



Upgrade to North Sydney Public School

State Significant Development Assessment
SSD-11869481



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Cover image: Indicative drawing of the proposal as presented to Bay Road (Source: Applicant's Environmental Impact Statement, 2021)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AIA	Arboricultural Impact Assessment
BC Act	Biodiversity Conservation Act 2016
CBD	Central Business District
CIV	Capital Investment Value
Council	North Sydney Council
CTMP	Construction Traffic Management Plan
Department	Department of Planning and Environment
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
DSI	Detailed Site Investigation
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
HIS	Heritage Impact Statement
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
HOB	Height of Building
ICNG	Interim Construction Noise Guideline 2019
LEP	Local Environment Plan
LoS	Level of Service

Minister	Minister for Planning
NVA	Noise and Vibration Assessment
NDCP	North Sydney Development Control Plan 2013
NLEP	North Sydney Local Environmental Plan 2013
OHSC	Out of School Hours Care
PSI	Preliminary Site Investigation
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning and Environment
RtS	Response to Submissions
STP	School Travel Plan
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TAIA	Traffic and Accessibility Impact Assessment

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the Upgrade to North Sydney Public School located at 182 Pacific Highway, North Sydney. The application has been lodged by the NSW Department of Education (the Applicant). The site is located within the North Sydney local government area.

Assessment summary and conclusions

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

The key issues identified with the proposal include traffic, transport and parking, as well as built form and urban design. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement (EIS) and Response to Submissions (RtS), and that minor outstanding issues can be addressed through recommended conditions of consent.

The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal

The proposal seeks approval for upgrades to the existing school to provide improved educational facilities on the site. The proposed works include the construction of one new three storey building, upgrades to an existing single storey building, and associated works including new bicycle parking and landscaping.

The proposal has a capital investment value (CIV) of \$35,262,872 million and would generate approximately 134 construction jobs and seven operational jobs.

The site

The existing North Sydney Public School (the site) is located on the north east boundary of the North Sydney CBD within a residential and mixed use area and adjoins the Pacific Highway to the east. The site is located approximately 3km north-east of the Sydney Central Business District (CBD) and approximately 650 metres (m) from Waverton Train Station and 900m from North Sydney Train Station. The site has an area of approximately 19,300 square metres and contains a range of existing school buildings including temporary classroom structures. The site has primary road frontage to Bay Road and secondary frontages to the Pacific Highway and McHatton Street.

Statutory context

The proposal is SSD under section 4.36 of the 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 in accordance with clause 15(5) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as was in force immediately prior to the lodgement of the Application.. Therefore, the Minister for Planning is the consent authority.

Engagement

The Department exhibited the application by making it available on the major projects website on NSW Planning Portal from 7 September 2021 to 5 October 2021 (28 days). During the exhibition the Department received a total of 14 submissions comprising 13 from the public including a local community group and one comment from North Sydney Council (Council). Of the public submissions, six were comments, six were objections and one was in support. The Department also received advice from five Government Agencies.

Key issues raised in the submissions include traffic and parking and built form and urban design.

On 1 December 2021, the Applicant submitted a RtS which responded to public submissions and Government Agency advice. The RtS included additional streetscape analysis, amended architectural drawings and additional traffic and parking analysis. Changes to the built form included changes to the architectural expression of the new three storey building.

The RtS was referred to Government Agencies and Council. A no comment submission from Council and advice from two Government Agencies was received in response. The two Government Agencies were satisfied the previously raised issues had been addressed and recommended conditions were provided from one Government Agency.

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1 Introduction

This report provides an assessment of a state significant development (SSD) application for the redevelopment of North Sydney Public School located at 182 Pacific Highway, North Sydney (the site).

The proposal seeks approval for upgrades to the existing school including the construction of one new three storey building, upgrades to an existing single storey building, and associated works including new bicycle parking and landscaping.

The application has been lodged by NSW Department of Education (the Applicant). The site is located within North Sydney Local Government Area.

1.1 Site description

The site is located at 182 Pacific Highway, North Sydney. The site adjoins the North Sydney Central Business District (CBD) and is located approximately 3km north-east of the Sydney CBD. The site is approximately 650 metres (m) from Waverton Train Station and 900m from North Sydney Train Station (**Figure 1**).

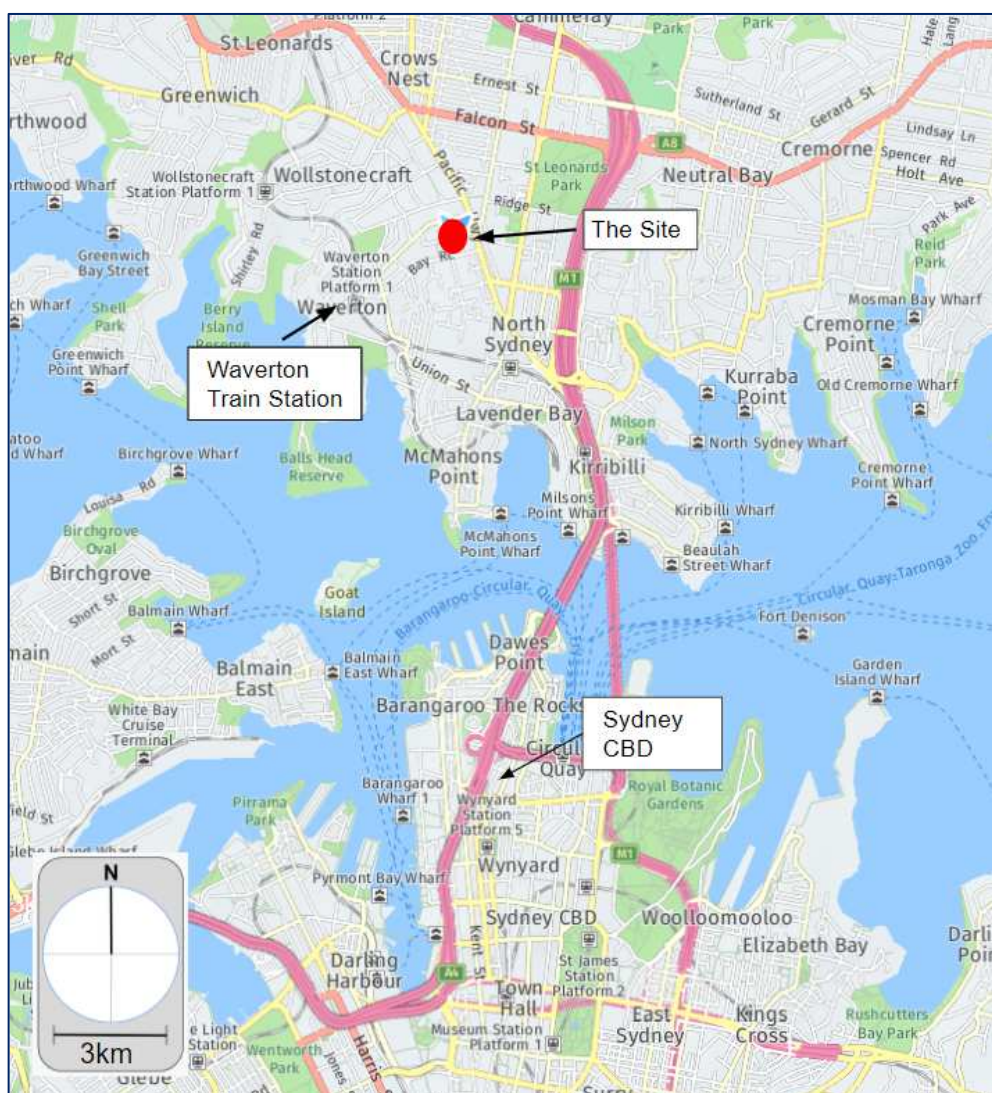


Figure 1 | Regional context of the site (Base source: Nearmap 2021)

The site is legally known as Lot 1 in DP184559 and Lot 1 in DP184591, and is generally rectangular in shape, with a primary road frontage to Bay Road (south) and additional street frontages to Pacific Highway (east) and McHatton Street (north) (**Figure 2**).



Figure 2 | Existing conditions of the site and surrounds (Base source: Nearmap 2021)

The site shares its western boundary with detached residential dwellings fronting Bay Road and McHatton Street with the remainder of the site bound by street frontages.

Current structures on site include a hall, classroom buildings and administration and maintenance buildings which are generally positioned near the perimeters of the site with the exception of the hall which is in the centre of the site. The site also contains temporary classroom structures adjoining the southern and northern boundaries. An asphalt basketball court and car park are located in the north-west and south-west portions of the site and two covered outdoor learning areas (COLAs) are located in the central portion of the site. 68 trees and shrubs are located within the site (**Figure 2**).

Pedestrian access to the school is available from McHatton Street, Bay Road and the Pacific Highway. Vehicular access to an existing asphalt car park providing 50 car parking spaces is accessed off McHatton Street at the north-west corner of the site.

2 Project

The key components and features of the proposal (as amended in the Response to Submissions (RtS)) are provided in **Table 1** and **Section 2**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	<ul style="list-style-type: none"> Redevelopment of North Sydney Public School comprising demolition works and the construction of one new three storey building, upgrades to an existing single storey building, and associated works including outdoor play spaces, new landscaping and the removal of temporary classroom structures.
Demolition	<ul style="list-style-type: none"> Demolition of hall (Building B), single storey classroom building (Building C) and removal of temporary classroom structures. Removal of 17 trees.
Built form	<ul style="list-style-type: none"> One new three-storey building (Building J & Building I) comprising: <ul style="list-style-type: none"> learning spaces hall and library staff and administration facilities out of school care facilities covered outdoor learning student amenities. Alterations and additions to Building G to accommodate learning spaces.
Site area	<ul style="list-style-type: none"> 19,300sqm.
Gross floor area (GFA)	<ul style="list-style-type: none"> 3954sqm.
Uses	<ul style="list-style-type: none"> Primary school catering for up to 1012 students and continuation of Out of Hours School Care (OHSC) and community uses.
Students and staff	<ul style="list-style-type: none"> Increase in students from 869 to 1012. Increase in staff from 80 to 87.
Access	<ul style="list-style-type: none"> New primary pedestrian access point fronting Bay Road. Secondary pedestrian access points maintained off Pacific Highway and McHatton Street. Vehicle access maintained in its current location at the north-west corner of the site on McHatton Street. Existing drop-off/pick-up area maintained on McHatton Street. New drop-off/pick-up area on Bay Road.
Car parking	<ul style="list-style-type: none"> 50 car parking spaces maintained in the existing car park.
Bicycle parking	<ul style="list-style-type: none"> 63 new bicycle parking spaces to replace the existing 20 spaces.

Public domain and landscaping	<ul style="list-style-type: none"> • Drop-off/pick-up spaces maintained on McHatton Street. • New drop-off/pick-up spaces on Bay Road. • 20 new trees to be planted on site.
Hours of operation	<ul style="list-style-type: none"> • Continuation of core student hours: 8.55am – 2.55pm Monday to Friday. • Continuation of OHSC.
Jobs	134 construction job and seven operational jobs.
CIV	\$35,262,872.

2.1 Physical layout and design

The buildings to be demolished are shown in red in **Figure 3**.

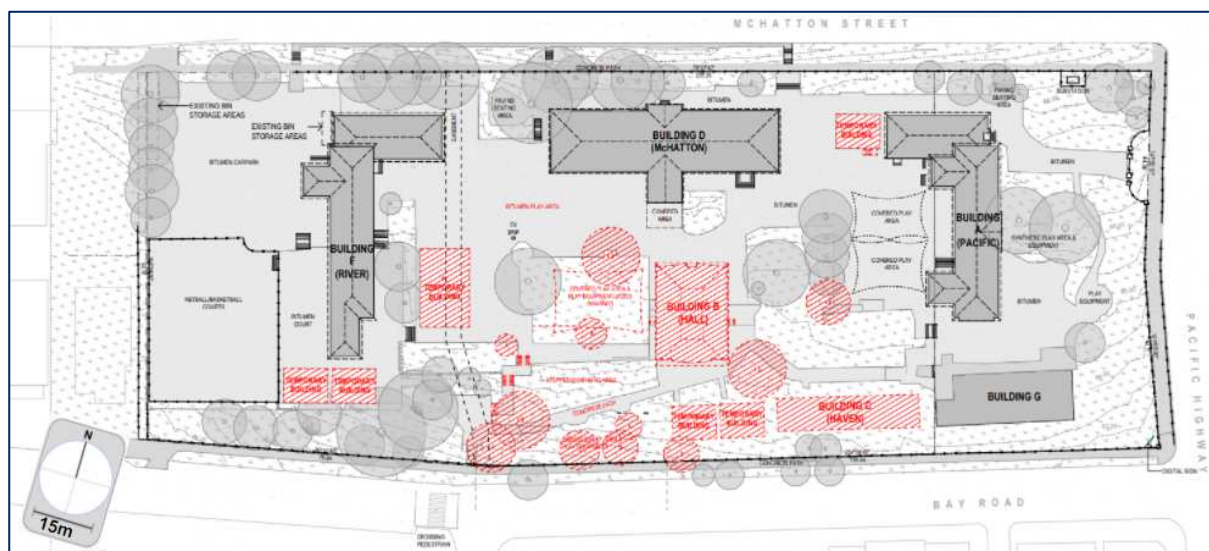


Figure 3 | Existing buildings and structures to be demolished on site marked in red (Source: Applicant's EIS 2021)

The proposed site layout is shown in **Figure 4**. The proposed three storey building (Buildings I and J) would be located adjacent to the southern boundary of the site fronting Bay Road. Building G would be subject to ground floor internal alterations and additions. Building G is located in the south-east corner of the site.

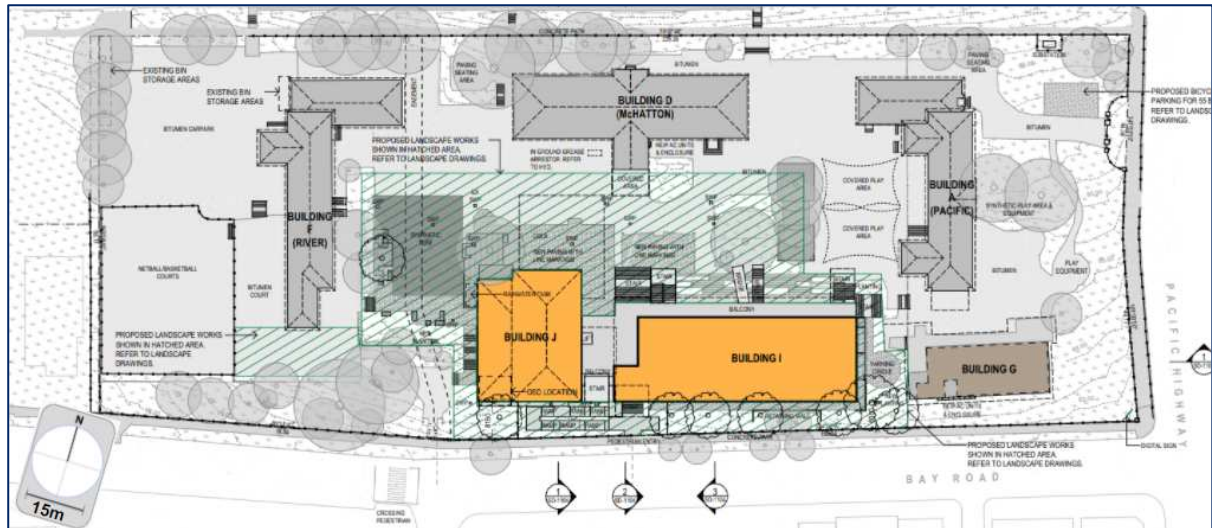


Figure 4 | Proposed layout with new construction yellow and alterations in brown (Source: Applicant's RtS 2021)

The proposed main pedestrian entry point off Bay Road would be between Building J and Building I. The entry off Bay Road would lead pedestrians to the stair and ramp entry which would then lead to the central portion of the site where a COLA, open space and landscaping and smaller existing school buildings and amenities are located.

20 new trees would be planted within the site's boundary including seven new trees fronting Bay Road along the southern boundary. The proposed landscape plan is shown in **Figure 5**.



Figure 5 | Landscape Plan (Source: Applicant's RtS 2021)

Proposed layout, floor plans, elevations and a three-dimensional view of the proposed buildings are shown in **Figure 6** to **Figure 21**.

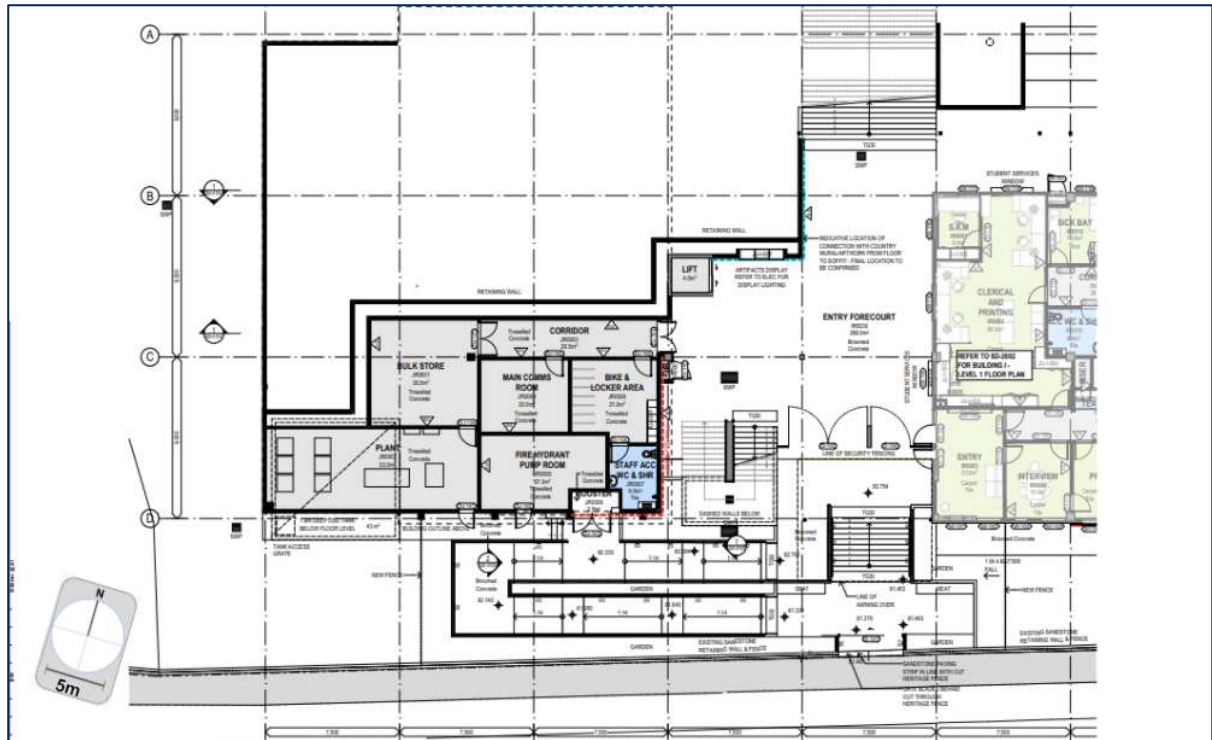


Figure 6 | Building J level 1 floor plan (Source: Applicant's RtS 2021)



Figure 7 | Building I level 1 floor plan (Source: Applicant's RtS 2021)

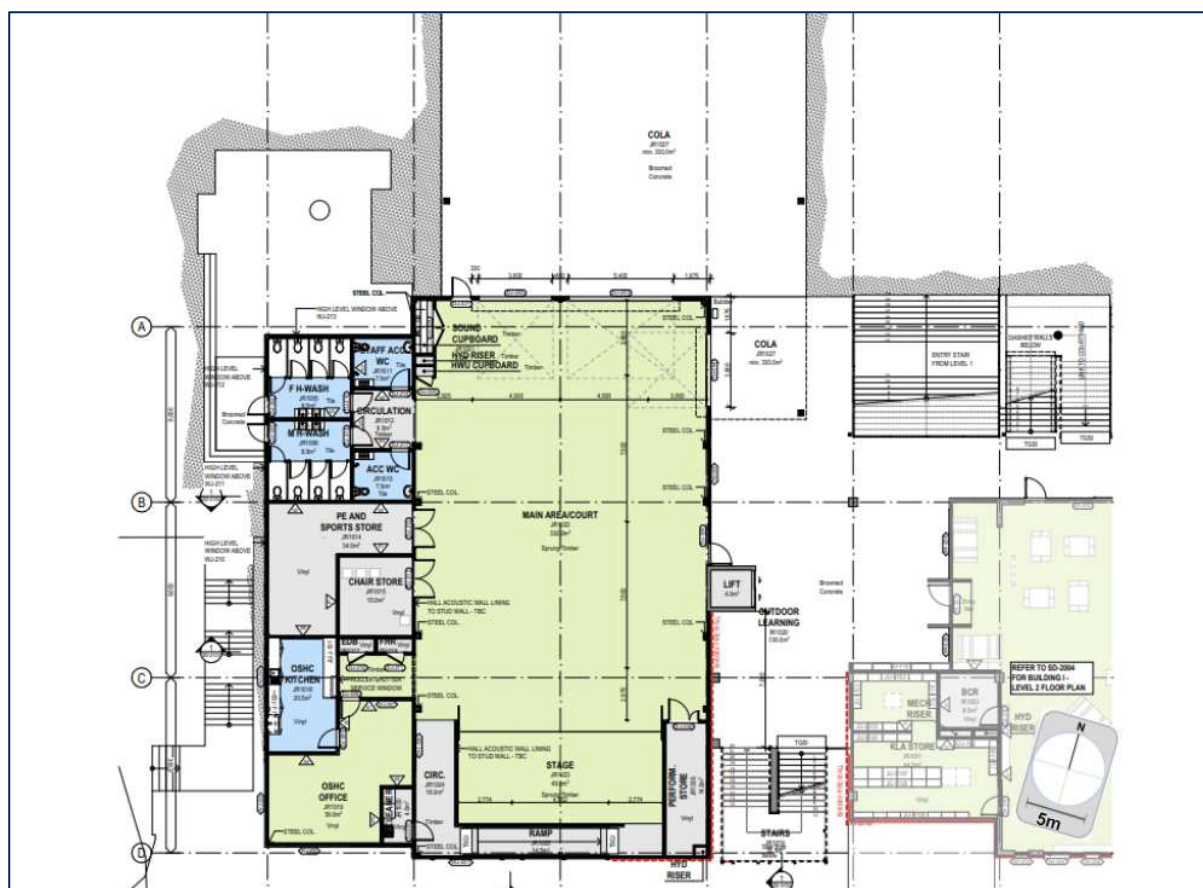


Figure 8 | Building J level 2 floor plan (Source: Applicant's RtS 2021)



Figure 9 | Building I level 2 floor plan (Source: Applicant's RtS 2021)



Figure 10 | Building I level 3 floor plan (Source: Applicant's RtS 2021)

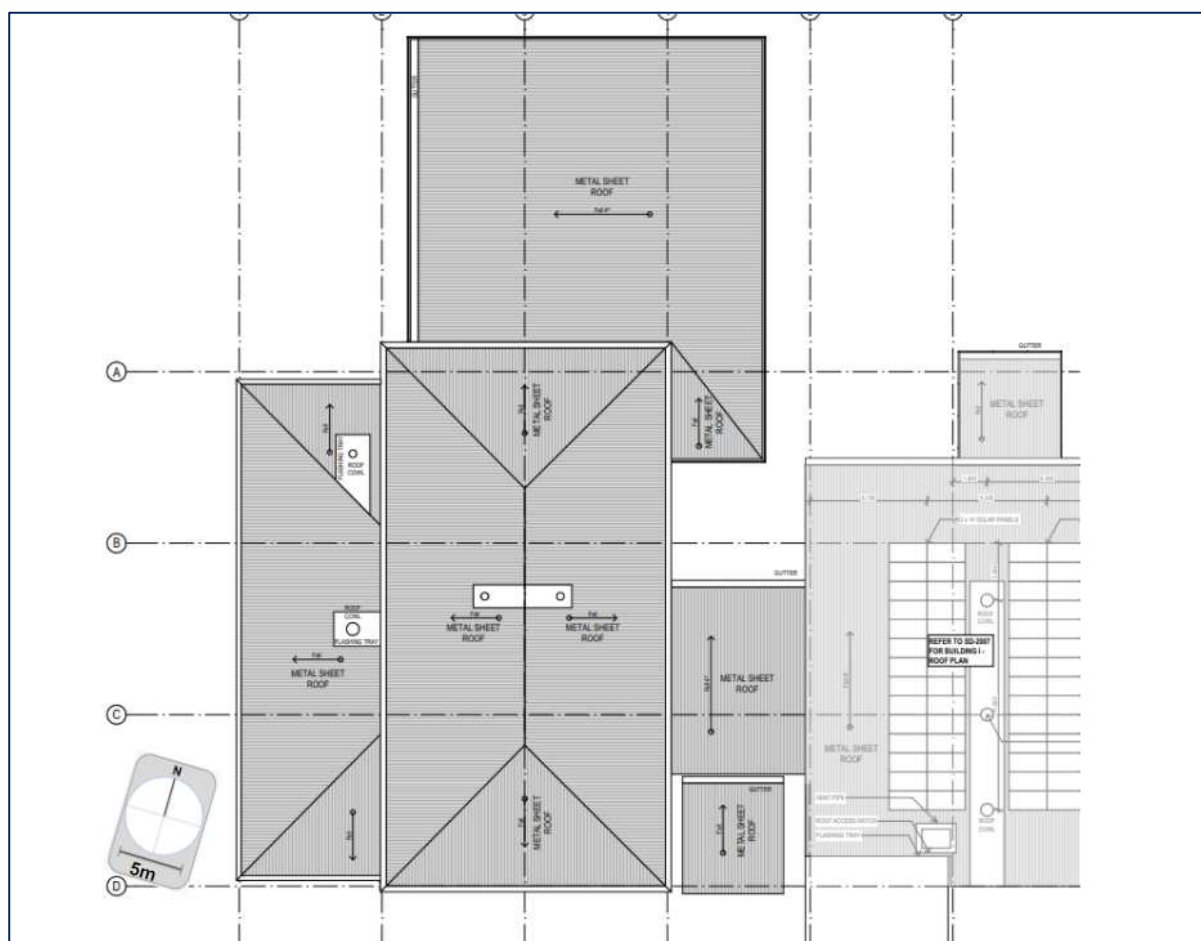


Figure 11 | Building J roof plan (Source: Applicant's RtS 2021)

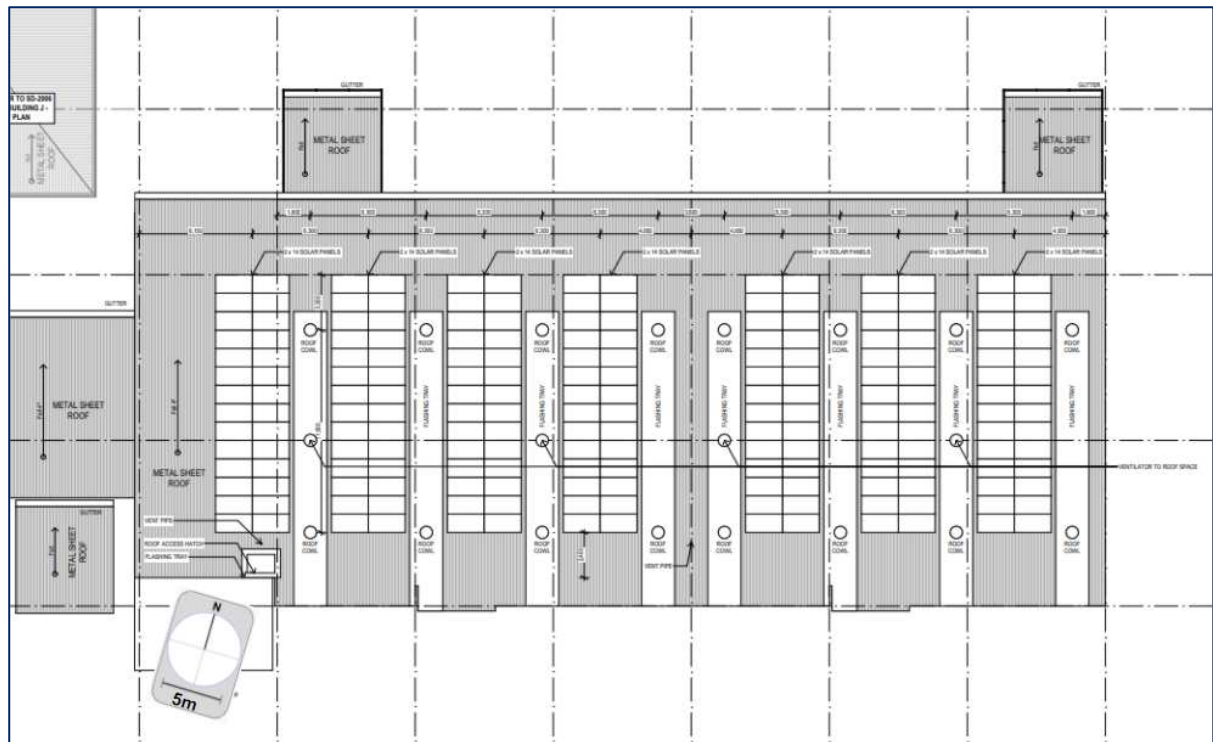


Figure 12 | Building I roof plan (Source: Applicant's RtS 2021)



Figure 13 | Building G level 1 floor plan (Source: Applicant's RtS 2021)

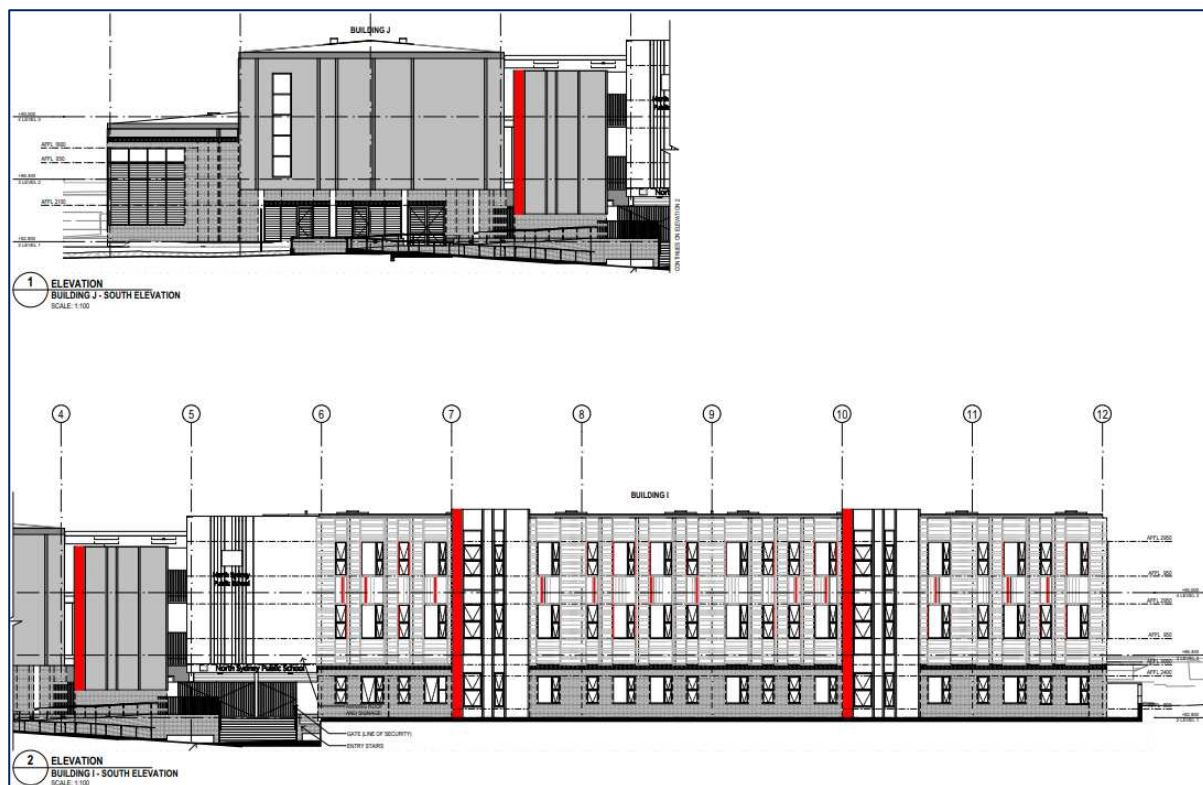


Figure 14 | Building I & J south elevation (Source: Applicant's RtS 2021)

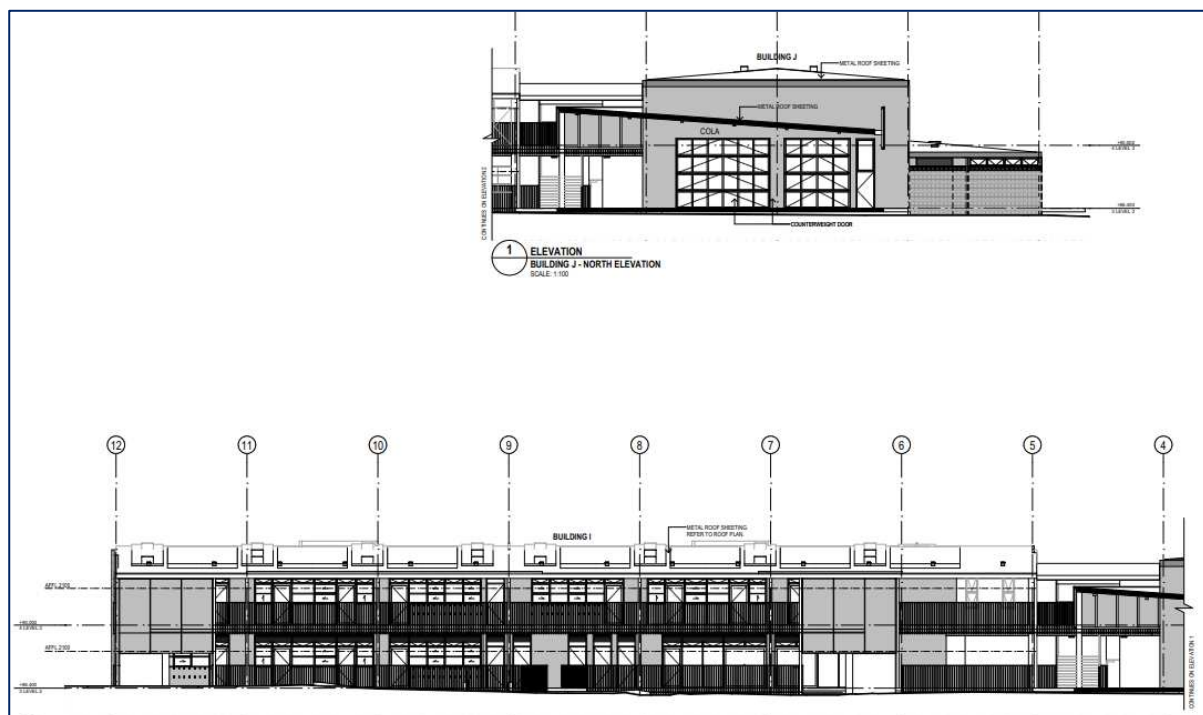


Figure 15 | Building I & J north elevation (Source: Applicant's RtS 2021)

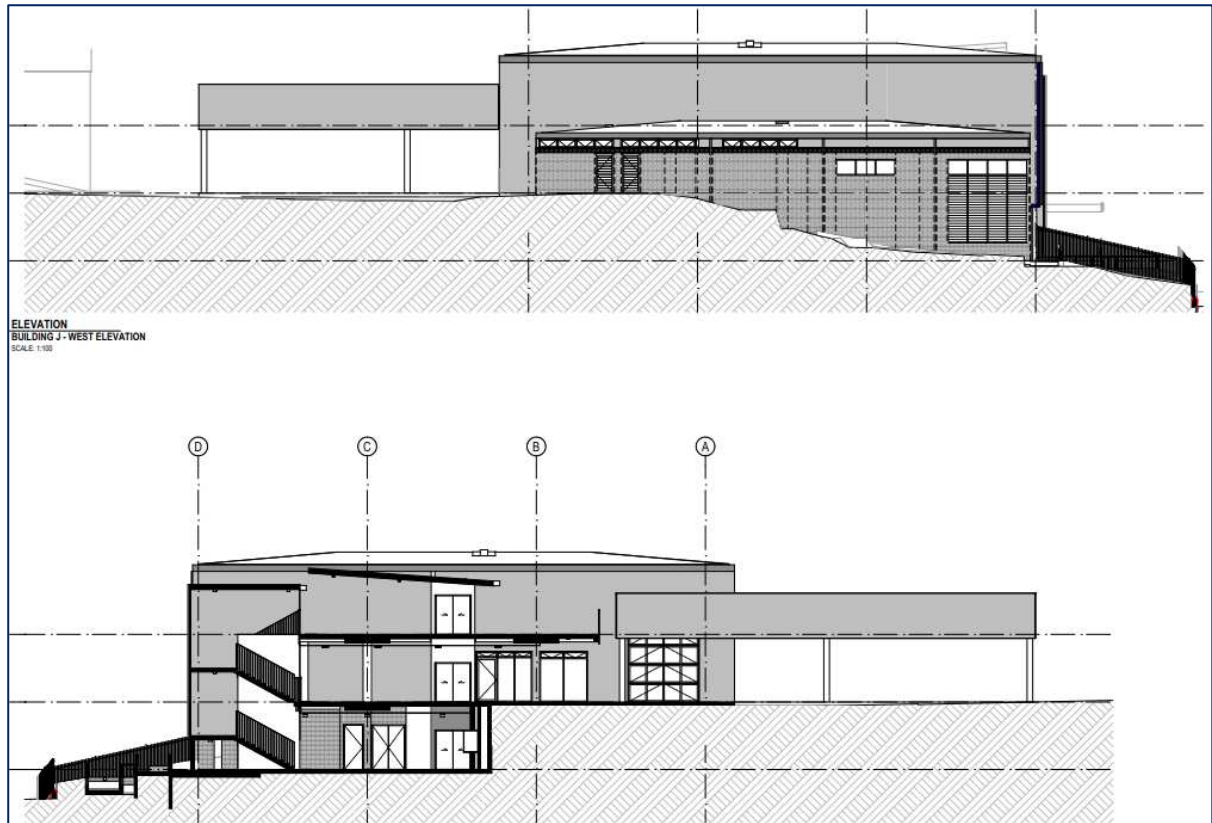


Figure 16 | Building J west elevation (Source: Applicant's RtS 2021)

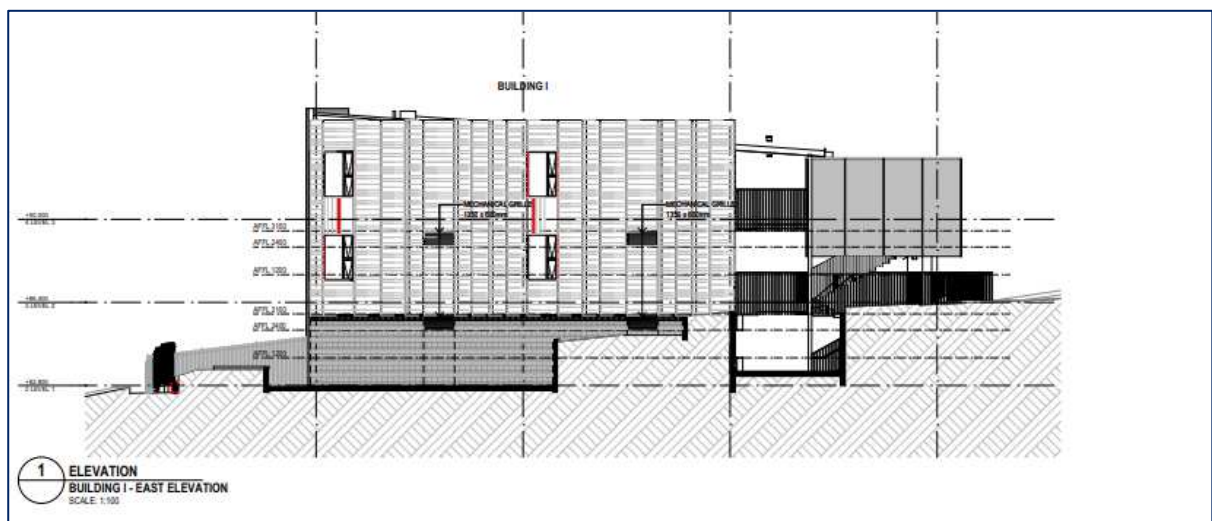


Figure 17 | Building I east elevation (Source: Applicant's RtS 2021)

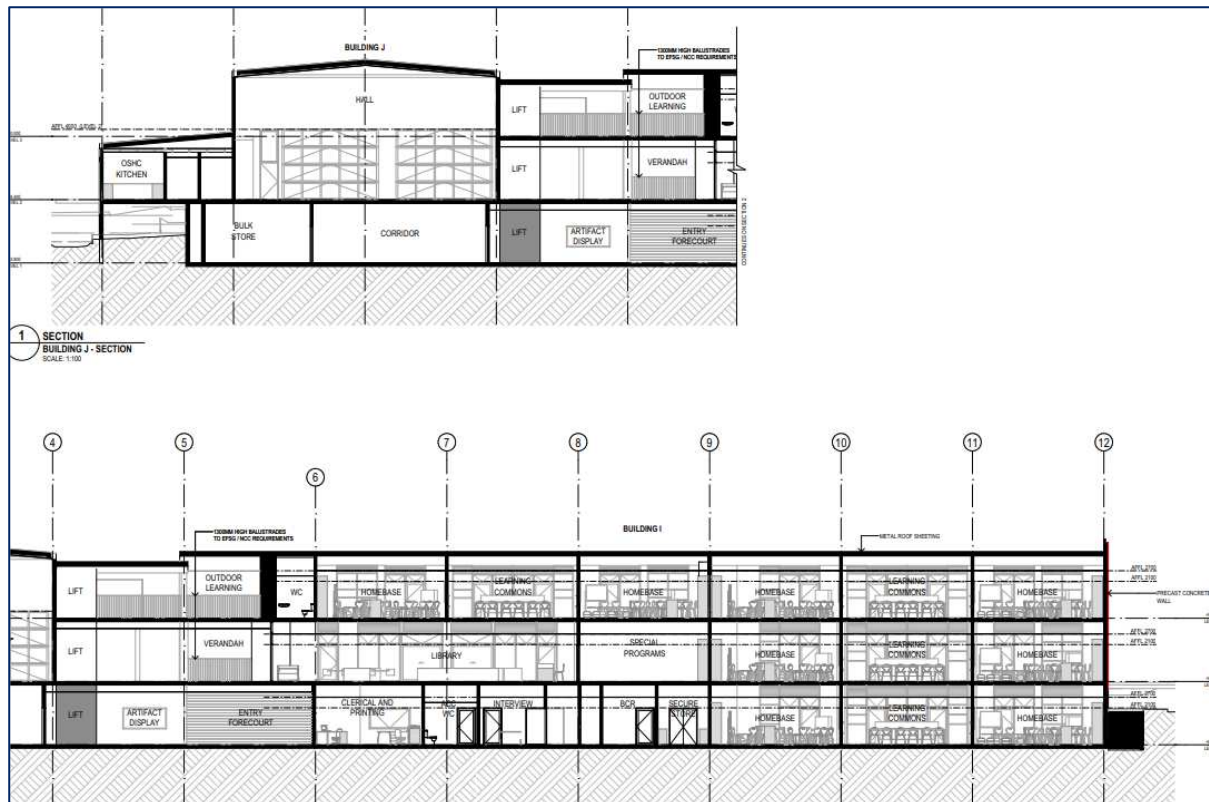


Figure 18 | Building I & J section 1 (Source: Applicant's RfS 2021)

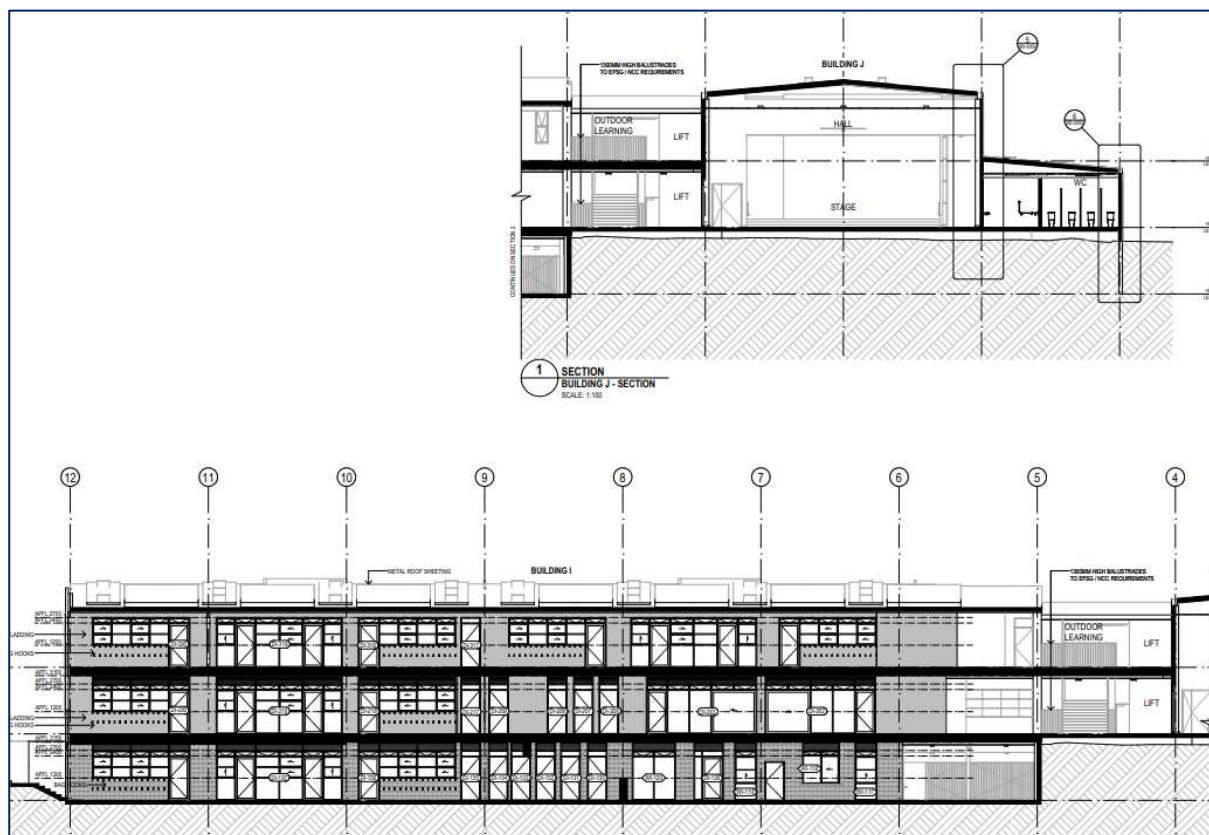


Figure 19 | Building I & J section 2 (Source: Applicant's RfS 2021)

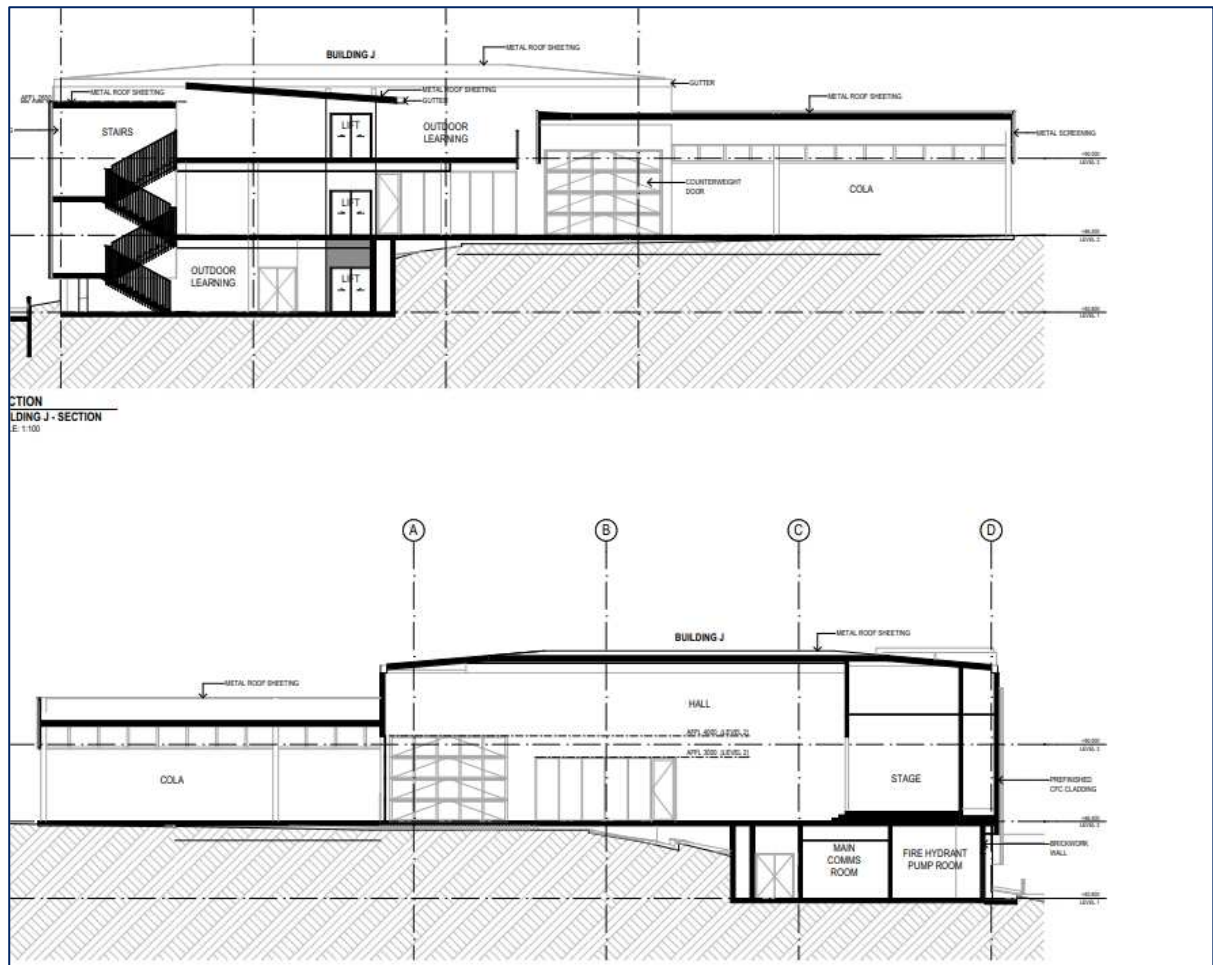


Figure 20 | Building I & J section 3 (Source: Applicant's RtS 2021)

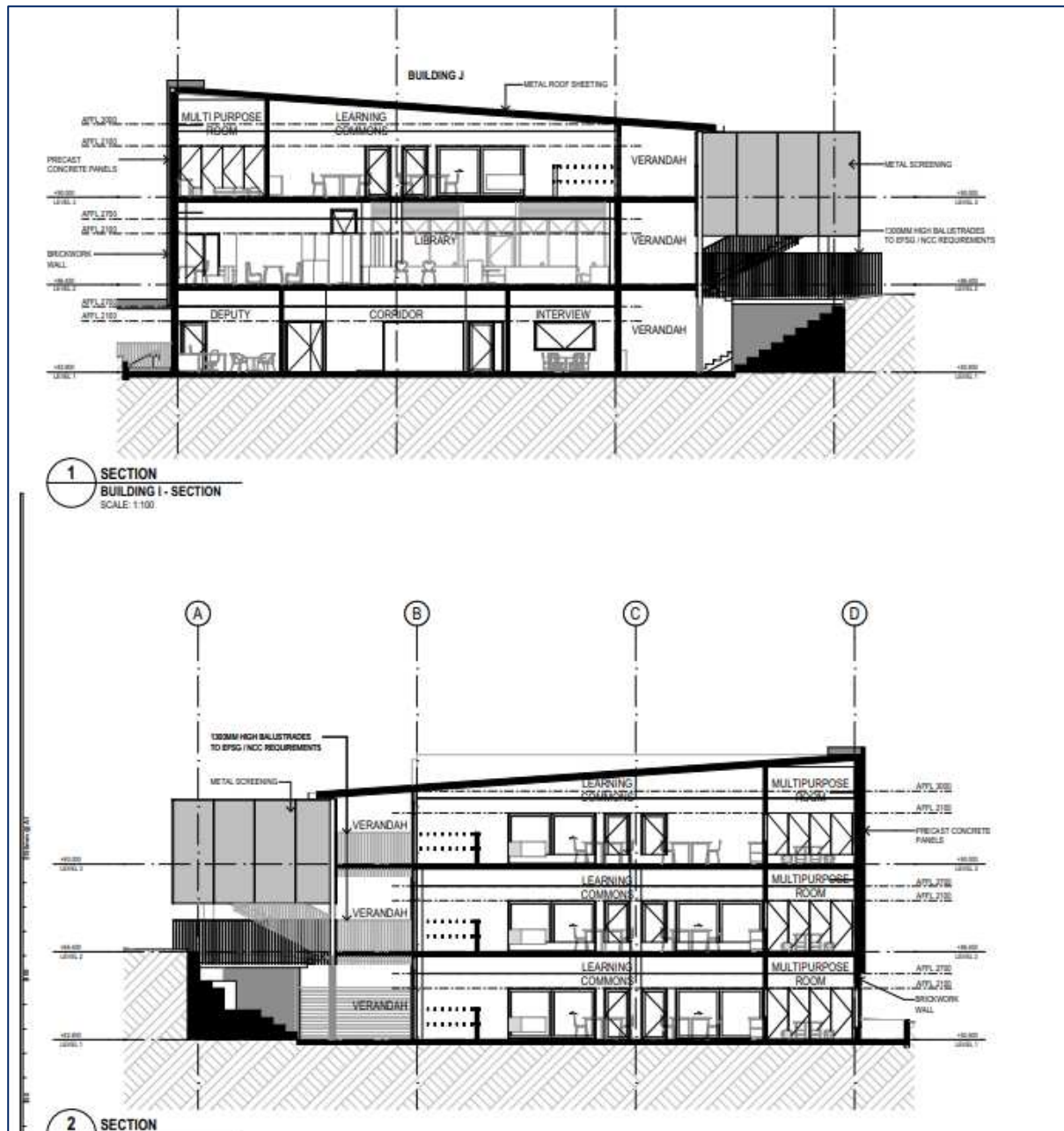


Figure 21 | Building I & J section 4 (Source: Applicant's RtS 2021)



Figure 22 | Indicative render view from Bay Road (Source: Applicant's RtS 2021)

2.2 Uses and activities

The primary use would remain as an educational establishment with existing OHSC and community uses to maintain use of school facilities.

2.3 Timing and Staging

The proposal would be undertaken in five construction stages to allow school operations to continue throughout construction, with a total estimated construction period of 12 months as follows (**Figure 23** to **Figure 25**):

- Stage 1: Relocation of two temporary classroom buildings to the north-east corner of the site
- Stage 2: Demolition of Buildings B and C
- Stage 3: Construction of Buildings I and J
- Stage 4: Alterations and additions to Building G
- Stage 5: Refurbishment of existing Building A and Building H.

At the commencement of Stage 1 works, students and staff in the two temporary classroom buildings would be relocated to north-east corner of the site and outside the construction zone to allow them to remain operational. At the completion of Stage 1, Stage 2 construction would commence and includes the demolition of Building B and Building C which both sit within the proposed building footprints of Building J and Building I. Stage 3 includes earthworks, the construction of Building J and Building I and associated landscaping works. At the completion of Stage 3, Stage 4 would commence which includes the ground floor internal fitout of Building G to accommodate new classrooms and the relocation of the library to the completed Building I. At the completion of Stage 4, Stage 5 will commence and include the removal of temporary classroom buildings from the site. The Applicant advises that occupation of the new and refurbished buildings would occur at the completion of Stage 4 which is estimated to be May 2023.

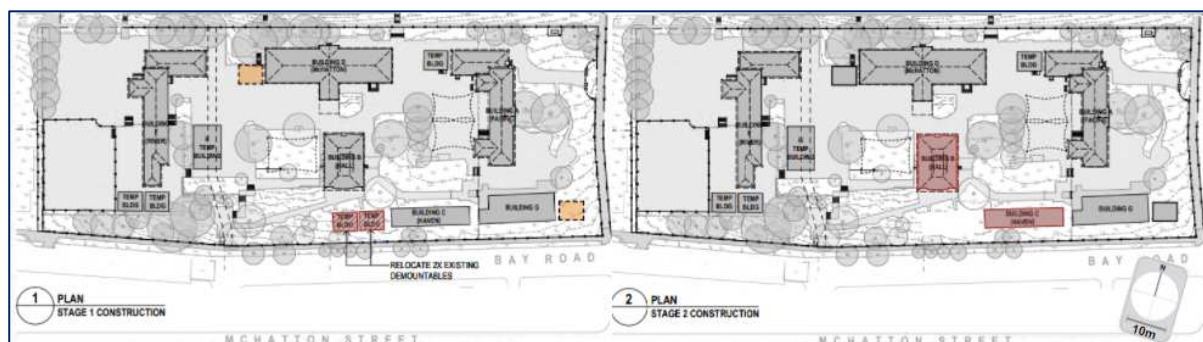


Figure 23 | Stage 1 & 2 layout with works hatched in red (Source: Applicant's EIS 2021)

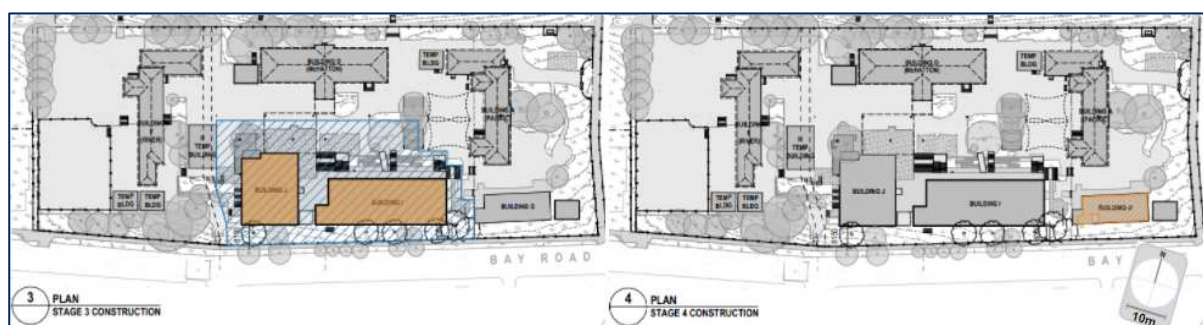


Figure 24 | Stage 3 & 4 layout with Stage 3 works hatched in blue and Stage 4 works hatched in yellow (Source: Applicant's EIS 2021)

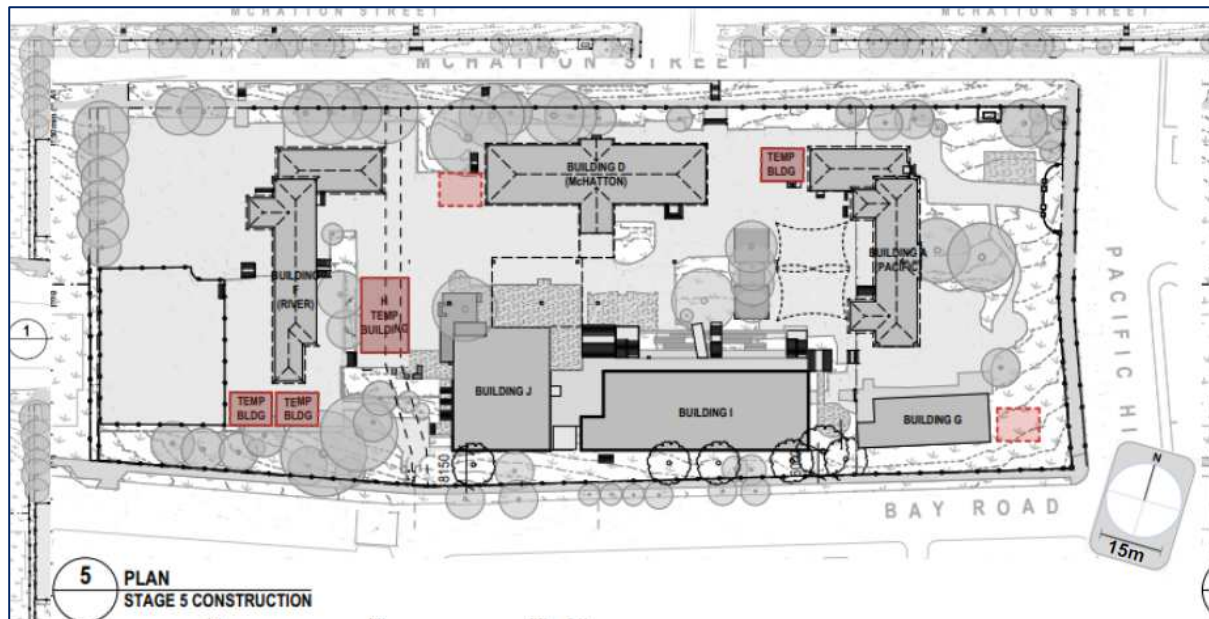


Figure 25 | Stage 5 layout with works hatched in red (Source: Applicant's EIS 2021)

2.4 Related development

The Applicant advises that future works would be conducted on site as 'Development Without Consent' under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in accordance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Future works would include the internal refurbishment of Buildings A, D and F to improve student amenities and canteen.

3 Strategic context

It is anticipated that there will be a 21 per cent growth in student numbers in NSW by 2031 compared to 2017. This means that NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure because of increased demand, the NSW Department of Education is investing in the delivery of new schools and upgrade of existing schools.

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

- NSW State Priorities, through the provision of new and improved teaching and education facilities
- Greater Sydney Commission's (GSC) Greater Sydney Region Plan: A Metropolis of Three Cities, as it proposes upgraded school facilities to meet the growing needs of Sydney
- GSC's North District Plan, as it would provide much needed school infrastructure and provide opportunities to co-share facilities with the local community
- Transport for NSW's Future Transport Strategy 2056, as it would provide an upgraded educational facility generating additional employment opportunities close to public transport accessible by staff and provide improvements to pedestrian connectivity to the site
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum as it proposes:
 - facilities to support the growth in demand for primary student enrolments within the school catchment
 - a school design to accommodate infrastructure and facilities sharing with communities
- The proposal would also provide direct investment in the region of approximately \$35 million, as well as support for 7 new operational jobs and an additional 134 construction jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 of the 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 in accordance with clause 15(5) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as was in force immediately prior to the lodgement of the Application.

The Minister for Planning (the Minister) is the consent authority under section 4.5 of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 26 April 2021, Director, Social and Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection
- there are less than 15 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.2 Permissibility

The site is located within the SP2 – Infrastructure zone under the North Sydney Local Environmental Plan 2013 (NLEP). Educational Establishments are permissible with consent within the zone. The proposal also includes continued shared use of some facilities including new buildings for the community which would be ancillary to the use as an Educational Establishment and is also permissible with consent. Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 of the EP&A Act, 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 public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (**Appendix C**).

4.4 Mandatory matters for consideration

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.

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/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 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 site remains suitable for use as an educational establishment and the redevelopment would not unreasonably negatively impact the economic welfare of the community, or the natural environment.
(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) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic development and use of the land as it is consistent with the sites' historic use as an educational establishment and would improve educational facilities to support demand.
(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 proposal involves landscaping and planting to provide new habitat opportunities. Impacts of tree removal have been appropriately mitigated or are addressed through the recommended conditions of consent (Section 6.3).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which identified the Aboriginal cultural heritage values of the site in consultation with Aboriginal communities and sets out appropriate mitigation measures to protect these values. Recommended conditions of consent are included for any unexpected archaeological finds.</p> <p>The proposal would not detract from the local heritage significance of the site (Section 6.3).</p>
(g) to promote good design and amenity of the built environment,	The proposal would promote good design and amenity of the built environment (Section 6.2).

Objects of the EP&A Act	Consideration
(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 (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Sections 6.1, 6.2 and 6.3)
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website.

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 ESD initiatives and sustainability measures, including:

- natural ventilation of circulation spaces
- heating, ventilation and air conditioning control
- energy metering and monitoring
- passive design measures including maximum use of natural light
- natural materials selection
- minimum of 80% waste recycling
- water efficient fixtures and fittings
- optimum site layout for shading and daylight access
- rainwater reuse.

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 assessment of the environmental impacts of the proposed development.

A 5-Star Green Star (Australian Best Practice) rating is being targeted by the Applicant which exceeds the recommended 4-Star Green Star rating in the Educational Facilities Standards and Guidelines. To ensure that ESD is incorporated into the proposed development, the Department has recommended a condition that requires the Applicant to register for a minimum 5-star Green Star rating with the Green

Building Council Australia, or an alternative certificate process as agreed by the Planning Secretary, prior to the commencement of construction.

Subject to this condition, the proposed development is consistent with ESD principles as described in Section 6 and Appendix P of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Overall, the proposal would be consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

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 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

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

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Despite this, consideration has been given to relevant DCPs.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&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	The impacts of the proposal have been appropriately mitigated or conditioned (Section 6).

Section 4.15(1) Evaluation	Consideration
environments, and social and economic impacts in the locality	
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 .
(e) the public interest	Refer to Section 6 .

4.5 Biodiversity Development Assessment Report

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.

On 8 December 2021, the Environment, Energy and Science Group of the Department of Planning and Environment (EESG) determined that the proposed development would not be likely to have any significant impact on biodiversity values and that a biodiversity development assessment report (BDAR) is not required. The Department supported EESG's decision and on 21 February 2022 determined that the application is not required to be accompanied by a BDAR.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 7 September 2021 to 5 October 2021 (28 days). The application was published on the Department's website.

The Department has considered the comments raised in the public authority 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 C**.

5.2 Summary of submissions

The Department received a total of 14 submissions, including one from Council providing comments and 13 from the public including from a local community interest group. Of the submissions, six were comments, six were objections (including the local community group) and one was in support. The Department also received advice from five Government agencies. A summary of the issues raised in the Government agency advice and submissions is provided at **Section 5.3** and **Section 5.4** and copies of the Government agency advice and submissions may be viewed at **Appendix A**.

5.3 Government Agency comments

A summary of the issues raised in Council and Government Agency comments is provided at **Table 4** below and copies of the comments may be viewed at **Appendix A**.

Table 4 | Summary of Council and Government Agency comments to the EIS exhibition

North Sydney Council (Council)

Council provided the following comments:

- Traffic transport and parking
 - efforts should be made to minimise traffic impacts during construction and all relevant permits and construction management plans should be adhered to.
- Tree management and Landscaping
 - vegetation loss should be minimised in accordance with the landscape plan. Suitable measures should be employed to protect vegetation during construction.

Transport for NSW (TfNSW)

TfNSW made the following comments:

- proposed bicycle parking has not been referenced or numbered on the plans
- TfNSW would welcome the Applicant to discuss improvements to the School Travel Plan (STP)
- the cumulative increase in construction vehicle movements could impact general traffic and bus operations as well as the safety of pedestrians and cyclists.

Based on the above comments, TfNSW requested the Applicant provide details on bicycle parking as part of the RtS and recommended conditions relating to a STP and Construction Pedestrian and Traffic Management Plan.

Environment Protection Authority (EPA)

EPA advised that the proposal does not require an environmental protection licence and no further comment is provided.

Heritage NSW, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW made the following comments relating to Aboriginal cultural heritage:

- the recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) are supported
- an Unexpected Finds protocol is recommended.

Environment, Energy and Science Group, Department of Planning and Environment (EESG)

EESG made the following comments:

- a Biodiversity Development Assessment Report (BDAR) Waiver was approved on 18 May 2021
- the proposed building footprint has changed since the BDAR was issued and the Applicant should clarify if the proposal remains as described in schedule 1 of the waiver
- there are no outstanding flooding or flood plain matters to be addressed.

Sydney Water

Sydney Water provided recommendations relating to water servicing wastewater servicing and trade wastewater requirements.

5.4 Public submissions

The 13 public submissions including one from a local community interest group (Edward Precinct) made comments on:

- traffic impacts caused by the new drop-off/pick-up area on Bay Road
- alternative drop-off/pick-up areas surrounding the site
- bulk and scale and shadowing impacts as a result of the new three storey building
- council's DCP controls should be considered
- heritage impacts to buildings on site and on Bay Road
- demolition of the school hall and alteration of the sandstone fence should be reconsidered
- loss of mature trees
- the overland flow path referred to in the EIS should be examined for a flood event
- acoustic impacts and natural ventilation
- inadequate consultation
- sun protection for students
- construction hours and impacts.

One submission was supportive of the proposed upgrades to the school.

5.5 Response to submissions

Following the exhibition of the application, the Department placed copies of all submissions and Government Agency comments received on its website and requested the Applicant provide a

response to the issues raised in the submissions. On 1 December 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included:

- amended architectural plans detailing changes to the pedestrian entry and architectural expression, colours and materials of Building I and Building J
- amended landscape plans
- additional supporting information including a streetscape analysis, shadow diagrams, natural ventilation details and on-street parking analysis.

The RtS was made publicly available on the Department's website and referred to relevant Government Agencies. The Department received an additional two submissions from public authorities and one no comment submission from Council in response to the RtS.

TfNSW advised recommended conditions provided in its response to the EIS should be applied, and EESG advised that appropriate tree protection measures must be implemented.

6 Assessment

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

- traffic, transport and parking
- built form and urban design.

Each of these issues is discussed below. Other issues considered during the assessment are discussed at **Section 6.3**.

6.1 Traffic, transport and parking

A Traffic and Accessibility Impact Assessment (TAIA) was included in the EIS. The TAIA addresses existing conditions surrounding the site and transport impacts associated with the proposal including:

- existing traffic and parking conditions
- trip generation and distribution
- forecast intersection performance
- parking, pedestrian and bicycle requirements
- assessment of proposed access arrangements for the site
- general operational transport impacts
- cumulative impacts
- construction traffic impacts and mitigation.

6.1.1 Existing conditions

The site has frontage to three roads:

- Bay Road, a one-lane each way unclassified (local) road aligned in a northeast-southwest direction
- McHatton Street, a one-lane each way unclassified (local) road aligned in a northeast-southwest direction
- Pacific Highway, a multi-lane arterial (state classified) road aligned in a southeast-northwest direction.

The site is primarily accessed via McHatton Street which provides a northeast-southwest connection between Pacific Highway to the east and low density residential development to the west.

Secondary access roads include Bay Road from Edward Street which is perpendicular to the site to the south, and the Pacific Highway which adjoins the site to the east (**Figure 26**).

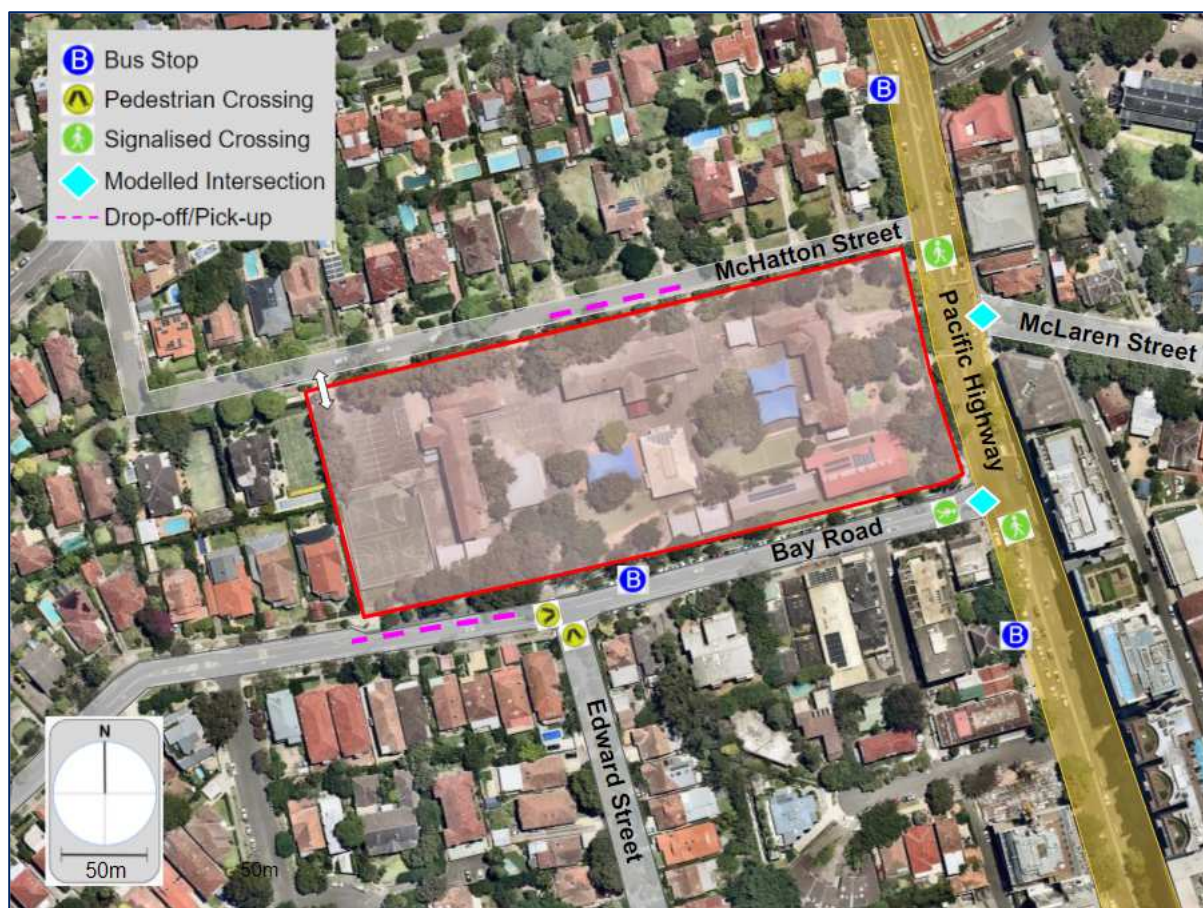


Figure 26 | Key transport features and modelled intersections surrounding the site (Base source: Nearmaps 2021)

Nearby public transport services include Waverton Station (approximately 650m to the west) and North Sydney Station (approximately 950m to the south east) (**Figure 1**). A bus service operates along Bay Road with a bus stop adjoining the site (Route 265). Pedestrian footpaths are provided adjoining the site on Bay Road, McHatton Street and Pacific Highway. Pedestrian crossings are located on Edward Street and Bay Road. Signalised pedestrian crossings are located on the south-east corner of the site providing pedestrians access to the eastern side of Pacific Highway and the southern side of Bay Road (**Figure 26**).

6.1.2 Operational traffic

The proposal includes an increase in student numbers from 869 to 1012. The TAIA concluded that the proposal would result in minor and negligible increased traffic impacts. The TAIA considered existing and future performance of the traffic network.

The TAIA modelled the existing and future performance of the intersection at Bay Road and Pacific Highway and the intersection at McLaren Street and Pacific Highway. The intersection at Bay Road and Pacific Highway adjoins the south east corner of the site and is within approximately 170m of the proposed drop-off/pick-up area on Bay Road. The intersection at McLaren Street and Pacific Highway is located opposite the site to the east (**Figure 26**).

To forecast expected vehicle trips generated by the proposal, the TAIA considered:

- existing student and staff trip generation survey results and travel mode survey results

- data from the Roads and Maritime Services Trip Generation Surveys, Schools – Analysis Report which examined trip generation rates in 22 schools in NSW.

Based on this data, the TAIA adopted a trip generation rate of 0.43 trips per student in the AM peak and 0.14 vehicles per student in the PM peak. The TAIA stated that the lower PM peak is typical of public schools and largely reflects movements being spread over a longer period than the morning peak.

The student transport mode share was determined as follows:

- car: 24% (am) and 26% (pm)
- public transport: 13% (am) and 13% (pm)
- walking: 56% (am) and 54% (pm)
- other: 6% (am) and 4% (pm).

To determine overall expected vehicle trip numbers in AM and PM peak periods, the TAIA considered reduced AM and PM peak demand associated with Out of School Hours Care (OHSC) given trips to and from OHSC typically occur outside of AM and PM peak periods. The TAIA surveyed a utilisation rate of 80% for the 240 student capacity OSHC. At 80% capacity, the corresponding number of students attending OHSC is 192, which is subtracted from the proposed 1012 students. The resulting number of students anticipated to generate trips during AM and PM peaks is 820. Applying the adopted trip generation rates of 0.43 trips per student in the AM peak and 0.14 vehicles per student in the PM peak, a total of 353 and 115 trips during respective AM and PM peak periods is anticipated.

Intersection modelling results indicate that the Pacific Highway and McLaren Street intersections currently both operate at a Level of Service (LoS) B (good with acceptable delays) in the AM peak and LoS A (good operation) and C (satisfactory) in the PM peak (**Figure 27**).

The TAIA modelled 4 future scenarios:

- Scenario 2 - 2023 with no development traffic.
- Scenario 3 – 2023 with development traffic.
- Scenario 4 – 2033 with no development traffic.
- Scenario 5 – 2033 with development traffic.

The TAIA found that both modelled intersections would continue to operate at LoS A, B and C at the expected 2023 school opening (scenario 3).

Comparing 2023 modelling with and without development traffic (scenarios 2 and 3), only minor increases to average delay times is observed and LoS performance would remain the same (**Figure 27**).

INTERSECTION	CONTROL TYPE	PERIOD	SCENARIO 2			SCENARIO 3		
			Average Delay (s)	Degree of Saturation	Level of Service	Average Delay (s)	Degree of Saturation	Level of Service
Pacific Hwy / McLaren St	Signalised	AM	21	0.85	B	22	0.86	B
		PM	9	0.33	A	9	0.34	A
Pacific Hwy / Bay Rd	Signalised	AM	26	0.88	B	28	0.95	B
		PM	33	1.25	C	37	1.30	C

Figure 27 | 2021 and 2023 modelled intersection performance (Source: Applicant's EIS 2021)

Scenarios 4 and 5 are modelled as 10 year post development to demonstrate impacts of longer term background growth on intersection performance and traffic expected from the proposal.

2033 modelling without development traffic (scenario 4) indicates worsening intersection performance over this period due to background traffic growth, particularly for the Pacific Highway and McLaren Street intersection during the AM Peak. This intersection worsens from LoS B (good with acceptable delays) to LoS D (operating near capacity) (**Figure 28**).

The Applicant states that to address any future deterioration of intersection performance further TfNSW analysis will likely occur to consider measures such as signalling improvements, intersection configuration or turning restrictions. On this basis, optimised phase and cycle times were used for 2033 modelling with development traffic (scenario 5).

Compared with 2033 modelling without development traffic (scenario 4), 2033 modelling with development traffic (scenario 5) maintains LoS performance, with minor increases to average delay times, with the exception of the Pacific Highway and Bay Road intersection during PM peak which improves from LoS C to LoS B (**Figure 28**).

INTERSECTION	CONTROL TYPE	PERIOD	SCENARIO 4			SCENARIO 5		
			Average Delay (s)	Degree of Saturation	Level of Service	Average Delay (s)	Degree of Saturation	Level of Service
Pacific Hwy / McLaren St	Signalised	AM	46	0.98	D	45	0.98	D
		PM	9	0.41	A	9	0.42	A
Pacific Hwy / Bay Rd	Signalised	AM	27	0.93	B	30	1.00	C
		PM	21	0.69	B	21	0.70	B

Figure 28 | 2033 modelled intersection performance (Source: Applicant's EIS 2021)

Public submissions objected to increased traffic and intersection congestion at the Bay Road and Pacific Highway intersection associated with the new Bay Road drop-off/pick-up area.

Council and TfNSW did not raise concerns regarding operational traffic impacts. TfNSW recommended a School Travel Plan (STP) be implemented and reviewed to promote further mode share shift towards active transport modes.

Following exhibition of the EIS, the Department requested additional modelling be provided for the unsignalised intersection at McHatton Street and Crows Nest Road to the north west of the site, as this intersection provides access to the site and existing drop-off/pick-up area on McHatton Street.

As part of the RtS, the Applicant responded to the Department's request for further intersection modelling at McHatton Street and Crows Nest Road. The Applicant states that intersection modelling was not provided as part of the EIS, or in the RtS as the intersection at McHatton Street and Crows Nest Road would see a reduced traffic impact due to the proposed additional drop-off/pick-up area on Bay Road redirecting traffic to other intersections.

The Department has considered the findings of the TAIA and the Applicant's RtS, and comments made in the submissions and is satisfied that the Applicant has demonstrated that the local road network can accommodate additional traffic generated by the proposal. The Department acknowledges that the proposal would result in additional traffic on surrounding streets. However, the Department also acknowledges that the expected levels of traffic are within the design capacity of the affected streets, impacts would be short in duration, and key intersections would still operate within capacity. Further, the Department notes that the additional drop-off/pick-up area on Bay Road would likely reduce traffic accessing the site from McHatton Street and Crows Nest Road. For the reasons set out above, the Department considers traffic impacts of the proposal to be acceptable.

6.1.3 Drop-off and pick-up facilities

One existing drop-off/pick-up area is located on McHatton Street adjoining the site's northern boundary. A new additional drop-off/pick-up area is proposed on Bay Street adjoining the site's southern boundary and the new primary entry (**Figure 26**).

Student numbers at the school would increase from 869 to 1012. The TAIA states that trip numbers associated with the additional 143 students would increase by 61 and 16 in the AM and PM peaks respectively.

The TAIA included capacity analysis for existing and proposed drop-off/pick-up areas during peak times. The TAIA found that the two drop-off/pick-up areas could accommodate 390 vehicles in peak periods. The TAIA determined that expected trip rates resulting from the proposal in AM and PM peak periods would be 353 and 115, respectively.

A public submission was received which expressed concerns relating to the traffic impact of the new drop-off/pick-up area on Bay Street. The Applicant's RtS states that the new Bay Road drop-off/pick-up area would be required as the existing drop-off/pick-up area on McHatton Street experiences queuing, extending to the Pacific Highway. The Applicant's RtS also states that the new pick-up/drop-off area on Bay Road provides wider parking spaces compared with parking spaces on McHatton Street, and that the new Bay Road drop-off/pick-up area is adequately separated from the Bay Road and Pacific Highway intersection. Further, the TAIA demonstrates that the intersection at Bay Road and Pacific Highway would have the capacity to accommodate expected traffic increases associated with the new drop-off/pick-up area.

The Department recognises that the proposal would increase demand for drop-off/pick-up spaces. However, the Department notes that by providing two drop-off/pick-up locations, vehicle trips would

disperse across two areas with a combined vehicle capacity of 390, exceeding the expected AM vehicle trip rate of 353 by 37, and the expected PM trip rate of 115 by 275. The Department is satisfied that measures are proposed to alleviate traffic congestion and improve operation and safety of drop-off/pick-up activities. The Department has recommended a condition that requires the Applicant to prepare an STP which must include operational transport management measures including the monitoring of the performance of the drop-off/pick-up areas and implementation of measures to address any issues that arise.

6.1.4 Public and active transport

Waverton Station is located approximately 650m to the west and North Sydney Station is located approximately 950m to the south east of the site. Both stations are serviced by the T1 North Shore and Western Line, T9 Northern Line and CCN Central Coast and Newcastle Line (**Figure 1**). A school bus service (AM and PM peak periods) operates along Bay Road with a bus stop adjoining the site (Route 265) (**Figure 26**). Three additional school bus services operate within the school's catchment area. Twelve public bus services are accessible from a bus stop located 100m north of the school along Pacific Highway providing routes throughout greater Northern Sydney and the Sydney CBD. The Applicant states that nearby bus services will be reviewed by TfNSW within 12 to 24 months and any changes made to bus routes and timetables would be communicated to the public.

The proposal includes 63 new bicycle parking spaces which would replace the existing 20 spaces. The new bicycle parking would be spread across two locations in the north east corner of the site adjoining the Pacific Highway and adjacent to the proposed pedestrian entry on Bay Road.

The applicant states that an Education Precinct Public Domain Masterplan was commissioned by Council which included actions to establish the western edge of the North Sydney CBD as an easy to reach and accessible area for pedestrians, vehicles and cyclists. The Masterplan area includes the site, and the plan has identified cycle and pedestrian improvements for areas to the south of the site (**Figure 29**).

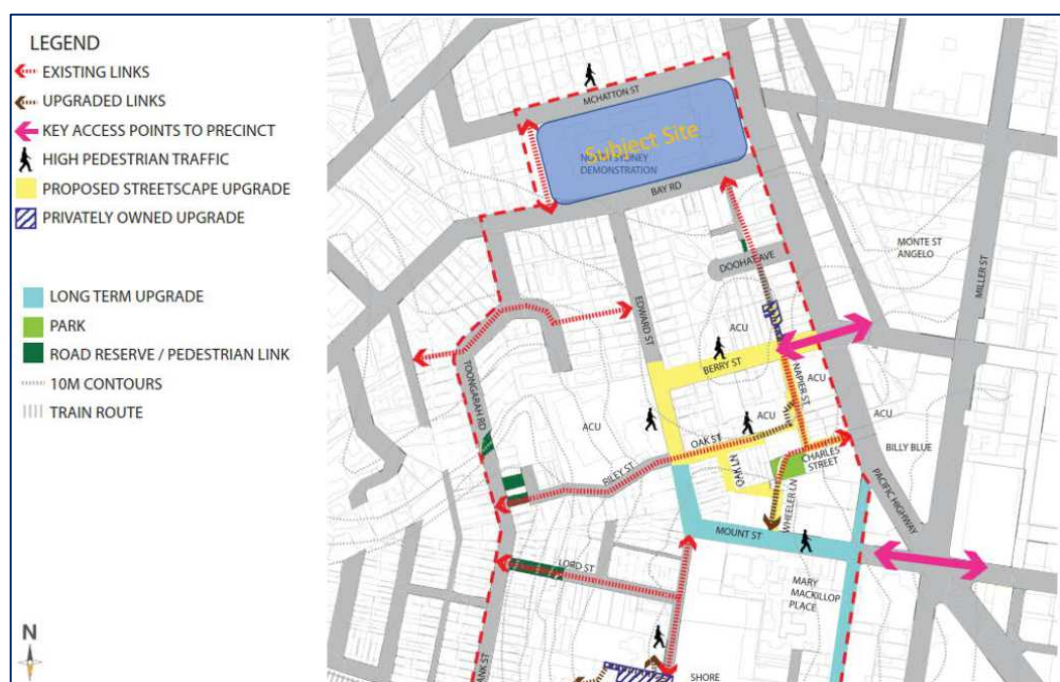


Figure 29 | Area map from the Education Precinct Public Domain Masterplan with the site marked in blue (Source: Applicant's EIS 2021)

Currently there is an east-west cycle route along Bay Road along the southern boundary of the site and pedestrian footpaths are located along all three of its boundaries fronting a road. The planned upgrades and new connections all lie to the south of the site past Bay Road and would help improve pedestrian and cycling accessibility to and from the site. Further, a preliminary STP was prepared as part of the TAIA to promote active transport use and reduce car use. The plan outlines initiatives and programs to promote walking, cycling and public transport as the preferred travel modes to travel to and from the school. TfNSW reviewed the STP and provided recommendations for its improvement.

The Department is supportive of the proposed increase in bicycle parking and other proposed measures to encourage sustainable transport modes. The Department has recommended conditions requiring the Applicant to prepare and implement a final STP that would incorporate the proposed sustainable transport measures discussed above and set out in the preliminary STP.

6.1.5 Operational parking

The existing school contains 50 car parking spaces. No changes to the existing number of car parking spaces is proposed. The car park is accessed off McHatton Street at the north-west corner of the site (**Figure 2**).

The existing school employs 80 staff and the proposal includes an additional 7 staff, resulting in 87 staff employed at the school. A staff travel survey was included in the TAIA which reports that of the staff surveyed, 74% indicated their preference for private vehicle use for travel to and from the school. Survey results indicate that up to 14 staff would need to park off site. The Applicant states that the 50 space car park is compliant with North Sydney Development Control Plan's (NDCP) parking requirement of a maximum one space per six staff for Educational Establishments, and that the additional demand for one space in accordance with the NDCP will not result in non-compliance. Council raised no objection with respect to operational traffic and parking.

The Department has considered the Applicant's response to operational parking and considers that it would be unreasonable to require the Applicant to provide additional parking, given the proposal would only increase demand for parking by one space. In addition, the Applicant's active transport initiatives, which will be further developed through the STP, would encourage staff and students to use alternative methods of transport to the site and reduce demand for off-site parking.

6.1.6 Construction traffic and parking

The TAIA includes a Preliminary Construction Traffic and Pedestrian Management Plan (CTMP), which details construction vehicle movements, truck and crane unloading details, routes of travel, parking and access arrangements, pedestrian management provisions, and measures to address potential impacts.

The extent of construction works would generally require traffic management and work zones when loading and unloading construction materials. Although unlikely, the Applicant states that any required road closure or partial closure would require approval in consultation with Council and TfNSW. The Applicant advises that a temporary work zone would be required along Bay Road approximately 70m east of the proposed drop-off/pick-up area on Bay Road (**Figure 30**).



Figure 30 | Proposed work zone and construction vehicle routes (Base source: Applicant's EIS 2021)

The area of the proposed work zone is currently subject to 1/4P parking restrictions during AM and PM period times which allows for informal drop-off/pick-up of students. The Applicant advises that all loading and unloading would take place within the work zone and that work zone and construction vehicle access would be cleared in AM and PM peak period times to allow for informal drop-off/pick-up during current 1/4P restricted parking. The Applicant advises that the existing drop-off/pick-up on McHatton Street would not be affected construction traffic or activities.

For general construction works, the CTMP estimates the proposal would generate a maximum of 12 truck movements per hour. Construction vehicles would travel from the south-west accessing the site from the Pacific Highway onto Berry Street then north along Edward Street and right onto Bay Street. (Figure 31).



Figure 31 | Proposed construction vehicle routes (Base source: Applicant's EIS 2021)

The CTMP states that footpaths on Bay Road would be managed by traffic controllers during construction periods as required. The CTMP advises that construction vehicles would operate outside of peak periods to minimise impacts on local roads and drop-off/ pick-up operation on Bay Road.

In its response to the EIS, TfNSW noted that increased construction movements from the proposal could impact on general traffic, public transport and pedestrian and bicycle movements. TfNSW recommended that a final CTMP be prepared prior to commencement of construction. The Applicant's RtS confirmed that a final CTMP would be prepared following consultation with the school, Council, TfNSW and relevant works contractor.

Following exhibition of the EIS, the Department raised concern with the potential for construction vehicle parking impacts on surrounding streets as:

- the TAIA states that there will be an average of 20 to 40 works on site during peak construction and indicated that no on site parking would be available for construction workers
- no details were provided in the TAIA regarding the potential for on site construction parking or parking capacity to demonstrate that off-site parking could be appropriately accommodated
- no measures to minimise construction worker parking demand was provided.

In response, the Applicant's RtS stated that:

- construction worker parking could not be accommodated on site given the ongoing operation of the school and on site parking would only be available during school holidays, weekends and outside of school operational hours
- the construction worker would be informed of nearby and surrounding public transport options as well as the closest commercial parking opportunities and be advised that no on site parking will be available
- a drop-off zone for construction workers to temporarily drop-off and store equipment on site at the start and end of each shift would be available prior to parking their car in a commercial car space
- all public roadways within 400 metre walking distance to the site are subject to parking restrictions between 8.30am – 6.00pm, Monday to Friday
- the nature of on-street parking restrictions would not allow for on-street construction worker parking during school hours and parking spaces would regularly turn over
- on weekends and during school holidays, on site parking may be provided.

The RtS concluded that the proposed alternative parking arrangements would ensure worker parking would not detract from existing supply.

The Department accepts the conclusions of the Applicant's assessment of construction traffic and notes that Bay Road and the local road network would be able to accommodate the expected heavy vehicle movements. Work zones would be subject to appropriate approvals and impacted residents would be consulted. The Department accepts that on site parking is not possible given the site constraints and that impacts to on-street parking supply would be minimised.

Based on the above, the Department has recommended conditions requiring the preparation and implementation of a final CTMP to address the following:

- measures to encourage active and public transport use for construction workers
- truck access routes
- establishment of work zones where required.

The Department has also recommended a condition that requires the Applicant to prepare a construction worker transport strategy to manage and minimise impacts from construction worker parking. The Department has reviewed the information provided in the EIS and RtS and considers that subject to the recommended conditions, construction traffic and parking impacts can be appropriately managed.

6.2 Built form and urban design

6.2.1 Building height

Under Clause 4.3 of North Sydney Local Environmental Plan 2013 (NLEP), a height of building (HOB) control of 8.5m applies to the site. No floor space ratio control applies to the site under NLEP.

The proposed three-storey building would have a maximum building height of approximately 11.9m (RL 94.10). Therefore, the proposal exceeds the NLEP HOB control by 3.4m.

Clause 42 of the Education SEPP states “development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard under which the consent is granted”. As the provisions of the Education SEPP apply to this proposal, the proposed building height should be considered on merit.

The height exceedance spans across upper level portions of both new buildings on the southern fall of the site adjacent to Bay Road. The proposed height of the building is shown in **Figure 32** with the height limit marked in red.

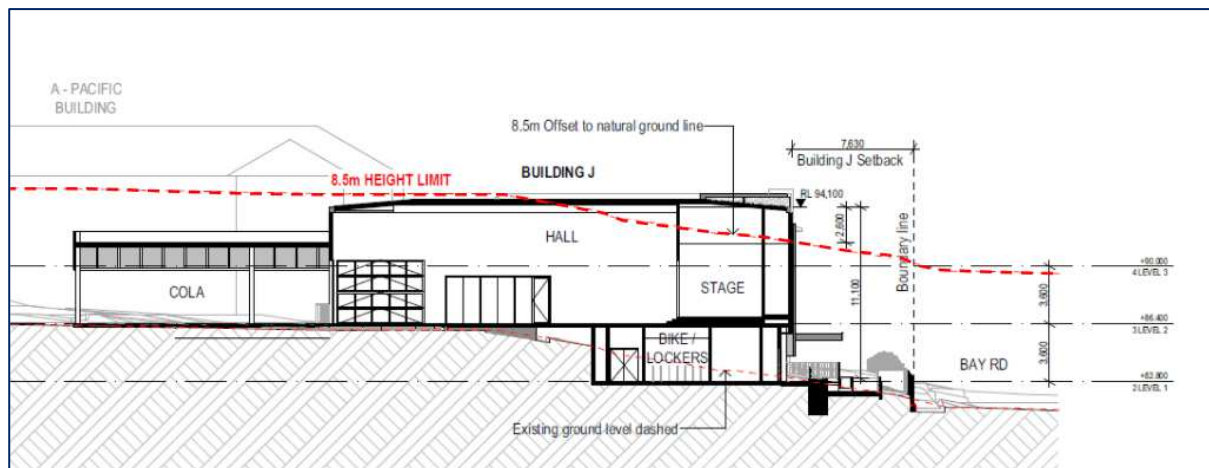


Figure 32 | East facing section with height limit marked in red (Base source: Applicant's EIS 2021)

Submissions from the public raised concerns regarding the proposed height exceedance and potential for overshadowing of dwellings opposite the site on Bay Road. As part of the RtS, the Department requested the Applicant provide shadow diagrams at hourly intervals between 9am and 3pm at mid-winter. The shadow diagrams provided with the RtS indicate that residential flat buildings, shop top housing and dwelling houses on the southern side of Bay Road would be impacted by shadows from the proposal from 2pm where shadows would be cast upon front fences and open garden areas. By 3pm shadows would increase and fall upon front facades.

The shadow diagrams indicate that shadows resulting from the proposal would comply with Council's minimum three hour requirement for solar access to living areas of nearby and adjoining residential development between 9am and 3pm during mid-winter. The extend of the proposal's overshadowing would also comply with the NSW Apartment Design Guide requirement of two hours solar access to living areas between 9am and 3pm in mid winter.

The RtS included detailed streetscape analysis of Bay Road. The analysis shows that surrounding development is varied in bulk and scale with the height of residential flat buildings and mixed use development opposite the Site on Bay Road being of similar scale to the proposed height of the new three storey building (**Section 6.2.2**).

The Department has considered the proposed building height against the objectives outlined in clause 4.3 of the NLEP and is satisfied that the proposed building height would be acceptable as the:

- bulk and scape of the proposal would not be out of character within the streetscape and would be appropriate for a key community facility within a mixed use streetscape
- the height exceedance would not result in significant overshadowing in mid-winter
- would not result in view loss.

The Department concludes that the proposed building height is appropriate within context of the site context and would not have a detrimental visual or overshadowing impact on the surrounding area and adjoining properties.

6.2.2 Building design

The proposal seeks to construct two new buildings (Building I and Building J) and upgrade an existing building (Building G). The Applicant states that four approaches to the development of the site were considered as part of the design development for the proposal. The Applicant states that the proposed approach and building locations were chosen with the intent of:

- establishing a new primary entry off Bay Road where the primary drop-off/pick-up area is located
- minimising loss of open space in central portions of the site
- providing a more efficient and simple layout for construction and operation purposes.

Following exhibition of the EIS the Department considered the advice of the Government Architect NSW (GANSW) and the public submissions and requested the Applicant:

- refine the design of the Bay Road entry to increase areas providing standing, movement and access into the school
- improve the architectural expression and the use of colours and materials on southern (Bay Road) and eastern (Pacific Highway) elevations
- provide streetscape character analysis of the Bay Road streetscape and identify any defined use of colours and materials and commonality of architectural expression.

The Applicant's RtS included detailed streetscape analysis and the following design amendments:

- redesigned Bay Road entry including:
 - increased ramp and stair width and change to the entry gate from inward swinging to sliding to improve the size of the entry gathering area and site accessibility
 - reconfigured ramp and stair to allow for the stair to be located under the awning roof for weather protection
 - reconfigured reception entry doors to improve pedestrian circulation paths
 - revised entry awning roof, amended façade treatment surrounding the entry, and amended location and size of the school logo sign to above the entry to increase the legibility of the entry area.
- refined architectural expression and use of colours and materials including:
 - amended southern façade (Bay Road) panelling from large format panels to a smaller scale panelised system with varied textures to reduce the scale of panels and introduce finer grain presentation in keeping with the streetscape
 - increased depth of windows within southern and eastern facades to accentuate their recessed presentation
 - new framing of windows to increase visual appearance of depth and to relate to the style of existing buildings on site
 - modified brick pattern and texture on southern and eastern ground floor facades and introduction of heritage red feature panels in the framing and in between windows on the southern (Bay Road) façade.

The amendments are generally supported by GANSW.

Building I and Building J would present to the streetscape as one three storey building when viewed from Bay Road. The use of colours and materials and architectural expression would break up massing of the new buildings and mark different components of the buildings to articulate their facades and streetscape presentation. Both buildings would be set back 6m from the front boundary on Bay Road (**Figure 34**).

Brick materials of red and brown colour tones would be used on ground floor facades of both new buildings to define ground level and provide visual relief between upper levels (**Figure 33**).

Building I would be constructed with light colour materials on first and second floor facades with intermittent dark vertical panelling extending to ground floor level. Elements of vertical red panelling would be provided for relief between horizontal planes. Framed and recessed windows would be provided across the facades of all three levels to provide further articulation across the front façade (**Figure 33** to **Figure 36**).

Building J would be constructed with brickwork on ground and part of level 1, with light grey panelling breaking the visual mass of brickwork on its western side. The school hall façade would be constructed of dark panelling with light vertical expressions. Building J would be provided minimal window openings to mark its use as a school hall and relate to existing period style buildings on site (**Figure 33**, **Figure 35** and **Figure 36**).

Dark panelling would be used above the new entry between the new buildings and a school logo would be provided to clearly mark the entry of the school (**Figure 36**).



Figure 33 | Indicative north facing render view from Bay Road (Source: Applicant's RtS 2021)



Figure 34 | Indicative three-dimensional north-west view of Building I and Building G from Bay Road (Source: Applicant's RtS 2021)



Figure 35 | Indicative three-dimensional north-east view of Building J and Building I from Bay Road (Source: Applicant's RtS 2021)



Figure 36 | Indicative three-dimensional north-west view of the new school entry and Building J from Bay Road (Source: Applicant's RtS 2021)

Submissions from the public raised concerns that the proposal would be out of character with existing period style buildings on site and out of scale with neighbouring development. In particular concerns were raised relating to the proposed front setback, height and building length of the new buildings.

Detailed streetscape analysis was provided in the RtS. The analysis shows that Bay Road contains a mix of two storey detached residential dwellings and shop top housing and three storey residential flat buildings. A six storey mixed-use building is located on the corner of Bay Road and the Pacific Highway. Front setbacks vary within the streetscape from nil to approximately 7m. Front setbacks of detached dwelling houses adjoining the site on the western side of Bay Road vary from approximately 3m to 6m.

Brickwork is the predominant material used on residential and commercial development with elements of painted render common throughout. Darker brickwork is generally used on older period style dwellings and lighter brickwork used on residential flat buildings. Sandstone features are evident on fences, landscape features and on the base of residential dwellings.

The Department has considered the information provided in the Applicant's streetscape analysis and concludes that the proposal would suitably integrate with the bulk and scale and materiality of development within the streetscape. Although the proposed new building would be three stories, it would be proportionate in scale with development opposite the site on Bay Road and would be separated from dwelling houses adjoining the site to the west by approximately 90m. The new three storey building would present a suitable transition from low scale residential dwelling houses in the west on Bay Road through to multi storey development on the Pacific Highway to the east. The proposal would not result in significant shadow impacts to residential and mixed use development opposite the site on Bay Road.

The materiality of the proposal would relate to the streetscape by incorporating brickwork at ground level and light and dark panelling on upper levels to reference brickwork, sandstone and painted render features in the streetscape (**Figure 22**).

The Department acknowledges the comments made in the public submissions and has considered the advice of GANSW. The Department concludes that the revisions made by the Applicant in the RtS would improve the proposal's streetscape presentation in the context of residential and mixed-use development in Bay Road. The Department acknowledges that whilst the proposal would present a civic and community facility character within a residential and mixed-use area, the overall massing, setbacks and materiality of the proposal would not negatively impact the existing streetscape.

The Department supports the proposal and considers that the proposed built form is acceptable having regard to the above comments.

6.3 Other Issues

The Department's consideration of other issues is provided at **Table 4**.

Table 4 | Department's assessment of other issues

Issue	Findings	Department's consideration and recommended conditions
Construction noise and vibration	<p>The Noise and Vibration Assessment (NVA) included in the EIS provides an assessment of expected construction noise and vibration impacts in accordance with EPA's Interim Construction Noise Guideline 2009 (ICNG).</p> <p>The NVA found that the highest construction noise levels were predicted during demolition, bulk excavation and construction. These would exceed ICNG Noise Management Levels at closest residential receivers opposite and adjoining the site on Bay Road and opposite the site on McHatton Street and Pacific Highway during the noisy construction activities, including site preparation, demolition, excavation and construction. However, it is expected that the construction noise levels would be lower than predicted most construction activities at the most exposed receivers, as the noise levels assessed were based on a worst-case assessment.</p> <p>The NVA provided a schedule of recommended noise control mitigation measures for each stage of construction to be implemented to minimise noise impacts. Recommended noise mitigation measures include the use of noise barriers at specific heights and distances from affected receivers during each stage of construction. Where noise limits are expected to be exceeded, the NVA includes proposed mitigation measures relating to plant and</p>	<p>The Department is satisfied that appropriate noise and vibration management measures would be implemented to minimise impacts to adjoining and nearby residents during construction works.</p> <p>The Department considers that the proposal should comply with standard construction hours set out in the ICNG.</p> <p>The Department has recommended conditions that require:</p> <ul style="list-style-type: none"> • construction hours to be accordance with the standard ICNG hours • a Construction Noise and Vibration Management Plan is prepared that incorporates the recommendations of the NVA • intra-day respite periods from high noise generating construction activities be provided where necessary.

	<p>equipment management, on site noise monitoring, work scheduling and consultation, notification and complaints handling.</p> <p>The NVA recommended the noise monitoring measures to be included in a Construction Noise and Vibration Management Plan.</p>	
Operational Noise	<p>The NVA included an assessment of operational noise impacts on nearby residential receivers.</p> <p>The NVA concluded:</p> <ul style="list-style-type: none"> • there would be no increase in noise as a result of the repositioned outdoor play as it will be further set back from residential properties to the south and north. Some increase in noise to residential receivers on Bay Road is anticipated within acceptable noise limits. • school hall use will generate noise during school hours and out of hours community events. The NVA found that during out of hours community use events, doors may need to be closed and acoustically treated to meet acceptable noise limits. • operational traffic noise associated with the new drop-off/pick-up on Bay Road is not expected to exceed acceptable limits and noise generated from use of the car park noise will remain as existing given no change to the car park is proposed. • noise intrusion from traffic on Bay Road would be within acceptable limits in learning spaces and other indoor areas. • noise from traffic from Bay Road on the southern level three outdoor learning area could exceed acceptable noise limits during peak traffic flow. Learning periods managed by the school may need to be scheduled outside of peak traffic periods. <p>The NVA included recommendations for:</p> <ul style="list-style-type: none"> • public address systems and plant and equipment (i.e. air conditioning units) to ensure they are designed to meet noise limits • minimum acoustic requirements for external walls, roofs, glazing and doors for the school hall to ensure noise is within acceptable limits. 	<p>The Department has considered the findings of the NVA and concludes that the proposal would not unreasonably impact on the acoustic amenity of surrounding occupants subject to conditions.</p> <p>The Department has recommended conditions that require:</p> <ul style="list-style-type: none"> • a detailed assessment be undertaken of public address systems and plant and equipment demonstrating compliance with the identified noise criteria • the development be undertaken in accordance with the recommendations of the NVA and not exceed the identified noise criteria • the Applicant undertake short term noise monitoring following commencement of use and address any exceedances of the noise criteria • an Out of Hours Event Management Plan must be prepared for events involving over 100 patrons.

<p>Noise Intrusion and Natural Ventilation</p>	<p>The NVA included an assessment of traffic noise intrusion to the site. The NVA concluded:</p> <ul style="list-style-type: none"> the school site is exposed to noise from traffic on Pacific Highway and Bay Road acoustic rated construction will be required for windows and doors of the new homebases, administrative areas, Hall and library to comply with Education Facilities Standards and Guidelines (EFSG) noise criteria during AM and PM peak traffic periods. <p>A public submission raised concern regarding external windows and doors needing to be closed at times to comply with EFSG noise criteria. The submission states that mechanical ventilation should not be relied upon as it may not provide sufficient protection from airborne viruses.</p> <p>The RtS included a Services Response Letter stating that:</p> <ul style="list-style-type: none"> the new buildings (excluding the hall) will be air conditioned and mechanically ventilated the proposed systems would exhaust the same amount of air as the introduced outside air, which would remove contaminants, allowing for windows and doors to be closed whilst maintaining adequate ventilation and air circulation the air would be cooled or heated by a fan coil unit in the ceiling, which would help de-stratify the air and reduce the change of pockets of stagnant air, helping to dilute any airborne pathogens. 	<p>As the Pacific Highway is a state classified road, clauses 101 and 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Development Near Rail Corridors and Busy Roads – Interim Guideline apply to the proposal.</p> <p>In addition, the Department is required to take into consideration the School Design Guide which also sets out design guidance for noise affected sites and the EFSG which provides noise criteria for school developments.</p> <p>These guidelines require the internal noise criteria to be met while also achieving natural ventilation where possible. Section 5 of the Design Guide for Schools states that where teaching and learning spaces must be located alongside noise sources, the built form should be designed to ensure dual aspect that would allow for natural ventilation away from the noise source.</p> <p>However, it notes that mechanical systems and other technologies may be necessary to ensure acoustic levels can be maintained along with cross flow ventilation and natural light.</p> <p>Given the intrusive noise from the Pacific Highway and Bay Road, the Department considers that the use of a mechanical ventilation system when required is unavoidable in order to comply with EFSG noise criteria and provide both ventilation and acoustic amenity for building occupants.</p> <p>The Department concludes that subject to implementation of the NVA recommendations, the Department is satisfied the proposed mechanical ventilation systems would provide acceptable acoustic amenity and adequate ventilation and filtration</p>
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		to ensure the health and safety of students and staff is maintained.
Open Space	<p>The Education Facilities Standards and Guidelines recommends 10sqm of open play space per child. The existing school provides 9.58sqm usable open space per student. The proposal would decrease usable open space to 9.41sqm per child.</p> <p>Public submissions raised concern regarding:</p> <ul style="list-style-type: none"> the availability of outdoor play space for the proposal number of students the treatment of outdoor play areas to provide sun protection the condition of the school basketball courts and their upgrade not forming part of the proposal. <p>The RtS responded to the public submission stating that:</p> <ul style="list-style-type: none"> the proposal includes the retention of existing shade sails adjoining Building A a new COLA is provided adjoining the hall and extending to the central courtyard. <p>The RtS also included a response letter from the Applicant which states:</p> <ul style="list-style-type: none"> the upgrade of the existing basketball courts does not form part of the current scope of works for the construction project opportunities in the future for the school to seek separate funding to upgrade facilities that have not been included in this project can be explored the proposal includes a new multipurpose Hall that has a larger floor area and higher ceilings than the existing hall, making it more suitable for a range of educational, sporting and recreational uses. 	<p>The Department acknowledges that school does not currently meet the recommended amount of open space on site and that the basketball courts are not subject to upgrades as part of the proposal. However, the Department recognises that:</p> <ul style="list-style-type: none"> the proposal would only reduce the current open space by 0.17sqm the removal of temporary buildings and new outdoor play areas would increase the usability of the site for open play the proposal includes soft and hard landscaping features which will improve the quality of usable outdoor play space the new hall would provide for additional recreation and sport activities which will increase activities that the basketball courts currently provide for future upgrades of the basketball courts may occur later. <p>The Department also notes that the new COLA would provide shade for students and staff and existing sun sails will remain.</p> <p>The Department considers that the amount of open space is acceptable given the upgraded school would provide new and higher quality open play space areas and that sufficient sun protection for students and staff would be provided. On balance, the proposal is acceptable.</p>
Site contamination	<p>A Preliminary Site Investigation (PSI) was included with the EIS and a Detailed Site Investigation (DSI) was included with the RtS.</p> <p>Acid Sulfate Soils and Salinity were assessed in the PSI and were not found to be of concern at the site.</p>	<p>The Department is satisfied that the Applicant has adequately demonstrated the site is suitable for the ongoing use as a school as required but State Environmental Planning Policy No 55 – Remediation of Land.</p>

	<p>The PSI and DSI advised that the site has been used as an educational establishment since approximately 1931 with prior use identified as a single residential dwelling and associated grassland. In the 1940s an air raid shelter was observed in arial photographs which was subsequently removed before 1955.</p> <p>The DSI advised:</p> <ul style="list-style-type: none"> • presence of charcoal, ash and asphalt were observed in one or more test locations where retaining walls and an air raid shelter were previously located. • analysis of fill and natural soil samples reported contaminants of potential concern (COPC) below adopted health and ecological assessment criteria with the exception of two COPC, arsenic and Benzo(a)pyrene. However, these two COPC were found in areas that would remain undisturbed and no pollutant linkages were found. • no traces of fill asbestos were reported. However, there is potential for asbestos in existing buildings and structures that would be demolished. • access for testing in areas of proposed building footprints was available and no additional testing would be required. <p>Based on these findings, a Remediation Action Plan was not recommended.</p>	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • the implementation of an unexpected finds protocol should any potentially contaminated material be found during construction • compliance with Protection of the Environment Operations (Waste) Regulation 2014 for the safe handling and disposal of any asbestos building waste.
Tree removal and landscaping	<p>The EIS and RtS included landscape plans, a landscape report and Arboricultural Impact Assessment (AIA).</p> <p>The landscape plans and AIA detail the proposed removal and replanting of trees, the planting of shrubbery and soft landscaping and construction of hard landscape features.</p> <p>The proposal includes the removal of 17 trees and new landscaping including 20 new trees, small plantings and shrubbery. Trees to be removed would be replaced with new trees at a ratio of 1.2 to 1 and the site's tree canopy coverage will be increased from 32% to 33%.</p> <p>In response to the EIS, the Department requested amendments to the new entry ramp and stair area. The RtS included a widened ramp and stair which would encroach the Tree Protection Zone (TPZ) of a tree adjacent to Bay Road (Tree 47). The</p>	<p>The Department considers that the tree replacement ratio is sufficient for an established site and to compensate for the loss of established trees on site and ecological features of the proposed landscaped areas are suitable for the site.</p> <p>The Department has recommended conditions to require:</p> <ul style="list-style-type: none"> • tree removal and replacement and landscaping of the site is conducted in accordance with the AIA and landscape plans • appropriate tree protection measures to be implemented during construction works • preparation of an Operational Landscape Management Plan to provide for the ongoing maintenance of landscaping.

	<p>RtS included the proposed removal of Tree 47 given the high impact to the TPZ.</p> <p>EESG did not raise any concerns or provide comment in relation proposed tree removal or planting. EESG queried whether the BDAR waiver approval issued in May 2021 was consistent with the proposed tree removal and landscaping design set out in the EIS. The Applicant subsequently lodged two additional BDAR waiver requests to reflect the EIS design and additional removal of Tree 47. A final BDAR waiver was granted on 21 February 2022.</p>	
Aboriginal Heritage	<p>The EIS included an Aboriginal Cultural Heritage Assessment Report (ACHAR) that considered the impact of the proposal on Aboriginal cultural heritage, including the site's potential to contain archaeological remains.</p> <p>The ACHAR noted:</p> <ul style="list-style-type: none"> that an archaeological survey found no Aboriginal objects, sites, or areas of significance in the surveyed sections of the site and noted that these areas have been disturbed and stripped during previous uses at the site there was uncertainty regarding the nature of disturbance in three locations on site due to the presence of old trees that suggest minimal disturbance prior to the current school use that the above areas are not within the area of the proposed development. <p>The ACHAR included recommendations to manage unexpected archaeological finds.</p> <p>Heritage NSW advised that there is low potential for the proposal to disturb unrecorded Aboriginal objects and no impacts to Aboriginal cultural heritage values have been identified on the site. Heritage NSW advised that the recommendations of the ACHAR are supported.</p>	<p>The Department has reviewed the ACHAR and considers that potential impacts on Aboriginal cultural heritage have been appropriately addressed. The Department considers it appropriate to recommend conditions requiring the implementation of an unexpected archaeological finds protocol.</p>
Heritage	<p>The site contains an item of local heritage significance under the NLEP, being the 'gates and fence of former Crow's Nest House (I10957)'. Several buildings are also listed on the Department of Education Section 170 Heritage and Conservation Register being buildings A, D and F.</p>	<p>The Department notes there would be minor impacts on the cultural and heritage values of the site associated with the proposed modification of the Bay Road fence and neutral impacts to the demolition of Lady Hay Hall and construction of new buildings and</p>

A number of Heritage Items of local significance under the NLEP are within proximity to the site to the south.

Crows Nest Road Conservation Area adjoins the site on its northern and western boundaries, and Priority Road and Edward Road Conservation Areas are located opposite the site to the south.

A Heritage Impact Statement (HIS) was included in the EIS to assess the impacts of the proposal on heritage buildings within the site and nearby and adjoining conservation areas.

Regarding heritage items on site, the HIS states:

- the site has cultural heritage significance at a local level
- no listed heritage items are subject to works as part of the proposal with the exception of the sandstone fence on Bay Road
- the proposed modification to the Bay Road fence would have a minor impact on heritage values of the site
- the proposed demolition of Lady Hay Hall and permanent classroom buildings would have a neutral impact on heritage values of the site
- the layout, height and scale and materiality and colour of new Buildings J and I would have a neutral impact on heritage values of the site
- removal of temporary structures would have a positive impact on heritage values of the site.

Regarding surrounding conservation areas and heritage items, the HIS states:

- new built form will be visible in the Bay Road streetscape and the southern heritage conservation areas
- the height, scale, form and materiality of the new buildings have been used to minimise visual impact resulting in a minor to neutral visual impact to the setting, character, and significance of the surrounding heritage conservation areas
- the proposal would not result in physical or visual impacts on the local heritage items in the vicinity of the site.
- with regards to archaeological potential and impacts, the HIS assessed the site as having a low potential for

structures. The Department also notes the positive heritage impacts associated with the removal of temporary structures.

The Department has considered the issues raised in the submissions. The proposed form and external appearance of the new building uses appropriate materials which are sympathetic to the heritage buildings on site, character of the streetscape and which serve the function of the school.

Considering the advice contained in the HIS, Heritage NSW and Council which do not raise concerns with the proposal's impact on heritage, the Department concludes the proposal would have minor impact to the heritage value of the Bay Road school fence, neutral impacts to the heritage value of the site associated with the demolition of the existing hall and construction of new buildings and a positive impact to the heritage value of the site associated with the removal or temporary structures.

The Department has recommended conditions requiring the implementation of unexpected archaeological finds procedure.

archaeological remains associated with the site's past activities including residential uses, War II developments (raid shelter trenches) and educational uses.

In response to the EIS, the Government Architect NSW (GANSW) raised concerns relating to the proposed façade treatment and roof forms of the new buildings.

A public submission objected to the demolition of the school hall (Lady Hay Hall) due to its value to the community and heritage value. A local community interest group objected to the roof form and light coloured materials of the new buildings and the visual impact of the proposed built form and setbacks on the public domain.

The RtS included revised architectural plans reflecting amendments to eastern and southern boundaries. A Heritage Response to Submissions was also provided as part of the RtS which responded to concerns raised in public submissions and by GANSW.

The Heritage Response to Submissions states:

- the amended design of eastern and southern facades softens the visual impact of the proposal when viewed from Bay Road and appropriate colours and façade treatments have been introduced to better relate to heritage values surrounding the site
- lady Hay Hall is not unique to the school site as it was constructed as part of a post-war school expansion program of the 1950s and 1960s
- although the hall is named after a significant personality in the area in the early 1900s, the building itself has no associated with the person other than its name
- the hall is neither architecturally or aesthetically unique at a local or state level and its demolition would be of a neutral impact to the heritage values of the site
- the roof form of the building does not match roof forms of the area which is an appropriate heritage response for new construction of a school in the context of period style residential dwellings and school buildings of heritage value

	<ul style="list-style-type: none"> the amended façade of the new buildings contains horizontal and vertical elements, and window design which compliments the form of heritage buildings on site lighter coloured materials together with varied textured finishes responds to the immediate heritage context of the site setbacks respond to existing setback of buildings on site and do not depart from established setbacks on Bay Road. <p>Council raised no objection in its response to the EIS and RtS to the demolition of Lady Hay Hall or to new works within the context of local heritage items and surrounding conservation areas.</p>	
Social impacts	<p>The EIS included a Social Impact Assessment (SIA) that addressed key demographic characteristics of the area including:</p> <ul style="list-style-type: none"> population characteristics cultural diversity income family and dwelling types culture employment. <p>The SIA detailed stakeholder engagement and considered social impacts relating to:</p> <ul style="list-style-type: none"> local and site amenity transport access heritage social inclusion social infrastructure health and safety construction periods traffic congestion economy and environment. <p>The SIA found that the proposal would likely result in:</p> <ul style="list-style-type: none"> short term negative impacts from construction activities improvement to quality of open space/play space for the school and local community significant overall benefits through improved school capacity and facilities to cater for students. 	<p>The Department notes the comments made in the SIA and acknowledges the expected short-term negative impacts associated with the proposal.</p> <p>The Department is satisfied that the proposal would have a substantial community benefit through the provision of improved educational infrastructure on the site.</p>

Stormwater and drainage Sediment, erosion and dust control	<p>The EIS included a Stormwater Management Report that states that stormwater drainage works would be implemented in accordance with Council's requirements. This included details on the proposed on-site detention and water quality systems. The report also states that sediment and erosion control would meet Council requirements through its sediment control policies.</p>	<p>The Department is satisfied that the Applicant has demonstrated that the site can accommodate required stormwater and drainage management systems and that appropriate measures are proposed to prevent erosion and control dust.</p> <p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> the design and implementation of a stormwater management system for the site in accordance with relevant standards and guidelines the preparation of a final Construction Environmental Management Plan prior to the commencement of construction works.
Utilities	<p>The EIS included a Utilities Services Report to assess the existing capacity of utility services on site and ability to accommodate proposed works and new building use.</p> <p>Sydney Water provided advice regarding water servicing, wastewater servicing and trade wastewater requirements. Ausgrid did not provide comment on the EIS or RtS.</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 all utilities are available prior to operation.</p>
Bicycle parking and end-of-trip facilities	<p>The proposal includes the provision of 63 bicycle parking spaces on site. End-of-trip facilities would also be provided for staff use.</p>	<p>The Department supports the provision of bicycle parking and end-of-trip-facilities as proposed and considers that these would encourage increased cycling to the school. The Department has recommended conditions to ensure the provision of bicycle parking and end-of-trip facilities.</p>
Operational and construction waste and recycling	<p>The EIS included an Operational Waste Management Plan (OWMP) and Construction and Demolition Waste Management Plan which detailed:</p> <ul style="list-style-type: none"> the proposed methods for identification, temporary retention and disposal of hazardous demolition waste measures to reduce general construction waste expected operational waste volumes and waste management measures to be adopted. 	<p>The Department has reviewed the information provided and is satisfied that appropriate arrangements could be put in place to manage and store waste so that the proposal would not result in adverse impacts on the local environment and to maximise opportunities to re-use and recycle materials.</p> <p>The Department has recommended conditions to</p>

	<p>The OWMP states that general waste collection is currently twice weekly for general waste and once weekly for recycling. Waste is collected by a contractor from within the existing car park accessed off McHatton Street. The bin holding area is located adjoining the car park.</p> <p>The OWMP states that the bin storage area is large enough to accommodate an increase in bin numbers required from the proposal. The proposal would require an increase from four large (1100L) bins to five large bins for general waste and four large bins to five large bins for recycling. Further, the frequency of waste collection would be maintained at its current frequency of twice weekly for general waste and once weekly for recycling.</p> <p>A public submission commented on the need to minimise rubbish during construction and operation and requested that a condition be imposed to limit hours of operational waste collection to 7am to 7pm Monday to Friday.</p> <p>The RtS included a Services Response Letter stating that waste minimisation will occur in accordance with a series of recommendations provided in the OWMP.</p> <p>The RtS also included a response letter from the Applicant which states:</p> <ul style="list-style-type: none"> the issue of rubbish collection times and frequency is an operational matter which is dealt with directly by the school and the rubbish collection contractor the proposal's project team has notified the school of the resident's concerns and the school has advised that it will be discussing the issue with the rubbish collection contractor. 	<p>ensure that appropriate waste handling and management arrangements are implemented during construction and operation.</p>
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7 Evaluation

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

The key issues identified with the proposal include traffic, transport and parking and built form and urban design. Issues raised have been considered and all environmental issues associated with the proposal have been addressed by the Applicant or through recommended conditions.

The surrounding road network and local streets could accommodate increased traffic resulting from the increased student numbers, construction traffic and parking. The proposed built form, including one new three storey building and alterations to an existing building and a new primary entrance from Bay Road is contextually appropriate for the school and the locality.

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 properties.

The removal of temporary classroom structures and proposed upgrades would have a positive impact by improving the quality of open space/play areas. The proposed landscaping strategy involves the removal of 17 trees and the planting of an additional 20 trees across the site which would provide additional tree canopy to the site and shading of outdoor play spaces.

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
- investment of \$35,262,872 million to deliver approximately 134 construction jobs and seven operational jobs
- continued use of the site by the community outside of school hours.

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

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, 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 Upgrade to North Sydney Public School (SSD-11869481), subject to the conditions
- **signs** the attached development consent (see attachment).

Prepared by:



Dimitri Gotsis
Senior Planning Officer
Social and Infrastructure Assessments

Recommended by



Tahlia Alexander
A/Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to be 'KH' followed by a flourish.

21 February 2022

Karen Harragon
Director
Social and Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

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

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/40781>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/40781>
3. Applicant's Response to Submissions and Supplementary information
<https://www.planningportal.nsw.gov.au/major-projects/project/40781>

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 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- North Sydney Local Environmental Plan 2013 (NLEP).

COMPLIANCE WITH CONTROLS

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

The aims of this SEPP are to identify state significant development (SSD) and state significant infrastructure and 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	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if:	<p>The proposed development is permissible with development consent.</p> <p>The proposal is for alterations and additions to an existing school with a capital investment value (CIV) in</p>	Yes

Relevant Sections	Consideration and Comments	Complies
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	excess of \$20 million, under clause 15(2) of Schedule 1 of the SRD SEPP, as was in force immediately prior to the lodgement of the Application.	
b) the development is specified in Schedule 1 or 2.		

State Environmental Planning Policy (Infrastructure) 2007

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 public authorities about certain development during the assessment process.

An assessment of the proposal 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)	Consideration and comment
CI 44 - 45 Development likely to affect an electricity transmission or distribution network	The development is located within the vicinity of an electricity transmission or distribution network. In accordance with the Infrastructure SEPP, the development was referred to the relevant electricity supply authority for comment. No comments were received, and it can be assumed that no objection is raised.
CI 101 – 104 Development in or adjacent to road corridors and road reservations	<p>The site has frontage to the Pacific Highway which is a classified road. In accordance with clause 101(2) Infrastructure SEPP, the consent authority must be satisfied that, where practicable and safe, vehicular access is to be provided by a road other than the classified road and that the development would not impact on the safety, efficiency and ongoing operation of the classified road.</p> <p>The Department has consulted with TfNSW as the relevant roads authority for the classified road network. TfNSW did not raise any concerns in relation to the proposed development, subject to conditions (Section 5).</p> <p>The Department considered potential traffic impacts at Section 6 and is satisfied the development would not have a significant impact on the surrounding road network. The proposal does not include direct vehicular access from Pacific Highway. The Department considers that there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified road, subject to conditions.</p> <p>The Department notes the Development Near Rail Corridors and Busy Roads – Interim Guideline, which addresses airborne</p>

Clause(s)	Consideration and comment
	<p>and ground borne noise and vibration mitigation measures and prescribes maximum noise levels, is applicable to the proposal.</p> <p>The submitted Noise and Vibration Impact Assessment considered impacts of noise and vibration intrusion in accordance with the guideline and set out measures that would ameliorate traffic noise and vibration.</p> <p>The Department has recommended conditions of consent that require mitigation measures to be incorporated into the development to address traffic noise and internal acoustic amenity (Section 6.3).</p>

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

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.

The Education SEPP was amended on 17 December 2021. In accordance with the “Saving and Transitional Provisions” that apply, the application has been assessed against the relevant provisions of the Education SEPP that were in force at the time the SSD application was made on 1 September 2021.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is state significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.

Clause 57 of the Education SEPP requires traffic generating development that involves the addition of 50 or more students is 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 (**Section 5**).

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 is provided in **Table B3**.

Table B3 | Consideration of the design quality principles

Design Principles	Response
Principle 1 - Context, built form and landscape	The addition of Buildings J and I, the alteration and additions to an existing single storey building and removal of temporary classroom structures would allow for adequate and suitable outdoor play space and day light to open areas. Building J and Building J would exceed the maximum height control of the NLEP. However, the new buildings would not negatively impact the character of the streetscape. Existing and

Design Principles	Response
	proposed landscaping coupled with suitable building setbacks would soften the appearance of the buildings (see Section 6.2.1).
Principle 2 - Sustainable, efficient and durable	<p>The proposal includes ecologically sustainable development measures (Section 4.4.3). The materials chosen are durable and require low maintenance.</p> <p>Bicycle parking would be provided within the site and the preliminary School Travel Plan submitted which the EIS encourages sustainable travel modes.</p>
Principle 3 - Accessible and inclusive	The proposal has been designed to be accessible and inclusive, providing a lift and accessible paths of travel from the site boundaries up to and around the school buildings. The school would continue to be used for community activities after school and during the weekends.
Principle 4 - Health and Safety	The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. The proposal delineates the pedestrian entrances into the school to allow the management of visitors to the site.
Principle 5 - Amenity	The proposal provides a variety of internal and external learning places for both formal and informal educational opportunities. The design of the proposed buildings seeks to maximise natural light to the indoor areas of the school, while the landscaping and covered outdoor areas provide ample shaded areas for students and staff use.
Principle 6 - Whole of life, flexible, adaptable	The buildings would allow for long term flexibility through the provision of flexible formal and informal learning areas to adapt to future learning requirements.
Principle 7 - Aesthetics	The proposal would achieve a high standard architectural design and would be compatible with the character of the area. The proposed new entrance to Bay Road would provide a sense of arrival and presence to the pedestrian entry off Bay Road (Section 6.2).

State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)

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

The proposal includes the installation of three new school identification signs:

- illuminated (non-flashing and low lux level) fascia sign located above the Bay Road building entry consisting of individual lettering of the school name and logo (**Figure 37**)
- individual lettering of the school name and logo affixed to the upper level of the southern building façade above the Bay Road building entry (**Figure 37**)
- a freestanding digital school identification sign on the corner of Bay Road and Pacific Highway to replace existing freestanding sign (**Figure 38**).

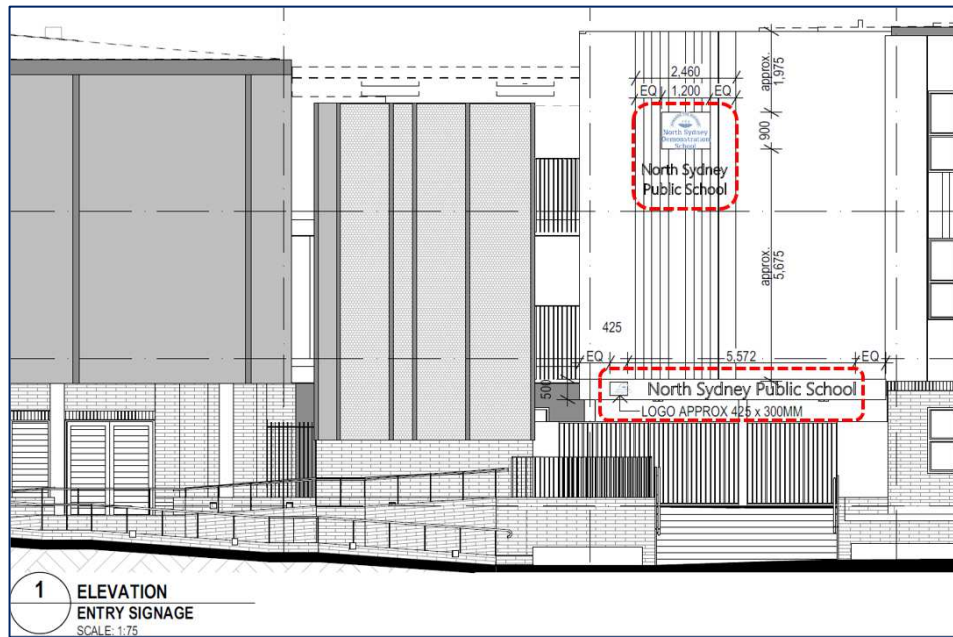


Figure 37 | Proposed signage to Building J indicated in red (Source: Applicant's RtS 2021)

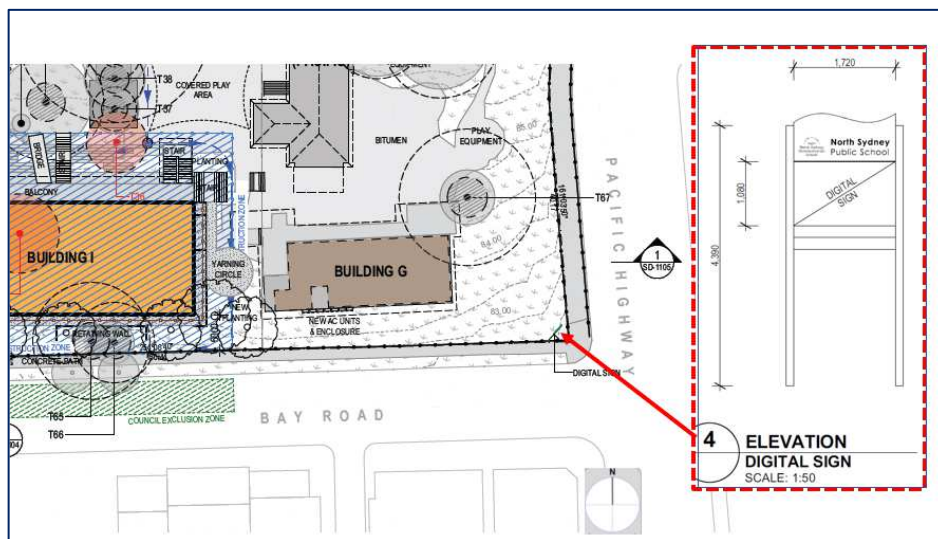


Figure 38 | Proposed digital sign and location indicated in red (Base source: Applicant's RtS 2021)

The EIS included an assessment of the proposed sign against the provisions of Schedule 1 of SEPP 64. The Department's assessments of the proposed sign against Schedule 1 of SEPP 64 is provided in **Table B4**.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage would be compatible with the character of the streetscape. No particular themes exist for outdoor advertising in the area.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of the surrounding area. The signage is sympathetic to the heritage significance of buildings on site and the adjoining heritage conservation area.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The proposed buildings signs would be affixed to the building facade. The proposed freestanding sign would be approximately 4.3m in height and would not impact on view, vistas, the skyline or viewing rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is in proportion to the scale of the proposed buildings and streetscape and would complement the new main entrance.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signage is appropriate for the streetscape and setting within which it is proposed.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed freestanding sign would replace the existing freestanding sign on the corner of Pacific Highway and Bay Road. The signage is simple in design and would not result in visual clutter.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage would sit below the height of proposed and adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage is of appropriate scale and proportion and is considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The signage is appropriately located at the site entrance and corner of the site and would not impact on any important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the signage is to denote the main entrance and provide information for the school community. The signage would achieve this purpose.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Lighting devices would be concealed within the signage structure.	Yes
7 Illumination		
<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>To ensure the signage does not unreasonably impact on the amenity of residents or safety of road users, the Department has recommended conditions of consent for the use of the illuminated fascia and digital free standing sign requiring:</p> <ul style="list-style-type: none"> the illumination and LED screen must be switched off between 6pm and 7am compliance with Australian Standard AS 4282-2019 	Yes, subject to conditions

Assessment Criteria	Comments	Compliance
	<p>‘Control of the obtrusive effects of outdoor lighting’</p> <ul style="list-style-type: none"> the sign must not dazzle or distract drivers and must not include content that could be mistaken for traffic signals must not contain video, television or movie style content must not emit sound must have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occurs. 	
8 Safety		
<p>Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p> <p>Would the proposal reduce safety for any public road?</p>	<p>The sign would be affixed to the building facade and would not reduce any sightlines for pedestrians or from vehicles. Conditions are recommended to ensure the illuminated signage does not reduce safety of road users.</p>	<p>Yes, subject to conditions</p>

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. A Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) were prepared for the site in accordance with relevant NSW EPA guidelines and SEPP 55 requirements. As detailed at **Section 6.3**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to conditions, for the ongoing use as an educational establishment as required by SEPP 55. The Department has recommended a condition relating to preparing an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during construction works.

Draft State Environmental Planning Policy (Remediation of Land)

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

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work 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 would be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

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

North Sydney Local Environmental Plan 2013 (NLEP)

The NLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the former Hornsby and City of Parramatta local government area. The NLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

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

Table B4 | Consideration of the NLEP

NLEP	Department Comment/Assessment
Land Use Table – SP2 Infrastructure (Educational Establishment)	Educational establishments are permissible with consent in the SP2 zone. The proposal is considered to meet the objectives of the zone as it provides educational infrastructure to meet the needs of the community.
Clause 4.3 Building height of Buildings	The site is subject to a maximum height of building control of 8.5m. The proposal exceeds the control with a maximum height of approximately 11.9m. While the maximum height of building control does apply to the development, the Department considered the objections of clause 4.3 in its assessment and concludes the building height is acceptable (Section 6.2.1).
Clause 4.4 Floor Space Ratio (FSR)	The site is not subject to a FSR control under NLEP.

NLEP	Department Comment/Assessment
Clause 5.10 Heritage conservation	<p>The site contains an item of local heritage significance under the NLEP, being the 'gates and fence of former Crow's Nest House (I10957)'. A number of Heritage Items of local significance under the NLEP are within proximity to the site to the south.</p> <p>Crows Nest Road Conservation Area adjoins the site on its northern and western boundaries, and Priority Road and Edward Road Conservation Areas are located opposite the site to the south. The Department considers that the proposal would be sympathetic to the heritage significance of heritage items on site, surrounding conservation areas and surrounding heritage items (Section 6.3).</p>
Clause 6.1 Acid sulfate soils	The site is not mapped as containing acid sulfate soils.
Clause 6.2 Earthworks	<p>Bulk earthworks required to facilitate the development are proposed. The Department is satisfied that the proposal would not have detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>The Department has assessed the proposal against the matters for consideration contained in clause 6.3. Subject to conditions, the proposed development would not detrimentally impact on:</p> <ul style="list-style-type: none"> • drainage patterns or soil stability in the locality of the development • amenity and redevelopment opportunities of adjoining properties. <p>The Department has recommended conditions of consent to address the management of soil, stormwater and unexpected finds during construction.</p>
Clause 6.3 Flood planning	The site is not mapped by Council as being subject to flooding.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to state significant development. However, the objectives of relevant controls under the North Sydney Development Control Plan 2013, where relevant, have been considered.

Appendix D – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/40781>