



# Alterations and Additions to Marist Catholic College North Shore

---

State Significant Development Assessment  
SSD-10473

September 2022



Published by the NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Alterations and additions to Marist Catholic College North Shore

Subtitle: State Significant Development Assessment SSD-10473

*Cover image: Perspective looking south along Miller Street to the north-east corner of the site and the Carlow and Miller Street buildings (Source: Applicant's SRtS 2022).*

---

© State of New South Wales through Department of Planning and Environment September 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

Abbreviation	Definition
<b>AEP</b>	Annual exceedance probability
<b>ADG</b>	State Environmental Planning Policy No. 65 Apartment Design Guide
<b>AIA</b>	Arboricultural Impact Assessment
<b>Applicant</b>	Sydney Catholic Schools
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCA</b>	Building Code of Australia
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CCPG</b>	Child Care Planning Guideline 2017
<b>CDC</b>	Complying Development Certificate
<b>CIV</b>	Capital Investment Value
<b>CMP</b>	Construction Management Plan
<b>Council</b>	North Sydney Council
<b>CTMP</b>	Construction Traffic Management Plan
<b>Department</b>	Department of Planning and Environment
<b>Education SEPP</b>	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
<b>EHG</b>	Environment and Heritage Group
<b>EIS</b>	Environmental Impact Statement
<b>ELC</b>	Childcare / Early Learning Centre
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>GFA</b>	Gross floor area
<b>GLAs</b>	General learning areas

<b>GTP</b>	Green Travel Plan
<b>Heritage NSW</b>	Heritage Division, EHG
<b>HIS</b>	Heritage Impact Statement
<b>HoB</b>	Height of Building
<b>ICNG</b>	Interim Construction Noise Guideline
<b>MCCNS</b>	Marist Catholic College North Shore
<b>Minister</b>	Minister for Planning and Homes
<b>NVIA</b>	Noise and Vibration Impact Assessment
<b>NSDCP</b>	North Sydney Development Control Plan 2013
<b>NSLEP</b>	North Sydney Local Environmental Plan 2013
<b>OTMP</b>	Operational Transport Management Plan
<b>OOSH</b>	Out of school hours
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>PMF</b>	Probable maximum flood
<b>PNTL</b>	Project noise trigger level
<b>PUDO</b>	Pick-up/drop-off
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP 55</b>	State Environmental Planning Policy No 55 – Remediation of Land
<b>SHR</b>	State Heritage Register
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SRtS</b>	Supplementary Response to Submissions
<b>SSD</b>	State Significant Development
<b>TAIA</b>	Transport and Accessibility Impact Assessment
<b>TfNSW</b>	Transport for NSW



# Executive Summary

This report provides an assessment of a State significant development (SSD) application (SSD 10473) for alterations and additions to the Marist Catholic College North Shore (MCCNS) school located at 264, 282, 270 and 288-290 Miller Street, 25 and 31 Carlow Street, and 34-36 and 40 Ridge Street, North Sydney within the North Sydney local government area (LGA). The site is located at the corner of Carlow and Miller Streets and accommodates the existing MCCNS school along with St Mary's Church and the Presbytery (listed as local listed heritage items). St Leonards Park, a State heritage listed item, is opposite the site.

The Department of Planning and Environment (the Department) is satisfied that the development is suitable for the site and would allow for the expansion and upgrade to existing teaching facilities, include a new Early Learning Centre (ELC), improve traffic management measures, and accommodate additional students with minimal impacts on local heritage items within the site. The Department concludes that the proposal is in the public interest and recommends that the application be approved, subject to conditions.

The proposal will be constructed and operated in seven stages and involves demolition works, tree removal, upgrades to the existing primary and high school by way of alterations and additions to existing buildings, as well as the construction of new four to five storey buildings comprising basement car park, auditorium, library, teaching spaces, staff facilities, ground and roof level play spaces, and landscaping. A new publicly accessible piazza, and new on-site pick-up/ drop-off facilities are proposed as well as a new ELC for 90 children replacing a former childcare centre on the site. An increase in 692 school students (from 1292 to 1984) and an additional 40 ELC children (from 50 to 90) is proposed.

The Department considers the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), principles of ecologically sustainable development and the North District Plan. The Department identified traffic and parking, built form and heritage, noise and tree removal and replacement as the key issues for assessment. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement, Response to Submissions (RtS) and Supplementary RtS (SRtS). The other identified residual impacts can be mitigated and managed by way of recommended conditions.

The proposal has a CIV of \$89,377,267 and would generate 61 operational and 396 construction jobs. The proposal is SSD under clause 15(2) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of alterations or additions to an existing school that has a capital investment value (CIV) of more than \$20 million.

The Environmental impact Statement (EIS) was publicly exhibited from 23 February to 22 March 2021. The Department received 29 submissions, including an objection from North Sydney Council (Council) lodged after the close of exhibition, comprising 18 objections, nine comments and one in support. The Department received advice from eight Government agencies. The key issues raised in the submissions include construction impacts, traffic and car parking, tree removal and landscaping, building scale, noise, overlooking and overshadowing. The Government agencies key issues include traffic and parking, impacts on heritage and building setbacks.

On 21 June 2022, the Applicant submitted a RtS and an amended proposal to address key changes in the amended proposal including reduction in building height, internal and external amendments, revised landscaping and bicycle parking and correction of legal description of the site. The Department publicly exhibited the RtS and the amended proposal between 16 November and 13 December 2021. The Department received one submission from Council providing comments, four public submissions objecting to the development and advice from six government agencies.

On 21 June 2022, the Applicant submitted a SRtS to address issues raised in submissions during the exhibition of the RTS and amended proposal. The SRtS included further amendments to the design and layout of the development, including revisions to building elevations and setbacks and landscaping amendments. The SRtS acknowledged that there are concurrent works being undertaken within the site with approval obtained under separate planning pathways. This included the demolition of the former of the childcare centre (Jacaranda Cottage) and other school buildings. Consequently, these were removed from the scope of the SSD application.

On 6 July 2022 and 12 September 2022, the Applicant submitted further SRtS addressing concerns raised by the Department regarding inconsistencies of student numbers with staging plans, traffic management measures at drop-off/pick-up facilities and public access to the piazza.

On 12 September 2022, the Applicant provided further clarification regarding staging and student numbers, security measures and the intended use of the piazza.

Council and Government agencies have raised no further comments regarding the development since the SRtS lodgement.

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Site description .....	1
1.2	Surrounding context .....	8
1.3	Related development .....	11
<b>2</b>	<b>Project.....</b>	<b>12</b>
2.1	Description .....	12
2.2	Physical layout and design.....	14
2.3	Uses and activities .....	22
2.4	Staging .....	23
<b>3</b>	<b>Strategic context.....</b>	<b>30</b>
3.1	Project need and justification .....	30
3.2	Strategic context.....	30
<b>4</b>	<b>Statutory context .....</b>	<b>31</b>
4.1	State significance .....	31
4.2	Permissibility .....	31
4.3	Other approvals.....	32
4.4	Mandatory matters for consideration.....	32
<b>5</b>	<b>Engagement.....</b>	<b>39</b>
5.1	Department's engagement.....	39
5.2	Summary of submissions .....	39
5.3	Summary of Government agency advice .....	41
5.4	Response to submissions .....	43
5.5	Submissions to RtS .....	43
5.6	Government agency advice to RtS .....	44
5.7	Supplementary response to submissions .....	45
5.8	SRtS consultation and further information .....	46
5.9	Independent peer review of traffic and heritage reports .....	46
<b>6</b>	<b>Assessment .....</b>	<b>49</b>
6.1	Traffic and parking.....	49
6.2	Built form and heritage .....	65
6.3	Operational and construction noise.....	75
6.4	Tree removal, replacement and landscaping .....	80
6.5	Other issues .....	87
<b>7</b>	<b>Evaluation.....</b>	<b>99</b>
<b>8</b>	<b>Recommendation.....</b>	<b>100</b>
<b>9</b>	<b>Determination.....</b>	<b>101</b>
	<b>Appendices .....</b>	<b>102</b>

# 1 Introduction

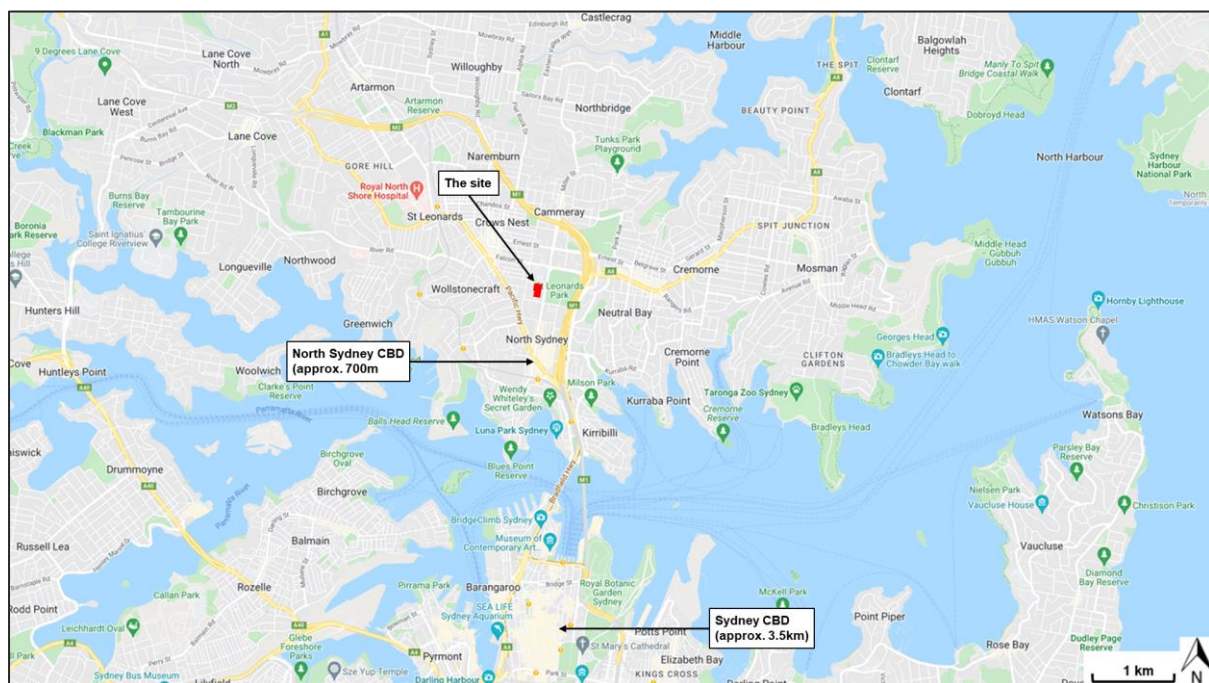
This report provides an assessment of a State significant development (SSD) application for the redevelopment of Marist Catholic College North Shore located at 264, 282, 270 and 288-290 Miller Street, 25 and 31 Carlow Street, as well as 34-36 and 40 Ridge Street, North Sydney (the site).

The application has been lodged by Sydney Catholic Schools (the Applicant) and the site is located in the North Sydney local government area (LGA).

The proposal seeks approval for demolition works, tree removal, upgrades to the existing primary and high school by way of alterations and additions to an existing building, as well as the construction of two new four to five storey buildings comprising basement car park, auditorium, library, teaching spaces, staff facilities, ground and roof level play spaces and landscaping. The application also proposes a new publicly accessible piazza, a new on-site pick-up/ drop-off facilities, and a new early learning centre (ELC) for 90 children, replacing a former childcare centre on the site. The proposal would result in an increase in 692 school students (from 1292 to 1984) and an additional 40 ELC children (from 50 to 90). Construction and operation of the development would be undertaken in seven stages.

## 1.1 Site description

Marist Catholic College North Shore is a catholic co-educational school with students from pre-school to Year 12. This site is located approximately 700m north of the North Sydney central business district (CBD) and 3.5 kilometres (km) north of Sydney CBD (**Figure 1**).



**Figure 1 | Site location** (Source: Nearmap 2022)

The site is irregular in shape and covers an area of approximately 22,420 square metres (m<sup>2</sup>). It is bounded by Carlow Street to the north, Miller Street to the east, Ridge Street to the south, Ridge Lane and Cassins Avenue to the west. The site shares part of its western boundary with residential properties fronting Carlow Street and Cassins Avenue.

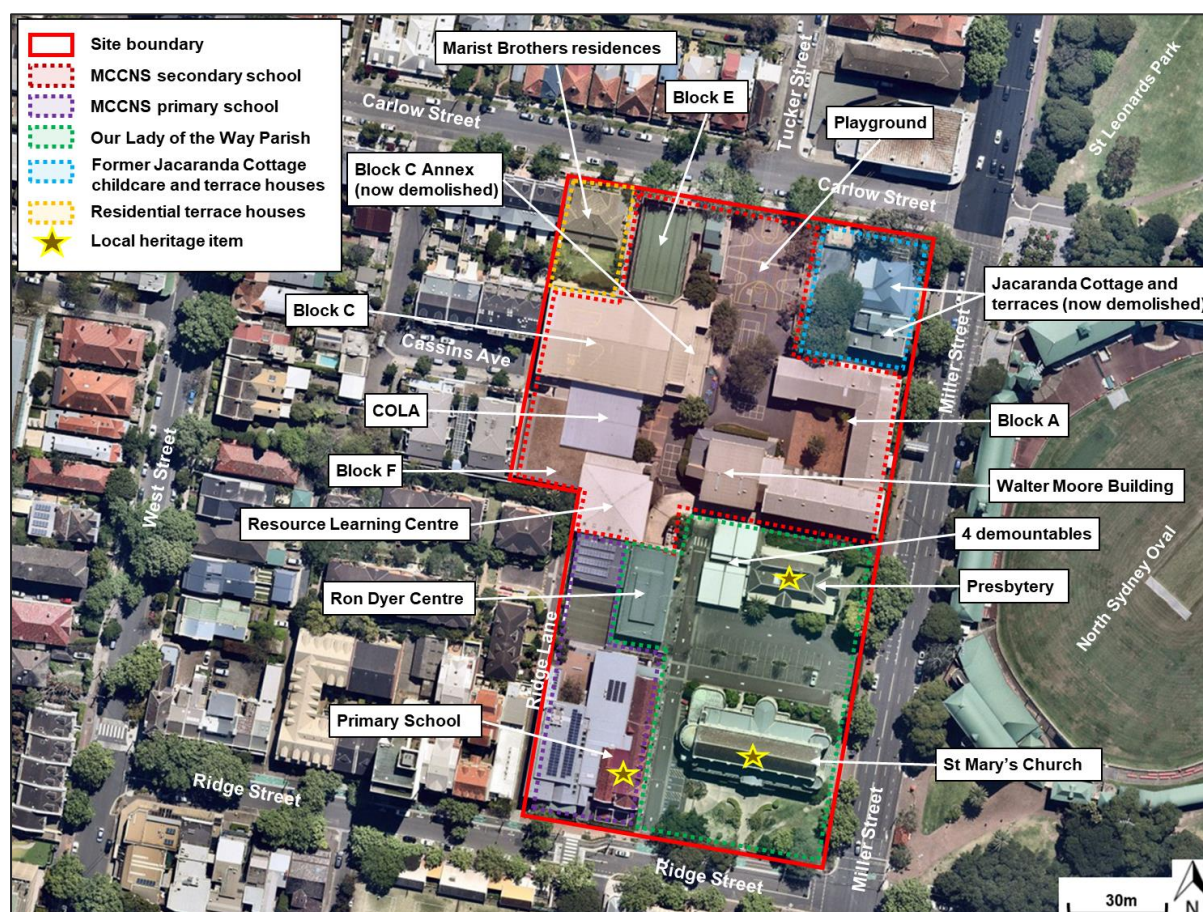


The site is commonly known as 264, 282, 270 and 288-290 Miller Street, 25 and 31 Carlow Street, as well as 34-36 and 40 Ridge Street, North Sydney and its legal description is provided at **Appendix D**.

### 1.1.1 Existing development, heritage and landscaping

The site currently accommodates a number of existing buildings that are located within three areas being the primary and secondary schools, Our Lady of the Way Parish (Parish), and residential buildings (Marist Brother residences). These three areas of the site are colour coded in **Figure 2**. The blue colour coded area in Figure 2 formerly accommodated a single storey 50 place childcare centre known as Jacaranda Cottage, and two storey terrace houses, at the north-eastern corner of Carlow and Miller Streets. However, these were demolished (approved by North Sydney Council) following lodgement of this application.

In 2021, the Applicant amalgamated the existing primary and secondary schools on the site to form a K-12 co-education school known as the Marist Catholic College North Shore (MCCNS). The existing buildings on the site vary in age, architectural design and scale, and range in height from one to three storeys. The existing buildings are identified in **Figure 2** to **Figure 9** below.



**Figure 2 |** Aerial view of the site, existing buildings, and immediate surroundings (prior to demolition of Block C Annex, Jacaranda Cottage and terraces) (Source: Nearnap 2021)

Existing buildings (**Figure 2**) include:

- two to three storey MCCNS secondary school, located within the northern half of the site fronting Carlow and Miller Street (comprising Block A, C, E, F, Block C Annex (now demolished), Walter

Moore Building, Resource Learning Centre, demountable buildings, covered outdoor learning area (COLA) and playground comprising hard surface courts).

- two storey MCCNS primary school buildings located at the southern end of the site fronting Ridge Street.
- St Mary's Church, located at the south-eastern corner of the site fronting Ridge and Miller Street, and the two storey St Mary's Presbytery (the Presbytery) fronting Miller Street (located within the area marked as the Parish).
- two storey Ron Dyer Centre (function / administration) located behind the MCCNS primary school and adjacent to the Presbytery.
- two storey terrace houses (two in total) fronting Carlow Street, owned by the school and known as the Marist Brothers residences.

MCCNS primary school, and the St Mary's Church and Presbytery, are identified as local heritage items under the North Sydney Local Environmental Plan 2013 (NSLEP). St Mary's Church and MCCNS primary school (formerly the St Mary's Primary School) are identified as having local significance as:

- St Mary's Primary School (I0970) is an *'important local school associated with St Mary's Church... an important relic of divergence of Protestant/Catholic education system in Australia.'*
- St Mary's Church (I0971) is *'the prime Catholic church in North Sydney... an impressive and remarkable building of monumental scale in a prominent location'.*

There is no statement of significance for the Presbytery (item I0972).

The site does not include any heritage items listed on the National / Commonwealth Heritage List or State Heritage Register (SHR).

The site consists of a high proportion of hard surfaces, including car parking areas, courtyards and play spaces. The site currently accommodates 76 trees / tree groups, comprising a mixture of native and non-native species.

There is an existing stormwater trunk drain running through the site from Cassins Avenue to the Carlow / Miller Street intersection. The site is affected by a shallow overland inundation during flooding events, approximately 300mm at the 1% annual exceedance probability (AEP) and 900mm at probable maximum flood (PMF) events. Flood water enters the site from Cassins Avenue and is channelled through the site adjacent to Block A and through the playground to St Leonards Park (**Figure 28**).

The topography of the site includes a gradual downward slope of approximately 6m from south to north, from Ridge Street (87AHD) to the corner of Miller Street and Carlow Street (81AHD).





**Figure 3 |** View east from the existing central courtyard towards Block A (Source: Department site visit 2022)

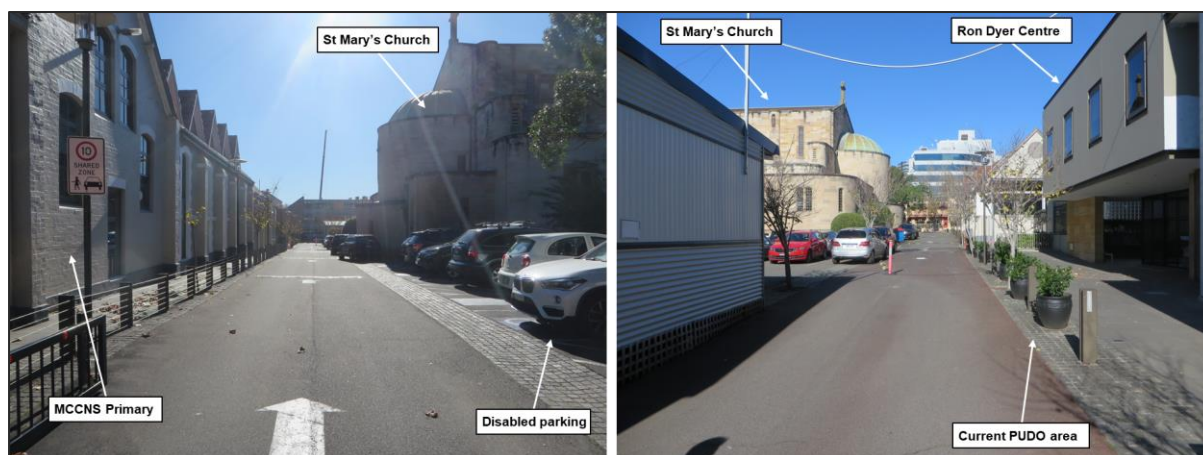


**Figure 4 |** View east from Block E towards the northern part of the central courtyard including multi-purpose courts (Source: Department 2022)

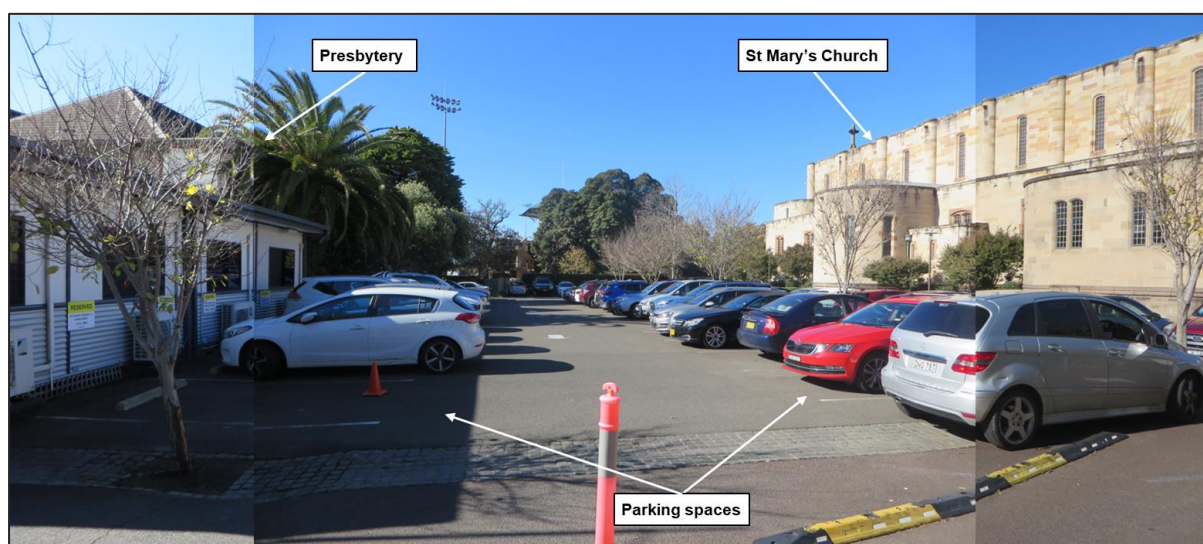


**Figure 5 |** View north along the main driveway towards the demountable classrooms and Presbytery (left) and east along the driveway towards the Miller Street exit (right) (Source: Department 2022)

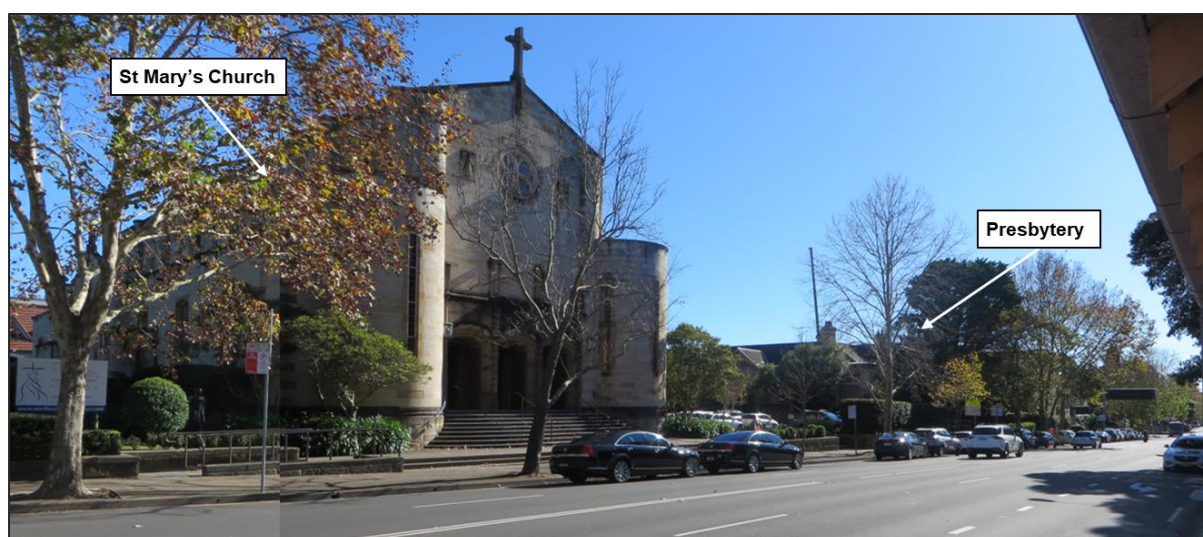




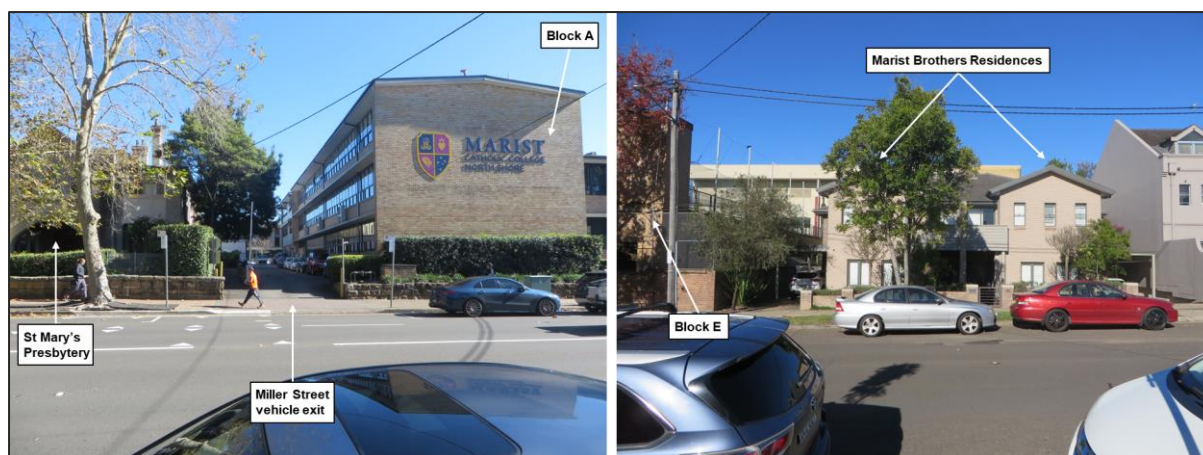
**Figure 6 |** View north along the main driveway from Ridge Street, including St Mary's Church and 6 accessible parking spaces on the right and MCCNS primary school on the left (left) and view south along the main driveway, including Rod Dyer Centre on the right (right) (Source: Department 2022)



**Figure 7 |** View east from the Ron Dyer Centre into the car parking area located between the St Mary's Church and Presbytery (Source: Department 2022)



**Figure 8 |** View north-west along Miller Street towards St Mary's Church and Presbytery (Source: Department 2022)



**Figure 9 |** View west from Miller Street to the Presbytery, Miller Street exist and Block A (left) and view south from Carlow Street to the Marist Brothers Residences (right) (Source: Department 2022)

### 1.1.2 Existing operation

MCCNS and Jacaranda Cottage (prior to demolition) catered for pre-primary to Year 12 students, employed 135 full time equivalent staff, and accommodated 1292 school students, including:

- 466 primary school students.
- 826 secondary school students.

The site also previously catered for 50 children within the former Jacaranda Cottage childcare centre.

The Applicant advises the core school hours are between 8:30am and 3:30pm, and the childcare hours were between 7am and 6pm Monday to Friday. There is an existing out of school hours (OOSH) care facility for MCCNS primary, which operates between 7am and 6pm Monday to Friday. Other OOSH student activities include cadets, use of school gym and library (up to 10pm).

Currently no school facilities are available for community use.

### 1.1.3 Existing access and parking

The principal vehicle access for MCCNS and the Parish is from Ridge Street, which connects to a one-way accessway that travels north through the site before turning east to exit onto Miller Street (shown in orange at **Figure 10** and at **Figure 5** and **Figure 6**). The Ron Dyer Centre building includes a basement with access provided off this accessway. A secondary vehicle entrance is located off Miller Street, north of the MCCNS secondary school and south of the location of the two former terrace houses. A private laneway off Carlow Street is located to the rear of the former Jacaranda Cottage. The Marist Brothers Residences fronting Carlow Street have their own driveway and garage.

Vehicle servicing is currently via a single loading bay accessed from Cassins Avenue and informally from the one-way accessway off Ridge Street. The site contains 120 on-site car parking spaces including:

- 55 parking spaces between St Mary's Church and Presbytery (including 38 staff parking spaces) (**Figure 7**).
- 40 parking spaces within the basement of the Ron Dyer Centre (for 24 hour use by the Parish).
- 19 staff parking spaces along the east-west leg of the one-way accessway, before the Miller Street vehicle exit (**Figure 5**).



- six accessible parking spaces located off the one-way accessway, adjacent to St Mary's Church (available for staff parking) (**Figure 6**).

63 of the 120 car parking spaces are available for school staff parking. The remaining 56 parking spaces are reserved for use by the Parish and the Ron Dyer Centre. No formal bicycle parking spaces are provided on site.

Student PUDO occurs on-site, along the one-way accessway connecting Ridge Street to Miller Street, and in the car park located between St Mary's Church and Presbytery. The PUDO zone is approximately 20m long and can accommodate three vehicles. The circulation arrangement allows for on-site vehicle queue up to 189m to the PUDO zone and 70m to the exit at Miller Street.

Until the start of 2022, PUDO was also possible on Carlow Street with seven on-street spaces subject to 10-minute parking restrictions. However, these spaces have been returned by Council to normal parking restrictions following demolition of the Jacaranda Cottage childcare centre.

Pedestrian access is from 15 gated and un-gated points (some combined with vehicle entries) around the site boundary, as shown at **Figure 10**.

Future Sydney Metro tunnels cross diagonally beneath the site at a depth of approximately 41-48m, connecting Victoria Cross and Crows Nest Metro Stations.



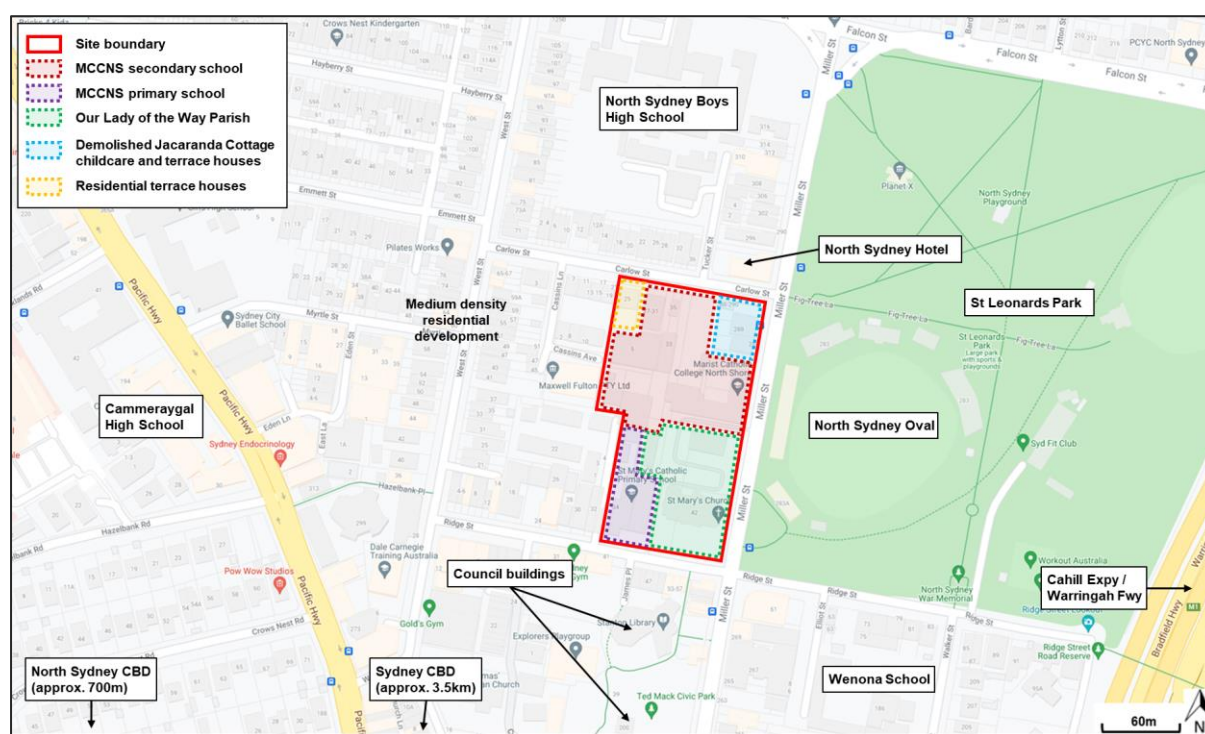
**Figure 10 |** Existing site vehicle and pedestrian access, PUDO, parking and nearby pedestrian crossings (Source: Nearmap 2022)

## 1.2 Surrounding context

### 1.2.1 Surrounding development

The site is located in a medium density urban setting. The buildings and spaces surrounding the site vary in use, form, age, height and architectural design. The surrounding context is summarised below and shown in **Figure 11** to **Figure 14**:

- to the north, on the opposite side of Carlow Street, is the two-storey North Sydney Hotel, a local heritage item, and single storey dwelling houses. Beyond this is a four-storey apartment building, additional dwelling houses and the North Sydney Boys High School.
- to the south, on the opposite side of Ridge Street, is a mixture of shops / shop top housing (some being local heritage items), terrace houses and a commercial / recreational property (Tennis World). Beyond this is a multi-storey community centre (1 James Place, North Sydney) and North Sydney Council buildings.
- to the east, on the opposite side of Miller Street, is St Leonards Park, including North Sydney Oval (SHR and local listed item).
- to the west, is a mixture of dwellings and apartment buildings ranging in height from one to four storeys.



**Figure 11** | Site location and surrounding context (Source: Nearmap 2022)





**Figure 12** | View south-west across Miller and Carlow Streets intersection towards the site and the local heritage item North Sydney Hotel (Source: Department 2022)



**Figure 13** | View north-east into St Leonards Park (Source: Department's site visit 2022)



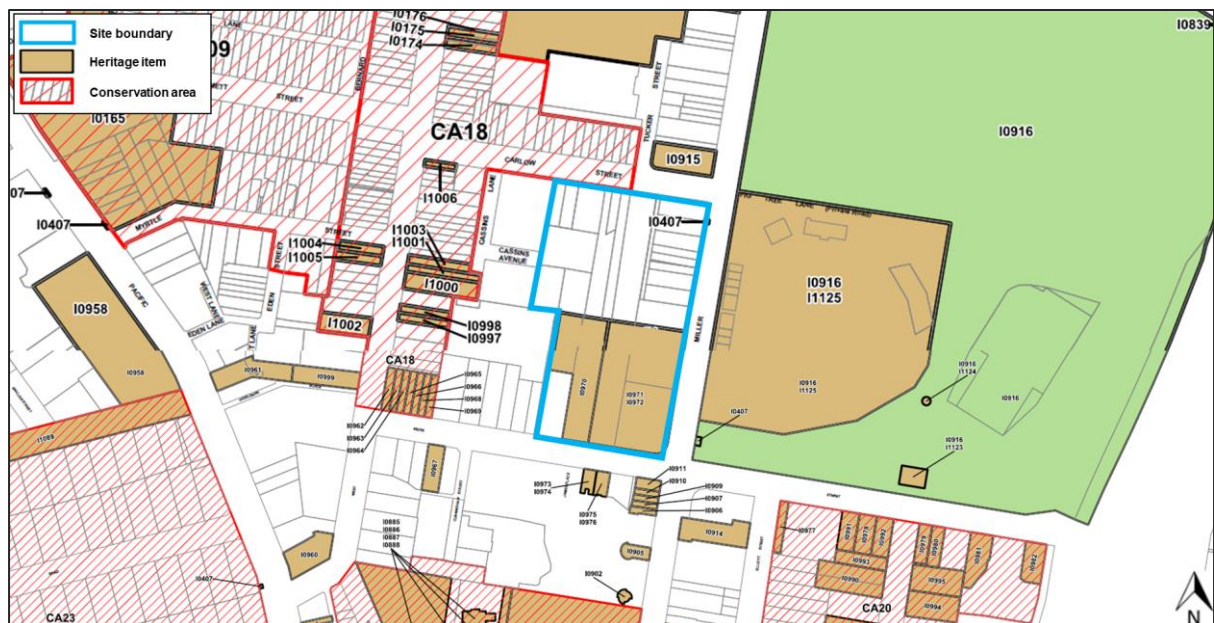
**Figure 14** | View east across Miller Street to the grandstands of North Sydney Oval in St Leonards Park (Source: Department 2022)



### 1.2.2 Heritage

The site is located opposite heritage items listed on the SHR, and under the NSLEP. As shown on **Figure 15** these include:

- St Leonards Park, including the North Sydney Oval, SHR and NSLEP local listed items to the east of the site (SHR 1941) (item I0916).
- North Sydney Hotel, locally listed heritage item under NSLEP (item I0915).
- terrace houses at 45-51 Ridge Street and shops at 240-248 Miller Street, locally listed heritage items under NSLEP, to the south of the site (items I0973 to I0976 and I0906 to I0911).
- Union, Bank and Thomas Streets Heritage Conservation Area (CA18) to the north and west of the site.



**Figure 15 |** The location of heritage items on and near the site (Source: NSLEP)

### 1.2.3 Transport

Ridge Street, Carlow Street, West Street, Cassins Avenue and Ridge Lane are local roads. All have one lane in each direction and on-street parking (subject to various restrictions), with the exception of Ridge Lane, which is a single lane with no parking. Miller Street is a two-way regional road comprising two lanes northbound and three lanes southbound. The road includes on-street parking subject to clearway restrictions between 6am to 10am and 3pm to 7pm weekdays.

The intersections of Miller Street / Ridge Street and Miller Street / Carlow Street are signalised. All other intersections immediately nearby the site are priority controlled. Five existing pedestrian crossings are located near the site, including three zebra crossings (two on West Street and one on Ridge Street) and the signalised intersections (**Figure 10**).

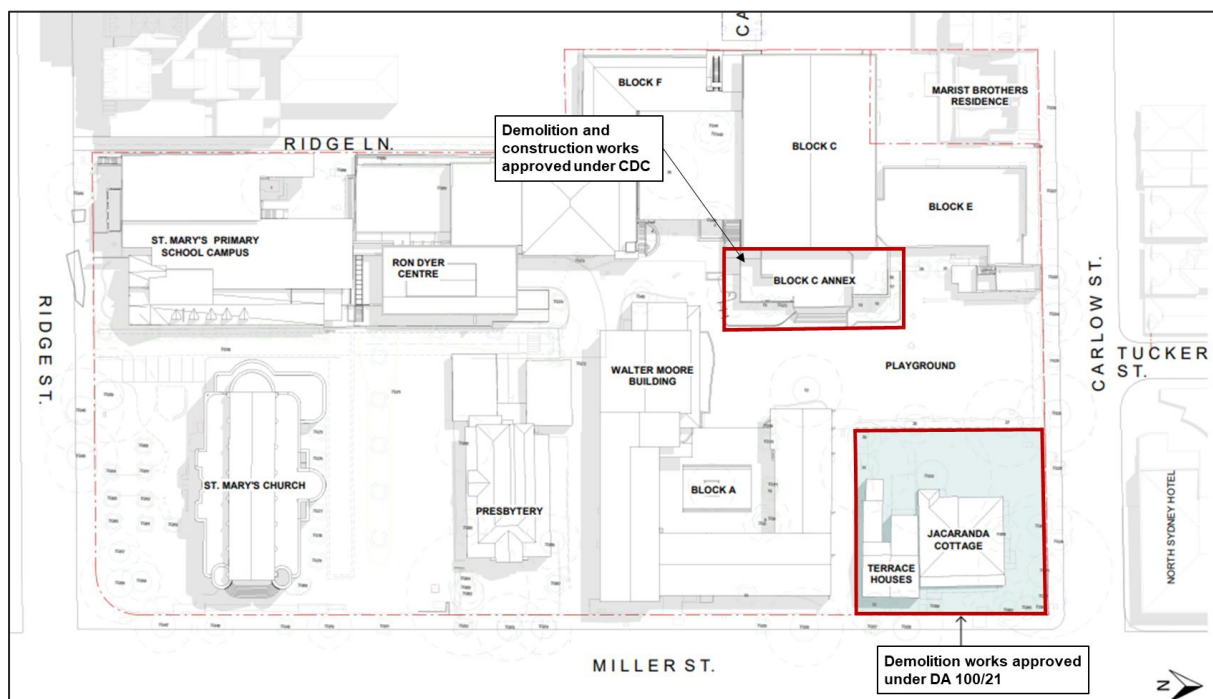
All surrounding streets have footpaths on both sides of the street, with the exception of Ridge Lane, which has no dedicated footpaths.

### 1.3 Related development

On 28 May 2021, North Sydney Council (Council) granted development approval (DA 100/21) for demolition of Jacaranda Cottage, two terrace houses and removal of a Frangipanni tree fronting Miller Street. In addition, Council also issued a Complying Development Certificate (CDC) for the demolition of the MCCSN Block C Annex and the construction of a four-storey replacement building for teaching and canteen use referred to as Stage 2A (**Figure 16** and **Figure 17**).

The EIS as originally exhibited proposed the carrying out of all of the above demolition works. However, in light of the separate approvals, the Applicant confirmed that the above demolition works are no longer part of this application.

The Department confirmed during its site inspection that all the above demolition works have been completed and construction has commenced on the replacement Block C Annex building.



**Figure 16** | Demolition works approved separately by Council (DA 100/21 and CDC) that no longer form part of this SSD application (Base source: DA 100/21)

## 2 Project

### 2.1 Description

The key components and features of the proposal, as refined in the Response to Submissions, and amended in the Supplementary Response to Submissions, are provided in **Table 1** and shown in **Figure 17** to **Figure 31**.

**Table 1** | Main components of the project

Aspect	Description
<b>Project summary</b>	Alterations and additions to MCCNS in seven stages, comprising two four to five storey buildings fronting Carlow and Miller Street, a two-storey pavilion, and refurbishment and amendment of existing buildings providing for school facilities, staged increase of 692 additional school students (total 1984 students) and 40 additional children in a new ELC (total 90 children), new and amended car parking and PUDO facilities, amended vehicle and pedestrian accesses and internal circulation and hard and soft landscaping and ground and roof level play spaces.
<b>Site area</b>	22,420m <sup>2</sup>
<b>Site preparation works and remediation</b>	<ul style="list-style-type: none"> <li>• Demolition of existing buildings and removal of spaces including: <ul style="list-style-type: none"> <li>◦ Walter Moore Building and Blocks A and E.</li> <li>◦ parts of the Presbytery, St Mary's Church and Ron Dyer Centre.</li> <li>◦ various hardscape and landscape areas across the site.</li> </ul> </li> <li>• Demolition of temporary demountable buildings during the later stages of construction (demountables proposed as part of this application).</li> <li>• Excavation associated with creation of basement and building footings.</li> <li>• Site remediation (as required).</li> </ul>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• Construction of two new buildings fronting Miller and Carlow Streets, comprising: <ul style="list-style-type: none"> <li>◦ a four-storey building (RL 97.85) fronting Miller Street (Miller Street building) including: <ul style="list-style-type: none"> <li>- a 1528 seat auditorium and arts focused general learning areas (GLAs).</li> <li>- new ELC for 90 children (including fitout).</li> <li>- rooftop recreation space / terrace.</li> </ul> </li> <li>◦ a five-storey building (RL 103.65) fronting Carlow Street (Carlow Street building) including: <ul style="list-style-type: none"> <li>- science accommodation, GLAs, library, staff rooms, student support area and student services.</li> <li>- undercroft area at ground floor level and rooftop recreation space / terrace.</li> <li>- basement level including car and bicycle parking.</li> </ul> </li> </ul> </li> <li>• Construction of a two-storey pavilion / canteen attached to the Presbytery.</li> <li>• Construction of raised walkway from Ron Dyer Centre to the Stage 2A</li> </ul>

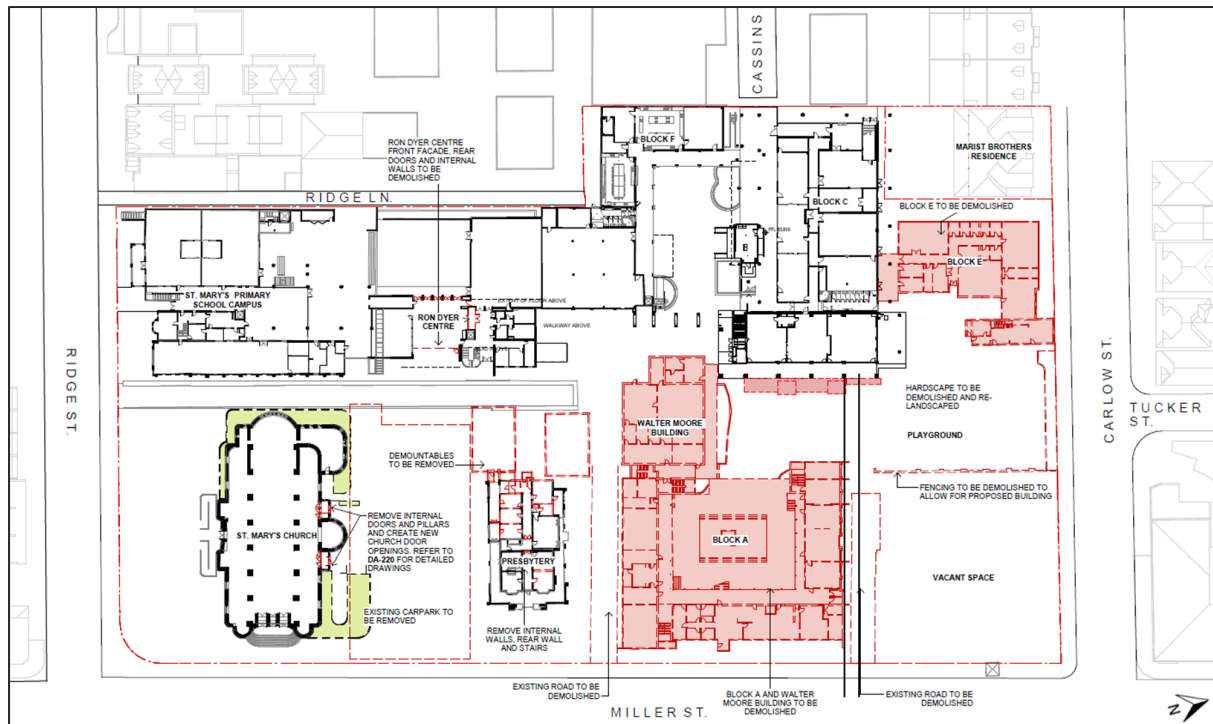
Aspect	Description
	<p>building currently under construction (separate planning pathway).</p> <ul style="list-style-type: none"> <li>Modification, refurbishment and internal reconfiguration of existing buildings, including St Mary's Church, Presbytery and Ron Dyer Centre.</li> <li>Installation of two electrical sub-stations, one fronting Carlow Street and the other fronting Miller Street.</li> </ul>
<b>Gross floor area (GFA)</b>	19,771.81m <sup>2</sup> (additional).
<b>Staging</b>	<ul style="list-style-type: none"> <li>Seven construction and operational stages (See <b>Section 2.4</b>).</li> </ul>
<b>School Population</b>	<ul style="list-style-type: none"> <li>40 additional ELC children (from 50 to 90).</li> <li>692 additional school students (from 1292 to 1984) including: <ul style="list-style-type: none"> <li>78 additional primary school students (from 446 to 554).</li> <li>614 additional secondary school students (from 826 to 1440).</li> </ul> </li> <li>61 additional staff members (from 135 to 196).</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>Creation of a new two-way vehicle basement access point off Carlow Street.</li> <li>retention of the Ridge Street vehicle access and upgrade of the north-south accessway to a pedestrian shared zone.</li> <li>removal of two Miller Street vehicle accesses.</li> <li>provision of main pedestrian school entrances from Ridge Street and Carlow Street connected internally via a north-south road / pedestrian route.</li> <li>auditorium and ELC provided with individual / separate pedestrian access from Miller Street.</li> </ul>
<b>PUDO facilities</b>	<ul style="list-style-type: none"> <li>total of ten (additional seven) PUDO spaces for kindergarten to Year 12 students, including: <ul style="list-style-type: none"> <li>four new spaces within the Carlow Street building basement for Years 2-12 students.</li> <li>six (including three additional) spaces along the north-south road for kindergarten and Year 1 students.</li> </ul> </li> <li>10 separate PUDO / car parking spaces for ELC children in the Carlow Street building basement.</li> </ul>
<b>Car parking</b>	<ul style="list-style-type: none"> <li>Provision of new car parking areas and removal / amendment of existing car parking areas resulting in an overall reduction of six on-site car parking spaces (from 120 to 114).</li> </ul>
<b>Bicycle parking</b>	<ul style="list-style-type: none"> <li>Provision of 109 bicycle parking spaces, including 10 staff and 99 student spaces.</li> </ul>
<b>Trees</b>	<ul style="list-style-type: none"> <li>Removal of 61 existing trees, including: <ul style="list-style-type: none"> <li>59 trees within the site.</li> <li>two trees within the Miller Street Road reserve.</li> </ul> </li> <li>Retention of 41 existing trees, including: <ul style="list-style-type: none"> <li>18 trees within the site.</li> <li>two trees relocated/transplanted elsewhere within the site.</li> </ul> </li> </ul>

Aspect	Description
	<ul style="list-style-type: none"> <li>○ 21 trees within the road reserve around the site boundary.</li> <li>● Provision of 114 replacement trees at ground and roof terrace levels.</li> </ul>
<b>Landscaping and open space</b>	<ul style="list-style-type: none"> <li>● Network of interconnected hard and soft landscaped spaces including: <ul style="list-style-type: none"> <li>○ removal of existing at-grade car parking and creation of a new public piazza north of St Mary's Church and south of the Presbytery.</li> <li>○ upgraded church garden south of St Mary's Church.</li> <li>○ new pre-function courtyard south of the proposed Miller Street building.</li> <li>○ new / replacement central courtyard play space behind the Carlow Street building.</li> <li>○ undercroft play space at the ground floor of the Carlow Street building.</li> <li>○ rooftop play spaces above the Carlow and Miller Street buildings.</li> </ul> </li> </ul>
<b>Temporary buildings</b>	<ul style="list-style-type: none"> <li>● Construction of an additional demountable storey on the two existing demountable buildings adjoining the Presbytery.</li> <li>● Construction of two new single storey demountable buildings on the driveway to the Miller Street vehicle exit located between the Presbytery and Walter Moore Building.</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>● 396 construction jobs and 61 new operational jobs.</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>● \$89,377,267.</li> </ul>

## 2.2 Physical layout and design

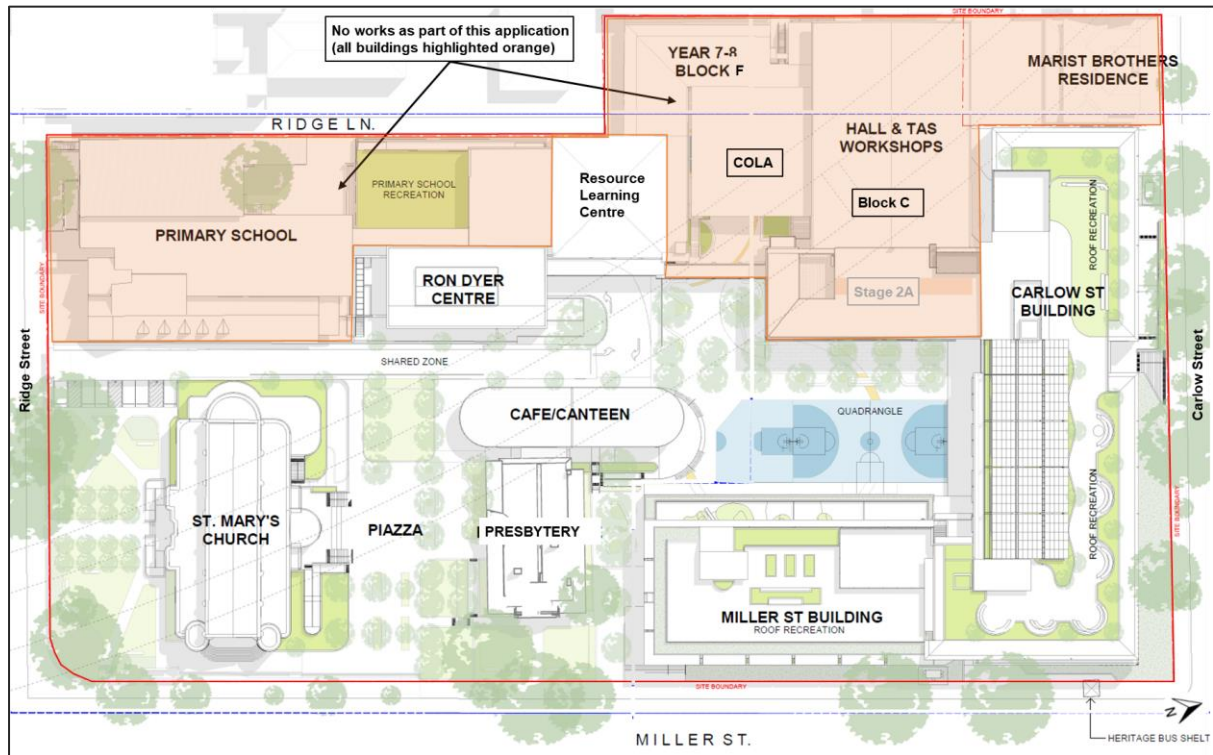
### 2.2.1 Demolition works

The extent of the demolition works is summarised at **Table 1** and shown at **Figure 17**.

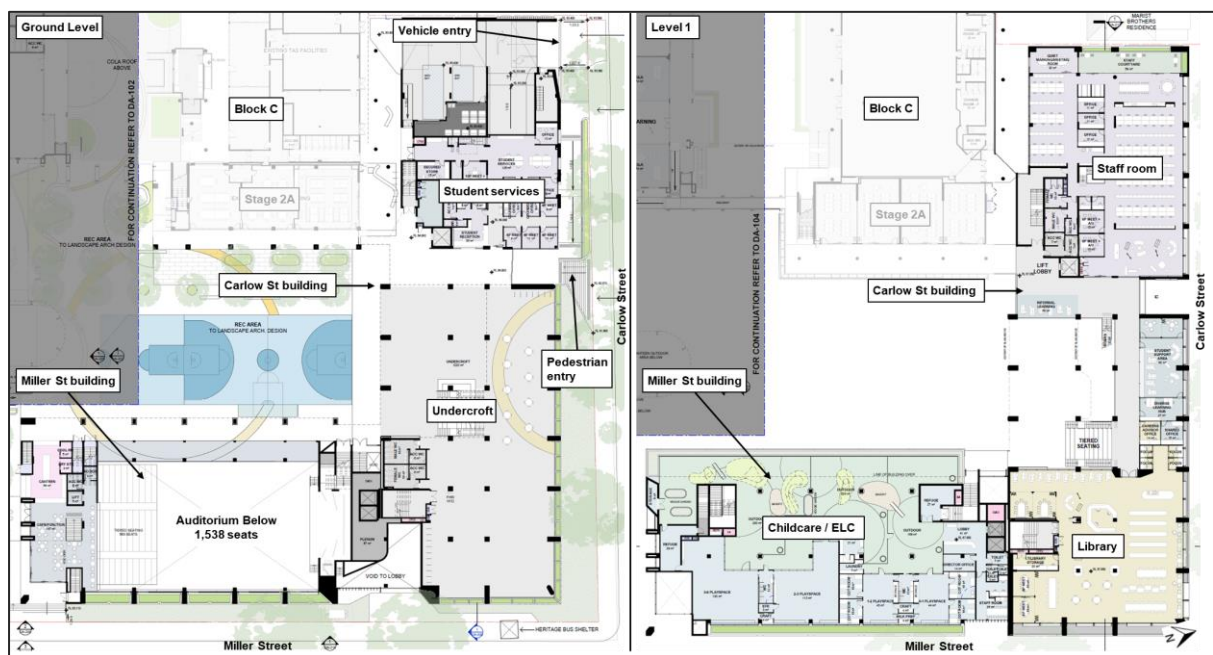




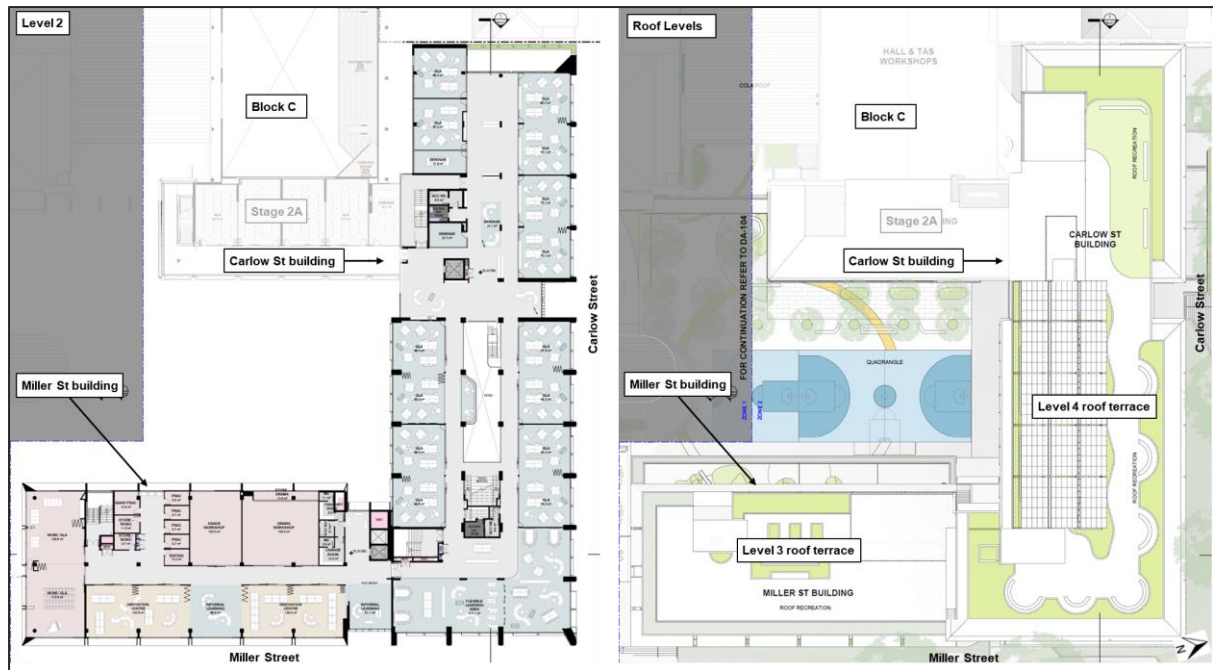
The designs of the Carlow and Miller Street buildings are contemporary, incorporating a range of finishes including light brown brickwork in acknowledgement of the prevailing surrounding character within the school together with glazing, concrete and metal cladding. The elevations are articulated by the grouping of windows, architectural details and materials. The pavilion comprises a simple, lightweight structure including metal, concrete and glazed cladding materials. Finishes of the altered existing buildings are sympathetic to those original buildings.



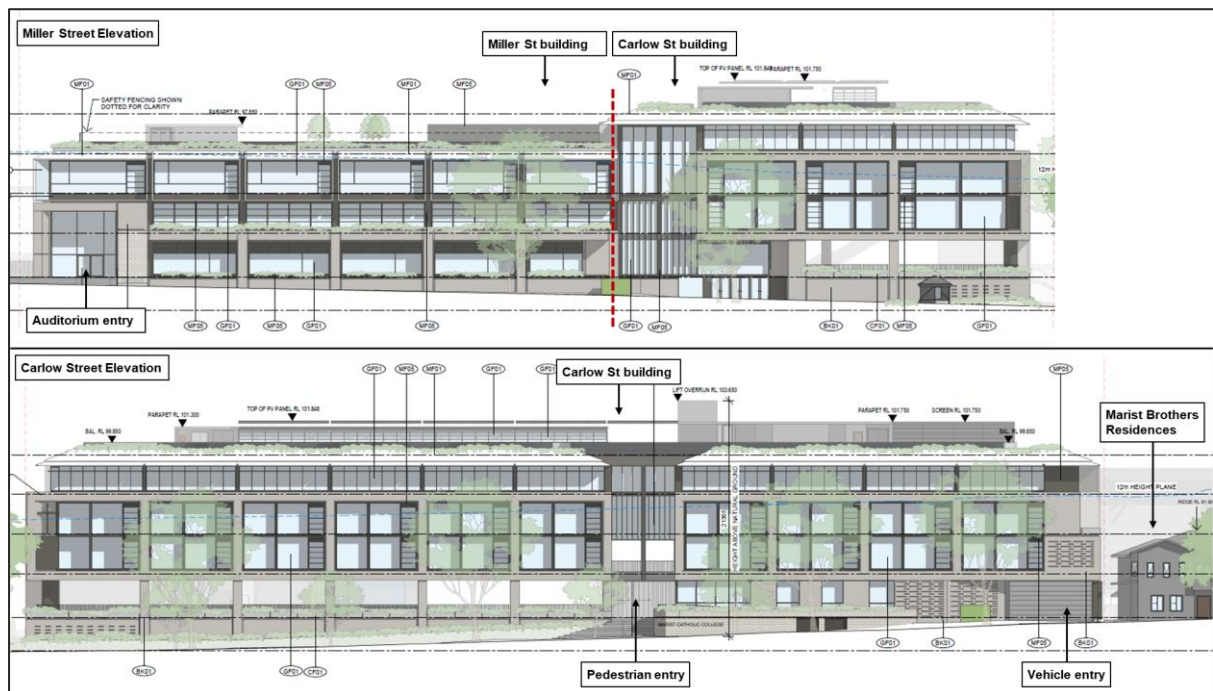
**Figure 18 |** Site layout showing Carlow Street and Miller Street buildings (Source: Applicant's SRtS 2022)



**Figure 19 |** Ground and first floor levels of the Carlow and Miller Street buildings (Source: Applicant's SRtS 2022)



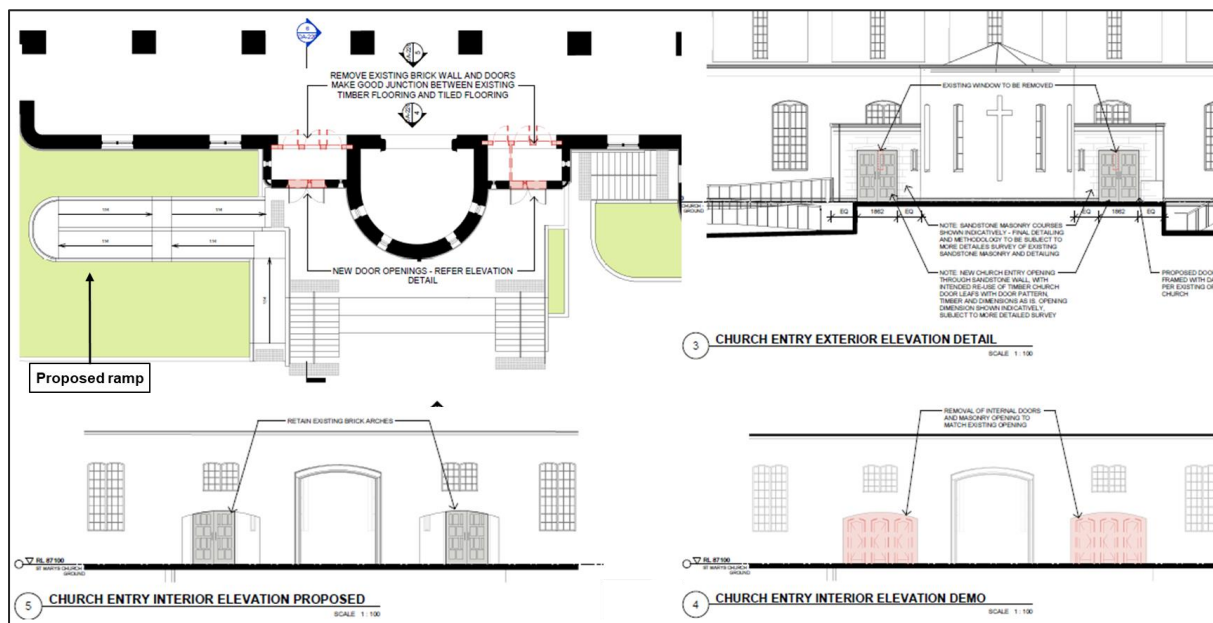
**Figure 20 |** Second floor and roof levels of the Carlow and Miller Street buildings (Source: Applicant's SRtS 2022)



**Figure 21 |** Carlow and Miller Street building elevations (Source: Applicant's SRtS 2022)



**Figure 22 | New Pavilion / Canteen building and amendments to the Presbytery (Source: Applicant's SRtS 2022)**



**Figure 23 | Proposed works to St Mary's Church (Source: Applicant's SRtS 2022)**

### 2.2.3 Car parking

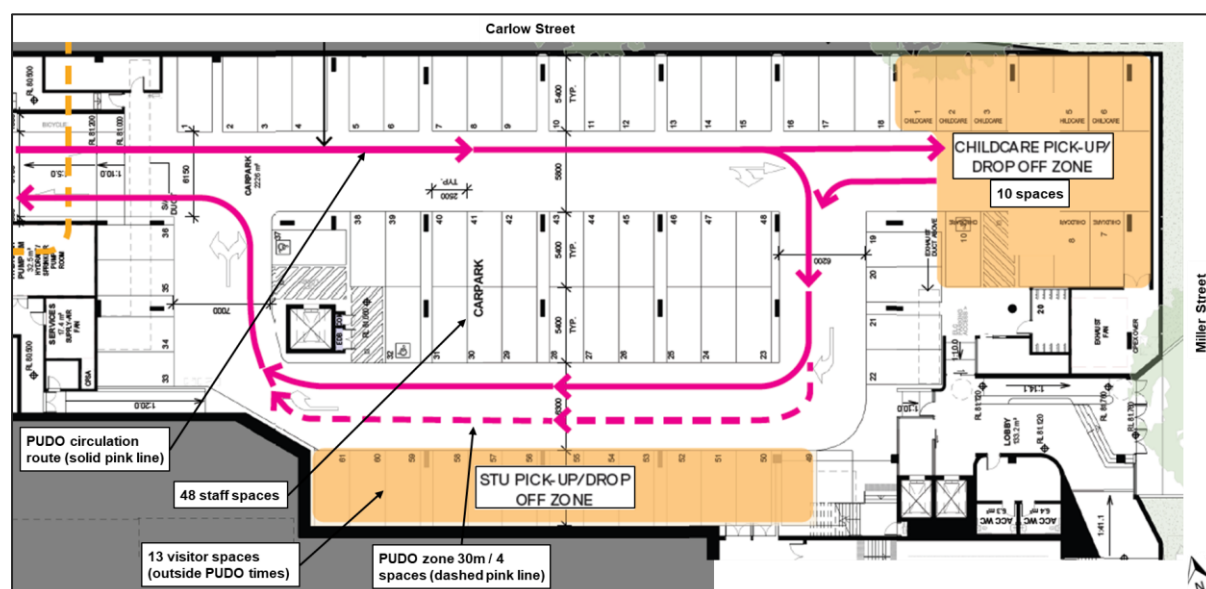
The proposal stages amendments to / removal of existing car parking, and provision of new on-site car parking spaces, resulting in an overall reduction of six car parking spaces (from 120 to 114) as summarised in **Table 2**.



**Table 2 | Staging of existing and proposed on-site car parking provision**

Stage	Car parking	Existing	Proposed	Change
Stage 02B	Demolition of Miller Street exit (informal) staff parking	19	0	-19
	Construction of Carlow Street building basement:	0	71	+71
	• Staff parking	0	48	
	• ELC parking	0	10	
Stage 03A	• Visitor parking	0	13	-3
	Alterations to Ron Dyer Centre basement (Parish parking)	40	37	
Stage 03B	Reconstruction of St Mary's surface car park:	61	6	-55
	• Removal of Parish parking	17	0	
	• Removal of staff parking	38	0	
	• Maintain accessible spaces (staff parking)	6	6	
<b>Total</b>		<b>120</b>	<b>114</b>	<b>-6</b>

As outlined in **Table 2** above, the application proposes that 54 car parking spaces would be made available for staff parking: 48 spaces within the Carlow Street building basement (**Figure 24**) and six accessible spaces adjacent to St Mary's Church. The proposal results in an overall reduction of nine staff parking spaces (from 63 to 54 spaces) when compared to the existing situation.



**Figure 24 | Carlow Street building basement parking (71 spaces) and PUDO arrangement (Source: Applicant's SRtS 2022)**

During school hours, the 37 car parking spaces within Ron Dyer Centre basement would be reserved for the Parish and St Mary's Church (**Figure 25**). Outside school hours, all school car parking spaces would be available for the Parish and St Mary's Church.

## 2.2.4 Pick-up/drop-off (PUDO)

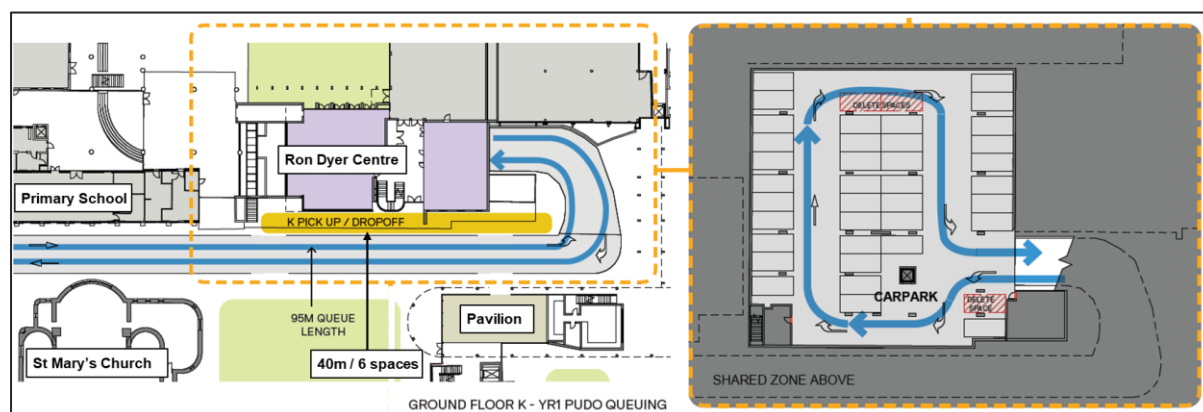
The proposal includes the creation of new PUDO facilities within the Carlow Street building basement and amendment of the existing surface PUDO zone (outside the Ron Dyer Centre), including vehicle access and circulation.

The Carlow Street building basement includes new PUDO facilities (**Figure 24**):

- four new PUDO spaces (30m) for use by primary and secondary schools Years 2 to 12 parents (car queue capacity of 132m / 22 cars).
- ten ELC parking spaces for parents/carers to park while picking-up/dropping-off children attending the ELC.

The alterations to the existing PUDO arrangements (**Figure 25**) include:

- amend the existing one-way accessway from Ridge Street by:
  - creating a two-way internal road with vehicle turn-around in the Ron Dyer Centre basement.
  - removing the St Mary's Church car park circulation, the east-west driveway (between the Presbytery and Block A), and the Miller Street vehicle exit.
- increase of three surface PUDO spaces outside the Ron Dyer Centre (from three to six) for use by kindergarten and Year 1 students.
- car queuing capacity of 95m / 14 cars before, and 160m / 24 cars after, the six PUDO spaces.

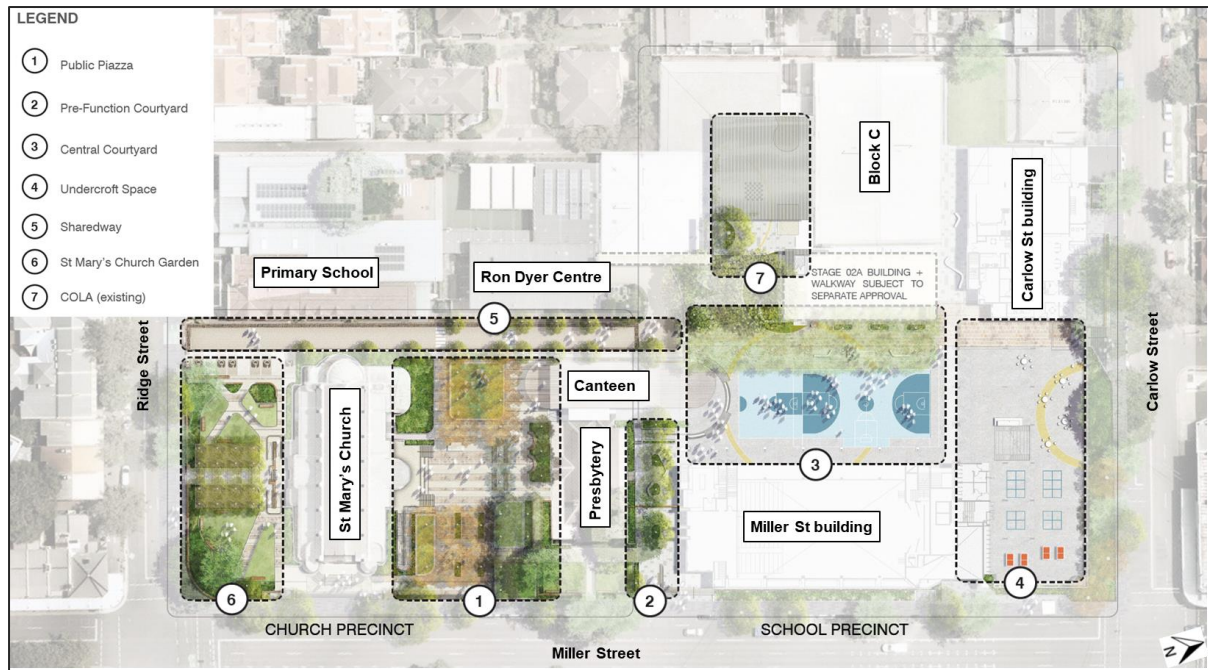


**Figure 25 |** Amended surface PUDO arrangement (left) basement turn around (right) (Source: Applicant's SRtS 2022)

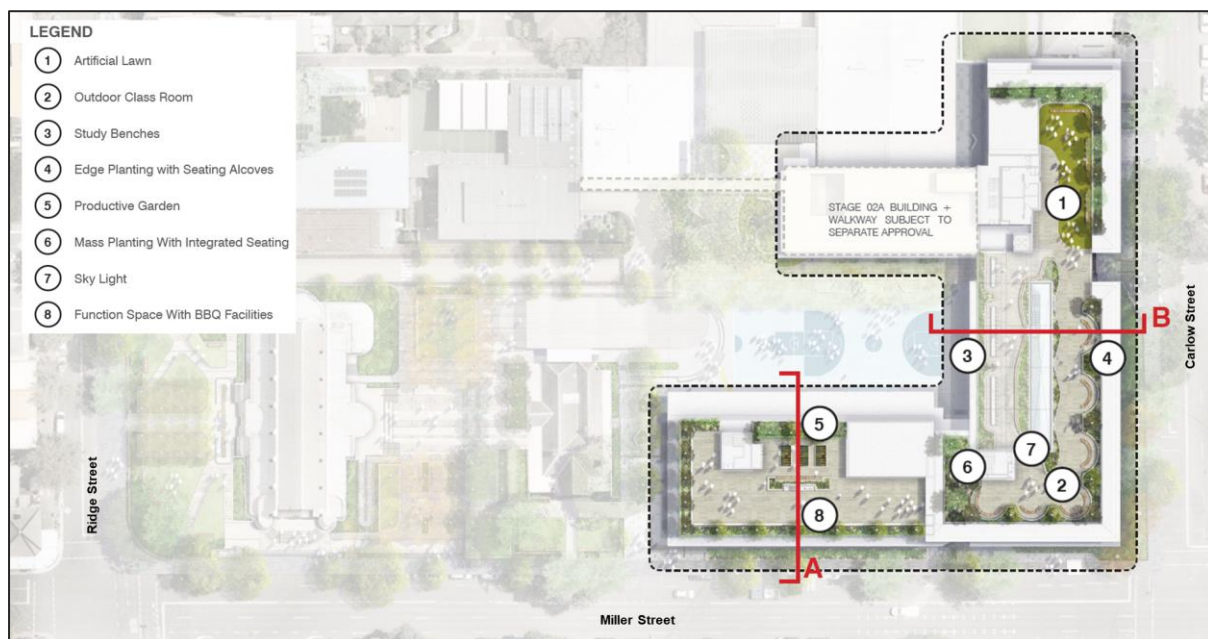
## 2.2.5 Trees, landscaping and drainage

The application includes the removal of 61 trees, retention of 41 trees (including transplantation of two trees on the site), and provision of 114 replacement trees. In addition, the proposal would increase the tree canopy cover on the site by 1052m<sup>2</sup> (from 4932m<sup>2</sup> / 22% to 5984m<sup>2</sup> / 26%).

The proposal includes the creation of new hard and soft landscaped spaces and refurbishment of existing green spaces as summarised at **Table 1** and shown at **Figure 26** and **Figure 27**.



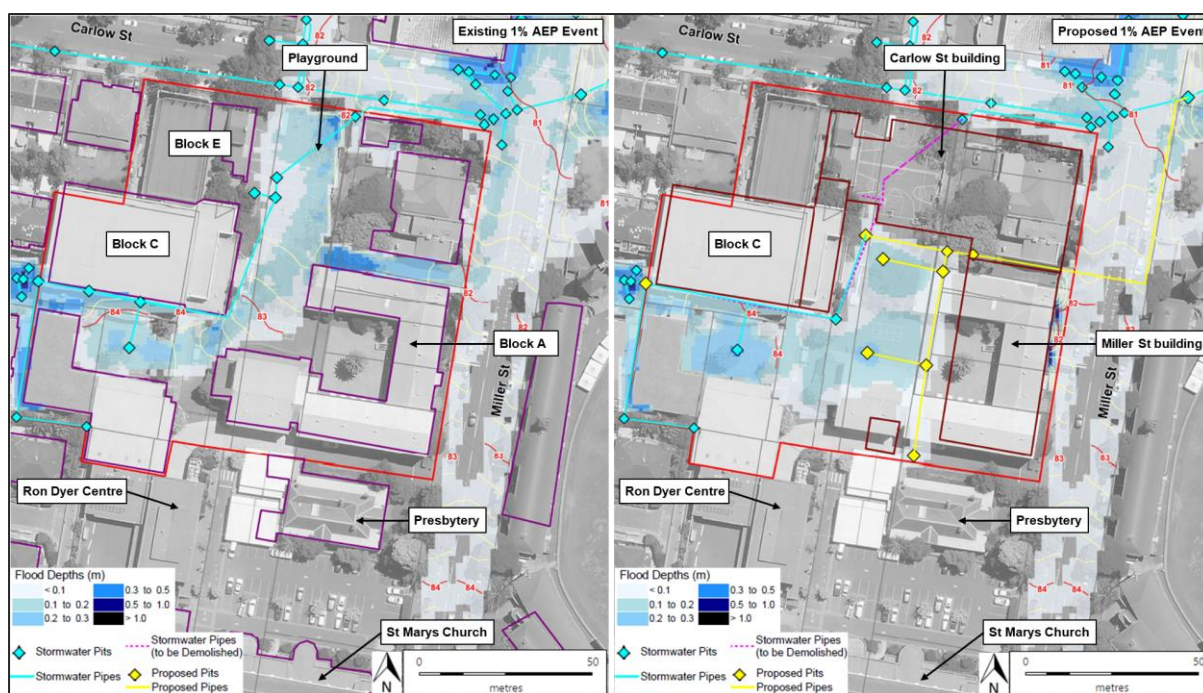
**Figure 26 |** Site landscaping works adjacent Miller and Carlow Streets (at ground level) (Source: Applicants SRtS 2022)



**Figure 27 |** Site landscaping works adjacent Miller and Carlow Streets (at roof level) (Source: Applicants SRtS 2022)

Drainage and flood mitigation works proposed include removal of part of the existing trunk drainage infrastructure (in the location of the proposed Carlow Street building) and construction of new pits, trunk drainage, pipes, and installation of a roof rainwater harvesting system for reuse in toilets and irrigation. Mitigation measures are proposed to redirect and reduce on-site flooding impacts during the 1% AEP and PMF flood events. In addition, the finished floor levels of all buildings and the Carlow Street basement entrance would be at or above the 1% AEP flood level (**Figure 28**).





**Figure 28 |** Existing (left) and predicted (right) flood conditions during the 1% AEP flood event (Source: Applicant's RtS 2022)

## 2.3 Uses and activities

The proposal includes a staged increase in school and staff population as shown at **Table 3** and the proposed hours of operation are provided at **Table 4**.

**Table 3 |** Existing and proposed staff (blue) and student/children (red) numbers (Source: Applicant's SRtS 2022)

Use	Existing		Proposed		Change	
	Staff	Enrolment	Staff	Enrolment	Staff	Enrolment
Childcare / ELC	15	50	21	90	+6	+40
Primary	40	466	43	544	+3	+78
Secondary	80	826	132	1440	+52	+614
<b>Total</b>	<b>135</b>	<b>1342</b>	<b>196</b>	<b>2074</b>	<b>+61</b>	<b>+732</b>

**Table 4 |** Existing and proposed core hours of operation (Source: Applicant's RtS 2021)

Use	Existing hours of operation	Proposed hours of operation
ELC	Mon-Fri – 7am to 6pm	No change
Primary	Mon-Fri – 8:40am to 3:10pm	Mon-Fri – 7am to 6pm
Secondary	Mon-Fri – 8:30am to 3:30pm	Mon-Fri – 7am to 6pm
OOSH care (Primary)	Mon-Fri 7am to 6pm	No change

The Applicant has stated that other OOSH activities may also include activities associated with cadets, school gym and school library (from 6am until 10pm).

School facilities, including the auditorium, library and outside areas, are proposed to be made available for community use outside standard school operating hours on a 'user pays' basis between the hours of 6pm and 10pm on weekdays and 6am and 10pm weekends.

The refurbished church garden space south of St Mary's Church and new piazza north of St Mary's Church is proposed to be publicly accessible 24 hours a day, seven days a week, from Miller Street. The piazza would be supervised by teaching staff at times when it is used for activities by the school.

## **2.4 Staging**

The EIS (as updated by the SRtS) states the construction and operation of the development would be divided into seven stages for physical works including parking (**Table 5**,

**Table 6, Figure 29 to Figure 31)** and three stages for student increases.

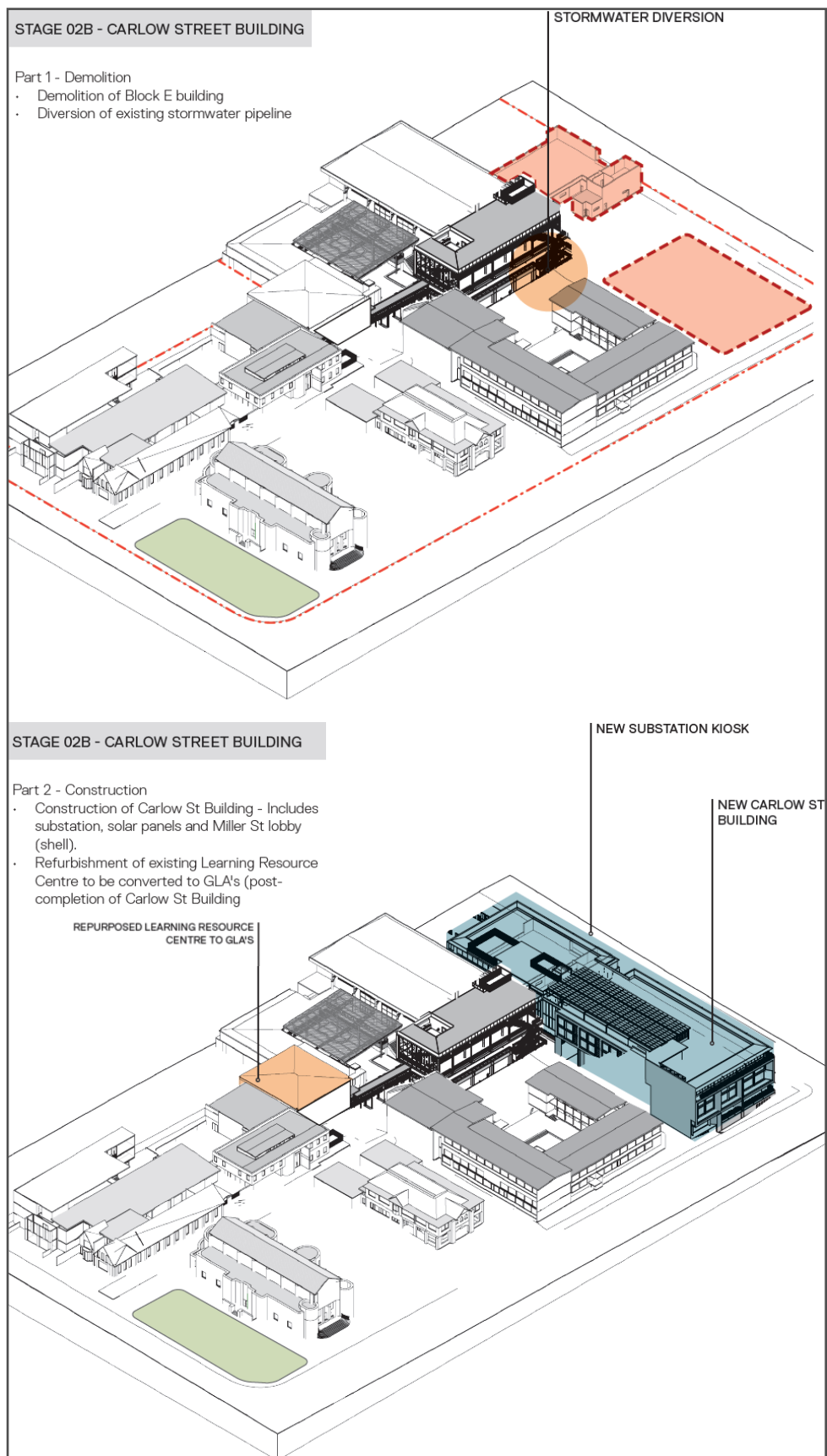
The Applicant has advised that Stages 3A, 4 and 5 would occur concurrently and prior to Stages 3B and 3C. Student numbers would increase following the completion of Stage 2B, 3A and 5.

The Department notes the proposed increase in student numbers is specified to be in Stage 2B (with no specific reference to 2B-1 and 2B-2).

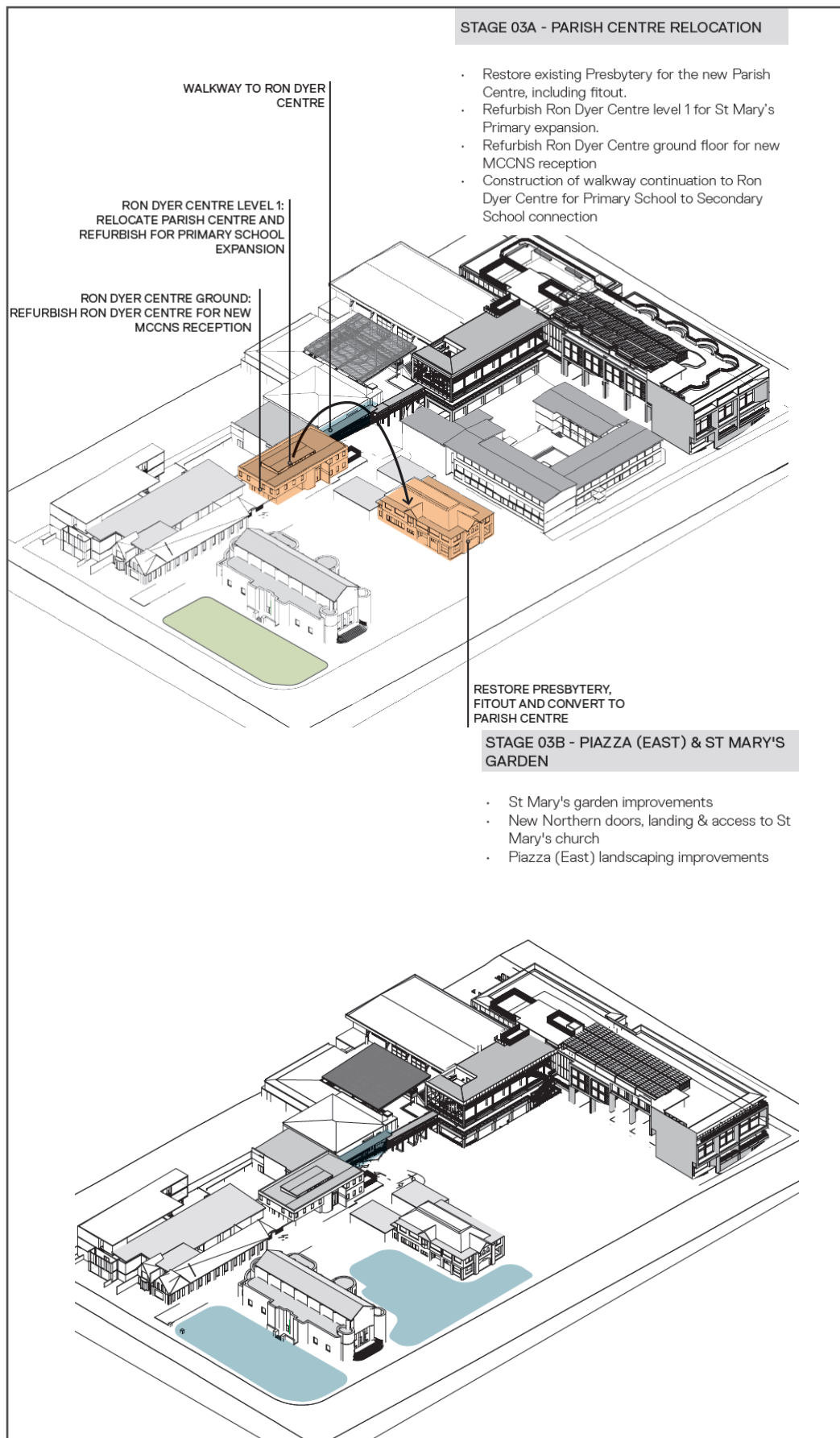
**Table 5 | Construction and operation stages**

Sub-stage	Capacity at completion	Description of works	Estimated timing
Existing stage 0	1292 students 50 ELC children (total 1342 enrolments)	N/A	N/A
Stage 02B-1	1666 students	<b>Carlow Street Building – site preparation</b> <ul style="list-style-type: none"> <li>Demolition of Block E building.</li> <li>Diversion of existing stormwater pipeline.</li> <li>Construction of two storey additions to existing demountables and new single storey demountable buildings next to the Presbytery.</li> </ul>	Begins: Jan 2023 Ends: Jan 2025 Duration: 2 years
Stage 02B-2	50 ELC children (+374, total 1716 enrolments)	<b>Carlow Street Building – construction</b> <ul style="list-style-type: none"> <li>Construction of Carlow Street building and PUDO and sub-station.</li> <li>Refurbishment of Learning Resource Centre and conversion to GLAs.</li> <li>Ron Dyer Centre PUDO amendments undertaken at end of this stage.</li> </ul>	
Stage 04	1666 students 50 ELC children (+374, total 1716 enrolments)	<b>Miller Street building</b> <ul style="list-style-type: none"> <li>Demolition of Block A and Walter Moore Building.</li> <li>Construction of the Miller Street building, sub-station and fitout of ELC.</li> </ul>	
Stage 05	1906 students 90 ELC children Students (+280, total 1996 enrolments)	<b>MCCNS landscaping</b> <ul style="list-style-type: none"> <li>Construction of MCCNS central courtyard (including multi-purpose courts), recreational spaces and hard and soft landscaping.</li> <li>Removal of demountables.</li> </ul>	Begins: Jan 2025 Ends: Jan 2027 • Duration: 2 years
Stage 03A	1984 students	<b>Parish Centre Relocation</b> <ul style="list-style-type: none"> <li>Refurbish the Presbytery (including fitout) and Ron Dyer</li> </ul>	Begins: Jun 2025 Ends: Dec 2025

	90 ELC children Students (+78, total 2074 enrolments)	<p>Centre.</p> <ul style="list-style-type: none"> <li>Construction of raised walkway from Ron Dyer Centre to MCCNS secondary school.</li> </ul>	Duration: 6 months
Stage 03B	1984 students 90 ELC children Students (total 2074 enrolments)	<p><b>Piazza (East) and St Mary's Garden</b></p> <ul style="list-style-type: none"> <li>New doors, landing and access to St Mary's Church and improvements to St Mary's Church Garden fronting Ridge Street.</li> <li>Construction of piazza (east) landscaping works.</li> </ul>	<p>Begins: Jan 2026 Ends: Jun 2027 Duration: 1.5 years</p>
Stage 03C	1984 students 90 ELC children Students (total 2074 enrolments)	<p><b>Piazza (West)</b></p> <ul style="list-style-type: none"> <li>Removal of two storey demountables.</li> <li>Construction of new two storey canteen/café pavilion.</li> <li>Construction of piazza (west) landscaping works.</li> </ul>	<p>Begins: Jul 2027 Ends: Dec 2027 Duration: 5 months</p>

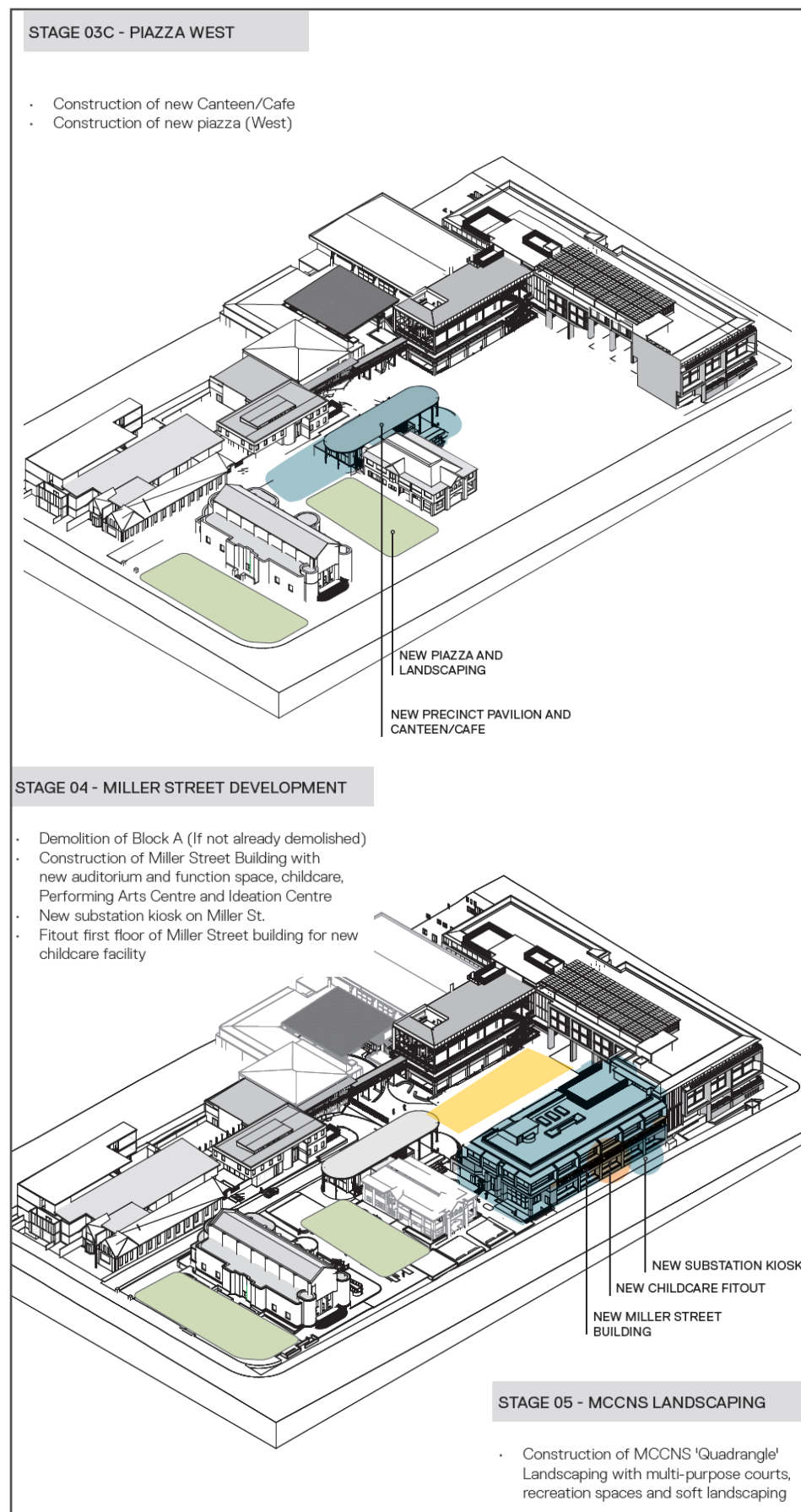


**Figure 29** | Stages 02B-1 and 02B-2 (Source: Applicant's SRtS 2022)



**Figure 30 | Stages 03A and 03B (to occur concurrently with or after Stages 4 and 5) (Source: Applicant's SRtS 2022)**





**Figure 31 |** Stage 03C (to occur after stages 4 and 5), Stages 4 and 5 (Source: Applicant's SRtS 2022)

**Table 6** | Summary of staged school/ELC population, car parking and PUDO (Source: Applicant's SRtS 2022)

Stage	Student + ELC population	Pick-up / drop-off	On-site parking spaces			Bicycle spaces
			School / staff	Parish / visitor	ELC	
Existing	1342 (1292 + 50)	3	63	57	0	0
Stage 02B-1	1716 (1666 + 50) (+374)	7	92	70	10	109
Stage 02B-2		(+7  -3)	(+48  -19)	(+13)	(+13)	(+109)
Stages 04	1996 (1906 + 90) (+280)	7	92	70	10	109
Stage 05						
Stage 03A	2074 (1984 + 90) (+78)	7	92	67 (-3)	10	109
Stage 03B	2074(1984 + 90)	7	54 (-38)	50 (-17)	10	109
Stage 03C	2074 (1984 + 90)	7	54	50	10	109
<b>Total</b>	<b>1984 students + 90 children (+692 students and 40 ELC children))</b>	<b>7 (+4)</b>		<b>114 (-6)</b>		<b>109 (+109)</b>

## 3 Strategic context

### 3.1 Project need and justification

The Applicant has identified the need for the redevelopment and upgrade of school facilities and open space to meet contemporary and evolving learning and educational standards now and into the future and the expectations of the school community.

In addition, the Applicant confirmed that a 24-month study undertaken by Sydney Catholic Schools identified a deficiency in the provision of affordable, non-government education in the North Sydney LGA, and that co-educational schools are underrepresented in the area. The application seeks to respond to these factors and positively support educational opportunities in North Sydney.

### 3.2 Strategic context

The Department considers that the proposal is appropriate for the site as it is consistent with the:

- *Greater Sydney Regional Plan: A Metropolis of Three Cities* (the Regional Plan), as it proposes improved school facilities to meet the growing needs of Sydney.
- North District Plan, as it would:
  - result in an increase in the school student population by 692 students and contribute to the provision of 21,900 new student spaces required within the district in the next two decades.
  - provide much needed school infrastructure conveniently located near existing public transport services.
  - provide opportunities to co-share facilities with the local community.
- *State Infrastructure Strategy 2018 – 2038: Building the Momentum*, as it proposes investment in the non-government school sector to provide modern learning environments for students and to continue to share infrastructure and facilities with communities.
- *Future Transport Strategy 2056*, as it supports the ongoing provision of a modern education facility in a highly accessible location
- *Sydney's Cycling Future 2013*, as it would promote bicycle use through the provision of bicycle parking spaces.

The proposal would provide a direct investment of \$89,377,267 and is predicted to generate 396 construction jobs and 61 new operational jobs.



## 4 Statutory context

### 4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (applicable at the time of lodgement).

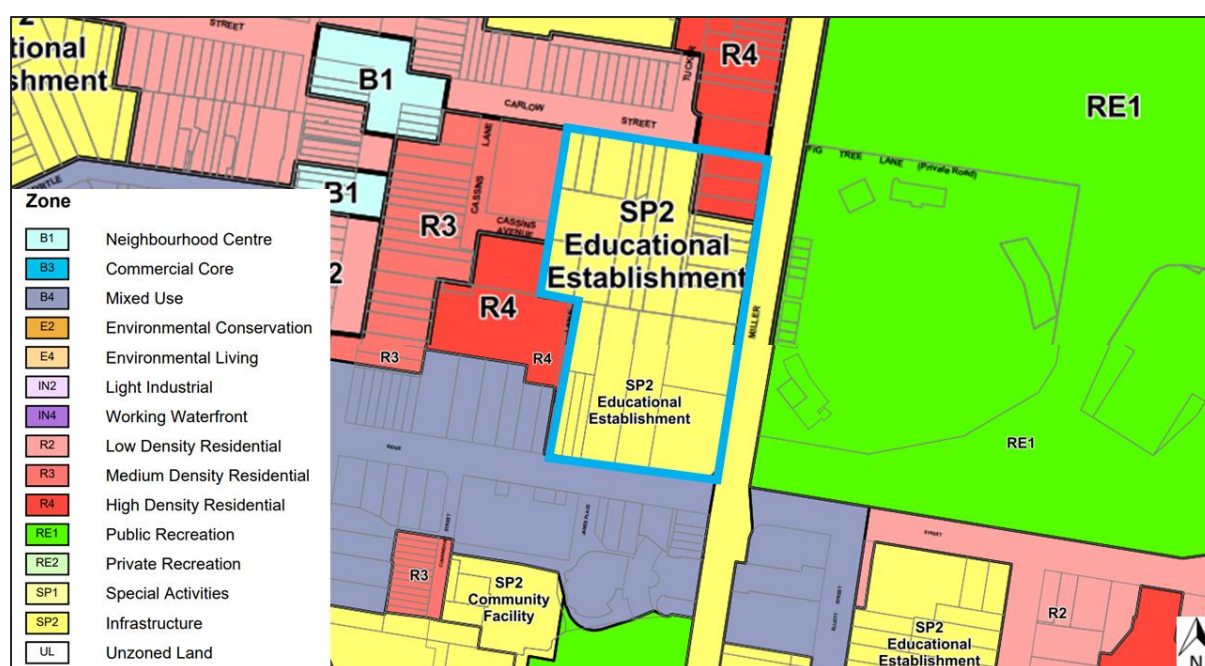
In accordance with section 4.5 of the EP&A Act, the Minister for Planning (Minister) is the consent authority. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2022, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are less than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

The Department notes that Council's submission in response to the EIS exhibition was in objection to the proposal. However, as the submission was received after the close of the exhibition period, it is not deemed to be an 'objection' for the purposes of the Minister's delegations. The Department has summarised Council's objection at **Section 5** and considered it in detail at **Section 6**.

### 4.2 Permissibility

The majority of the site is identified under the NSLEP as being within the SP2 Infrastructure (Educational Establishment) zone. A small portion of the site located at the corner of Carlow and Miller Streets is located within the R4 High Density Residential zone (**Figure 32**).



**Figure 32 | NSLEP zoning map excerpt, the site outlined in blue (Source: NSLEP)**

The NSLEP lists an 'Educational Establishment' as permissible with consent within the SP2 Infrastructure zone and prohibited within the R4 High Density Residential zone.

Clause 35 (Schools – development permitted with consent) of the State Environmental Planning Policy (Educational Establishments and Child Care Centre) 2017 (Education SEPP) (applicable at the time of lodgement), 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 the land that is not in a prescribed zone if it is carried out on land within the boundary of an existing school.*

The R4 High Density Residential 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.

### 4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant Government agencies responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix F**).

### 4.4 Mandatory matters for consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- provisions of environmental planning instrument (EPI), including draft instruments, development consent plans, planning agreements and the Environmental Planning and Assessment Regulation 2000, as applicable at the time of lodgement.
- the environmental, social, and economic impacts of the development.
- the suitability of the site.
- any submissions.
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development.

The Department considered all these matters below and in **Section 6**.

#### 4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

Since the submission of the EIS, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have generally been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the EIS was submitted.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

#### 4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 7**.

**Table 7 | Response to the objects of section 1.3 of the EP&A Act**

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal involves the upgrade and improvements of an existing school in a well-connected location. The site is located in an urban area and its redevelopment would have a positive impact the economic welfare of the community. Impacts on the natural environment can be mitigated.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) ( <b>Section 4.4.3</b> ).
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site near existing services and public transport.



Objects of the EP&A Act	Consideration
	<p>The proposal provides for the improvement of an existing educational facility on a site owned by the Applicant. The merits of the proposal are considered in <b>Section 6</b>.</p> <p>The development of the site will also provide economic benefits through job creation.</p>
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The Department's consideration of the biodiversity impacts of the proposal is outlined <b>Section 4.4.7</b> of this report.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Department has considered the heritage impacts of the proposal, including Aboriginal cultural heritage, in detail at <b>Section 6.2.3</b> and <b>6.5</b> and concludes the proposal is acceptable subject to conditions.
(g) to promote good design and amenity of the built environment,	<p>The development is of a modern functional design using low-scale built form achieving a high standard of design and integrating with the surrounding environment. The proposal provides an appropriate built form transition to adjoining properties and would not result in adverse amenity impacts on neighbours (<b>Section 6.2</b>).</p> <p>The application includes landscape features, hard and soft landscaping, and native vegetation plantings which are sympathetic to the surrounding landscape and provide a landscape setting when viewed from outside the site (<b>Section 6.4</b>).</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal, consulted with Council, as well as Government agencies and considered their responses in <b>Section 5</b> and <b>6</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal, which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period ( <b>Section 5</b> ).

#### 4.4.3 Ecologically sustainable development

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

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

The proposal includes the following ESD initiatives and sustainability measures to enable the building to be benchmarked against an equivalent 4-Star Green Star rating building:

- space orientation to achieve a high level of natural light.
- use of high-performance glazing and shading to prevent solar radiation gain.
- operable windows and high-level louvres for mixed-mode ventilation, including natural ventilation.
- use of LED lighting and lighting controls including timers and occupancy sensors.
- high performance energy efficient Heating, Ventilation and Air Conditioning (HVAC) systems.
- High Water Efficiency Labelling and Standards (WELS) rated water fittings, including taps, toilets, showers and urinals.
- landscaping including native species and a focus on drought-tolerance.
- provision of an on-site rainwater harvesting system for toilet flushing and irrigation.
- use of materials including reused content, environmental product declarations, third party sustainability certifications or product stewardship programs and locally sourced materials.
- use of low-VOC paints, sealants, adhesives and carpets and low formaldehyde wood products.
- best practice PVC plastics in formwork, piping, blinds, cables and conduits.
- target to divert 90% of construction and demolition waste from landfill.
- inclusion of an on-site 99 kW solar photovoltaic system.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

The Department has recommended conditions that require the:

- appointment of a suitably qualified Green Star accredited professional to monitor the detailed design to ensure the ESD measures indicated above are incorporated.
- Applicant to obtain evidence from a suitably qualified Green Star accredited professional demonstrating that the detailed design of the development achieves all ESD measures set out in the EIS, including achieving an equivalent minimum 4-star Green Star rating with the Green Building Council Australia, prior to the commencement of buildings works (excluding site preparation works).

Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives would be met and would encourage ESD, in accordance with the objects of the EP&A Act, subject to the implementation of recommended conditions.

#### 4.4.4 Environmental Planning and Assessment Regulation 2000

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

#### 4.4.5 Planning Secretary's Environmental Assessment Requirements

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

#### 4.4.6 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 8**.

**Table 8** | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in <b>Appendix B</b> .
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the relevant draft EPIs is provided in <b>Appendix B</b> .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to the North Sydney Development Control Plan 2013 (NSDCP) in <b>Section 6</b> .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned as discussed in <b>Section 6</b> .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Section 3, 4 and 6</b> .



Section 4.15(1) Evaluation	Consideration
(d) any submissions	The Department has considered submissions received during the exhibition period as discussed in <b>Section 5</b> and <b>6</b> .
(e) the public interest	The proposal is in the public interest as discussed in <b>Section 6</b> .

#### 4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are 'to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The EIS includes a BDAR (as updated by the RtS), which provides an assessment of the biodiversity on the site in accordance with the BC Act.

The BDAR identified the site has been significantly historically cleared and altered, and the majority of the site consists of buildings and paved areas. However, some native vegetation exists in the form of the odd canopy tree and sparse groundcovers that have been planted in garden beds. The BDAR identified one principal plant community type (PCT) present on the site representative of PCT 1776 (Smooth-barked Apple – Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast). This plant community does not form part of a Threatened Ecological Community under the BC Act.

The BDAR indicates that the development would result in a direct impact by way of the removal of 0.24 hectares (ha) of PCT 1776. The BDAR has assessed the impacted area of PCT 1776 to be severely altered, contained little native floristic diversity, and classified as having a very low integrity score. The BDAR concluded, due to the very low integrity score of the surveyed vegetation, no biodiversity offset credits are required. The BDAR considered the proposal is unlikely to result in any indirect impacts.

The BDAR recommended mitigation measures to minimise the impacts of the development, including engaging an ecologist to supervise clearance of vegetation, preparation of a Construction Environmental Management Plan, appropriate erosion, sedimentation, storage/stockpiling and stormwater management measures, and implementation of tree protection measures for retained trees.

Environment and Heritage Group (EHG) considered the proposal and initially raised concerns in response to the EIS exhibition that the BDAR did not consider the potential of microbats using/roosting in buildings on the site, that species credits appear to have been recommended in error, and the mitigation measures provided to address the 'avoiding impacts' requirements of the Biodiversity Assessment Method were too brief. During the EIS exhibition, public submissions raised concerns about the impact of the development on existing trees.

In response to the comments provided by EHG, the Applicant submitted an amended BDAR which confirmed:

- a targeted search for potential microbat roost sites within roof cavities was carried out on 15 April 2021, which confirmed there was no sign of microbat roosts or individuals during the search.
- no threatened ecological communities occur within the site.
- the development would not impact habitat connectivity due to the highly urbanised nature of the site and there are no anticipated impacts to threatened fauna species.
- no species credits are required.
- the proposed mitigation measures are adequate for the development noting that although some native vegetation is removed, it is of a degraded nature, has limited habitat potential and the site is predominately comprised of exotic vegetation.

EHG considered the amended BDAR and confirmed it has addressed its initial concerns and recommended the implementation of all mitigation measures identified in the BDAR referred to above and tree protection measures identified in the Arboricultural Impact Assessment report.

Based on the Applicant's amended BDAR and EHG's comments, the Department is satisfied the development would have minimal direct impacts on vegetation and residual indirect impacts due the removal of the 0.24ha PCT 1776 can be appropriately managed by the proposed mitigation measures. The Department concludes that, subject to the implementation of the BDAR mitigation measures, and tree protection measures, the development would not have adverse biodiversity impacts, and has recommended appropriate conditions accordingly.

The Department considered proposed tree removal, replacement and protection at **Section 6.4**.

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 23 February until 22 March 2021 (28 days) on the Department's website. The amended proposal was re-exhibited between 16 November and 13 December 2021.

The Department notified adjoining landholders and relevant state and local government authorities in writing. The Department representatives visited the site on 1 June 2022 to provide an informed assessment of the development.

The Department has considered the comments raised in the Government agency and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix E**.

### 5.2 Summary of submissions – original exhibition

During the EIS exhibition, the Department received a total of 28 public submissions, with 18 objections (17 individual and one from a special interest group), nine comments and one support for the proposal. Council submitted an objection outside of the exhibition period.

A summary of the matters raised in the public submissions are outlined below and copies of the submissions may be viewed at **Appendix A**.

#### 5.2.1 Council submission

Council objected to the proposal outside the exhibition period based on:

- traffic and transport
  - the Transport and Accessibility Impact Assessment (TAIA) should consider the occupancy of buses departing North Sydney Station Blue Street (AM) and North Sydney Oval Miller Street (PM).
  - the modelling assumes a future road connection from Ridge Street to the Western Harbour Tunnel, however, such a connection is not proposed as part of the tunnel project.
  - the aims of the Green Travel Plan (GTP) are supported.
  - the Construction Traffic Management Plan (CTMP) should be submitted to Council for approval.
  - sediment and erosion controls are required and should be maintained during construction.
- landscaping and trees
  - three mature *Phoenix canariensis* trees, proposed for removal (T8, T36 and TQ86), should be transplanted elsewhere on the site. A tree bond of \$197,000 is recommended.
  - two *Platanus digitata* should be planted on Miller Street frontage.
  - all trees to be a minimum 75 litre (L) pot size, with feature trees a minimum of 200L pot size.
  - services must not run through the structural root zone (SRZ) of any protected tree and try to avoid running through the tree protection zone (TPZ) of any protected tree.
  - clarification should be provided regarding the parts of the piazza that are designated to be public / private in the future along with incorporation of an accessible ramp from Miller Street.
- civil works

- the stormwater management proposal requires further resolution.
- impact of basement excavation and retaining walls adjacent to Council property can be addressed by condition.
- built form
  - building height should be varied to provide a transition between the proposal and surrounding lower scale developments. In addition, the bulk and scale does not relate to the residential development further north along Miller and Carlow Streets.
  - the facades of the building should include additional building articulation and the length of the Miller and Carlow Streets facades should be broken up with physical breaks.
  - the building on the corner of Carlow and Miller Streets should include a setback above the first or second floor to break down the fortress-like appearance of the buildings.
  - the proposal's relationship to the North Sydney Oval, St Leonards Park, North Sydney Hotel, the St Mary's Church and Rectory and CA18 is of concern.

## 5.2.2 Public submissions – original exhibition

A summary of the issues raised in the public community submissions is provided at **Table 9** and copies of the submissions may be viewed at **Appendix A**.

**Table 9 | Public submissions made in response to the EIS exhibition**

Issue	Proportion of total (28) submissions
Adverse traffic generation and impacts from PUDO and theatre	85.7%
Construction impacts (noise, traffic, parking, hours of work, structural)	67.9%
Car parking (not enough / too much)	55.6%
Loss of trees and insufficient planting	39.3%
Inappropriate height, bulk and scale of the development	35.7%
Adverse operational noise impacts	32%
A public hearing should be held	28.6%
Inappropriate architectural design / impact on heritage character	25%
Existing on-street parking should not be removed	25%
Fumes from underground car park	14.3%
Overshadowing and overlooking of neighbouring residential properties	10.7%
Adverse impact on pedestrian safety / insufficient footpath capacity	10.7%
Insufficient / inaccurate traffic and intersection analysis	7.1%

Other issues raised in public submissions (5% or less) include social equity, student numbers should not be increased, and the GTP would be ineffective.



The one public submission in support of the proposal stated the proposal makes positive social contribution and impacts during construction can be managed / mitigated.

### 5.3 Summary of Government agency advice - original exhibition

During the EIS exhibition, the Department received advice from eight Government agencies. A summary of matters raised in the advice is provided in **Table 10** and copies may be viewed at **Appendix A**.

**Table 10 | Summary of Government agency advice to EIS**

#### **Transport for NSW (TfNSW)**

TfNSW provided the following comments:

- the traffic modelling should be updated using SIDRA modelling, including the pedestrianisation of Miller Street, impact of the Western Harbour Tunnel, correction of the Base Model peak calculations, including intersection level of service (LoS) and intersections analyses based on the current situation.
- the Carlow Street car park should provide for no more than 44 spaces for staff parking.
- the removal of the Miller Street egress is supported subject to replacement with kerb and gutter treatment.
- bicycle parking and end of trip facilities should be provided in accordance with Australian Standards and Austroad Guides, including 109 bicycle parking spaces.
- the GTP mode shift and mode share targets are inadequate and should be updated in consultation with TfNSW.
- the TAIA and GTP should reflect current bus route information.
- school zones should be installed along all roads with direct access to the school.
- the CTMP should be updated to:
  - restrict the Ridge Street driveway to left-in, left-out only with swept path analysis for largest vehicles.
  - amend the turning paths at the Pacific Highway / McLaren Street intersection to prevent vehicle tracking over the central concrete median.
  - include truck routes considering no right turn for 12.5m vehicles from West Street into Falcon Street from the southbound approach.

#### **Heritage Division, Department of Planning and Environment (Heritage NSW)**

Heritage NSW raised the following concerns:

- the proposal adversely affects the SHR item St Leonards Park.
- views to and from the park must be considered to ensure the building does not dominate the streetscape and preserves the aesthetic values of the park.
- the setbacks of the building on the corner of Carlow and Miller Streets should be amended to preserve existing vegetation or provide for a suitable a deep soil area including trees to mitigate the bulk and scale of the proposed development and preserve the landscape character of the locality.
- the proposal is inconsistent with clause 5.10 of the NSLEP, which requires development to conserve the heritage significance of heritage items.

## Heritage ACH

Heritage ACH confirmed the proposal is unlikely to impact on Aboriginal objects and supported the recommendations made by the Aboriginal Cultural Heritage Assessment Report (ACHAR).

## EHG

EHG requested:

- an updated BDAR including:
  - assessment of the potential of microbats using existing buildings, including roost searches, assessment of impacts and mitigation measures (where necessary).
  - revision of the biodiversity assessment method to include consideration of building location / design to avoid biodiversity impacts.
  - revision the candidate fauna and flora credits species table for consistency.
- updated flooding impact assessment including:
  - addressing and mitigating the impact of flooding within the site during the 1% AEP event.
  - providing mapping detailing of the 1% AEP flood hazard and flood behaviour during the PMF event.
  - preparing an emergency response plan.

## Sydney Metro

Sydney Metro provided the following comments:

- as the application is SSD, the provisions of clause 86 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) do not apply and concurrence is not required.
- details of pile foundation should be provided to confirm the risk to the authority's infrastructure.

## Sydney Water

Sydney Water confirmed:

- potable water and wastewater servicing is available within the immediately surrounding streets.
- amplifications, adjustments and extensions to existing infrastructure may be required.
- the Applicant should submit a separate Section 73 application to Sydney Water.

## EPA

EPA stated it does not review or endorse environmental management plans and Council should be consulted as the appropriate regulatory authority for the *Protection of the Environment Operations Act 1997*.

## Ausgrid

Ausgrid confirmed Ausgrid has issued a design related service offer for the connection of the development to Ausgrid network. Ausgrid requested the Applicant continue to discuss its requirements directly with Ausgrid.

## 5.4 Response to submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions and following the Department's preliminary review of the EIS.

On 5 November 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS provided additional information and clarification in response to the issues raised in submissions. The RtS also included the following amendments to the proposal:

- reduce the GFA by 205.13m<sup>2</sup> (from 21,848.37 to 19,797.07m<sup>2</sup>).
- remove site preparation works, demolition of two terraces and Jacaranda Cottage from the scope of this application following Council's approval of DA100/21.
- include the detailed fit-out of the ELC within the scope of this application.
- reduce the height of the building fronting Miller Street by 3.6m / one storey (from 5 to 4 storeys).
- amend building facades to incorporate additional building articulation and modulation.
- include minor amendments to the internal configuration of spaces.
- amend the landscaping including:
  - conversion of the 111m<sup>2</sup> outdoor terrace located above the kitchen / canteen into a non-trafficable roof.
  - provision of two *Platanus digitata* (200L) along the Miller Street frontage.
  - retention and transplantation of three *Phoenix canariensis* trees.
  - introduction of landscape steps next to the auditorium foyer.
- increase the Miller Street pedestrian footpath, outside the Miller Street elevation of the Carlow Street building, by 1.3m (from 3.5m to 4.8m).
- increase bicycle parking by 27 spaces (from 82 to 109).
- correct errors in the site legal description.

## 5.5 Submissions to RtS - re-exhibition

The Department publicly exhibited the RtS and the amended proposal between 16 November and 13 December 2021, and notified surrounding landowners, Council and relevant Government agencies in writing. In response to the exhibition, the Department received five submissions, including one from Council and four public submissions (objections).

A summary of issues raised by Council are provided below.

Council reiterated its comments provided in response to the EIS exhibition and provided the following additional comments:

- the use of the roadway at Miller and Carlow Streets by the development, including for PUDO, should be referred to and approved by Council's local traffic committee.
- the rooftop and undercroft play areas may have noise impacts and mitigation measures are required.
- all street trees are to be approved by Council.
- the impact of light from the Warringah Freeway upgrade on the Miller Street component of the development should be considered.
- details and consideration of any illuminated or variable signage should be included.

- the public piazza should remain unfenced and accessible by the broader community.

Four submissions were received from the public, which included the following concerns:

- inappropriate increase in student numbers.
- inappropriate height of Carlow Street building.
- inappropriate scale of development that is out of character with surrounding urban context.
- adverse visual and heritage impact on adjoining properties at eastern end of Carlow Street.
- insufficient building setbacks at the western end of Carlow Street.
- adverse operational school traffic impact on surrounding local streets and from the auditorium.
- insufficient staff car parking.
- insufficient evidence to confirm GTP would be effective.
- operational noise impact from use of school and its rooftop recreation areas.
- adverse impacts of removal of trees, particularly along the site boundary.
- loss of outdoor ground level play space for students.
- adverse construction traffic, air quality and noise impact.
- pedestrian safety impacts at the Carlow / West Street pedestrian crossing.
- replacement of parking spaces removed during construction.
- exclusion of Saturdays (or limited to 7am to midday) from construction hours.

## 5.6 Government agency advice to RtS - re-exhibition

The Department received advice from six Government agencies. A summary of issues raised is provided at **Table 11**.

**Table 11** | Government agency advice to RtS

### Heritage NSW

Heritage NSW provided the following comments:

- the planting of two 200L replacement Jacaranda trees at the corner of Miller and Carlow Streets would mitigate the bulk and scale of the development, preserve significant views from St Leonards Park and the landscape character of the locality.
- the encroachment of basement and associated structures into the deep soil perimeter in the vicinity of the replacement trees should be avoided.

### EHG

EHG provided the following comments:

- the revised BDAR and Flood Risk Assessment have adequately addressed previous concerns.
- biodiversity credit requirements are not required to offset any biodiversity impacts.

EHG recommended conditions requiring implementation of all of the BDAR recommendations and the Arboricultural Impact Assessment (AIA) tree protection measures.

### EPA

EPA reiterated their comments on the application.



## TfNSW

TfNSW reiterated its comments provided in response to the EIS.

## Heritage ACH

Heritage ACH confirmed it had no further comments on the proposal.

## Sydney Metro

The Department notes that the Applicant engaged extensively with Sydney Metro following the EIS exhibition. As a result, on 1 September 2021 (prior to the formal lodgement of the RtS), Sydney Metro wrote to the Department advising that it had no further concerns regarding the development subject to a condition requiring the lodgement of engineering plans with the agency for endorsement, prior to the issue of the construction certificate.

## Department of Education

During the assessment, the Department noted the size and design of the ELC outdoor play space area and considered that it would not comply with the minimum requirements under the relevant legislation. Consequently, the Department referred the application to NSW Department of Education (DoE) in accordance with the requirements of section 22 of the Education SEPP (outdoor play space) for concurrence as the regulatory authority for child care centres under the SEPP.

On 28 June 2021, DoE confirmed that the proposed childcare facility outdoor play space has been designed in accordance with the NSW Childcare Planning Guidelines and therefore there is no requirement for concurrence on this application.

## 5.7 Supplementary response to submissions - re-exhibition

Following the exhibition of the RtS, the Department placed copies of all submissions received during the RtS exhibition period on its website and requested the Applicant provide a response to the issues raised in the submissions and to the matters raised following the Department's review of the RtS and the amended proposal.

On 21 June 2022, the Applicant submitted its supplementary RtS (SRtS) (**Appendix A**). The SRtS provided additional information and clarification in response to the issues raised, in particular additional detailed information on works to heritage buildings, mode-share details, PUDO, car / bicycle parking arrangements, traffic modelling, tree removal/replacement, community use, and construction management. The SRtS included further amendments to the proposal:

- removal of demolition works relating to the Block C Annex, Jacaranda Cottage and two terrace houses on the site from the scope of the application.
- further amendments to the design of the Carlow and Miller Street buildings including additional articulation through use of brick blade walls and curved brickwork, alterations to the top floor to include an additional 0.5m setback, curved glass and finer canopy to reduce visual prominence.
- minor landscaping changes including relocation of St Mary's Church ramp, pedestrian path paving and increase tree canopy cover from 22% to 26%.
- minor internal layout amendments to all proposed buildings.

- removal of outdoor terrace overlooking the Marist Brothers Residences.
- reduction in 25.26m<sup>2</sup> GFA (from 19,797.07m<sup>2</sup> to 19,771.81m<sup>2</sup>).
- agreement to consult with key stakeholders in accordance with the *Connecting with Country Framework* and implement a scope of works regarding Connecting with Country.

## 5.8 SRtS consultation and further information

The Department made the SRtS publicly available on its website and notified relevant Government agencies and Council in writing. The Department determined that the changes to the proposal did not warrant re-exhibition. No further feedback was received from the public.

In response to Department's notification Council, Heritage NSW and TfNSW all confirmed no further comments on the proposal.

On 1 July 2022, the Department requested additional information on the PUDO facilities and a comparison of the existing and proposed quantities of play space within the site. The Applicant submitted a further SRtS on 12 July 2022 responding to the Department's requests.

On 9 August 2022, the Department requested additional clarification from the Applicant regarding staging details and its relationship to the proposed student increase, noting inconsistencies in the submitted documents.

On 12 September 2022 the Applicant submitted a further SRtS clarifying the students and ELC children enrolled at each construction stage. The Applicant also submitted amended plans including minor amendments to the design of the buildings to include a rooftop plant. The design amendments are minor and do not warrant any further consultation. The information has been made publicly available on the Department's website.

On 30 August 2022, the Department requested additional clarification about public access to the proposed piazza and suggested that an easement may be required to secure ongoing public access to the space.

On 12 September 2022, the Applicant submitted further SRtS confirming its commitment to allowing public access to the piazza 24 hours a day seven days a week, subject to certain exclusions for security reasons. In addition, the Applicant indicated that the imposition of an easement is not necessary given the nature and location of the piazza and as the space would be unfenced.

## 5.9 Independent peer review of traffic and heritage reports

Following the EIS exhibition and the concerns raised in the submissions, the Department engaged Bitzios Consulting (Bitzios) and NBRS & Partners (NBRS) to undertake peer reviews of the TAIA and Heritage Impact Statement (HIS) reports (including subsequent RtS revisions) and concerns raised in submissions.

A summary of the Bitzios and NBRS peer review reports is provided below, and copies can be viewed at **Appendix C**.

### 5.9.1 Bitzios peer review

Bitzios provided a peer review report, which considered the EIS, RtS TAIA, Government agency advice, Council and public submissions. Following the review, Bitzios requested that the Applicant provide additional information and justification, including:

- further analysis of queuing, safety and congestion issues relating to the PUDO facility.
- further travel mode survey to justify proposed mode split and targets.
- revised traffic modelling relating to traffic signals, pedestrian crossings, bus movements, traffic counts and travel times, vehicle queuing, lane geometries, pedestrian movements, walking speeds and network queue outputs.

The Applicant's SRtS responded to the Bitzios review and included:

- greater detail of existing PUDO operations and analysis of proposed queue capacity and lengths.
- results of a second mode-share survey and updated mode-share targets.
- updated / revised traffic modelling in response to comments provided.

Bitzios considered the SRtS and confirmed the majority of its previous comments have been addressed. However, Bitzios requested further clarification on existing vehicle queue overflow and what was the typical delay of kindergarten / Year 1 students during PUDO.

Bitzios also recommended the Operational Transport Management Plan include additional mitigation measures requiring:

- traffic cones be installed in the Carlow Street basement during PUDO times.
- staggered start/finish times be determined through revised travel questionnaires and monitoring.
- service vehicle access occurs outside school peak times.
- consider the potential for vehicle queues entering the car parks spilling back onto surrounding roads.
- drivers in the queues stopping on the circulation roads/parking to undertake PUDO.
- staff / personnel monitor PUDO areas.

### 5.9.2 NBRs peer review

NBRs provided a peer review report, which considered the EIS, RtS, HIS, Government agency, Council and public submissions. NBRs requested that the Applicant provide additional information and justification, including:

- provide views that demonstrate the relationship between the heritage items and the development and provide assessment of impacts.
- provide a detailed description of heritage items on the site, with specific reference to elements proposed to be altered and provide assessment of impacts on heritage fabric.
- consider the potential impact(s) of the proposal on the heritage significance of CA18.
- include detailed heritage assessment of impacts on heritage items within the vicinity of the site resulting from the built form at the corner of Miller and Carlow Streets.

NBRs recommended conditions relating to photographic archival recording, dilapidation report, vibration monitoring, appointment of a heritage architect, removal of heritage fabric, *Disability Discrimination Act* (DDA) and Building Code of Australia (BCA) compliance and design modification.

The Applicant's SRtS included a response to the NBRS review and included:

- amendment of the Carlow and Miller Street building design and provision of updated views to address the building's relationship to surrounding built form and heritage items.
- additional analysis, drawings and views relating to heritage items on the site, heritage fabric, the adjoining CA18 and nearby heritage items and an assessment of impacts.

NBRS considered the SRtS and confirmed it has addressed its previous comments.



## 6 Assessment

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

- traffic and parking.
- built form and heritage.
- operational and construction noise.
- tree removal, replacement and new landscaping.

Each of these issues is discussed in the following sections. Other issues considered during assessment are discussed at **Section 6.5**.

### 6.1 Traffic and parking

The site is located within a medium density, mixed residential and non-residential setting. As summarised at **Section 1.2.3**, the surrounding streets including Ridge Street, Carlow Street, West Street, and Cassins Avenue are all local roads with on-street parking. Miller Street is a regional road which includes on-street parking, however, is also subject to clearway restrictions on weekdays. The intersections of Miller Street / Ridge Street and Miller Street / Carlow Street are signalised and there are five existing pedestrian crossings located near the site, including three zebra crossings (two on West Street and one on Ridge Street), and those at the signalised intersections.

The application includes a TAIA and preliminary GTP, which consider the existing and proposed road and pedestrian conditions, transport mode share, and sustainable transport measures. In response to concerns raised by Council, Government agencies and the community, the Applicant submitted an amended proposal with an amended TAIA and GTP.

**Section 6.1** considers the findings of the amended TAIA/GTP. The Department considers the key assessment issues include:

- mode share and GTP.
- PUDO facilities.
- car parking and servicing.
- bicycle parking.
- operational traffic and intersection performance.
- pedestrian infrastructure and safety.
- construction traffic and parking.
- staging of student and staff population increases.

#### 6.1.1 Mode share and GTP

The EIS included a GTP to manage the transport needs of staff, students and visitors of the school in the future. The GTP aims to reduce traffic congestion and environmental impacts, and includes support for walking, cycling, and public transport, while reducing dependence on private vehicles and parking.

The GTP confirms that in October 2020 a travel mode share survey was undertaken to determine staff and student travel patterns to and from school. The survey found that:

- there is high car dependency for primary students (66%-72%) and staff (90%).
- most secondary students (63%-75%) travel to/from school by public transport.

To reduce the amount of traffic congestion experienced by users and the public, the GTP anticipates the school could achieve a projected short-term mode share for staff and students by incorporating the following key measures:

- provide secure bicycle parking and end of trip facilities and develop programs to encourage active transport such as learn to ride, park and stride, and sustainable travel programs.
- provide public transport noticeboards and subsidies to staff to encourage public transport use.
- encourage cycling, walking, and public transport user groups.
- limit on-site staff parking and encourage staff carpooling.
- undertake ongoing annual monitoring and review of the GTP.

The application targets an overall reduction in private vehicle usage of 5% for staff and students in the short term.

#### *Submissions and Applicant's response*

During the EIS exhibition, public submissions indicated that the GTP mode share targets would be ineffective and not address existing traffic congestion and car parking pressures.

TfNSW stated the GTP mode share targets are inadequate and should be updated to consider appropriate bus routes. In addition, the final GTP should be prepared in consultation with, and endorsed by, TfNSW prior to the commencement of operation. Council raised no concerns regarding the GTP.

Bitzios reviewed the EIS and the RtS, and recommended the mode share survey for secondary school students should be amended to achieve a response rate of at least 50%. Bitzios confirmed it supports TfNSW's recommendations to update the GTP.

In response to the comments provided, the Applicant's SRtS submitted an amended TAIA and updated the GTP including:

- undertaking a second survey achieving a secondary school response rate of 86%.
- clarifying bus routes.
- increasing on-site bicycle parking to 109 spaces.
- a commitment to long term aspirational mode share targets in addition to the short-term mode share targets.

A comparison of the existing travel mode share, the short-term targets and the aspirational long-term targets as summarised at **Table 12**.

The Applicant has agreed to the preparation of the GTP and endorsement of the final GTP by TfNSW prior to the commencement of operation of the development.

TfNSW and Bitzios reviewed the Applicant's response and confirmed that they had no further comments or concerns.

**Table 12 |** Existing and projected short term mode share targets (Source: Applicant's SRtS 2022)

Travel Mode	Student AM Arrival Modal Split						Student PM Departure Modal Split					
	Primary			Secondary			Primary			Secondary		
	Existing	Proposed short term	Proposed long term	Existing	Proposed short term	Proposed long term	Existing	Proposed short term	Proposed long term	Existing	Proposed short term	Proposed long term
Car	72%	67% (-5%)	52% (-20%)	26%	21% (-5%)	6% (-20%)	66%	61% (-5%)	46% (-20%)	13%	8% (-5%)	0% (-13%)
Walk	16%	17% (+1%)	21% (+5%)	9%	10% (+1%)	10% (+1%)	22%	23% (+1%)	27% (+5%)	11%	12 (+1%)	12 (+1%)
Bus / train	6%	9% (+3%)	11% (+5%)	62%	65% (+3%)	74% (+12%)	6%	9% (+3%)	11% (+5%)	74%	77% (+3%)	81% (+7%)
Cycle	3%	4% (+1%)	13% (+10%)	0%	1% (+1%)	7% (+7%)	3%	4% (+1%)	13% (+10%)	0%	1% (+1%)	5% (+5%)
Other	3%	3%	3%	3%	3%	3%	3%	3%	3%	2%	2%	2%

Travel Mode	Staff AM Arrival Modal Split			Staff PM Departure Modal Split		
	Existing	Proposed short term	Proposed long term	Existing	Proposed short term	Proposed long term
Car	90%	85% (-5%)	70% (-20%)	90%	85% (-5%)	70% (-20%)
Walk	2%	3% (+1%)	3% (+1%)	3%	4% (+1%)	4% (+1%)
Bus / train	3%	5% (+3%)	12% (+9%)	2%	5% (+3%)	11% (+9%)
Cycle	0%	0%	10% (+10%)	0%	0%	10% (+10%)
Other	5%	5%	5%	5%	5%	5%

### *Department's consideration*

The Department has considered the GTP, TAIA, and concerns raised in the public submissions about traffic impact and TfNSW's comments. The Department supports the preparation and implementation of the GTP and considers that it would be an effective tool to guide the mode share ambition and encourage sustainable modes of transport for the school in the future.

The Department considers the provision of bicycle facilities (**Section 6.1.4**) and the implementation of the GTP would assist in encouraging public and active transport modes from the outset of the increased school population's use of the school. In addition, over time, the GTP would likely further reduce private vehicle use to the site and reduce the pressure on the operation of the surrounding road network and the proposed PUDO facilities.

The Department is satisfied that the Applicant's proposed approach is consistent with car reduction aspirations, subject to the implementation and ongoing annual monitoring and review of the GTP. The short-term (5%) and long-term (20%) maximum mode share shift is not unreasonable or unattainable given the site has access to several modes of public transport. The Department has recommended conditions requiring the Applicant prepare the final GTP in consultation with TfNSW prior to the first use of the new school facilities, and that ongoing monitoring and annual review of the GTP occurs to ensure mode share improves over time.

#### **6.1.2 Pick-up/drop-off facilities (PUDO)**

The school currently provides for three on-site PUDO spaces (approximately 20m long), located outside the Ron Dyer Centre and accessed via a one-way internal road from Ridge Street exiting onto Miller Street. The PUDO circulation arrangement allows for a vehicle queue length of 189m / 42 cars before, and 70m / 15 cars after, the three PUDO spaces (see **Section 1.1.3**).

The travel mode survey results indicate that currently 66%-72% primary and 13%-26% of secondary school students are driven to/from the school. The TAIA has assessed the traffic impact of the existing PUDO facility and confirms that the existing:

- traffic movements are concentrated around the AM (8am) and PM (3pm) peak periods.
- primary students (66-72% of the total students) generally use the PUDO facility, whereas secondary students (13-26% of the total students) tend to be dropped off on-street.
- kindergarten / Year 1 students take longer than remaining years during PUDO.
- staff are present to manage movement and queuing of vehicles.
- vehicle queuing is generally contained within the site, however, occasionally there is overflow to Ridge Street.
- overflow occurs largely due to the delays of vehicle exiting the PUDO system onto Miller Street. Jacaranda cottage childcare centre PUDO formerly occurred at Carlow Street, which has now ceased given the demolition of this building.

The proposal includes the creation of new on site PUDO facilities within the Carlow Street building basement accessed off Carlow Street and amendment of the existing surface PUDO zone (outside the Ron Dyer Centre) as summarised at **Section 2.2.4 (Figure 24 and Figure 25)** to:

- split school PUDO into two separate streams, Years 2 to 12 within the new Carlow Street building basement, with kindergarten and Year 1 being within the amended facility outside the Ron Dyer Centre.



- create four (30m) new PUDO spaces with car queue capacity of 132m / 22 cars, and ten ELC parking/PUDO spaces in the Carlow Street building basement.
- amend the existing on site PUDO arrangement outside the Ron Dyer Centre by:
  - replacing existing circulation with a two-way internal road and vehicle turn-around within the Ron Dyer Centre basement.
  - increasing three surface PUDO spaces (from three to six), with car queuing capacity of 95m / 14 cars before, and 160m / 24 cars after, the six PUDO spaces.

The amended TAIA states that the increase in the number of PUDO spaces, separation of student years into two separate PUDO facilities, and amendments to vehicle queuing arrangements represent a significant improvement to PUDO operation. In particular, vehicle queue lengths would be reduced and contained on-site, and overall impacts would be reduced when compared to the existing situation.

10 ELC car spaces would be accommodated within the Carlow Street building basement. However, given that the parents need to sign-in/sign-out the children during PUDO, these spaces would not operate similar to the other PUDO spaces within the basement. The operation of the ELC car spaces is discussed later.

### *Submissions and Applicant's response*

During the EIS exhibition, public submissions raised concerns about existing traffic problems associated with PUDO at the school, and that the proposal would exacerbate these issues. Submissions also indicated that the proposal would introduce new PUDO related traffic issues to Carlow Street due to the new access to the Carlow Street building basement.

Bitzios recommended the Applicant provide an analysis of existing queueing, safety and congestion issues at the PUDO entry and exit, as well as on surrounding roads. In addition, Bitzios recommended the proposed PUDO areas and associated operational management plan consider the potential for vehicle queues spilling back onto surrounding roads, and drivers in the queues stopping on the circulation roads to PUDO, monitoring of these areas by staff / personnel.

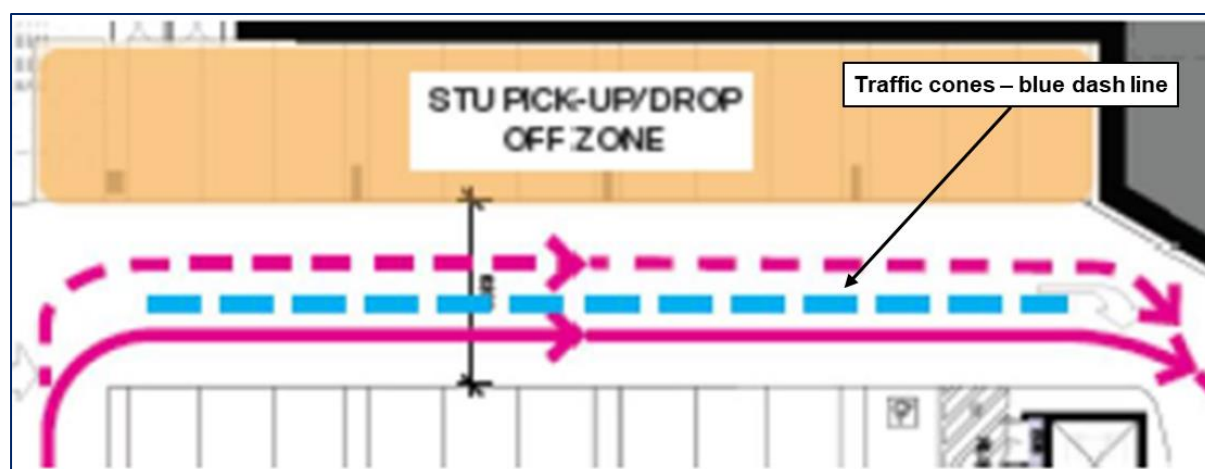
TfNSW and Council did not comment on the proposed PUDO facilities. Council considered the RtS and stated that any roads used for PUDO must be referred to and approved by Council's local traffic committee.

In response to the comments provided, the Applicant's SRtS and amended TAIA clarified the operation, vehicle queue length capacity, and impacts of the existing PUDO facility on surrounding roads. The Applicant confirmed both the proposed PUDO facilities include through-lanes that enable vehicles to pass when PUDO spaces are full. In addition, the Applicant committed to prepare and implement an Operational Transport Management Plan (OTMP), including confirmation that staff / personnel would be in place to monitor and manage the facilities ensuring traffic is flowing, no parking occurs within the circulation areas, and cars do not disrupt traffic. The Applicant agreed to review staggered start times of students to better align with the split of students between the PUDO facilities.

The Applicant reiterated that all PUDO activity would occur on-site, and the application does not propose the use of surrounding streets for PUDO. In addition, the former Carlow Street PUDO spaces have been returned to normal parking restrictions.

Bitzios considered the SRtS and requested further clarification on existing vehicle queue PUDO overflow and quantification of the typical delay of kindergarten / Year 1 students during PUDO. Bitzios

recommended the OTMP include additional mitigation measures requiring traffic cones be installed in the Carlow Street basement (**Figure 34**) during PUDO times, and staggered start/finish times be determined through revised travel questionnaires and monitoring.



**Figure 34** | Bitzios recommended traffic cone location (Source: Bitzios peer review 2022)

In response, the Applicant submitted a further SRtS stating it had not recorded delays, queueing, or dwell time, as this can vary due to conditions and circumstances on any particular day. In addition, vehicle dwell times, car occupancy, and predicted PUDO demand cannot be answered definitively as there are too many variables to quantify this accurately. Notwithstanding, the Applicant stated the proposed PUDO facilities are sufficient for the development as:

- splitting PUDO into two facilities better manages operations with an increase in queueing capacity and improved distribution of traffic through the road network.
- the majority of vehicles accessing the site are generated by the primary school (as opposed to the high school) and kindergarten / Year 1 students who will be appropriately allocated their own high capacity PUDO facility in acknowledgement of these demands.
- student increases are limited to Year 6 and above, and these years have a lower demand for PUDO facilities (27%) and are more efficient / faster when using PUDO facilities.
- current occasional vehicle queues onto Ridge Street are caused by vehicle delays leaving onto Miller Street (not entering from Ridge Street), therefore the revised queue capacity of the PUDO facility outside the Ron Dyer Centre would address this.
- the public transport mode share of high school students is expected to increase when the Sydney Metro line becomes operational in 2024.

#### *Department's consideration*

The Department has carefully considered the concerns raised in submissions, peer review by Bitzios, the Applicant's amendments to the proposal, and responses to submissions.

The Department supports the proposed split of students between the two on site PUDO facilities, noting this would spread the demand for the facilities and vehicle access across the site and from different access roads, and could reduce the potential for vehicle overflow onto surrounding streets. However, the Department notes that the PUDO zone assessment has been undertaken based on observations of the existing PUDO facility in operation and without consideration of typical vehicle delays, dwell times and queue demand. The Department remains concerned that in the absence of PUDO observational data such as dwell times etc, the Applicant cannot definitively establish that all

vehicle queuing associated with the design parameters of the amended and new PUDO facilities would be contained on the site. If the PUDO facilities do not operate as desired, it could lead to queue overflow and congestion on Ridge and Carlow Streets. Noting this, the Department requires that:

- the Applicant monitor the adequacy of the PUDO facilities 12 months following the initial primary (514 students) and secondary (218 students) increases in student numbers.
- the Applicant provide details of additional management and mitigation measures to the Department, if the monitoring concludes that the PUDO facilities are not operating as desired.
- no student increase, beyond the initial increase, be permitted if the proposed mitigation measures are not successfully implemented (if needed).
- the management and policing of the PUDO facilities be clearly outlined in the OTMP, which would form part of the future GTP.

The Department is satisfied that delivery of the GTP in the future would ensure car usage further reduces, easing pressure on the PUDO facilities. The Department notes that staging plans indicate no increase in student population until the new and amended PUDO facilities are in place. To ensure this is the case, the Department recommends a condition requiring the PUDO facilities to be constructed and operational, prior to any increase in student numbers.

The Department supports the Applicant's approach in implementing management measures via an OTMP. The Department has recommended conditions requiring the preparation and implementation of the OTMP, including incorporation of Bitzios additional mitigation measures, prior to the first use of both PUDO facilities, and review and update of the OTMP with each staged increase in student numbers and then on an annual basis.

The Department considers that the impacts of the PUDO operations on the local roads due to queuing are anticipated to be minimal and acceptable subject to the timely completion of the PUDO facilities; initial monitoring of the facilities; implementation of the OTMP; introduction of additional mitigation measures (as necessary); and the future delivery of the GTP.

### 6.1.3 Car parking and servicing

The proposal includes the overall reduction of six car parking spaces (from 120 to 114 spaces), and a reduction of nine staff spaces (from 63 to 54 spaces), as summarised at **Section 2.2.3**, including:

- removal of 19 informal parking spaces at the Miller Street exit, 55 spaces next to St Mary's Church, and three spaces within the Ron Dyer Centre basement.
- retention of six accessible car parking spaces adjacent to St Mary's Church.
- provision of 71 new spaces within the Carlow Street building basement, comprising 48 staff, 13 visitor, and 10 ELC spaces.
- a total of 54 staff car spaces and 60 car spaces for the Parish and visitors within the site.

A comparison between the NSDCP recommended staff and ELC car parking rates, the existing and proposed car parking is provided at **Table 13**.

**Table 13 | Comparison between the NSDCP, existing, and proposed car parking rates**

Component	NSDCP parking rate	Proposed Parking	Compliance with NSDCP
Existing school	23 staff spaces	63	Yes (+40 spaces)

Component	NSDCP parking rate	Proposed Parking	Compliance with NSDCP
<b>Proposed school</b>	33 staff spaces	54	Yes (+21 spaces)
<b>Proposed ELC</b>	3 staff spaces 3 PUDO	10	Yes (+4 spaces)
<b>Proposed auditorium</b>	20 patron spaces	114	Yes (+94 spaces)

The proposed vehicle servicing arrangements for the development include the:

- creation of a new servicing facility comprising two loading docks capable of accommodating one small and one medium rigid vehicle located within the ground floor level of the Carlow Street building, accessed via the Carlow Street building basement vehicle entrance.
- retention of the existing loading dock accessed from Cassins Avenue.
- operational hours of the loading docks to be between 7am to 10pm.

### *Submissions and Applicant's response*

During the EIS exhibition, some public submissions considered that the proposal provides insufficient staff car parking, while others considered it provides too much. Concern was also raised about the need for more parking for the auditorium for when it is used for non-school events, and potential permanent removal of on-street car parking spaces on Carlow Street.

Bitzios reviewed the application and stated that the auditorium provides parking for less than half of total seating capacity of the auditorium. Bitzios recommended either a reduction in seating, increase in parking, or implementation of traffic management measures during events.

TfNSW initially recommended that staff car parking component of the proposed car parking be reduced to no more than 44 spaces, to match the existing number of staff car parking spaces and discourage staff car use. Council did not provide comments on the proposed car parking. TfNSW confirmed it supported the removal of the Miller Street exit, and recommended the existing dropped kerb be replaced with a kerb and gutter.

In response to TfNSW's comments, the Applicant stated there are 63 existing car parking spaces currently used by staff, including 44 adjacent to St Mary's Church and 19 informal spaces between the Presbytery and Block A. The proposal includes a total of 54 staff parking spaces (a reduction in nine staff spaces), and therefore supports the aims of the GTP to encourage alternative modes of transport to private car use. In response to the concerns raised, the Applicant argued that although the total proposed provision exceeds the NSDCP standard based on the proposed total number of staff, there is an overall reduction in on-site staff car parking.

In response to concerns raised about the adequacy of parking for the auditorium, the Applicant stated that the auditorium is an ancillary use within the school for assemblies and ceremonies. Any community use of the auditorium would be outside school hours, full capacity occupation (1528 seats) of the facility is unlikely, and the operation of the facility would be subject to an out-of-hours event management plan.

The Applicant also stated that the Carlow Street building proposes to internalise PUDO arrangements, which would free up on-street car parking spaces available on this street. In addition, the former seven on-street PUDO bays used by Jacaranda Cottage childcare centre have now returned to normal parking restrictions following the demolition of the building.



TfNSW considered the Applicant's response, and confirmed it had no further comments.

Concern was reiterated in public submissions that the proposal included insufficient on-site operational car parking. Bitzios recommended that service vehicle access to the school's new facilities be restricted to outside of school peak times.

In response to the concerns raised the Applicant argued that although there is a reduction in on-site staff car parking the total provision exceeds the NSDCP standard based on the proposed total number of staff.

#### *Department's consideration*

The Department is satisfied that the proposed 54 staff car parking spaces are sufficient to cater for staff, noting the proposal:

- exceeds the NSDCP school car parking requirement by 21 spaces (+63%), and ELC car parking requirement by 4 spaces (+40%).
- staging indicates all new staff car parking (54 spaces) would be provided as part of the first stage of the development, prior to any population increase.
- addresses the existing oversupply of staff car parking on the site by reducing the overall available staff parking within the site supporting the aims of the GTP to reduce car dependency.

The Department considers sufficient car parking has been provided for the auditorium as:

- it is an integrated and ancillary use to the use of the site as a school as its primary function, and sufficient car parking has been provided in support of the school use.
- community use would only occur outside school hours and patrons would have access to all 114 on-site car parking spaces at that time.
- the Applicant has committed to prepare and implement an event management plan, to address operational impacts outside of school use including traffic impacts.

The Department also notes that if the auditorium was proposed as a separate stand-alone use with access to the 114 spaces, it would provide 94 parking spaces, in excess of the NSDCP standard for a theatre / recreational establishment (**Table 13**).

The Department considers the remaining 60 car parking spaces for the Parish and visitors (during school hours) is acceptable, noting this is similar to the existing situation. In addition, all proposed car parking (114 spaces) would be available for Parish use outside school hours.

With regard to the concerns regarding the potential impact of the new driveway and entry to Carlow Street building on the existing Carlow Street on-street car parking spaces, the Department is satisfied the reduction of one existing on-street car parking space to facilitate the basement entry would be offset by the creation of one new on-street space from the removal of the former Jacaranda Cottage Carlow Street vehicle accessway.

As such, the former on-street PUDO time restricted Carlow Street spaces are now subject to normal parking restrictions, which has increased on-street parking from that previously available.

Based on the comments from Council and TfNSW, the Department is satisfied the proposed increase in on-site servicing facilities is acceptable.

To ensure satisfactory car parking is provided on the site at each stage of the development and for each use, the Department recommends the following conditions:

- provision of 114 car parking spaces accordance with the proposal and delivered in accordance with the staging plan (**Section 2.4**) and relevant Australian Standards.
- allocation of 54 on-site car parking spaces for staff and 10 spaces for the use of the ELC.
- preparation and implementation of an out-of-hours events management plan for the community/school use of the auditorium.
- replacement of dropped kerbs on Carlow and Miller Streets.
- restriction of service vehicle access to be outside of school peak times.

#### 6.1.4 Bicycle parking

The existing school does not have any on-site bicycle facilities.

The NSDCP includes a bicycle parking rate for childcare centres of 1 per 10 staff and 2 per centre. However, it does not include a rate for schools. The proposal originally included bicycle parking for secondary school students and staff (89 spaces).

In the absence of an applicable bicycle parking rate for the school, TfNSW recommended the Applicant apply the NSW Planning Guidelines for Walking and Cycling rates (approximately 5% for students and 5% staff) and provide bicycle parking facilities both for primary and secondary schools. Bitzios supported TfNSW's recommendation in this regard.

In response to the comments provided, the Applicant confirmed the gym facilities would be made available for use as end of trip facilities and have increased bicycle parking to 109 bicycle parking spaces:

- 99 student spaces in the existing COLA and Carlow Street building undercroft.
- 10 staff spaces located within the Carlow Street basement.

The Department supports the proposed bicycle parking provision, noting the site does not currently provide for any bicycle facilities and the GTP targets up to 10% bicycle mode shift in the future.

The Department recommends conditions requiring the provision of bicycle parking facilities in accordance with the proposal, and the bicycle facilities are installed prior to any increase in student or staff population.

#### 6.1.5 Operational traffic and intersection performance

The main vehicle access to the site is from Ridge Street, exiting on to Miller Street. Additional, secondary vehicle entrances are located off Miller Street and Carlow Street (**Section 1.1.3**).

The intersections of Miller / Ridge Street and Miller / Carlow Street are signalised. All other intersections immediately nearby the site are priority controlled. Five existing pedestrian crossings are located near the site, including three zebra crossings on West Street and Ridge Street, and those at the signalised intersections (**Section 1.2.3**).

The TAIA undertook a traffic count assessment and identifies existing background traffic volumes of the intersections of Miller Street, with Carlow, Ridge, McLaren, and Berry Street and Pacific Highway that are nearby and would be impacted by the development.

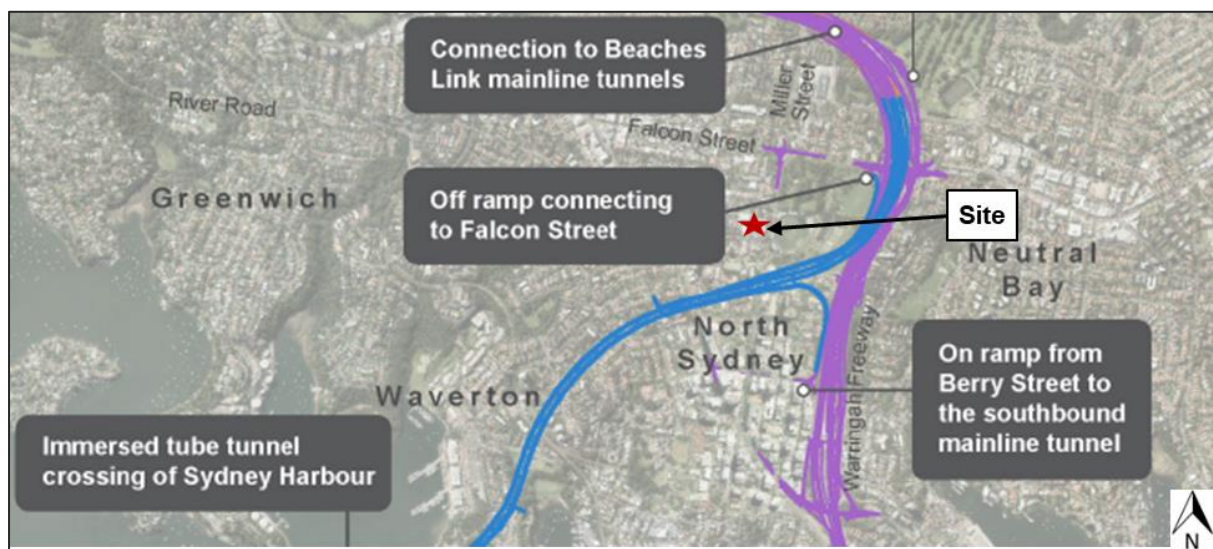
Based on the proposed increase in student and staff population (**Section 2.3**), the TAIA indicates the proposal would result in the following additional (two-way) vehicle trips during the AM and PM peaks:

- 223 school trips and 32 ELC trips during the AM peak (increase from 330 to 585).

- 129 school trips and 12 ELC trips during the PM peak (increase from 214 to 355).

The proposal does not include any upgrades to existing surrounding road infrastructure. However, the TAIA identified the following proposed future road upgrades (by the NSW Government), relevant to the proposal (**Figure 35**):

- the Western Harbour Tunnel and Beaches Link motorways and key links to the motorway at Falcon Street and Berry Streets.
- new turning lanes at Miller / Falcon Street intersection and widening of Falcon Street.
- the potential future removal of on-street parking in both directions on Miller Street (2026 scenario) to accommodate traffic growth.



**Figure 35 | Western Harbour Tunnel and Beaches Link (Source: Bitzios peer review 2022)**

#### *EIS submissions and Applicant's response*

Concerns were raised in public submissions that the proposal would result in an adverse increase in traffic on the surrounding roads and intersections. In addition, concern was raised that the TAIA assessment was inaccurate, had not assessed impacts on West and Tucker Streets, and vehicles in/out of the Carlow Street building basement would cause congestion on Carlow Street.

Council recommended the TAIA be updated to consider bus occupancy, and the modelling be corrected to remove reference to the road connection from Ridge Street to the Western Harbour Tunnel, which is not proposed as part of the tunnel project.

TfNSW requested the TAIA network modelling be updated using SIDRA modelling software, include the pedestrianisation of Miller Street between Pacific Highway and Berry Street, impact of the Western Harbour Tunnel, correct the Base Model peak calculations, intersection LoS, analyse intersections based on the current situation, and include current bus route information.

Bitzios recommended the TAIA traffic modelling be updated relating to traffic signals, pedestrian crossings, bus movements, traffic counts and travel times, vehicle queuing, lane geometries, pedestrian movements and walking speeds, and network queue outputs. Bitzios supported TfNSW's request for further information.

In response to the concerns raised and Bitzios' comments, the Applicant's RtS updated the TAIA traffic modelling, and corrected assumptions and inputs, to address the information requirements

raised. New SIDRA modelling was provided, LoS considerations updated, and demands during peak periods including after school activities were clarified.

The Applicant stated forecasts are based on TfNSW strategic models and future infrastructure, and TfNSW confirmed the Ridge Street link to the Western Harbour Tunnel should be included in the model. In addition, road upgrades and traffic forecasts associated with the Western Sydney Tunnel and Beaches Link have been incorporated.

The Applicant consulted TfNSW about the partial pedestrianisation of Miller Street and confirmed TfNSW have since agreed this does not need to be considered, as there is no current commitment from Council or TfNSW to deliver this project.

In response to public concerns, the Applicant stated:

- Miller Street is the key street in the local road network, whereas side streets are low traffic generating. Consequently, assessment of Miller Street traffic impacts is critical.
- impacts on Tucker Street have been minimised by containing the Carlow Street building PUDO vehicle queuing within the site and removing the on-street Carlow Street PUDO facility.
- the proposal would result in a traffic increase to West Street of 44-108 vehicles per hour, being one to two vehicles per minute, distributed over each turning movement. However, due to the wider distribution of site traffic to the surrounding road network, the development would result in a more efficient network, providing more capacity to each individual intersection.
- the Carlow Street building entrance is two-way, ensuring it operates efficiently. The internal one-way PUDO circulation within the basement promotes continuous flows with reduced delays.

#### *RtS submissions and Applicant's response*

In reviewing the Applicant's RtS, Bitzios recommended further refinement of the traffic modelling assumptions and data. In response, the amended TAIA included modelling refinements.

Based on the updated background traffic volume and predicted demands, the amended TAIA provides the existing performance levels for the identified nearby intersections using SIDRA modelling. It then provides the SIDRA analysis for the peak hour performance at identified intersections, considering the future total vehicular trips (including mode share targets implemented).

SIDRA modelling includes results for the existing development (2020) and future scenarios (2026 and 2036) including scenarios without the school (Base), with the completed school, with predicted completed future road upgrades, and Miller Street parking restrictions (2036). A comparison of the existing and future intersection LoS performance results is provided at

**Table 14** and **Table 15**.

**Table 14** | Intersection LoS at existing and future 2026 scenarios (Source: Applicant's SRtS 2022)

Intersection	Existing (2020)		Base (2026)		Base + School (2026)		Existing + upgrade (2026)		Base + upgrade + school (2026)	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Miller / Falcon St	D	D	F	E	F	D	F	D	F	C
Miller / Carlow St	A	A	B	A	B	A	B	A	B	A
Miller / Ridge St	B	B	B	B	B	B	B	B	B	B

Intersection	Existing (2020)		Base (2026)		Base + School (2026)		Existing + upgrade (2026)		Base + upgrade + school (2026)	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Miller / McLaren St	B	B	B	B	B	B	B	B	B	B
Miller / Berry St	C	B	C	C	C	C	C	C	C	C
Miller / Pacific Hwy	C	B	C	C	C	C	C	C	C	C

**Table 15 |** Intersection LoS at existing and future 2036 scenarios (Source: Applicant's SRtS 2022)

Intersection	Existing (2020)		Base (2036)		Base + School (2036)		Existing + upgrade (2036)		Base + upgrade + school (2036)		Existing + upgrade + parking restriction (2036)		Existing + upgrade + parking restriction + school (2036)	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Miller / Falcon St	D	D	F	F	F	F	F	F	F	F	F	F	F	F
Miller / Carlow St	A	A	B	B	C	B	C	A	B	B	B	A	B	B
Miller / Ridge St	B	B	F	F	F	F	F	F	F	F	C	E	C	E
Miller / McLaren St	B	B	F	D	F	D	F	D	F	D	B	D	B	B
Miller / Berry St	C	B	F	D	F	E	F	E	F	E	C	E	C	E
Miller / Pacific Hwy	C	B	F	C	F	C	F	C	F	C	C	C	C	C

The updated TAIA notes that the forecast Base (without school redevelopment) traffic in the 2026 and 2036 scenarios is predicted to reduce the LoS at the identified intersections. In addition, implementation of proposed road upgrade works (not part of this application) are beneficial to intersection operation.

The updated TAIA concludes the proposed school would impact on intersection performance, however this is minor in the context of the substantial changes expected to the road network as a result of background growth and development.

#### *Department's consideration*

The Department considered the concerns raised in submissions, the peer review by Bitzios, the Applicant's amendments to the proposal, and amended TAIA. The Department concludes the traffic modelling and associated assessment of traffic impacts provided by the Applicant are suitable for considering the nature and extent of operational traffic impacts associated with the proposal.

The Department notes in predicated future traffic scenarios without the development, the surrounding road network and intersection operation would be under pressure. In addition, the proposed development would add additional traffic pressure, however, this is minor in the context of the predicted network overall and is therefore acceptable. The proposed road upgrades and restrictions are likely to result in positive improvements to the operation of the network by 2036.

The Department considers that, subject to implementation of proposed management and mitigation measures, the proposal would result in only minor changes to the current LoS of nearby intersections following the first use of the development (2026) or predicted future development (2036) scenarios.

The Department notes the Applicant has committed to management and mitigation measures (OTMP,



GTP, PUDO and car parking) to address existing congestion and queuing issues, as well as to accommodate the increase in student and staff populations. The Department supports the proposed measures and notes this is likely to address the occasional queuing on Ridge Street. Further, as these issues would be addressed and the future queuing in relation to the PUDO is contained on the site (subject to the Department's recommended ongoing monitoring and implementation of the OTMP), there would be no need to undertake improvements to existing surrounding pedestrian or intersection infrastructure.

Additionally, the proposed allocation of PUDO facility split between kindergarten / Year 1 and Year 2-12 would distribute PUDO demand across the site and would allow for traffic exiting the site to be dispersed evenly between Carlow and Ridge Streets, with acceptable impacts on surrounding local roads.

The Department has recommended a condition requiring the OTMP to be implemented for the life of the development, reviewed and updated (if necessary) on an annual basis, to ensure operational transport impacts are effectively managed and mitigated.

#### **6.1.6 Pedestrian infrastructure and safety**

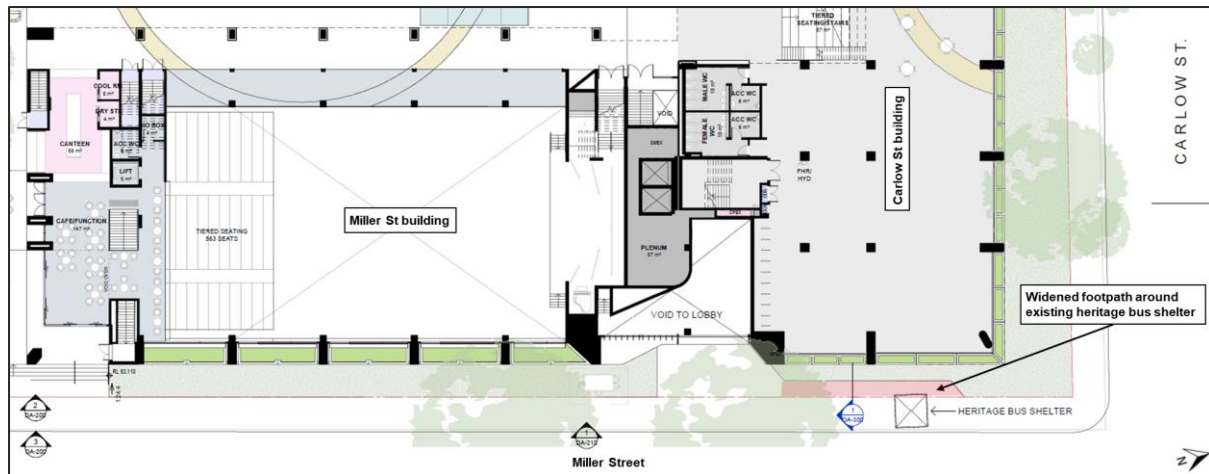
Concern was raised in a public submission that the proposal would result in additional pressure on the Miller and Carlow Street footpaths, particularly around the intersection. Concern was also raised about the capability of the Carlow / West Street crossing to accommodate student numbers.

TfNSW and Council did not raise any concern about the Miller and Carlow Street footpath capacity or the capacity of surrounding crossings to accommodate the proposed increase in student numbers.

TfNSW recommended that school zones be installed along all roads with direct access points to the site. Bitzios confirmed it supported TfNSW's recommendation and recommended a Road Safety Audit (RSA) or assessment of the Miller Street/Carlow Street and West Street/Carlow Street intersections be undertaken during school peak periods, to identify and address any safety issues.

The Applicant stated the proposal would not result in adverse impact on pedestrian movement, and surrounding crossings are appropriate and well used. Notwithstanding, in response to the concerns raised, the Applicant amended the Miller Street frontage of the development by setting back the proposed landscaping to accommodate a widening of the Miller Street footpath. The amendment creates a new path around the existing heritage bus-shelter, to allow for greater free-flow of pedestrians (**Figure 36**).

The Applicant has confirmed that all roads with a direct access point to the site (Ridge Street, Carlow Street and Miller Street) are already subject to school zones.



**Figure 36 | Widened footpath around heritage bus shelter (Source: Applicant's SRtS 2022)**

The Department notes surrounding roads are already subject to school zone restrictions and therefore no further school zone restrictions are required. The Department supports Bitzios' recommendation that an RSA be prepared and implemented to identify and address any safety issues and has recommended a condition accordingly.

The Department supports the Applicant's amendment to increase the Miller Street footpath width, as this would address an existing pedestrian pinch-point and improve pedestrian circulation within the public domain. The Department concludes the proposal would not have an adverse impact on pedestrian safety, subject to the preparation and implementation of an RSA and widening of Miller Street footpath as proposed.

### 6.1.7 Construction traffic and parking

The preliminary CTMP provided with the EIS, updated by the RtS and SRtS, assesses the impacts associated with construction activities at the site on neighbours and the local road network.

The preliminary CTMP anticipates construction works would generate up to 17,000m<sup>3</sup> of waste material and eight two-way truck movements per hour (50 per day) during peak demolition / construction. A mixture of large and medium rigid construction vehicles are likely to service the site. There would be between 20 to 90 workers on the site at any given time, dependent on the stage of construction. Construction workers would not have access to on-site car parking, and the use of on-street parking near the site would be discouraged. Workers would be encouraged to use nearby public transport and car parking facilities where practicable.

The existing school would continue operating during the construction phases, and the school and construction areas would be hoarded off / segregated, access restricted, and wherever possible access to construction zones would be directly from the street.

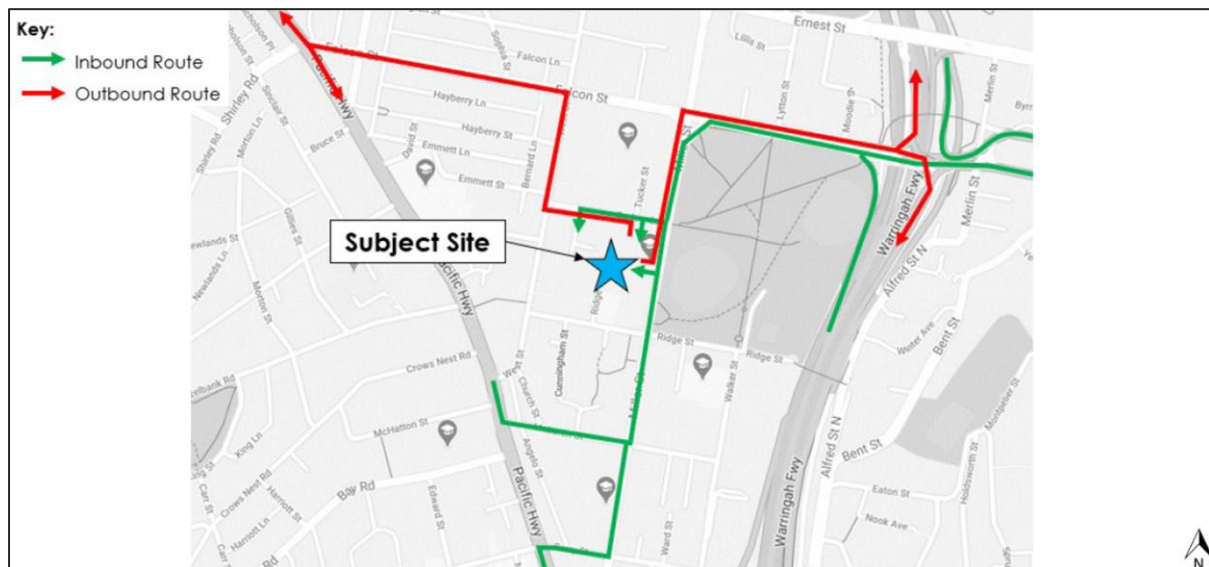
Major deliveries would be restricted to occur outside school peak PUDO times and vehicle access points would be primarily from Miller Street, except for the use of Carlow Street during Stage 2B demolition and construction. An on-street construction zone is proposed on Carlow Street, which would occupy approximately seven existing car parking spaces. Construction hours are discussed at **Section 6.3**.

Concern was raised in public submissions about construction traffic impacts and that the seven car parking spaces temporarily removed should be reinstated when construction is complete.

Council requested the final CTMP be submitted for its approval and noted any on-street impacts should be referred to and approved by Council's local traffic committee. TfNSW recommended the CTMP be updated to include swept-paths for largest vehicles, restrict Ridge Street entrance to left-in, left-out, amend turning paths to prevent vehicles mounting the median at the Pacific Highway / McLaren Street intersection, exclude the right turn of 12.5m vehicles from West Street into Falcon Street from the southbound approach, and no construction vehicle movements to occur during school PUDO peak times. Bitzios supported TfNSW's recommended amendments to the CTMP.

In response to the concerns raised, the Applicant's RtS and SRtS provided swept-path analysis, confirmed vehicles would not access the site from Ridge Street, and stated the CTMP already agrees to no vehicle deliveries during school peak PUDO times. The Applicant agreed to seek Council's approval for the on-street construction zone, as necessary.

In relation to vehicle routes, the Applicant stated construction vehicles would have origins/destinations throughout Sydney and designated construction routes have been selected to provide the shortest distance to/from arterial roads. Vehicle routes were amended to address TfNSW's comments and are shown at **Figure 37**.



**Figure 37 | Proposed construction traffic routes (Source: Applicant's RtS 2022)**

The Department is satisfied that construction traffic can be appropriately managed, given:

- each sub-stage of the development would occur in sequence and would allow flexibility for construction traffic to be managed, scheduled, and amended to respond to a detailed construction methodology.
- construction vehicle access would be largely from Miller Street, and arrivals and departures would be spread across Miller and Carlow Streets, being the shortest routes to major arterial roads
- the current road geometry can accommodate construction vehicles.

The Department considers the proposed construction would not have a significant adverse impact on operational traffic associated with the school as construction areas would be hoarded / separated and access restricted from operational school areas and would not interfere with existing PUDO facility accessed off Ridge Street.

The Department notes the creation of the on-street construction zone is subject to Council's Traffic Committee approval. In addition, it is expected, if granted, this would lead to the loss of seven car spaces on Carlow Street. However, this would be temporary and former parking restrictions reinstated following the completion of the construction works. As such, given that the seven PUDO bays used by Jacaranda College have been reinstated, these spaces would compensate for the temporary loss of the seven car spaces on Carlow Street.

The Department has recommended conditions requiring the Applicant prepare and implement a final CTMP in consultation with Council and TfNSW and obtain all necessary approvals from Council for on-street works / construction zones.

#### **6.1.8 Staging of student and staff population increases**

The proposal includes staged student population increases, which are linked to the staged provision of transport infrastructure and facilities (see **Section 2.4**).

Concern was raised in public submissions about the increase in student numbers, and the impact of additional student numbers on traffic congestion, intersection performance, and car parking.

Bitzios recommended PUDO areas be designed and managed to accommodate all demands generated by the school population operating at capacity without subsequent on-street queueing.

Based on the assessment of the traffic and parking impacts in preceding sections, the Department considers the development should be undertaken in accordance with the proposed staging plan (**Section 2.4**), subject to the following amendments ensuring essential transport infrastructure is provided prior to the first increase in student and staff population:

- construction and operation of the new and amended PUDO facilities.
- construction of all 54 staff car parking spaces.
- the installation of all 109 bicycle parking spaces and the end of trip facilities.

The Department has recommended a condition to the above effect.

## **6.2 Built form and heritage**

### **6.2.1 Building height and scale**

The proposal includes the construction of two new four to five storey buildings fronting Miller and Carlow Streets and a two-storey pavilion within the site. The proposal includes the amendment, refurbishment, and internal reconfiguration of existing buildings, including the Presbytery, St Mary's Church, and Ron Dyer Centre (see **Section 2.1**). The surrounding area is summarised at **Section 1.2**.

The site is subject to a maximum height of building (HoB) development standard of 12m above ground under clause 4.3 of the NSLEP (**Figure 38**). The site is not subject to a floor space ratio control.



**Figure 38 | Maximum Building Height NSLEP map extract (Source: NSLEP)**

The proposed maximum heights of the new buildings above ground level are provided below. The Carlow and Miller Street buildings both exceed the HoB control for the site by 9.37m and 3.5m respectively:

- Carlow Street building: 21.37m (RL103.65).
- Miller Street building: 15.55m (RL97.85).
- the pavilion: 7.25m (RL92.1).

Clause 42 of the Education SEPP provides that consent may be granted for the development of a school that is SSD, even where the development would contravene a development standard imposed by that SEPP, or any other environmental planning instrument under which the consent is granted. Consequently, the NSLEP HoB development standard does not apply to this development. However, it is still appropriate to consider the merits of the proposal and the impacts of the height exceedance above the NSLEP development standard.

Clause 4.6 of the NSLEP provides flexibility when a development standard is contravened. The Applicant's EIS included the following justification for the building heights and exceedances, having regard to clause 4.6 of the NSLEP as a guide:

- the buildings have been designed to present a holistic school precinct with appropriate relationship to surrounding existing developments to the north, west, and south of the site.
- the greatest extent of non-compliance occurs at the north-east of the site, which ensures no impact to the heritage character of St Mary's Church, MCCNS primary school and the Presbytery.
- the campus is a constrained site and there is limited open space available. Although lower buildings with larger footprints could be designed, this would result in the loss of play space and the public piazza. The proposal therefore represents the best planning outcome.
- the proposal would not result in any amenity impacts on adjoining properties in terms of privacy, visual, acoustic, and overshadowing impacts.



- although not proposed as part of this development, the Education SEPP enables new school buildings (classrooms, halls and offices) up to 22m in height to be approved as Complying Development. In this context the proposed variation (up to 21.37m) is well founded.

### *Submissions and Applicant's response*

The Applicant consulted Government Architect NSW (GANSW) through the State Design Review Panel (SDRP), prior to the lodgement of the EIS. In its response to the pre-lodgement EIS design, the SDRP acknowledged the strategy of providing additional height / bulk at the north-eastern part of the site, to contain impacts within the school boundaries. However, it recommended further investigation of building height and massing, to mitigate impacts and respond sensitively to the surrounding context.

During the EIS exhibition, public submissions raised concerns about the height, scale, and visual impact of the Carlow and Miller Street buildings and indicated the development is inconsistent with the HoB development standard.

Council raised concern that the development does not relate to residential development along Miller and Carlow Streets, and recommended heights should be varied to transition between the proposal and surrounding lower scale developments. In addition, Council recommended the building facades should include architectural breaks or articulation, and a setback above the first or second floor level to prevent a fortress-like appearance.

In response to the concerns raised, the Applicant's RtS amended the design of the Miller Street building, including reducing its height by 3.6m / one storey (from five to four storeys), and incorporating additional building articulation and modulation to improve its height and scale relationship to the surrounding area.

During the RtS exhibition, public submissions reiterated concerns about the height of the Carlow Street building, and that the development would appear out of place within the surrounding urban context. In addition, concern was raised that the Carlow Street building did not include sufficient setbacks at its western end. The Department recommended the bulk and scale of the Carlow Street building at the corner of Carlow / Miller Streets should be further reduced.

In response to the concerns raised, the Applicant's SRtS amended the design of the Carlow and Miller Street buildings to include additional articulation through use of brick blade walls and curved brickwork. In addition, the top floor of the Carlow Street building was further amended including an additional 0.5m setback, provision of curved glass, and a finer canopy design to reduce visual prominence.

The Applicant stated the revised design ensures the development is compatible with existing and expected future development in the surrounding area. In addition, the refined design better responds to the character of Carlow Street (**Figure 39** to **Figure 43**).

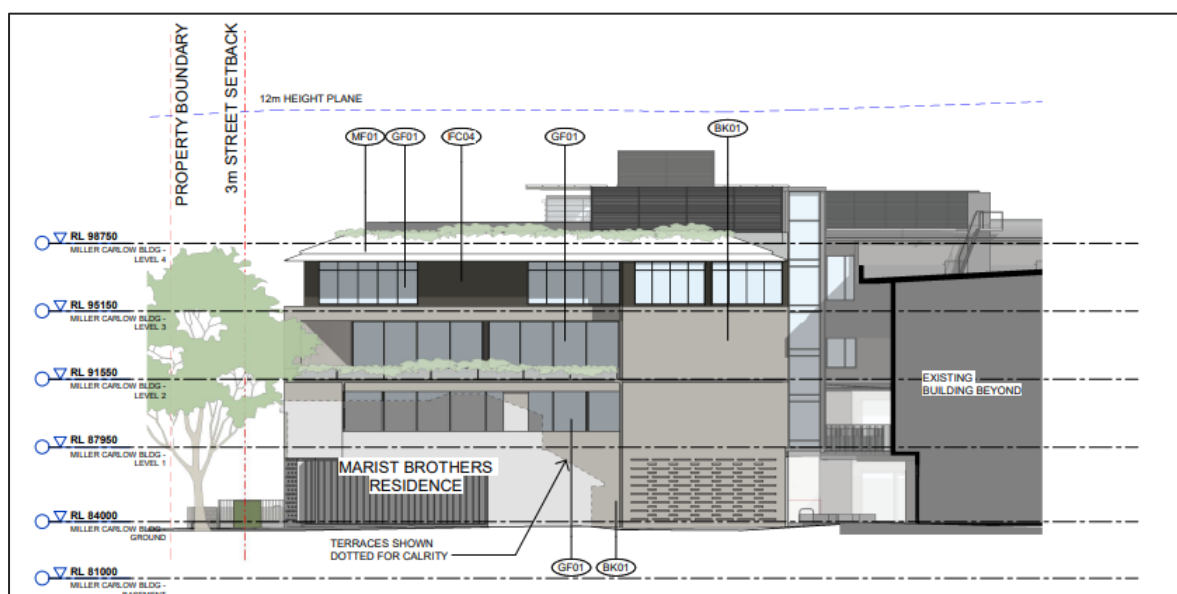
Following its review of the SRtS, the SDRP stated it supports the reduction in the height of the Carlow and Miller Street buildings. Council confirmed no further comments.



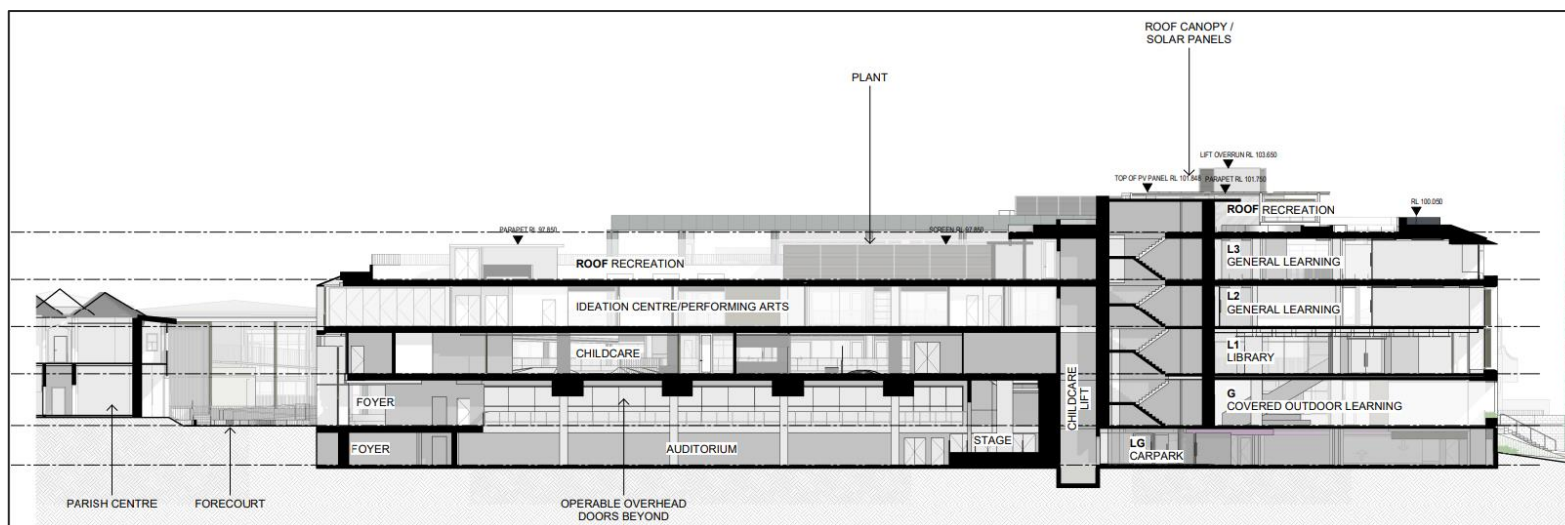
**Figure 39 |** Perspective looking south along Miller Street towards the Carlow and Miller Street buildings (Source: Applicant's SRtS 2022)



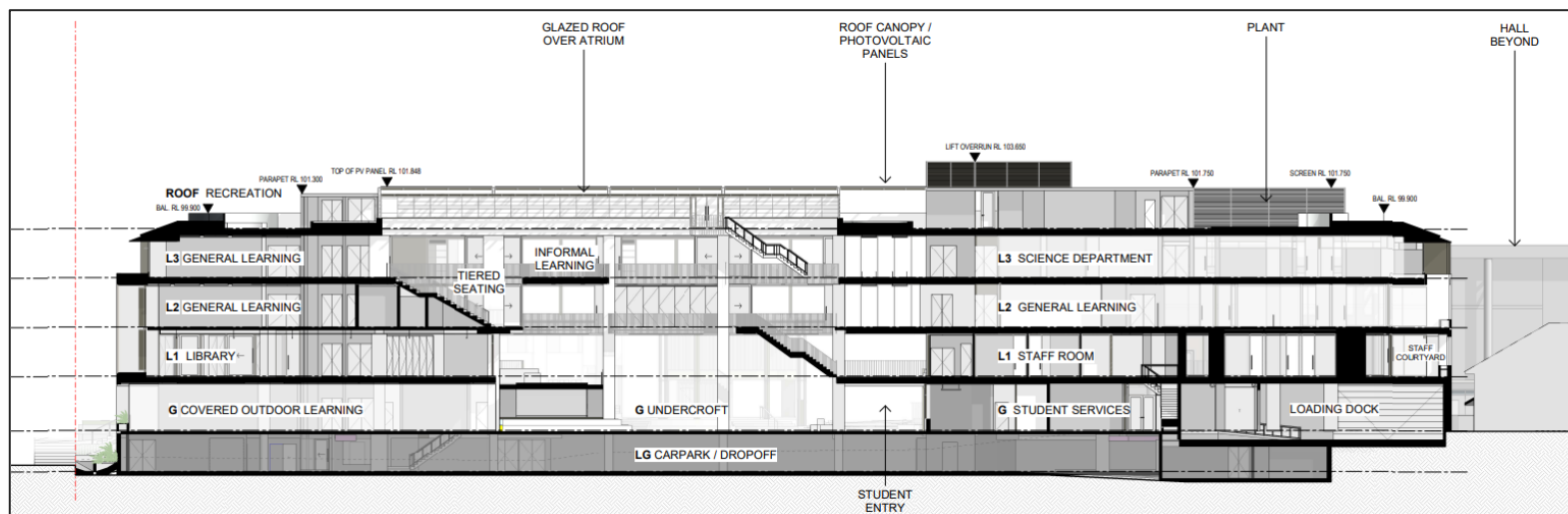
**Figure 40 |** Perspective looking towards the Carlow Street building (Source: Applicant's SRtS 2022)



**Figure 41 |** Carlow Street building western elevation (Source: Applicant's SRtS 2022)



**Figure 42 |** Section through Miller Street building comparing its scale with the Presbytery/Parish Centre (Source: Applicant's SRtS 2022)



**Figure 43 |** Section through Carlow Street building comparing its scale with the Marist brother residences (Source: Applicant's SRtS 2022)



### *Department's consideration*

The Department has considered the proposal as amended, concerns raised in public submissions, and the Applicant's justification for contravening the NSLEP HoB development standard. The Department concludes the height, scale and visual impact of the Carlow and Miller Street buildings (as amended) are acceptable as the:

- reduction in height of the Miller Street building ensures it has a sympathetic relationship to height and scale of the nearby Presbytery and St Mary's Church.
- amendments to the height and design of the buildings ensure elevations are highly modulated and reduce the perceived bulk and scale of the buildings.
- buildings are setback from Miller and Carlow Streets, include deep soil areas, retain existing significant street trees, and include new trees, which will screen / break down building bulk.
- buildings are of a height and scale consistent with buildings commonly found on school sites.
- built form in the area is variable, and the proposal would replace an existing building (Block A) of similar scale, thereby retaining the overall visual character of the area.
- design of the buildings is a result of functional requirements, including maximising access to natural light and ventilation. Reducing the length or height of the buildings would compromise their function and/or result in loss of ground level play space or reduce the size of the piazza within the site.
- western end of the Carlow Street building includes a 2m setback above first floor level, and provides an appropriate built form transition to the neighbouring Marist Brothers Residences and taller terraces at 7-21 Carlow Street.
- buildings would not result in any adverse amenity impacts in terms of overlooking, overshadowing or operational management, as discussed at **Section 6.3** and **6.5**.
- buildings would not have adverse heritage impacts, as discussed at **Section 6.2.3**.

In considering the merits of the proposal and the building height, the Department is guided by clause 4.6 of HLEP, which allows for contravention of a development standard where compliance is unreasonable and unnecessary. The Department has also considered the established principle in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009. In accordance with this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant for a clause 4.6 variation request to be upheld.

Based on the above, the Department considers the proposed exceedance to the NSLEP HoB development standard is acceptable in this case as the:

- site is constrained due to its size and surrounding heritage and urban constraints. These constraints restrict the built form to the northern end of the site and result in less flexibility for the distribution of building mass throughout the site or to reduce building heights, and
- building heights and scale (as amended) are appropriate, consistent with the ongoing use of the site, and would not have adverse visual or amenity impacts.

The two-storey pavilion building is located centrally within the site, set well back from surrounding streets and adjacent to the public piazza and the Presbytery. The Department notes the building is below the NSLEP HoB and considers the location and relatively low height of the building ensures it does not have any adverse visual or amenity impacts. In addition, the building is not expected to have any adverse heritage impacts, as discussed at **Section 6.2.3**.

The Department concludes the height and scale of the new buildings are acceptable, the Miller and Carlow Street buildings' strict compliance with the NSLEP HoB development standard is unnecessary and unreasonable and finds there are sufficient environmental planning grounds to justify contravening the development standard.

## 6.2.2 Design and materials

The proposal includes two new buildings and amendments to existing buildings, as summarised at **Section 2.2.2**. Concern was raised in public submissions about the design and appearance of the development and that it may appear out of place with the existing character of the surrounding area.

Council recommended that the facades of the Carlow and Miller Street buildings should include additional building articulation, and the length of the Miller and Carlow Streets facades should be broken up with physical breaks. The Department recommended the Applicant provide detailed drawings of the proposed pavilion.

In response to the above concerns (and concerns raised regarding the buildings scale and heritage impact), the Applicant's RtS and SRtS amended the elevational design of the Carlow and Miller Street buildings. Amendments included refinement of window groupings, vertical break in the elevation at the Miller Street pedestrian entrance, inclusion of brick blade walls and curved brickwork, curved glass, and a finer roof canopy design.

The amended design of the Carlow and Miller Street buildings is contemporary, incorporating a range of finishes including light brown brickwork in acknowledgement of the surrounding character, together with glazing, concrete and metal cladding. The elevations are articulated by the grouping of windows, architectural details and materials, and proposed materials and finishes for the two buildings are provided at **Figure 44**.



**Figure 44 | Miller and Carlow Street building elevations and proposed materiality (as amended)** (Base source: Applicant's SRtS 2022)

The pavilion comprises a simple, light-weight contemporary structure including metal, concrete and glazed cladding materials. Amendments are proposed to the Ron Dyer Centre including internal reconfigurations and provision of new glazed eastern façade and construction of an elevated walkway connection to the Stage 2A building (currently under construction).



Alterations to St Mary's Church and Presbytery heritage items are discussed in **Section 6.2.3**.

The Department is satisfied that the proposed new and amended buildings achieve a high standard of design and materiality. The design of the development (as amended) would not have an adverse impact on the character of the locality as the:

- design provides for coherent and well-proportioned buildings comprising a highly articulated architectural composition that makes a positive contribution to surrounding streetscapes.
- proposed external materials are of a high quality and include a natural colour palette consistent with the existing school buildings and sympathetic to the character of the surrounding area.
- grouping of windows, materials, and use of vertical elements positively contribute to the overall buildings' design, and successfully break down their bulk and visual impact.
- buildings achieve a high standard of internal amenity, whole of life flexibility and adaptability.

The contemporary design and materiality of the pavilion is supported as it would appropriately contrast with the federation architectural treatment of the Presbytery and late 20th century design of the Ron Dyer Centre.

### 6.2.3 Heritage

The site contains St Mary's Church, MCCNS primary school and Presbytery, which are NSLEP listed heritage items of local significance. The site is located opposite North Sydney Hotel (NSH), terraces on Ridge Street and Miller Street, and CA18, which are all NSLEP local listed heritage items. St Leonards Park (east of the site) is a SHR listed item, as summarised at **Section 1**.

The proposal includes the construction of new buildings and alterations to existing heritage items. Consequently, the EIS included a HIS considering the impact of the development on the heritage significance of the site.

#### *Submissions and Applicant's response*

During the EIS exhibition, public submissions raised concerns that the proposal would have an adverse impact on nearby heritage items. Council raised concern about the proposal's heritage impact to the North Sydney Oval, St Leonards Park, NSH, St Mary's Church, Presbytery and CA18.

Heritage NSW stated the proposal is inconsistent with clause 5.10 of the NSLEP, which requires development to conserve the heritage significance of heritage items. In addition, the proposal should ensure views to/from St Leonards Park and its aesthetic values are preserved, and that proposed buildings do not dominate the streetscape. The Carlow Street building street setbacks should preserve existing (or provide for new) vegetation to mitigate the heritage/visual impact and preserve the landscape character of the locality.

In response, the Applicant's RtS reduced the height of the Miller Street building by 3.6m, made façade amendments (**Section 6.2.1**), and agreed to plant two *Platanus digitata* and three *Fraxinus pennsylvanica* trees on the Miller / Carlow Street frontages (**Section 6.4.1**). In addition, the Applicant's RtS included an updated HIS providing additional analysis of the heritage impact of the proposal on St Leonards Park. The HIS concluded the development would have no physical impacts on St Leonards Park and the significant North Sydney Oval grandstand, due to distance and the visual buffers of vegetation and the roadway. The HIS concluded the proposed buildings would not impact on existing east-west or north-south view corridors, and the public piazza would enhance sitings of the heritage items and provide valuable green space.

Heritage NSW reviewed the amended proposal and stated the planting of trees is supported, and would preserve the axial view out of St Leonards Park and the landscape character of the locality. Heritage NSW recommended basement encroachment into deep soil areas be avoided where possible, to ensure the proposed trees can establish.

Public submissions reiterated the concerns about the heritage impact of the new buildings on the surrounding area, particularly Carlow Street, post exhibition of the RtS. Council did not provide any comments relating to heritage impacts.

#### *Independent review*

As stated in **Section 5.9.2**, NBRIS provided a peer review of heritage impacts at the EIS and RtS stages, and recommended the Applicant undertake further assessment relating to view relationship with heritage items, impacts to adjoining heritage items resulting from the Carlow / Miller Street buildings including the NSH, consideration of CA18, and provide detail of amendments and impacts to heritage items on the site. NBRIS recommended conditions relating to photographic archival recording, dilapidation report, vibration monitoring, appointment of a heritage architect, removal of heritage fabric, DDA and BCA compliance, and design modification.

The Department supported the design amendments in the RtS, however recommended the Applicant further amend the bulk and scale of the Carlow Street building at the corner of Carlow / Miller Streets, to be more sympathetic to heritage items.

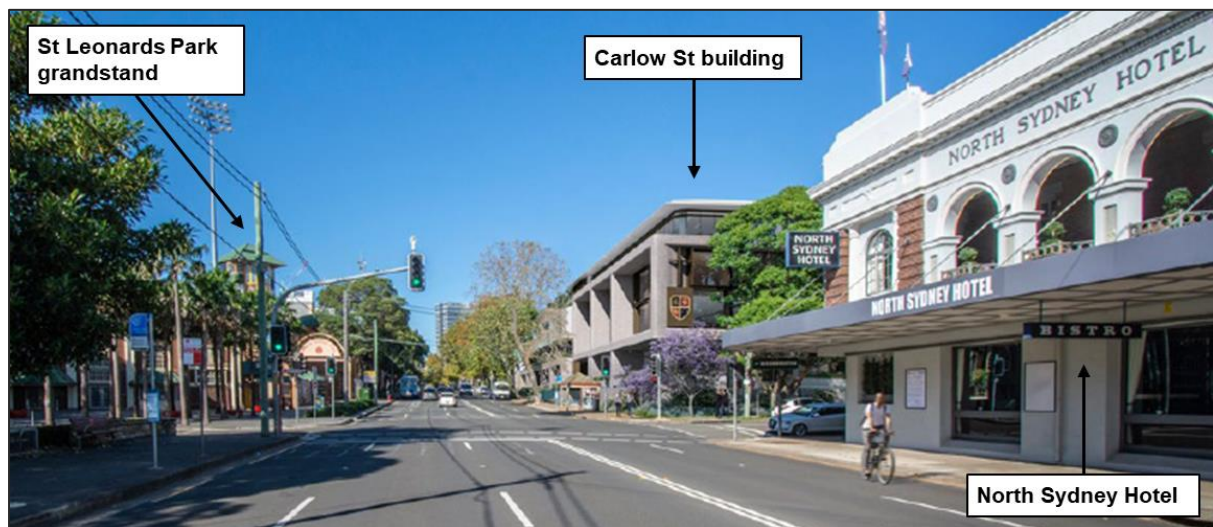
In response to the concerns raised, the Applicant's SRtS further amended the bulk, scale and design of the Carlow and Miller Street buildings (**Sections 6.2.1** and **6.2.2**). The Applicant stated the revised building form sits comfortably and sympathetically within the diverse urban and heritage context of the locality.

The Applicant's SRtS included an updated HIS and Visual Impact Assessment providing additional analysis, drawings, and views relating to heritage items on the site, heritage fabric, the adjoining conservation area and nearby heritage items, and an assessment of impacts. The updated HIS concluded the proposal, incorporating the amendments to its height, scale and design, would not have adverse heritage impacts, in particular (**Figure 45** and **Figure 46**):

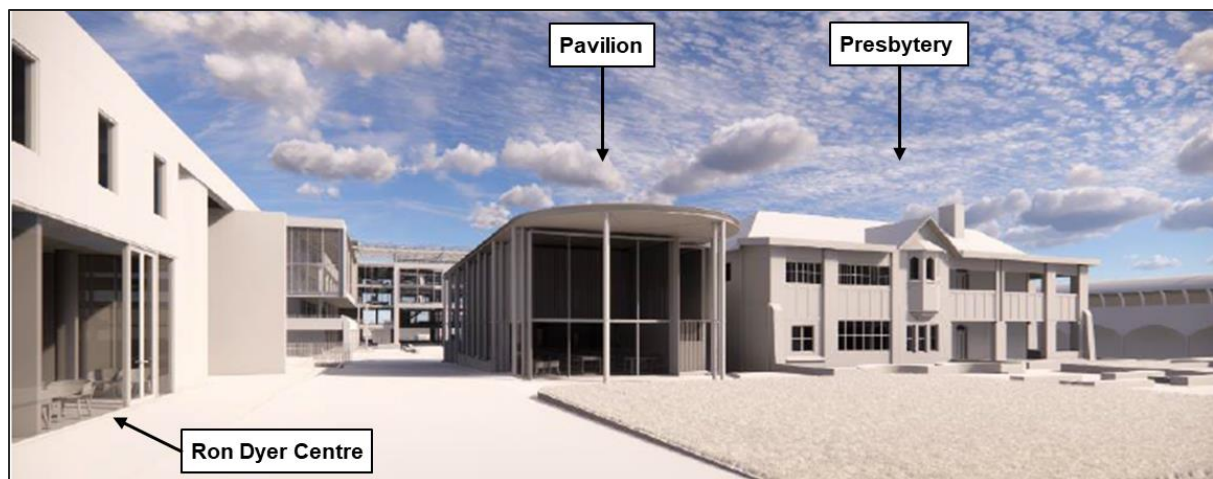
- there is no adverse impact on the existing setting and curtilage of heritage items on the site.
- removal of the existing car park and creation of the landscaped public piazza has a positive impact.
- alterations to St Mary's Church result in the removal of only a small amount of heritage fabric, reuses / restores other significant features, proposes sympathetic modifications, facilitates disabled access and all works would be supervised by a heritage consultant.
- works to the Presbytery would remove intrusive infill fabric, retain significant features and include sympathetic alterations to facilitate the building restoration and adaptive reuse.
- the pavilion is lower in height and architecturally recessive to St Mary's Church and the Presbytery and its contemporary design complements the heritage items.
- works to the Ron Dyer Centre have no heritage impact on St Mary's Church or MCCNS primary school.
- there is minimal impact to St Leonards Park, as the site is physically separated from the park by a five-lane road, substantial mature trees and the proposed works are of a similar scale to Block A.

- impact to the NSH is acceptable, noting the four-storey brick podium of the Carlow Street building relates to the scale and materiality of the NSH, and the top floor is sympathetically setback.
- the proposal is physically and visually distant from nearby listed terraces on Ridge and Miller Streets and the Independent Theatre on Miller Street.
- the new buildings enhance CA18 as they incorporate sympathetic materials, do not obscure view corridors, and fit within the diverse mix of buildings within the heritage conservation area.

Following review of the Applicant's SRtS, Heritage NSW and Council confirmed they had no further comments on the proposal. NBRs considered the SRtS and confirmed it has addressed its previous comments, subject to recommended conditions.



**Figure 45** | Perspective looking south along Miller Street towards the Carlow and Miller Street buildings (Source: Applicant's SRtS 2022)



**Figure 46** | Perspective looking north from the one-way accessway from Ridge Street and proposed plaza towards the Ron Dyer Centre, Pavilion and Presbytery (Source: Applicant's SRtS 2022)

#### *Department's consideration*

The Department has considered the concerns raised in submissions, peer review by NBRs, the Applicant's amendments to the proposal, and RtS.

Based on the peer review by NBRIS and comments from Heritage NSW and Council, the Department accepts the proposal would not have an adverse impact on nearby, adjoining, or on-site heritage items.

The Department supports amendments to the height, scale, design, and associated landscaping of the Carlow and Miller Street buildings, and notes these amendments mitigate the impact of the development on adjoining heritage items, including the NSH and St Leonards Park. In addition, the Department is satisfied the proposal would not have an adverse impact on the character or setting of CA18, and other off-site heritage items south of the site are relatively remote from the new buildings. Therefore, their settings would be unaffected by the proposal.

The Department considers the proposed works to St Mary's Church are relatively minor in nature, sympathetic to the heritage significance of the building, and removal of heritage fabric is not significant, and therefore acceptable. Likewise, restoration works to the Presbytery would not have an adverse impact to the heritage significance of that building, and the removal of intrusive infill works is an overall improvement to the appreciation of that heritage item.

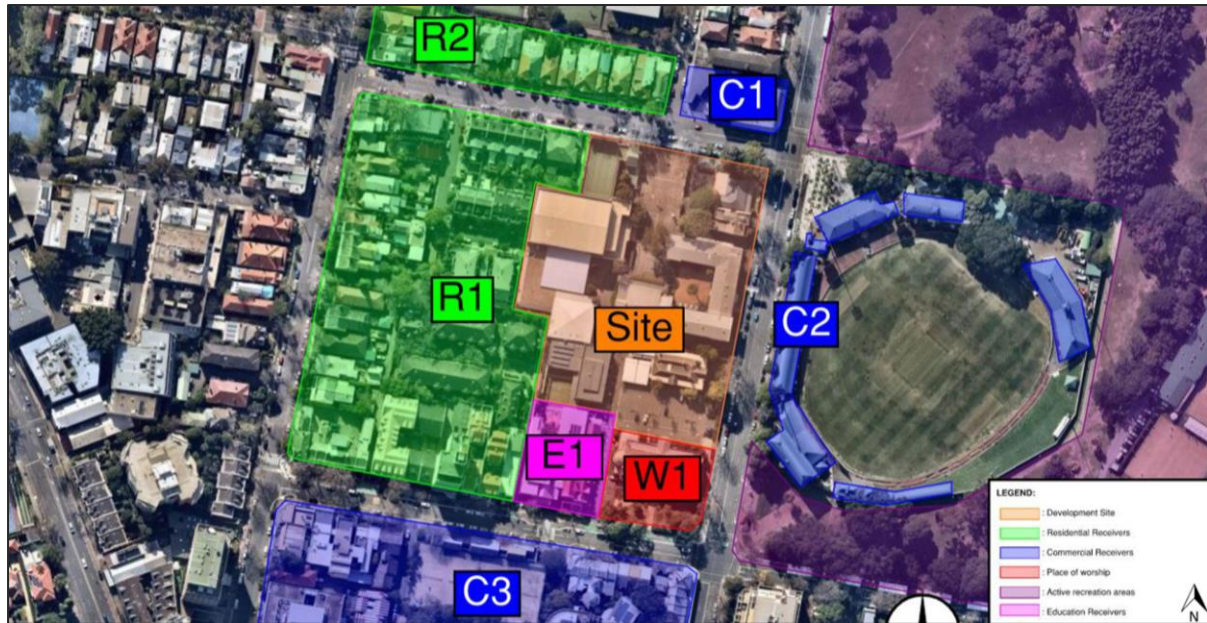
The Department notes the basement of the Carlow Street building is set back from the street frontage in line with the ground floor and would not encroach on the deep soil areas needed to accommodate the proposed trees along the Carlow and Miller Street frontages. The Department considers that NBRIS recommended conditions to mitigate heritage impacts are necessary and reasonable to address potential heritage impacts during construction and has recommended them accordingly.

The Department concludes, subject to recommended conditions, the proposed development has appropriately responded to the heritage concerns raised and would not have an adverse heritage impact to the identified on-site or nearby heritage items.

### **6.3 Operational and construction noise**

The EIS was supported by a Noise and Vibration Impact Assessment (NVIA) (updated by the RtS), which assessed the potential operational and construction noise and vibration impacts and includes recommendations to minimise any impacts.





**Figure 47 |** Nearby residential and non-residential receivers (Source: Applicant's RtS 2022)

As shown at **Figure 47**, the site shares its western boundary with residential properties and is also located opposite side of existing residential properties on Carlow Street. Other nearby and adjoining uses include the MCCNS primary school, St Mary's Church and commercial uses.

### 6.3.1 Operational noise

The NVIA identified operational noise sources would primarily arise from the use of buildings, outdoor play spaces, school bell, mechanical plant, loading dock, and road traffic noise.

Noise monitoring was carried out by the Applicant to determine the existing background and ambient noise levels and establish the following project noise trigger levels (PNTL) at the nearest sensitive receivers during 7am and 6pm (day) and 6pm and 10pm (evening), in accordance with the Noise Policy for Industry:

- 48-51dB(A) for daytime and 43-44dB(A) for evening periods for residential receivers (R1/R2).
- 35dB(A) for school classrooms (internal) (E1).
- 63 dB(A) for commercial (C1, C2, C3) and 38 dB(A) for St Mary's Church (when in use) (W1).

The NVIA considered the identified operational noise sources and concluded:

- the rooftop play spaces can accommodate 300 students at once and would comply with relevant PNTLs, subject to the installation of the proposed minimum 1m solid barrier/balustrade when used during school hours.
- the operational noise emissions due to the school will likely be reduced in the order of 5–15 dB(A) (when compared to existing) as the new buildings, constructed in the location of existing open play spaces, would behave as shielding structures.
- noise from the childcare centre would comply with relevant PNTLs without mitigation measures.
- noise from the PA / school bell would comply with relevant PNTLs, subject to speakers directed internally into the school and only being used during school hours.
- noise from the loading dock would comply with relevant PNTLs, subject to the dock operating between 7am and 10pm.



- mechanical plant is predicted to operate from 7am to 10pm and is expected to comply with relevant PNTLs, subject to installation of acoustic barriers and screens, acoustic insulation and attenuators and positioning plant away from nearby receivers.

The NVIA considered road traffic noise, and based on the TAIA peak hour predictions, the NVIA predicts additional traffic associated with the development would result in an increase of 1.5dB, which is minor and less than the recommended maximum of NSW Road Noise Policy (2dB).

The NVIA also included an assessment of the road/metro corridor noise impacts on the amenity of the students and concluded that no adverse impacts would occur on the internal acoustic amenity of the classrooms subject to alternate ventilation.

### *Submissions and Applicant's response*

Public submissions raised concerns about the potential operational noise impact to surrounding residences from children playing in the outdoor play spaces and noise from school buildings including use of the auditorium.

The Department recommended the Applicant revise the NVIA to include a noise assessment of proposed auditorium and any out of hours and community use of school facilities. Council and EPA did not comment on operational noise.

In its RtS, the Applicant confirmed that existing out of hours activities and times (see **Section 2.3**) would remain unchanged. There is currently no community of use of existing school facilities, and this would be maintained in the future. However, the Applicant clarified school facilities, including the auditorium, library and outside areas, may be available for community use on a user-pays basis, outside of the core school hours. Community use would be limited to between 6pm and 10pm weekdays and 6am to 10pm weekends. However, the early hours and late night uses would not involve large gatherings on a regular basis.

The NVIA confirmed the auditorium would comply with relevant PNTLs during and outside school hours, subject to the following assumptions:

- auditorium not to operate later than 10pm.
- amplified music through speakers to have a 96dB(A) limit.
- glazing to openings has a minimum of 6.38mm thickness on the eastern façade.
- noise outbreak is from ground floor auditorium entry doors; all other facades are solid.

Council reviewed the above information and stated that the rooftop and undercroft play areas may have operational noise impacts and mitigation measures are required for these areas. The SDRP recommended the Applicant implement acoustic design solutions within the undercroft area to address acoustic comfort of the neighbours.

In response, the Applicant's SRtS stated that the proposed development complies with relevant noise and vibration criteria for this type of development, and it is expected to comply with applicable regulations regarding noise and vibration impacts on noise-sensitive receivers. In response to the SDRP recommendation, the Applicant made design amendments to the undercroft to incorporate sound absorptive acoustic materials to improve the acoustic amenity of the space in the future.

### *Department's consideration*

The Department acknowledges that the proposal would generate some noise from its operation. However, subject to the implementation of the proposed mitigation measures, and noting the noise would not be sustained over long periods during the day or night, the Department accepts the NVIA's findings. The Department is satisfied the operational noise generated by the future operation of the school would not have an unreasonable impact on surrounding noise sensitive receivers.

The Department supports the Applicant's proposed installation of absorptive materials to the undercroft area to further improve acoustic comfort within the space.

Notwithstanding, the Department has recommended conditions of consent to mitigate and manage any potential operation noise impacts, including requirements for the Applicant to:

- provide evidence demonstrating that the NVIA noise mitigation recommendations have been incorporated into the design of the development.
- undertake short-term noise monitoring within six months of commencement of operation of the first stage of the development and then after each stage of student increase, to verify that the operational noise levels do not exceed the recommended noise criteria for the identified operational noise sources.
- provide community use in accordance with the proposed community use hours of operation, and there be no community use of the rooftop play spaces.
- prepare an OOSH Event Management Plan for school and community events (see **Section 6.5**).
- limit loading dock operation to between 7am to 10pm and outside of school peak times (see **Section 6.1.3**).
- install the absorptive materials to the undercroft play space prior to the issue of the occupation certificate for the Carlow Street building.

### **6.3.2 Construction noise**

The Interim Construction Noise Guideline 2009 (ICNG) includes recommended standard hours of construction. The NVIA, CTMP and Construction Management Plan (CMP) supporting the EIS each proposed conflicting hours of construction.

The NVIA confirmed that the noise management levels for adjoining residential properties are predicted to be between 52 to 56dB. The NVIA has applied the ICNG recommended noise management levels for educational establishment (45dB) and commercial (70dB) uses, in assessing the construction noise impacts.

The NVIA stated that the most significant noise impacts would occur during the initial demolition and site preparation works phase.

The NVIA predicts that the proposed works have the potential to generate noise impacts on adjoining residential, educational and commercial receivers, and exceed the recommended noise management levels. However, these noise impacts would not result in any exceedances of the highly-noise affected criteria of the ICNG (75dB).

### *Submissions and Applicant's response*

Concern was raised in public submissions regarding the proposed noise impact to neighbouring residential properties and the proposed construction hours. In addition, some submissions

recommended construction works should not start before 9am on weekdays. Bitzios recommended construction work be limited to standard construction hours (7am-5pm Monday to Friday and 8am-1pm Saturday).

In response, the Applicant's RtS included a revised NVIA which updated the noise modelling based on the construction stages. The updated NVIA indicated that the proposal, without mitigation, is likely to generate the noise impacts during site preparation and demolition works phase (being the maximum impact) as summarised at **Table 16**.

**Table 16** | Relevant noise management levels and predicted noise impacts with and without mitigation measures (Source: Applicant's RtS 2022)

Receiver	Noise management levels	No Mitigation	With Mitigation	Noise Management Level Exceedance	>75 dB
R1	53	65-73	60-71	+7-18	No
R2	56	67-70	61-66	+5-10	No
C1	70	65-74	64-69	-1-6	No
C2	70	67-71	61-69	-1-6	No
C3	70	52-55	48-50	-20-22	No
St Mary's Church	45 (internal)	66-71	65-71	+20-26	No
Existing Primary	45 (internal)	56-62	52-62	+7-17	No

The revised NVIA included noise mitigation measures to address noise management level exceedances:

- preparation and implementation of a final Construction Noise and Vibration Management Plan.
- installation of hoardings and localised treatments such as barriers, screens, earth/material embankments.
- implementation of at least one hour of noise and vibration respite per day (e.g. between midday and 1pm).
- undertaking attended vibration measurements on the western boundary during the use of rock-breakers and excavators, and implementation of mitigation measures where levels are exceeded.
- optimising the layout and positioning of equipment to minimise noise emissions.
- use of silencers, acoustic enclosures, and other attenuation measures.
- alternatives to vehicle reversing alarms, with reduced / no noise impact.
- noise and vibration monitoring.

In addition, the revised NVIA indicates that noise impacts would be temporary, not be constant and not experienced over a whole-day period. Consequently, the proposal would not have an unreasonable adverse impact on surrounding noise sensitive receivers.

The Applicant's RtS also confirmed the proposed hours of construction would be in accordance with the ICNG standard hours (7am-5pm Monday to Friday and 8am-1pm Saturday).

During the RtS exhibition, public submissions reiterated concerns regarding impacts of construction noise. One submission recommending no construction should occur on Saturdays, or as a minimum be reduced to 7am to midday.

The Department notes that the Applicant's SRtS includes conflicting statements that the proposed hours would be in accordance with the ICNG, and also that hours would be consistent with the CTMP / CMP hours.

#### *Department's consideration*

The Department has considered the public submissions and the findings of the NVIA. The Department notes the construction noise levels are predicted to exceed relevant noise management levels by up to 18dB at the nearest residential receiver and 26dB at nearest non-residential receiver. However, they are not predicted to exceed the ICNG's highly affected criteria (75dB).

The Department considers that given the high density of residential developments in the surrounding area, some noise impacts during construction would be unavoidable. However, the implementation of the Applicant's proposed mitigation measures would address these impacts to a large extent.

Notwithstanding, the Department considers that establishing appropriate hours of construction is a critical first step in managing negative amenity impacts, and construction hours should be restricted to the standard ICNG hours. Conditions to this effect are recommended.

To further limit the risk of noise and vibration impacts, the Department recommends the following management and mitigation measures in addition to the Applicant's NVIA recommendations:

- work to be carried out in accordance with the ICNG.
- implementation of more and longer respite periods from the noisiest activities on the site.
- all construction vehicles only to arrive to the work site within the permitted hours of construction.
- no noise to be 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997* (POEO Act).

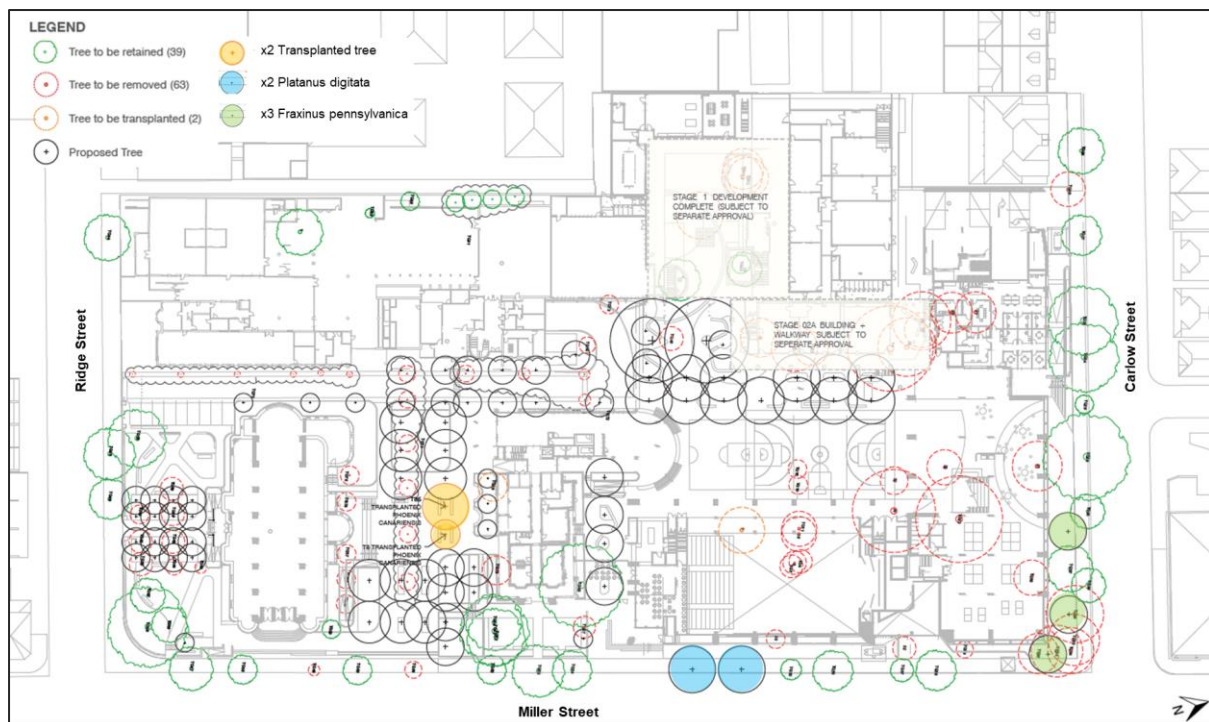
Subject to the implementation of the above conditions, the Department is satisfied construction impacts would not adversely impact the ongoing operation of the adjoining primary school and St Mary's Church.

On this basis, and subject to the Applicant's compliance and commitment to implement all reasonable and feasible mitigation measures to mitigate and manage noise, the Department is satisfied construction work can be appropriately managed to minimise disruption to residential and non-residential amenity.

## **6.4 Tree removal, replacement and landscaping**

### **6.4.1 Tree removal and replacement**

As summarised at **Section 2.2.5**, the proposal, as amended by the RtS, includes the removal of 61 trees, retention of 41 trees (including two transplanted trees), and provision of 114 replacement trees (**Figure 48**).



**Figure 48 | Tree removal, retention and replacement plan (Source: Applicant's SRtS 2022)**

The application includes an Arboricultural Impact Assessment (AIA), which surveyed the trees on the site and identifies their health, structural condition, and landscape significance. In particular the AIA confirms the:

- 61 trees for removal include three high and seven moderate value trees, the remainder are of low or unspecified value.
- Two trees would be transplanted.
- 41 trees for retention (39 retained and two transplanted) include two high and seven moderate value trees, the remainder are of low or unspecified value.
- 114 replacement trees would offset the loss of canopy cover and amenity resulting from the proposed tree removal.

#### *Submissions and Applicant's response*

Concerns were raised in public submissions about the removal of existing trees with insufficient replacements.

Council recommended that three mature *Phoenix canariensis* trees proposed for removal (T8, T36 and T86) be transplanted elsewhere on the site and two *Platanus digitata* be planted on the Miller Street frontage. Council also recommended preferred replacement tree sizes, services not to be located within root zones, and payment of a tree bond (\$197,000).

EHG commented on the biodiversity impacts (see **Section 4.4.7**) and recommended the Applicant implement the tree protection measures in the AIA.

In response, the Applicant's RtS confirmed that tree T36 has already been removed as part of the separate CDC application. The remaining recommendations by Council were addressed in the RtS.



The SDRP considered the RtS and recommended that the tree canopy cover be increased to a minimum of 25%, deciduous trees be planted on Carlow Street to maximise winter sun access, and larger / more significant tree species be considered. Council advised that all street tree plantings are to be approved by Council. Concerns about tree removal were reiterated in public submissions.

In response, the Applicant's SRtS confirmed the tree canopy cover has been increased to 26%, three deciduous trees (*Fraxinus pennsylvanica*) are provided along Carlow Street, and that street tree species would be agreed with Council in the future. In addition, the Applicant stated the proposal has been designed to maximise tree retention and minimise removal where possible, and the planting strategy is appropriate for the site. In particular, tree planting has been minimised in active recreation areas and maximised in passive recreation areas (e.g. St Mary's Church garden and piazza). This approach strikes an appropriate balance between the need to provide appropriate tree cover and provision of functional and useable spaces.

#### *Department's consideration*

The Department is satisfied the proposed tree removal is acceptable as:

- trees T8 and T86 are proposed to be retained and would be transplanted elsewhere on the site.
- the proposed removal of trees to facilitate the development is unavoidable due to the location of the majority of trees.
- the AIA identifies that only three of the 61 trees proposed for removal are of a high landscape significance.
- the Applicant's commitment for replacement planting would result in a site tree canopy coverage of 26%, which exceeds both existing tree coverage (22%) and the 25% canopy coverage target (in medium density urban areas) in NSW Government's draft *Greener Places Design Guide 2020* (used as a guide).
- replacement planting would comprise advanced tree stock to ensure rapid achievement of the canopy cover.

The Department has recommended conditions requiring the development be constructed in accordance with the landscape plans, including retention of 41 existing trees, provision of at least 114 replacement trees, and achievement of a final canopy coverage of 26% on the site. In addition, the Department recommends conditions to capture Council's and EHG's recommendations relating to tree size, services within root zones, payment of a tree bond (\$197,000), and AIA tree protection measures, which were agreed with the Applicant.

The Department is satisfied that, subject to the above conditions requiring tree replacement, retention and protection, the proposed tree removal is acceptable.

#### **6.4.2 Piazza**

The proposal includes the removal of the 55 existing car parking spaces located between St Mary's Church and the Presbytery and creation of an open landscaped public piazza (**Figure 49**).

The piazza is intended to create a public entry plaza from Miller Street, improve physical and visual connections between the St Mary's Church and Presbytery, create clear and accessible pedestrian connections, incorporate both large, open and flexible spaces in conjunction with more intimate, quiet and reflective spaces, and provide spaces for smaller parish / community events with capability to expand onto adjacent lawn areas for larger events.



**Figure 49 | Piazza layout and hard/soft landscaping (left) and sections through the space (right)**  
(Source: Applicant's SRtS 2022)

Council stated it supports the publicly accessible piazza, which represents a significant urban design and community benefit, however requested the Applicant clarify what parts of the piazza are public / private and incorporate an accessible ramp from Miller Street.

In response, the Applicant confirmed the piazza space, vehicle accessway from Ridge Street, St Mary's Church and Presbytery gardens would all be publicly accessible. The secured line for the school would be created by the new Miller and Carlow Street buildings, and new metal palisade fencing and gates. In addition, the existing ramp from Miller Street to the St Mary's Church garden would be retained.

Council considered the Applicant's RtS and stated that the public piazza should be unfenced and open to the public at all times. The SDRP stated the inclusion of the public piazza represents a significant public benefit.

The Applicant's SRtS confirmed that the piazza would be unfenced and open to the public at times. The Department initially recommended that an easement be created on the title of the land to secure public access to the piazza space. In response the Applicant stated an easement is not required as:

- it would not be possible for the space to be converted from a piazza into another use or built upon without additional separate approvals from Council. Consequently, if any other use of the piazza is proposed in the future it would be subject to a merit assessment by the consent authority.
- the space is surrounded by Catholic establishments. Therefore, it is expected that the main users of the space would be the users of the St Mary's church and/or school users and parents.
- it is not intended that the character of the piazza be the same as a Council owned / managed public open space or park. This is consistent with the character of the development as a Catholic precinct, on private land and operated by a Catholic organisation.
- the broader local community also has access to St Leonards Park, which is located directly opposite the application site and includes vast areas of public open space and amenities.

The Department supports the provision of the publicly accessible piazza and agrees with Council and

the SDRP that it represents a significant public benefit.

The Department supports the Applicant's proposal to provide a publicly accessible piazza on the site. However, noting the Applicant's argument the Department is satisfied that a public access easement is not required subject to the following conditions:

- piazza is to be open to the public 24 hours a day seven days a week, except for essential maintenance, repair, security reasons and in the case of emergency.
- piazza's southern (Miller Street) frontage is to remain unfenced.
- School Operational Management Plan includes consideration of access and security measures relating to the piazza.

The Department notes the Applicant intends the space be used for small and potentially large events. To ensure any such events do not have an adverse amenity impact, the Department recommends a condition requiring the preparation of an Events Management Plan to consider the location, access, frequency, timing and management of events. The Department also recommends a condition requiring the piazza to remain unfenced and open to the public at all times.

### 6.4.3 Play spaces

#### *Carlow Street undercroft*

The proposal includes the creation of a multi-purpose undercroft play space, located beneath the Carlow Street building and connected to the open-aired central courtyard. This space would comprise the main ground floor play space for the MCCNS senior school (**Figure 50**).



**Figure 50** | Perspective view north (top) and east (bottom) within the central courtyard and undercroft spaces (Source: Applicant's SRtS 2022)

Concern was raised in one public submission about the potential loss of play space due to the development. The SDRP recommended that the amenity of the Carlow Street undercroft should be improved for the comfort and enjoyment of students and staff.

In response, the Applicant stated that the undercroft area comprises a large, double height play space which is integrated with the open-aired central courtyard, and together these spaces would be high-quality accommodating various activities and extensions to learning spaces.

The SRtS included shadow diagrams that demonstrate that during mid-winter sun is able to penetrate into the play spaces and that it would receive 25% direct sunlight at 9am, 13.3% at midday and 11.8% at 3pm. In addition, design amendments were made to the undercroft to incorporate sound absorptive acoustic materials to improve the acoustic amenity of the space.

The Applicant confirmed that the proposal would increase the overall amount of play space by 2074m<sup>2</sup> (from 3961m<sup>2</sup> to 6035m<sup>2</sup>).

The SDRP reviewed the RtS and reiterated its concern about the amount of direct sunlight reaching the undercroft area.

The Department notes that, in addition to the Carlow Street undercroft and central courtyard, the proposal includes large passive play spaces on the roofs of both the Miller and Carlow Street buildings. Further, the proposal results in a significant increase in outdoor play space when compared to the current school.

The Department notes the central courtyard and undercroft spaces would provide for flexible spaces catering for a range of active and passive play and learning experiences. The Department acknowledges that the space would receive between 11% and 25% direct sunlight during mid-winter. However, the Department considers this level of solar access is acceptable noting:

- both play spaces located on the roofs of the Miller and Carlow Street buildings would achieve 100%, unobstructed solar access during mid-winter.
- the site is located within an existing urban setting. Achieving a high degree of solar access, maximising school facilities on the site, and providing an appropriate built form / heritage response, is challenging in this context.
- the SRtS included the provision of deciduous trees on Carlow Street, to increase solar access to the space during mid-winter.

The Department supports the Applicant's amendments to the Carlow Street undercroft and considers the proposed use of absorptive materials would ensure the acoustic amenity of the space is acceptable (see **Section 6.3.1**).

Overall, the Department concludes that the proposal would not result in a reduction in play space, and solar access to the undercroft is acceptable, noting alternate play spaces on the roofs and the constraints of the site.

### *ELC play space*

The ELC is located at first floor level of the Miller Street building, and includes a partly covered outdoor play space to the rear of the building (**Figure 51**).

The SDRP recommended the Applicant demonstrate that the ELC outdoor area would comply with the solar access requirements of the NSW Child Care Planning Guidelines (the Guidelines). The Department raised concerns regarding the amenity of the outdoor play space, the lack of access to ground level open space, and the lack of solar access to the play space.

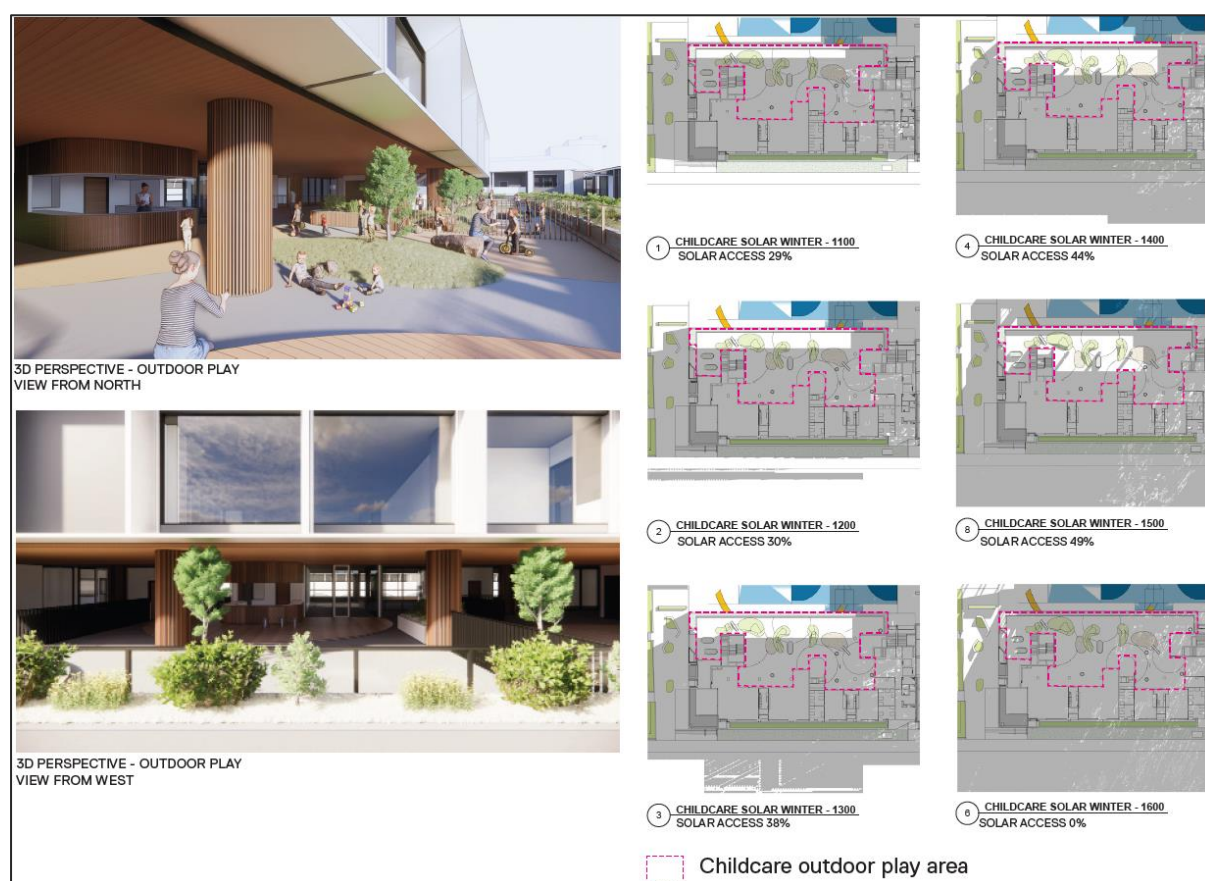


DoE (as the regulatory authority) considered the design of the outdoor play space, and confirmed it has been designed in accordance with the Guidelines, and confirmed its concurrence regarding provision of unencumbered outdoor space is not required.

In response, the Applicant:

- assessed the proposal against the Guidelines.
- confirmed that 40% of the outdoor play space is open directly to the sky, with the remaining 60% of the outdoor space covered by the floor above, consistent with the Guidelines.
- stated the outdoor play space has been consolidated on the western side of the ELC to maximise access to direct uninterrupted sunlight between 11am and 3pm, including at mid-winter, as indicated in **Figure 51**. In addition, the glazed eastern facade allows the centre to receive ambient daylight throughout the day, providing natural light into the play spaces.

The Department notes the proposed ELC includes sufficient open to the sky play space at the upper level. While the entire open space would not receive solar access during mid-winter, the open to the sky area would have solar access during mid-winter. In summer, the covered areas would provide shaded play opportunities for the children. Based on the comments from DoE, and noting that the ELC would be located in a dense urban area, the Department accepts the upper-level location and the amenity of the outdoor play space in terms of solar access.



**Figure 51 | Solar access to the ELC outdoor play space (Source: Applicant's SRtS 2022)**

The Department has recommended a condition requiring the ELC be constructed and fitted out in accordance with the proposal.



#### 6.4.4 Landscaping

The proposal includes hard and soft landscaping as summarised at **Section 2.2.5**, the preceding sections, and shown at **Figure 26** and **Figure 27**.

No concerns were raised by Council or in public submissions specifically about the landscape masterplan for the site.

The Applicant confirms the landscaping forms a key part of the design of the proposal. In particular, the landscape masterplan responds to its context in terms of its relationship to St Leonards Park, the three street frontages, and the character of the surrounding public realm. In addition, the landscaping results in high quality spaces including:

- the public piazza, with an area over 1300m<sup>2</sup>.
- upgraded gardens on the southern side of St Marys Church and in front of the Presbytery.
- landscaped setbacks along Carlow and Miller Streets.
- landscaped ground floor and rooftop school recreational areas.
- pre-function courtyard between the Presbytery and the new auditorium.

The Department notes landscaping forms part of the overall design and composition of the development, and considers the proposed landscaping provides for a high standard of design. Proposed materials are robust and the use of a mixture of native and non-native species is supported. In addition, the proposal includes extensive deep soil areas, which ensure the proposed tree planting can be achieved throughout the site, around proposed buildings and within new spaces created. As discussed in **Section 6.4.1**, the Department recommends the provision of advanced tree stock and that the resulting tree canopy cover achieves 26% of the site.

The Department is satisfied that the proposed landscaping is acceptable and recommends conditions relating to landscape management.

#### 6.5 Other issues

The Department's consideration of other issues is provided at **Table 17**.

**Table 17** | Department's assessment of other issues

Issue	Findings	Department's consideration
<b>Overshadowing</b>	<p>Concerns were raised in public submissions that the proposal would overshadow adjoining residences fronting Cassins Avenue and Carlow Street.</p> <p>The Applicant provided shadow diagrams which demonstrate the Carlow Street building would result in the following impacts during mid-winter:</p> <ul style="list-style-type: none"><li>• one hour of additional overshadowing of the rear garden of the dwelling at 21 Carlow Street,</li></ul>	<p>The State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment) (SEPP 65) and Apartment Design Guide (ADG) recommend standards for new residential developments including their impact on existing residential buildings.</p> <p>Although the proposal is for school use and does not include residential accommodation, the Department considers the ADG is a helpful</p>

Issue	Findings	Department's consideration
	<p>located to the west of the Carlow Street building (at 9am).</p> <ul style="list-style-type: none"> <li>three hours of additional overshadowing of the rear garden of the Marist Brothers Residences (between 9am-11am).</li> <li>no overshadowing of Cassins Avenue properties.</li> </ul> <p>The Applicant concluded that the development would not result in significant overshadowing of adjoining properties.</p>	<p>guide to assess the acceptability of the development's impact on adjoining residential developments and has therefore considered the ADG recommendations where relevant.</p> <p>The ADG recommends living rooms and private open spaces of at least 70% of apartments in a building in an urban area should receive at least 2 hours of direct sunlight between 9am and 3pm on 21 June (mid-winter).</p> <p>The Department acknowledges that the proposed Carlow Street building would result in additional overshadowing of the adjoining 21 Carlow Street and Marist Brothers Residences during mid-winter. However, the Department concludes proposed overshadowing impacts are minor in nature and acceptable as the:</p> <ul style="list-style-type: none"> <li>impact is limited to between one and three hours in the morning, and the properties would be unaffected for the remainder of the day.</li> <li>proposal exceeds the ADG recommended minimum requirements in terms of provision of solar access to the adjoining development.</li> </ul>
<b>Visual privacy</b>	<p>The four storey Carlow Street building includes windows and terraces along its western elevation fronting the Marist Brothers Residences and windows along its northern elevation fronting Carlow Street.</p> <p>Concerns were raised in public submissions about the potential for</p>	<p>The ADG recommends buildings up to four storeys provide for a building separation distance of 12m between proposed and existing neighbouring habitable rooms.</p> <p>The western elevation of the Carlow Street building is set back between 1m to 4m from the eastern elevation</p>

Issue	Findings	Department's consideration
	<p>overlooking of Carlow Street and Cassins Avenue properties from the development.</p> <p>In response to the concerns raised the Applicant amended the western elevation of the Carlow Street building to include screening plants to the Level 2 staff terrace, remove the Level 3 terrace, and set back the rooftop terrace by approximately 3m.</p> <p>In addition, the Applicant confirmed that all existing Marist Brothers Residences windows facing the site already include covers to mitigate overlooking from Block E.</p>	<p>of the Marist Brothers Residences. The building's facades include windows and is less than the recommended ADG minimum separation distance. Notwithstanding, the Department considers the proposal would not result in any additional adverse overlooking as the:</p> <ul style="list-style-type: none"> <li>affected Marist Brothers Residence windows are screened to address overlooking from Block E.</li> <li>Applicant has amended the design of the outdoor terraces to reduce overlooking.</li> </ul> <p>The Department notes the Carlow Street building is set back a minimum of 22m from residential properties on the opposite side of Carlow Street. The proposal therefore exceeds the ADG minimum recommended building separation distance (12m) by 10m.</p> <p>The Department considers the proposal would not have an unreasonable adverse impact on the privacy of properties, given the high-density urban environment and the setbacks maintained. The impacts on the Marist Brothers Residences would be addressed by existing window treatments of those properties.</p>
<b>Flooding and drainage</b>	<p>As summarised at <b>Section 2.2.5</b>, the Flood Assessment Report (FAR) submitted with the application confirms (<b>Figure 28</b>):</p> <ul style="list-style-type: none"> <li>the finished floor levels of all buildings and the Carlow Street basement entrance would be at or</li> </ul>	<p>The Department notes that all buildings have been designed so that finished floor levels are above the 1% AEP. In addition, the proposed drainage infrastructure would divert a significant proportion of overland flow into the trunk drain, and this would reduce flooding on</p>

Issue	Findings	Department's consideration
	<p>above the 1% AEP flood level.</p> <ul style="list-style-type: none"> <li>mitigation works include the part removal and relocation of existing trunk drainage infrastructure, creation of new pits, pipes and connections and a rainwater harvesting system.</li> <li>measures would redirect and reduce on-site flooding impacts during the 1% AEP and PMF flood events.</li> </ul> <p>EHG recommended the Applicant provide 1% AEP flood mapping, address and mitigate 1% AEP flooding, clarify PMF flood behaviour and prepare a flood emergency management plan (FEMP). Council initially stated that stormwater management required further resolution.</p> <p>In response, the Applicant updated the FAR to include additional flooding mapping and analysis, a draft FEMP and restated the proposed mitigation measures would reduce overland flow through the site.</p> <p>EHG confirmed the Applicant's response has addressed its comments.</p>	<p>the site particularly during the 1% AEP. The Department considers the mitigation measures would ensure the sensitive components of the development would not be adversely impacted by the majority of predicted flood events.</p> <p>The Department notes the site is a sensitive use and procedures should be in place in the event of dangerous flood events and supports the implementation of the FEMP.</p> <p>The Department accepts the findings of the FAR, which concludes the development has been designed to address flood impacts and would have negligible flood impacts on adjoining properties.</p> <p>The Department has recommended conditions requiring building finished floor levels to be above the 1% AEP, the Applicant design an operational stormwater management system for the development in accordance with the FAR conceptual design and implement the FEMP to include procedures to evacuate the site in the event of flooding in consultation with State Emergency Services.</p>
<b>Aboriginal archaeology</b>	<p>An ACHAR was prepared for the site which confirmed the site has been subject to significant and repeated disturbance in the form of clearing, urban development, and construction. Based on these previous disturbances, the ACHAR considered that in-situ Aboriginal objects / artefact bearing deposits are unlikely to have survived.</p>	<p>The Department reviewed the ACHAR and notes its conclusion that the potential for archaeological finds is limited.</p> <p>The Department supports the ACHAR recommendations and recommends conditions requiring an unexpected finds protocol is put in place, and ongoing consultation with</p>



Issue	Findings	Department's consideration
	<p>The ACHAR concluded that no further assessment is required to inform the development and recommended mitigation measures including implementation of an unexpected finds protocol and ongoing consultation with Registered Aboriginal Parties throughout construction.</p> <p>Heritage ACH confirmed it supports the findings of the ACHAR and implementation of the ACHAR recommendations.</p>	<p>stakeholders to ensure the appropriate management of any unexpected archaeological finds during construction.</p>
<b>Connecting with country</b>	<p>The SDRP recommended that the Applicant consult relevant local Indigenous groups to allow for meaningful input into the design of the development.</p> <p>Heritage ACH did not provide any comment in this regard.</p> <p>In response to the SDRP's recommendation, the Applicant confirmed it is committed to engaging with Indigenous groups, and incorporated opportunities for elements such as totems, artwork, and bush tucker plants into the detailed design of the development.</p> <p>This process would follow the framework outlined in the GANSW's <i>Connecting with Country Framework</i> (the framework). In addition, the Applicant confirmed it is currently in the process of engaging a Connecting with Country consultant and supports a condition requiring the preparation of a final strategy.</p> <p>GANSW have provided no further comments in this regard.</p>	<p>The Department agrees with the SDRP that consultation with local Indigenous groups is important.</p> <p>The Department notes the application was submitted in mid-2020, prior to the release of the framework. Notwithstanding, the Applicant has committed to consulting with key stakeholders, is engaging an appropriate consultant, and agrees to prepare a Connecting with Country strategy.</p> <p>To ensure appropriate consultation and meaningful design development occurs, the Department recommends a condition requiring the Applicant to prepare and implement a Connecting with Country strategy in accordance with the framework.</p>
<b>Contamination</b>	<p>The application considered contamination and includes a Detailed</p>	<p>The Department has reviewed the DSI and RAP and is satisfied that</p>

Issue	Findings	Department's consideration
	<p>Site Investigation (DSI) and Remediation Action Plan (RAP).</p> <p>The DSI and RAP included a review of historical data and previous site investigations, undertook a site walkover, intrusive investigations and soil sampling, laboratory testing and data analysis.</p> <p>Following analysis, the reports identified two soil samples included polycyclic aromatic hydrocarbon (benzo[a]pyrene), at concentrations that could present an unacceptable risk to human health and the environment. The RAP indicated that although the DSI soil sampling did not identify asbestos containing material, asbestos may be present within soils on the site.</p> <p>The RAP concluded the site can be made suitable for the proposed use subject to the following remediation:</p> <ul style="list-style-type: none"> <li>• excavation and off-site disposal of impacted soils to a licenced facility and appropriate waste classification.</li> <li>• implementation of an asbestos management plan.</li> <li>• implement an unexpected finds protocol.</li> <li>• site validation.</li> </ul> <p>The EPA and Council did not comment on contamination.</p>	<p>the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the continued use as a school as required by State Environmental Planning Policy No.55 – Remediation of Land, subject to remediation.</p> <p>The Department accepts the recommended mitigation measures in the RAP and recommends conditions requiring interim Site Audit Statements for each stage of the development, implementation of an unexpected finds protocol, asbestos management plan, and site validation.</p>
<p><b>Staging and construction impacts</b></p>	<p>The staging plan (<b>Section 2.4</b>) indicates the works are proposed in seven construction stages over seven years (Stages 2B (1 and 2), 3A, 3B, 3C, 4 and 5).</p> <p>The RtS includes a draft Construction Management Plan (CMP) and a Waste</p>	<p>Overall, the Department is satisfied that staged construction, operation, and remediation can be appropriately managed on the site, subject to the implementation of a CMP incorporating other environmental management plans (CTMP, CNVMP, RAP,</p>

Issue	Findings	Department's consideration
	<p>Management Plan outlining the likely impacts of construction activities on-site.</p> <p>Proposed mitigation measures include site security and access, hoardings and barriers, construction zones, materials handling, sediment and erosion control, dilapidation, and street tree protection.</p> <p>The CMP considered the potential impacts on the operation of the school and advises that pedestrian and vehicle access would be managed throughout the construction process and school and construction activities would be kept separate.</p> <p>Concern was raised in public submissions about the potential amenity impacts (air pollution, noise and dilapidation) arising from demolition and construction activities.</p> <p>Council recommended impact of excavation and retaining walls adjacent to Council's infrastructure be addressed by condition, and sediment and erosion controls be maintained during construction.</p> <p>The Applicant stated that the CMP is currently in draft and would be finalised once a contractor is engaged. The CMP will include measures to address air quality. Draft sediment and erosion controls have been proposed.</p> <p>The Applicant agreed to prepare pre/post dilapidation reports and to the management of basement excavation at Carlow Street.</p> <p>In response to some inconsistencies identified by the Department, the Applicant submitted an SRtS with additional staging plans including revised data for staged student</p>	<p>archaeological unexpected finds protocol) as discussed previously.</p> <p>The Department notes the CMP provides a framework for construction management. However, the document has not been finalised and relies on the involvement / input of the future construction contractor. The Department recommends a condition requiring the preparation of a final CMP, incorporating the environmental plans above, prior to any demolition or construction works commencing on-site.</p> <p>With regard to the staged increase in student numbers, the Department concludes that subject to the completion of the PUDO facilities, the development can accommodate the increase of up to 732 students without adverse impacts.</p> <p>The Department notes the staging plan does not confirm how or if the proposed increase in staff numbers (61) would be staged. The Department recommends a condition requiring no increase in staff numbers can occur until the Carlow Street building basement staff car park has been completed and is operational.</p> <p>The Department notes the staging plan indicates that new demountables would be installed on the driveway connected to the Miller Street exit and these demountables may block the existing PUDO exit (this is not confirmed due to lack of clear drawings). The Department does not object to the provision of demountables in this location,</p>

Issue	Findings	Department's consideration
	<p>increase.</p> <p>In the SRtS, the Applicant confirmed that Stages 4 and 5 would occur prior to Stages 3A, 3B and 3C.</p> <p>The Applicant also provided information regarding Stage 2B as a whole compared to the CMP which divides Stage 2B into 2B-1 and 2B-2.</p>	<p>provided that they do not prevent the efficient ongoing operation of the existing PUDO facility prior to the construction and completion of the amended and new PUDO facilities. A condition to this effect is recommended.</p> <p>The Department also notes that the staging and student numbers provided by the Applicant in the SRtS in August 2022 is partly inconsistent with the sequence of the physical construction works in the CMP. Consequently, the Department has recommended a condition requiring the CMP be updated prior to the issue of any construction certificate to reflect the revised staging submitted with the SRtS.</p> <p>The Department recommends conditions relating to excavation and retaining walls on Carlow Street, air quality, dilapidation, a final CMP be prepared and implemented, and staging to occur generally in accordance with the staging plan.</p> <p>The Department is satisfied that conditions would ensure that the site operates within its capacity and delivers critical additional infrastructure prior to increasing student numbers.</p>
<b>Community use</b>	<p>In its RtS, the Applicant confirmed that school facilities, including the auditorium, library and outside areas, may be available for community use on a user-pays basis. In addition, community use would be limited to between 6pm and 10pm weekdays and</p>	<p>To ensure community use of the development is adequately managed, the Department has recommended conditions that:</p> <ul style="list-style-type: none"> <li>• limit the community use hours of operation to those proposed.</li> <li>• require the preparation of an</li> </ul>

Issue	Findings	Department's consideration
	<p>6am to 10pm weekends.</p> <p>The Applicant provided details of noise and traffic impacts of community use, (see <b>Section 6.1</b> and <b>6.3</b>).</p> <p>The SDRP supported the potential joint use of facilities, such as the auditorium, by the community.</p>	<p>Out of Hours Event Management Plan for large scale school and community events with more than 100 people.</p> <ul style="list-style-type: none"> <li>the Out of Hours Event Management Plan must be prepared in consultation with Council and the start time restricted to 8am.</li> <li>prevent use of the rooftop play spaces for community use.</li> </ul>
<b>Signage</b>	<p>Building identification signage is shown at ground floor level of the Carlow Street main student entrance.</p> <p>Council requested the Applicant provide details and consideration of any illuminated or variable signage.</p> <p>Notwithstanding the architectural drawings, the Applicant has stated the application does not seek approval for any signs or signage zones and all signage shown is indicative only.</p>	<p>The Department recommends a condition confirming no consent is granted for any signs or signage zones.</p>
<b>Utilities</b>	<p>The Application includes connections to:</p> <ul style="list-style-type: none"> <li>electricity infrastructure, including the installation of two electrical sub-stations.</li> <li>water and sewerage infrastructure, including disconnection and decommissioning of redundant connections and provision of new connections.</li> <li>gas infrastructure.</li> </ul> <p>Ausgrid requested the Applicant continue to discuss its requirements directly with Ausgrid.</p> <p>Sydney Water stated amplifications and extensions to existing water/sewerage infrastructure may be required and a</p>	<p>The Department has considered the information provided and is satisfied that the required utilities would be available to the site.</p> <p>The Department has recommended conditions to ensure the Applicant lodges the appropriate requests for the supply of these services, utilities meet the specific requirements of the relevant supply bodies, and all utilities are available prior to operation.</p>



Issue	Findings	Department's consideration
	<p>Section 73 Application must be submitted to Sydney Water.</p> <p>The Applicant confirmed it is committed to ongoing consultation with Ausgrid and will obtain a s73 compliance certificate prior to construction.</p>	
<b>Public meeting</b>	<p>Concern was raised in public submissions that a public meeting should be held in relation to the application.</p>	<p>The Department notes:</p> <ul style="list-style-type: none"> <li>the application does not trigger the need for a public meeting under the EP&amp;A Act.</li> <li>the Minister has not recommended a public meeting be held.</li> <li>in accordance with Section 2.7 of the State Environmental Planning Policy (Planning Systems) 2021 (former clause 8A of the SRD SEPP), it is not necessary to refer the application to the Independent Planning Commission, as Council did not object to the development within the mandatory exhibition period and later withdrew its objection.</li> <li>issues raised in public submissions have been considered and environmental issues associated with the proposal have been thoroughly addressed by the application or by way of conditions.</li> </ul> <p>The Department is satisfied that this matter is not relevant to the assessment of this application.</p>
<b>Social impact</b>	<p>The application includes a Social Impact Assessment (SIA), which identifies the positive and negative impacts of the proposal, including:</p> <ul style="list-style-type: none"> <li>improved learning and social</li> </ul>	<p>The Department has considered the SIA and agrees the proposal would have overall positive social impacts as summarised in the SIA.</p> <p>The Department notes the proposed</p>

Issue	Findings	Department's consideration
	<p>experience associated with new school facilities.</p> <ul style="list-style-type: none"> <li>• improved parish and church facilities.</li> <li>• restoration and adaptive use of heritage items on the site.</li> <li>• community access to facilities.</li> <li>• provision of publicly accessible open space / piazza.</li> <li>• negative impacts from increase in operational pedestrian / vehicular movements and construction impacts.</li> </ul> <p>To address negative social impacts, the SIA recommends undertaking community consultation during construction and implementing proposed measures relating to parking and PUDO facilities, community access, and implementation of the operational management plans.</p>	<p>PUDO facilities may have a traffic impact on surrounding streets, and this would represent a negative social impact. The Department has addressed this impact by requiring the Applicant to monitor and, if necessary, amend the PUDO facilities (<b>Section 6.1.2</b>).</p> <p>The Department considers other likely negative social impacts would be appropriately addressed subject to recommended conditions relating to mitigation of construction impacts, and preparation and implementation of operational management plans.</p>
<b>Public interest</b>	<p>The Applicant has stated that the proposal is in the public interest.</p> <p>The SDRP stated that the project represents a significant opportunity for the current and future community of the MCCNS and the wider community. In addition, the project delivers significant public benefit through the removal of the at-grade car park and introduction of the public piazza off Miller Street.</p>	<p>The Department is satisfied that the proposal would be in the public interest.</p> <p>The proposal would benefit the community as it would provide for expanded school facilities, including contemporary teaching and learning facilities with adaptable and collaborative learning spaces, to improve educational outcomes.</p> <p>In addition, the proposal includes the creation of a 1,300m<sup>2</sup> landscaped public piazza, and proposes community use of school facilities including the auditorium.</p> <p>The proposal would result in direct investment in the area of \$89,377,267 and overall is predicted to generate 396 construction jobs for the duration of all stages and 61</p>

Issue	Findings	Department's consideration
<b>Development contributions</b>		new operational jobs.
	<p>Section 7.12 of the EP&amp;A Act allows a consent authority to impose a condition requiring the payment of development contributions.</p> <p>The North Sydney Local Infrastructure Contributions Plan 2020 (Contributions Plan) applies to the LGA. The Contributions Plan includes provisions for Section 7.12 and requires the Applicant to pay a fixed levy.</p> <p>Pursuant to the Contributions Plan, a development contribution at 1% of the CIV is payable.</p> <p>The Applicant requests exemption from payment of development contributions. The Applicant states that this is justified as the proposal provides significant public benefits including school improvements, creation of a new public open space / piazza and public access to school facilities.</p> <p>Council did not provide comments relating to development contributions.</p>	<p>The Department notes the Contributions Plan applies to the site. Independent schools are not exempt from this requirement.</p> <p>The Department has recommended a condition requiring the Applicant to pay a development contribution, under section 7.12 of the EP&amp;A Act, to Council prior to the issue of a construction certificate.</p> <p>The amount payable is to be levied in accordance with the North Sydney Local Infrastructure Contributions Plan 2020.</p>

## 7 Evaluation

The Department has reviewed the Applicant's EIS, RtS and SRtS, and assessed the merits of the proposal, taking into consideration advice from the public agencies, including Council.

The key issues identified with the proposal include traffic and parking, built form and heritage, noise, tree removal and replacement. Issues raised have been considered and all environmental issues associated with the proposal have been addressed by the Applicant or through recommended conditions.

The planned increase of the school's enrolment from 1342 to 2074 students over time would not have an adverse impact on the operation of the surrounding road network, subject to the implementation of a Green Travel Plan (GTP) and ongoing monitoring of the PUDO facilities. The reduction of six staff car parking spaces is acceptable, noting the existing oversupply of parking on the site, adequacy of the replacement parking, and implementation of the GTP. The surrounding road network and local streets are able accommodate construction traffic.

The proposed built form, including three new buildings and alterations to existing buildings, is contextually appropriate for the school and the locality. The works and amendments to local listed heritage items on the site are acceptable and would not have adverse heritage impacts. New and replacement play spaces are provided at ground and roof levels, and overall achieve an acceptable standard of amenity.

The proposal would not result in adverse amenity impacts on surrounding residents through operational noise, overshadowing, and visual privacy. Appropriate noise and vibration management measures have been proposed, to minimise construction noise and vibration impacts to adjoining residential and non-residential properties.

The proposed landscaping strategy involves the removal of 61 trees, retention of 41 trees, and planting of an additional 114 trees across the site, which would provide additional tree canopy to the site.

The Department concludes the impacts of the proposal can be appropriately mitigated through recommended conditions of consent. The proposal is considered to be in the public interest as it would provide the following public benefits:

- provision of updated educational facilities to meet the needs of the existing school population.
- provision of a landscaped public piazza.
- investment of approximately \$89.3 million.
- provision of approximately 396 construction and 61 operational jobs.

Consequently, the Department considers the development is in the public interest and is recommended to be approved, subject to conditions.

## 8 Recommendation

It is recommended that the Executive Director, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of the Marist Catholic College North Shore (SSD 10473), subject to the conditions.
- **signs** the attached development consent and recommended conditions of consent (**Appendix F**).

Prepared by

Jasmine Tranquille (Planning Officer)

**Recommended by:**

A handwritten signature in black ink that reads "A. Coommar". The signature is written in a cursive, flowing style.

Aditi Coommar

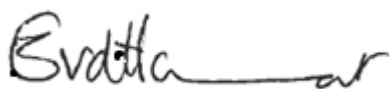
**Team Leader**

**School Infrastructure Assessments**



## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', with a long horizontal stroke extending to the right.

23/9/2022

Erica van den Honert

**Executive Director**

**Infrastructure Assessments**

# Appendices

## Appendix A – Relevant supporting information

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Environmental Impact Statement  
<https://www.planningportal.nsw.gov.au/major-projects/project/37081>
2. Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/37081>
3. Response to Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/37081>
4. Supplementary Response to Submissions and additional information  
<https://www.planningportal.nsw.gov.au/major-projects/project/37081>
5. Correspondence after close of exhibition, Council and other Government agency advice  
Provided under separate cover

## Appendix B – Statutory considerations

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- State Environmental Planning Policy No. 55 – Remediation of Land.
- Draft State Environmental Planning Policy (Remediation of Land).
- North Sydney Local Environmental Plan 2013.

### COMPLIANCE WITH CONTROLS

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

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

An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

**Table B1 | SRD SEPP compliance table**

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

Relevant sections	Department's consideration	Compliance
<b>Schedule 1 State significant development – general</b> (clause 8 (1)).		Yes
<b>15 Educational establishments</b> (2) Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.	The proposal comprises development that has a CIV of more than \$20 million for the purpose of alterations or additions to an existing school.	

### State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant Government agencies about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table B2**.

**Table B2 | Consideration of the relevant provisions of Infrastructure SEPP**

Clause(s)	Department's consideration
84 – 88B Development in or adjacent to rail corridors and interim rail corridors	<p>The development is adjacent to a rail / metro corridor, and in accordance with clause 87 of the Infrastructure SEPP, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purpose of this clause (Development Near Rail Corridors and Busy Road – Interim Guideline). The Applicant's RtS included an assessment of noise impacts on the development due to the Sydney metro corridor and concluded that the internal acoustic amenity of the users would not be impacted by the noise from the future corridor.</p> <p>The Department has consulted and considered the comments from relevant Government agencies (<b>Section 5</b> and <b>6</b>). No conditions in relation to noise were recommended by Sydney Metro.</p> <p>The Department is satisfied that the development complies with the requirements of clause 84 – 88B of the Infrastructure SEPP.</p>
98 – 104 Development in or adjacent to road corridors and road reservations	<p>Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Notwithstanding this, the application was referred to TfNSW.</p>

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

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

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is SSD even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school has provided justification for contravening the height of buildings development standard. The Department's consideration of variations to development standards is addressed in **Section 6.2**.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application was referred to TfNSW (incorporating Road and Maritime Services) in accordance with this clause.

The Education SEPP defines the preschool as a centre-based childcare facility. Clause 22 of Part 3 of the Education SEPP states that concurrence is required for a 'centre-based childcare facility' (i.e. pre-school) if the:

- a) floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
- b) outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

The proposal for the preschool (childcare centre) satisfies the numeric play space requirements for 90 children. Therefore, separate concurrence of the Regulatory Authority is not required (see **Section 6.4.3**).

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles of Schedule 4 and the Department's Childcare Guidelines is provided in **Table B3** and **B4**.

**Table B3** | Consideration of the Design Quality Principles

Design Principles	Department's consideration
Principle 1 - Context, built form and landscape	<p>The site planning provides good aspect for the learning areas and for maximising light to play areas. The height and scale of the development is acceptable and appropriate within its setting.</p> <p>The school buildings are articulated, include appropriate materials, and overall achieve a high standard of architectural design and appearance. Buildings are setback from the street and fit into the surrounding urban context.</p> <p>The proposed new buildings and the amendments to on-site heritage items would not have any adverse heritage impacts and are acceptable.</p> <p>Proposed retained and replaced trees together with new landscaping contribute to softening the visual impact of the development.</p>
Principle 2 - Sustainable, efficient and durable	<p>The proposal has been designed with consideration of ESD principles, and the materials chosen are durable and require low maintenance. The Applicant is targeting measures to achieve a 4-Star Green Star rating.</p> <p>Bicycle parking is provided to encourage sustainable modes of travel. Conditions are recommended requiring the preparation and implementation of a GTP prior to the operation of the facilities.</p>



Design Principles	Department's consideration
Principle 3 - Accessible and inclusive	<p>The proposal has been designed to be accessible and inclusive through the provision of a lift and accessible paths of travel from the site boundaries up to and around the school buildings.</p> <p>The Applicant advised that school facilities would be made available for community use after school hours on weekdays, and during weekends.</p>
Principle 4 - Health and Safety	<p>The design of the school buildings provides a safe and secure school environment. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.</p> <p>The buildings have been designed to maximise access to natural light and ventilation. In addition, buildings are surrounded by landscaping to benefit the health and well-being of students, staff and visitors.</p>
Principle 5 - Amenity	<p>The proposal would not unreasonably impact on the amenity of adjoining residential properties through operational noise, overshadowing or privacy impacts.</p> <p>The proposal provides a variety of internal and external learning places for both formal and informal educational opportunities. In addition, buildings maximise access to natural light and ventilation to the indoor areas of the school, while the landscaping and covered outdoor areas provide ample shaded areas for students and staff use.</p>
Principle 6 - Whole of life, flexible, adaptable	<p>The buildings would allow for long term flexibility through the provision of flexible formal and informal learning areas to adapt to future learning requirements.</p>
Principle 7 - Aesthetics	<p>The buildings achieve a high standard of design and appearance and provide a coherent overall architectural composition and would positively contribute to the surrounding streetscapes. The proposal offers an articulated and dynamic built form, with clear entry points and wayfinding. The Department supports the use of materials and modern design of the development.</p> <p>The proposal includes tree retention, replacement planting and extensive hard and soft landscaping treatments. The proposed removal of 61 existing trees is unavoidable and acceptable, subject to the provision of 114 replacement trees.</p>

**Table B4 | Consideration of the Department's Child Care Planning Guideline**

Matter	Department's consideration
Context	The proposed ELC is well integrated with the school and would cater for siblings of the same family. The pre-school fits into the context.
Built form	The ELC integrates with the proposed school built form.
Adaptive learning spaces	The ELC includes adaptive learning spaces.
Sustainability	The internal and external spaces allow for cross ventilation.
Landscape	The outdoor play areas include landscaping. The ELC forms part of the school which includes extensive hard and soft landscaping and proposes a new landscaped public piazza.
Amenity	The centre has been designed to ensure suitable indoor and outdoor play spaces are provided that would have suitable access to daylight and natural ventilation

Safety	The ELC is located on the first floor level and is provided with secure access controls. The outdoor play space is located on the first floor terrace and is secure.
--------	--

### Matter for consideration

Site selection and location	<p>The ELC forms part of the large school development and includes 10 car parking spaces within the Carlow Street building basement for PUDO.</p> <p>The location of the ELC within the school would strengthen the relationship between the pre-school and school students. The site does not hold any preceding site contamination constraints that would unnecessarily limit the ability for a centre based childcare centre from being established.</p>
Local character, streetscape and the public domain interface	<p>The proposed integration of the ELC within the school would ensure it remains compatible with the character of the locality.</p> <p>The ELC is located to ensure that the outdoor play areas are screened from the public domain and provides for a clear delineation between the boundaries of the school play area and that for the ELC.</p>
Building orientation, envelope, building design and accessibility	The Applicant has demonstrated that the design and location of the ELC play areas on the western side of the Miller Street building would not result in any adverse environmental or amenity impacts on the residents in the locality.
Landscaping	The proposed landscape design incorporates several passive and active landscape elements to help create a diverse and interesting learning environment.
Visual and acoustic privacy	The predicted noise impacts associated with the operation of the ELC are satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent ( <b>Section 6.3.1</b> ).
Noise and air pollution	The development would not result in adverse noise or air pollution.
Hours of operation	The proposed hours of operation would not unreasonably impact on the locality.
Traffic, parking and pedestrian circulation	The ELC is provided with sufficient parking within the Carlow Street building basement.

### National Regulation

Indoor and outdoor space requirements	The unencumbered play areas (indoor and outdoor) comply as discussed in <b>Section 6.4.3</b> .
Laundry and hygiene facilities	The proposal includes laundry and hygiene facilities. Condition of consent would ensure compliance.
Toilet and hygiene facilities	The proposal includes toilet and hygiene facilities. Condition of consent would ensure compliance.
Nappy change facilities	Nappy change facilities are provided. Condition of consent would ensure compliance.
Ventilation and natural light	Indoor and outdoor play spaces would receive sufficient natural daylight.

Administrative space	The proposal includes adequate areas for the purposes of administration, include office, mattering and staff room spaces.
Emergency and evacuation procedures	In relation to BCA matters, the Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant, prior to the issue of a construction certificate for the proposal. Matters relating to flood evacuation are address in <b>Section 6.5</b> .
Outdoor space requirements	The proposal complies with outdoor space requirements.
Natural environment	The landscape design for the gardens incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.
Shade	Outdoor areas include areas of shade.
Fencing	The ELC is located at first floor level and does not require fencing. The ELC would benefit from the fencing provided as part of the overall fencing strategy for the school.
Soil assessment	The Applicant has satisfactorily demonstrated that the site does not pose a contamination threat subject to implementation of the RAP.

### State Environmental Planning Policy No. 55 - Remediation of Land

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

As detailed at **Section 6.5**, the Department is satisfied that, subject to appropriate remediation and validation, the site can be made suitable for the proposed use and recommends conditions requiring engagement of a site auditor, submission of site audit statements, remediation and validation.

Subject to the implementation of conditions, the application is satisfactory with regard to SEPP 55.

### Draft State Environmental Planning Policy (Remediation of Land)

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

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

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

## North Sydney Local Environmental Plan 2013

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

The Department consulted with Council throughout the assessment process and considered the matters raised in submissions by Council and the public (**Section 5** and **6**).

The Department has considered the relevant provisions of the NSLEP at **Table B5** and concludes the development is consistent with the NSLEP.

**Table B5 | Consideration of the NSLEP**

Clause	Control	Department's consideration	Compliance
Clause 2.3 Land use zones	The proposed development is on land zoned <ul style="list-style-type: none"> <li>SP2 Infrastructure</li> <li>R4 High Density Residential</li> </ul>	Educational establishments are permissible with consent within the SP2 Infrastructure zone.  Educational establishments are permissible with consent within the R4 High Density Zone pursuant to clause 35(1) of the Education SEPP.	Yes
Clause 2.7 Demolition	The demolition of a building may be carried out only with development consent.	Development consent is sought for the demolition of some existing buildings on the site to facilitate the construction of the development.	Yes
Clause 4.3 Height of buildings	The site is identified as having a maximum building height of 12m.	The proposal includes maximum building heights between 15.55m and 21.04m. The merits of the development were considered in <b>Section 6.2.1</b> . The Department has assessed the height exceedance to be acceptable.	Not applicable (refer to the Education SEPP)
Clause 5.10 Heritage conservation	To conserve the environmental heritage of North Sydney, the significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.	The site includes local heritage items and is nearby other local and State heritage items. The Department has considered the heritage impact of the proposal at <b>Section 6.2.3</b> . The Department concludes the heritage impacts can be appropriately mitigated and managed.	Yes
Clause 5.21 Flood planning	Developments must minimise flood risk to life and property associated with the use of land and significant adverse impacts on flood behaviour	The site is prone to inundation during flooding events.  The Department considered flooding and drainage at <b>Section 6.5</b> and concludes flooding impacts can be managed and/or	Yes

and the environment.

mitigated subject to conditions.

---

Clause 6.10 Earthworks	Developments including earthworks must not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Earthworks are proposed to facilitate the development.  The Department has considered the earthworks at <b>Section 6.5</b> and concludes they are acceptable subject to the implementation of the CEMP.	Yes
---------------------------	---	---	-----

---

### Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. Notwithstanding this, the objectives of relevant controls under the NSDCP, where relevant, were considered in **Section 6**.



## **Appendix C – Bitzios and NBRS independent peer review reports**

The Bitzios and NBRS independent peer review reports can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/37081>

## Appendix D – Legal description of the site

The legal description of the site is provided at **Table D1**.

**Table D1** | Legal description of the site

Address	Lot and DP / SP
264 Miller Street	Lot 8, 9 & 10 DP1137247
282 Miller Street	Lot A, DP 312439
288-290 Miller Street	Lot 1 & 2 DP1860
25 Carlow Street	Lot 1 DP 561243
31 Carlow Street	Lot 2 DP561243
34-36 Ridge Street	Lot 6 DP64401
40 Ridge Street	Lot 1 DP782363
	Lot 7 DP 1137247
	Lot 7 DP176556
	Lot 4, 5, 6, 8 & 9 DP1860
270 Miller Street	Lot B & C DP312439
	Lot 13 & 14 DP1133414
	Lot 1 DP747691
	Lot 1 DP86012
	Lot 3 DP561243
	Lot 1 DP310326
	Lot 101 DP1110805
	Lot 3 DP561243

## Appendix E – Community views for Draft Decision of Notice

Issue	Department's Consideration
<i>Traffic and parking</i>	<i>Assessment</i>
<ul style="list-style-type: none"> <li>• The proposal would result in additional adverse traffic congestion and impact on intersections.</li> <li>• The Green Travel Plan (GTP) targets would not address traffic congestion and parking pressure.</li> <li>• The proposal would exacerbate traffic problems associated with the pick-up/drop-off (PUDO) operation.</li> <li>• Too much / not enough car parking is provided on the site and insufficient parking is provided for the auditorium.</li> <li>• The development results in the removal of seven existing car parking spaces on Carlow Street.</li> <li>• The traffic assessment has based modelling on a future connection from Ridge Street to Western Harbour Tunnel. However, this connection is not part of the tunnel project.</li> </ul>	<ul style="list-style-type: none"> <li>• The Applicant has amended the traffic management measures and the GTP, in response to concerns raised by submitters.</li> <li>• The Applicant confirmed that the Ridge Street link is based on Transport for NSW (TfNSW) strategic models and future infrastructure.</li> <li>• The Department accepts the Applicant's conclusion that the traffic generation due to the proposal would have an impact on the road network, however, the overall impact would be minor in the context of the existing and future predicted traffic network operation.</li> <li>• The Department is satisfied the implementation of the GTP would encourage sustainable modes of transport, subject to the preparation of the final GTP in consultation with Transport for NSW (TfNSW) and ongoing annual monitoring and review.</li> <li>• Based on comments from Council, Government agencies and an independent traffic consultant, the Department concludes the PUDO facilities are acceptable subject to design mitigation measures, additional clarification of likely demand and potential vehicle overflow and recommended conditions regarding the operations to align with the staged increase of students.</li> <li>• The Department is also satisfied sufficient car parking is provided to cater for the development and the use of the auditorium.</li> <li>• While the car parking would exceed Council's requirements, it would be marginally less than what exists within the site and would be managed via an Operational Transport and Access Management Plan (OTAMP).</li> <li>• The preparation of an Out of Hours Event Management Plan would manage any large scale events proposed within the site including the use of the auditorium.</li> <li>• The Department considers the removal of seven Carlow Street parking spaces is temporary and needed to establish the on-street construction zone. These would be reinstated following completion of the development. As such, these would be compensated by the retention of the Carlow Street parking spaces that were previously used by the Jacaranda Cottage.</li> </ul>
	<i>Conditions</i>
	Conditions include:
	<ul style="list-style-type: none"> <li>• preparation and implementation of a GTP, including monitoring and review in consultation with Transport for NSW (TfNSW) and Council.</li> <li>• car parking and PUDO facilities provided prior to the first increase in school population.</li> <li>• a review of the operation of the PUDO facilities one year after the commencement of operation.</li> <li>• preparation and implementation of an OTAMP and Out-of-Hours Event Management Plan for school and community use.</li> </ul>

<p><i>Pedestrian infrastructure</i></p> <ul style="list-style-type: none"> <li>The proposal would place additional pressure on Miller / Carlow Street footpaths and surrounding pedestrian crossings.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>In response to the concerns raised, the Applicant proposed a widened the footpath on the western side of Miller Street to address an existing pinch-point.</li> <li>The Department supports the Applicant's approach subject to a Road Safety Audit.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>delivery of all pedestrian infrastructure.</li> <li>undertaking of a Road Safety Audit.</li> </ul>
<p><i>Built form</i></p> <ul style="list-style-type: none"> <li>The height, scale and visual impact of the development is inappropriate and inconsistent with the North Sydney Local Environmental Plan 2013 (NSLEP) maximum height of buildings control.</li> <li>The development would have an adverse impact on adjoining / nearby heritage items.</li> <li>The Carlow Street building should include a setback on the upper floors.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>In response to the concerns raised in the submissions, the Applicant reduced the height of the Miller Street building by 3.6 metres, increased building articulation / modulation and increased the top floor setback of the Carlow Street building.</li> <li>The Department considers the height and scale of the proposed development is acceptable given the use of the site and the building functions. Strict compliance with the NSLEP height of building control is unnecessary and unreasonable given the circumstances of the development.</li> <li>The Department notes the proposal would not have an adverse heritage impact subject to conditions relating to protection of items during construction.</li> <li>The Department is satisfied, that the proposal would not have an adverse impact on the heritage significance or setting of adjoining or nearby heritage items.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>photographic archival recording, dilapidation report, vibration monitoring, appointment of a heritage architect, removal of heritage fabric, Accessibility and Building Code of Australia compliance and design modification.</li> </ul>
<p><i>Trees</i></p> <ul style="list-style-type: none"> <li>The proposal results in the removal of too many trees and does not include sufficient replacement trees.</li> <li>The proposal should include a tree bond to protect tree roof zones.</li> <li>Three <i>Phoenix canariensis</i> trees which were proposed for removal should be transplanted onsite.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant has agreed to transplant (rather than remove) two existing trees, has proposed five new street trees and increased the predicted tree canopy cover to 26% of the site.</li> <li>The Department considers the proposed removal of 41 existing trees is unavoidable due to their location. The proposed replacement trees along with associated works is assessed as satisfactory.</li> <li>The Department notes that while one <i>Phoenix canariensis</i> tree had been removed as part of a separate application, it is proposed to be transplanted elsewhere on the site.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>tree removal and replacement, as proposed.</li> </ul>

- advanced tree stock used during planting.
- tree protection measures for retained trees during construction.
- a tree bond to be paid to Council and utilities and services not to adversely impact on tree roof zones.

#### *Amenity impacts*

- The proposal would overshadow and overlook neighbouring residential properties (not owned by the school).

#### *Assessment*

- The Application includes shadow diagrams that confirm the proposal would result in additional overshadowing of rear gardens of nearby residential properties on Carlow Street (not owned by the school) by an additional one hour in mid-winter. The Department is satisfied the additional overshadowing is minor and acceptable.
- In response to the concerns raised about overlooking, the Applicant amended the western elevation of the Carlow Street building to include screening plants, removed the Level 2 outdoor terrace and set back the rooftop play space by 3m. The Department is satisfied the proposed mitigation measures ensure the proposal would not result in a loss of privacy to adjoining properties.

#### *Noise*

- The proposal would result in operational noise impacts to adjoining residential properties from play spaces, school buildings and the auditorium.
- Construction would result in adverse noise impacts and the construction hours should be limited on weekends.

#### *Assessment*

- The Applicant's assessment concludes that the use of the play spaces, school buildings and auditorium would all comply with the relevant noise criteria. The Applicant has agreed to install absorptive materials in the Carlow Street building undercroft and restrict use of the auditorium to 10pm.
- The Department concludes the proposal would not unreasonably impact the acoustic amenity of surrounding occupants.
- The Department considers, subject to the implementation of appropriate noise mitigation measures and restriction of construction hours, construction noise can be adequately managed / mitigated.

#### *Conditions*

Conditions include:

- preparation and implementation of an Out-of-Hours Event Management Plan.
- inclusion of construction materials and design to ensure the recommendations of the Noise Report are adhered to.
- preparation of a Construction Noise and Vibration Management Plan to manage the impacts of construction works and including all recommended mitigation measures.
- construction hours to be in accordance with the Interim Construction Noise Guideline 2009 standard construction hours.
- short-term noise monitoring to verify operational noise does not exceed the noise criteria.
- the school use, community use and loading dock to be in accordance with the hours of operation.
- installation of the absorptive materials within the Carlow Street building undercroft prior to the first use of the space.

#### *Loss of Playspace*

- The proposal results in a

#### *Assessment*

- The Applicant has confirmed that the proposal would result in an



reduction in outdoor ground level play space.

increase of play space by 2074m<sup>2</sup> (from 3961m<sup>2</sup> to 6035m<sup>2</sup>).

- The Department is satisfied the proposal would result in an increase in play space within the site.

*Conditions*

- No specific conditions are included in this regard.

---

*Public hearing*

- A public hearing should be held in relation to the application.

*Assessment*

- The application does not trigger the need for a public hearing under the Act.
  - The Minister has not recommended a hearing be held, and the application is not referred to the Independent Planning Commission.
-

## **Appendix F – Recommended instrument of consent**

The recommended instrument of consent can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/37081>