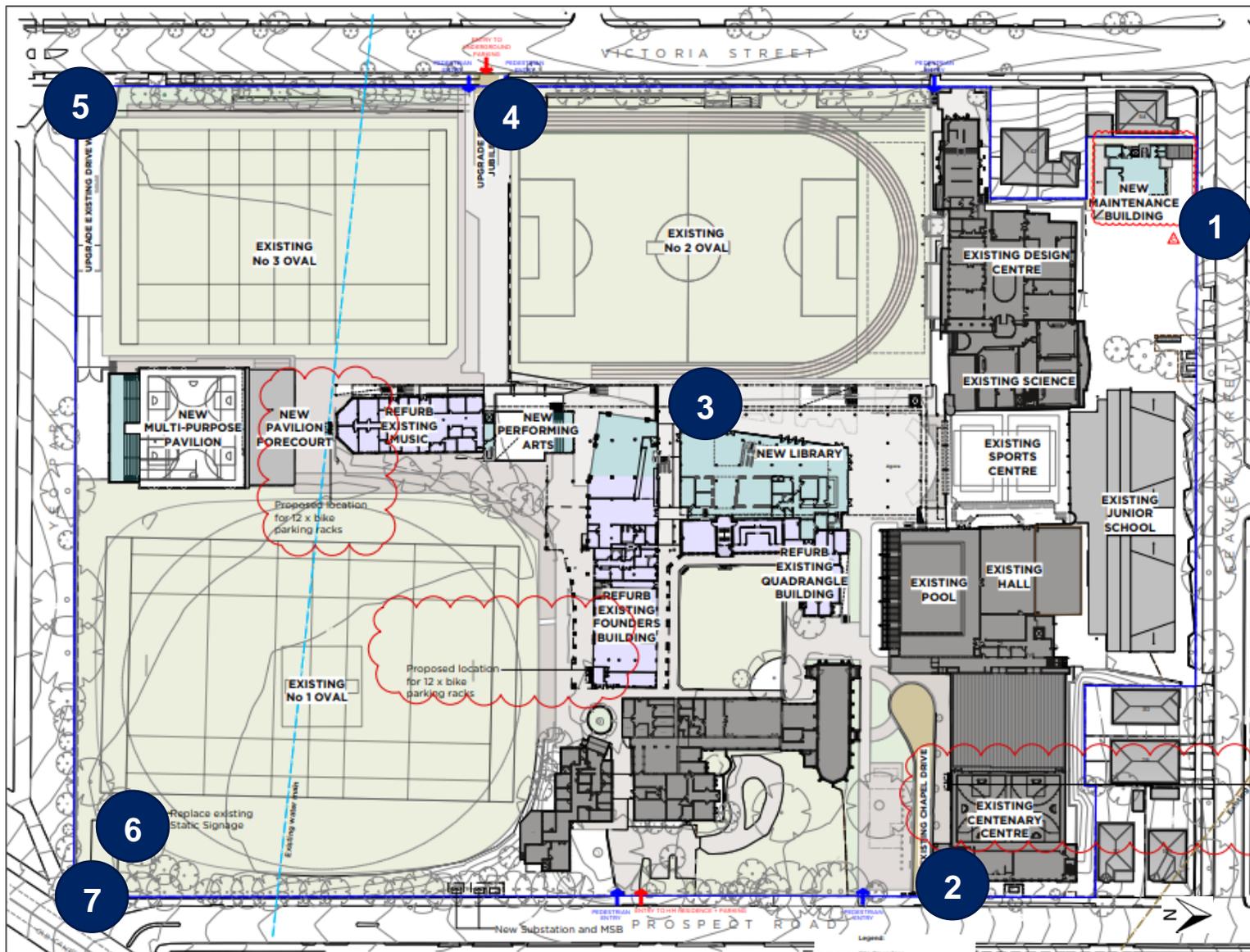


Figure 18 | Proposed ground floor plan showing circulation paths and signage locations numbered (Source: Applicant's SRtS 2021)

Signage

2.2.6 The proposed signs would be located across the site as identified in **Figure 18**. Images of the signs are provided in **Figure 19**.

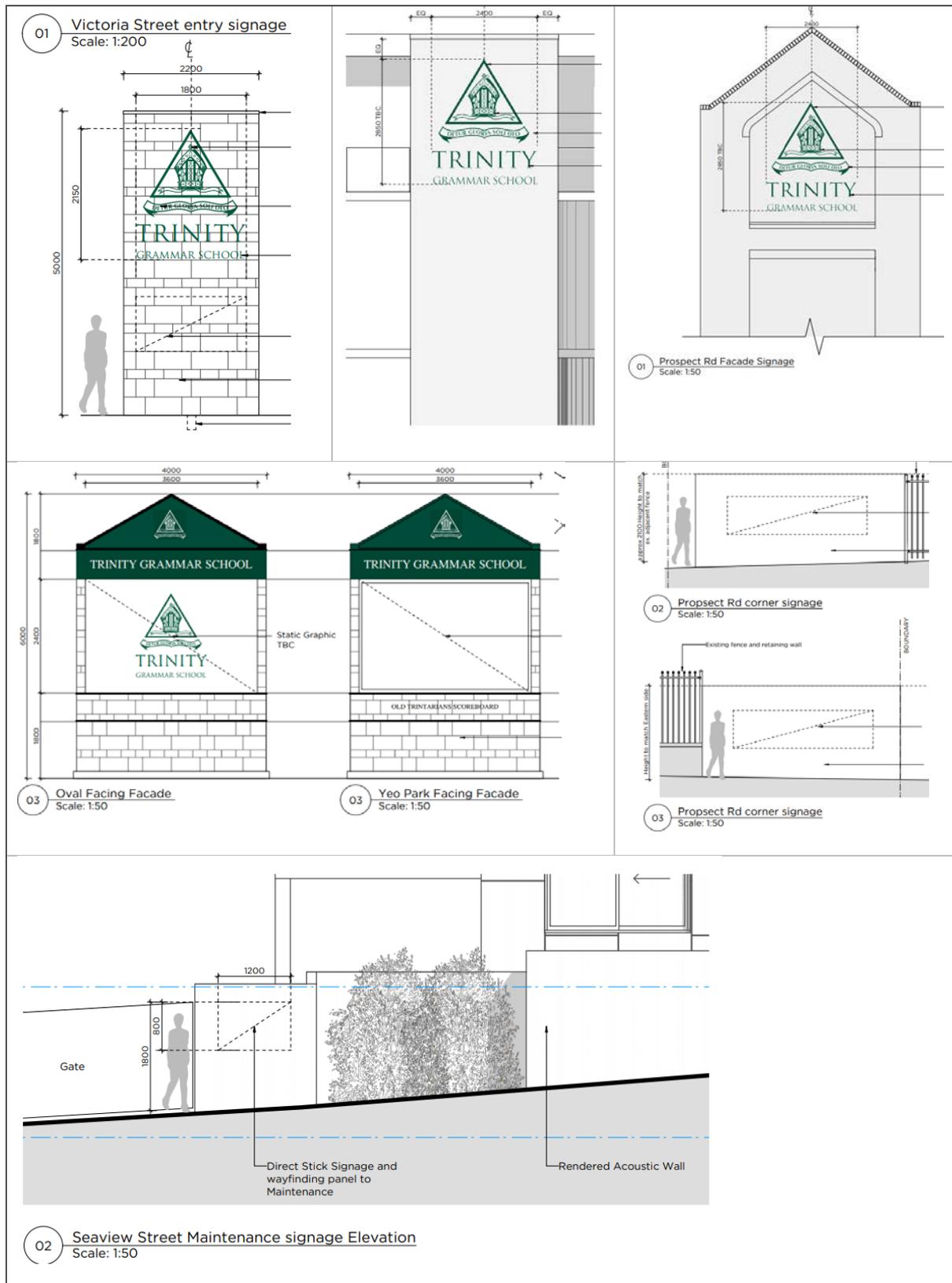


Figure 19 | Proposed signs on site (Source: Applicant's SRtS 2021)

2.3 Proposed car parking and access

2.3.1 The proposal would refurbish and expand the underground car parks with rearrangement of the access to / from the site from Victoria Street via Jubilee driveway and southern driveway. It would also include new access to the Maintenance Building from Seaview Street. The access arrangements after the completion of the proposed works and the layout of the proposed car park are provided in **Figures 20** and **21**.

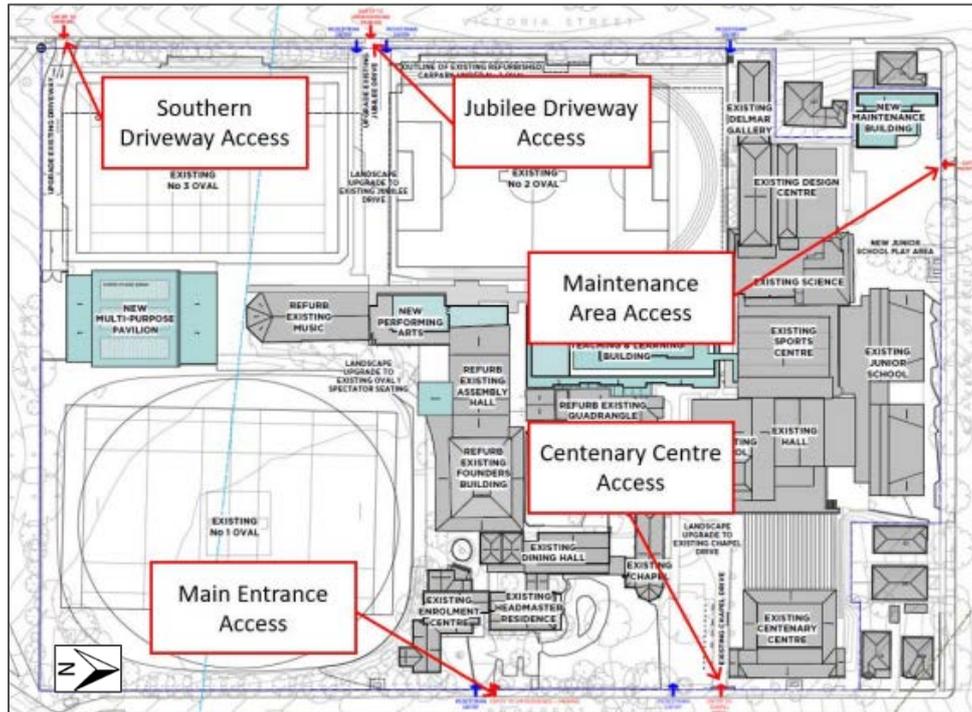


Figure 20 | Existing / proposed vehicular access (Source: Applicant's EIS 2020)

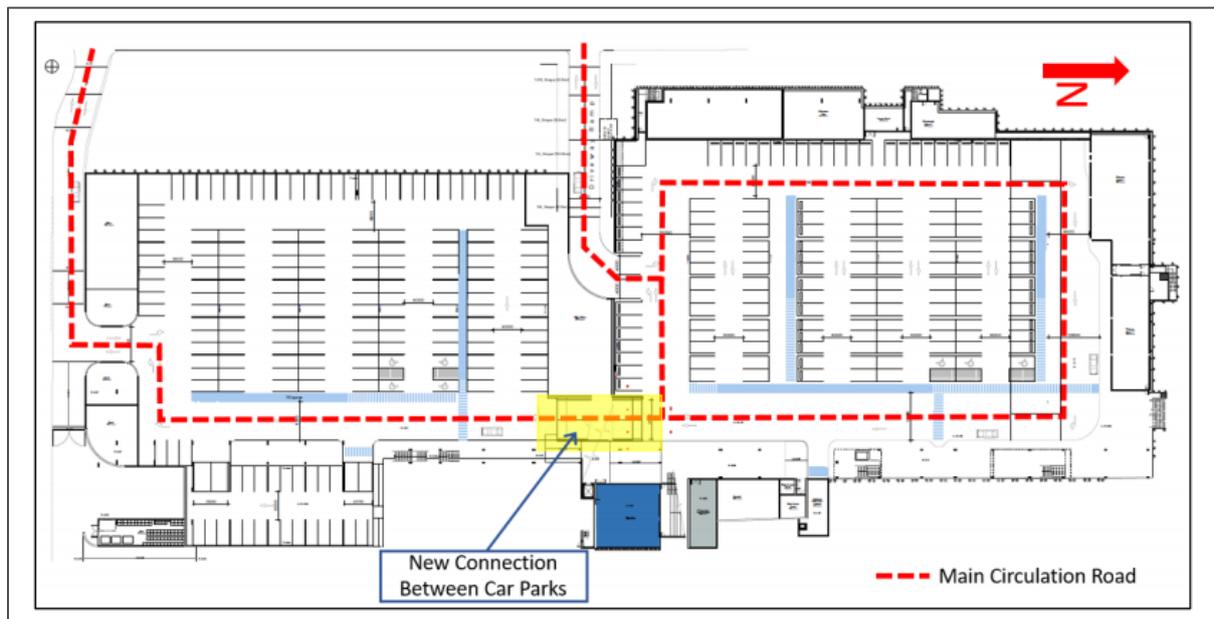


Figure 21 | Layout of proposed underground car park with access from Victoria Street and new connection between the car parks (Source: Applicant's EIS 2020)

2.3.2 The proposal also involves the provision of an additional left turn lane out of Prospect Road on to Old Canterbury Road and an improved splitter pedestrian refuge on Prospect Road which is discussed under **Section 6.2**.

2.4 Staging

2.4.1 Construction works are proposed to be undertaken in six stages over five years (2021-2026):

- Stage 1: Seaview Street demolition, Maintenance and Delivery Building.
- Stage 2: Basement Parking Structure and Driveway.
- Stage 3: General Learning Precincts and Car parks Completion.
- Stage 4: Performing Arts Precinct / Upper Founders / Multi-purpose pavilion.
- Stage 5: Junior School Landscaped Area.
- Stage 6: All remaining minor works / restore Oval 3.

2.4.2 Currently 1655 students are attending the school, being 155 above the 1500 students permitted under the current development approval. The Applicant seeks to formalise the current student numbers, as well as proposing further staged student increases concurrent with construction works. The ultimate student numbers proposed under this application is 2100. The relationship between the proposed construction staging and concurrent increase in student numbers above 1655 are provided below in **Figure 22**.

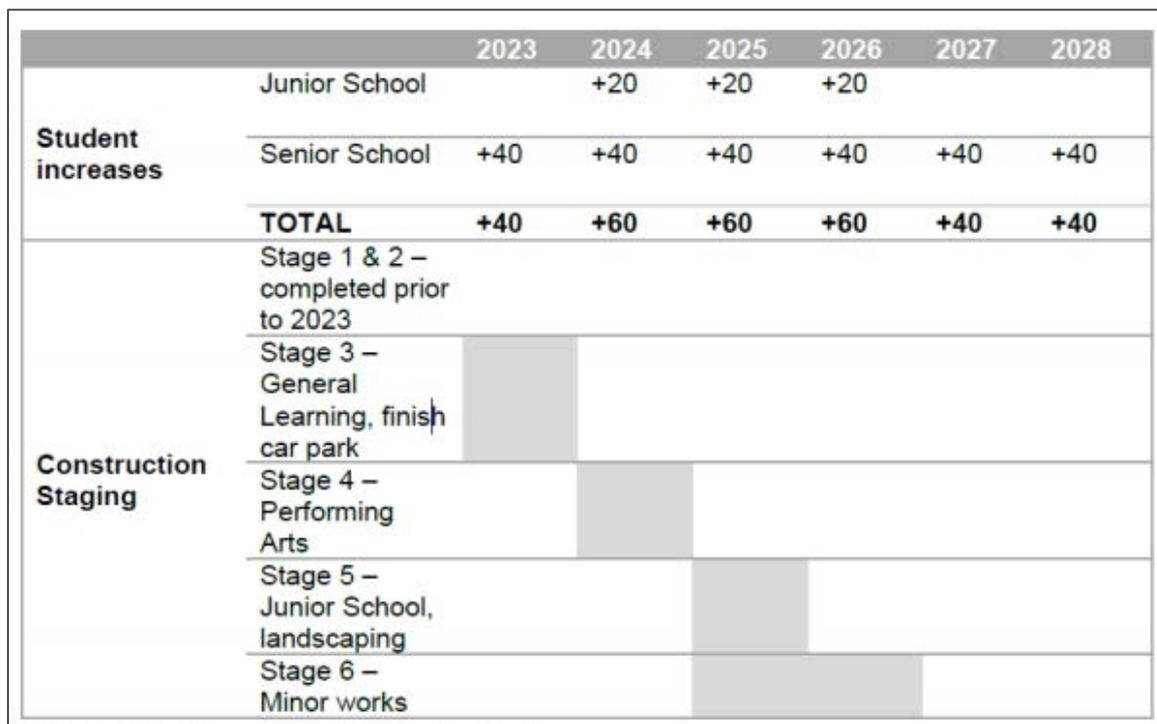


Figure 22 | Relationship between student increase and construction works (Source: Applicant's RtS 2020)

2.5 Uses and activities

- 2.5.1 The proposal involves no change to the overall use of the site, the core and extended operational hours and the out-of-school hour activities.

3 Strategic context

- 3.1.1 The Applicant states that the key objectives of the proposed development are to enhance the teaching and learning environment for staff and students, including the establishment of additional floorspace to increase the functions of the campus, as well as to improve site access, car parking and traffic functions in the precinct.
- 3.1.2 The proposal would improve use of the campus and would deliver a contemporary, flexible and improved educational facilities.
- 3.1.3 The Department considers that the proposal is appropriate for the site given it is consistent with the:
- Greater Sydney Commission's Greater Sydney Region Plan *A Metropolis of Three Cities*, as proposes improved school facilities to meet the growing needs of Sydney.
 - relevant priorities of the *Eastern City District Plan*, as it would as it would provide education services and infrastructure to meet the needs of the community.
 - *NSW Future Transport Strategy 2056*, as it limits the increase in on-site parking and provides facilities to support active transport travel options, and encourages the use of non-car modes of travel.
 - would provide direct investment of approximately \$127.7 million and would support 543 construction jobs and up to 44 new operational jobs.

4 Statutory context

4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) EP&A Act as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- 4.1.2 In accordance with section 4.5 EP&A Act and clause 8A of the SRD SEPP, the Independent Planning Commission (Commission) is declared the consent authority for the SSD application, as the Department received more than 50 public submissions by way of objection.

4.2 Permissibility

- 4.2.1 The site is zoned 'SP2 Educational Establishment' and 'R2 Low Density Residential' under the ALEP 2013. The proposed development ('educational establishment') is permitted with consent within both zones and therefore the Commission may determine the carrying out of the development.

4.3 Other approvals

- 4.3.1 Under section 4.41 EP&A Act, other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.
- 4.3.2 Under section 4.42 EP&A Act, further approvals are required but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).
- 4.3.3 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (**Appendix C**).

4.4 Mandatory matters for consideration

Environmental planning instruments

- 4.4.1 Under section 4.15 EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.
- 4.4.2 The Department has undertaken a detailed assessment of relevant EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

Objects of the EP&A Act

4.4.3 The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The development would ensure the proper management and development of suitably zoned land for the social welfare of the community and State.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development, described below.
(c) to promote the orderly and economic use and development of land,	The development would meet the objectives of the zones and deliver improved facilities for education infrastructure for the area. The development would economically serve the community through new jobs and infrastructure investment.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The application was accompanied by a preliminary Biodiversity Assessment which demonstrated that the proposal would not clear native vegetation other than a few single trees with no understory in an urban context and would have negligible impacts on threatened or vulnerable species, populations, communities or significant habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any unacceptable impacts upon built and cultural heritage, including Aboriginal cultural heritage (Section 6.3 and 6.5).
(g) to promote good design and amenity of the built environment,	The Department considers the application, would provide for good design and amenity of the built environment (Section 6.2).

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has considered the proposed development and has recommended conditions of consent to ensure the construction and maintenance is undertaken in accordance with legislation, guidelines, policies and procedures (Appendix C).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Section 5 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period.

Ecologically sustainable development

4.4.4 The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

4.4.5 The Applicant is targeting a 4-Star Green Star rating, and includes the following ESD initiatives and sustainability measures:

- passive design principles such as external window shading to allow light penetration while reducing unwanted solar heat gain.
- installation of energy and water efficient fixtures and fittings.
- rainwater harvesting for reuse in landscape irrigation.
- sustainable building materials.
- support facilities for sustainable travel.

4.4.6 The Department has recommended conditions that evidence detailing that the final design targets and achieves the equivalent of the 4-Star Green Star rating be submitted to the satisfaction of the Certifying Authority at appropriate stages during the development process.

4.4.7 Subject to implementation of recommended conditions, the development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. New landscaping forms part of the proposal and would offset the loss of vegetation required for the development of the site.

Environmental Planning and Assessment Regulation 2000

4.4.8 Subject to any other references to compliance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Planning Secretary’s Environmental Assessment Requirements

4.4.9 The EIS is compliant with the Planning Secretary’s Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

Section 4.15(1) matters for consideration

4.4.10 **Table 3** identifies the matters for consideration under section 4.15 EP&A Act that apply to SSD in accordance with section 4.40 EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department’s consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	Satisfactorily complies. The Department’s consideration of relevant draft EPIs is provided in Appendix B of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned. See Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 3 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Section 5 and 6 .
(e) the public interest	See Section 6 .

4.5 Biodiversity development assessment report

- 4.5.1 Under section 7.9(2) *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”. The Applicant submitted a request to waive the requirements to lodge a BDAR and included an ecological assessment in this regard.
- 4.5.2 The Department’s Environment, Energy, and Science Group (EESG) reviewed the Applicant’s supporting information and determined that the proposed works are not likely to have a significant impact on biodiversity values. Consequently, a BDAR waiver was granted by the Department on 20 April 2020.
- 4.5.3 Notwithstanding, the Department assessed the impacts of tree removal in **Section 6** having regard to landscape contribution.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 5 May until 3 June 2020 (30 days). The application was exhibited at the Department and on its website.
- 5.1.2 The Department placed a public exhibition notice in the Sydney Morning Herald and Daily Telegraph on 5 May 2020. Adjoining landholders and relevant State and local government authorities were also notified in writing.
- 5.1.3 During this period, the Department received a total of 80 submissions, including seven submissions from public authorities (comments from Inner West Council), and 73 public submissions (including 71 objections).
- 5.1.4 The application was re-exhibited for 14 days between 5 and 18 March 2021 inclusive on the Department's website, to include the correct address of all included allotments. Adjoining landholders and relevant State and local government authorities were notified in writing.
- 5.1.5 During the re-exhibition of the application, the Department received nine submissions, including five submissions from public authorities and four public submissions in the form of objection.
- 5.1.6 The Department has considered the comments raised in the submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

- 5.2.1 A summary of submissions received is outlined in **Table 4** and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of submissions to the EIS

Submitter	Number	Position
Public authorities	7	
Inner West Council	1	Comment
Sydney Water	1	Comment
Heritage Division, Department of Premier and Cabinet	1	Comment
Environment Protection Authority	1	Comment
EESG	1	Comment
Transport for NSW	1	Comment
Ausgrid	1	Support

Individual Community Members	73	
	70	Object
< 5 km	2	Support
	0	Comment
	0	Object
5–100 km	1	Support
	0	Comment
	1	Object
> 100 km	0	Support
	0	Comment
	0	Object
Special Interest Groups	0	
TOTAL	80	

5.3 Public Authority submissions

5.3.1 A summary of the issues raised in the public authority submissions is provided **Table 5**.

Table 5 | Summary of public authority submissions

Inner West Council (Council)

Council did not object to the proposal but raised the following concerns:

- the heritage assessments submitted with the proposal are inadequate. Additional heritage advice is required including a Conservation Management Plan and a revised Heritage Impact Statement. The final design of the alterations to the pre-1965 buildings should reflect this additional detailed advice. Works to post-1965 buildings could be approved initially, with works to pre-1965 buildings reassessed following development of a comprehensive Construction Management Plan (CMP).
- further information is required in relation to impacts on Seaview Street streetscape (including detailed elevations).
- a 2m high acoustic wall is not supported along this street due to poor streetscape outcomes, lack of passive surveillance.
- the transport assessment needs to be updated to include measures to ameliorate impacts (upgrade pedestrian crossing and footpaths, provision of a refuge island, relocation of a kiosk).
- proposed removal of a pedestrian refuge to enable access to the Victoria Street delivery area is not supported due to safety impacts.
- delivery times should be restricted to minimise conflict with drop-off / pick-up and amenity of surrounding residences.
- loss of parking from the main circulation road is not supported and alternative arrangements should be made to enable use of these spaces outside of drop-off / pick-up times.
- the Plan of Management should be updated to address out of hours activities.

Transport for NSW (TfNSW)

TfNSW provided the following comments:

- as removal of the pedestrian refuge island on Victoria Street may result in safety impacts, a Road Safety Audit of the proposed changes should be prepared, and the Applicant should review the design as necessary.
- further details on the frequency and delivery times of service vehicles should be provided.
- a Construction Traffic Management Plan and an updated Green Travel Plan should be prepared in consultation with TfNSW and Council.

EESG

EESG made the following comments:

- the recommendations of the Aboriginal Cultural Heritage Assessment should form part of the conditions of consent.
- no additional flooding issues are required to be addressed.

Heritage NSW

Heritage NSW advised that:

- an assessment of the archaeological potential and significance of the site has not been provided and is required.

Ausgrid

Ausgrid provided the following comments:

- the Applicant should make the connection application to Ausgrid.
- precautions would be required for development near high voltage cables along Prospect Road.

Sydney Water

Sydney Water provided the following comments:

- water servicing should be available via watermains in Seaview Street.
- an amplification to the potable watermain may be required and would be determined as part of the Section 73 application.

NSW Environment Protection Authority (EPA)

The EPA advised it has no comments with regard to the proposal.

5.4 Community submissions

- 5.4.1 A summary of the key issues raised in the community submissions is provided at **Table 6** and copies of the submissions may be viewed at **Appendix A**.

Table 6 | Summary of public submissions to EIS exhibition

Issue	Number of Submissions
Traffic	68 (93%)
Construction impacts	30 (41%)
Development being contrary to previous LEC decision (student population)	20 (27%)
Building height out of character with the area	19 (26%)
Adverse impacts to Seaview Street character and amenity	16 (22%)
Tree loss	16 (22%)
Adverse noise impacts	14 (19%)
Inadequate parking	14 (19%)
Adverse heritage impacts	10 (14%)
View loss due to the five storey TNL Building	4 (5%)
Adverse impacts on Yeo Park	4 (5%)
Other:	1-2 (1-3%)
<ul style="list-style-type: none">• Loss of amenity due to light spill• Impacts on property values• Lack of consultation prior to lodgement of application• Lack of ventilation in the car park• Lack of public access to the facilities within the school.	

5.5 Response to submissions

5.5.1 Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response.

5.5.2 On 6 November 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included a minor amendment to the plans to reduce the height of the new TNL Building and the New Performing Arts Building by 40-50cm (max RL reduced to RL 68.2 and RL 68.8 respectively). It also provided additional information including an updated traffic assessment, an archaeological assessment, updated acoustic assessment, and additional landscaping details.

5.5.3 The RtS was made publicly available on the Department website and referred to relevant public authorities. An additional five submissions were received, including four from public authorities and one from the public. A summary of the submissions is provided at **Table 7** and copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of public authority submissions to the RtS

Council
Council re-iterated the earlier advice in relation to: <ul style="list-style-type: none">• the need for further heritage advice including more research and a Conservation Management Plan, a revised Heritage Impact Statement and the final design of the alterations to the pre-1965 buildings to reflect this additional detailed advice.• impacts of vehicle movements from the southern driveway on Victoria Street.• restrictions on delivery times to minimise conflicts.• the need to update the transport assessment in relation to pedestrian crossing and footpaths, provision of a refuge island, relocation of a kiosk.• the car park design and use of parking spaces.
TfNSW
TfNSW reviewed the RtS and raised no concerns. It recommended conditions in relation to a Road Safety Audit, Service Vehicle Management Plan, Construction Pedestrian and Traffic Management Plan and a Green Travel Plan.
EESG
EESG advised it reviewed the RtS and had no comments.
Heritage NSW
Heritage NSW advised the Archaeological Assessment Report provided with the RtS addresses its earlier submission. It also recommended a condition in relation to archaeological management.

5.6 Public submission to RtS

- 5.6.1 One public submission was received in response to the RtS. Key issues raised related to the adequacy of the traffic assessment and traffic impacts, building height, and noise impacts.

5.7 Supplementary Response to Submissions

- 5.7.1 Following the lodgment of the RtS and receipt of public authority comments, the Department raised additional concerns regarding traffic impacts, view impacts and discrepancies in drawings.
- 5.7.2 In January and February 2021, the Applicant provided a further Supplementary RtS (SRtS) to further address outstanding concerns.
- 5.7.3 The SRtS included amendments to the design and height of the Maintenance Building on Seaview Street, updated architectural plans, and additional information regarding traffic impacts, acoustic impacts and view impacts.
- 5.7.4 Council reviewed the SRtS and advised it had outstanding concerns with the traffic impacts of the proposal. Council advised that it did not support some mitigation measures proposed by

the Applicant to install clearways, and requested further information in relation to the operation of some key intersections and the traffic movements at the Victoria Street driveway entrance.

5.7.5 TfNSW also provided advice on changes recommended by the Applicant to the intersections on Old Canterbury Road, advising it could not support all the measures proposed by the Applicant.

5.7.6 The Applicant did not respond to these concerns.

5.7.7 In February 2021, the Applicant provided further amendments to the design of the Maintenance Building on Seaview Street including updated architectural plans.

5.8 Re-exhibition of the application and submissions

5.8.1 The application was re-exhibited for 14 days between 5 March and 18 March 2021 inclusive on the Department's website to include the correct address of all included allotments. Adjoining landholders and relevant State and local government authorities were also notified in writing.

5.8.2 During the re-exhibition of the application, the Department received a total of nine submissions, including five submissions from public authorities and four public submissions in the form of objection.

5.8.3 The public submissions reiterated the concerns previously raised on the EIS in relation to traffic and car parking, construction traffic, view loss, building height, residential amenity including noise impacts and increased student population.

5.8.4 An additional five submissions were received from public authorities, but did not provide any additional concerns.

5.9 Supplementary SRtS after re-exhibition

5.9.1 The Department reviewed the submissions and requested the Applicant provide a further SRtS, responding to the submissions received during the re-exhibition period.

5.9.2 On 25 March 2021 the Applicant provided the SRtS responding to all submissions received during the re-exhibition period.

5.9.3 On 15 April 2021, the Department requested that the Applicant provide additional information to enable its assessment to be undertaken:

- detailed traffic analysis (existing and future scenarios) for intersections Victoria Street / Liverpool Road, Harland Street / Queen Street, and Service Avenue / Harland Street and associated mitigation measures (if any).
- further analysis of the intersection of Old Canterbury Road with Prospect Road and Hurlstone Avenue and associated consultation and mitigation measures (if any)
- a revised Green Travel Plan (GTP).

5.9.4 On 29 June 2021, the Applicant provided the SRtS responding to request for additional information. The SRtS included detailed traffic analysis of the intersections and associated

evidence of consultation. Additionally, the Applicant provided clarification around the student numbers (in terms of enrolment capacity and the actual numbers attending the site).

- 5.9.5 Council reviewed the SRtS and advised that they agreed, in principle, with the Applicants assessment of the intersections. Council also stated that all proposed improvements including the raised pedestrian crossing on Prospect Road should be done in consultation with the local residents and detailed plans provided to Council for approval.
- 5.9.6 TfNSW reviewed the SRtS and raised no concerns regarding the proposed SIDRA modelling results and associated mitigation measures. TfNSW also noted that there are no proposed changes to any signalised intersections or classified road network that require approval under sections 87 and 138 of the *Roads Act 1993*.

6 Assessment

6.1.1 The Department considered the EIS, submissions and the Applicant's RtS and SRtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic and transport impacts.
- built form, landscaping and visual impacts.
- heritage impacts.
- noise impacts.

6.1.2 Each of these issues are discussed below and other issues considered during the assessment are discussed at **Section 6.6**.

6.2 Traffic and Transport

Operational traffic impacts and intersection performance

6.2.1 The site is bound by Prospect Road to the east, Seaview Street to the north and Victoria Street to the west, which are all local roads. The site adjoins Yeo Park to the south. Vehicle access to the site is off Victoria Street.

6.2.2 The Applicant has advised that currently 1655 students attend the Trinity Grammar School, Summer Hill Campus at any one time, which is 155 more than that approved by the most recent development consent. The proposal seeks approval to regularise the current student numbers to be 1655 (along with 277 staff) and seeks to increase this attendance at the campus from 1655 to 2100 with 321 staff members in a staged manner.

6.2.3 A traffic impact assessment (TIA) submitted with the Applicant's EIS initially considered the impacts of the proposal at several key intersections near the site. The intersections considered in the TIA are shown circled yellow in **Figure 23** and detailed in **Table 8**.

6.2.4 The TIA considered an existing traffic scenario based on 1655 students. It then considered an increase in student numbers from 1655 (existing) to 2100 (proposed) and the associated change in the operation of the intersections, due to the proposed increase in staff and student capacity.

6.2.5 A summary of the intersection modelling results in **Table 8** shows the Levels of Service (LOS) at each intersection. The Department notes that the identified AM and PM peak hours vary between intersections. The details of the AM / PM peaks are discussed later.

6.2.6 Detailed descriptions of each LOS can be found in the TIA. LOS A, B, or C indicates a good, acceptable or satisfactory level of service, respectively, for the operation of the intersection, with no mitigation measures required. LOS D, E, or F indicates the intersection is near or at capacity and if the traffic assessment demonstrates a worsening of impacts as a result of the proposal, mitigation measures should be considered.

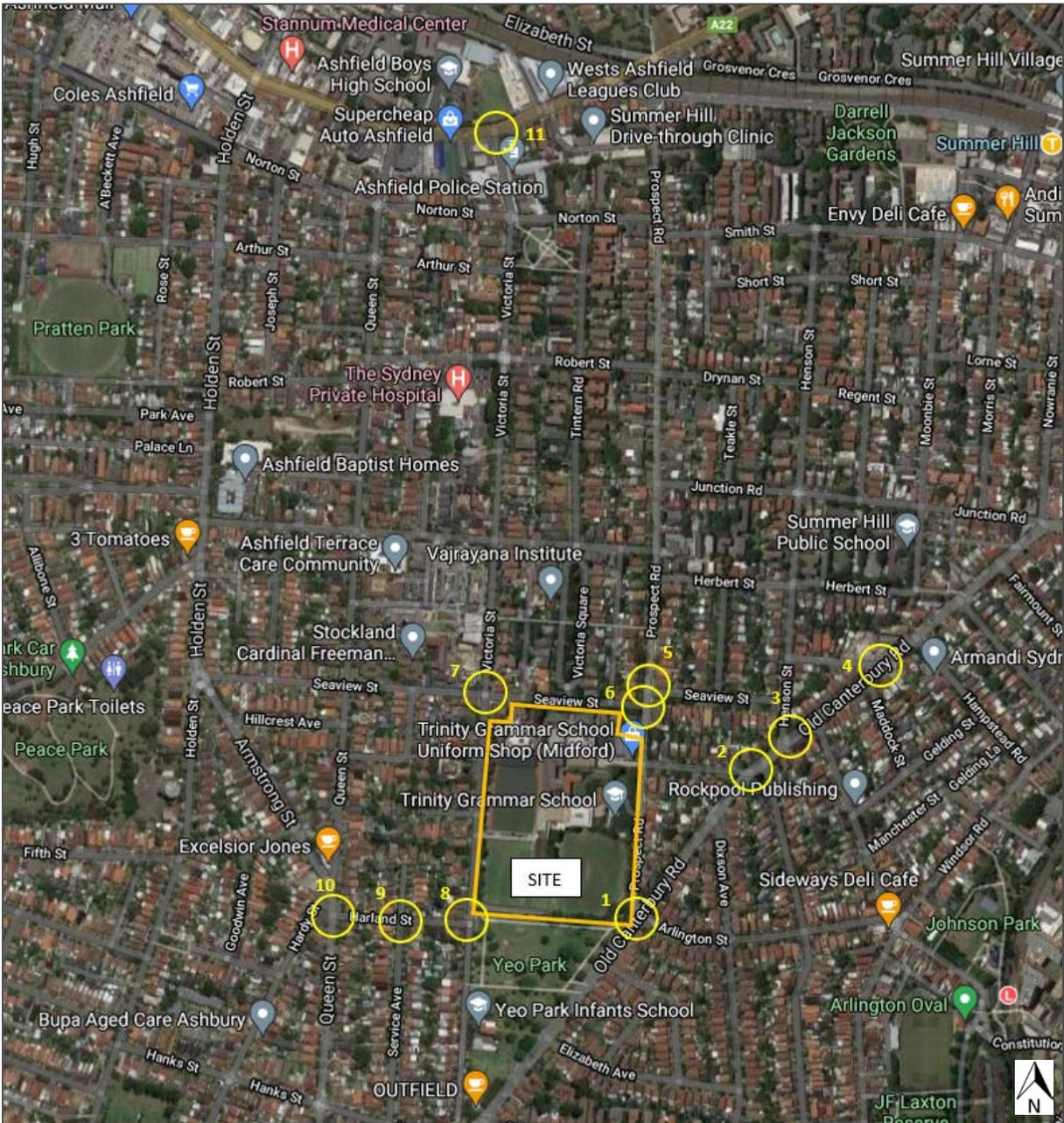


Figure 23 | Key intersections in the vicinity of the site assessed by the TIA and SRtS (Source: Applicant's RtS and SRtS 2021)

Intersection analysis

Table 8 | Intersection analysis provided in the TIA

Intersection	Description of Operation and Impacts
1. Old Canterbury Road / Prospect Road	Currently, with 1655 students, turning left or right out of Prospect Road on to Old Canterbury Road during the AM and PM peaks is difficult, with extensive delays and LOS F. However, traffic in all other directions through the intersection operates within an acceptable LOS.

2. Old Canterbury Road / Hurlstone Avenue	The TIA indicates that turning left or right out of Hurlstone Avenue on to Old Canterbury Road during the AM peak is difficult. The right-turn into Hurlstone Avenue from Old Canterbury Road has LOS F in the AM peak. In the PM peak right-turn from Hurlstone Avenue on to Old Canterbury Road has a LOS E.
3. Old Canterbury Road / Henson Street	The TIA identifies several delays at this intersection in the existing situation, particularly during the AM peak. However, the TIA demonstrates that an increase in the number of students would have no effect on this intersection. This is consistent with the trip distribution information provided by the Applicant which shows that only very limited traffic movements associated with the use of the school travel through this intersection.
4. Old Canterbury Road / James Street	The TIA states that an increase in the number of students would not adversely impact on the performance of this intersection as traffic associated with the school does not use this intersection regularly.
5. Prospect Road / Seaview Street East	The TIA states that the intersection currently operates at LOS A and this would be retained despite an increase in student numbers.
6. Prospect Road / Seaview Street West	The intersection currently operates at LOS A and the modelling in the TIA demonstrates this would be retained despite an increase in student numbers.
7. Victoria Street / Seaview Street	The intersection currently operates at LOS A and the submitted TIA analysis demonstrates the while there would be some impact to the intersection, the LOS would still be acceptable (LOS A and B) following an increase in student numbers.
8. Victoria Street / Harland Street	The intersection currently operates at LOS A and the analysis demonstrates this LOS would be retained despite an increase in student numbers.

6.2.7 The TIA included SIDRA analysis of four local intersections (intersections 5, 6, 7 and 8 in **Figure 23**) to determine the existing mode share and generate anticipated additional vehicle trips to and from the site.

6.2.8 Based on the current mode split for the proposed student numbers and staff, the development is expected to generate an additional 116 vehicle movements during AM peak (7:30am-8:30am at intersection 5 and 6, and 7:45am-8:45am at intersections 7 and 8) and 116 vehicle movements during PM peak (3:30pm-4:30pm at intersection 5 and 6, and 2:45pm-3:45pm at intersections 7 and 8). The increase in traffic is equivalent to approximately two additional vehicle movements per minute.

6.2.9 **Table 8** indicates that the two intersections on Old Canterbury Road are currently not operating at an acceptable LOS, and this would be exacerbated by traffic associated with additional students. To offset these impacts, the Applicant initially recommended the:

- introduction of a peak-time clearway on both sides of Old Canterbury Road, resulting in two available lanes of traffic in each direction (rather than one lane of traffic and one lane of parked cars).
- provision of an additional left-turn lane out of Prospect Road and restricting right hand turns into Prospect Road during the PM peak.

Submissions and public authority comments

- 6.2.10 Council initially raised no concerns with the traffic generation impacts of the proposal, but in a late submission advised it had a major concern with the traffic generation. Council noted that the revised car park would make it more attractive to drop-off / pick-up students at school which would likely change current modal split regarding journey by car.
- 6.2.11 Council requested that further information be provided in relation to the operation of intersections at Harland Street / Queen Street and Harland Street / Service Avenue as well as turning path movements (in all directions) for existing and proposed traffic generation at both the driveway accesses to the school. Council also advised clearway restrictions would not be supported on local streets.
- 6.2.12 TfNSW did not raise any concerns with traffic generation or operation of the road network.
- 6.2.13 TfNSW reviewed the proposed traffic mitigation measures but advised that installation of clearways on Old Canterbury Road cannot be supported. TfNSW suggested some other measures (such as 'no stopping' restrictions on the eastern side of the road) but requested the Applicant consult with the necessary authorities to ascertain the feasibility of these measures.
- 6.2.14 Council did not raise any concerns with the proposed improvements on Prospect Road to create a left-turn lane, noting further community consultation and approval by Council's local traffic committee would be required prior to its implementation.
- 6.2.15 Most public submissions raised concerns with respect to the current operation of the school which already results in significant traffic impacts, particularly during the morning and afternoon peaks and Saturday morning sports. Submissions also raised concerns around:
- queuing and congestion on Victoria Street.
 - difficulty for residents on Victoria Street to get out of their driveways during peak times.
 - long traffic delays during peak times, and associated dangerous driver behaviour such as cars driving on the wrong side of the street to get around the queue or making dangerous U-turn movements.
 - queuing and congestion on Harland Street and poor functioning of the Harland Street / Queen Street intersection and Harland Street / Service Avenue intersection.
 - difficulty for Service Avenue residents to drive out of their street via the above intersection during peaks and the use of Service Avenue as a thoroughfare to get around some of the congestion.
 - queueing at the intersection of Victoria Street / Liverpool Road about 900m north of the site.
 - traffic congestion on Hurlstone Avenue and Prospect Road on the western side of the site including their intersections with Old Canterbury Road.
 - general traffic congestion caused by parents using the surrounding streets to drop-off / pick-up students.

- 6.2.16 Public submissions raised concerns that the proposed increase in student numbers would exacerbate the existing traffic concerns. Numerous submissions referred to the previous LEC decision which refused an increase in student numbers from 1500 to 1700 predominantly based on unacceptable traffic impacts. Submissions noted student numbers had increased without consent, with exacerbated traffic impacts. Thus, a further increase to 2100 students should not be supported.
- 6.2.17 Following concerns raised in the public and public authority submissions, the Department requested the Applicant to provide traffic modelling of three additional intersections at Victoria Street / Liverpool Road, Queen Street / Harland Street, and Service Avenue / Harland Street (as shown in **Figure 23**).

Applicant's response

- 6.2.18 Initially, in response to the Department's request for additional intersection analysis, the Applicant stated that this was not necessary due to the distance of these intersections from the site. However, due to further requests from the Department to undertake the additional intersection analysis along with consultation with the relevant road authorities (regarding mitigation measures), the Applicant submitted this information.
- 6.2.19 The Applicant's SRtS included SIDRA analysis of three intersections (Victoria Street / Liverpool Road, Queen Street / Harland Street, and Service Avenue / Harland Street). **Table 9** provides a summary of the intersection analyses and the results. The Applicant's analyses concludes that whilst the traffic generated due to the proposed additional students and staff would have minor impact on intersection operations, the proposed development would not deteriorate the intersection performance below an overall LOS C. Accordingly, the Applicant has not proposed any additional mitigation measures for these intersections or the associated road network.
- 6.2.20 The Applicant's SRtS clarified that the intersections of Old Canterbury Road with Prospect Road and Hurlstone Avenue have been re-modelled with revised calibration of existing operational conditions. The revised modelling results show that the intersection of Old Canterbury Road / Prospect Road operates at LOS D rather than previously identified F. The revised analyses of these intersections have also been added in **Table 9**.
- 6.2.21 The Applicant further states that the development may result in slightly higher delays faced by the right turning movement on to local roads from Old Canterbury Road.

Table 9 | Intersection analysis provided in the SRtS

Intersection	Description of Operation and Impacts
1. Old Canterbury Road / Prospect Road	The revised TIA indicates that the intersection currently operates at LOS D and the analysis demonstrates this LOS would be retained despite an increase in student and staff numbers. The TIA further states that the critical movement is the right turn out of Prospect Road to Old Canterbury Road which possesses the highest delay and results in an overall delay of LOS D.

2. Old Canterbury Road / Hurlstone Avenue	The revised TIA indicates that the intersection of Old Canterbury Road and Hurlstone Road currently operates at LOS D and C in the AM and PM peak, respectively and the analysis demonstrates this LOS would be retained despite an increase in student and staff numbers.
9. Service Avenue / Harland Street	The intersection currently operates at LOS A and the analysis demonstrates this LOS would be retained despite an increase in student and staff numbers.
10. Harland Street / Queen Street	The intersection currently operates at LOS B during AM peak and LOS A during PM peak. The submitted TIA analysis demonstrates the while there would be some impact to the intersection, the LOS would still be acceptable (LOS B during AM and PM peak) following an increase in student and staff numbers.
11. Victoria Street / Liverpool Road	The intersection currently operates at LOS A during AM peak and LOS C during PM peak. The submitted TIA analysis demonstrates the while there would be some impact to the intersection, the LOS would still be acceptable (LOS B and LOS C) following an increase in student and staff numbers.

6.2.22 Overall, The Applicant's analysis of the intersections concludes that, considering the intersections from each approach, the critical movement is the right turn out of Prospect Road to Old Canterbury Road which possesses the highest delay and results in an overall delay of LOS D. Similarly, for Hurlstone Avenue and Old Canterbury Road, the critical movement at this intersection is associated with the right turning movement from Hurlstone Avenue rather than the dominant movement on Old Canterbury Road. However, none of these delays impact on the overall performance of the intersections.

6.2.23 In response to traffic concerns raised by the public, the Applicant stated that the key traffic concerns relate to delays during AM and PM peak times, which mainly occur due to drop-off / pick-up of students. To mitigate the on-street queuing impacts that cause delays on local streets, this proposal includes upgrades to the on-site car park. The expanded car park has been carefully designed to improve traffic flow associated with drop-off / pick-up activities within the site. This, in conjunction with the proposed intersection upgrades provision proposed by the Applicant, would ensure that the traffic generated by the existing and proposed number of students / staffs would be appropriately managed. The proposed improvements and additional car parking within the site are discussed in the following section.

Proposed mitigation measures and upgrades to intersections

6.2.24 Notwithstanding the conclusions of the overall performance of the intersections, the Applicant recommends:

- provision of an additional left-turn lane out of Prospect Road.
- splitter pedestrian refuge on Prospect Road, to improve the pedestrian crossing facilities available at this intersection.

6.2.25 The proposed measure shown in **Figure 24**.

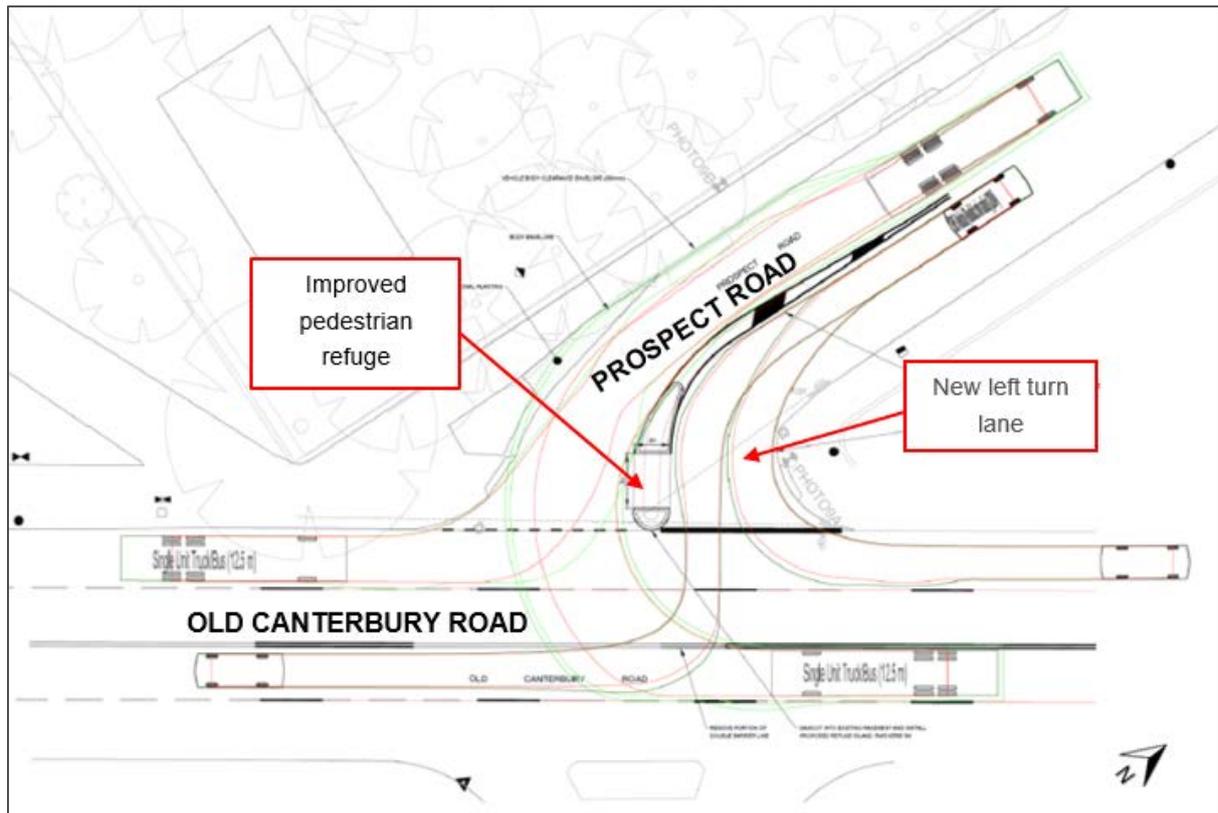


Figure 24 | Mitigation measures proposed by Applicant at Prospect Road / Old Canterbury Road intersection (Source: Applicant's SRtS 2021)

6.2.26 The Applicant states that whilst these mitigation measures would have no impact on the LOS in the future scenario, with only minor improvement to the queuing, these are proposed for a broader community benefit with improved pedestrian crossing facilities.

6.2.27 The Department notes that both Council and TfNSW did not raise any concerns with the above intersection performances post development or with the proposed mitigation measures, subject to appropriate consultation with Council.

Department's assessment

6.2.28 The Department has reviewed the Applicant's TIA, the submissions and the Applicant's response to those. The Department has assessed the proposed car parking and drop-off / pick-up measures and is satisfied that the proposed on-site measures would result in mitigating queuing impacts on the surrounding streets, especially Victoria Street (details discussed later).

6.2.29 While the proposed new car parking arrangement would ensure a better flow of drop-off / pick-up traffic within and adjacent to the site, the proposed increase in student and staff numbers would increase other traffic movements near the site generally with the potential for operational impacts to the local road network.

6.2.30 The Department acknowledges concerns that traffic impacts created by the current operation of the school are already extensive and would be further exacerbated with the proposed student increase of 2100. In this regard, the Department notes that most intersections near the site (Prospect Road / Seaview Street East, Prospect Road / Seaview Street West, Victoria

Street / Seaview Street and Victoria Street / Harland Street) currently operate (and would continue to operate) at a good or acceptable LOS during peak periods even if student numbers are increased to 2100.

- 6.2.31 Based on the above and Council and TfNSW comments, the Department is satisfied that all of the identified intersections would continue to operate at their current LOS post development and that no further mitigation measures / upgrades to intersections are required.
- 6.2.32 The Department also acknowledges that the critical movement is the right turn from Hurlstone Avenue at the intersection rather than the movement from Old Canterbury Road and that slightly higher delays from the right-turning movement is a common scenario which occurs when a major road intersects with local roads.
- 6.2.33 The Department supports the Applicant's approach for intersection upgrade to Prospect Road / Old Canterbury Road (subject to Council's agreement), and considers that this would ensure that the impacts of any proposed student increase to 2100 students on the local traffic network could be reduced and managed adequately.
- 6.2.34 The Department notes that the Applicant has considered the 1655 students as the base case scenario in assessing the traffic impacts and demonstrated that the 1655 students can be accommodated within the road network in the existing circumstance (with no improvements proposed).
- 6.2.35 As discussed later in this report, while the traffic generated by the 1655 students can be accommodated in the surrounding road network, the queuing on Victoria Street and the car park management measures remain unresolved. In its judgement, the LEC (discussed later) indicated that improvements to the school carpark and associated management measures were needed prior to any increase in student numbers beyond 1500.

Car park operations and drop-off / pick-up facilities

- 6.2.36 Currently the main car park on the site is located underground below Oval 2. It incorporates parking for 215 cars and a drive through drop-off / pick-up facility. The current layout of the car park is shown in **Figure 25**. Drop-off / pick-up traffic enters via a driveway on Victoria Street and, once in the car park, travels in a one-way loop past the pick-up zones and exits turning left onto Victoria Street via Jubilee driveway. Right-turn movements out of the driveway are not permitted by the school as it results in queues.

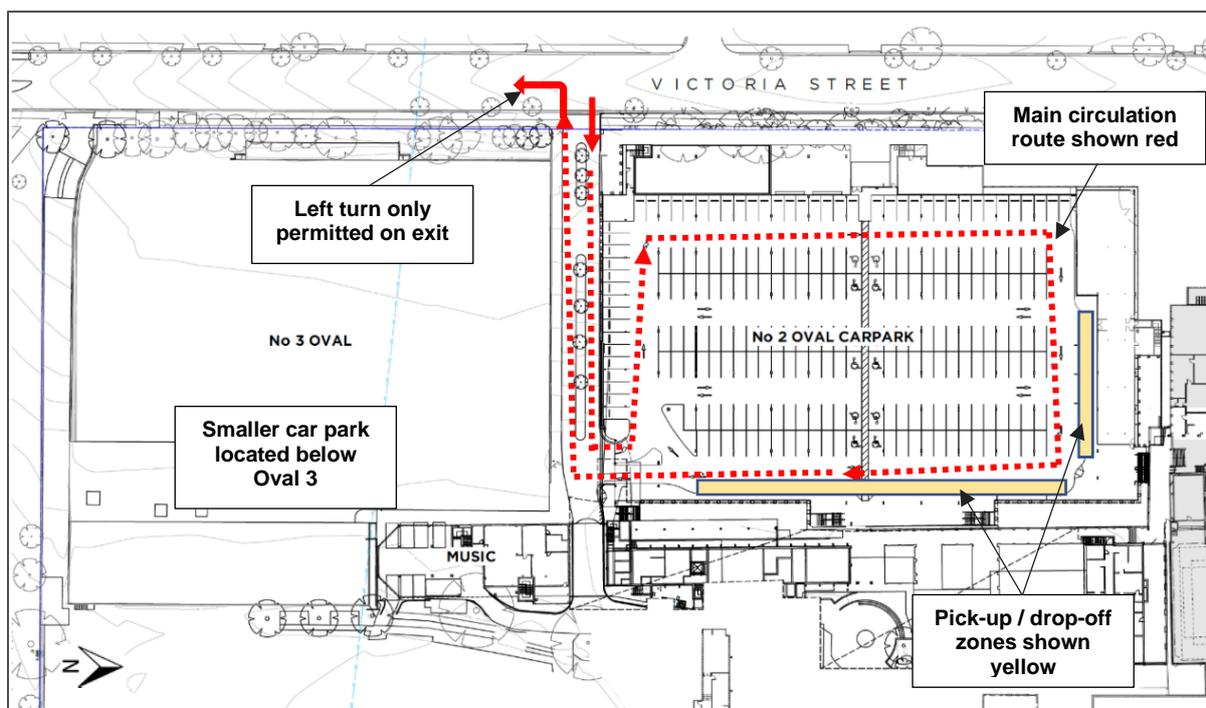


Figure 25 | Existing main car park layout (Source: Applicant's EIS 2020)

6.2.37 The TIA states that although the existing car park layout has the capacity to accommodate the current demand for drop-off / pick-ups (in terms of the number of bays and available queue length), the current arrangement does not function well due to delays caused by drivers wanting to park in the parking bays, which in turn causes traffic to temporarily stop. The TIA concluded this is the main delay which results in queueing off the site onto Victoria Street and the surrounding road network.

6.2.38 The proposed development seeks to improve this arrangement, including expanding the existing car park under Oval 3, redesigning the layout of the Oval 2 car park, and providing a connection between the two. The proposed revised layout is shown in **Figure 26** which, according to the Applicant, results in the following improvements:

- increase in the length and number of drop-off / pick up spaces from 105m (18 spaces) to 170m (28 spaces) allowing more drop-off / pick-ups to occur simultaneously.
- re-orientation of car park isles and reduction in the number of car parking spaces adjacent to the circulation pathway (from 107 to 41 spaces) reducing delays to drop-off / pick-up traffic due to manoeuvring of cars.
- creation of two exit points, allowing left-turn from the southern exit driveway and right-turn movements out of the northern driveway.
- increase in the overall length of the circulation isle on the site from 290m to 408m, meaning that more cars can be accommodated within the site.

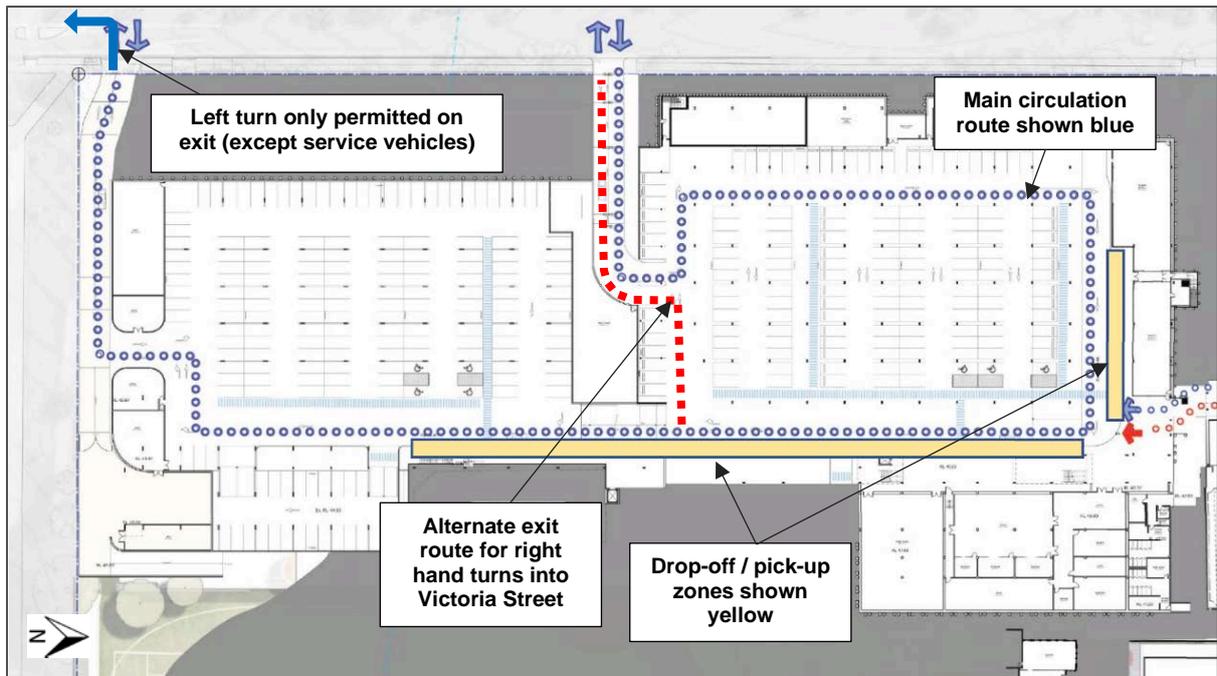


Figure 26 | Proposed car park layout (Source: Applicant's SRtS 2021)

6.2.39 The Department notes that the drop-off / pick-up requirements in the Inner West Comprehensive DCP 2016 (DCP) for schools is one space per four kindergarten students, one space per 40 junior students and one space per 40 senior students. Based on this, for the proposed 2100 students, a total of 55 drop-off / pick-up spaces would be required.

6.2.40 The proposed 28 drop-off / pick-up spaces is less than that recommended by the DCP. However, based on existing traffic surveys provided by the Applicant in the SRtS, current peak demand is for 327 drop-off / pick-up spaces, increasing to 409 spaces if student numbers increase to 2100 (an increase of 25%). The Department notes that the Applicant has applied the 2-minute assumption for the turnover time for vehicles from the drop-off / pick-up bays, based on observations at other schools.

6.2.41 A comparison of the proposed and required drop-off / pick-up spaces in the DCP is provided in **Table 10**.

Table 10 | Drop-off / pick-up space requirements under the DCP

School	Proposed number	Rate per Council's DCP	Required spaces
Kindergarten	40	1 per 4 students	10
Junior	310	1 per 40 students	8
Senior	1470	1 per 40 students	37
Total			55

6.2.42 The Department has reviewed the Applicant's proposal and considers it is reasonable to adopt the 2-minute standard for AM and PM peaks. Assuming each space is used for 2 minutes for

drop-off, the proposed arrangements would provide for up to 840 drop-offs over a one-hour peak period, or 420 in half an hour, which is more than adequate to meet the expected demand, noting school bell times are staggered and drop-off occurs over a one hour period.

- 6.2.43 Based on the above, and proposed improvements to traffic movements within the site, the Department is satisfied that the proposal would provide adequate capacity to mitigate the existing on-street queuing as well as meet the growth in queuing demand generated by the proposed increase in student and staff numbers.
- 6.2.44 However, as discussed earlier, the Applicant has not demonstrated that 1655 students can be acceptably managed in relation to traffic operations prior to the carpark improvements being completed. This means that congestion impacts on Victoria Street and surrounds will not improve until the car park is completed, or modal change occurs. Consequently, the Department does not support any increase in student numbers (noting that the school is already operating above its student cap) until these works are completed to the satisfaction of the Secretary. Any further increases of student numbers to 2100 can only be permitted after the completion of the drop-off / pick-up areas in conjunction with the car park.
- 6.2.45 In order to ensure the effective management of the drop-off / pick-up facility, the Department has also recommended a condition requiring the implementation of an Operational Transport and Access Management Plan (OTAMP), which would ensure appropriate traffic control measures are in place to manage and mitigate impacts during the AM / PM school peak times.

Car parking

- 6.2.46 Car parking requirements in the DCP for schools is one space / full-time equivalent employee and one space / 8 Year 12 students. For the proposed 2100 students and 321 staff, a total of 356 car parking spaces comprising 321 staff and 35 student spaces would be required (**Table 10**).

Table 10 | Car parking requirement as per the DCP

School	Proposed number	Rate per Council’s DCP	Required spaces
Staff	321	1 per staff	321
Year 12	280	1 per 8 students	35
Total			356

- 6.2.47 The site currently contains 312 car parking spaces. The proposal involves an increase in car parking spaces on site by 12 to 324 spaces. Under the required car parking spaces in the DCP, there would be a shortfall of 32 spaces.
- 6.2.48 Concerns were raised in public submissions with the level of parking provided, particularly that the school users already use on-street parking on the surrounding streets with associated impacts on parking availability and traffic impacts.

- 6.2.49 Council raised a concern that the number of on-site parking spaces should not be increased to encourage sustainable transport modes.
- 6.2.50 In response, the Applicant considered the number of spaces required by the DCP to be excessive. The Applicant also noted that the previous DCP applying to the former Marrickville or Leichhardt LGAs would only require 161 car parking spaces for the same development. The Applicant argued that the requirement for excessive number of car spaces on the site contradicts Council's commitment to promoting active transport within the LGA.
- 6.2.51 The Applicant stated that to support the car parking provision, a GTP has been prepared to encourage and set goals regarding the use of alternative transport modes, efficient operation of the parking facility and reduce reliance on car parking on the surrounding road network.

Department's assessment

- 6.2.52 The Department considers that given the significant concerns raised in relation to traffic, parking should be limited where possible in order to minimise traffic impacts and improve non-car mode share. In this regard, the provision of 324 car spaces is considered adequate and generous in the light of parking requirements in other parts of the LGA. Any further increase of on-site car parking provisions would only encourage additional traffic movements to and from the school, adversely impacting on the nearby intersections and therefore should not be supported. The site is well serviced by public transport and uses school buses, as discussed in **Section 1**. Considering the above, and the State's initiatives to promote public transport, the Department considers that the 324 car spaces is sufficient.
- 6.2.53 The Department also notes that during out-of-school hours events and weekend events, the internal drop-off / pick-up spaces can be utilised by the parents / staff as overflow parking within the site, which in turn would mitigate any identified impacts on the surrounding streets (such as Saturday sports).
- 6.2.54 As discussed below, conditions are recommended to ensure non-car mode share is improved and that the OTAMP is implemented to ensure that students / staff park within the site.
- 6.2.55 The Department notes that Council operates a number of resident parking schemes in the surrounding area, and considers that if on-street parking generated by the school remains a concern for residents or is exacerbated by the proposal, Council may consider a scheme in the streets immediately surrounding the school. However, this is outside the scope of assessment of this application.

Green Travel Plan (GTP)

- 6.2.56 The application, as updated by the SRtS, is supported by a preliminary GTP for the school, which sets out numerous measures and future strategies to encourage sustainable travel and to facilitate a 10% modal shift away from private car use, including:
- consultation with Council and other relevant authorities for improved public or active transport services and infrastructure.
 - provision of shuttle services between Ashfield and Summer Hill train stations in the AM and PM peaks.
 - walking/cycling groups to promote walking and use of bicycles for staff and students.

- provision of end-of-trip facilities.
- implementation of flexible learning timetables for senior years and remote working program.
- activities and promotions to encourage staff and students to use public transport.
- improved cycle and pedestrian infrastructure surrounding the school.
- delivery of an increase in school bus services where service capacity threshold is reached.
- introduction of the GTP to all new students in the school.
- implementation of a carpool scheme for staff and encouraging parent / families to carpool.
- opportunities to review the appropriateness of the school bus services and improve accordingly.
- upgrading of an existing pedestrian crossing on Prospect Road near the school entrance to a raised crossing to encourage safer crossing and promote walking.
- implementation of a monitoring program for the GTP.

6.2.57 The GTP states that currently 53% of student trips to school are non-car trips (46% bus / public transport; 7% walking; 0% cycling). Only 17% of staff trips are non-car. The Applicant's GTP sets a target to improve the non-car mode share by 2030 to 63% for student trips and 28% for staff trips.

6.2.58 The GTP identifies that school operated bus services are the most favoured non-car modes of travel. Provision of additional services would encourage further use of this mode and accommodate the additional demand generated by increased student and staff numbers.

6.2.59 Council reviewed the GTP and indicated that upgrades to the existing pedestrian crossing on Prospect Road near the school entrance to a raised crossing should be carried out in consultation with the residents.

6.2.60 The Department considers the GTP plays a critical role in promoting a greater share of travel modes, provided it is appropriately drafted, implemented, and monitored.

6.2.61 The Department is also satisfied that with the implementation of the GTP, mode share for private car usage can be reduced and vehicle occupancy rates can be increased. Adopting and implementing the GTP would encourage students to walk, cycle or catch the bus to school and encourage parents to carpool to decrease vehicle occupancy rates.

6.2.62 The Department recommends that prior to any further increase in student numbers beyond 1655, a detailed GTP must be prepared in consultation with TfNSW and Council, and be provided for approval to the Department, including details to demonstrate how bus services would be increased and accommodated to satisfy the additional demand likely to be generated by additional students as well as additional trips to improve mode share.

Bicycle parking

6.2.63 Based on DCP requirements, the enlarged school would generate a requirement for 350 student bicycle parking spaces and 16 staff parking spaces. The proposal includes bicycle parking for 37 bikes, on the basis that this is a significant improvement from the existing situation where no students or staff ride to school.

6.2.64 78% of students live within 10km of the school, so there is opportunity to increase the number of students using this mode of transport. While 366 spaces are likely to be excessive, the

Department recommends the provision of ample student spaces in highly accessible and visible locations, to encourage use of bicycles.

- 6.2.65 Based on the above, the Department has recommended a condition requiring amended plans to accommodate 40 student bicycle spaces close to the main entry on Victoria Street, 40 student bicycle spaces close to the a entry on Prospect Road, as well as 16 staff bicycle spaces close to the end of trip facilities for the staff. Additionally, the Department has recommended that the GTP incorporate these measures to encourage use of bicycles regardless of student increases.

Pedestrian infrastructure

- 6.2.66 Council reviewed the proposal and recommended upgrading the existing pedestrian crossing on Prospect Road to a raised crossing in consultation, providing a refuge island at the intersection of Old Canterbury Road and Prospect Road, and improving the dilapidated sections of asphalt footpaths on the streets surrounding the site.

- 6.2.67 In response, the Applicant agreed to providing a pedestrian refuge at the intersection of Old Canterbury Road and Prospect Road, and advised the school is supportive of an upgrade to a raised pedestrian crossing. The Department has recommended conditions to this effect.

- 6.2.68 However, the Applicant did not agree to footpath upgrades. The Applicant identified that there are limited safety issues with the current footpaths and the increase in student numbers would have minor impact on the footpaths.

- 6.2.69 The Department notes that the while footpaths on Seaview Street and Prospect Road are generally in a good state, footpaths on the Victoria Street frontage are dilapidated, narrow and often a different level to the adjoining ground levels, resulting in safety impacts for cyclists and pedestrians. The Department considers the increase in student numbers, and the need to encourage walking to school to reduce traffic and parking impacts, warrants an upgrade to the footpath along the Victoria Street frontage to the site. The Department has recommended a condition requiring the Victoria Street footpath to be upgraded to Council's standard.

Service and delivery vehicles

- 6.2.70 The proposed development involves service and delivery vehicle access to the site from two locations: at the new Maintenance Building on Seaview Street and at the southern driveway on Victoria Street.

- 6.2.71 There is an existing pedestrian refuge on Victoria Street and substation adjacent to that refuge, shown in **Figure 27**. The Applicant initially proposed to replace the existing pedestrian refuge by line marking, to accommodate the left and right turns for service and delivery vehicles accessing the new loading facility.

- 6.2.72 Council and TfNSW raised concerns that the delivery vehicle movements on Victoria Street would conflict with peak traffic movements exiting the site and may result in pedestrian safety issues due to lack of sight distances caused by the electrical substation.

- 6.2.73 In response to these concerns, the Applicant amended the proposal to retain the existing pedestrian refuge. This would require the service vehicles to be restricted to left turn in and right turn out movements only at the driveway.

- 6.2.74 However, with respect to the electrical substation adjacent to the driveway, the Applicant advised that there is no need to relocate this as there is no history of accidents at this location. The road and kerb layout would provide adequate sight distance in both directions.
- 6.2.75 Council and TfNSW reviewed the RtS and did not raise any further concerns with the proposed arrangement, subject to service vehicles not using the driveway at the same time as student drop-off / pick-up times, and the provision of a Service Vehicle Management Plan and a Road Safety Audit at the southern driveway.
- 6.2.76 The Department has reviewed the comments from public authorities and recommended conditions about Road Safety Audits and Service Vehicle Management Plans.
- 6.2.77 The Department considers the electrical substation has the potential to block some sightlines, particularly between exiting vehicles and pedestrians at the crossing. Further, the revised car park and traffic arrangements would mean a significant increase in the number of vehicles exiting from this driveway at peak times. The Department has recommended a condition that the Road Safety Audit for the access point is to include consideration of the impact of the electrical substation on pedestrian safety. Should the Audit reveal safety concerns, the Applicant should be responsible for relocating the substation prior to occupation certificate of the car park.

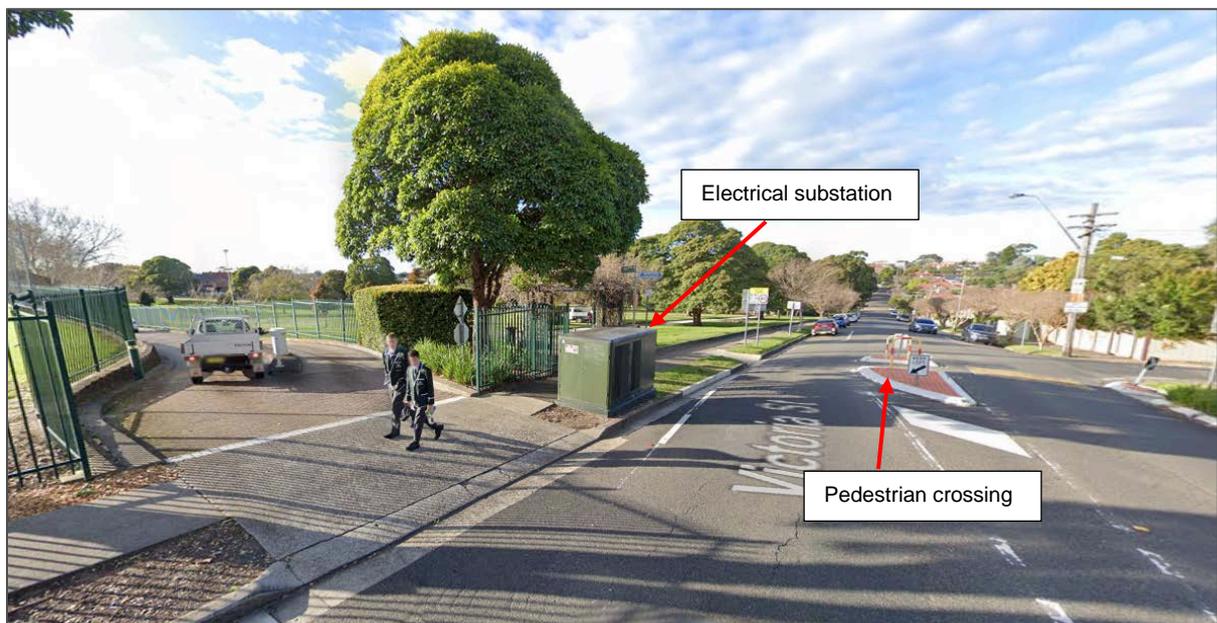


Figure 27 | Existing southern access driveway and adjacent electrical substation and pedestrian crossing (Source: Google Maps, 2021)

LEC decision and relevance to current application

- 6.2.78 As discussed in **Section 1**, the LEC dismissed an appeal by the Applicant to increase student numbers on the site primarily on traffic grounds. Several public submissions referred to the LEC judgement and indicated that the reasons for refusal to increase the student numbers are still relevant.
- 6.2.79 The LEC determination found that at the time of the appeal (2015), the school generated unacceptable traffic impacts and that an increase in student numbers by 200 would exacerbate those impacts. The LEC judgment focused on impacts to Victoria Street and noted

that the on-street queuing occurred partly due to the operational problems identified with the Jubilee car park. Revision of the car park layout may address these problems.

- 6.2.80 As part of the SRtS, the Applicant responded to the issues raised in the LEC judgment by proposing a revised car park layout within the site as part of the SSD. The Department has assessed the revised layout and is satisfied that it would minimise current impacts due to on-street queuing on Victoria Street.
- 6.2.81 Considering the LEC judgement and the Applicant's response, the Department has recommended that any increase in student numbers not occur (noting that the school is already above its student cap) until the carpark improvements are completed.
- 6.2.82 The Department has also considered the traffic generation impacts to the wider surrounding area and concluded that the student numbers should not be further increased beyond 1655 until the recommended external road works have been completed. The Department has also recommended conditions requiring additional bicycle parking, implementation of a GTP and OTAMP to encourage sustainable transport modes in the future.
- 6.2.83 The Department is satisfied that the reasons for refusal by the LEC have been appropriately considered and, where possible, mitigation measures and / or restrictions to further intensification of use have been recommended.
- 6.2.84 However, the Department notes that the main reason for refusal by the LEC was based on the lack of management of the car park and / or the drop-off / pick-up zone. Consequently, the Department concurs with the LEC decision that the student numbers should not be increased beyond the previously permitted number (1500) prior to the car park and drop-off / pick-up areas being completed.

Regularising student numbers to 1655

- 6.2.85 Having regard to assessment in Section 6.2 above, the Department considers that regularising the student numbers to 1655 from the current approval of 1500 can only occur if Jubilee car park and pick-up and drop-off facilities are completed. Accordingly, the Department has recommended a condition to this effect.
- 6.2.86 Additionally, the Department has recommended a condition that the Applicant maintains a record keeping system for 4 years after the student numbers reach 2100 and submits attendance details to the Certifier and the Department to demonstrate that the maximum number of students of 2100 is always maintained.

Construction traffic

- 6.2.87 Construction works are proposed to be undertaken in six stages to manage construction vehicle access and frequency and limit impacts on the students / staff and surrounding neighbours. The Application is supported by a CMP which outlines the vehicle access control measures at various construction stages.
- 6.2.88 The construction staging plans demonstrate that access to the existing car park would be maintained throughout the construction stages with proposed alternate access arrangements via Victoria Street. This would ensure that drop-off / pick-up activities can continue during

construction works. A plan for Stage 3 is provided in **Figure 28**, which shows how vehicle access would be retained during construction works.

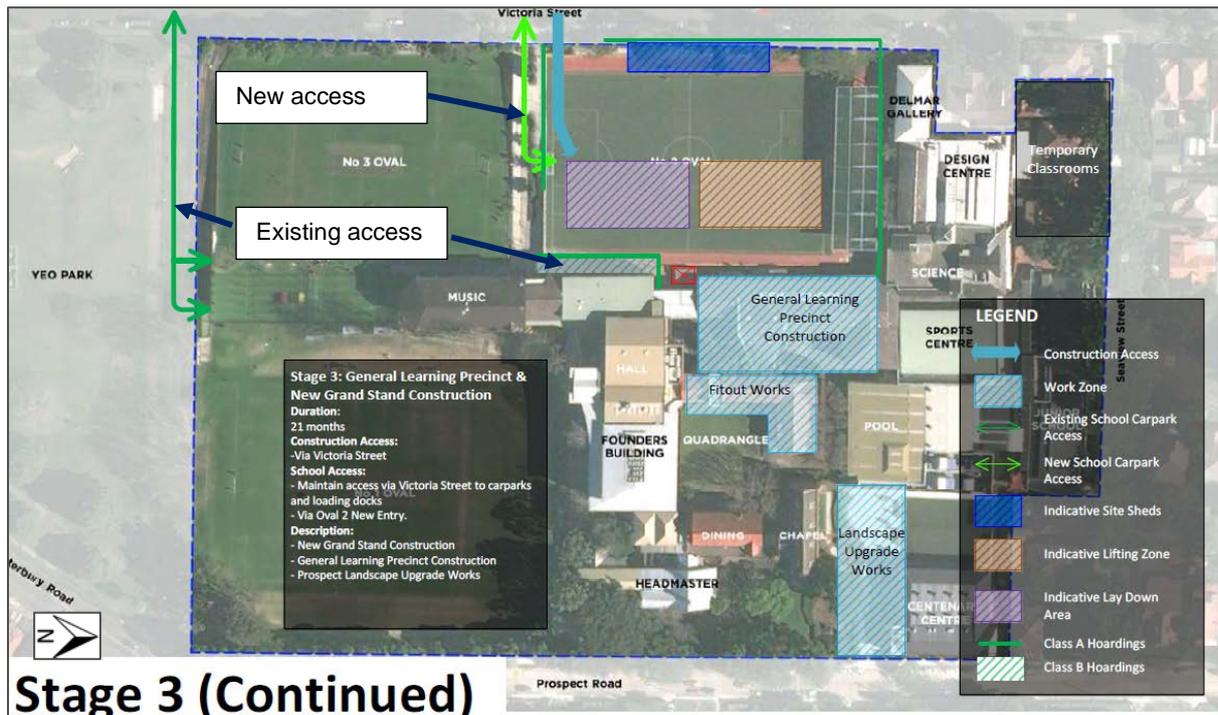


Figure 28 | Stage 3 plan showing proposed access arrangements (Source: Applicant's RtS 2021)

6.2.89 The Applicant submitted a preliminary Construction Traffic Management Plan (CTMP) to manage construction vehicles movements including:

- using the shortest appropriate route to the State road network.
- restriction of construction vehicle movements during drop-off / pick-up times.
- no queueing on the public road network.
- deliveries coordinated to minimise the number of construction vehicles at any one time.
- vehicles to enter and exit in a forward direction.
- priority given to the public over construction vehicles where traffic is being controlled.
- loading and unloading only in approved areas.
- neighbouring properties notified of construction works, timing and significant events.
- repair and clean up any damage to the road network.
- contractors to park on the site or be encouraged to travel via sustainable transport.

6.2.90 TfNSW reviewed the EIS and advised the final CTMP should be developed in consultation with Council and TfNSW to ensure construction traffic impacts are minimised, including cumulative construction impacts and access arrangements. Community submissions raised significant concerns with construction traffic and parking impacts.

6.2.91 The Department reviewed the construction staging plans and is satisfied that the delivery of the construction works in stages would minimise the impacts of construction vehicle access to the site from the surrounding roads. It would also ensure that staff parking areas within the school are not impacted throughout the construction period.

6.2.92 The Department has recommended a condition requiring the Applicant prepare a detailed CTMP in consultation with the relevant public authorities.

6.3 Built form, landscaping and visual impacts

Building height and design

New TNL Building and Performing Arts Building

6.3.1 The largest buildings proposed on the site would be the TNL Building and Performing Arts Building, forming two distinct precincts at the centre of the site. The new buildings (including demolition and alterations to the existing building) would generally be up to five storeys in height. They would replace the existing New School Building and part of the Music Building, which are two to three storeys in height. The height of the proposed buildings relative to existing building heights are provided in **Figure 29**.

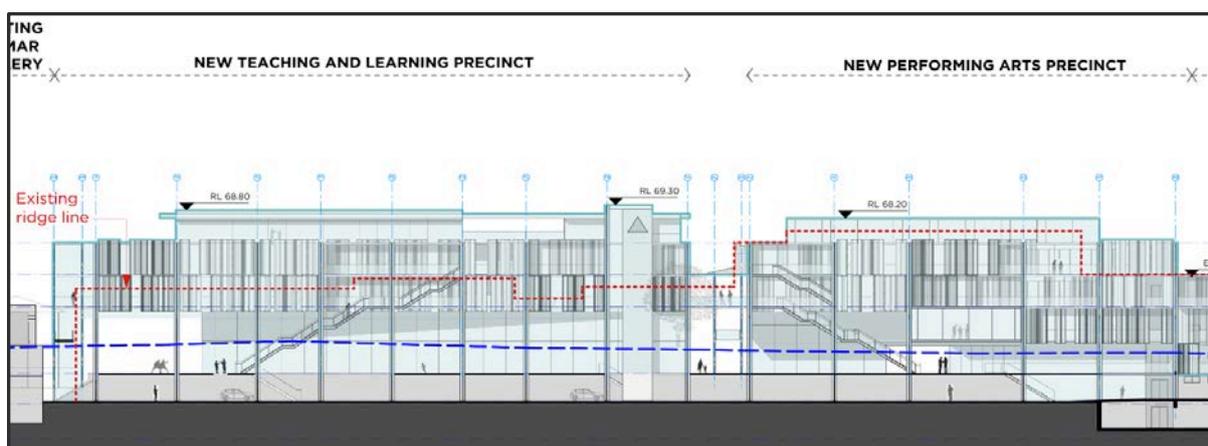


Figure 29 | Western elevation of proposed buildings with ridge line of existing buildings on the site shown in red (Source: Applicant's SRTS 2021)

6.3.2 The buildings would be predominantly visible from the west (Victoria Street). From other vantage points they would be largely obscured by other buildings. As viewed from Victoria Street, they present as a contemporary façade that is highly articulated and features a variety of façade materials including irregular perforated metal screens, coloured fins, masonry walls and timber look detailing including soffits. In conjunction with the refurbishment of the existing Music Building and the proposed New Multi-purpose pavilion, the TNL precinct would present a unified appearance to the west. The buildings generally step in height from the north to the south consistent with the topography of the site.

6.3.3 The EIS was accompanied by a visual impact assessment (VIA) which considered the visibility and impacts of the proposal as viewed from key locations surrounding the site. The assessment concluded the proposal would not result in significant adverse visual impacts to the surrounding area, noting the new buildings would not be highly visible, other than as viewed from Victoria Street. The overall spatial character of the site and the existing buildings would be retained. The new buildings would replace existing buildings and visually unify the existing disparate built forms on the site, providing a consistency of theme and detailing, compared to the existing building stock.

6.3.4 The building materials and facade design of the TNL Building is shown in **Figure 30**.



Figure 30 | Close up perspective view of the western elevation of the TNL Building showing the scale and proposed façade treatments (Source: Applicant's RtS 2020)

- 6.3.5 Community submissions raised concerns with the height of the TNL and Performing Arts buildings, particularly that a five-storey scale would be out of character with the surrounding heritage conservation areas characterised by one to two storey dwellings.
- 6.3.6 Government Architect NSW (GANSW) reviewed the EIS and did not raise any concerns regarding the built form, but noted a five-storey scale would impact on views currently enjoyed by surrounding neighbours. For this reason, it recommended the building height be reduced or functional areas of the buildings be relocated to allow further building articulation.
- 6.3.7 In response, the RtS amended the proposal by slightly reducing the height of the buildings (by up to 0.5m). However, the overall five storey scale was retained.
- 6.3.8 The Applicant argued that the proposed architectural treatments of the buildings would create an interesting and unified appearance to the site within the Victoria Street streetscape. **Figure 31** provides a comparison of the existing and proposed streetscape presentation to Victoria Street.



Figure 31 | Existing (left) and proposed (right) presentation of the site to Victoria Street (Source: Applicant's RtS 2020)

- 6.3.9 The Department acknowledges the community concerns that the buildings would have an intensified scale when compared to the surrounding residential areas. However, there is no applicable maximum height limit under ALEP 2013 and the site is clearly distinguished in its character from its surroundings. The TNL and Performing Arts buildings do not have a direct interface with neighbouring residential dwellings. Therefore, it is not necessary for those buildings to be a similar scale to surrounding residences. Further, if the buildings were designed to a similar scale, it would compromise their functional requirements and needs.
- 6.3.10 The proposed five-storey buildings are located at the centre of the site where they would not visually dominate the streetscape or have a direct visual relationship with neighbouring sites.
- 6.3.11 Consequently, the Department is satisfied that the proposed intensification of scale will not have adverse visual impacts on the streetscape of Prospect Road. The buildings would be a considerable distance from the Seaview Street streetscape and therefore would not expect to have a significant impact. The Department also agrees with the Applicant's conclusions regarding impacts of the building on the Victoria Street streetscape.
- 6.3.12 Overall, the Department concludes that despite the intensified bulk and scale of the TNL and Performing Arts buildings, the visual impacts on the surrounding streets are acceptable.
- 6.3.13 The impacts of the proposed buildings on the heritage significance of the site are discussed in **Section 6.4**. The impacts on the views enjoyed by the neighbours is discussed later in this section.

Multi-purpose pavilion

- 6.3.14 The proposed new Multi-purpose pavilion would be located centrally on the southern boundary between Ovals 1 and 3. The building would present as equivalent to two to three storeys as viewed from Victoria Street (**Figure 32**) and three to four storeys as viewed from Yeo Park (**Figure 33**) to the south and Prospect Road to the east. The façade of the building has been designed to complement and reference the other new buildings and includes a combination of masonry and undulated wall profile finishes (**Figure 34**).

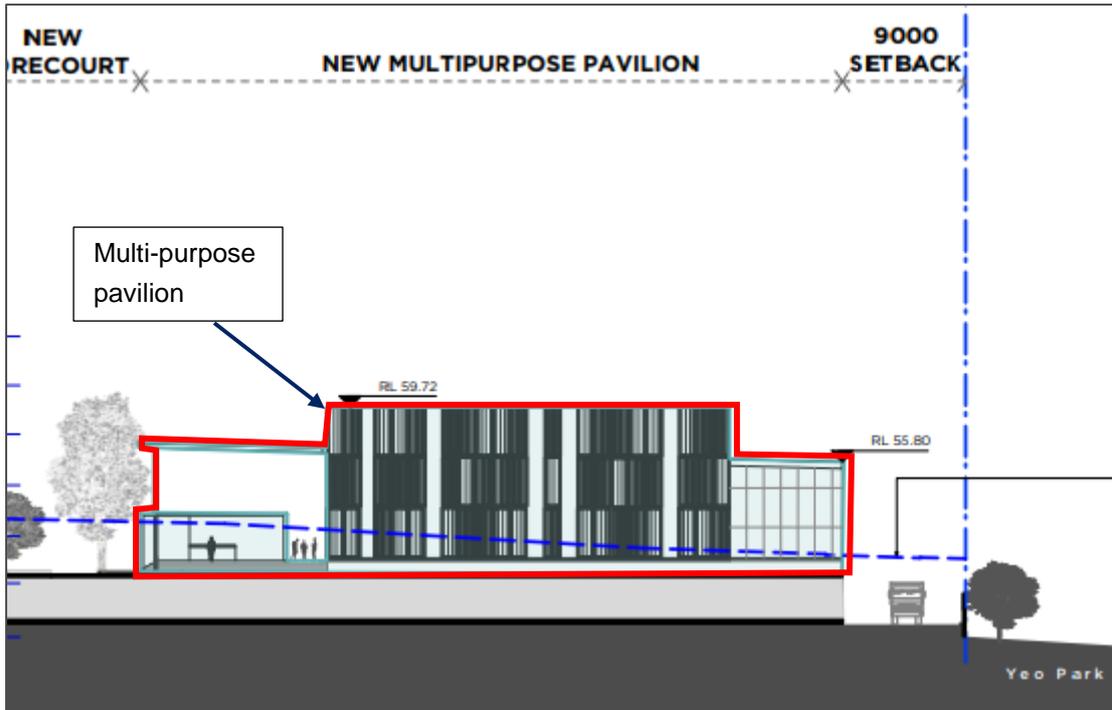


Figure 32 | Multi-purpose pavilion viewed from Victoria Street (Source: Applicant's SRtS 2021)

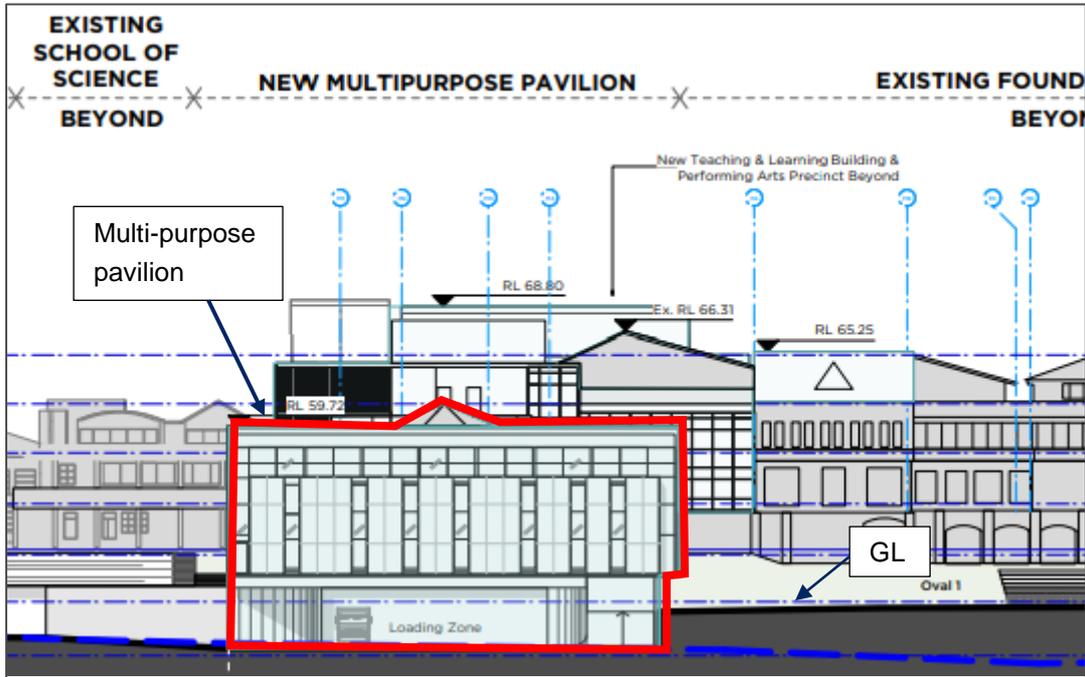


Figure 33 | Multi-purpose pavilion viewed from Yeo Park (Source: Applicant's SRtS 2021)



Figure 34 | Southern view of the Multi-purpose pavilion showing the scale and proposed façade treatments (Source: Applicant's SRtS 2021)

6.3.15 The building would be highly visible from vantage points in Yeo Park to the south, which is a locally listed heritage item under the ALEP 2013. The visual impacts of the building on Yeo Park, including impacts to the heritage values, are considered **Section 6.4**. The Department concludes the visual impacts when viewed from the public domain would be acceptable, subject to additional plantings on the northern boundary of Yeo park owned by Council.

6.3.16 The Department is also satisfied that, due to the significant setback of the building from both Victoria Street and Prospect Road, and façade design complementing other built forms on the site, the proposal would not result in streetscape impacts or impacts to the character of the area.

6.3.17 One public submission raised a concern regarding potential overshadowing of the park due to the Multi-purpose pavilion. However, shadow diagrams indicate that at mid-winter the proposed building would only affect a very small area of the park adjacent to the boundary. Most of the park, including the Rotunda, would retain solar access for more than 3 hours during winter solstice. In the summer months, there would be virtually no shadowing of the park by the proposal. The Department is satisfied the proposal would not unacceptably overshadow the park.

Maintenance Building

6.3.18 The proposed Maintenance Building on Seaview Street would present as a two to three storey building from this street. The design of the building was amended in the SRtS to ensure it complies with the 8.5m height control under ALEP 2013, consistent to the low-density residential properties fronting Seaview Street.

6.3.19 A 2m high front fence is proposed along Seaview Street, to mitigate acoustic impacts associated with servicing and deliveries (see **Section 6.5**) (**Figure 35**).

6.3.20 Although the building would have a servicing function, the Applicant advised it has been designed to be compatible with the scale and design of other school buildings within the streetscape, and be contemporary while sympathetic to the residential streetscape of Seaview Street. The building includes a red face brick base, neutral colour cement cladding with burnt orange features, metal louvres and roofing (**Figure 36**).

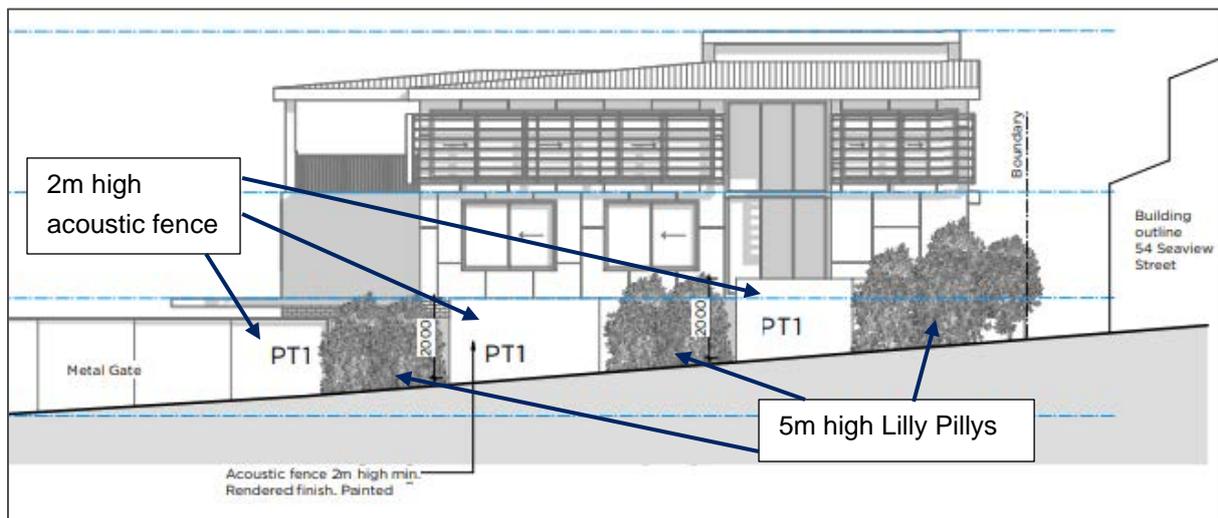


Figure 35 | Proposed Maintenance Building as viewed from Seaview Street (Source: Applicant's SRtS 2021)



Figure 36 | Proposed Maintenance Building materials and finishes (Source: Applicant's SRtS 2021)

6.3.21 Council did not raise concerns with the proposed building, other than the visual impact of the 2m acoustic wall on Seaview Street, advising it would compromise the streetscape and reduce opportunities for casual surveillance of the public domain.

6.3.22 The Department has assessed the design of the proposed Maintenance Building and notes Council's concerns. The Department considers the scale and design of the building is acceptable, noting it complies with the applicable height control of the adjoining properties. As such, the Maintenance Building would be considerably lower in scale than surrounding buildings within the site (**Figure 37**).

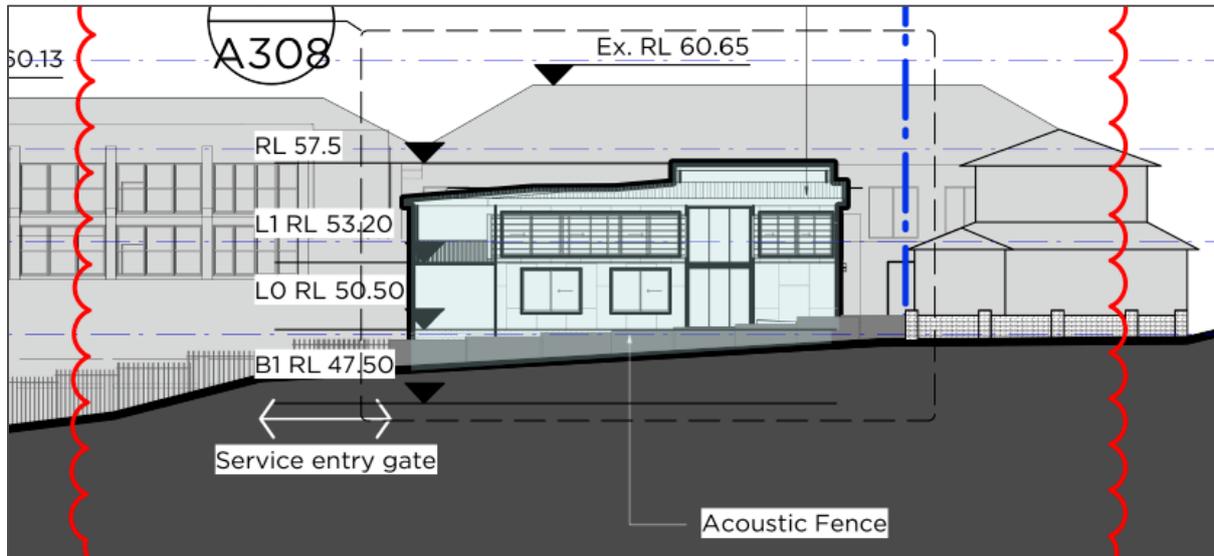


Figure 37 | Proposed Maintenance Building as viewed from Seaview Street (Source: Applicant's SRTS 2021)

6.3.23 Further, the design of the Maintenance Building references a residential built form. Seaview Street includes a mixture of school buildings, and a range of residential dwellings most of which turn their back or side to Seaview Street, resulting in little uniformity or distinctive character to the built forms along the streetscape. The proposed building would sit comfortably within the range of surrounding built forms.

6.3.24 However, unlike other premises in Seaview Street, the front setback of the Maintenance Building would be a hard surface to allow for vehicle maneuvering. To provide a landscaped soft edge to the site and address the concerns raised by Council, the RtS amended the front fence design to incorporate planting Lilly Pilli's that may grow to a height of 5m (**Figure 35**).

6.3.25 The Department supports the proposed amendments to the front fence as it provides adequate landscape screening to the site to mitigate any adverse visual impacts of the fence. Good levels of surveillance of the public domain would also be possible through gaps in the plantings from the upper levels of the building.

6.3.26 The Department is satisfied the proposal would not result in adverse visual impacts on Seaview Street streetscape. Impacts to the heritage values of the nearby conservation area and adjoining heritage item are further considered in **Section 6.4**.

Other building works on the site

6.3.27 Other building works within the site include internal alterations, external upgrades to buildings to ensure a complementary façade design to the new building works, or minor works that have been designed to complement the new buildings. The Department is satisfied the works do

not adversely impact urban design or visual impacts. Associated heritage impacts are considered in **Section 6.4**.

6.3.28 The CMP indicates that a temporary building would be built in construction Stage 3 to accommodate students while the TNL precinct is constructed. No details of this temporary building have been provided. The Department considers that a temporary building may be required in the intermediate stages to ensure students are appropriately accommodated. However, a condition is recommended requiring separate approval be sought prior to commencement of construction of this building.

Internal design and amenity

6.3.29 In addition to the design considering visual impacts of the development to the surrounding area, the proposal has been designed to improve the internal amenity and functioning of the school. This includes improved adaptable learning spaces, pedestrian connections and environmental performance. The Applicant has demonstrated the proposal has been designed having regard to the GANSW Design Quality Principles as set out in the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) (**Appendix C**).

6.3.30 GANSW reviewed the proposal and raised no concerns in relation to the internal design or functioning of the development.

6.3.31 The Department considers the proposed new buildings, in conjunction with the internal alterations, refurbishment of existing buildings, and landscape works, would result in the provision of high quality learning spaces that are adaptable and sustainable and improve the education infrastructure on the site (**Figure 18**).

View loss

6.3.32 Public submissions raised concerns that the proposed buildings would compromise the private views currently enjoyed by the surrounding neighbours. One submission identified that the proposal would result in the loss of city skyline views from the first floor of dwellings at 157 and 159 Victoria Street.

6.3.33 In response to the submissions, and to assess the level of view loss, the Applicant conducted a site visit at 159 Victoria Street. Following this, an addendum VIA was included as part of the SRtS, which specifically considered the view loss impacts from this location.

6.3.34 Five categories were used to define the impacts including negligible (barely perceivable), minor (minor loss of tree, sky and water view), moderate (some loss of tree, sky and distant water view), severe (high impact on tree, sky and water view) and devastating (total loss of view).

6.3.35 The addendum VIA had regard to the planning principles established by the Land and Environment Court in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 (*Tenacity*), which defines a four-step process to assist in the determination of the impacts of a development on views from the private domain:

- Step 1: Assessment of the views to be affected (Water views/Iconic Views/Whole views).

- Step 2: From which part of the property are the views obtained (the expectation to retain side views and sitting views is often unrealistic).
- Step 3: Extent of the impact (impact on living areas is more significant than bedrooms and view loss should be expressed quantitatively as negligible, minor, moderate, severe or devastating).
- Step 4: Reasonableness of the proposal that is causing the impact (compliance with development controls is considered more reasonable and alternate proposal should be considered).

6.3.36 The relevant properties and impacts are discussed below.

159 Victoria Street

6.3.37 The VIA identified that the dwelling enjoys views of the CBD skyline from one east-facing first floor bedroom window. According to the VIA, the views of the skyline are visible over the top of the existing school buildings. The top of the arch of the Harbour Bridge is also visible at the far left of the view (**Figure 38**).



Figure 38 | Existing views from first floor bedroom window at 159 Victoria Street (Source: Applicant's Visual Impact Assessment, SRtS 2021)

6.3.38 Having regard to the above planning principles, the addendum VIA concluded that the first-floor bedroom view loss impact would be rated as 'severe', being a complete loss of the CBD skyline views (although the Harbour Bridge would remain visible).

6.3.39 The Applicant's VIA addendum considered this to be acceptable due to the following reasons:

- the view direction is from one bedroom window.

- in application of the planning principle in *Tenacity*, Step 4, the impact is considered reasonable, as retaining the existing view would require removing at least two storeys from a significant part of the proposal. The benefit would be confined to one view in one direction from the bedroom level of the dwelling.
- as there is no development standard for height of buildings within the site, it would not be reasonable to expect to retain the view.
- modifying the development to retain the view by removing two storeys would not be good design.

157 Victoria Street

6.3.40 The Applicant indicated that no significant views were identified at 157 Victoria Street.

6.3.41 Other dwellings immediately adjacent to these dwellings are single story and do not enjoy views over the school site. Similarly, there are no existing views from the public domain over the site.

Department's assessment

6.3.42 In assessing the acceptability of the impacts of the development on the views from 157 and 159 Victoria Street, the Department has had regard to the addendum VIA and to the *Tenacity* planning principles.

6.3.43 The Department's assessment considers no significant views are lost from 157 Victoria Street.

6.3.44 The Department's assessment of the view loss from 159 Victoria Street against each of the *Tenacity* steps are provided below.

6.3.45 Having regard to Step 1, the Department agrees that the views are iconic, showing the city skyline, with key features such as Sydney Tower. However, the view is partial only and does not include any water views. The view is distant and partially obstructed by the existing school buildings, as well as powerlines and existing vegetation. Nevertheless, the Department considers the views are material and provide positive amenity outcomes for the occupants of the dwelling.

6.3.46 Regarding Step 2, the views are available from a first-floor bedroom window from a standing position across the front boundary of the property. *Tenacity* provides that there is a more realistic expectation to retain these types of views compared to views from a sitting position or views across a side boundary of a property.

6.3.47 Having regard to Step 3, *Tenacity* provides that the impact on views from living areas is more significant than from bedrooms or service areas. The Department notes that the existing views of the CBD are only visible from a relatively low angle over the top of the existing buildings, from the bedroom window. Since the views available to the occupants are partial and from the bedroom only, the Department's assessment concludes that the impact of view loss in this case is "moderate" rather than severe as identified in the addendum VIA.

6.3.48 The Department considers Step 4 to be the essential matter for consideration in this case to assess the reasonableness of the view loss, as assessed in Steps 1 to 3.

6.3.49 Having regard to *Tenacity*, the Department notes there are no height controls which apply to the site and therefore the proposal does not breach any planning controls. It should also be

noted that the complying development provisions of the Education SEPP allows for buildings up to 22m high on a site (similar in height to the proposed building and with the same view loss impacts). Were this site not heritage listed, the complying development provisions would have applied resulting in a building of a similar height with no considerations for view loss.

- 6.3.50 Based on the above, the Department considers there can be no reasonable expectation of view retention from a bedroom across the site from a neighbouring property.
- 6.3.51 Step 4 of *Tenacity* also requires an Applicant to consider whether a more skillful design could result in the same development potential and amenity for the users, while reducing the impact on the views of neighbours. In this regard the Department considers that the design of the five-storey buildings could not be readily amended and provide the same development potential on the site.
- 6.3.52 In order to retain the existing views from No. 159 Victoria Street, the top three floors of the proposed development would need to be deleted and relocated to an alternative location on the campus. This would result in a much larger overall building footprint on the site, with an associated loss of open space on the site and significant impacts on the heritage listed items on the site. It would also likely bring the built forms closer to the site boundaries which could have other associated potential impacts for the amenity of the neighbours in terms of overshadowing, visual and acoustic privacy.
- 6.3.53 The Department considered that deletion of three levels of teaching space to restore views from one dwelling is unreasonable. The proposed development would result in significant benefits by providing well designed learning areas with accessible connections to all levels. The benefit gained in terms of views from one window of one dwelling would be unlikely to outweigh the other impacts of such a change, both to the school and to other neighbours.
- 6.3.54 On balance, the Department is satisfied that the view loss due to the proposed development is acceptable in this instance.

Landscaping and tree removal

Landscape works

- 6.3.55 The proposal incorporates new and improved outdoor landscaped areas to suit a wide variety of purposes, including recreation, outdoor learning and pedestrian connections.
- 6.3.56 Key areas of landscape improvements shown in **Figure 39** relate to:
- the main pedestrian entry from Victoria Street, including an all-weather and landscaped entryway.
 - a new Junior School Play area on Seaview Street.
 - 'The Agora': a new undercover assembly and civic heart of the campus.
 - associated spill out areas and improvements to pedestrian connections.
 - improvements to the Chapel Drive Entry from Prospect Road.

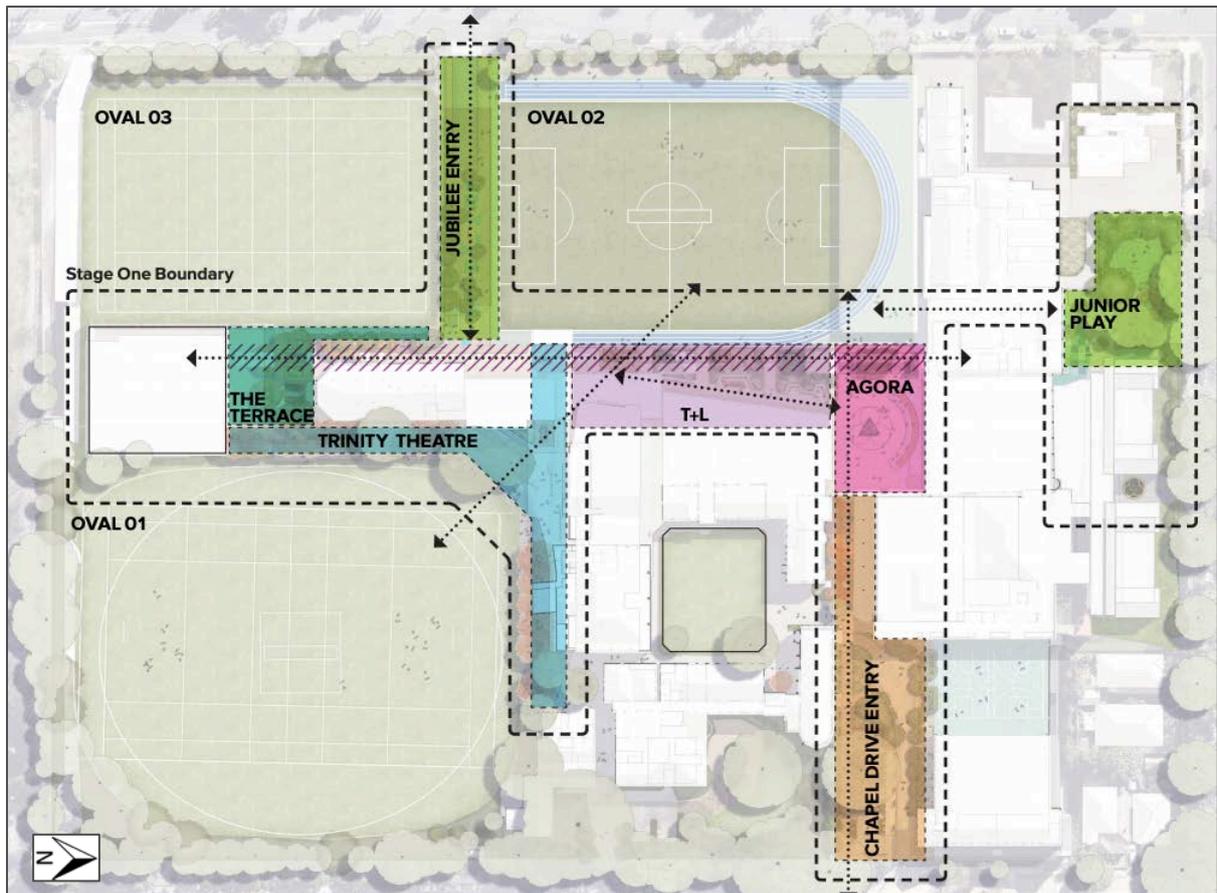


Figure 39 | Key areas of new landscape works (Source: Applicant's RtS 2020)

6.3.57 No concerns were raised in public authority or community submissions in relation to the design of these areas. Acoustic impacts of the new outdoor play areas on the surrounding neighbours are considered in **Section 6.5**.

6.3.58 The Department considers that overall, the proposed landscaping scheme provides a high level of amenity to the site, improves pedestrian connections and makes a positive contribution to the appearance of the site within the local area.

Tree removal and replacement

6.3.59 The proposal involves removal of 29 trees to allow for construction of new buildings.

6.3.60 Concerns were raised in public submissions in relation to tree removal and the impacts of the Maintenance Building on the large Fig trees along Seaview Street.

6.3.61 The EIS (as amended by the RtS) includes an Arboricultural Impact Assessment report (AIA) to assess the impacts of the proposal on the Fig Trees along Seaview Street as well as other trees proposed to be removed.

6.3.62 Of the 29 trees proposed for removal, the AIA concluded that 15 have moderate to high retention value (14 – 16m high) and 14 have low retention value (4 - 8m high). The moderate to high retention value trees include a mixture of native species and exotics that contribute to the amenity and landscape values of the area. Low retention trees are smaller in size and varied in species.

- 6.3.63 The trees proposed for removal do not contribute to landscape significance of the heritage listed items on site.
- 6.3.64 To offset the impacts of the proposed tree removal, the new landscaping scheme includes extensive new plantings of trees, shrubs and groundcovers. New tree planting includes 67 new trees on the site, including 14 very large trees (mature height of 30m) and 17 large trees (mature height of 12 - 15m). Proposed species include both natives and exotics, but the landscape scheme provides more native species on the site compared to current conditions.
- 6.3.65 The Department has reviewed the AIA and the Applicant's replacement planting plan. The Department is satisfied that the removal of 29 trees would be adequately offset by the proposed new plantings, improving the landscape character of the site and its contribution to the local character.
- 6.3.66 The Department notes no trees are proposed for removal within the public domain. Two large Fig trees on Seaview Street, in front of the proposed Maintenance Building, would be retained and protected during the construction works. The Department has recommended conditions to ensure their long-term health and protection.

6.4 Historic heritage

Heritage

- 6.4.1 The site is a heritage item of local significance under ALEP 2013.
- 6.4.2 The site adjoins and is adjacent to many heritage items including Yeo Park to the south, 142 Victoria Street to the north-west, and several heritage conservation areas (HCA) as listed below and identified in **Figure 9**:
- North: C23: Victoria Square HCA under ALEP 2013.
 - West: C1: Ambleside and Holwood HCA under ALEP 2013.
 - West: C7: Harland Estate HCA under ALEP 2013.
 - West: C18: Service Avenue HCA under ALEP 2013.
 - East: C49: Prospect Hall HCA under ALEP 2013.
 - South-East: C1: The Abergeldie Estate HCA under Marrickville Local Environmental Plan 2011.
- 6.4.3 While the heritage listing applies to the entire site at the time of listing (including a dwelling owned by the school fronting Seaview Street), the listing only refers to the significance of the Headmaster's Residence and Chapel, located at the eastern edge of the site adjacent to Prospect Road.

Applicant's heritage assessment

- 6.4.4 The Applicant submitted a Heritage Impact Statement (HIS) which considered the impact of the proposal on the heritage significance of the existing school site, including the Headmasters Residence and Chapel, as well as the impact on adjacent items and the HCAs.
- 6.4.5 The HIS concluded that the proposal would ensure that the significant and contributory items on the site are conserved and demolition would be confined to areas of little or no

significance. The Headmasters Residence and Chapel would not be affected and the closest buildings to those items would also be retained in their entirety or only include internal works, ensuring that the character and immediate setting of the items are retained. The new TNL Building would be visible from the Quadrangle but located behind the prominence of the eastern facade of the North Quad building and would not result in any heritage concerns. The HIS also considered impacts on adjacent items and HCAs to be acceptable.

- 6.4.6 The HIS included limited information regarding the demolition of the dwellings along the Seaview Street frontage.

Concerns raised and Applicant's response

- 6.4.7 During the EIS review, Council raised concerns regarding the HIS and recommended further detailed research to assess the heritage impacts of the proposal on the pre-1965 buildings and landscape that are likely to be significant; if the research identified any buildings to be of cultural significance, they should be adaptively reused rather than demolished. Council also raised concerns in relation to demolition of the dwellings on Seaview Street, particularly 48 Seaview Street, as this dwelling has been identified as being contributory to a proposed HCA known as the Trinity School Estate.

- 6.4.8 Public submissions also raised concerns with the heritage impacts of the proposal, particularly impacts on the character of the adjoining conservation areas.

- 6.4.9 Heritage NSW did not raise any concerns with the impacts to existing buildings.

- 6.4.10 In response to Council's concerns, the Applicant consulted with Council and provided an updated HIS, including additional information and assessment of the significance of all buildings across the existing school site. The updated HIS identified the Headmaster's Residence and Office, Chapel and Hurlstone Court, Chapel Garden, Chapel Gates and Way, Dining Hall, the North Quad building and the Quadrangle itself as the key elements contributing to the heritage significance of the site (**Figure 40**).



Figure 40 | Grading of heritage significance for buildings (Source: Applicant's RtS 2020)

- 6.4.11 The RtS provided further assessment of the heritage significance of the dwellings on Seaview Street proposed for demolition, identified in **Figure 41**. The updated HIS stated that while the dwellings were identified as contributory to a draft HCA as a result of a heritage study published in 1993, the draft study was not progressed, was not gazetted and contained limited information on the dwellings.
- 6.4.12 The updated HIS noted that three dwellings fronting Seaview Street proposed to be demolished are not within the heritage listed curtilage of the site. The eastern most property (46 Seaview Street) is located within the heritage listed curtilage, however, has no heritage significance by itself.



Figure 41 | Views of Nos. 46 – 52 Seaview Street proposed for demolition (Source: Applicant’s RtS 2020)

6.4.13 The dwellings proposed for demolition are low design quality and have been substantially altered to have little aesthetic relationship to one another. Consequently, the updated HIS concluded that the:

- dwellings do not have a significant impact on the heritage curtilage of the site.
- buildings along Seaview Street are not worthy of retention and their demolition would not have a negative impact on the character of the site or the surrounding HCAs.
- demolished dwellings would be replaced by the Junior School play area and two storey Maintenance Building sympathetic to the scale of the street and future development on the site.

6.4.14 Following submission of the RtS, Council reiterated that more research is required in this matter, a Conservation Management Plan should be prepared, and the final design of alterations to the pre-1965 buildings should be amended to reflect the research and recommendations of this plan.

6.4.15 The Applicant did not respond to this request.

Department's assessment

6.4.16 The Department considered the HIS, matters raised in submissions regarding heritage value of the existing school, Seaview Street dwellings, adjacent items and conservation areas and the Applicant's RtS.

Impacts of proposed works on the existing school site

6.4.17 The Department considers that the updated HIS provides sufficient information to assess the likely heritage impacts of the proposal. The Department is satisfied that, due to the location of the proposed works, they would not result in material adverse heritage impacts to significant items on the site. New buildings would not be visible from the key contributory buildings, including the Headmasters Residence, Chapel, Chapel gates or Quadrangle.

6.4.18 Where works would be visible, they would be perceived as recessive rather than as part of the main visual curtilage of those items (**Figures 42 and 43**).

6.4.19 The Department agrees with the Applicant that the significance of these items would not be adversely impacted by the proposed alterations and additions.



Figure 42 | Quadrangle and North Quad Building with proposed new works visible in the background
(Source: Applicant's EIS 2020)



Figure 43 | Proposed new works as viewed from the Chapel (Source: Applicant's EIS 2020)

- 6.4.20 The Department notes Council has not identified specific concerns regarding adverse heritage outcomes on the site, but requested further research and a Conservation Management Plan, particularly in relation to the pre-1965 buildings (the North Quad building). In response, the updated HIS identified that it is constructed in a Tudor style and is used as classrooms and offices. The style of the building is indicative of the institutional use of the site. The value of the building is in its presentation to the Quadrangle, which makes a strong contribution to the significant elements of the school.
- 6.4.21 While the proposal includes internal alterations and refurbishment, no external changes to the façade of the North Quad building facing the Quadrangle are proposed. The Department considers that this would not adversely impact on the contribution of the building to significance of the Quadrangle, while still ensuring its ongoing and improved educational use.
- 6.4.22 The Department notes that, according to the DCP, a Conservation Management Plan is usually only required for places of high heritage significance such as those on the State Heritage Register or identified in the ALEP 2013 as being of State significance. The site is not identified in any of the above, and Heritage NSW reviewed the proposal and raised no concerns. Based on the updated HIS, and the above assessment, the Department considers that further research or a Conservation Management Plan are not required.

Seaview Street dwellings

- 6.4.23 The Department agrees with the Applicant regarding the impacts of demolition of the Seaview Street dwellings. While the dwellings were identified 30 years ago as contributing to a potential future HCA, there is limited detail in the research undertaken at the time as to why

the dwellings were considered contributory. As the draft HCA did not progress the dwellings are not heritage listed (other than one dwelling within the boundary of the school site but not identified as having individual heritage significance).

- 6.4.24 The Department is satisfied that the updated HIS is more detailed than the information provided in the 1993 heritage study. The Department agrees with its findings and considers that the dwellings have little aesthetic relationship to one another. The demolition of the dwellings would ensure the delivery of the open play area for the Junior School and enhance the streetscape quality. The Department supports the demolition of the four dwellings along Seaview Street.

Impacts on adjacent items and Conservation Areas

- 6.4.25 Most proposed works are located at the centre of the site, with limited impact on adjacent heritage items and HCAs. The Department considered the visual impacts of the proposal on the character of the surrounding area in **Section 6.3** and concluded that there would be no significant adverse impacts on the character of the area due to this development. The same conclusion would also apply to the impacts on the HCAs, noting that the school is visually separated, and identified as visually distinct, from the surrounding residential areas.
- 6.4.26 The Department considered the impacts of the development on Yeo Park, 142 Victoria Street, and Victoria Square Conservation Area, as these adjoin proposed buildings along the western and southern site boundaries.

Yeo Park

- 6.4.27 Yeo Park is located immediately to the south of the site. The ALEP identifies that the rotunda in the centre of the park is a fine and unusual decorative structure as a focal point for the park and the only historic bandstand in the LGA. As identified in **Figure 16**, the proposed Multi-purpose pavilion would be located close to the boundary of Yeo Park and would be highly visible from several locations within the park.
- 6.4.28 The Department considers that the building is well designed, stepping down in height and reduced depth closer to the park, and incorporating different façade treatments to reduce the appearance of building bulk.
- 6.4.29 The Department is satisfied that the character of Yeo Park would not be significantly impacted by the development due to its distance to the rotunda as the most significant element, and the proposed development would be partly screened by a row of dense tall trees along on the northern boundary of the park (**Figure 44** and **45**).

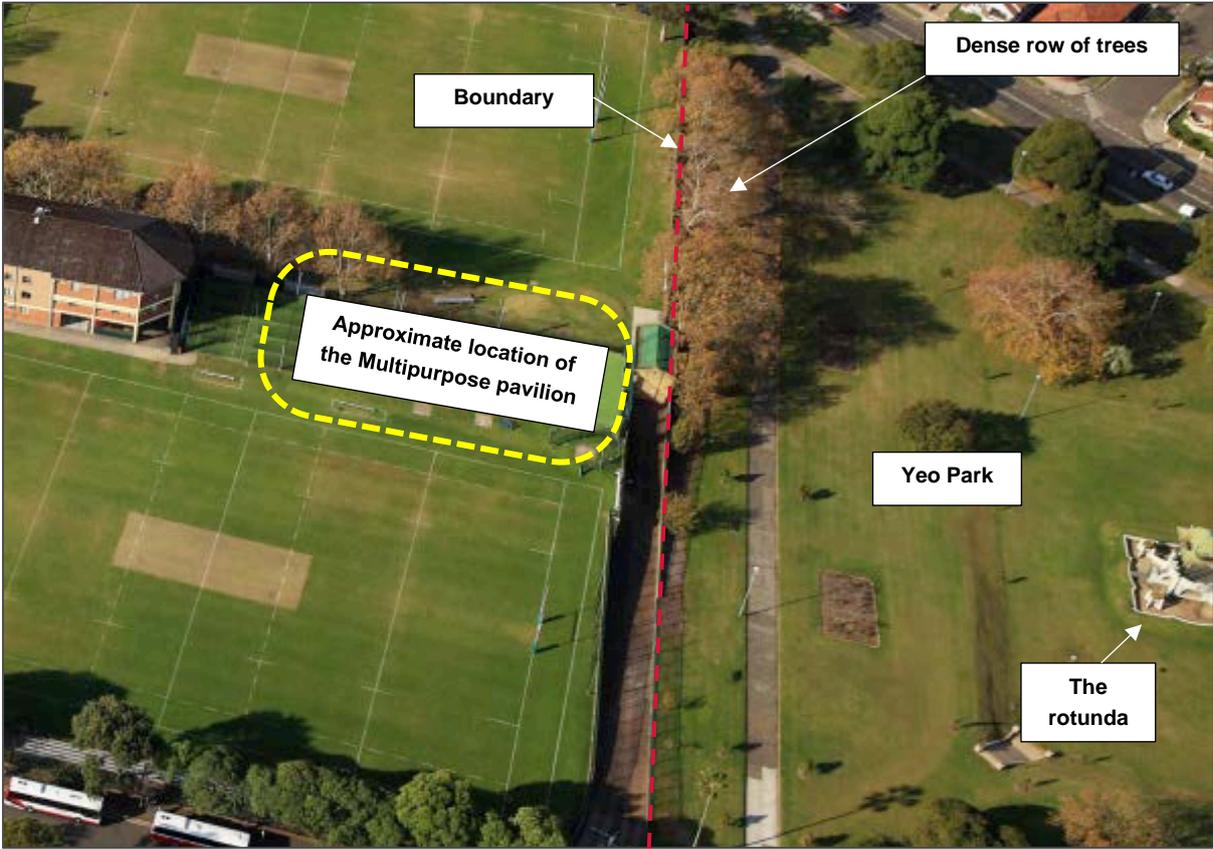


Figure 44 | Aerial view of southern edge of the site and Yeo Park (Source: Applicant’s RtS 2020)



Figure 45 | View towards the site from Yeo Park (Source: Applicant’s EIS 2020)

- 6.4.30 However, the Department considers that planting additional trees along this boundary would further screen the development from vantage points within the park and ensure that a predominantly natural setting is retained along this edge.
- 6.4.31 Consequently, the Department has recommended a condition requiring the Applicant to provide additional tree planting within the park along the boundary, to assist with screening the visual bulk of the proposed Multipurpose pavilion, subject to agreement from Council.

Council is in support of this condition. Subject to the implementation of the above condition, any heritage impacts and visual impacts to the park would be appropriately mitigated.

Victoria Square Heritage Conservation Area

6.4.32 The proposed demolition of four dwelling houses on Seaview Street and replacement with an open play area and the proposed Maintenance Building would change the presentation of the site to the Victoria Square HCA. The Department notes that the Victoria Square HCA comprises residential allotments located around a reserve. Seaview Street forms the edge of this HCA and the dwellings do not front the street (backyard or side yards face Seaview Street). Their primary orientation (and primary contributory features) is towards other street frontages with no distinctive architectural style or character fronting Seaview Street.

6.4.33 The Department is therefore satisfied that the proposed amendments to the streetscape would not unreasonably impact on the heritage values of the HCA.

Impacts on 142 Victoria Street

6.4.34 The Department notes that 142 Victoria Street is a dwelling constructed in 1929 in the Californian Bungalow style. It immediately adjoins the site near the proposed Maintenance Building.

6.4.35 In response to the concerns raised in Council and public submissions, the Applicant's SRtS amended the design of the Maintenance Building by reducing its overall height to comply with the ALEP 2013 height control of 8.5m, and set back the upper levels from the property boundary. This reduced the visual and overshadowing impacts of the initial proposal.

6.4.36 The Department is satisfied the amended design of the building would not result in any unacceptable impacts to the heritage values of 142 Victoria Street.

Archaeological impacts

6.4.37 Heritage NSW reviewed the Applicant's EIS and identified the site could yield archaeological potential and requested an archaeological assessment.

6.4.38 In response to these concerns raised by Heritage NSW, an Archaeological Assessment Report was submitted with the RtS which considered the potential for European archaeological heritage on the site. The assessment concluded that there is low archaeological potential as early structures have been removed and replaced by the existing structures and associated infrastructure.

6.4.39 Heritage NSW reviewed the RtS and advised that it had addressed its concerns and recommended a condition to ensure appropriate steps are taken if archaeological relics are discovered on the site during the construction phase. A condition to this effect is recommended.

6.5 Acoustic impacts

6.5.1 The EIS included a Noise Impact Assessment (NIA) assessing the construction and operational noise and vibration impacts on nearby residential receivers.

6.5.2 The existing residential context and the location of noise logger locations for attended and unattended data collection are shown at **Figure 46**. The noise emission levels for noise generated by the proposal in shown in **Table 11**.



Figure 46 | Location of noise loggers (Source: Applicant's EIS 2020)

Table 11 | Project noise trigger levels at surrounding noise sensitive receivers (Source: Applicant's EIS 2020)

Receiver Type	Time of Day	Recommended Amenity noise Level (dBA)	Measured Noise Level (dBA)		Project noise Levels LAeq(15minutes) (dBA)	
			RBL	LAeq(period)	Intrusiveness	Amenity
Residential 1 (Victoria Street)	Day	55	44	64	49	50
	Evening	45	41	58	46	40
	Night	40	35	53	40	35
Residential 2 (Seaview Street)	Day	55	42	59	47	50
	Evening	45	40	57	45	40
	Night	40	35	53	40	35

Construction noise impacts

6.5.3 The EPA's Interim Construction Noise Guideline (ICNG) outlines the process of establishing construction noise management levels for surrounding sensitive receivers. Based on the established background noise levels, construction noise management levels (NML) of 52dB(a)Leq were established for standard construction hours at the nearest residential receivers.

6.5.4 The NIA found that the affected neighbours would experience noise levels above 52dB(a)Leq with some works on Seaview Street resulting in noise levels of up to 88dB(a), exceeding the recommended NML of 75dB(a) for highly noise affected properties.

6.5.5 The NIA recommended the following measures:

- selection of quieter mechanical plant and equipment.
- maximising the offset distance between noisy plant and noise sensitive receivers.
- use of appropriate respite periods where receivers are likely to be highly noise affected.
- avoiding noisy plant working simultaneously and adjacent to sensitive receivers.
- orienting equipment away from noise sensitive areas.
- carrying out loading and unloading away from noise sensitive areas.
- localised shielding of noisy equipment.
- minimising consecutive works in the same locality.

6.5.6 The NIA did not analyse construction vibration impacts, as the details regarding the construction methodology and equipment had not been finalised. The NIA recommended vibration impacts be assessed at a later stage and safe working distances applied for vibration intensive plant.

6.5.7 Public submissions raised concerns with respect to construction noise impacts.

- 6.5.8 Council did not comment on the NIA or potential construction noise impacts.
- 6.5.9 The Department notes that the noisiest activity for nearby residences would be the demolition of dwellings on Seaview Street. Although noisy, the duration of these demolition works should be relatively short. Other noisy activities include construction works on Seaview Street and construction of the car parks on Victoria Street, due to their proximity to residential premises.
- 6.5.10 The Department reviewed the mitigation measures proposed and is satisfied that implementation of these measures, in conjunction with noise barriers and hoardings where appropriate, would mitigate the impacts of construction works. The Department has recommended a condition requiring the Applicant to prepare and implement a Construction Noise and Vibration Management Plan in consultation with affected receivers which includes these management strategies and vibration management strategies.
- 6.5.11 The Department also notes the NIA proposes construction hours of 7am to 5pm Monday to Saturday which would be outside the standard construction hours recommended in the ICNG (8am – 1pm on Saturdays).
- 6.5.12 Due to lack of detailed assessment and noise management plans, the Department has recommended a condition requiring works to be undertaken per the standard construction hours in the ICNG.

Operational noise impacts

- 6.5.13 The NIA identified operational noise would be generated from:
- outdoor play areas, due to increase in student numbers.
 - deliveries to the new Maintenance building on Seaview Street.
 - new outdoor play area on Seaview Street.
 - mechanical plant and equipment.
 - public address system and school bell.
 - after-hours use of school facilities including the Multi-purpose pavilion.
- 6.5.14 Public submissions raised concerns that the proposed increase in student numbers would increase noise impacts from the school.
- Outdoor play areas*
- 6.5.15 In response to the concerns raised in public submissions, the SRtS identified that the use of the outdoor play areas during lunch breaks, and other uses such as summer sport training, already exceed the noise criteria for outdoor play areas as well as recommended project noise trigger levels for the site established by the Noise Policy for Industry (NPI).
- 6.5.16 The proposed increase in student numbers from 1500 to 2100 would result in an increase in noise experienced at nearby receivers during these times, in most cases no greater than 1dB(a), with the exception of lunchtime use of Ovals 2 and 3. For these ovals, noise levels are expected to increase from 57dB(a) to 59dB(a) as perceived by residents on Victoria Street, exceeding the applicable noise criteria of 49dB(a) (**Figure 47**).

Event	Outdoor Activity Location	Baseline attendance	Proposed attendance	Offset distance to nearest receiver ¹	Predicted Existing LAeq Receiver level (dB)	Predicted Proposed LAeq Receiver level (dB)	Criteria	Compliance
Summer Sport Training	No. 1 Oval	110	130	75 m	54	54	49	No ²
	No. 2 Oval	110	130	60 m	55	56	49	No ²
	No. 3 Oval	110	130	60 m	55	56	49	No ²
Track & Field Team Training	No. 1 Oval	23	30	75 m	47	48	49	Yes
	No. 2 Oval	45	55	60 m	51	52	49	No ²
	No. 3 Oval	23	30	60 m	48	49	49	Yes
Winter Sport Training	No. 1 Oval	140	165	75 m	55	55	49	No ²
	No. 2 Oval	140	165	60 m	56	57	49	No ²
	No. 3 Oval	140	165	60 m	56	57	49	No ²
Co-curricular (Cadets with Meriden School)	No. 1 Oval	180	220	75 m	56	57	49	No ²
Lunchtime	No. 1 Oval	180	250	75 m	56	57	49	No ²
	No. 2 Oval	180	250	60 m	57	59	49	No ³
	No. 3 Oval	180	250	60 m	57	59	49	No ³

Figure 47 | Noise Levels predications for baseline and proposed student numbers (Source: Applicant's SRtS 2021)

6.5.17 However, the Applicant SRtS stated these impacts would not be acoustically significant as the prevailing ambient noise along Victoria Street ($L_{Aeq(15\text{ minute})}$) is between 60 and 65dB(a). Therefore, the marginal increase in activity noise by 2dB(a) would be insignificant in the context of existing ambient noise.

6.5.18 The Department accepts the analysis of the Applicant's noise assessment. For most schools, the increased noise associated with intensified use of the play areas is less than 1dB(a). The worst-case scenario of a 2dB(a) increase at lunchtime is unlikely to be perceptible to the surround residents. The Department is satisfied that, despite being above project noise trigger levels, this would not have unacceptable adverse impacts on neighbour's amenity, given it remains below daytime ambient noise levels in the area.

Seaview Street deliveries

6.5.19 The NIA concluded that the proposal would comply with required project noise trigger levels, subject to:

- deliveries being restricted to daytime hours only with no more than four deliveries per hour.
- deliveries being limited to vans, small and medium trucks only (all larger vehicles to use the other delivery area accessed via Victoria Street).
- management measures to only permit vehicles to enter the site that have broadband reversing alarms.
- a 2m high acoustic barrier / front fence along the Seaview Street frontage.

- 6.5.20 Public submissions raised concerns regarding the potential noise impacts associated with heavy vehicles accessing the Seaview Street Maintenance Building.
- 6.5.21 Based on the proposed noise mitigation measures, including the 2m high acoustic fence, the Department is satisfied use of the new Maintenance Building would not result in unacceptable acoustic impacts. The Department has recommended a condition requiring the preparation of a Service Vehicle Management Plan which would include the proposed management measures.

Seaview Street outdoor play area

- 6.5.22 A proposed new landscaped area on Seaview Street would be used for Junior School play during breaks as well as outdoor learning activities. As a worst-case scenario, up to 80 students would use the area and result in noise levels of 58dB(a) at the nearest noise sensitive receivers. This would exceed the 52dB(a) recommended by the Guideline for Childcare Centre Acoustic Assessment for play areas that are used for less than 2-hours per day. Use of the area by fewer students (40 students) would result in noise levels of around 55dB(a) (Table 12).

Table 12 | New Junior School Outdoor Play – Noise Levels predicated (Source: Applicant’s Rts 2020)

Number of Students	Play duration	Offset distance to nearest receiver	Predicated LAeq receiver level (dBA)	Noise Goal
80 students	< 2 hours	30m	58	52
40 students	< 2 hours	30m	55	52

- 6.5.23 Public submissions raised concerns that the proposal would change the noise environment of Seaview Street, with the proposed demolition of dwellings removing the current noise shields for neighbours. Further, the replacement of the dwellings would result in an unacceptable noise environment for the street.
- 6.5.24 The Applicant’s noise assessment in the SRts considered the noise impacts of the play area would be acceptable on the basis that the goals in the Guideline for Childcare Centre Acoustic Assessment are not mandatory and where they are not achieved, it does not necessarily follow that noise levels would result in unacceptable impacts. Further, existing daytime noise levels on Seaview Street (LAeq (15 minute)) are generally between 55 and 65 dB(a), which is comparable to or higher than the worst case predicted noise from the play area.
- 6.5.25 On this basis, the addendum to the NIA in the SRts concluded no mitigation measures are necessary to offset the impacts of the development. However, the SRts noted that if considered necessary by the consent authority, a boundary fence of solid construction would be effective in mitigating adverse noise impacts.
- 6.5.26 The Department considers that a play area within a school is a reasonable expectation. Given the existing daytime noise levels on Seaview Street, the noise generated by the play area (even in the worst-case scenario) would be acceptable. However, the Department considers these activities should be limited to lunch and recess breaks only during school terms. Smaller

groups of students using the area at other times for guided outdoor learning purposes would not result in material impacts and is considered acceptable.

6.5.27 Subject to these restrictions on the use of the play area, a solid boundary fence is not necessary to mitigate identified noise impacts. The Department does not support a tall solid fence in this location (in addition to the Maintenance Building fence) as it is likely to result in adverse streetscape impacts with reduced natural surveillance to and from the play area contrary to principles of Crime Prevention Through Environmental Design.

6.5.28 Based on the above assessment, the Department has recommended conditions restricting the use of the new Junior School play area adjacent to Seaview Street for free play for up to 80 students during lunch and recess breaks only.

Mechanical plant

6.5.29 The NIA assessed noise from mechanical plant and equipment and demonstrates that, subject to appropriate acoustic treatment measures, mechanical plant is not expected to have adverse acoustic impacts on neighbours. The NIA recommended further assessment of plant and mitigation measures at the detailed design phase when the technical specifications for each type of plant is known. Conditions have been recommended accordingly.

Public address system and school bell

6.5.30 An assessment of changes to the public address system and school bell was not provided as they are not known at this stage, but the Applicant has confirmed that any new equipment or extension of the existing public address system would be designed to comply with the criterion of not exceeding background noise by more than 5dB(a). This equates to 49dB(a) along Victoria Street and 47dB(a) along Seaview Street.

6.5.31 Subject to recommended conditions to ensure these outcomes are achieved, the Department considers the public address system would not result in material acoustic impacts.

After hour use of the school facilities, including the Multi-purpose pavilion

6.5.32 The Applicant advised there would be no change to the number, timing or size of after hour school activities compared to the existing use of the school and therefore overall noise impacts from these activities should not materially change. However, one key change would be the use of the new Multi-purpose pavilion, as some existing activities on other parts of the site would relocate to this building. The addendum NIA demonstrates that subject to doors and windows to the hall being closed, with mechanical ventilation operating, even noisy activities in the hall (such as a basketball game with a crowd) would not be audible at nearby residential premises. To ensure the amenity of neighbours, conditions have been recommended restricting noise emissions from the Multi-purpose pavilion and requiring windows to be closed to mitigate noisy activities.

6.5.33 Additionally, the Department notes that the NIA provides an assessment of the use of the multi-purpose pavilion only between 7am and 6pm. Accordingly, a condition has been recommended to this effect.

6.5.34 Overall, the Department is satisfied that, subject to the implementation of the recommended conditions, the potential noise generated from operation of the proposal can be managed to ensure unacceptable amenity impacts on the neighbours do not arise.

LEC judgment

6.5.35 The LEC judgement found that the increase in student numbers would result in cumulative noise impacts, although it did not consider noise impacts to be a determinative issue in its assessment.

Summary

6.5.36 The Department has considered the noise impacts of the proposal in detail and is satisfied that the proposed increase in student numbers and deliveries / service vehicle access to the site would not result in unacceptable noise impacts.

6.5.37 Subject to the implementation of recommended noise conditions, the proposed development would not contravene the LEC judgement.

6.6 Other issues

6.6.1 The Department's consideration of other issues is provided in **Table 13**.

Table 13 | Summary of other issues

Issue	Findings	Department's consideration and recommended condition(s)
Aboriginal heritage	<ul style="list-style-type: none"> • An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the application. • The assessment concluded that due to its location, landscape features, and significant previous disturbance, the site had low to nil Aboriginal archaeological potential. Community consultation did not identify any area of Aboriginal cultural heritage impacted by the proposed works. • The ACHAR recommended works can proceed on site subject to: <ul style="list-style-type: none"> ○ Aboriginal cultural heritage induction for construction workers ○ unexpected finds procedure for archaeological deposits or human remains ○ ongoing consultation with Registered Aboriginal Parties. • Council raised concern that the ACHAR does not contain adequate research regarding the original landscape form. • EESG reviewed the ACHAR and raised no concerns. 	<ul style="list-style-type: none"> • The Department is satisfied that the proposed development would not result in significant impacts on Aboriginal cultural heritage. • Conditions of consent are recommended consistent with the ACHAR including induction, unexpected finds protocol and ongoing consultation.
Contamination	<ul style="list-style-type: none"> • The EIS included a Preliminary Site Investigation which concluded that the potential for contamination to be present on the site is likely to be low. 	<ul style="list-style-type: none"> • The Department is satisfied that, subject to the recommended conditions regarding unexpected finds,

	<ul style="list-style-type: none"> The assessment recommended an unexpected finds protocol be developed as part of the CMP as well as classification of any material to be removed from the site. No further assessment in this regard has been submitted by the Applicant. EPA and Council raised no concerns with regard to soil contamination. 	<p>and classification of waste materials, the site would not be subject to significant risks due to soil contamination.</p> <ul style="list-style-type: none"> No further assessment is necessary.
Stormwater	<ul style="list-style-type: none"> The application was accompanied by a stormwater management plan which includes onsite detention and water sensitive urban design measures to improve stormwater runoff and discharge from the site. Supporting hydraulic modelling demonstrates that post-development peak flows would not exceed the pre development scenario, and Council pollution reduction targets can be achieved. No concerns were raised by Council or other public authorities in this regard. 	<ul style="list-style-type: none"> The Department is satisfied that stormwater from the development would be appropriately managed subject to the implementation of the stormwater management plan and stormwater treatment measures. Conditions to this effect are recommended.
Construction impacts	<ul style="list-style-type: none"> Construction impacts were a key concern raised in public submissions. A preliminary CMP was submitted with the application which sets out: <ul style="list-style-type: none"> six construction stages with staging plans (detailed in Section 2) to allow for ongoing education activities within the site with minimal disruption during construction works temporary access provisions to / from the existing underground car park during expansion of the car park in Stage 3 construction of a temporary classroom building (not within the scope of this application) at the location of the maintenance building, during demolition works of other buildings alternate access control measures for safe student/staff access within the site hoardings within the site to minimise noise disruptions to the students and adjoining neighbours. Council raised no concerns with regard to construction impacts. 	<ul style="list-style-type: none"> The Department has considered the impacts of construction traffic and construction noise in Sections 6.2 and 6.5. The Department is satisfied that the CMP includes appropriate measures to ensure that construction activities do not adversely impact on the amenity of users on the site or neighbours. Recommended conditions of consent include preparation and implementation of the CMP to mitigate construction impacts including noise, traffic, dust, sediment control and waste.
Contributions	<ul style="list-style-type: none"> The proposal is subject to developer contributions under the <i>Ashfield Council Section 94 Development Contributions Plan</i>, equivalent to 1% of the cost of the development, or approximately \$1.4 million. The Applicant has confirmed it will pay contributions in accordance with that plan. 	<ul style="list-style-type: none"> The Department has recommended a condition requiring payment of developer contributions as required by Council.

<p>Community use</p>	<ul style="list-style-type: none"> • Clause 35(6)(b) of the Education SEPP requires that consideration be given to whether the development enables the use of school facilities to be shared with the community. • Three public submissions raised concerns the school currently does not share its facilities with the community. • The Applicant has provided a schedule of use of all school facilities which demonstrates that a range of different organisations currently use the school's facilities. • There is no proposal to increase the extent of the existing community use. However, proposed alterations would improve facilities available to community organisations. 	<ul style="list-style-type: none"> • The Department is satisfied the proposal allows for ongoing and improved community use of facilities and Clause 35(6)(b) has been addressed. • No additional conditions are required.
<p>Light spill</p>	<ul style="list-style-type: none"> • Public submissions raised concern that information on external lighting was limited, and that flood lighting may potentially be added. • The Applicant confirmed no flood lighting is proposed as part of the application. • The RtS included further details in relation to proposed lighting including a detailed lighting strategy to demonstrate that the proposed lighting within the school would not adversely impact on the neighbours. 	<ul style="list-style-type: none"> • The Department is satisfied the lighting strategy provides sufficient information to demonstrate the development is designed to shield adverse impacts due to light spill. • The Department has recommended conditions to ensure control of outdoor lighting in accordance with Australian Standards and exclude flood lights.
<p>Car park exhaust</p>	<ul style="list-style-type: none"> • One public submission raised concerns that inadequate information on the location of the car park exhaust was provided. 	<ul style="list-style-type: none"> • The Department considers this would be resolved in the detailed design stage. • A condition is recommended requiring the car park exhaust be located and designed to ensure no adverse impacts.
<p>Use of Yeo Park</p>	<ul style="list-style-type: none"> • Public submissions raised concern with the school's current use of Yeo Park for sporting activities, and suggested the associated impacts would increase if student numbers also increase. 	<ul style="list-style-type: none"> • The Department notes that this is a matter between the school and Council and is beyond the scope of assessment of this application. • The proposal would ensure sufficient open space is available within the site for student usage. • The application is assessed as satisfactory in this regard.
<p>Signage</p>	<ul style="list-style-type: none"> • The application seeks approval for seven signs. • Details of the signs are provided in Figure 19. 	<ul style="list-style-type: none"> • The Department has assessed the proposed signs against the provisions

- Additionally, the Applicant has advised non-digital signages would be illuminated by LED backlit directed away from neighbouring properties.
 - Digital signage displays are proposed to be a maximum of 2.58m x 2.4m and 2.6m x 3.6m.
 - The Applicant has not indicated whether the digital signage includes speakers.
- of State Environmental Planning Policy 64 – Advertising Signage (**Appendix B**) and considers the signs to be satisfactory in size and design.
- The Department notes that the illuminated signs would not have adverse light spill impacts as they would be located away from residential properties.
 - LED displays would not result in any adverse glare to the surrounding area, subject to recommended conditions. The Department has recommended a condition to ensure the signage illumination does not operate beyond 10pm.
 - To ensure any speakers on signage do not result in adverse noise impacts, the Department recommends a condition preventing the use of any speakers.

6.7 Summary of Department’s consideration of submissions

6.7.1 A summary of the Department’s consideration of the issues raised in submissions is provided in **Table 14**.

Table 14 | Summary of consideration of key issues raised in submissions

Issue	Consideration
<p>Traffic There are significant traffic impacts due to the existing use that would be exacerbated by an increase in student numbers. The LEC previously refused an application to increase student numbers due to traffic concerns.</p>	<p>The Department has assessed the traffic impacts and notes that the proposed new basement car park and pick-up and drop-off arrangements would likely improve traffic queuing impacts in Victoria Street.</p> <p>Therefore, the Department supports the regularisation of students to 1655 and staged increase of student numbers to 2100 subject to:</p> <ul style="list-style-type: none"> • improvements to the car park. • external roadworks being completed (beyond 1655).

Construction impacts

Adverse noise, traffic and other impacts associated with construction.

The Department is satisfied construction impacts can be satisfactorily managed and mitigated, subject to standard conditions, including requirements for a CTMP and Construction Noise and Vibration Management Plan.

Building height

The proposed five storey building height is out of character with the surrounding heritage conservation areas.

The Department considers the large school site is visually distinguished from the surrounding residential sites in the conservation areas and is capable of accommodating the proposed built forms, including the increased scale of buildings in the centre of the site, without unacceptable impacts to the character, including the heritage character of the local area. Overall, the proposal is considered to have positive impacts for the character of the area as it creates a unified and architecturally interesting appearance to the site.

Seaview Street

Demolition of existing residential dwellings and replacement with the Maintenance Building and outdoor play areas would change the residential and heritage character of Seaview Street and result in traffic, noise and amenity impacts to the street.

The Department considers that the demolition of the dwellings on Seaview Street is acceptable, noting no current heritage listings apply to the dwellings and the Applicant's assessment demonstrates the dwellings are not worthy of retention.

The scale of the proposed Maintenance Building is assessed as satisfactory as it would sit comfortably within the range of surrounding built forms.

Impacts of the development on the heritage values of the Victoria Square HCA opposite the site are also acceptable given the orientation, built forms and lack of any distinctive or unifying presentation of the HCA to Seaview Street.

The Department considers that the noise impacts associated with the use of the play area and the Maintenance Building would not result in unacceptable amenity outcomes, subject to conditions limiting the use of the play area and the deliveries to the Maintenance Building. Traffic impacts are also shown to be acceptable as deliveries would be relatively infrequent and restricted to smaller sized vehicles.

Tree loss

Proposed removal of trees would have impacts to character of the area and environmental impacts.

The proposed removal of 29 trees would be offset by the provision of 67 new trees, as well as extensive shrub and groundcover plantings. The new trees include a greater number of large trees and natives, so that overall, both the quantity and quality of plantings on the site would be improved in the long term, with associated improved environmental outcomes and improvements to the character of the area.

7 Evaluation

- 7.1.1 The Department has reviewed the Environmental Impact Statement (EIS), Response to Submissions (RtS), Supplementary RtS (SRtS) and assessed the merits of the proposal, taking into consideration advice from the public authorities, and concerns raised in the public submissions. Issues raised have been considered and environmental issues associated with the proposal have been addressed. The Department concludes the impacts of the proposal can be appropriately mitigated, subject to the implementation of conditions of consent.
- 7.1.2 The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the vision of the Eastern City District Plan, as it would provide additional facilities to an existing school to meet the growing needs of Sydney.
- 7.1.3 The application was publicly exhibited between 5 May and 3 June 2020. The Department received 80 submissions, including seven from public authorities and 73 public submissions (71 objections). The Applicant submitted a RtS and further SRtS to address the concerns raised by Inner West Council, public authorities and the Department.
- 7.1.4 The application was re-exhibited for 14 days between 5 March and 18 March 2021 to correct the property address. The Department received nine submissions, including five from public authorities and four objections from public.
- 7.1.5 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, and issues raised in submissions. The Department identified traffic and transport, built form, landscaping and visual impacts, heritage, and noise as the key issues for assessment.
- 7.1.6 In relation to the request to regularise the existing 1655 students, the Department acknowledges the LEC concerns raised in relation to its 2015 refusal of the modification application to increase students to 1700, namely traffic congestion and queuing at peak times in Victoria Street. The Department consider that there is not sufficient evidence that these issues have been resolved by the school since 2015. The Department does not consider at this time that there is sufficient evidence provided as part of this application, to enable the Department to reach a different conclusion to that reached by the LEC and allow increases in student numbers (noting that the school is already over its student cap) without the car parking upgrade being completed.
- 7.1.7 The Department concluded that the:
- proposed upgrade and reconfiguration of the existing car parking would be needed prior to increases in student numbers.
 - the recommended external road works would require completion prior to the increase in student numbers beyond 1655 and staff numbers beyond 277.
 - proposal would improve the internal amenity and especially the drop-off / pick-up movements within the site.
 - proposed built form, while being higher than the existing buildings, is acceptable
 - new built form or proposed demolition of buildings would not have an unacceptable impact on the significant heritage buildings within the site.

- appropriate mitigation measures are recommended to ensure the visual and acoustic amenity of the neighbourhood is retained.

7.1.8 The application is in the public interest and would provide improved teaching and learning outcomes through the development of new, purpose-built and modern educational facilities within the site subject to conditions addressing but not limited to traffic and transport, built form, landscaping and visual impacts, heritage, and noise.

7.1.9 The SSD application is referred to the Independent Planning Commission to determine the application as more than 50 unique public objections were received during the exhibition of the application.

Prepared by

Aditi Coomar (Team Leader) and Prity Cleary (Senior Planning Officer)

Endorsed by:



Karen Harragon
Director
Social and Infrastructure Assessments

Recommended by:



Erica Van Den Honert
Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/25081>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25081>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25081>

4. Applicant's Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25081>

5. Additional submissions from public authorities and correspondence received after close of exhibition

Provided under separate cover.

Appendix B – Statutory Consideration

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report refers to the provisions of the environmental planning instruments (EPIs) that govern the carrying out of the project and have been considered by the Department.

Controls considered as part of the assessment of the proposal:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Ashfield Local Environmental Plan (ALEP) 2013
- Draft inner West Local Environmental Plan (WLEP) 2020.

Other Policies

- Inner West Comprehensive DCP 2016 (DCP).
- Ashfield Council Section 94 Development Contributions Plan

COMPLIANCE WITH CONTROLS

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

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant Sections	Department's consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposal is SSD in accordance with section 4.36 of the EP&A Act as it is development for the purpose of an educational establishment with a CIV in excess of \$20 million, under clause 15(2), of schedule 1 of the SRD SEPP.	Yes

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

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 35(1) of the Education SEPP provides that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. The site is within land zoned 'SP2 Educational Establishment' and 'R2 Low Density Residential' under ALEP 2013, which are both identified as prescribed zones in clause 33 of the Education SEPP. As the proposed development is part of the function of the school, it is permissible with consent.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. The Applicant provided a detailed assessment with the EIS and RTS and the Department's summary assessment of the development against the design principles is provided in **Table B2**.

Clause 35(6)(b) requires that consideration be given to whether the development enables the use of school facilities to be shared with the community. This was considered in **Section 6.6**.

Clause 57 requires traffic generating development that involve addition of 50 or more students to be referred to TfNSW. The application was referred to TfNSW in accordance with this clause. Conditions recommended by TfNSW have been included in the recommended instrument.

Table B2 | Consideration of design quality principles

Design Principles	Response
1. Context, built form and landscape	The design of the school buildings, including the siting, spatial planning, orientation and materials selection is considered to enhance the existing landscape conditions, minimise the impact on the surrounding neighborhood, work with the existing topography and maximise amenity for students.
2. Sustainable, efficient and durable	The proposal incorporates a range of ESD measures (detailed in Section 4) and can achieve the equivalent of a 4-Star Green Star Rating. Materials chosen are durable and require low maintenance. Conditions requiring a Green Travel Plan and bicycle parking have been recommended to encourage sustainable travel modes.
3. Accessible and inclusive	The buildings have been designed in accordance with applicable access standards including accessible travel paths and lifts to provide equitable access throughout the site. The proposal improves pedestrian access through the site including an all-weather landscaped access from Victoria Street, improvements to

the main access path to Prospect Road, and a new civic heart ('the Agora') as a central focus point and arrival area for those using the car park.

Wayfinding signage and landscaping would enhance accessibility and the pedestrian experience.

4. Health and safety	The proposal has considered Crime Prevention Through Environmental Design principles and separation of pedestrian and vehicle areas. The buildings also maximise access to natural light and ventilation to benefit the health and well-being of occupants.
5. Amenity	The school provides a variety of flexible indoor and outdoor learning and recreation spaces to cater for a wide range of activities and learning possibilities. Buildings have been designed to maximise internal amenity, including access to light and ventilation while landscaping design provides interesting and pleasant outdoor spaces.
6. Whole of life, flexible, adaptable	The proposed buildings are flexible and provide a variety of spaces that can be adapted to suit a wide range of uses and changing needs over the long term.
7. Aesthetics	See Section 6.3 . The proposed buildings are of high architectural quality and have been designed to complement each other.

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

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

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the requirements that need to be met for an application to be SSD.

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

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

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The EIS includes a Preliminary Site Investigation Report for the site which included consideration of the site history as well as soil sampling. The site history and soil sampling results indicate that the potential for contamination to be present on the site is likely to be low.

However, the assessment notes that if contamination is identified during construction (e.g. waste filling or asbestos) than an appropriate response would need to be developed and actioned. The assessment recommends an Unexpected Finds Protocol be developed as part of the Construction Environmental Management Plan, as well as classification of any material removed from the site.

The Department is satisfied that, subject to the imposition of conditions requiring an Unexpected Finds Protocol and classification of waste materials, the suitability of the site for the proposed use can be ensured and the proposal would not result in unacceptable contamination risks.

Draft Remediation of Land State Environmental Planning Policy

The Draft Remediation SEPP would retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP would require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal would be consistent with the objectives of the Draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

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

Table B3 | SEPP 64 compliance table

Assessment Criteria	Comments	Complies
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	All signs have been designed using materials compatible with the surrounding area. All signs are relatively understated for the size of the site and would not detract from the character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs are consistent with established signage on the site.	Yes

2 Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signs would be unobtrusive for the size of the site and would not detract from the heritage character of the site or the area.	Yes
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3 Views and vistas

Does the proposal obscure or compromise important views?	The proposed signs would not impact on any views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs are all located below the roof line of the development and would not affect the skyline or any vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal would not affect any other advertising.	Yes

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	All signs are modest for the size of the site and would not detract from the character of the streetscape or setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs would complement the school design and therefore the visual interest of the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	N/A.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would not protrude above the buildings.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management would be required.	Yes

5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are compatible with the scale of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The signs are appropriately located at the entrances to the site or on key facades to provide identification of the site.	Yes

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the signs is to identify the site and provide wayfinding and it is not considered necessary to show innovation in this case.	Yes
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6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Where lighting is proposed, it is integral to the design of the sign (i.e. backlit or recessed floor lighting).	Yes
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7 Illumination

Would illumination result in unacceptable glare?	Lighting is restricted to three signs and would not result in glare or safety impacts.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?		

Would illumination detract from the amenity of any residence or other form of accommodation?	The design of the lighting and distance to the closest residential premises ensures there would be no adverse amenity impacts.	Yes
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Can the intensity of the illumination be adjusted, if necessary?	As no amenity or safety impacts arise, there is no need to adjust illumination levels or impose a curfew.	Yes
Is the illumination subject to a curfew?		

8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs have been located to minimise impacts to sightlines.	Yes
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Would the proposal reduce safety for any public road?	As above.	Yes
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Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. The SHC SREP does not include any matters for consideration in the assessment of development applications within the Sydney Harbour Catchment. Nevertheless, the proposal is consistent with the objectives and aims for the Sydney Harbour Catchment and would not have any significant adverse impact on the catchment as the proposal does not result in any adverse ecological impacts and includes measures to improve stormwater management and runoff from the site.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage

Property. Once adopted, the Draft Environment SEPP would replace seven existing SEPPs, including the Sydney Harbour Catchment REP (discussed above). The proposed SEPP would provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they would be repealed.

Given that the proposal is consistent with the provisions of the existing SEPP that is applicable, the Department concludes that the proposed development would generally be consistent with the provisions of the Draft Environment SEPP.

Ashfield Local Environmental Plan (ALEP) 2013

The ALEP 2013 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Ashfield LGA. The ALEP 2014 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the ALEP 2013 and those matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the ALEP 2013, and consideration of relevant clauses is provided in **Table B4**.

Table B4 | Consideration of the ALEP 2013

ALEP 2013	Department Comment / Assessment
Clause 2.3 Zone Objectives and Land Use Table	Most of the site is zoned SP2 Infrastructure (Education Establishment), but part of the site fronting Seaview Street is zoned R2 Low Density Residential. The proposed development includes an educational establishment which is permissible with consent in both zones. The proposal is consistent with the objectives of the zones including 'to provide for infrastructure and related uses' (SP2 zone) and to 'enable other land uses that provide facilities or services to meet the day to day needs of residents' (R2 zone).
Clause 2.7 Demolition requires development consent	The application seeks approval for demolition of existing structures on the site as required.
Clause 4.3 Height of Buildings	A height control of 8.5m applies to the allotments fronting Seaview Street. The proposed Maintenance Building on this part of the site has been designed with a maximum height of 8.5 metres to comply with the control.
Clause 4.4 Floor Space Ratio (FSR)	An FSR control of 0.5:1 applies to the allotments fronting Seaview Street. The proposed Maintenance Building on this part of the site would have an FSR of 0.47:1, which complies.
Clause 5.10 Heritage conservation	The Department has considered the potential heritage impacts in Sections 6.4 and 6.6 of the report and is satisfied the proposal would not result in any adverse outcomes for heritage conservation.
Clause 6.1 Earthworks	The Development includes bulk excavation. The Department is satisfied the earthworks would not result in adverse drainage or soil stability

outcomes, would not affect the future use of the land or result in adverse impacts on any waterway, catchment or environmentally sensitive area. Conditions have been recommended to ensure appropriate classification and disposal of excavated soil, minimise amenity impacts during the works, and avoid harm to relics.

Draft Inner West Local Environmental Plan (IWLEP) 2020

The consolidated Inner West Local Environmental Plan (IWLEP) 2020 seeks to harmonise the three environmental planning instruments (ALEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011) into a single new LEP. The Draft IWLEP 2020 is primarily a consolidation of the instruments and not a comprehensive review of the planning provisions. The Department's assessment of the applicable provisions under IWLEP 2020 is consistent with the ALEP 2013 and no additional matters arise for consideration.

Inner West Comprehensive DCP 2016 (DCP)

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development, and the Inner West Comprehensive DCP (2016) does not include specific controls for schools in the former Ashfield Council area.

Notwithstanding, the Applicant has provided an assessment to demonstrate the proposal is generally consistent with other relevant provisions of the DCP.

Where relevant, consideration has been given to the provisions of DCP.

Ashfield Council Section 94 Development Contributions Plan

Ashfield Council Section 94 Development Contributions Plan applies to the proposed development. Accordingly, the Department has recommended a condition.

Appendix C – Recommended Instrument of Approval