

8 May 2020

218786

Mr Jim Betts  
Secretary  
NSW Department of Planning, Industry and Environment  
12 Darcy Street  
PARRAMATTA NSW 2150

Dear Mr Betts,

## **REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS 270 MILLER STREET, NORTH SYDNEY – MARIST CATHOLIC COLLEGE NORTH SHORE**

We are writing on behalf of Sydney Catholic Schools, the proponent for the proposed expansion and redevelopment of Marist Catholic College North Shore at 270 Miller Street, North Sydney.

The expansion of Marist Catholic College North Shore is critical to ensuring long-term co-educational high school capacity within the catchment, and will significantly improve teaching facilities and the quality of open space on the site. The project will also support an innovative mixed-use offering, incorporating a new early education centre and space for a third-party tertiary educator or education related partnership organisation.

As the proposal is for alterations and additions to an existing school with a capital investment value (CIV) of greater than \$20 million (see cost estimate at **Attachment A**) it is State Significant Development (SSD) for the purposes of the *Environmental Planning and Assessment Act 1979* (the Act).

The purpose of this letter is therefore to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed development. To support the request for the SEARs this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

This letter is accompanied by the following:

- Cost Estimate prepared by MBM (**Attachment A**); and
- Indicative Concept Scheme prepared by WMK Architecture (**Attachment B**);

### **1.0 Background**

A 24-month study undertaken by Sydney Catholic Schools has identified a major deficiency in the provision of affordable, non-government education within the North Sydney Local Government Area (LGA). The study also identified that the choice for families is extremely limited, as almost all of the schools in North Sydney provide single-sex education, with co-educational schools significantly underrepresented. Sydney Catholic Schools, as operators of St Mary's Catholic Primary School and Marist College, is responding to this challenge and has identified a strategic response that can positively support North Sydney's future.

## 2.0 The Site

The site is located at 270 Miller Street, North Sydney within North Sydney LGA. It is approximately 700m north of the North Sydney CBD and located opposite St Leonards Park and North Sydney Oval.

The site is bound by Carlow Street (to the north), Ridge Street (to the south), Miller Street (to the west) and Ridge Lane (to the west). It is surrounded by a mix of civic, residential and commercial uses.

The site is strategically located between the Crows Nest and North Sydney, which will soon be connected by the Sydney Metro. The site is approximately 250m to the north of the future Sydney Metro Station at the corner of Miller and McLaren Streets.

The site comprises 26 lots and has a total area of 22,420m<sup>2</sup>, as outlined below in **Table 1**. The locational context of the site is shown at **Figure 1** and an aerial photograph of the site is shown at **Figure 2**.

**Table 1 Site Area**

Address	Lot and DP / SP	Area
264 Miller Street	Lot 7, 8, 9 & 10 DP1137247	8,235m <sup>2</sup>
34-36 Ridge Street	Lot 6 DP64401	930m <sup>2</sup>
40 Ridge Street	Lot 1 DP782363	930m <sup>2</sup>
270 Miller Street	Lot 7 DP176556	786m <sup>2</sup>
270 Miller Street	Lot 1, 2, 4, 5, 6 & 8 SP1860	2,410m <sup>2</sup>
270 Miller Street	Lot A, B & C DP312439	880m <sup>2</sup>
270 Miller Street	Lot 7 & 8 DP1133414	2,733m <sup>2</sup>
270 Miller Street	Lot 1 DP747691	240m <sup>2</sup>
270 Miller Street	Lot 1 DP86012	1,085m <sup>2</sup>
270 Miller Street	Lot 1, 2 & 3 DP561243	2,765m <sup>2</sup>
270 Miller Street	Lot 1 DP310326	710m <sup>2</sup>
270 Miller Street	Lot 101 DP1110805	696m <sup>2</sup>
270 Miller Street	Lot 1 DP181153	20m <sup>2</sup>
<b>Total Site Area</b>		<b>22,420m<sup>2</sup></b>

Existing development on the site includes St Mary's Primary School, Marist College North Shore, St Mary's Church and Parish Centre, the former Presbytery and Monastery, as well as the two acquired terraces along Miller Street and a childcare centre known as the Jacaranda Centre.

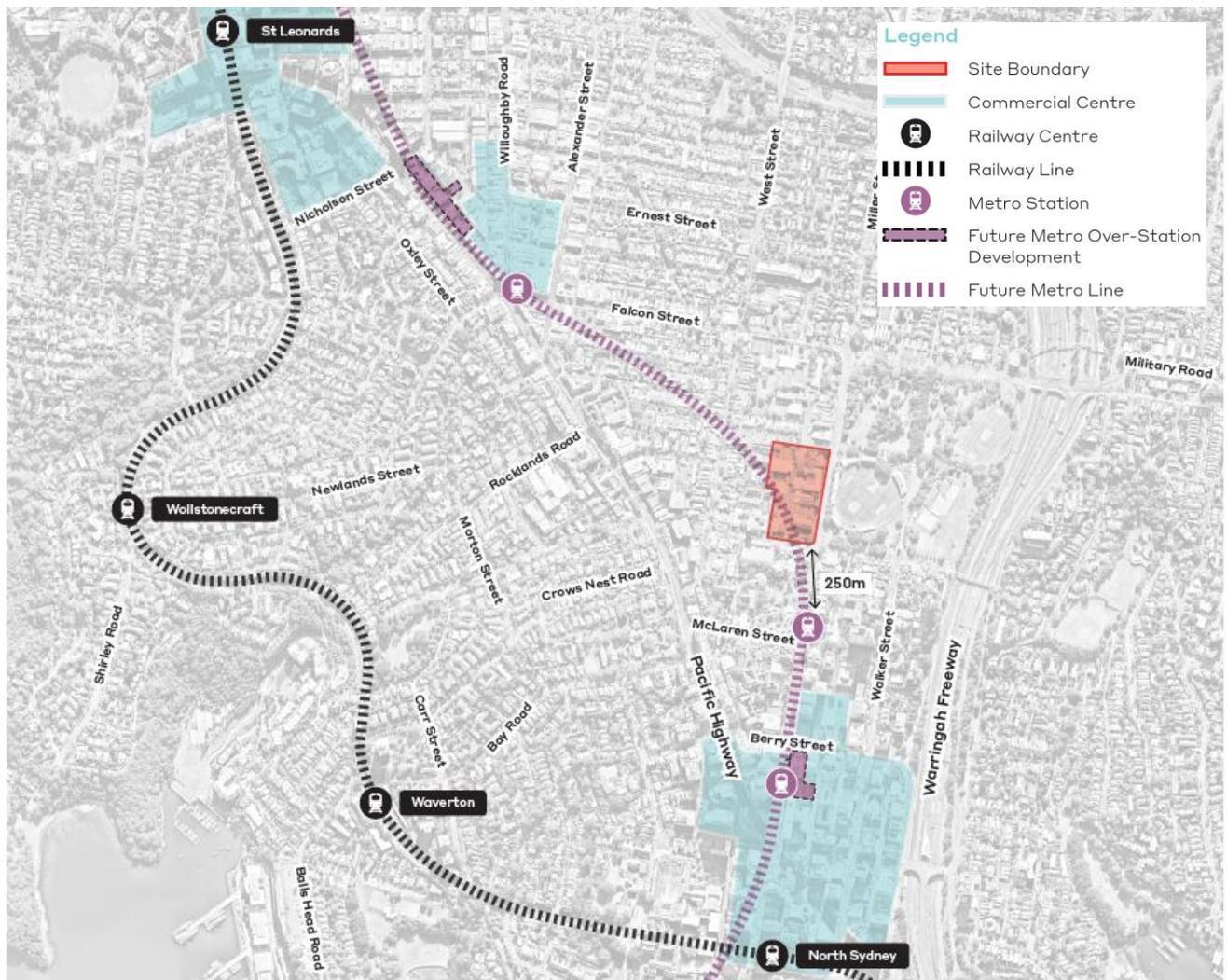


Figure 1 Site Context

Source: Ethos Urban



**Figure 2 Site Aerial**

Source: Ethos Urban

### 3.0 Description of the Proposed Development

The anticipated scope of the SSD DA is as follows:

- Retention of key buildings including St Mary's Church and Parish Centre, the former Presbytery and Monastery, St Mary's Primary School and some existing buildings on the western boundary.
- Demolition of existing buildings along Miller Street and Carlow Street, including the childcare centre and terrace houses.
- Construction of a mixed-use education precinct comprising a high school, early learning centre and premises for an independent tertiary educator or partnership organisation, accommodating approximately 10,000m<sup>2</sup> of additional GFA (resulting in a total GFA of approximately 18,000m<sup>2</sup>), including:
  - adaptive reuse of the existing Presbytery, and alterations and additions to retained educational buildings;
  - construction of a six (6) storey educational building on the corner of Miller Street and Carlow Street;
  - construction of a six (6) storey mixed-use building along Miller Street, accommodating teaching facilities, an early learning centre, auditorium and space for a third-party tertiary education provider or education related partnership organisation.
  - construction of a new basement car park for approximately 51 vehicles; and
  - provision of ancillary canteen/café uses.
- Landscaping and public domain works, including the creation of a new plaza along Miller Street, adjoining St Mary's Church.

An Indicative Concept Scheme prepared by WMK Architecture is provided at **Attachment B**. Consent will be sought for the detailed design of all elements, however the North Sydney Catholic Schools precinct will be constructed in a staged manner, in accordance with the Indicative Development Staging Plans (**Attachment B**). It is noted that a portion of the works identified as Stage 1 in the Indicative Development Staging Plans has been undertaken as Complying Development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP).

As outlined in the Staging Plans, the precinct will be developed over a period of six (6) years. Student capacity will be increased incrementally to 1,440 by 2026 (an increase of 580 students). It is noted that existing enrolment at Marist College North Shore is 826 students.

#### 3.1 Cost of Works

A Cost Estimate has been prepared by MBM Quantity Surveyors (refer to **Attachment A**). It estimates that the Capital Investment Value (CIV) of the proposed development will be more than \$20 million.

## 4.0 Planning Context

### 4.1 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the assessment framework for SSD. Under Section 4.38 of the Act the Minister for Planning and Public Spaces is the consent authority for SSD. Section 4.12(8) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations.

Part of the proposal relies on Section 89(E) of the EP&A Act for permissibility. This is addressed in **Section 4.6** below.

### 4.2 North District Plan

The North District Plan sets out the strategic direction for the North District, and reflects the priorities outlined in *A Metropolis of Three Cities*. The planning priorities in the District Plan that are relevant to the proposed development are:

- **Planning Priority N3: Providing services and social infrastructure to meet people's changing needs**

As noted in the District Plan, the NSW Department of Education estimates an extra 21,900 students will need to be accommodated in government and non-government schools in the North District by 2036, which represents an increase of approximately 20%. This will require new and more innovative use of existing schools.

The proposed development will assist in meeting the forecasted demand by providing additional secondary school places to cater for growing demand within the catchment. The proposed development will also assist by providing new social infrastructure, including a early learning centre, auditorium and an area of publicly accessible open space.

- **Planning Priority N4: Fostering healthy, creative, culturally rich and socially connected communities**

The District Plan acknowledges that educational facilities like childcare centres and schools can be important 'social connectors' in local areas. In this regard, the proposed development will assist in community building efforts by providing additional opportunities for students to connect with each other. Further, as noted above, the proposed development will provide facilities, including the auditorium and public plaza, that allow the community to congregate and connect.

- **Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage**

The proposed development has been designed to sensitively respond to existing heritage items, including St Mary's Church and St Mary's Presbytery. The Presbytery will be retained and refurbished to improve its useability and ensure that its lifespan is extended. The proposed built form also provides an appropriate interface with surrounding heritage items.

### 4.3 State Environmental Planning Policy (State and Regional Development) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD) identifies development which is declared to be State Significant. Clause 15 of Schedule 1 of the Policy provides that State Significant Development includes:

15 Educational Establishments

(1) *Development for the purpose of a new school (regardless of the capital investment value).*

(2) *Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.*

- (3) *Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million.*

As the proposal is for the purposes of alterations and additions to an existing school and has an estimated Capital Investment Value of over \$20 million, the development can be declared to be State Significant Development (refer to the Cost Estimate prepared by MBM Quantity Surveyors at **Attachment A**).

As noted above, the development seeks to deliver an innovative mixed-use education precinct, including a new early learning centre and space that will be occupied by a third-party tertiary educator or an education related partnership organisation. This space could be occupied by an adult college or language school, a research organisation or a service organisation associated with Sydney Catholic Schools.

Under Clause 8(2) of the SRD SEPP (our emphasis):

- 2) *If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), **the remainder of the development is also declared to be State significant development**, except for:*
- a) *so much of the remainder of the development as the Director-General determines **is not sufficiently related to the State significant development***
- ...

The proposed mixed-use building fronting Miller Street will accommodate core school facilities (including an auditorium), an early learning centre, and space that will be occupied by an independent tertiary educator or an education related partnership organisation. As shown in the Indicative Concept Scheme prepared by WMK Architecture (**Attachment B**), the teaching facilities, early learning centre and tertiary educator/education partnerships premises have been designed as a single, integrated development with significant physical and functional links.

While the interrelationships between the proposed uses will be subject to further design iteration, as it presently stands, the uses are intrinsically linked given:

- The school, early learning centre and tertiary education/education partnerships uses will share the common basement beneath the building along Carlow Street, including:
  - entrance from Carlow Street;
  - the end of trip and bicycle storage facilities; and
  - waste storage areas.
- The early learning centre and tertiary education/education partnerships uses will share the lobby along Miller Street.
- The occupant of the tertiary education/education partnerships space will be compatible with the functions of the school and will be required to support education programs at the school.
- The auditorium, which will occupy two levels of the building along Miller Street, will be a facility for the Parish, as well as the main gathering space for Marist Catholic College.

The proposal represents an integrated development with shared facilities and spaces. As the various components of the development all function together, it is practical to submit a single SSD DA to enable assessment to be undertaken in the context of the whole proposal. It is therefore appropriate that the entire proposal is considered to be SSD in accordance with Clause 8(2) of the SRD SEPP.

#### 4.4 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) aims to make it easier for childcare providers, schools (including private schools), TAFEs and universities to build new facilities and improve existing ones by streamlining the planning process to save time and money and deliver greater consistency across NSW.

Under Schedule 4 of Education SEPP, proposals for schools need to address Schools-design quality principles. There are seven principles which provide a guide for the development of schools to ensure that facilities are well-designed, appropriately located, and fit for purpose. The principles aim to ensure that the design of school infrastructure responds appropriately to the character of the area, landscape setting and surrounding built form to ensure that schools and school buildings are an integral part of the community.

Parts 3 and 4 provide provisions relevant to the development of early education and schools which will need to be considered as part of the future SSDA.

The proposal partly relies on Clause 35(1) of the Education SEPP for permissibility. This is discussed in further detail in **Section 4.6**.

#### 4.5 North Sydney Local Environmental Plan 2013

The site is subject to the provisions of the North Sydney LEP 2013. The key provisions of the LEP are discussed below in **Table 2**.

**Table 2 Summary of relevant provisions in the North Sydney LEP 2013**

Item	Control	Comment
Zone	SP2 Education Establishment  R4 High Density Residential	The majority of the site is currently zoned SP2 Infrastructure 'Education Establishment' under the North Sydney LEP 2013. Within this zone, education establishments or development that is 'ordinarily incidental or ancillary' to an education establishment is permissible with consent.  There is a portion of the site that is zoned R4 High Density Residential under the North Sydney LEP 2013 (on the corner of Carlow Street and Miller Street). On land zoned R4 High Density Residential a 'school' is a prohibited use under the North Sydney LEP 2013.  The permissibility of the proposed land uses is addressed in <b>Section 4.6</b> below.
Height of Buildings	12m	The proposal will exceed the maximum building height of 12m.  Under Clause 42 of the Education SEPP, development consent may be granted for the purpose of a school (that is SSD) even though the development would contravene a development standard in an environmental planning instrument. Hence, the proposal may still be approved, despite exceeding the building height control in the North Sydney LEP 2013.  The EIS will be accompanied by a Clause 4.6 Variation Request, justifying contravention of Clause 4.3 of the North Sydney LEP 2013.
Floor Space Ratio	N/A	-
Heritage	The site includes the following items of local heritage significance, as per the North Sydney LEP 2013: <ul style="list-style-type: none"><li>St Mary's Primary School (Local I0970)</li></ul>	As there are identified heritage items on the site, a Heritage Image Statement will be submitted as part of the EIS.

Item	Control	Comment
	<ul style="list-style-type: none"> <li data-bbox="363 349 588 405">• St Mary's Catholic Church (I0971)</li> <li data-bbox="363 416 588 472">• St Mary's Catholic Presbytery (I0972)</li> </ul>	

#### 4.6 Land Use Permissibility

The majority of the site is currently zoned SP2 Infrastructure 'Education Establishment' under the North Sydney LEP 2013. Within this zone, education establishments or development that is 'ordinarily incidental or ancillary' to an education establishment is permissible with consent.

The proposed development, which is primarily for the purpose of an educational establishment (school), is therefore permissible with consent on this land. The proposed canteen/café uses and centre-based childcare is ordinarily incidental and ancillary to the use of the school and is therefore also permissible with consent on this land. Notwithstanding, Clause 35(10) of the Education SEPP states that 'development for the purpose of a centre-based childcare facility may be carried out by any person with development consent on land within the boundaries of an existing school'.

There is a portion of the site that is zoned R4 High Density Residential under the North Sydney LEP 2013 (on the corner of Carlow Street and Miller Street). On land zoned R4 High Density Residential a 'school' is a prohibited use under the North Sydney LEP 2013. However, the development remains permissible in the zone by virtue of Clause 35(1) of the Education SEPP as the R4 High Density Residential zone is a prescribed zone under Clause 33(r) of the Education SEPP, which overrides the zoning restrictions under the North Sydney LEP 2013.

The proposed tertiary education/education partnerships premises are located on the portion of the site zoned SP2 Educational Establishment. Depending on the tenant, the occupant may not qualify as an education establishment in its own right. This is on the basis that a language school, for example, is not a tertiary institution constituted by or under an Act. However, as detailed in Section 4.3, the proposed tertiary education or education related partnership use is considered SSD by virtue of Clause 8(2) of the SRD SEPP. Pursuant to Section 89(E) of the EP&A Act, development consent may still be granted to SSD despite the uses being partly prohibited by the North Sydney LEP 2013.

#### 4.7 Other Planning Policies

In addition to the above, the following policies apply to the site and will need to be considered as part of the SSD application:

- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55).
- *State Environmental Planning Policy No. 64 – Advertising and Signage*.
- *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).
- *Draft State Environmental Planning Policy (Remediation of Land)*.
- *Draft State Environmental Planning Policy (Environment)*.

## 5.0 Overview of likely Environmental and Planning Issues

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be addressed in the EIS.

### 5.1 Urban Design, Built Form and Streetscape

The EIS will address the height, density, bulk and scale of the proposed development within the context of the locality. The EIS will demonstrate how the proposal integrates with the local environment, and how the form, layout and siting of the buildings achieve appropriate design and amenity outcomes for users of the site, and occupants of surrounding properties. A Design Report, documenting contextual information, design principles, options and the final built form response will be submitted with the EIS.

### 5.2 Visual Impact

The proposed building envelopes will be visible from adjoining dwellings and the public domain. An assessment of visual impact from the public domain will be prepared and submitted as part of the EIS.

### 5.3 Rail Corridor Impact

The site is intersected by the Sydney Metro Corridor. The EIS will consider engineering advice on the Sydney Metro Corridor and the proponent will consult with Transport for NSW during the preparation of the EIS.

### 5.4 Heritage and Archaeology

The site contains, and is located in proximity to, items of local heritage significance under the North Sydney LEP 2013. The EIS will be supported by a Heritage Impact Statement to assess the impacts of the proposal on these items.

An Aboriginal Cultural Heritage Assessment Report will also be prepared and submitted as part of the EIS, and Aboriginal community consultation will be undertaken in accordance with the statutory guidelines of the Office of Environment and Heritage.

### 5.5 Traffic and Transport

As there will be an increase in student and staff numbers on the site, there will be an increase in traffic volumes and parking demand in the locality in addition to changes to the drop-off/pick-up arrangement and vehicular access/egress to the site.

A Traffic and Parking Assessment will be submitted as part of the EIS, which will include analysis to determine current vehicle (daily and peak), public transport, pedestrian and bicycle movements. This will include an analysis of the provision of staff and visitor car parking and an assessment of existing and future transport needs.

The assessment will also consider access arrangements and measures to mitigate any associated traffic impacts. A Green Travel Plan will also be included to address ways in which sustainable and active transport modes can be encouraged and used by visitors and staff.

### 5.6 School Operation

An Operations Report will be submitted with the EIS, and will detail existing and proposed school operations, including hours of operation, staff and student numbers, any before or after care school services, proposed community use of school facilities, amongst other things.

### 5.7 Environmentally Sustainable Development

An ESD Report will be submitted with the EIS. It will outline how ESD principles will be incorporated into the design and ongoing operation of the development.

## **5.8 Social Impact**

A Social Impact Assessment will be submitted with the EIS which will assess the impact of the development on the local community and any existing local social infrastructure. It will also assess the social consequences of the proposed development, and the impact of any decanting activities.

## **5.9 Noise and Vibration**

There will be noise and vibration throughout construction, to varying degrees. There will also be operational noise once the school opens (e.g. bells, intercom announcements, etc). These impacts will be addressed in a Noise and Vibration Assessment, to be submitted with the EIS.

## **5.10 Acoustic Amenity**

Given the location of the school adjacent to Miller Street, acoustic amenity is expected to be an assessment issue for the EIS. An Acoustic Report (potentially combined with the Noise and Vibration Assessment) will be prepared to assess the internal acoustic amenity of the development and provide mitigation measures (if required).

## **5.11 Contamination**

A Phase 1 Site Assessment will be prepared and submitted with the EIS. The assessment will undertake a desktop study of the site and the expected potential for contamination, given past uses. The assessment will also suggest whether a Phase 2 Site Assessment and Remediation Action Plan should be prepared subsequently.

## **5.12 Utilities and Infrastructure**

An Infrastructure Management Plan will be prepared in consultation with the relevant agencies, identifying the existing capacity of the infrastructure currently servicing the site, and any augmentation, service relocations or easements that may be required to service the proposed development.

## **5.13 Drainage and Stormwater**

An assessment of stormwater and drainage will be prepared and submitted with the EIS. The assessment will detail measures to minimise any impacts on water quality, and will detail proposed drainage with respect to downstream properties.

## **5.14 Geotechnical Conditions**

A Geotechnical Assessment will be prepared and submitted with the EIS. It will identify existing ground conditions and the implications for construction of the proposed development.

## **5.15 Biodiversity**

A Biodiversity Development Assessment Report (BDAR) will be prepared to assess the vegetation and biodiversity value of the site and any impacts of the proposed development.

## **5.16 Tree Retention and Removal**

It is expected that the proposed development will require the removal of some trees. An Aborigicultural Assessment Report will be submitted with the EIS, and will assess the significance and health of each tree to be removed.

## **5.17 Construction Management**

Construction management is expected to be complex, given the site's location and the constrained access. A Construction Management Plan (CMP) will be prepared and submitted with the EIS. The CMP will identify the proposed construction hours and any management measures required to mitigate impacts during construction.

### **5.18 Waste Management**

A Waste Management Plan will be submitted with the EIS, and will assess the likely waste streams to be generated during both construction and operation, and will identify measures to manage this waste.

### **5.19 Accessibility**

An Access Report will be prepared and submitted with the EIS that will identify any accessibility requirements to comply with the relevant legislation and guidelines.

### **5.20 Crime Prevention through Environmental Design**

A CPTED Report will be prepared and submitted with the EIS, which will assess the site against principles of CPTED and recommend suitable design changes.

## **6.0 Consultation**

In preparing the EIS, an Engagement and Communication Strategy will be developed to detail the consultation activities undertaken in preparation of the EIS. It is anticipated that the proponent will undertake consultation with the following key stakeholders and government agencies:

- Community, including surrounding landowners, staff, students and parents;
- North Sydney Council;
- NSW Government Architect (with GA NSW staff, rather than through the State Design Review Panel); and
- Transport for NSW.

High-level consultation has been carried out with North Sydney Council during the development of the Concept Design. Consultation has also commenced with the school community and surrounding landowners.

A meeting was held with the NSW Government Architect in August 2019. GA NSW gave in-principal support to the design and approach to the project and recommended that the design review process be carried out through engagement with GA NSW staff, rather than through the State Design Review Panel. GA NSW recommended further engagement approximately 6-8 weeks prior to lodgement of the EIS.

## 7.0 Conclusion

The purpose of this letter is to request the SEARs for the preparation of an EIS for the expansion of Marist Catholic College North Shore. The expansion of Marist Catholic College North Shore is critical to ensuring long-term co-educational high school capacity and realising the vision for an integrated, mixed use educational precinct.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue SEARs for the preparation of an EIS. Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Sincerely,



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