



New South Wales Government  
Independent Planning Commission

# **Weigall Sports Complex, Sydney Grammar School (SSD-10421)**

## **Statement of Reasons for Decision**

Peter Duncan AM (Chair)  
Professor Richard Mackay AM

5 November 2021

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State of New South Wales through the Independent Planning Commission 2021

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## EXECUTIVE SUMMARY

Sydney Grammar School has sought development consent for the development of Weigall Sports Complex, a new three-storey sports and recreation facility comprising two indoor swimming pools, four multi-purpose courts, spectator seating and associated amenities at Sydney Grammar School's Weigall Sports Ground, Paddington, in the Woollahra Local Government Area.

Under the \$54.4-million proposal, an existing pavilion, tennis courts and car parking areas at the southern end of the Neild Avenue site would be demolished and 19 trees removed to make way for the new sports complex (Building 1), a split-level car park building (Building 2), landscaping works, signage and a new kiosk substation.

The school is not seeking any change to the current approved student population.

A whole-of-government assessment finalised by the Department of Planning, Industry & Environment in September 2021 concluded that, "subject to appropriate mitigation of the identified impacts and revisions to Building 1 through recommended conditions to reduce view loss, the proposal can be approved"; however, the Independent Planning Commission is the consent authority for this state significant development application because the Department received more than 50 public objections during exhibition.

Commissioners Peter Duncan AM (Panel Chair) and Professor Richard Mackay AM were appointed to constitute the Commission in making the final decision.

As part of their determination process, the Panel met with representatives of the Applicant, Department, Woollahra Municipal Council, including elected representatives, as well as the State Member for Sydney, Alex Greenwich MP. The Panel also conducted a virtual inspection of the site and an in-person locality tour of the surrounding neighbourhood.

The community expressed its views on the proposed development through written submissions to the Commission. Concerns raised in submissions centred around building location and built form, view loss, amenity impacts, noise, traffic and parking, tree removal, and a lack of community benefit.

After careful consideration of all the material, and having taken into account the community's views, the Commission has determined that development consent should be granted for the Application, subject to stringent conditions. After obtaining further details of the design of the new sports complex, the Commission has concluded it demonstrates design excellence and provides facades with a good level of articulation; and that it will relate well to the public domain along Neild Avenue. It has, however, imposed conditions in response to adjoining residents' concerns about the development's amenity impacts, including requiring the Applicant to further set-back part of the sports complex to allow for improved solar access and sky views for neighbouring apartments. The Commission will also require a proposed electrical substation fronting Neild Avenue to be moved or redesigned to minimise its visual impact.

Concerns about the appearance of the split-level car park within the valley floor have been addressed by the Commission through the imposition of a condition requiring refinement of the design of that building to minimise its visual impact.

Construction hours will be further limited under the conditions of consent to minimise the impact of noisy works on residents, while construction traffic will be required to enter and exit the site via Neild Avenue and avoid using residential streets as far as reasonably practicable.

The Commission, recognising the benefit of the Weigall Sports Complex to the broader community, has imposed conditions to ensure access to the facility for local residents – particularly those most impacted by the development.

The Commission heard concerns regarding the delivery of the proposed Paddington Greenway through the Weigall Sports Ground. The Commission has noted the Applicant's in-principle support for the Greenway and has imposed conditions requiring further consultation and consideration of potential routes for the Greenway in or around the site.

The conditions of consent imposed by the Commission are designed to prevent, minimise and/or offset adverse environmental impacts, and ensure ongoing monitoring and appropriate environmental management of the site. It has also sought to ensure the Applicant continues to inform and consult with the community about both construction activities and the ongoing use of the facilities, as well as that the community benefits proffered by the school are realised.

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

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## DEFINED TERMS

ABBREVIATION	DEFINITION
<b>Applicant</b>	Sydney Grammar School
<b>Application</b>	Weigall Sports Complex, Sydney Grammar School application (SSD-10421)
<b>AR</b>	Department's Assessment Report (dated September 2021)
<b>AR para.</b>	Paragraph of the Department's Assessment Report (dated September 2021)
<b>CIV</b>	Capital Investment Value
<b>Commission</b>	NSW Independent Planning Commission
<b>CTMP</b>	Construction Traffic Management Plan
<b>Department</b>	Department of Planning, Industry and Environment
<b>Education SEPP</b>	<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FTE</b>	Full Time Equivalent
<b>GFA</b>	Gross Floor Area
<b>GTP</b>	Green Travel Plan
<b>HIS</b>	Heritage Impact Statement
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The material identified in section 42
<b>OMP</b>	Operational Management Plan
<b>OTMP</b>	Operational Transport Management Plan
<b>PMF</b>	Probable maximum flood
<b>Project</b>	Weigall Sports Complex, Sydney Grammar School
<b>RRFI</b>	Response to Request for Information
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP SRD</b>	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
<b>Site</b>	The area labelled SSDA Site in Figure 1, within the Weigall Playing Fields, Neild Avenue, Paddington, and within the following lots: Lot 1 DP 633259, Lot 2 DP 547260 (part) and Lot 1 DP 311460 (part)
<b>SSD</b>	State Significant Development
<b>WDCP 2015</b>	<i>Woollahra Development Control Plan 2015</i>
<b>WLEP 2014</b>	<i>Woollahra Local Environmental Plan 2014</i>

## 1 INTRODUCTION

1. On 1 October 2021, the NSW Department of Planning, Industry and Environment (**Department**) referred a state significant development (**SSD**) application (SSD-10421) (**Application**) made by Sydney Grammar School (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for the new Weigall Sports Complex within Sydney Grammar School's existing Weigall Sports Ground in Paddington in the Woollahra Local Government Area (**LGA**).
3. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
  - the Application constitutes SSD under section 4.36 of the EP&A Act as the Application has a capital investment value (**CIV**) of more than \$20 million and is for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of SEPP SRD; and
  - the Department received more than 50 individual submissions from the public objecting to the Application.
4. Professor Mary O'Kane AC, Chair of the Commission, nominated Commissioners Peter Duncan, AM (Panel Chair) and Professor Richard Mackay, AM to constitute the Commission Panel determining the Application.

## 2 SITE LOCATION AND LAYOUT

5. The site for the purposes of this SSD Application is within the south-western corner of the Weigall Sports Ground, as outlined in red in **Figure 1** below (**Site**). The Applicant and Department described the Site as within Rushcutters Bay; however, the Commission has since confirmed with the Department that the Site is located within the suburb of Paddington.
6. The Weigall Sports Ground, which is outlined in blue in **Figure 1** below, is located east of Neild Avenue, 1.5 kilometres east of the Sydney Grammar School Darlinghurst campus and 2.5 kilometres south-east of the Sydney CBD (AR para. 1.2.3). The Weigall Sports Ground is owned and used by the Applicant for the purpose of school sports fields.

**Figure 1** Site Location (source: Department's AR, Figure 4)



7. The Site includes multi-purpose / tennis courts, cricket nets, the Barry Pavillion, and a surface carpark accessed from Neild Avenue. An elevated railway viaduct and Rushcutters Creek, which is within a concrete channel, pass through the Weigall Sports Ground, to the north of the Site.
8. The Weigall Sports Ground is subject to flooding, with 1 in 100-year flood events conveyed along the Rushcutters Creek concrete channel. Probable maximum flood (**PMF**) events affect the majority of the grounds, with the south-eastern portion of the grounds being least affected by flooding due to the elevation (AR para. 1.2.8).
9. The Site contains 90 trees which are a mix of native and non-native species. The trees are predominantly located around the multi-purpose / tennis courts and along the Neild Avenue frontage (AR para. 1.3.6).
10. There are no heritage items located at the Site under *Woollahra Local Environmental Plan 2014 (WLEP 2014)* however, the Site is located within the Paddington Heritage Conservation Area (AR para. 1.3.8).

## **2.1 Local Context**

11. The Site surrounds include Neild Avenue to the west, Weigall Sports Ground rugby and football fields to the north, White City Tennis Centre to the east, Sydney Grammar School – Edgecliff Campus to the east, and residences to the south. The area is characterised by medium density, primarily residential development.
12. The nearest sensitive receivers to the Site include residential apartments at 25-27 Lawson Street/2 Vialoux Avenue and 29-33 Lawson Street (both owned by the Land and Housing Corporation), and the residential apartments at 8 Vialoux Avenue.
13. The road network adjoining the Site is comprised of New South Head Road to the north (state road); Neild Avenue to the west (sub-arterial road); and Lawson Street, Vialoux Avenue and Alma Street to the south (all local roads) (AR para. 1.4.7).

### 3 BACKGROUND

#### 3.1 Existing Operations

15. The Weigall Sports Ground has been used by Sydney Grammar School since its purchase in 1907 (AR para. 1.5.1). The primary use of the Site is for sport and recreational activities associated with the Senior School and Junior School from Mondays through Saturdays (AR para. 2.4.1).
16. **Table 1** below details the existing hours of operation of the sports grounds and facilities.

**Table 1** Existing Hours of Operation (source: AR Table 2)

Use	Existing hours of operation
<b>Weigall Sports Ground</b>	
Playing fields training	Mon-Fri – 6:30am to 6pm
Playing fields competition	Sat – 7am to 3pm
<b>Sports facilities (on the Site)</b>	
Training	Mon-Fri – 6:30am to 6pm
Competition	Sat – 7am to 3pm
Community use	None

17. Existing vehicular and pedestrian access to the Site is via two gated entry points. The first is located off Alma Street, opposite the White City Tennis Centre, and the second is located off Neild Avenue opposite 16 Neild Avenue (AR para. 1.3.4).
18. The existing at-grade carpark at the western side of the Site provides a total of eight car parking spaces.

#### 3.2 Related Development

##### *White City Redevelopment*

19. The White City Tennis Centre is located to the east of the Site and currently contains tennis courts and an at-grade carpark (AR para. 1.4.3) and is the subject of approved development applications for redevelopment of the Site, including:
- DA2015/438 which was determined on 15 December 2015 (and subsequent modifications), comprising approval for the Concept redevelopment of the site for a new club, sporting facilities, community space, childcare centre and café; and
  - DA 477/2019 determined 3 September 2020: approval for Stage 1 of the White City Redevelopment including three storey club facilities, sporting facilities and site remediation.

##### *Paddington Greenway Project*

20. The Paddington Greenway project is a proposal to develop a green corridor extending from Rushcutters Bay Park to Trumper Park in Paddington, possibly through the Weigall Sports Ground. One option would be for the Greenway to follow the route of Rushcutters Creek through the Weigall Sports Ground (AR para. 2.6.3 and 2.6.4).

## 4 THE APPLICATION

21. The Application as originally submitted is detailed in the Applicant's EIS, dated 2 November 2020.
22. The Application was subsequently amended by the Applicant's Response to Submissions (**RtS**) dated 26 April 2021.
23. The Applicant also provided the Department with four responses to requests for information (**RRFI**) dated 15 June 2021, 9 July 2021, 28 July 2021, and 8 September 2021. It is noted that these documents included further information or clarifications but did not amend the Application (AR para 7.1.9).
24. A detailed chronology of the Application, including additional information submitted by the Applicant is provided within the Department's AR at sections 5.3 and 5.4.
25. The Application, as amended by the RtS, is summarised in **Table 2**, below.

**Table 2** Project Summary (source: Table 1 in the Department's AR)

<b>Project Summary</b>	
<b>Overview</b>	A new sports complex, known as 'Weigall Sports Complex' for Sydney Grammar School, comprising demolition of existing sports facilities and carparking areas, bulk excavation and construction of a new three storey sports complex with basement and a single-storey split-level car park building, 102 new car spaces, landscaping works, tree removal, signage and new kiosk substation.
<b>Site area</b>	9,955m <sup>2</sup>
<b>Site preparation and demolition works</b>	<ul style="list-style-type: none"> <li>• Demolition of:               <ul style="list-style-type: none"> <li>○ sports facilities including cricket nets, six multi-purpose / tennis courts and the Barry Pavilion;</li> <li>○ Neild Avenue driveway and cross-over and at-grade car parking at the south-western corner of the Site; and</li> <li>○ vehicle service road and associated works on the southern boundary.</li> </ul> </li> <li>• Bulk earthworks resulting in approximately 10,000 cubic metres of excavated soil.</li> <li>• Remediation works, acid sulfate soil management and validation.</li> <li>• Deviation of existing sewer and stormwater pipe infrastructure.</li> </ul>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• Construction of a three-storey (RL 22.63 / 16.4m) building (<b>Building 1</b>), providing:               <ul style="list-style-type: none"> <li>○ two indoor swimming pools at ground level;</li> <li>○ four multi-purpose courts at first and second floor levels;</li> <li>○ spectator terrace along the northern elevation;</li> <li>○ changing facilities, amenities, office, services and storage; and</li> <li>○ centralised rooftop plant enclosure (up to RL 23.8 / 17.6m).</li> </ul> </li> <li>• Construction of a split-level (RL 10.44 / 4.8m) car park (<b>Building 2</b>).</li> <li>• Construction of a stand-alone electrical kiosk sub-station at the south-western corner of the Site.</li> </ul>
<b>Gross floor area (GFA)</b>	Building 1 – 6,220m <sup>2</sup> Building 2 – Not applicable (carparking only)

<b>Use</b>	Sporting facilities associated with the school, with proposed activities including swimming and training, basketball, volleyball, water polo, lifesaving, fencing, taekwondo, physical education and fitness/strength training.
<b>Hours of operation</b>	<p>An extension to the existing hours of operation of Sports Facilities (on the Site) and the inclusion of community use is proposed.</p> <ul style="list-style-type: none"> <li>• Sports Facilities (on the Site): <ul style="list-style-type: none"> <li>○ Sydney Grammar School training: Mon-Fri – 6am to 7pm</li> <li>○ Sydney Grammar School competition: Sat – 6:30am to 3pm</li> </ul> </li> <li>• Community use (during school term): <ul style="list-style-type: none"> <li>○ Mon-Fri (Pool 1): 9am to 3pm</li> <li>○ Mon-Fri (Pool 2): 7pm to 10pm</li> <li>○ Saturday: 3pm to 10pm</li> <li>○ Sunday: 7am to 6pm</li> </ul> </li> <li>• Community use (outside of school term): <ul style="list-style-type: none"> <li>○ Mon-Sat: 9am to 10pm</li> <li>○ Sunday: 7am to 6pm</li> </ul> </li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Replacement driveway and cross-over from Neild Avenue providing a new turnaround area south of Building 1.</li> <li>• Replacement service road accessed from Alma Street and running along the southern boundary of the Site, between Building 2 and 9 Vialoux Avenue / 24 Alma Street.</li> <li>• Driveway to Building 2 from Alma Street.</li> <li>• New pedestrian access from Neild Avenue, west of Building 1.</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• 102 car parking spaces including: <ul style="list-style-type: none"> <li>○ Building 1 – five covered surface car spaces on the southern side, adjacent to the vehicle turnaround area; and</li> <li>○ Building 2 – 97 parking spaces, including 93 spaces within, and four spaces adjacent to, the southern elevation of Building 2.</li> </ul> </li> <li>• Six motorcycle spaces within Building 2.</li> <li>• 42 bicycle parking spaces including: <ul style="list-style-type: none"> <li>○ 40 student and visitor bicycle parking spaces between Building 1 and Neild Avenue; and</li> <li>○ 2 staff bicycle parking spaces and end of trip facilities within Building 1.</li> </ul> </li> </ul>
<b>Pick-up/drop-off</b>	<ul style="list-style-type: none"> <li>• Pick-up/drop-off facility (up to six cars) within the proposed vehicle turnaround area south of Building 1, for use by visitors to Building 1.</li> <li>• Amended operation of the seven existing pick-up/drop-off spaces on Alma Street outside SGS Edgecliff, by redirecting any vehicle queue associated with these spaces through the proposed ground floor car park of Building 2 (increased queue capacity by 135m / 22 vehicles).</li> </ul>
<b>Trees and landscaping</b>	<ul style="list-style-type: none"> <li>• Removal of 20 trees and provision of 42 replacement trees.</li> <li>• Hard and soft landscaping around Buildings 1 and 2, including trees, shrubs and ground covers, pathways, ramps and lighting.</li> <li>• Concrete bleachers outside the northern elevation of Building 1.</li> <li>• Vertical planting / green walls around Building 2</li> </ul>

<b>Signage</b>	<ul style="list-style-type: none"> <li>• Provision of four illuminated identification signs displaying the school name and crest, including: <ul style="list-style-type: none"> <li>○ Building 1 – two signage zones, one mounted on the northern elevation of the building, and the other at the Neild Avenue entrance; and</li> <li>○ Building 2 – two signage zones, one mounted on the southern elevation of the building, and the other at the Alma Street entry.</li> </ul> </li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>• 155 construction jobs</li> <li>• four full time equivalent (FTE) operational jobs</li> </ul>
<b>CIV</b>	\$54,400,000

#### 4.1 Need and Strategic Context

26. At AR para. 3.1.1, the Department states that “*the Senior School on College Street cannot accommodate its sport program and relies on external facilities, which are limited and logistically difficult to manage*” and therefore the school “*is finding it increasingly difficult to accommodate sport programs for its students, and have limited offerings due to student demand and limited or no facilities*”.
27. At AR para. 3.1.2, the Department states that the proposed development “*would meet the sport, personal development, health and physical education needs of the SGS community and reduce reliance on external facilities*”. It would “*provide all-weather sporting facilities for Edgecliff Preparatory School and accommodate an increased swimming and basketball sport program*”.
28. The Applicant expanded on the strategic need for the Application in its meeting with the Commission on 15 October 2021, stating:
- I would note that the sports that many of our young people play today have shifted from the traditional sports of a few decades ago. Court-based sports such as basketball and volleyball as well as pool-based sports now rival traditional sports such as rugby or cricket. Further, hereto relatively minor sports such as fencing and taekwondo, etcetera, have gathered popularity. That said, the school, and, I would say, the inner city more broadly, has a relative paucity of court and pool-based facilities to meet this education and indeed ongoing sporting demand, whilst those minor sports are largely without appropriate facilities around the city.*
- In order to participate in these rising popularity sports, students often have to travel to quite disparate locations, which does present them with... potentially safety risks, trouble, etcetera. Our intention with this facility is to congregate as many of those sporting activities as possible in the same location on school grounds. (Meeting Transcript, page 3).*
29. The Application has a CIV of \$54,400,000 and is predicted to generate 155 construction jobs and four FTE operational jobs (AR Table 1).

## 5 STATUTORY CONTEXT

### 5.1 State Significant Development

30. The Application is classed as SSD as it has a CIV of more than \$20 million and is development for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of SEPP SRD.
31. Under section 4.5(a) of the EP&A Act and clause 8A(1) of SEPP SRD, the Commission is the consent authority for the Application because the Department received more than 50 objections to the Project during the exhibition period.

### 5.2 Permissibility

32. The Site is located partly on land zoned R3 Medium Density Residential and partly on land zoned RE2 Private Recreation zone under the WLEP 2014.
33. The Department (AR para. 4.2.1) states that 'Educational Establishments' are not listed as permissible with consent within either the R3 zone or the RE2 zone. AR para. 4.2.2 states that Clause 35 (Schools – development permitted with consent) of the *State Environmental Planning Policy (Educational Establishments and Child Care Centre) 2017 (Education SEPP)* states:

*(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*

*(2) Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.*

*(3) Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.*

34. The Department (AR para. 4.2.3 to 4.2.5) states:

*R3 zone is a prescribed zone under clause 33 of the Education SEPP, and therefore under clause 35(1), a school is permitted in this zone.*

*The proposal involves indoor sporting facilities and ancillary car parking in association with a school, as identified in clause 39(1)(a)(ii) of Education SEPP. Consequently, these facilities are permitted on the site, under to [sic] clause 35(2) of the Education SEPP.*

*While the RE2 zoned part of the site is not listed as a prescribed zone, the Applicant states that the proposal is permissible under clause 35(3), as it is located on land within the boundaries of an existing school. In this regard, the Applicant identified that the Weigall sports grounds (including the site) is used as the playground, sports training, sporting competition and the Personal Development, Health and Physical Education classes for various SGS campuses, including the preparatory school on the adjoining site.*

35. The Commission acknowledges the Department's view that the proposed development is a permissible use within the Site given that the R3 zone is a prescribed zone under the Education SEPP (AR 4.2.3). The Commission notes that the RE2 zoned part of the Site is not listed as a prescribed zone, however acknowledges the Department's view that the Site is an existing school as it has been used historically by the Applicant (since 1907) for sporting and physical education facilities, and is used as the playground, sports field and sports competition grounds for both the senior school and the preparatory school and, consequently, is a permissible use under clause 35(3) of the Education SEPP.

36. The Commission agrees with the Department’s finding that the proposed development is permissible with consent.

### 5.3 Mandatory Considerations

37. In determining this Application, the Commission has taken into consideration the following matters under section 4.15(1) of the EP&A Act (**Mandatory Considerations**) that are relevant to the Application:

- the provisions of the following as they apply to the land on which the Application relates:
  - any Environmental Planning Instrument (**EPI**);
  - any proposed instrument;
  - any development control plan;
  - any planning agreement that has been entered into under s 7.4 of the EP&A Act (or draft planning agreement offered);
  - matters prescribed under the *Environmental Planning and Assessment Regulation 2000* (**Regulation**);
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- the suitability of the site for the development;
- submissions made in accordance with the EP&A Act and Regulation; and
- the public interest.

38. The Department has considered the Mandatory Considerations at section 4.3 of the AR, and the Commission agrees with this assessment conducted on its behalf.

39. The Commission has summarised its consideration of the relevant Mandatory Considerations in **Table 3**, below, and elsewhere in this Statement of Reasons, noting the Mandatory Considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that the Panel has considered matters other than the Mandatory Considerations, the Commission has considered those matters having regard to the subject matter, scope and purpose of the EP&A Act.

**Table 3** Mandatory Considerations

Mandatory Considerations	Commission’s Comments
<b>Relevant Environmental Planning Instruments</b>	<p>Appendix B of the Department’s AR identifies relevant EPIs for consideration. The key EPIs include:</p> <ul style="list-style-type: none"> <li>• SEPP SRD;</li> <li>• Education SEPP;</li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i>;</li> <li>• <i>State Environmental Planning Policy No. 55 – Remediation of Land</i>;</li> <li>• <i>State Environmental Planning Policy No. 64 – Advertising Structures and Signage</i>;</li> <li>• <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>; and</li> <li>• WLEP 2014.</li> </ul> <p>The Commission agrees with the Department’s assessment with respect to the EPIs that are of relevance to the Application as set out in Appendix B of the AR.</p>

<b>Mandatory Considerations</b>	<b>Commission's Comments</b>
<b>Relevant proposed EPIs</b>	<p>The Commission has considered relevant proposed EPIs in making its determination, including the:</p> <ul style="list-style-type: none"> <li>• <i>Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities)</i>;</li> <li>• <i>Draft State Environmental Planning Policy (Remediation of Land)</i>;</li> <li>• <i>Draft State Environmental Planning Policy (Environment)</i>; and</li> <li>• <i>Draft Design and Place State Environmental Planning Policy</i>.</li> </ul>
<b>Relevant Development Control Plans</b>	<p>Pursuant to clause 11 of SEPP SRD, development control plans do not apply to SSD. However, the Commission has considered the <i>Woollahra Development Control Plan 2015 (WDCP 2015)</i> as a guide, including in regard to the location of the Site within the Paddington Conservation Area.</p>
<b>Likely Impacts of the Development</b>	<p>The likely impacts of the Project have been considered in section 8 of this Statement of Reasons.</p>
<b>Suitability of the Site for Development</b>	<p>The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the purposes of development of an existing school for the following reasons:</p> <ul style="list-style-type: none"> <li>• the Application is permissible with consent under the WLEP 2014, the Education SEPP and the SRD SEPP;</li> <li>• the Application complies with the strategic planning directions of State and Local planning policies (refer to section 5.4 below);</li> <li>• the Application is an orderly and economic use of the Site to provide new school infrastructure that is fit-for-purpose;</li> <li>• the Application involves the provision of new facilities within an existing school sport campus in a central well-connected location; and</li> <li>• impacts on surrounding land uses have been minimised and can be appropriately mitigated through conditions on consent.</li> </ul> <p>The Commission notes that the proposed built form is permissible under the Education SEPP and does not give rise to additional environmental impacts over and above those which would arise from a built form which complied with the WLEP 2014.</p>
<b>Objects of the EP&amp;A Act</b>	<p>In this determination, the Commission has carefully considered the Objects of the EP&amp;A Act. The Commission is satisfied with the Department's assessment of the Application against the Objects of the EP&amp;A Act provided at Table 4 of the AR, which finds that the Project is consistent with those Objects.</p> <p>The Commission finds the Application has been assessed in accordance with relevant EPIs and can comply with the required mitigation measures to achieve consistency with the Objects of the EP&amp;A Act.</p>

Mandatory Considerations	Commission's Comments
<b>Ecologically Sustainable Development (ESD)</b>	<p>The Commission understands the Applicant is targeting a 4-Star Green Star rating, which is consistent with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines design guide. The development proposes ESD initiatives and sustainability measures including carbon neutrality of the Site and buildings (AR para 4.3.5).</p> <p>The Commission is satisfied with the Department's assessment of the Project under the ESD principles and finds that the precautionary and inter-generational equity principles have been applied via a thorough and rigorous assessment of the potential environmental impacts of the proposed development.</p> <p>The Commission finds the Project promotes ESD and is consistent with the precautionary and inter-generational principles subject to the imposed conditions.</p>
<b>The Public Interest</b>	<p>The Commission has considered whether the Project is in the public interest in making its determination. The Commission has weighed the benefits of the Project against its impacts, noting the proposed mitigation measures.</p> <p>The Commission finds that the Project will facilitate the continuing use of the Site for school and education purposes, and that although the Project will affect residential amenity, appropriate mitigation measures can be implemented and some community benefits can be provided. On balance, the Commission finds that the Application is in the public interest.</p>

#### 5.4 Additional Considerations

40. In determining this Application, the Commission has also considered relevant strategic planning policies and guidelines relevant to the Site and to the Application, including:
- NSW Premier's Priority for high quality education;
  - Greater Sydney Region Plan – A Metropolis of Three Cities, 2018;
  - Eastern City District Plan, 2018;
  - Woollahra Local Strategic Planning Statement, 2020;
  - Educational Facilities Standards and Guidelines (NSW Department of Education);
  - Greener Places, 2020 (Government Architect NSW);
  - Better Placed, 2017 (Government Architect NSW);
  - NSW Future Transport Strategy 2056, 2018;
  - State Infrastructure Strategy 2018–2038: Building the Momentum, 2018;
  - Interim Construction Noise Guideline;
  - NSW Noise Policy for Industry;
  - NSW Road Noise Policy;
  - Sydney's Cycling Future, 2013;
  - Sydney's Walking Future, 2013;
  - Sydney's Bus Future, 2013;
  - Healthy Urban Development Checklist, 2009 (NSW Health); and
  - Crime Prevention Through Environmental Design (CPTED) Principles.

## 6 THE COMMISSION'S CONSIDERATION

### 6.1 The Commission's Meetings

41. As part of its determination process, the Commission met with various persons as set out in **Table 4**. All meeting and Site inspection notes have been made available on the Commission's website.

*Table 4 Commission's Meetings*

Meeting	Date of Meeting / Inspection	Transcript / Notes Available
Locality Inspection	7 October 2021 and 8 October 2021	19 October 2021
Virtual Site Inspection	7 October 2021	13 October 2021
Department	15 October 2021	21 October 2021
Woollahra Municipal Council	15 October 2021	21 October 2021
Applicant	15 October 2021	21 October 2021
Alex Greenwich MP	15 October 2021	21 October 2021

42. The meeting with Woollahra Municipal Council on 15 October 2021 was attended by Councillor Harriet Price and Councillor Megan McEwin, in addition to council officers.
43. The meeting with the Department on 15 October 2021 was attended by a Government Architect representative in addition to planning officers.
44. The Commission also extended a meeting invitation to the City of Sydney Council as the Site adjoins the City of Sydney LGA, however the invitation was declined.

### 6.2 Material Considered by the Commission

45. In making its determination in relation to the Application, the Commission has carefully considered the following material (**Material**), along with other documents referred to in this Statement of Reasons:
- the SEARs issued by the Department, dated 23 July 2020;
  - the Applicant's EIS, dated 2 November 2020;
  - all submissions made to the Department in respect of the Application during the public exhibition of the EIS, from 12 November 2020 until 18 December 2020;
  - the Applicant's RtS, dated 23 April 2021;
  - all submissions made to the Department in respect of the RtS (including those not published on the Department's website and provided to the Commission as part of the referral);
  - the Applicant's Responses to Requests for Information dated 15 June 2021, 9 July 2021, 28 July 2021 and 8 September 2021;
  - the Department's AR, dated September 2021;
  - the Department's recommended conditions of consent, received by the Commission in September 2021;
  - the transcripts and presentations for the stakeholder meetings listed in Table 4
  - the notes and photographic log of the virtual Site Inspection held on 7 October 2021;
  - the notes and photographic log of the Locality Inspection held on 7 and 8 October 2021;

- title records of properties adjoining the Site;
- public consultation flyer issued by the Department relating to information sessions on 10 May 2021;
- correspondence from Transport for NSW to the Commission, dated 13 October 2021;
- the Applicant's response to the Commission's request for information, dated 21 October 2021;
- the Department's response to the Commission's request for information, dated 21 October 2021;
- written comments received by the Commission up until 29 October 2021; and
- the Department's email to the Commission, dated 3 November 2021, responding regarding revisions to Department's recommended conditions of consent.

### **6.3 Locality Inspection and Virtual Site Inspection**

46. Site inspections conducted by the Commission are typically in-person and may include attendees from representatives of the Applicant and local community groups. However, as a precaution against COVID-19 and in line with the Greater Sydney Region's COVID-19 restrictions, the Commission Panel did not conduct an in-person site inspection as part of its determination of this Application. The Commission instead undertook a virtual site inspection and an in-person locality inspection.
47. The virtual site inspection was completed on 7 October 2021 and involved the Applicant conducting a walking tour of the Site which was livestreamed to the Commission, with the Commission requesting alternative views and explanations of Site characteristics as required. A full transcript and a photographic log of the virtual site inspection were made publicly available on the Commission's website on 13 October 2021.
48. The in-person locality inspection was completed by the Commissioners individually on 7 and 8 October 2021. The Site and surrounds were inspected from publicly accessible locations near to the Site perimeter, with the Commissioners viewing the Site from locations along the same route. Notes and a photographic log of the locality inspection were made publicly available on the Commission's website on 19 October 2021.

## 7 COMMUNITY PARTICIPATION

### 7.1 Public Comments

50. The Department publicly exhibited the Application between 12 November 2020 and 18 December 2020 and received a total of 102 submissions. These submissions comprised 10 submissions from public authorities (including Woollahra Municipal Council and City of Sydney Council), 88 individual public submissions and four submissions from special interest groups including one petition. Additionally, the Department received two further public submissions from individuals after 18 December 2020 which were provided to the Commission as part of the referral. These submissions to the Department have been considered by the Commission in its determination of the Application.
51. On 10 May 2021, the Department held an in-person consultation meeting with the residents of 25-27 Lawson Street/2 Vialoux Avenue and 29-33 Lawson Street (AR para. 5.1.3 and 5.1.4). The Commission requested the notes of this consultation event in its meeting with the Department on 15 October 2021. The Department provided the notes in its response to the Commission dated 21 October 2021 regarding questions on notice, and the Commission had regard to these notes in reaching its determination.
52. The Commission determined that a Public Meeting was not necessary in order to determine the Application given that the concerns and issues raised in submissions to the Department have been well documented. Furthermore, as described at section 6.1 above, the Commission met with representatives of Woollahra Municipal Council, including two elected Councillors, and Member for Sydney Alex Greenwich MP.
53. The Commission initially invited written submissions from all persons until 5pm on 22 October 2021. It is noted that the deadline for public submissions was later extended to 5pm on 29 October 2021 as the Commission considered that it would be assisted by public submissions on new material provided to the Commission, including responses from the Department and Applicant regarding questions taken on notice during the meetings identified in **Table 4** above.
54. The Commission conducted two letter box drops to residents of 25-27 Lawson Street/2 Vialoux Avenue and 29-33 Lawson Street, inviting residents to make written submissions to the Commission. The letter box drops were conducted on 14 October 2021 and 22 October 2021 and provided information to residents about the opportunity to write to the Commission as well as the revised deadline for public submissions and the Commission's Additional Material policy.
55. The Commission received a total of 52 written submissions on the Application. All submissions received by the Commission were objections to the Application.
56. Key comments raised about the Application through submissions related to:
  - built form and building location;
  - view loss;
  - amenity impacts;
  - traffic and parking;
  - construction impacts;
  - community benefit;
  - heritage and conservation;
  - electrical substation location; and
  - tree removal.

Comments made through submissions are summarised in the paragraphs below.

## 7.2 Key Issues Raised

### *Built form, location, view loss and amenity impacts*

57. Submissions to the Commission raised concern about the height, bulk and scale of the proposed built form of Building 1, with key concerns regarding the impact of the development on existing sky view and solar access for adjoining residential apartments. One resident commented that *“the proposed development would cause severe reduction of light and sunlight, loss of warmth in winter, loss of fresh air and harbour breezes and loss of distant vista.”*
58. Concerns were raised in submissions about the proposed location of Building 1. Submissions noted that, of all options considered, the proposed location of Building 1 would cause the greatest amenity impacts on adjoining residents immediately to the south, as well as view loss for those to the west. Submissions suggested that alternative siting options within the Weigall Sports Ground were preferable.
59. Submissions raised concerns regarding the impact of the proposed development on the local streetscape.
60. Concerns were raised in submissions about the proposed operational hours of the development and resulting noise impacts.

### *Traffic and parking*

61. Submissions raised concerns regarding traffic and parking impacts from both the construction and operational phases of the development.
62. Comments raised concern about the potential for significant cumulative traffic impacts from the proposed development and the White City redevelopment.
63. Submissions commented about the operational traffic impacts, noting that the local street network currently experiences congestion from school traffic during peak pick-up/drop-off times.

### *Construction*

64. Submissions to the Commission raised concerns in relation to the impacts of construction of the proposed development. Residents noted that increased noise during the construction period, particularly in conjunction with noise generated by the White City redevelopment, would have significant impacts on their health and enjoyment of their homes.
65. Submissions also raised concern in regard to the construction traffic utilising the local street network (including Lawson Street and Vialoux Avenue) and commented that construction works will negatively impact on residents, including increased traffic congestion and impacts on pedestrian safety.

### *Community benefit*

66. Submissions raised concern about a lack of community benefit. Submissions also raised concerns regarding the Applicant’s proposed community use profile, including the lack of detail regarding the types of groups that would be granted access to the facility and the arrangements proposed for such access.
67. Submissions commented that neighbouring residents impacted by the development should be the beneficiaries of community use offers.

### *Heritage and conservation*

68. Public submissions raised concerns regarding the location of the proposed development within the Paddington Heritage Conservation Area, suggesting that the scale and design of Building 1 were not appropriate, that there should be no carparking structures on the Rushcutters Bay valley floor and that Building 2 would adversely affect views of the palm trees in Alma Street, which are heritage listed.

### *Electrical substation*

69. Submissions commented on the proposed location of the electrical substation and its impact on the streetscape.

### *Tree removal*

70. Submissions to the Commission raised concern about the proposed removal of existing trees on the Site, including some mature trees. Specifically, concerns were raised about the loss of shade, amenity and aesthetic quality provided by the trees to existing residents.

## 8 CONSIDERATION OF KEY ISSUES

### 8.1 Building Location

71. Public submissions raised concerns regarding the location of Buildings 1 and 2, including the proximity of Building 1 to apartments to the south. Public submissions also challenged the Applicant's options analysis and justification for the proposed building siting suggesting that alternative locations should have been considered further.
72. Alex Greenwich MP and Councillors Price and McEwin expressed concerns regarding building siting in their meetings with the Commission on 15 October 2021. Councillor Price emphasised the importance of safeguarding the residential amenity of apartments adjoining the Site to the south.
73. The Applicant's Siting Options Comparative Analysis (in Appendix B of RRFI dated 15 June 2021) included five potential siting options across the Weigall Sports Ground.
74. Option 5 was prepared pursuant to a suggestion by the Department as a potential means of increasing the separation between Building 1 and residential apartments at 8 Vialoux Avenue by reorientating the main building to align it with Neild Avenue.
75. The Applicant's options analysis included scores out of ten for each of the following criteria:
  - Footprint can accommodate the brief;
  - Built form can respond to the surrounding built context;
  - Built form can respond to the surrounding landscape context;
  - Least flood affected;
  - Least impact to playing fields;
  - Maximises northern orientation and aspect to playing fields;
  - Minimises view impacts;
  - Minimises overshadowing impacts;
  - Site coverage and land cost; and
  - Building cost.
76. The Applicant's preferred option (Option 1), including Building 1 at the south-west of the playing fields and Building 2 at the south-east, was scored very highly by the Applicant for all criteria except:
  - Built form can respond to the surrounding landscape context – 7/10
  - Minimises view impacts – 6/10
  - Minimises overshadowing impacts – 5/10
77. The Department reviewed the Applicant's options analysis and noted that the proposed building locations would cause *"some significant amenity impacts on the neighbours along the southern boundary of the site, especially on the views currently enjoyed by the north facing apartments within 8 Vialoux Avenue"* (AR section 6.2).
78. The Commission, in its meeting with the Applicant on 15 October 2021, noted that the constraint on the northern extent of the building was the Applicant's requirements for sports fields and questioned whether locating Building 1 four metres north of its proposed location was a viable option for minimising view and overshadowing impacts to apartments to the south. The Applicant responded that such a modification would amount to a de facto refusal of the Application.
79. Having noted the Applicant's view regarding the constraints on the location of Building 1, the Commission agrees with the Department's finding that, on balance, and subject to the conditions imposed to address residential amenity at neighbouring properties, the development can reasonably be sited at the proposed location.

## 8.2 Built Form

### *Height, Bulk and Scale*

80. Concerns were raised in public submissions regarding the height, bulk and scale of the proposed development, including the scale of Building 1 conflicting with the established character of the area and exceeding the WLEP 2014 height limit of (10.5 m) relating to the south-western portion of the Site.
81. The Department (AR para 6.4) notes the height and Floor Space Ratio (**FSR**) controls of the WLEP 2014 do not apply to the Application, pursuant to clause 42 of the Education SEPP. The Department states that it has “*assessed the merits of the development, considering the controls as a development guide*”.
82. The Department recommended a condition of consent requiring amendments to the eastern portion of Building 1 (programme pool wing), including increased set-backs at upper levels of the eastern portion of Building 1 from 8 Vialoux Avenue, to reduce amenity impacts to acceptable levels.
83. The Department (AR para 6.4.13) found that the height and scale of Building 1 (excluding an eastern portion) is acceptable and exceedance of the height limit provided by WLEP 2014 (if it were to apply) is justified in this instance, noting that the height is comparable to surrounding buildings at 12-16 and 18-28 Neild Avenue and 29-33 Lawson Street.
84. The Department (AR para 6.4.14) also finds that the height and scale of Building 2 is acceptable.
85. In its meeting with the Commission on 15 October 2021, the Applicant emphasised the significant revisions that had been made to the design of Building 1 to address and reduce its amenity impacts, including rotating the building to increase setbacks from buildings to the south and stepping down the building height near to 8 Vialoux Avenue.
86. The Commission has imposed the Department’s recommended condition requiring amendments to the eastern portion of Building 1 in order to increase setbacks at upper levels and reduce the amenity impacts to apartments at 8 Vialoux Avenue. The Commission agrees with the Department’s finding that, subject to the required amendments, the height, bulk and scale of Building 1 and 2 are acceptable.

### *Set-backs*

87. Public submissions also raised concerns regarding the setback distance of Building 1 from apartments at 8 Vialoux Avenue, noting that the setback does not meet Apartment Design Guide (**ADG**) requirements.
88. The Commission in its meeting with the Applicant on 15 October 2021 noted that the setbacks specified in the ADG are not a requirement for the Application but asked if these figures were nonetheless a reasonable target for separation distances.
89. The Applicant, in its Response to Questions on Notice provided drawings clearly illustrating the setback distances and stated that the Application has one small area of notional non-compliance with the building separation distances (2F of the ADG) and fully complies with the boundary setback design criteria (3F-1 of the ADG). The Applicant also stated that the notional non-compliance is reasonable for a range of reasons, including:
  - the ADG does not apply to the Application;
  - the shortest setback of 7.9 metres is only 1.1m below the 9 metre ADG requirement;
  - the shortest setback is to a non-habitable storeroom within proposed Building 1; and

- the setback is mostly provided within the Site despite ADG objective 3F-1 allowing for setback requirements to be shared equitably between neighbouring sites.
90. The Commission finds that, subject to the design amendments to Building 1 required by the conditions of consent which reduce the extent of view loss and amenity impacts for some of the most-affected adjacent residents, the proposed setbacks from apartments at 8 Vialoux Avenue are acceptable.

### *Design*

91. Public submissions raised concerns regarding the lack of articulation of Building 1 and the plainness of facades fronting neighbouring residences and the public domain. Public submissions also raised concerns regarding the visual impact of Building 2, with preferences for any car parking in the valley floor to be at or below grade.
92. Woollahra Municipal Council's submission to the Department recommended greater articulation of the eastern and western facades of Building 1.
93. The Application was reviewed by the State Design Review Panel (**SDRP**) with detailed comments provided on 20 August 2020, including the following comment on façade design:
- *The proposed sports complex and car park building are pavilions, seen in the round and approachable from all sides. This calls for a more thorough and considered response to context. Please provide elevations of all four sides of both buildings at the next SDRP;*
  - *Consider a more articulated approach to the southern and western facades of the building: explore references to the finer grain of the local terrace forms of Paddington. Please provide street elevations demonstrating the further refinement, architectural detail and articulation to the Neild and Boundary St elevations.*
94. The Application was not presented to the SDRP a second time following receipt of the above comments.
95. The Applicant, in its response to the Commission dated 21 October 2021 regarding questions on notice, provided further details of façade design for the western elevation of Building 1, indicating how the comments from the SDRP and others on the façade design had been addressed.
96. The Commission has added the Applicant's annotated elevation and perspective drawings to the approved drawings set.
97. Noting the prominence of Building 2 in the landscape, the Commission has also imposed a condition requiring the Applicant to further refine its design and minimise adverse visual amenity and reflectivity impacts. The amendments will be required prior to the issue of a construction certificate (and the commencement of construction) and the Applicant will be required to submit further details of screening arrangements on all elevations and details of all surface treatments, signage, fittings and fixtures that will be visible on the upper level.
98. The Commission agrees with the Department's finding that the design of Building 1 (excluding the eastern component, which requires amendment) and Building 2, respond appropriately to the Site and its context, while balancing the need to address the demand for additional educational facilities. The Commission has therefore included the requirements for design changes to the massing and form of Building 1, as recommended by the Department and reflected in paragraphs 102 and 103 below, in the conditions.

### 8.3 Amenity Impacts

#### Visual Impact

99. Public submissions raised significant concerns regarding the impact of Building 1 on views from apartments to the south of the Site, especially those at:
- 25-27 Lawson Street/2 Vialoux Avenue
  - 29-33 Lawson Street
  - 8 Vialoux Avenue
100. The Applicant's Visual Impact Assessment (**VIA**) view sharing analysis finds that the Application would result in the following impacts to views from neighbouring apartments:
- 8 Vialoux Avenue (south) – severe to devastating;
  - 29-33 Lawson Street (south) – minor to moderate;
  - 16 and 18-28 Neild Avenue (west) – negligible to moderate;
  - 9 Vialoux Avenue – minor to moderate (owned by Applicant); and
  - 24 Alma Street – moderate to severe (owned by Applicant).
101. The Applicant's VIA justifies the predicted view impacts by comparing the proposed built form with the built form that would be permissible at the Site under the WLEP 2014 (if the WLEP 2014 applied). The VIA notes that a scheme complying with the WLEP 2014 height limit at the Site would allow the retention of views from the upper levels of some adjoining buildings, but that the views from the majority of the apartments at the lower levels of buildings at Lawson Street and Neild Avenue, and all apartments at 8 Vialoux Avenue, would be similarly impacted by permissible forms of development.
102. In response to concerns raised by the Department, the Applicant identified a possible design amendment to reduce view loss impacts to apartments within 8 Vialoux Avenue. The alternative design includes increasing the setbacks of the eastern portion of Building 1 from 8 Vialoux Avenue. Levels 1 and 2 of the programme pool wing would be set back by an additional 4 metres and 3 metres respectively.
103. The Department recommended a condition requiring the Applicant's design amendments to be approved prior to the issuance of a construction certificate. The Department assessed the view impacts having regard to the view sharing principles established by Tenacity Consulting vs Warringah [2004] NSWLEC 140 (Tenacity). The Department found:
- Notwithstanding these impacts, the affected views are all situated at mid-distance from the site, and all affected properties retain elements of existing views, substantial sky views, and/or have unaffected secondary views. Therefore the overall view impacts on these apartments are, on-balance, reasonable given the inner-city and site context (including its land use zone).*
104. The Commission in its meeting with the Department on 15 October 2021 questioned whether the Department's proposed design amendments would increase sky views from residential apartments at 8 Vialoux Avenue. The Department in its response to the Commission, dated 21 October 2021 regarding questions on notice, stated:
- Notwithstanding, the Department considers that the amendment to the rear setbacks of Building 1 would result in someone within the ground floor level living rooms of the north facing apartments, in a standing position, being afforded approximately 45-degree angle (as a minimum) line of sight of the sky. Given this, the Department is satisfied that the additional setbacks to the upper level of Building 1, coupled with the key physical attributes (building orientation and view corridor) of Building 1, would achieve the desired outcome of providing a variety of sky views for all impacted living rooms including unit 1.*

105. The Commission considers that the Department's recommended design amendments are appropriate and would improve the range of sky views from apartments predicted to be most affected by view loss. Noting the Applicant's comparison with alternative development scenarios at the Site, and the range of benefits delivered by the Development, the view impacts are, on balance, considered acceptable. The Commission has therefore included in the conditions the requirements for design changes to the massing and form of Building 1, as recommended by the Department.

#### *Solar Access*

106. Public submissions raised concerns regarding the loss of sunlight to homes and gardens. These concerns were also raised by Alex Greenwich MP and Councillor Price in their joint submission to the Commission, dated 29 October 2021, which emphasised the amenity value of the garden space.
107. The Department addressed overshadowing in AR para. 6.3.51 – 6.3.61. The Department notes that the Application will have an impact on the amount of direct sunlight reaching residential properties near to the Site, particularly the north facing apartments at 8 Vialoux Avenue, and also notes that this reduction may be partially reduced by the required amendments to the eastern portion of Building 1. The Department concludes that the Application is consistent with the ADG recommended minimum requirements for solar access and would meet the minimum solar access criteria applicable to residential flat buildings.
108. Subject to the design amendments to Building 1 required by the conditions of consent, the Commission agrees with the Department's finding that the solar access impacts of the Application are acceptable.

#### *Construction Noise*

109. Concerns were raised in submissions to the Commission regarding construction noise impacts to residences near to the Site, including from noisy works such as rock cutting and blasting. Concerns were also raised regarding cumulative impacts of the Application with nearby development including the approved White City redevelopment.
110. Alex Greenwich MP and Councillors Price and McEwin also expressed concerns regarding the proposed hours of construction activity and resulting noise impacts in their meetings with the Commission on 15 October 2021.
111. The Department addressed construction noise and vibration impacts in AR para. 6.3.83 to 6.3.93 and found that, subject to the implementation of all reasonable and feasible measures to mitigate and manage noise, the Department is satisfied construction noise can be managed to minimise impacts on residential amenity.
112. The Commission has imposed the Department's recommended conditions of consent requiring submission of a Construction Noise and Vibration Management Sub-Plan and setting quantified construction noise limits. Additionally, the Commission has modified the hours taken from the Interim Construction Noise Guideline recommended standard hours for noisy works to instead align with Woollahra Municipal Council's standard hours, with works occurring on Monday to Friday required to cease by 4 pm instead of 5 pm. Subject to the conditions of consent imposed, the Commission agrees with the Department's finding that construction noise can be managed to minimise impacts on residential amenity.

#### *Operational Noise*

113. Public submissions raised concerns regarding noise impacts to nearby residences, including as a result of the extended operating hours of the Site. Submissions also raised concerns regarding the Applicant's reliance on active management of any impacts as opposed to passive design solutions.

114. The joint submission to the Commission from Councillor Price and Alex Greenwich MP dated 29 October 2021 suggested that operating hours should be subject to review as a means of managing operational noise impacts.
115. The Department found that the hours of operation are acceptable as the new facility would be generally used in accordance with the existing Weigall Sports Ground hours of operation and operational noise impacts can be appropriately managed and mitigated (AR Table 12).
116. The Commission has imposed conditions of consent that impose operational noise limits based on the Applicant's Noise Impact Assessment. The Commission has also included conditions which require that if exceedances of these criteria continue to occur with all reasonable noise mitigation measures in place, the Applicant must submit revised operating hours to reduce noise impacts to acceptable levels. Subject to these requirements, the Commission agrees with the Department's finding that operational noise impacts can be appropriately managed and mitigated.

## 8.4 Trees

### *Tree Removal*

117. The Commission received public submissions raising concern about the proposed removal of existing trees on the Site, including the loss of shade, amenity and aesthetic quality provided by the trees to the public realm and to residents of adjoining properties.
118. The Commission understands the Site contains a total of 90 existing mature trees, the majority of which are located around the multi-purpose courts. AR para 1.3.6 states the trees are "*a mixture of native and non-native species and none are identified on the Woollahra Significant Tree Register 1991 or Schedule 5 of the WLEP 2014*".
119. The Application proposes to remove 20 trees within and around the Building 1 footprint to facilitate the development (AR para. 6.5.1). The Commission notes the trees proposed for removal are not identified as having 'high' or 'very high' landscape significance by the Arboricultural Impact Assessment, which was prepared as part of the EIS (prepared by TreeIQ, dated 14 September 2020), and are not considered to contribute to biodiversity value (AR para. 4.4.4). The Arboricultural Impact Assessment concludes "*there is no feasible option to retain the 20 trees proposed for removal, as they either conflict with the location of proposed buildings or their removal is necessary due to poor health / low landscape significance*" (AR para. 6.5.3).
120. To offset the proposed tree removal, the Application includes the planting of 42 replacement trees around Buildings 1 and 2. This represents a tree replacement ratio of 2:1 and an increase in the tree canopy coverage from 28.9% to 31.7% (AR para. 6.5.7 and 6.5.8). Replacement trees are proposed to comprise advanced tree stock.
121. The Commission notes that in its submission on the Application, the City of Sydney Council "*recommended trees T32, T35, T36 and T37 be retained*" (AR para. 6.5.5).
122. AR para. 6.5.10 describes the Department's view that "*T36 is not identified as having a high retention value and therefore its removal to facilitate the development is acceptable*". The Department considers that "*with the exception of trees T32, T35 and T37, the proposed removal of trees to facilitate the redevelopment is unavoidable due to the location of the majority of trees*". The Department agrees with the City of Sydney Council that it may be possible to retain some or all of trees T32, T35 and T37, where they are not located within the footprint of Building 1 and that "*there are opportunities to relocate the Neild Avenue gated pedestrian entrance and path further north to facilitate tree retention*" (AR para. 6.5.11).

123. The Department has recommended conditions requiring design amendments to the pedestrian access off Neild Avenue to retain and protect T32, T35 and T37 (AR para. 6.5.12).
124. During its meeting with the Commission on 15 October 2021, the Applicant noted it was surprised by the recommended condition requiring retention of the identified trees and raised concerns that these trees were either not significant trees, or that their structural roots would be impacted by construction. The Applicant also noted that T32, T35 and T37 crowd T33 and limit the growth of its canopy (Meeting Transcript, page 10).
125. The Commission agrees with the City of Sydney Council and the Department that tree T32 has value and should be retained, however the Commission finds that removal of trees T35 and T37 is appropriate, in view of the nature and condition of these trees, the impact that their retention would have on the proposed entrance from Neild Avenue and the quantum of new planting proposed. The Commission has therefore imposed a condition that requires the Applicant to amend the Neild Avenue gated pedestrian entrance and path to retain and protect tree T32.
126. The Commission has also imposed conditions that require the protection of retained trees on the Site and general landscape and tree management.

### *Tree Planting*

127. The Commission acknowledges that the Application includes the provision of 42 replacement trees. As noted in paragraph 120 above, this represents a 2:1 replacement of trees proposed for removal. Hard and soft landscaping is proposed to be provided around Building 1, including the proposed new trees as well as shrubs and ground covers.
128. During its meeting with the Applicant and Department on 15 October 2021, and in its Request for Information to the Department dated 18 October 2021, the Commission questioned whether the proposed tree planting locations would enable trees to reach maturity in a reasonable timeframe given the small separation between Building 1 and 8 Vialoux Avenue.
129. The Applicant responded stating:

*...we carefully chose the trees. There's a mixture of Lilly Pillies and Elaeocarpus species that cope with a mixture of sun and shade, because you will get different, you know, light conditions in this space through the day, and they will thrive. They will be, you know, very successful trees in that situation, and in the visualisations I believe we showed them at a very moderate size. They're approximately seven to eight metres high in the visualisations, and those trees could easily grow eight, nine, 10 metres high at maturity* (Meeting Transcript, page 14).
130. During its meeting with the Commission, the Department stated:

*...the priority for the Department was the screening function. I would have to say... we will have to take that on notice in terms of the extent to which we've spoken about the solar access to ensure the maturity of those and whether, in fact, the maturity of those is counterproductive to the access that we're trying to gain for, in particular, 8 Vialoux* (Meeting Transcript, page 17).
131. In its written response to the Commission dated 21 October 2021, the Department stated that it has recommended a condition of consent which "*requires the tree stock sourced to comprise at least a 200-litre pot size*". The Department states that it is satisfied this requirement ensures the planting of sufficiently mature trees (page 5).

132. The Commission agrees with the Department's view that, subject to conditions, sufficiently mature trees will be planted and that the proposed tree planting will create a dense visual screen between the residential apartments and Building 1. The Commission has therefore imposed the Department's recommended conditions requiring tree replacement, retention and protection. The Commission has also imposed a condition to ensure that trees that fail are replaced and landscaping on the Site is maintained in accordance with approved plans for the duration of occupation of the development.
133. Further, the Commission agrees with the Department that, subject to the recommended conditions, the proposed hard and soft landscaping is acceptable. The Commission agrees with the conditions suggested by Woollahra Municipal Council and the City of Sydney Council relating to landscape management and has imposed conditions accordingly.

## 8.5 Traffic and Parking

### *Construction Traffic*

134. The Commission received public submissions that raised concern about the use of local roads (including Lawson Street, Vialoux Avenue and Alma Street) by construction vehicles accessing the Site. Submissions highlighted the congested nature of the local street network, raising concerns about pedestrian safety and the cumulative impacts of the construction of the White City redevelopment.
135. The Application includes a preliminary Construction Traffic Management Plan (**CTMP**) which proposes access to the Site via Vialoux Avenue, with all construction vehicles undertaking loading/unloading within the Site. Vehicles coming from Building 1 would exit the Site onto Neild Avenue and vehicles coming from Building 2 would exit the Site onto Alma Street (AR para. 6.6.62).
136. In its meeting with the Commission on 15 October 2021, Woollahra Municipal Council raised concern in regard to construction traffic and the proposed construction access to the Site via Vialoux Avenue. Councillor Price stated:

*I am very concerned about the increased truck movements, and we do have to realise that there is the potential for the impacts of the adjoining White City development and their estimates are 80 truck movements a day. So we're looking at... just under 200 truck movements a day. So it's my view that the construction vehicle access route needs to be really looked at in a lot greater detail. The great thing... is that they actually have access to non-local roads in terms of their access points. So they have access to New South Head Road and also Neild Avenue which are main roads. Unfortunately, White City only has access to the local road network which is Lawson Street, so I'm really surprised that the applicant would want to use Lawson Street and Vialoux Avenue as their main access for trucks, and my submission would be that the construction vehicle access plan needs to be amended...* (Meeting Transcript, page 4-5).
137. In its meeting with the Applicant on 15 October 2021, the Commission asked the Applicant to comment on the suggestions received from Woollahra Municipal Council and public submissions which requested construction access to be via Neild Avenue. The Applicant responded that "*the construction management plan being drawn together so far is of a – it's of a somewhat preliminary nature in the sense that when the tender is given, the contractor will work through the details of how they will operate the site*" (Meeting Transcript, page 16).
138. The Department states that it accepts the findings of the CTMP which identified that traffic volumes would have minimal disruption on the surrounding road network (AR para. 6.6.73) and recommends conditions requiring a detailed CTMP be submitted for approval prior to the commencement of construction.

139. The Commission acknowledges the impact construction vehicles could have on the local street network and adjoining residents. The Commission considers that the Applicant could and should improve upon the proposed traffic management and has imposed conditions which require the Applicant, to the fullest extent reasonably practicable, to provide an amended construction Site access/entry arrangement that does not include construction vehicles entering or exiting the Site via Vialoux Avenue and avoids construction traffic using Lawson Street and Alma Street, with all construction traffic to enter and exit the Site directly from/to Neild Avenue. The Condition also states that exiting construction traffic should be routed from Neild Avenue onto Boundary Street, thereby avoiding residential streets to the east and south.
140. The Commission acknowledges the cumulative impact that construction of the proposed development and the White City redevelopment may have. The Commission has imposed conditions which require the Applicant to identify traffic management and mitigation measures to minimise the cumulative traffic impact during the ongoing construction works on the Site and to provide details of consultation strategies with builders and developers in regard to construction vehicle access to minimise cumulative traffic and parking impacts of the developments.
141. The Commission considers the conditions are appropriate and address the matters accordingly.

#### *Operational Traffic*

142. Public submissions raised concern about further congestion of the local road network, noting the potential cumulative traffic impacts associated with the White City redevelopment.
143. A Green Travel Plan (**GTP**) framework was provided with the EIS which sets out the structure for implementation of a detailed GTP. At the stakeholder meeting with Woollahra Municipal Council on 15 October 2021, Councillor McEwin raised concern with the GTP, particularly in regard to the number of individual trips:
- ...my issue with the school at the moment is the number of individual trips that are being done by single parents picking up single children in large vehicles – you know, high-emission vehicles essentially. Now, other private schools, as you know, provide mass transport. They have buses that meet at certain places in the city or whatever. So you get your kids to a certain point and then you get picked up. Now, this is done for primary school children as well as high-school children.*
- So I think that that should be a condition in this consent that they do provide some sort of mass transport, you know, solution as part of their green travel plan (Meeting Transcript, page 7).*
144. The Commission notes the Department has stated in the AR that it is “*satisfied that the traffic generated by the proposed development can be accommodated in the local road network*” (AR para. 6.6.27), going on to further state that the increase in vehicle movements during peak periods is minor in the context of the surrounding road network and that reasonable measures are proposed including new pick-up/drop-off and car parking facilities (AR para. 6.6.27).
145. The Department has recommended conditions which require the preparation and implementation of a GTP and a Local Area Traffic Management Plan. The Commission agrees with the Department’s findings in this regard and has imposed the recommended conditions.

146. In its meeting with the Department on 15 October 2021, the Commission noted that a condition had been included to restrict the number of events per year to a total of 14, in order to control peak traffic and parking impacts. However, the draft condition did not define thresholds as to what an event would comprise. Responding to the Commission, the Department stated that “...*the Applicant has provided us with a table of the usage where they have mentioned the 14 events. But you are correct, they have not defined an event.*”
147. The Commission considers it prudent to manage the use of the Site appropriately and to provide clear information to the community about event frequency and intensity. Accordingly, the Commission has imposed conditions which require the Applicant to specify the maximum number of events per year at the Weigall Sports Ground that will involve the use of Building 1 and/or Building 2. Details of such events are to be submitted to the satisfaction of the Planning Secretary in the Operational Management Plan (**OMP**) and the Applicant will be required to publish advance notice of any such event on their website.

### Parking

148. The Site currently provides eight carparking spaces within the south-western corner, accessed from the Neild Avenue entrance. Sydney Grammar School also utilises a bus zone which accommodates up to two buses and is located on the eastern side of Neild Avenue (AR para. 6.6.47). The Commission notes the Weigall Sports Ground contains a surface carpark at the northern end of the sports fields, underneath the railway viaduct and outside the Site boundary. This carpark is accessed via Alma Street and does not form part of this Application.
149. The Application proposes a total of 102 car and six motorcycle parking spaces including five surface carparking spaces adjacent to the southern elevation of Building 1, four surface carparking spaces adjacent to the southern elevation of Building 2 and the remaining 93 carparking spaces and six motorcycle spaces within Building 2 (AR para. 6.6.50). The school will continue to utilise the two existing Neild Avenue bus bays with the applicant proposing staggered bus pick-up/drop-off times to ensure no more than two buses are parked at the bus zone at any one time (AR para. 6.6.52). The development also includes 20 bicycle racks which will accommodate 40 bicycles, to the west of Building 1, within the Neild Avenue setback. Two staff bicycle parking spaces are also provided and end of trip facilities within Building 1.
150. Public submissions raised concern in regard to increased pressure on on-street parking as a result of an intensification of the use of the Site, with submissions noting that many residents within the vicinity of the Site do not have off-street parking.
151. The Commission notes that Woollahra Municipal Council and TfNSW did not raise concerns in regard to car parking provision and impact (AR para. 6.6.57). Following clarification, Woollahra Municipal Council confirmed that the bicycle parking complies with the requirements of the WDCP 2015.
152. The Department has stated that it is supportive of car and motorcycle parking spaces within the Site and considers they are likely to accommodate staff and visitor parking demands and reduce unreasonable impacts on the locality (AR para. 6.6.58). The Department has recommended conditions requiring the bicycle parking and end of trip facilities to be provided in accordance with WDCP 2015 and the Operational Transport Management Plan (**OTMP**) be updated to include proposed bus parking mitigation measures.

153. The Commission agrees that the on-site car parking provided is sufficient to accommodate the development and will likely reduce the demand for on-street parking within the local street network. Further, the Commission notes that Woollahra Municipal Council and the Department are satisfied with the proposed bicycle parking. Accordingly, the Commission has imposed the recommended conditions.
154. Public submissions raised concern in regard to existing traffic congestion within the local road network, particularly related to school pick-up/drop-off periods, with one resident submitting “*the roads are heavily congested and at a standstill for many hours*” in regards to Alma Street and Lawson street during pick-up/drop-off times. Sydney Grammar School Edgecliff currently accommodates pick-up/drop-off within a zone on the eastern side of Alma Street which has a vehicle parking and queue capacity of approximately seven car spaces (AR para. 6.6.41).
155. The Applicant has proposed to address this congestion through provision of a pick-up/drop-off area which circulates within the ground floor of Building 2 and would increase queuing length by approximately 135 metres or approximately 22 vehicles within the Site (AR para. 6.6.42).
156. The Department supports the internalisation of vehicle queuing into the school Site and notes this would address traffic issues associated with the existing operation of the school, which is of public benefit (AR para. 6.6.45) and recommends a condition requiring the OTMP to include details of the management and operation of the pick-up/drop-off queuing arrangements within Building 2 catering to SGS Edgecliff (AR para. 6.6.46).
157. The Commission agrees with the Department’s conclusion and has imposed the recommended condition.

## **8.6 Community Benefit**

158. The Commission acknowledges that public submissions raised concerns about the lack of certainty regarding community access arrangements to the proposed new facilities. These concerns were repeated by Woollahra Councillors McEwin and Price, and Mr Alex Greenwich MP.
159. During its Meeting with the Commission on 15 October 2021, Woollahra Municipal Council stated:
 

*...if you look at the benefit – at the conditions, there is no positive condition on the school to provide community access to the land. In fact, the conditions are expressed in a way that make it very restrictive what community access can be given. In particular, it restricts community access to – the words are “organisations only.” Now, what we are lacking in this area – and I’m speaking as a mother and a Councillor – we don’t have a public pool in this LGA, so what parents desperately need is access to swimming lessons, gymnastics, ballet, these sort of things that really rely on these sort of large facilities (Meeting Transcript, page 7).*
160. Similarly, during his Meeting with the Commission on 15 October 2021, Mr Greenwich MP stated:
 

*...there appears to be – beyond the school community – little evidence of community benefit, that we are dealing with a site which seems to largely be exclusively for the school and items that I have raised with them about how it should be more accessible to the wider community. There seems – that seems to be extremely conditional in their proposal, and I think there is certainly room there (Meeting Transcript, page 4).*
161. Further, Mr Greenwich MP stated:

*...of course it would be appropriate for the affected residents to be able to have access to the site if the site goes ahead and does have a negative impact on – particularly, what we're talking about is a lot of their health and wellbeing. So, you know, the facilities that would be available there would be ones that we know assist with those factors. That said, I think it is going to be critical for the school to define the process of which they will grant those community organisations access to the site... that needs to be clear in terms of the number of days, the times of those days, the process of which they will go to for – you know, for allowing access, and how do they define a community group (Meeting Transcript, pages 5 and 6).*

162. In its meetings with the Applicant and Department, the Commission asked questions about the proposed community access arrangements. The Applicant explained its commitment to share the new facilities with community groups, stating:

*An aspect of the broader community benefit of the project is our commitment to share the sports complex with local groups, and we've already reached out to schools such as Glenmore Park Public up the road, Darlinghurst just up the road over there, and other sports groups with the intentions such as are detailed in the operational management plan, which will be embedded into the consent.*

163. In its written response to the Commission dated 21 October 2021, the Applicant confirmed its support for community use of the facilities but stated that it is limited in its capacity to provide unrestrained public access to the facilities given *"its duty of care to student's safety, the school's own usage requirements, potential insurance complications resulting from health and safety obligations to external individual users, and the resulting potential uncontrolled vehicular traffic resulting from unlimited community or individual use"* (page 3).
164. For community group access to the facilities, the Applicant stated that groups (such as local schools and organised groups including sports or community associations) would be invited to use the facility and a formal agreement would be entered into (page 3 of letter dated 21 October 2021).
165. For local residents to access the facilities, the Applicant stated that individuals would need to establish or join a community group, which could then enter into a formal agreement with the school. The Applicant noted that *"local residents will not be able to access the facilities individually given the SGS's duty of care to its students and concerns over the safety of individual users (in particular water safety risks)"*. The Commission notes that notwithstanding the Applicant's duty of care concerns, it stated that it is willing to explore options to provide seasonal access for local residents, such as providing a specified number of open days each year (page 3 of letter dated 21 October 2021).
166. The Commission acknowledges the community's concerns about the lack of public benefit to directly affected residents proposed by the Application. The Commission also acknowledges the comments made by elected officials, as described in the paragraphs above. The Commission agrees with these comments and is of the view that public benefit through community access to the Site is important, especially for residents whose amenity is impacted by the proposed development.
167. The Commission notes the Department's view in Table 12 of the AR where the Department states that it considers *"limiting access to organisations is acceptable in this instance"* for the following reasons (AR Table 12, page 91):
- *access is at the Applicant's discretion and dependent on when the facilities are not needed by the school for normal operations*
  - *four existing public pools (Andrew Boy Charlton, Cook+Phillip, Prince Alfred Park and Murray Rose) are within 1.5km and 2km from the site*

- *providing access for organisations (schools, tertiary establishments, sport associations and the like) is understandable, and still represents some public benefit.*
168. The Commission acknowledges that the Department has recommended a condition requiring community use in accordance with the Operational Plan of Management, however the Commission disagrees with the Department's view that limiting access to organisations such as sporting groups or other schools is sufficient and finds that arrangements should be made to facilitate genuine public access for local residents impacted by the development.
169. Although the Commission acknowledges that the Applicant must be satisfied that safety and security measures can be provided to all users, the Commission finds that the Applicant should be required to facilitate community access to the facilities to the greatest extent possible, for both community groups and affected nearby residents. The Commission has therefore imposed a new condition that requires the Applicant to make arrangements which permit all residents of adjoining properties identified in the condition to access the proposed facilities for a minimum of 8 hours per week. This may include the Applicant facilitating, at its own cost, the establishment of an incorporated association including such residents.
170. The Commission also supports the Applicant's suggestion to explore options to provide additional community access, such as a number of open days each year.

## **8.7 Heritage and Conservation**

171. Public submissions raised concerns regarding the location of the proposed development within the Paddington Heritage Conservation Area and expressed concern about the potential impact on views of seven Canary Island Date Palms in Alma Street, which are identified as a heritage item in WLEP 2014 (Item 243). Public submissions also commented that the development should incorporate heritage interpretation.
172. The Paddington Society and a number of other submissions suggested that only surface car parking should be provided to prevent obstruction of views down Alma Street or views into the valley floor. Concerns were also expressed that the scale, form and design of the proposed buildings were inconsistent with the heritage provisions of the WLEP 2014 and WDCP 2015.
173. The Applicant's Heritage Impact Statement (**HIS**) considered the Site history and potential heritage impacts of the proposal and concluded that the proposal would not impact the key values of the Site that contribute to the Paddington Conservation Area (being its history as market gardens and SGS sports fields). In response to concerns raised, the Applicant's RtS states that flood planning, high water table, and acid sulfate soils preclude cost-effective basement parking, and that, in addition, Building 2 would be screened by new tree and shrub planting and vertical green walls.
174. Neither Woollahra Municipal Council nor the City of Sydney raised any concerns about the heritage impact of the proposal, but Woollahra Municipal Council recommended conditions requiring the preparation of a Heritage Interpretation Strategy.

175. The Department's AR concludes (paras 6.4.36 and 6.4.37) that the proposal would not have an adverse impact on the Paddington Heritage Conservation Area nor on the heritage significance of nearby heritage items, noting that the Site contains no heritage significant buildings, and the HIS demonstrated the proposal would not adversely impact on the Paddington Conservation Area. The Department concludes that the proposed building heights and landscaped setbacks ensure the development is sympathetically integrated into the immediate context, and would not adversely impact on nearby heritage items nor be readily visible from key locations within the Paddington Conservation Area, including the view north from the eastern side of Alma Street towards the valley floor. The Department considers that the proposal should incorporate both Aboriginal and non-Aboriginal heritage interpretation (AR Table 12, page 94).
176. The Commission has carefully considered the potential impact of the Project on the Paddington Heritage Conservation Area and agrees with the Department's assessment that the Project would not adversely impact any heritage item nor be readily visible from key locations within the Paddington Conservation Area. However, the Commission has imposed a condition relating to the external appearance of Building 2 to address its appearance within the valley floor of Rushcutters Bay. The Commission has also imposed a condition that requires the Applicant to prepare a Heritage Interpretation Strategy that records the Aboriginal cultural values and heritage associated with the Site and surrounding areas of Paddington and Rushcutters Bay, the former use of the Site as a market garden, and the Site's continued use as a sports field.

## 8.8 Electrical Substation

177. Public submissions raised concerns about the prominent location of the proposed electrical substation at the south-western corner of the Site, fronting Neild Avenue. Alex Greenwich MP also raised concerns about the substation in his meeting with the Commission, suggesting that burial of the substation would be preferable from an urban design perspective.
178. In its meeting with the Applicant on 15 October 2021, the Commission questioned why the proposed substation is located at the south-west of the Site fronting Neild Avenue and near to the public realm. The Applicant replied that the location was considered the least harmful option, noting that service and emergency access is required from the street and the location is inconspicuous as it is beneath the canopy of a large fig tree.
179. The Commission also asked the Department for its view on the visual prominence of the substation in its meeting with the Department on 15 October 2021. The Department in its response to the Commission dated 21 October 2021, regarding questions on notice, stated:

*the substation location and visual impact are acceptable and the substation would not be particularly noticeable within the streetscape as:*

- *it is a small sub-station kiosk.*
- *it would be located adjacent to the southern site boundary in an area currently / historically used for school materials storage.*
- *it is located beneath an extensive tree canopy.*
- *small sub-station kiosks are frequently accessed from the street and are not uncommon occurrences within Sydney streetscapes.*

180. The Commission considered that relocating the proposed substation to a less prominent area of the Site could reduce its prominence when viewed from the public realm and would provide a better urban design outcome. The Commission has therefore imposed a condition requiring the siting and or design of the proposed electrical substation and associated fencing to be amended to minimise its visibility from the public realm, with consideration given to locating the substation further from the Site boundaries with emergency and service access provided via the main vehicle access from Neild Avenue instead of directly from Neild Avenue.

## 8.9 Paddington Greenway

181. Public submissions raised concerns regarding a lack of commitment from the Applicant to supporting the delivery of the Paddington Greenway.
182. The Applicant's SSDA Design Report prepared by AJ+C and dated October 2020 (Appendix C of the EIS) includes a Future Indicative Structure Plan for the Weigall Sports Ground which includes the Paddington Greenway. This design report indicates an "*Elevated Paddington Greenway connection [subject to child protection measures to be advised by the school]*" above the existing drainage culvert running through the Weigall Sports Ground.
183. The Applicant's RtS at paragraph 4.6.13 states:
- The Architectural Design Report by AJ+C (EIS Appendix C) includes a Future Indicative Structure Plan for the Weigall Sports Grounds, noting potential upgrades and improvements and including a future elevated greenway link over the drainage culvert that traverses Weigall (noting that child protection measures will be required to fulfil SGS's duty of care to students). The future link does not cross the SSDA site. Additionally, the Headmaster of SGS is a member of the Paddington Greenway Project Steering Group confirming the school's interest in supporting the project.*
184. The Department (AR Table 12) states that the Applicant provided an updated Architectural Design Report which considered the location of the Paddington Greenway and its relationship to the proposal. However, the Applicant's updates to the Design Report do not include further details on this matter.
185. The Department (AR Table 12) noted that the Site is located approximately 120 metres south west of the proposed Paddington Greenway corridor and states:
- Given its distance from the site, the Department considers the proposal would not have an adverse impact on, or jeopardise, the potential future provision of the Paddington Greenway corridor.*
186. The Commission in its meeting with the Applicant asked whether the Applicant had a formal position on the Paddington Greenway. The Applicant responded that they had engaged with the Department, Woollahra Municipal Council and other stakeholders regarding the Greenway and that the school supports the Greenway in principle but has concerns with a public thoroughfare running between school grounds. The school Headmaster, Dr Malpass, added that he has been a member of the Paddington Greenway Steering Committee since the middle of 2020 and that there has been a lot of discussion and negotiation to try to reach a suitable solution.
187. Woollahra Municipal Council in its meeting with the Commission advised that the Paddington Greenway is a highly sensitive issue for the Council and that a statement of commitment from the Applicant would be beneficial.
188. The Commission notes that although a precise route or alignment of the Greenway has not been agreed, it is desirable that it traverse the school grounds and that if the Project proceeds, there may be some effect on potential routes and alignments for the Greenway.

189. Noting that the Applicant supports the principle of the Paddington Greenway and the Applicant's Future Indicative Structure Plan includes consideration of only one potential route, the Commission considers it appropriate to require further consideration to ensure that any impacts on Greenway route options are given appropriate consideration. The Commission has therefore imposed a condition requiring the Applicant to consult with the Steering Committee for the Paddington Greenway to identify feasible routes in or around the Weigall Sports Ground. If this consultation results in the Applicant and Steering Committee agreeing that the preferred route passes through any part of the area within the Site, the Applicant will be required to amend the Project to facilitate such a route, or to identify and facilitate an alternative viable route.

## 8.10 Other Issues

### *Air Quality*

190. The Commission acknowledges that concern was raised in public submissions that the ventilation of the pool would result in air pollution and impact adjoining residential properties.
191. The Commission notes that the Department's assessment confirms the pool exhaust air would discharge at roof level and be located 20 metres away from the southern boundary. The Department is satisfied the proposal would not have an adverse impact on adjoining residential properties in terms of air pollution and has recommended a condition requiring the pool exhaust to discharge at roof level and in accordance with the relevant Australian Standards.
192. The Commission agrees with the Department and has therefore imposed its recommended condition accordingly.

### *Signage*

193. The Commission acknowledges that the Application includes the provision of four illuminated identification signs displaying the school name and crest, including two signage zones at Building 1 and two at Building 2.
194. The Commission acknowledges that the Department has assessed the proposed signage against the provisions of *State Environmental Planning Policy 64 – Advertising Signage* and considers the signs are of an appropriate size which is proportionate to the overall scale of the development and the illumination would not have adverse light spill impacts neighbouring properties (AR Table 12, page 101).
195. The Commission agrees with the Department and has therefore imposed recommended conditions to prevent light spill and limit signage illumination to between 8am and 10pm on any day.

### *Lighting*

196. The Commission acknowledges that public submissions on the Application raised concern that the proposal may result in adverse light spill on neighbouring residential properties. In addition, a submission from the City of Sydney Council recommended the Applicant explore opportunities to reduce light spill from the Site and Woollahra Municipal Council recommended a condition relating to outdoor sports field lighting.
197. The Department states (AR Table 12, page 99) that the Applicant's RtS included an updated Lighting Report which confirmed that the extent of outdoor lighting is minimal and includes stairs, pedestrian pathways, car parking areas and subtle canopy lighting, and no sport field lighting is proposed part of the Application.

198. The Commission notes the Department's view that the Lighting Report adequately considered the proposal's potential lighting impacts and "*considers the proposal would not result in adverse lighting impacts, noting lighting would be designed/installed in accordance with the relevant Australian Standards*" and would incorporate mitigation measures to manage potential light spill impacts on adjoining residential properties (AR Table 12, page 99).
199. The Commission agrees with the Department and has imposed conditions to ensure all outdoor lighting within the Site is designed to comply with relevant Australian Standards and comply with the recommendations of the Lighting Report prepared by Steensen Varming dated 2 July 2020 (and as updated by the RtS and SRtS).

### *Flooding*

200. The Commission understands that the Site is subject to flooding, as described in paragraph 8. The Applicant's options analysis identified the proposed building locations as the preferred option as they are in a relatively elevated area of the Weigall Sports Ground which has a lower risk of flooding.
201. Table 12 of the Department's AR states that the Flood Report concludes that "*although there would be a redistribution of flooding as water moves around Building 1, the impact is local and overall the development would have a negligible impact on surrounding properties*".
202. The Department accepts the findings of the Flood Report and considers that Building 1 has been appropriately designed so that its finished floor level is above the height of the PMF, therefore ensuring that the sensitive component of the development would not be adversely impacted by the most extreme flooding events (AR Table 12, page 95).
203. The Commission agrees with the Department and has imposed the Department's recommended conditions accordingly.
204. The Commission acknowledges Sydney Water's submission to the Department regarding the impact of the proposed development on Sydney Water's stormwater channel that crosses the Site. The Applicant, in its RtS, clarified that at its closest, Building 1 would be located 4 metres away from Sydney Water's assets. The AR states that Sydney Water considered the RtS and confirmed the details provided have addressed its concern (AR Table 12, page 96).
205. The Commission notes that the Department accepts the findings of the Civil and Stormwater Report, which concludes that the development would be provided with appropriate stormwater and drainage infrastructure.
206. The Department has recommended conditions suggested by Woollahra Municipal Council that require the Applicant to prepare a stormwater management plan, works-as-executed plans, and a drainage reserve. The Department has also recommended conditions that require the Applicant to work with Sydney Water regarding any adjustments or alterations to its assets, as part of the separate Section 73 Application process (AR Table 12, page 95).
207. The Commission agrees with the Department and has therefore imposed the Department's recommended conditions.

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

208. The views of the community were expressed through public submissions and comments received as part of the Department's exhibition of the Application and as part of the Commission's determination process. The Commission carefully considered all of these views as part of making its decision.
209. The Commission has carefully considered the Material before it as set out in section 42 of this report. Based on its consideration of the Material, the Commission finds that the Application should be approved subject to conditions of consent for the following reasons:
- the Application is permissible with consent under the WLEP 2014, the Education SEPP and the SRD SEPP;
  - the proposed built form does not give rise to additional environmental impacts over and above those which would arise from a built form which complied with the WLEP 2014;
  - the Application complies with the strategic planning directions of State and Local planning policies;
  - the Application is an orderly and economic use of the Site to provide new school infrastructure that is fit-for-purpose;
  - the Application involves the provision of new facilities within an existing school sport campus in a central well-connected location;
  - environmental impacts have been avoided and mitigated where possible; and
  - impacts on surrounding land uses during the construction phase and during ensuing operations have been minimised and can be appropriately mitigated through conditions of consent.
210. For the reasons set out in paragraph 2099, the Commission has determined that consent should be granted subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
  - set standards and performance measures for acceptable environmental performance;
  - ensure ongoing monitoring and appropriate environmental management of the Site;
  - ensure that proposed community benefits are available; and
  - provide a process to inform and consult with the public.
211. The reasons for the Decision are given in the Statement of Reasons for Decision dated 5 November 2021.



**Peter Duncan, AM (Chair)**  
Member of the Commission



**Professor Richard Mackay, AM**  
Member of the Commission