



# Pymble Ladies College - Grey House Precinct

---

State Significant Development Assessment SSD-17424905

August 2022



Published by the NSW Department of Planning and Environment

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

*Title: Grey House Precinct Development*

*Cover image: Cover Sheet, Design Development, AR-DA-A10-AA-00*

---

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

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

# Glossary

Abbreviation	Definition
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>AFC</b>	Aquatic and Fitness Centre
<b>BCA</b>	Building Code of Australia
<b>ADG</b>	Apartment Design Guide
<b>BAM</b>	Biodiversity Assessment Method
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>BGHF</b>	Blue Gum High Forest
<b>CEEC</b>	Critically Endangered Ecological Community
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Ku-ring-gai Council
<b>CTMP</b>	Construction Traffic Management Plan
<b>Department</b>	Department of Planning and Environment
<b>DCP</b>	Development Control Plan
<b>DOPU</b>	Drop-off/pickup
<b>EHG</b>	Environment and Heritage Group
<b>Education SEPP</b>	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EP&amp;A Reg</b>	Environmental Planning and Assessment Regulation 2021
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument

<b>ELC</b>	Early Learning Centre
<b>ESD</b>	Ecologically Sustainable Development
<b>HNSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>LoS</b>	Level of Service
<b>Masterplan</b>	PLC concept Masterplan
<b>Minister</b>	Minister for Planning
<b>NIA</b>	Noise Impact Assessment
<b>OSHC</b>	Out of School Hours Care
<b>OTAMP</b>	Operational Traffic and Access Management Plan
<b>PLC</b>	Pymble Ladies College
<b>RtS</b>	Response to Submissions
<b>SAII</b>	Serious and Irreversible Impacts
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SRtS</b>	Supplementary RtS
<b>STIF</b>	Sydney Turpentine Ironbark Forest
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>TIA</b>	Traffic Impact Assessment Report
<b>VIA</b>	Visual Impact Assessment Report

# Executive Summary

This report provides an assessment of a State significant development (SSD) application for the redevelopment of Grey House Precinct (GHP) within the existing Pymble Ladies College (PLC) campus at 20 Avon Road, Pymble. The application has been lodged by the Pymble Ladies College (the Applicant) and is in the Ku-ring-gai local government area.

The proposal involves the construction of a five-storey building to accommodate learning areas, science, technology, engineering and mathematics laboratories, health and wellbeing centre, and an early learning centre (ELC) for 90 additional children within the PLC campus.

The proposal is SSD under clause 15(2) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as was in force at the time of the lodgement of the application, as it is development for the purpose of alterations or additions to an existing school that has a capital investment value (CIV) of more than \$20 million.

The Applicant also proposes to remove any inconsistencies between a previously approved Concept Proposal (SSD-5314) on the site and the current SSD application. Consequently, the Applicant has submitted a notice to the consent authority to modify the approved Concept Proposal pursuant to section 4.17(5) of the EP&A Act.

## 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*, principles of ecologically sustainable development, and issues raised in submissions as well as the Applicant's response to these.

The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions. The application is referred to the Independent Planning Commission for determination as Ku-ring-gai Council has objected to the development. The key issues identified with the proposal include traffic, transport, built form, amenity and visual impacts, biodiversity, and tree removal. The Department's assessment concludes that the:

- the existing on-site pick-up/drop-off facilities are considered sufficient as the 90 additional ELC children would not use the existing pick-up/drop-off areas.
- proposed parking for ELC children within the site is acceptable and would cater for the development. ELC parents are unlikely to pick-up/drop-off children on Pymble Avenue, as facilities are available within the school.
- operational traffic generated due to the development can be accommodated within the surrounding road network. Any residual impacts can be mitigated through recommended conditions including further investigations on traffic calming measures, implementation of an Operational Transport and Access Management Plan, and Green Travel Plan.
- bulk and scale of the proposed GHP building is not consistent with the immediately adjoining low-density residential area, however the building caters for its functions and is compatible with other buildings on PLC campus.
- GHP building is well setback from the surrounding low-density zone interface and would not cause unreasonable visual impacts on the surrounding environment.

- GHP building would not have adverse amenity impacts of overshadowing, overlooking, light spill or operational impacts on the adjoining residences subject to addition of privacy glass on the southern elevation.
- proposed development would replace 37 trees for the 29 trees proposed to be removed, to maintain the canopy cover of the site.
- proposed landscape plan integrates with the building layout and the overall masterplan for the PLC campus.
- operational and construction noise would not have significant amenity impacts, subject to implementation of mitigation and management measures.

The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement (EIS), Response to Submissions (RtS) and Supplementary RtS (SRtS). Conditions of consent are recommended to mitigate and manage residual impacts.

### **The proposal**

The proposal seeks approval for the GHP building, being a four-five storey building comprising junior school classrooms, science, technology, engineering, and mathematics laboratories, health and wellbeing facilities, a dance academy, out of school hours care facilities, and an early learning centre. The proposal includes tree removal and landscaping works with outdoor learning and play areas.

The proposed development would replace existing temporary (dismountable) teaching spaces, providing a better and modern teaching environment for both students and teachers.

The proposal has a capital investment value of \$46,665,813 and would generate approximately 20 operational full-time jobs and 180 construction jobs.

### **The site**

The site is located at 20 Avon Road, Pymble within the PLC campus. The PLC campus comprises multiple lots near Pymble rail station and Pacific Highway. The site has an area of 0.3ha and is legally described as Lot 1 DP 69541, along the south-eastern boundary of the campus.

### **Engagement**

The application was publicly exhibited between 9 November and 6 December 2021. During this period, the Department received 127 public submissions (124 objections) including comments from the Member of Ku-ring-gai, Mr. Alister Henskens MP, one objection from Ku-ring-Gai Council (Council), and advice from seven Government agencies. Of the 124 objections, 39 objections were unique submissions.

Key issues raised in the submissions include traffic, transport, noise, built form, urban design and heritage, tree removal and biodiversity impacts, and ecologically sustainable development.

On 4 May 2022, the Applicant submitted a RtS which included an amendment to the design and updated technical reports addressing the concerns raised by Council, the community and agencies. The design amendments included minor reductions of floor area of some components, amendments to the upper-level setbacks, changes to external façade and landscaping. Council maintained its objection to the proposal after lodgement of the RtS and raised further concerns regarding the impact on the neighbouring properties, traffic, bulk, scale, and tree removal. The Department also received comments from six Government agencies, including one from the Environment and Heritage Group (EHG) which raised concerns regarding the inadequacy of assessment of biodiversity impacts.

The Applicant submitted two further SRtS to address Council and EHG's concerns. Following submission of the SRtS, Council reiterated concerns regarding the impact of the building's bulk and scale. EHG did not raise any further concerns.

#### **Modification to Approved Concept Proposal SSD-5314**

To address inconsistencies between the proposed building envelope and the approved envelope under Section 4.17(5) of the EP&A Act, the Applicant issued a notice of the Commission (Consent Authority) to modify SSD-5314 (Approved Concept Proposal).

The modification to the Approved Concept Proposal would ensure no inconsistencies between the current SSD application and the previous approval, SSD-5314. The Applicant's notice to modify the previous Approved Concept Proposal is supported.

# Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
1.2	Site Description	1
1.3	PLC masterplan, Aquatic and Fitness Centre, and Centenary Car Park	6
1.4	Surrounding developments	8
1.5	Existing public transport	10
1.6	Related development	10
<b>2</b>	<b>Proposal</b>	<b>12</b>
2.1	Key Components	12
2.2	Physical layout and design	13
2.3	Building components	15
2.4	Uses and activities	22
2.5	Timing and construction management	22
2.6	Modification of SSD-5314 – Approved Concept Proposal	22
<b>3</b>	<b>Strategic context</b>	<b>23</b>
3.1	Project need and justification	23
3.2	Strategic context	23
<b>4</b>	<b>Statutory Context</b>	<b>24</b>
4.1	State significance	24
4.2	Consent authority	24
4.3	Permissibility	24
4.4	Other approvals	24
4.5	Modification to the Approved Concept Proposal	25
4.6	Mandatory Matters for Consideration	25
4.7	Biodiversity Development Assessment Report	30
<b>5</b>	<b>Engagement</b>	<b>31</b>
5.1	Department’s engagement	31
5.2	Summary of submissions	31
5.3	Summary of advice from Government agencies	37
5.4	Response to submissions	40
5.5	Summary of submissions to RtS	40
5.6	Supplementary Response to submissions (SRtS)	41
5.7	Consultation after lodgment of SRtS	42
5.8	Notice to modify SSD-5314 (Approved Concept Proposal and Stage 1)	42
5.9	Independent Heritage Assessment	43
<b>6</b>	<b>Assessment – up to here</b>	<b>44</b>
6.2	Traffic and transport	44
6.3	Built form, amenity, and visual impact	56
6.4	Biodiversity, tree removal and landscaping	70
6.5	Other issues	77
6.6	Summary of Department’s consideration of submissions	91
<b>7</b>	<b>Evaluation</b>	<b>94</b>
	<b>Appendices</b>	<b>96</b>

# 1 Introduction

- 1.1.1 This report provides an assessment of a State significant development (SSD) application for the development of the Grey House Precinct (GHP) within Pymble Ladies College (PLC) located at 20 Avon Road, Pymble (SSD-17424905).
- 1.1.2 The proposal seeks approval for the redevelopment of a part of the existing PLC campus along the south-eastern boundary. The proposal is referred to as GHP development and involves demolition of existing demountable buildings and construction of a new four-five storey building accommodating classrooms, laboratories, health and wellbeing facilities, a dance academy, out-of-school-hours care facilities for existing students, and a new early learning centre (ELC) for an additional 90 children.
- 1.1.3 The application has been lodged by Pymble Ladies' College (the Applicant). The site is located within the Ku-ring-gai local government area (LGA).

## 1.2 Site Description

- 1.2.1 PLC is an independent Kindergarten (K) to Year 12 day and boarding girls' school. The project site (site) is part of the PLC campus at 20 Avon Road, Pymble, located 19 kilometres (km) north-west of Sydney Central Business District (CBD), 8km from the Chatswood CBD and 200 metres (m) from Pymble train station. The regional context of the site is in **Figure 1**.



**Figure 1** | Regional context map (Source: Nearmap 2022)

- 1.2.2 The PLC campus comprises multiple lots owned by the Applicant.
- 1.2.3 The campus occupies a total area of approximately 20 hectares (ha) with street frontage to Avon Road to the north and west. The eastern boundary of the campus adjoins the rear gardens of residences along Pymble Avenue, and the southern boundary adjoins Avondale golf course. The western boundary of the campus adjoins residences to the rear. The topography of the PLC campus includes a fall from north to south with a cross fall from east to

west, with a natural gully line running along the site's north-western boundary. The site is on the southern-eastern boundary of the campus.

1.2.4 **Figure 2** provides the local context of the PLC campus and location of the site.



**Figure 2 |** Local context map (Source: Nearmap 2022)

### Existing development and features of the PLC campus

1.2.5 The PLC campus comprises multiple school buildings and sports facilities within landscaped gardens and areas of densely vegetated bushland. While the campus is not identified as a heritage item under the Ku-ring-gai Local Environmental Plan 2015, it includes historic school buildings including the Marsden House, Goodlet House and Lang House (boarding houses), and the war memorial located to the north, west and centre. The single storey Junior School buildings and Music and Art School are north-east, and the contemporary multistorey Aquatic and Fitness Centre (AFC) connected to the existing Jeanette Buckham Physical Education Centre is to the south-east of the campus. The front section of the site includes a large oval, while tennis courts (also known as Mollie Dive Field) are at the rear of the site adjoining the AFC. A basement car park (Centenary Car Park) is located below the Mollie Dive Field tennis courts. Residences owned by PLC adjoin an open grassed area on the western boundary of the campus.

1.2.6 The PLC campus contains areas of remnant vegetation of ecological significance, including areas of Blue Gum High Forest and Sydney Turpentine Ironbark Forest. The location of the site in the context of existing buildings within the PLC campus is **Figure 3**.

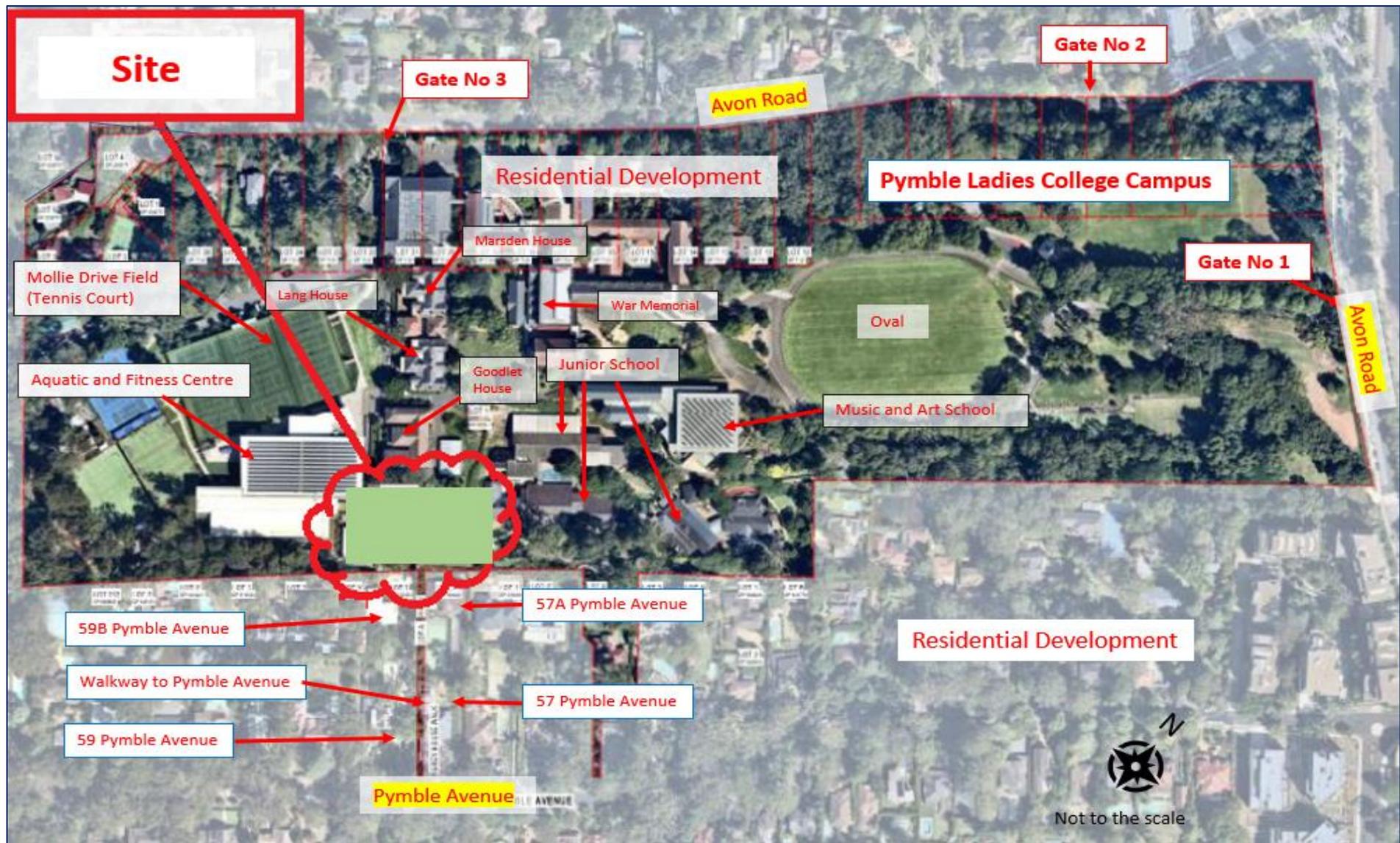


Figure 3 | The site and existing buildings within PLC campus (Source: Nearmap 2022)

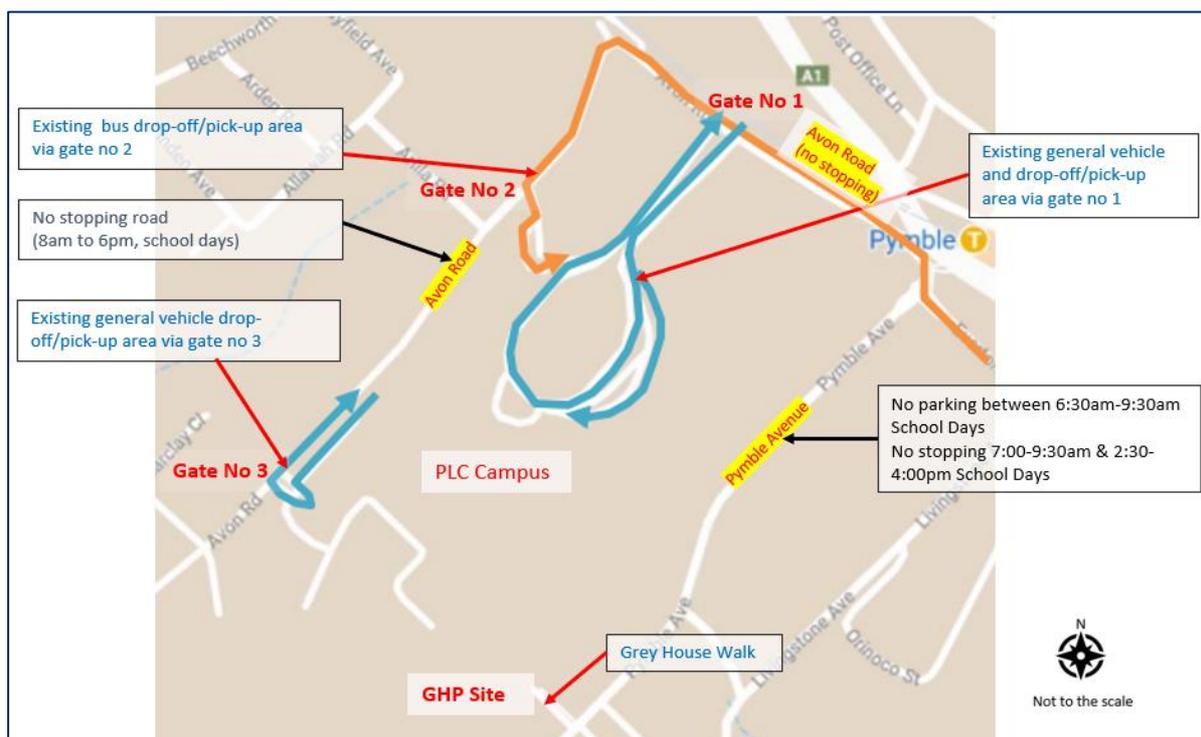
1.2.7 The PLC campus accommodates 2259 students including 120 boarders, and 400 staff. The operating hours of the PLC campus including co-curricular activities are between 6:30am – 6:30pm (weekdays) and 7am – 12pm on Saturdays.

### Existing car parking, access, and DOPU facilities

1.2.8 The PLC campus has three main vehicle access points for general vehicles, buses, service vehicles and emergency vehicles, being Gates 1 (Marden Gates), 2 and 3. Vehicle/pedestrian access is via separate ingress and egress driveways on the northern and western side of Avon Road. The main vehicular/pedestrian gated entry is via Avon Road with a secondary pedestrian pathway, referred to as Grey House Walk, located between privately owned properties at 57/57A and 59 Pymble Avenue, connecting the road with the PLC campus (**Figure 3**).

1.2.9 The PLC campus currently provides 548 on-site car parking spaces throughout the campus, for staff and visitors. The school does not allow students to park within the PLC campus.

1.2.10 The campus has several drop-off/pick-up (DOPU) areas accessible via Gates 1 and 3 and identified in **Figures 3** and **4**. Gate 2 is used for school bus DOPU shown in **Figure 4**. DOPU is not allowed on surrounding roads which have “No Stopping” and “No Parking” zones along Avon Road and Pymble Avenue.



**Figure 4 | Existing route of DOPU and on street parking (Source: Applicant’s RtS 2022)**

### The site

1.2.11 The site occupies a total area of approximately 0.3ha, located at the central south-eastern side of the PLC campus within Lot 1 DP 69541. It currently accommodates temporary demountable buildings, a lawn area, pedestrian paths and trees.

1.2.12 Photos of the campus and the site are provided in **Figures 5** to **9**.



**Figure 5 |** Grey House Walkway from Pymble avenue to the site (Source: Department 2022)



**Figure 6 |** View of oval (Source: Department 2022)



**Figure 7 |** The site (works done under separate planning pathway) (Source: Department 2022)



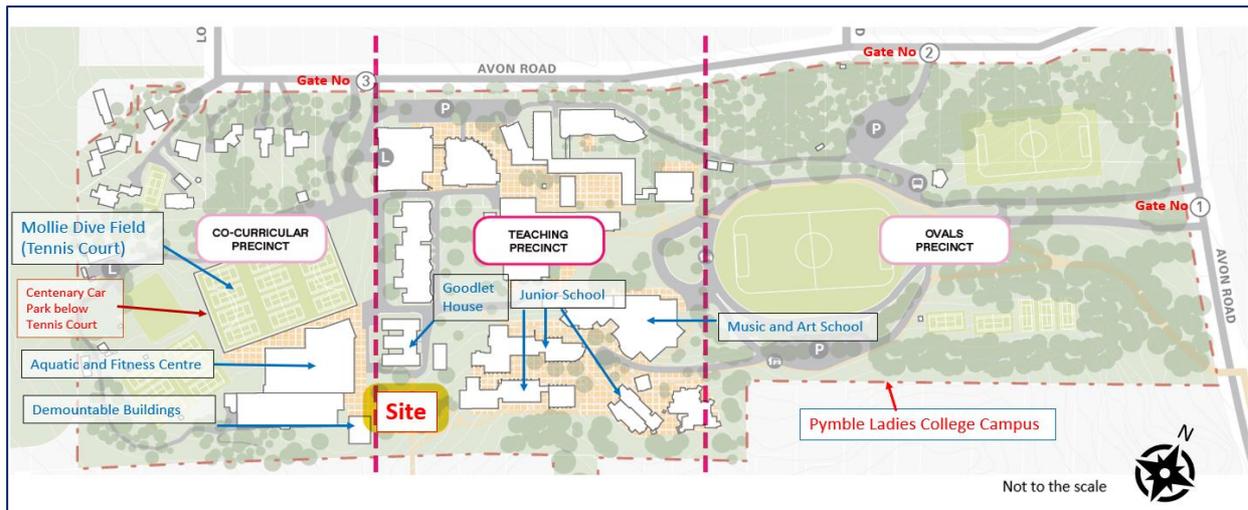
**Figure 8** | Views of Jeanette Buckham centre adjoining the AFC (Source: Department 2022)



**Figure 9** | Views of demountable buildings adjoining the site (Source: Department 2022)

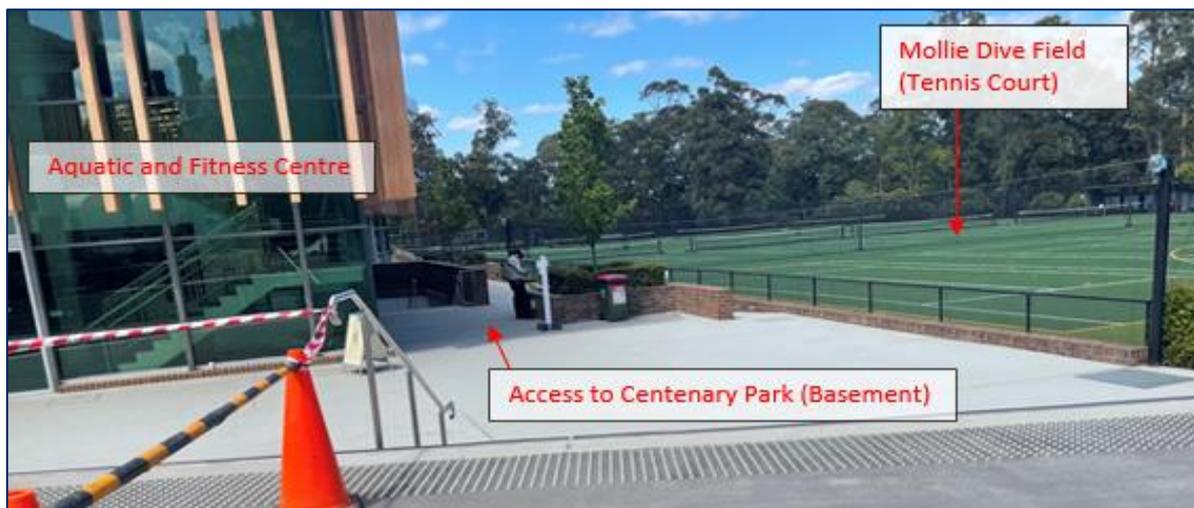
### **1.3 PLC masterplan, Aquatic and Fitness Centre, and Centenary Car Park**

1.3.1 The Applicant has advised that a concept masterplan (Masterplan) has been developed for on-going development of the PLC campus facilities over four stages. The staging of the Masterplan is discussed in **Section 1.6**. The Applicant's EIS indicates that the Masterplan comprises three functional core areas, being co-curricular, teaching, and ovals precincts, as identified in **Figure 10**.



**Figure 10 | PLC Masterplan (Source: Applicant's EIS 2021)**

- 1.3.2 The Applicant has advised the Masterplan did not allocate any specific use for the site.
- 1.3.3 Department's Assessment Report for the Approved Concept Proposal SSD-5314, states that Phase 1 of the Masterplan comprised the campus vision for 1998-2007 and included preliminary external and internal road works approved by Ku-ring-gai City Council.
- 1.3.4 In July 2013, SSD-5314 approved Phase 2 of the Masterplan, which included construction of the AFC immediately south of the site. The AFC has been constructed and is operational.
- 1.3.5 The Applicant's EIS states that the AFC currently uses 124 car spaces including 10 staff parking spaces which are located at the basement level of the Mollie Dive Field. This basement level car park is referred to as the Centenary Car Park, accessed from Gate No. 3.
- 1.3.6 Photos of the AFC, existing connections and Centenary Car Park are provided in **Figure 11 - 14**.



**Figure 11 | The AFC, tennis courts, and connection to the car park (Source: Department 2022)**



Figure 12 | Connection between the site and AFC (Source: Department 2022)



Figure 13 | Centenary Car Park (Source: Department 2022)



Figure 14 | Views of Mollie Dive Field tennis courts (Source: Department 2022)

**1.4 Surrounding developments**

1.4.1 The site is surrounded by the AFC to the south, the Goodlet House to the west, junior school buildings to the north and a low-density residential area to the east.

- 1.4.2 The surrounding developments on the eastern side comprise primarily detached dwelling houses with gardens fronting Pymble Avenue.
- 1.4.3 The PLC campus is located near the Pacific Highway and the northern railway corridor. Five storey residential flat buildings are located along the Avon Road frontages, near Pymble Rail Station and adjoining the PLC campus to the north and west.
- 1.4.4 The surrounding developments and low-density areas adjoining the site are identified in **Figures 15 – 17.**



**Figure 15 | Avon Road streetscape (Source: Department 2022)**



**Figure 16 | Pymble Avenue streetscape near the Grey House walkway (Source: Department 2022)**



**Figure 17 |** View of adjoining dwelling from the site (Source: Department 2022)

## **1.5 Existing public transport**

- 1.5.1 Pymble Rail Station is 350m north of the PLC campus, and walking distance from the site. The station is located on the T1 North Shore, northern & western line which provide connection to Hornsby in the north and Sydney central via Chatswood to the south.
- 1.5.2 The PLC campus is connected with public and private bus services. Existing bus stops are located along Pacific Highway, connecting to Macquarie University and Hornsby. PLC also provides five privately operated bus services along five routes for students between 9am and 3.30pm on school days.
- 1.5.3 The PLC campus is accessible via the established road network, being near the Pacific Highway at its intersection with Ryde Road/Mona Vale Road.

## **1.6 Related development**

- 1.6.1 In July 2013, the Department approved the Concept Proposal and Stage 1 (SSD-5314) for Phase 2 of the PLC campus Masterplan (Approved Concept Proposal). The Approved Concept Proposal proposed building envelopes for various buildings, to be constructed in four stages:

### *Stage 1*

- demolition of existing swimming pool and construction of AFC
- minor upgrade of an existing building, landscaping and utilities.

### *Stage 2*

- raising Mollie Dive Field and provision of car parking below for 232 vehicles.
- reducing the capacity of an existing car park from 57 spaces to 36 spaces.
- landscaping and tree removal.

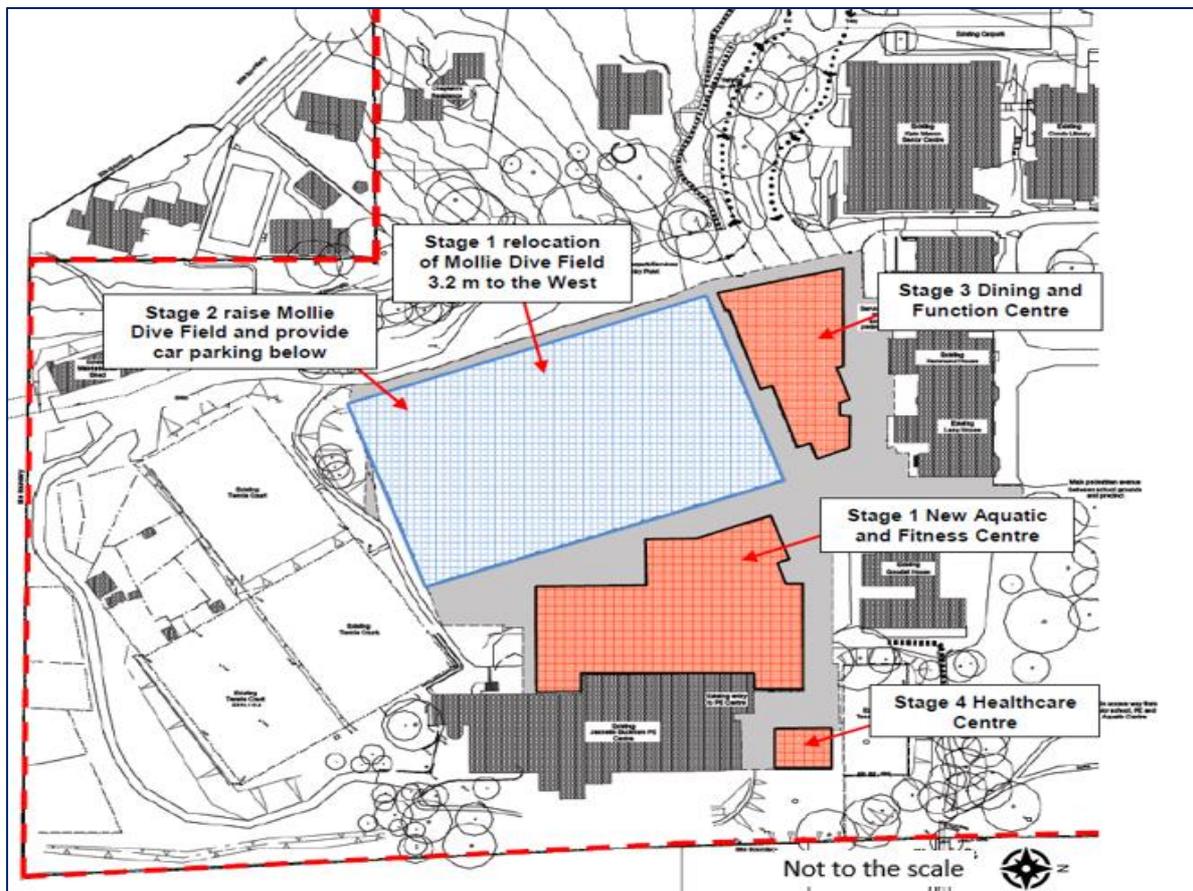
### *Stage 3*

- removal of an existing 15 space car park.
- construction of a new Dining and Function Centre Building with landscaping.

### *Stage 4*

- construction of a new two storey Healthcare Centre Building with landscaping.

1.6.2 It also involved construction works for Stages 1 and 2 including the AFC connected to the existing Jeanette Buckham Centre, raising of the Mollie Dive Field and construction of the car park with 232 vehicles. **Figure 18** identifies the approved development under SSD-5314.



**Figure 18** | Approved development under SSD-5314 (Source: Approved plans SSD-5314)

1.6.3 The AFC has been built and is operational (Stage 1). The Centenary Car Park and raising of the Mollie Dive tennis courts have also been completed (Stage 2). The Applicant has advised that the Dining and Function Centre, and Healthcare Centre buildings (Stages 3 and 4 of the Approved Concept Proposal) have not been progressed. The Applicant does not intend to complete the remaining stages of the Approved Concept Proposal.

## 1.7 Existing community use

1.6.4 PLC currently provides a wide range of community facilities and services that are accessible to the broader community. These include the following:

- use of the AFC for swimming carnivals for other local schools, learn-to-swim, and water polo competitions.
- sports facilities for local sports groups.
- chapel, for special services.
- theatre within Music and Art School extended to the local community for events.

## 2 Proposal

### 2.1 Key Components

2.1.1 The key components and features of the proposal as detailed in the Environmental Impact Statement (EIS) and amended in the Response to Submissions (RtS) and supplementary RtS (SRtS), are provided in **Tables 1** and **2** and shown in **Figures 19 – 21**.

**Table 1** | Key components of the proposal

Aspect	Description
<b>Project summary</b>	<ul style="list-style-type: none"><li>• GHP development involving demolition of existing structures and construction of a new four-five-storey building accommodating:<ul style="list-style-type: none"><li>○ classrooms, laboratories, health and wellbeing facilities, a dance academy and out-of-school-hours care facilities for the existing school students.</li><li>○ new early learning centre for 90 additional children.</li></ul></li><li>• Associated landscaping works.</li></ul>
<b>Demolition</b>	<ul style="list-style-type: none"><li>• Two existing demountable classrooms.</li></ul>
<b>Built form</b>	<ul style="list-style-type: none"><li>• Construction of a four-five storey building comprising:<ul style="list-style-type: none"><li>○ junior school classrooms (years 5 and 6).</li><li>○ science, technology engineering and mathematics (STEM) laboratories.</li><li>○ health and wellbeing facilities (consulting rooms/wards).</li><li>○ a dance academy.</li><li>○ out-of-school-hours care (OSHC).</li><li>○ a new early learning centre (ELC) for 90 children.</li><li>○ outdoor learning spaces for existing students.</li><li>○ covered outdoor learning area (COLA).</li></ul></li></ul>
<b>Site area</b>	<ul style="list-style-type: none"><li>• PLC campus: 20ha.</li><li>• Site: 3ha.</li></ul>
<b>Gross floor area</b>	<ul style="list-style-type: none"><li>• 5837 square meters (m<sup>2</sup>).</li></ul>
<b>Building height</b>	<ul style="list-style-type: none"><li>• 20.6m.</li></ul>

<b>Landscaping</b>	<ul style="list-style-type: none"> <li>• Removal of 29 trees.</li> <li>• Planting 37 trees.</li> <li>• Landscaped areas with outdoor learning spaces and COLA.</li> </ul>
<b>Car parking and DOPU</b>	<ul style="list-style-type: none"> <li>• Use of 38 existing car parking spaces, including one accessible space, within the Centenary Car Park.</li> </ul>
<b>Hour of operation</b>	<ul style="list-style-type: none"> <li>• Junior school: 7:30am-5:30pm, Monday to Friday.</li> <li>• STEM: 7:30am-5:30pm, Monday to Friday.</li> <li>• health and wellbeing centre: 7:30am-7pm.</li> <li>• dance academy: 6:30am-8am and 3pm-6:30pm Monday to Friday, and 7am-12pm Saturdays.</li> <li>• OSHC: 6:45am-8am and 3pm-7pm Monday to Friday and holiday program: 7:30am-6pm Monday to Friday.</li> <li>• New ELC: 7am-6:30pm Monday to Friday.</li> </ul>
<b>Students and staff capacity</b>	<ul style="list-style-type: none"> <li>• No change to existing PLC student and staff numbers.</li> <li>• 90 additional children (0-5 years) and 20 staff for ELC.</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>• 180 construction jobs.</li> <li>• 20 operational jobs.</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>• \$46,665,813.</li> </ul>

## 2.2 Physical layout and design

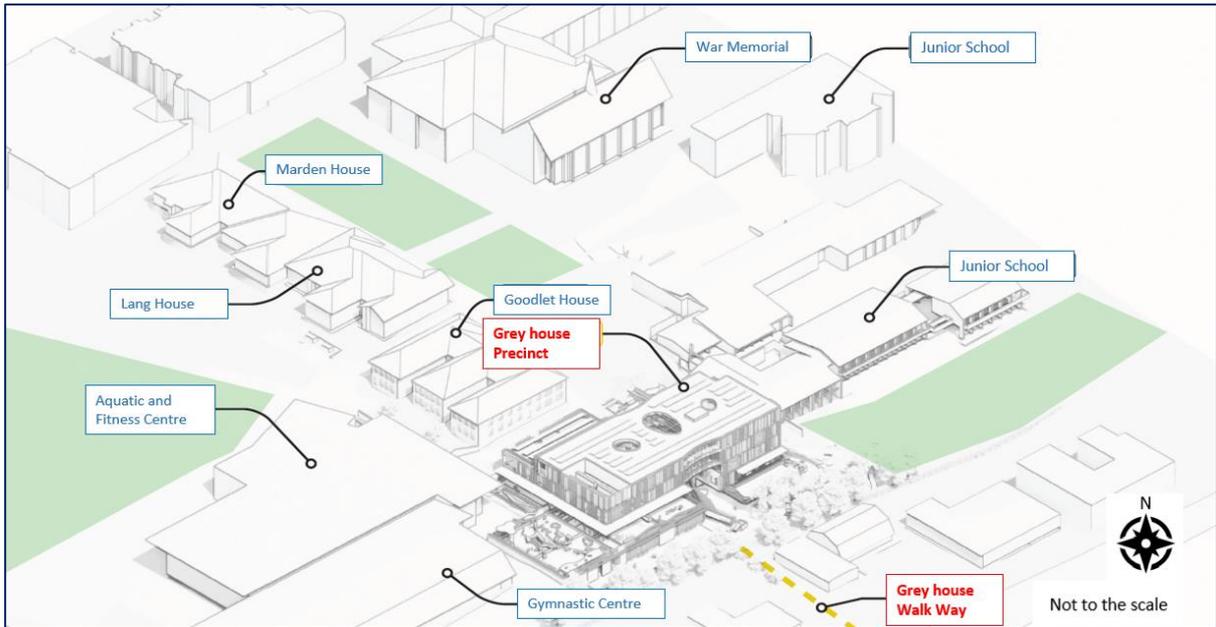
2.2.1 The built form of GHP building would comprise one building up to four-five storeys, stepping down the slope in accordance with the natural topography of the land.

2.2.2 The new four-five storey building would create improved and modern teaching spaces for existing students and accommodate an additional 90 ELC children. Given the topography, the two lower floors would be partly submerged creating a large podium on the southern and eastern sides at Level 2. The upper floors are proposed to be recessed above the podium, to allow the stepping of the built form to the south and east.

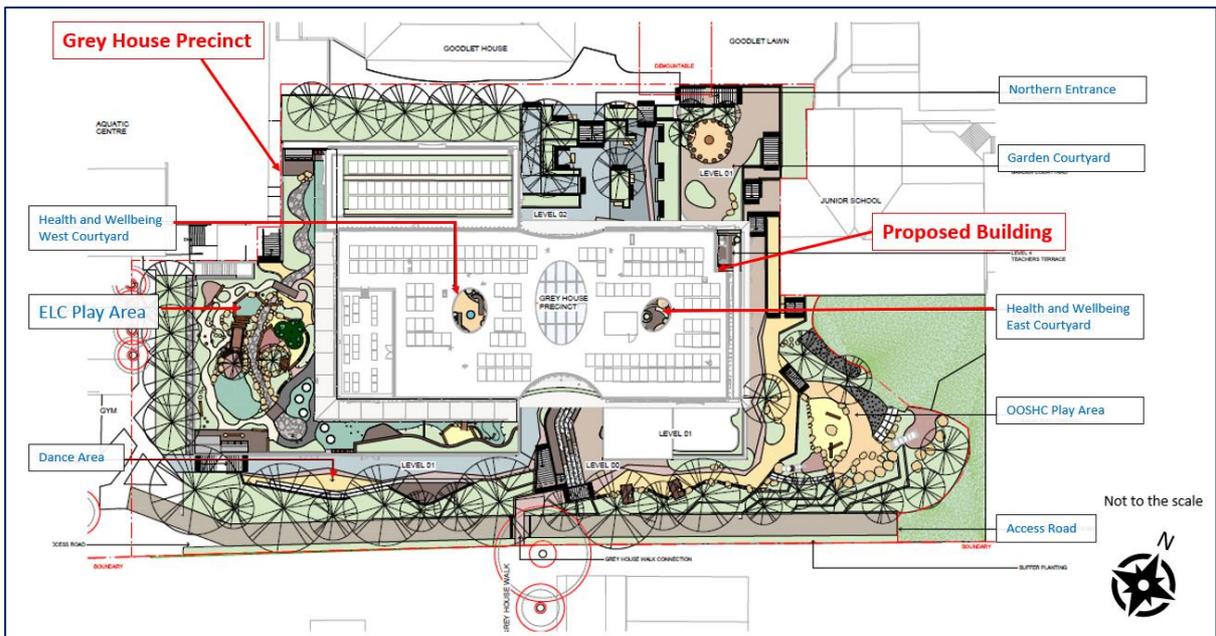
2.2.3 The outdoor spaces would be provided at ground level and on upper-level courtyards/terraces.

2.2.4 A variety of landscaped spaces are proposed to complement the built form of the site, discussed in **Section 6**. A pedestrian accessway is proposed along the south-eastern boundary connecting the GHP building with surrounding buildings to the south.

2.2.5 The site layout, perspective views, massing, and landscaping of the proposed development are provided below from **Figures 19 – 21**.



**Figure 19 |** Built form and massing in the context of existing buildings (Source: Applicant's EIS 2021)



**Figure 20 |** The site layout (Source: Applicant's RtS 2022)



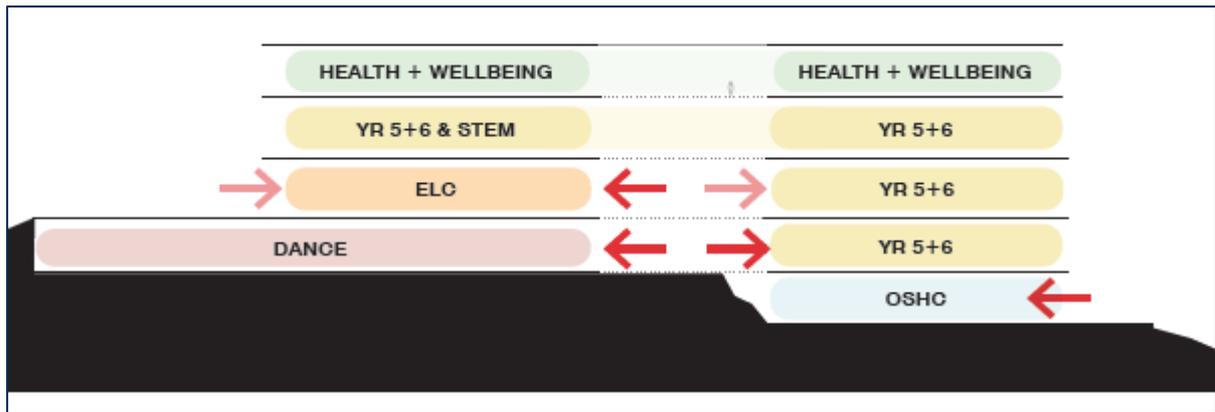
**Figure 21** | Perspective view of the proposed building (Source: Applicant's RtS 2022)

**2.3 Building components**

2.3.1 The components of the GHP building along with the various uses on each floor are identified in **Table 2** and in **Figure 22**.

**Table 2** | Key components

Development component	Uses
Ground Level (Level 0)	<ul style="list-style-type: none"> <li>• COLA.</li> <li>• OSHC.</li> <li>• shared amenities and services.</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>• dance academy and art studio.</li> <li>• junior school classrooms and COLA.</li> <li>• shared amenities/services/ circulation.</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>• ELC.</li> <li>• junior school classrooms.</li> <li>• shared amenities/services/ circulation.</li> <li>• outdoor learning space</li> </ul>
Level 3	<ul style="list-style-type: none"> <li>• junior school classrooms and STEM laboratories.</li> <li>• shared amenities/services/ circulation/staff rooms and atrium.</li> </ul>
Level 4 •	<ul style="list-style-type: none"> <li>• health and wellbeing centre.</li> <li>• shared amenities/services/ circulation/atrium and courtyards.</li> </ul>



**Figure 22 |** Arrangement of uses (Source: Applicant’s EIS 2021)

2.3.2 The components of the development are discussed below and identified in **Figures 23 - 31**.

### Out-of-school-hours care (OSHC)

2.3.3 The proposed OSHC would be located at the ground level of the GHP building and accommodate up to 120 students, in addition to the existing OHSC within the site. The OSHC includes a separate hall, dining, kitchen, movie room and amenities (**Figure 23**). This area is proposed to also be used during the holidays for vacation care.

### Dance academy

2.3.4 The dance academy is proposed on Level 1 (**Figure 24**) and situated mostly underground on the south-western side of the building, following the natural slope of the land. A total of six dance studios are proposed to be dedicated for rehearsal and performance spaces.

2.3.5 Existing staff would manage the dance studios, which would comprise meeting rooms, physiotherapy and amenities including five change rooms. An external area is also proposed on the eastern part of the building catering to the dance studios.

### Early Learning Centre (ELC)

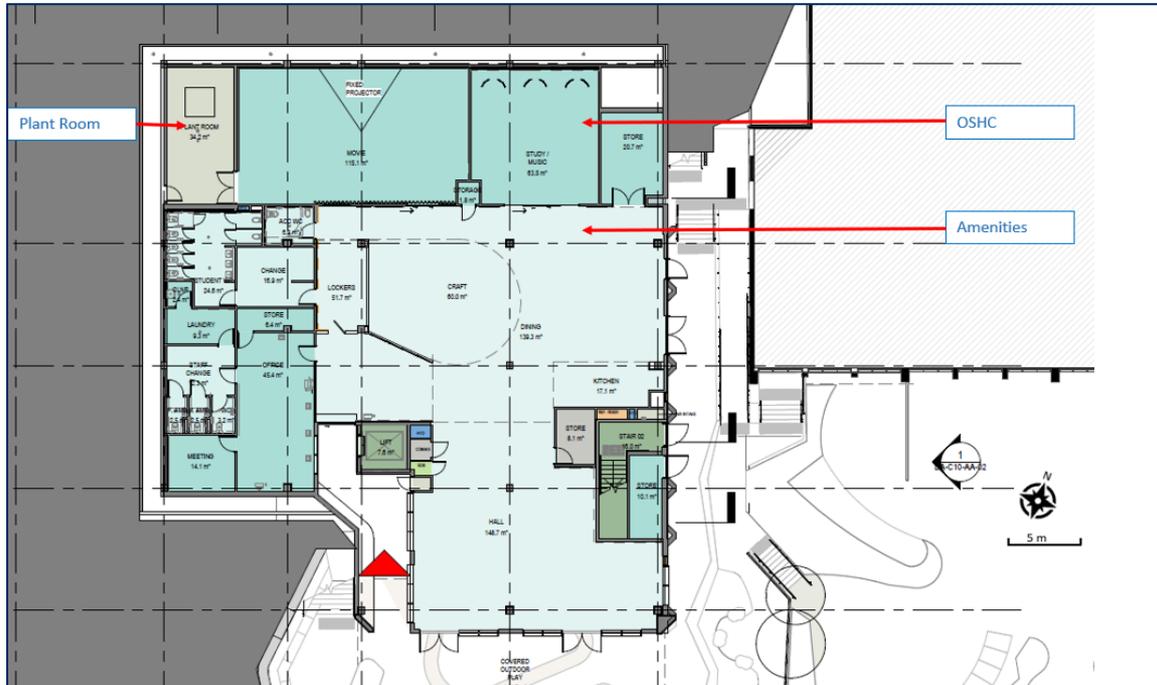
2.3.6 The proposed development would accommodate a new ELC for 90 children (0-5 years) located on Level 2. The ELC would include a central indoor play area, amenities, staff room, offices, and kitchen. The total indoor floor area of the new ELC would be 710m<sup>2</sup>. The outdoor play area for the ELC is proposed on a podium and would wrap around the southern and eastern facades of the GHP building. The outdoor area would include a combination of covered and open play areas (**Figure 25**).

### Junior school

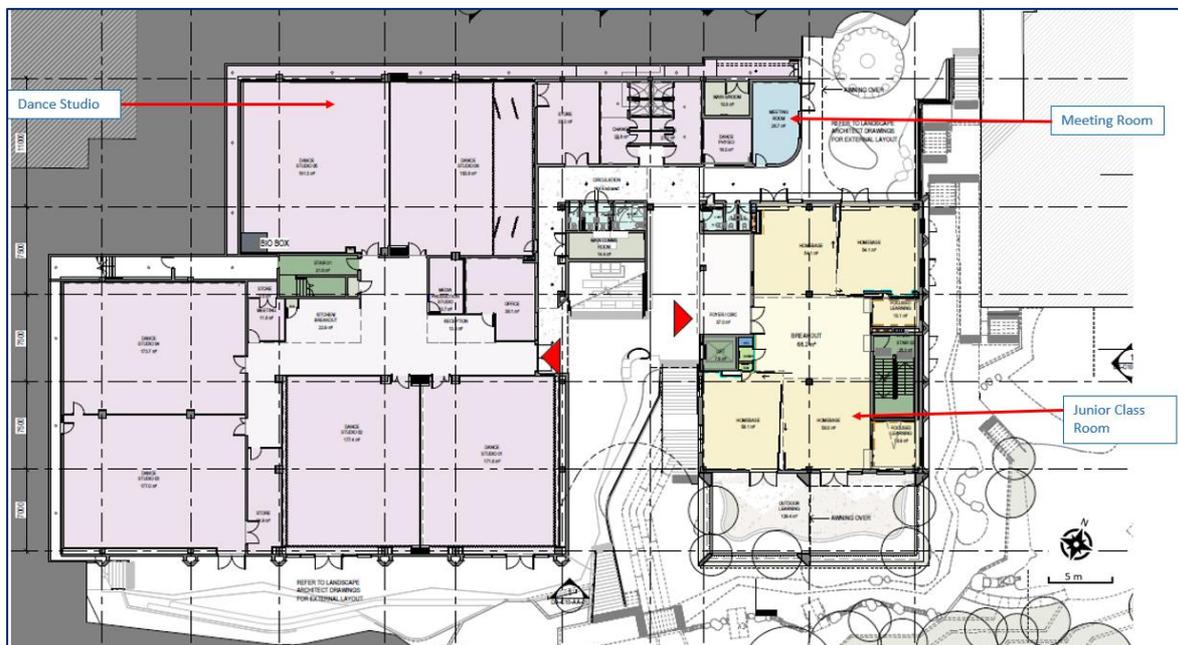
2.3.7 Junior classrooms would be located on Levels 1, 2 and 3 of the GHP building. Year 5 classrooms are proposed to be split over two levels (Levels 1 and 2) of the eastern side, and year 6 classrooms would be situated over both the western and eastern sides at level 3. These classrooms are designed to ensure flexibility and collaborative learning. The junior school components would also include STEM laboratories, change rooms, and COLAs. A staff room and office would be located at Level 3 (**Figures 24, 25 and 26**).

## Health and wellbeing centre

2.3.8 The new health and wellbeing centre is proposed on Level 4 and would include psychologist consulting rooms, retreat areas, outdoor courtyards, and a staff room with open balcony. The health and wellbeing centre is identified in **Figure 27**.



**Figure 23** | Level 0 - OSHC (Source: Applicant's RtS 2022)



**Figure 24** | Level 1 - Dance academy and junior school (Source: Applicant's RtS 2022)





Figure 27 | Level 4 – health and wellbeing centre (Source: Applicant’s RtS 2022)

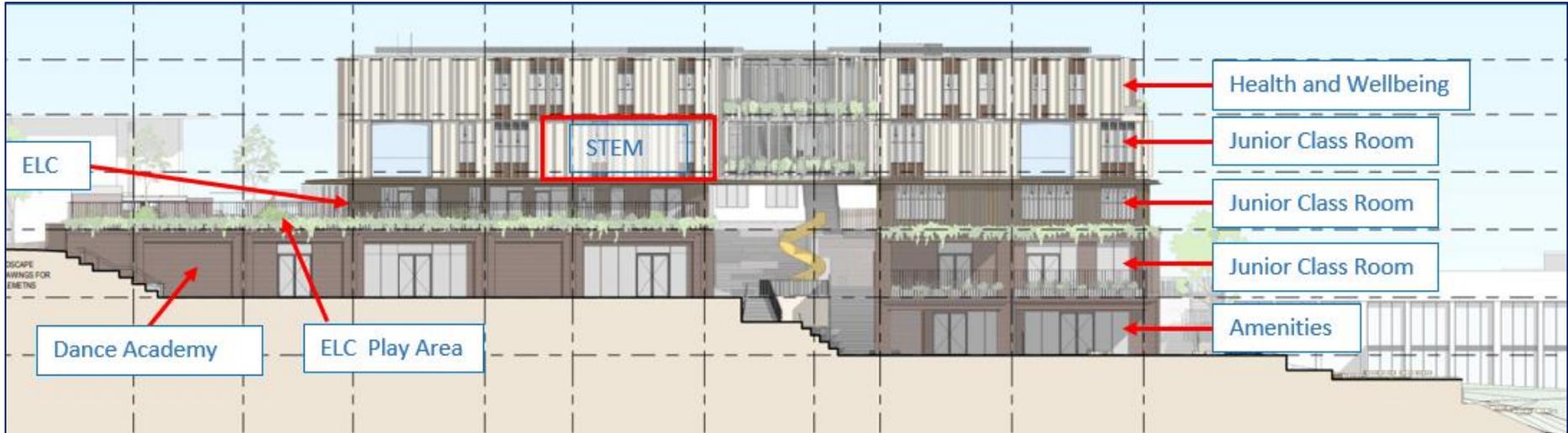


Figure 28 | South-east elevation of the proposed building (Source: Applicant's RtS 2022)



Figure 29 | North-east elevation of the proposed building (Source: Applicant's RtS 2022)

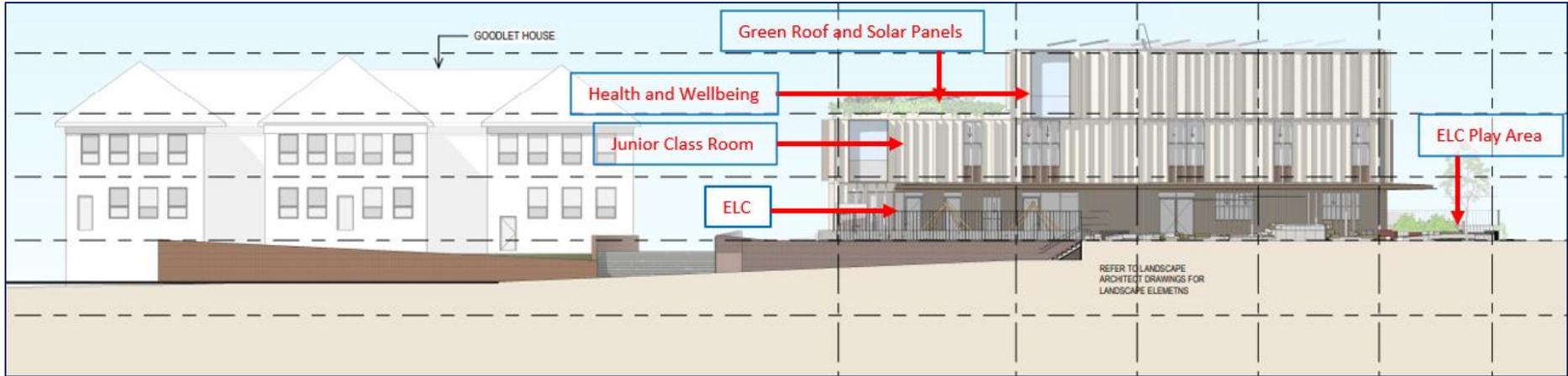


Figure 30 | South-west elevation of the proposed building (Source: Applicant's RtS 2022)

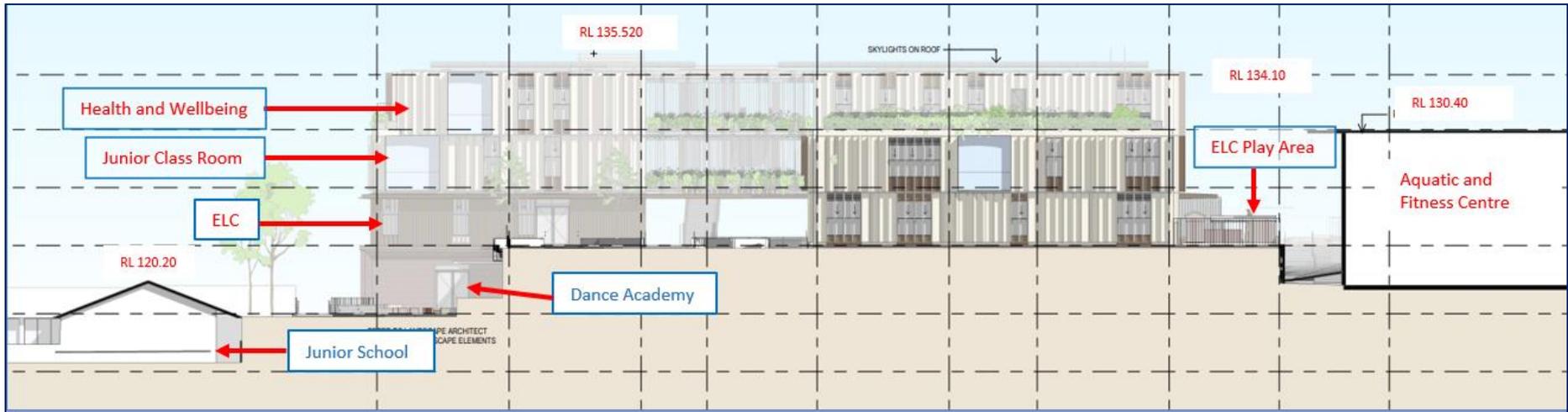


Figure 31 | North-west elevation of the proposed building (Source: Applicant's RtS 2022)

## 2.4 Uses and activities

- 2.4.1 The proposal would continue the use of the site as a school with upgraded facilities, retaining the existing students. The proposal would result in 90 additional children and 20 additional staff members for the ELC.
- 2.4.2 The hours of operation are set out in **Table 1**. As discussed in **Section 1**, the PLC campus currently includes community use. The proposed development would provide additional uses including use of the:
- dance academy by the community including local schools.
  - OSHC components by the community.

## 2.5 Timing and construction management

- 2.5.1 GHP construction would be undertaken in three stages over the duration of 21 months. The construction stages are described below:
- Stage 1 – demolition and enabling works including relocation of existing buildings, relocation of existing services.
  - Stage 2 – construction works including site mobilisation, earthworks, structures, roofing, façade, main services, lifts, finishes.
  - Stage 3 - external works including civil works, hard landscaping and soft landscaping.

The Applicant has advised that stormwater diversion works, and the construction of an electrical substation would be undertaken concurrently, under separate planning pathways.

## 2.6 Modification of SSD-5314 – Approved Concept Proposal

- 2.6.1 The envelope of the Healthcare Centre, authorised by the Approved Concept Proposal and Stage 1 works (SSD-5314) (Development Consent SSD-5314), would partly overlap on the proposed GHP building footprint under this SSD application. This is mainly the dance studios on the western side of the GHP building. To remove this inconsistency between the Development Consent SSD-5314 and the current SSD application, the Applicant has submitted a notice to the consent authority to modify the Development Consent SSD-5314 pursuant to section 67 of the EP&A Reg.
- 2.6.2 The Applicant's notice requested several modifications to certain conditions of the Development Consent SSD-5314 to:
- remove the envelope for the Healthcare Centre (which is currently authorised in Stage 4 of the Development Consent SSD-5314).
  - delete any references to Stage 4 of the Development Consent SSD-5314 as the Applicant does not intend to carry out any of the authorised works in Stage 4.
- 2.6.3 The Applicant's request to modify Development Consent SSD-5314 also forms part of this assessment report and is detailed in **Sections 4.5, 5.8 and 6.5** of this report.

## 3 Strategic context

### 3.1 Project need and justification

- 3.1.1 The Applicant has advised the proposal would provide modern teaching and learning facilities to support the ongoing evolution of PLC. The proposal is key to enabling PLC to continue promoting educational excellence by replacing demountable spaces with upgraded facilities.
- 3.1.2 The ELC would provide a service for existing staffs families by accommodating their children, as well as the community by proposing a childcare centre in the locality.
- 3.1.3 The Department agrees with the Applicant that the proposal would result in contemporary teaching facilities within the campus and provide an added facility for the staff and the community in the ELC.

### 3.2 Strategic context

- 3.2.1 The Department considers that the proposal is appropriate for the site given it is consistent with the:
  - Greater Sydney Regional Plan, A Metropolis of Three Cities, as it proposes new and upgraded school facilities to meet the needs of the future students.
  - Greater Sydney Commission's North City District Plan, as it would provide much needed school infrastructure and opportunities to co-share facilities with the local community.
  - NSW Future Transport Strategy 2056, as it would provide upgraded educational facility in an accessible location.
  - State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it would provide new school facilities to support the growth in demand for primary student enrolments and integrate school and community facilities.
  - provide direct investment in the region of approximately \$46 million, and support 200 construction jobs and 32 new operational jobs.

## 4 Statutory Context

### 4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development for the purpose of an educational establishment comprising alterations or additions to an existing school, with a CIV of more than \$20 million, defined under clause 15(2) of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as was in force at the time of the lodgement of the application.
- 4.1.2 Clause 8(2) of the SRD SEPP provisions confirms that where a single proposed development, in this instance the school component, is the subject of one development application and comprises development that is only partly State significant development under subclause 8(1), the remainder of the development is also declared to be State significant development.
- 4.1.3 The proposed ELC does not constitute SSD by itself. However, in this case it is sufficiently related to the school, so the entire development is considered SSD.

### 4.2 Consent authority

- 4.2.1 In accordance with section 4.5 of the EP&A Act and section 2.7 of the State Environmental Planning Policy (Planning System) 2021 (formerly Clause 8A of SRD SEPP), the Independent Planning Commission (the Commission) is declared the consent authority for the application, as Ku-ring-gai Council objected to the development.
- 4.2.2 Council initially provided comments during EIS exhibition. However, following the close of exhibition, Council advised that the submission was lodged on the Department's portal in error as comment and that it should be amended to be an objection. The Department accepted Council's request.

### 4.3 Permissibility

- 4.3.1 The site is in zone SP2 Infrastructure (Educational Establishment) under the Ku-ring-gai Local Environmental Plan 2015 (KLEP). Education establishments are permissible with consent within the zone.
- 4.3.2 The proposed childcare centre would cater for the school community and is ancillary to the use of the site as an educational establishment. Therefore, the development is permissible within the zone.
- 4.3.3 Therefore, the Commission may determine the carrying out of the development.

### 4.4 Other approvals

- 4.4.1 Under section 4.41 EP&A Act, other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained.
- 4.4.2 Under section 4.42 EP&A Act, further approvals are required but must be substantially consistent with any development consent for the proposal (e.g., approvals for any works under the *Roads Act 1993*).

4.4.3 The Department has consulted with relevant Government agencies and the Council 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 D**).

#### **4.5 Modification to the Approved Concept Proposal**

4.5.1 As discussed in Section 2.6, the Applicant has lodged a notice under section 4.17(5) of the EP&A Act requesting modification to the development consent for the Approved Concept Proposal to remove any inconsistencies between SSD-5314 and the current SSD application.

4.5.2 Pursuant to Section 4.17(1) and (5) of the EP&A Act, the Commission (being the consent authority) can impose conditions to resolve any inconsistencies between the two SSD applications.

4.5.3 Clause 67 of the Environmental Planning and Assessment Regulations 2021 (NSW) (EP&A Reg) sets out the requirements for the modification or the surrender of a consent as referred to in section 4.17(5) of the EP&A Act. The Applicant has lodged a notice requesting modification of the Approved Concept Proposal, pursuant to clause 67 of the EP&A Reg. The notice includes details of the conditions that are required to be deleted and/or amended to ensure that the Healthcare Centre envelope and any reference to Stage 4 of the Approved Concept Proposal are removed from the development consent of SSD-5314.

4.5.4 The notice is attached in **Appendix E**. To ensure no inconsistencies between the two SSD approvals, the Commission would be required to accept the notice in accordance with clause 67(3) of the EP&A Reg. A copy of the draft notice of acceptance is presented in **Appendix E**.

4.5.5 The Department considers that this SSD application cannot be determined without the modification to the Approved Concept Proposal.

#### **4.6 Mandatory Matters for Consideration**

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

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

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

## Environmental planning instruments

- 4.6.3 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 proposal.
- 4.6.4 Since submission of the EIS, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, except SEPP (Housing) 2021, which commenced on 26 November 2021.
- 4.6.5 The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the EIS was submitted.
- 4.6.6 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.

## Objects of the EP&A Act

- 4.6.7 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 3**.

**Table 3** | 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 is suitable for continued use as an educational establishment. The development 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), described below.

Objects of the EP&A Act	Consideration
(c) to promote the orderly and economic use and development of land,	<p>The proposal is consistent with the Masterplan for the site.</p> <p>The development would meet the objectives of the zones and deliver improved facilities for education infrastructure for the area. The development would economically serve the community through jobs and infrastructure investment.</p>
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The 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 ( <b>Section 6</b> and <b>Appendix D</b> ).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Applicant submitted an Aboriginal Cultural Heritage Assessment Report (ACHAR) and a Historical Archaeological Assessment. The proposed development is not anticipated to result in unacceptable impacts on built and cultural heritage, including Aboriginal cultural heritage ( <b>Section 6.5</b> ).
(g) to promote good design and amenity of the built environment,	The proposal would promote good design and amenity of the built environment ( <b>Section 6.2</b> ).
(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 ( <b>Section 5</b> ), which included consultation with Council and Government agencies and consideration of their responses ( <b>Sections 5</b> and <b>6</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal, as outlined in <b>Section 5</b> , which included notifying

adjoining landowners and displaying the proposal on the Department's website.

### Ecologically sustainable development (ESD)

- 4.6.8 The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:
- the precautionary principle.
  - inter-generational equity.
  - conservation of biological diversity and ecological integrity.
  - improved valuation, pricing and incentive mechanisms.
- 4.6.9 The Applicant's EIS stated that the Green Building Council of Australia's Green Star design & as built v1.3 rating scheme is the most appropriate reference ESD tool for this development, being equivalent to the 5-star Green Star design.
- The development targets ESD measures that would achieve an outcome equivalent to the 5-star Green Star rating. These include: on-site renewable energy and improved energy efficiency across the building.
  - water reuse reduced potable water demand, and improved stormwater quality.
  - improved indoor air quality, maximised daylight, and comfortable amenities through improved indoor environmental quality features.
  - material selection to reduce embodied energy and focus on natural products with biophilic qualities.
  - 100% electric building services design including for Heating Ventilation and Air Conditioning (HVAC) and domestic hot water production.
- 4.6.10 The Department has considered the Applicant's ESD report. 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.
- 4.6.11 The Applicant is targeting an outcome equivalent to the 5-Star Green Star rating and has provided a table in the ESD report which compares the recommended measures and outcomes against the 5-star Green Star rating scheme.
- 4.6.12 During the EIS exhibition and following submission of the RtS, Ku-ring-gai Council objected to the development based on ESD and commented that the Department should require the Applicant to target a 5-star Green Star rating rather than any other equivalent pathway.
- 4.6.13 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 equivalent 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. While the Department notes Council's concerns, it considers that an equivalent pathway to a Green-Star rating is possible if sufficiently justified. Should the Applicant wish to proceed via an equivalent pathway which would achieve a similar outcome, it can be reassessed and if considered satisfactory, can be implemented (post approval of the development).

4.6.14 Subject to the implementation of this condition, the proposed development would be consistent with ESD principles as described in the Applicant's EIS. The EIS was prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), as was in force prior to lodgment of the application. Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives encourage ESD, in accordance with the objects of the EP&A Act.

**Environmental Planning and Assessment Regulation 2000**

4.6.15 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.

**Planning Secretary's Environmental Assessment Requirements**

4.6.16 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.

**Section 4.15(1) matters for consideration**

4.6.17 **Table 4** 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 4 | Section 4.15(1) matters for consideration**

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in <b>Appendix B</b> .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in <b>Appendix B</b> .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, Council's DCPs do not apply to SSD. Despite this, consideration has been given to relevant DCPs in <b>Section 6</b> .
(a)(iiia) any planning agreement	Not applicable.

(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposal have been appropriately mitigated or conditioned ( <b>Section 6</b> ).
(c) the suitability of the site for the development	The site is suitable for the development ( <b>Sections 4, 5 and 6</b> ).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period ( <b>Sections 5 and 6</b> ).
(e) the public interest	See <b>Section 6</b> .

## 4.7 Biodiversity Development Assessment Report

- 4.7.1 Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD 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.
- 4.7.2 The EIS included a BDAR, updated in the RtS, to address issues raised by the Environment and Heritage Group. The BDAR included assessment of two disturbance areas of the project including the entire the proposed building footprint and accessway to the proposed building.
- 4.7.3 The BDAR and the overall impact of the proposal on biodiversity values is assessed in **Section 6.4**.

## 5 Engagement

### 5.1 Department’s engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 9 November until 6 December 2021. The application was published on the Department’s website, and the Department notified adjoining landholders and relevant state and local government authorities in writing.
- 5.1.2 During exhibition, the Department received 127 public submissions (including 124 objections), one submission from Ku-ring-Gai Council (Council), and advice from seven Government agencies.
- 5.1.3 Council initially submitted a submission by way of comments on the EIS during the exhibition period. However, on 6 June 2022, Council formally confirmed that it objected to the development and that the “comments” on the Department’s website was an administrative error.
- 5.1.4 On 13 December 2021, Department representatives visited the site to inform the assessment of the proposal.
- 5.1.5 The Department has considered the comments and objections raised in the submissions and the Government agency advice during the assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

### 5.2 Summary of submissions

- 5.2.1 A summary of public and Council’s submissions received is outlined in **Table 5** and copies of the submissions may be viewed at **Appendix A**.

**Table 5 | Summary of submissions to the EIS**

Submitter	Number	Position
<b>Council</b>		
Ku-ring-gai Council (Council)	1	Object
<b>Public submissions</b>		
	120	Object
< 5 km	0	Support
	2	Comment
	4	Object
5–100 km	0	Support
	1	Comment

- 5.2.2 The Department received a total of 127 individual public submissions including comments from the Member of Ku-ring-gai, Mr. Alister Henskens MP. Of the submissions, 124 objected to the proposal. However, of the 124 objections, 85 were either duplicate or contain substantially the same text.
- 5.2.3 Therefore, in accordance with the clause 8A of the SRD SEPP, only 39 out of the 127 submissions are considered unique (not containing the same or substantially the same text) by the Department for the purpose of consideration of the provisions of Part 2.7 (6) (b) of the SRD SEPP.

### **Ku-ring-gai Council (Council) submission**

#### **5.2.4 *Overshadowing***

- the proposed development should provide 4 hours of solar access to the adjoining low-density dwellings, between 9am and 3pm, during winter solstice as required by the Ku-ring-gai Development Control Plan (KDCP).
- detailed analysis of overshadowing impacts is required to ascertain the extent of impact of the development on the adjoining developments.
- having regard to the scale of the proposal and disparity in height between the development and adjoining dwellings on Pymble Avenue, the development should follow the Land and Environment Court planning principles regarding overshadowing, which requires compliance with a DCP, an applicable EPI or Australian Model Code for Residential Development (AMCORD).
- the proposed development is excessive in height and scale at the south-eastern (rear) elevation and results in overbearing visual and overshadowing impacts upon adjoining dwelling houses.

#### **5.2.5 *Bulk and scale***

- the Apartment Design Guide (ADG) should be used as a guiding document to assess the impacts of the five-storey building on the adjoining low density residential developments.
- per the ADG, the building setbacks should be further increased at the interface of a high density and a low-density zone, to ensure visual and acoustic privacy of the neighbours.
- the above principle should be applied to the proposal and a transition should be provided in the built form to ensure that the amenity of the adjoining residents is maintained in the future.
- the proposal does not achieve the design quality principles of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) as it is excessive in bulk, height and scale and out of context with the adjoining low-density zone.
- the built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood.

- the built form should respond positively to its setting, landscape and heritage, including Aboriginal cultural heritage.

#### 5.2.6 *Traffic and parking*

- crash history on Avon Road and intersection Avon/Pymble/Everton have not been considered.
- the proposed use of the Centenary Car Park for the purpose of ELC parking and DOPU would likely conflict with the use of this car park during co-curricular activities within the AFC.
- per recent traffic studies, the AM commuter peak in the locality occurs between 7am – 8am which would coincide with the ELC operating hours. Consequently, the impact of the development on the local streets would need reassessment.
- the traffic impact assessment report has not included total numbers of college staff.
- the proposal should address the reduction of parking demand within the Centenary Car Park as presumably staff could park in their allocated spaces and walk their children to the ELC.
- the Avon Road /Pymble Avenue /Everton Road intersections should be included in the SIDRA assessment as they include key pedestrian crossings and commuter DOPU areas.
- impacts to the route between the site and the traffic signals on Pacific Highway and Beechworth Road (i.e., Avon Road /Arilla Road /Mayfield Avenue /Allawah Road /Beechworth Road) should be considered and assessed.
- the proposed gate at the entry to Grey House Walk with key card entry should be discouraged as it would prevent local students from walking along this route.
- time limited parking restrictions along Pymble Avenue near Grey House Walk cannot be supported as it would encourage parents to utilise Pymble Avenue as a DOPU.
- further detailed information is required for pedestrian networks and need investigation to determine whether any further infrastructure is required.

#### 5.2.7 *Landscaping*

- the landscape report does not provide site wide details of the proposed site planting, including location, number and species of plantings, heights of trees at maturity, and proposed canopy coverage, to contribute to objectives to increase urban tree canopy cover.
- specific information is required in relation to retaining significant trees.
- the development would result in loss of significant tree canopy within the site including trees that are healthy and of moderate to high retention value.
- the landscape package and arborist assessment do not provide evidence that opportunities to retain significant trees have been explored and/or inform the plan.
- replacement planting species comprise non-native species located at the edge of the development footprint to the west, south and north, rather than being more evenly distributed.
- wider landscaped areas and greater setback to southern boundary should be provided for the growth of matured trees, for screening, and retaining the tree canopy.

### 5.2.8 Noise

- the proposed location and uses of this building, in such proximity to residential properties, is likely to affect residential amenity.

### 5.2.9 Additional information

- further information is required to address the relevant provisions of the KDCP.
- incorrect address shown in supported documents.

### 5.2.10 Council recommended that:

- the Green Travel Plan (GTP) should include more definite targets and achievable actions.
- an Active Travel Coordinator should be considered for implementing or monitoring or evaluating travel situations.
- the target travel mode of students travelling by private buses is proposed to be increased by 1% of students each year. This should be reviewed, and a higher percentage proposed to reduce trip generation in the locality.
- the proposal should consider bicycle parking and bicycle facilities (showers/change rooms/lockers etc) to ensure sustainable transport modes are encouraged.
- a shared path or cycleway within surrounding road networks should be considered.
- further studies and exploring of alternatives are required to allow remote DOPU areas as suggested by the Applicant.
- conditions of consent should be included to restrict hours of operation of co-curricular activities/noise level at the southern boundary/use of amplified sound/outdoor play, include glazing specifications, appropriately position condensers, avoid light spills, ensure compliance of kitchen with food standards.
- conditions of consent should require the submission of an Acoustic Design Report prior to the issue of any construction certificate to ensure details of mechanical ventilation, glazing, operations etc. are addressed.

## Public Submissions

5.2.11 A summary of the public submissions is provided at **Table 6** and copies of the submissions can be viewed at **Appendix A**.

**Table 6** | Summary of public submissions to the EIS exhibition

Issue	% of Submissions
<b>Traffic and parking issues</b>	91.40
<ul style="list-style-type: none"><li>• existing illegal parking on Pymble Avenue results in traffic congestion.</li><li>• the proposed development would add further traffic congestion and increase in traffic within the locality.</li><li>• the development would cause unacceptable delays (up to 30 mins) on the road network.</li></ul>	

- the current available parking is insufficient for the number of employees and older students who drive to school.
- there is no onsite parking for older students who drive to school.
- no parking is proposed for the ELC component.
- use of Grey House walk by future students and parking on the adjoining street would affect residential amenity.
- the building should be similar to its surroundings to reduce increase of traffic.

---

**DOPU**

8.60

- the school parents and users currently use the “No Stopping” areas and driveways for DOPU and would continue doing so.

---

**Solar access**

2.30

- the proposal would adversely impact on solar access to adjoining low density residential dwellings.
- the bulk of the proposed development is not appropriate; therefore, the development would result in overshadowing impacts on adjoining properties.

---

**Building height and built form**

21.90

- proposed built form does not complement adjoining low-density developments.
- a single to two story building is appropriate for the area.
- the proposed development does not respect the zoning interface between SP2 and R2.
- the height of the building would create overshadowing impacts.
- the proposal does not comply with KDCP in terms of bulk and height.

---

**Construction noise**

10.90

- construction contractors would park on local roads and access Pymble Avenue causing disruption in the locality.
- the proposal includes inaccurate information that construction workers would use public transport.

---

**Operational noise**

6.25

- the proposal did not include operational noise assessment for outdoor area of the dance studios and ELC.

---

**Increase in student numbers**

46

- the school proposes to replace two classrooms with multiple classrooms which implies that it would lead to future increase in student numbers.
-

- the advice from the Applicant that the majority of ELC children would be staff families is not acceptable as it implies that in the absence of staff children, the ELC is not required.
- the submitted 'Schedule of Uses' outlines an additional 46 enrolments and 2 staff for year 5 and an additional 48 enrolments and 2 staff for year 6 as well as increased capacity for 30 OSHC which is contradictory to the EIS.
- there is inadequate information regarding the use of the existing OSHC facilities.
- the proposal would result in a net increase of 98 junior school population and 90 ELC children along with 15 additional staff.

---

**Heritage issue**

24.20

- the proposed development would adversely impact on surrounding heritage listed buildings and conservation areas.
- the bulk of the building is not sympathetic with surrounding heritage listed buildings.
- the proposed five-storey built form is inconsistent with the development controls within KDCP regarding heritage conservation areas.

---

**Vegetation loss**

3.90

- the proposal would result in the removal of more than 30 trees which is considered to be a significant loss of vegetation.
- the trees proposed to be removed are healthy native trees and some of them have high retention values.
- the significant loss of tree canopy would have an adverse visual impact on the locality.
- the proposal should be amended to retain existing tree canopy.

---

**Accessibility to building**

12.50

- the Centenary Car park is not suitable for ELC parking because it is far from the proposed building and also not convenient for parents with children due to stairs access.
- the elevator at the car park would only accommodate one pram at a time.

---

**Landscaping**

3.90

- the drawings do not highlight the retaining walls and fencing along the southern boundary.
- the development does not include sufficient landscape screening along the southern boundary.

---

**Contamination**

0.70

---

- further investigation of site contamination is required.

---

**Loss of property value** 3.10

- the proposed bulky building would affect the property value of the surrounding dwellings.

---

**Fire safety** 0.7

- the site is located within a bushfire prone area and children are at threat of fire.
- 

### 5.3 Summary of advice from Government agencies

5.3.1 A summary of the issues raised by the Government agencies is provided in **Table 7** and copies of the comments and submissions may be viewed at **Appendix A**.

**Table 7** | Summary of Government Agencies advice to the EIS exhibition

#### Transport for NSW (TfNSW)

---

TfNSW provided comments:

- GTP should ensure the preferred modes of travel are non-private vehicular modes
- recommended travel mode share by TfNSW should be adhered to, given the close proximity of the site to public transport.
- “Travel Plan Toolkit” should be utilised in preparing the final GTP.
- GTP should include a separate Travel Access Guide which includes separate route maps of all modes of transport; buses (private and public), rails, walking, as well as times for these public transport options.
- monitoring and review measures should be incorporated in the GTP including annual travel questionnaire surveys.
- Travel Access Guide in the GTP should include end-of trip facilities including locations of the end-of-trip facilities such as bike racks, showers, lockers and change rooms.
- GTP should be submitted to TfNSW for final endorsement.
- further detail is required on management of all the pedestrian pathways to encourage walkability.

#### Environment Protection Authority (EPA)

---

EPA did not raise any concerns regarding the proposal.

---

## Environment Heritage Group (EHG)

EHG noted that the site includes Sydney Turpentine Ironbark Forest (STIF) and Blue Gum High Forest (BHGF), both of which are identified as Critically Endangered Ecological Community (CEEC) under the BCA and provided the following comments:

- the BDAR, the Arborist Report and the EIS include inconsistent information with regard to tree removal. This should be addressed and clarified.
- the development should consider avoiding and minimising impacts on biodiversity values.
- the BDAR has not correctly identified the total impacted area for the Plant Community Types (PCT) within the site, which should be 0.06ha (including building and accessway).
- Sydney Turpentine Ironbark Forest (STIF) is listed as a CEEC and has been incorrectly identified as an EEC instead.
- further clarification is required to ascertain whether the regrowth within the PLC campus is from remnant local native vegetation or planted species (including trees, groundcover, and shrub species).
- bush regeneration of BGHF and STIF should be encouraged within the site and campus.
- justification is required to clarify why the tree loss within the accessway is considered to be a loss of 5% canopy cover.
- tree replacement ratio of 2:1 is preferable to mitigate the urban heat island effect.
- the landscape planting schedule should be revised by a qualified bush regenerator to include a diversity of local provenance native species from the relevant native vegetation communities.
- the BDAR includes insufficient documentation including:
  - lack of Biodiversity Assessment Method (BAM)-C calculations.
  - lack of consideration of BAM matters in relation serious and irreversible impacts (SAII).
  - inclusion of incorrect version of the BAM, rather than BAM 2020.
  - absence of assessment of prescribed impacts.
  - lack of legends to the maps, and digital shapefiles.
  - incorrect information regarding species generated credit.
  - incorrect consideration of extent of STIF on the site and inclusion in the PCT.
  - lack of important habitat maps for regent honeyeaters and swift parrots.
  - no identification of sensitivity to gain class of each ecosystem credit species.
  - no discussion on the timing, frequency or responsibility of mitigation measures.

EHG recommended a number of mitigation measures including seed collection prior to clearing of vegetation, pre-clearance fauna surveys, replacement nest boxes, reuse of removed tree, tree replacement by local species, consistent with the BDAR.

## Heritage Division of the Department (HNSW)

HNSW did not raise any concerns regarding the proposal.

## NSW Rural Fire Service (NSW RFS)

---

NSW RFS raised no concerns with the proposal relating to bush fire protection.

## Sydney Water

---

Sydney Water commented that:

- the proposal should demonstrate that satisfactory arrangements for drinking water, wastewater and recycled water (if required) have been made.
- the landscaping of the proposed development should not adversely impact on any existing Sydney Water asset.
- appropriate trees and landscaping should be considered so that the selected trees should not cause cracking or blockage of Sydney Water pipes.

## Sydney Trains

---

Sydney Train did not raise any concerns regarding the proposal.

The Department notes the Applicant consulted extensively with the State Design Review Panel (SDRP) prior to lodgement of the application. During EIS exhibition, Government Architect NSW (GANSW) reviewed the proposal and requested the following matters raised by the SDRP be resolved by the Applicant (prior to lodgement of the EIS):

- more rigorous consultation with traditional custodians and knowledge-holders including Denis Folly and Susan Moylan-Combs.
- use of the identified possible historic Aboriginal pathway near the site as a metaphor to direct the design.
- incorporation of the draft Connection with Country Framework in the design.
- further development of the transition between the existing larger scale formal modes and smaller spaces.
- review of the landscape strategy for the central courtyard to ensure it has the necessary landscape elements to integrate the built form with landscape.
- presentation of a clear and coherent strategy for access and movement for all people around the site and into all the built spaces and associated external areas.
- further review of the overshadowing impacts on the neighbours on Pymble Avenue.
- consideration of aspects of loss of architectural elegance through the formalisation and increase in scale of the building.
- re-examination of the scale, character, and architectural language of this elevation to respond to the context.

## 5.4 Response to submissions

5.4.1 Following the exhibition of the application, the Department placed copies of all submissions and agency advice on its website and requested the Applicant respond to issues raised in the submissions.

5.4.2 After receipt of advice from agencies and submissions, the Applicant further consulted with the SDRP on 16 March 2022. On 23 March 2022, the SDRP provided further comments and supported design elements including the landscaping response, façade treatment and impacts on bulk. However, the SDRP raised concerns:

- the drawings should be updated to include section marks, north points and scale bars.
- impact of the development on the solar access to the adjoining properties should be assessed.
- teaching and meeting place design approaches along with possible extension beyond the site to the riparian zone of the nearby creek should be explored.
- opportunities should be explored to improve site ecology and biodiversity.
- understory planting should be developed along the south-eastern edge to provide biodiversity, additional noise mitigation and visual privacy for the adjoining residential dwellings along Pymble Avenue.
- materiality and form of the brick base should be explored further to ensure that the expression of the depth and texture in the façade are amplified.

5.4.3 On 4 May 2022, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on issues raised during exhibition of the proposal. The RtS amended the design of the proposal:

- reduction of GFA on Level 4 by 56.38m<sup>2</sup> and additional planting along the edges.
- brick podium base increased in size to provide a two-storey built form adjoining the south-east and additional façade modulation and horizontal articulation.
- reduction of windows on the southern elevation and further façade articulation.
- materials changes for the upper levels and modification to the atrium design.

5.4.4 The RtS was also supported by several technical documents responding to the issues raised by the agencies including a comprehensive landscape response to country through planting endemic species.

5.4.5 The RtS was made publicly available on the Department's website and referred to relevant Government agencies and Council. The Department received advice from six Government agencies. Council maintained its objection in response to the RtS.

5.4.6 No community feedback was received in response to the RtS. However, the Department received correspondence from a member of the community during the assessment requesting clarification regarding documents, submitted information and the SSD process.

## 5.5 Summary of submissions to RtS

### Council

5.5.1 A summary of the issues raised in Council's submission to the RtS is below:

- amendments in the RtS are minimal to the overall mass of the building.

- the awning on the southern side at level 2, would further add to the bulk of the building.
- the proposed development remains inconsistent with the height of adjacent buildings.
- the proposed building remains 'out of scale' with the low-density developments and does not meet Principle 7 (aesthetics) of the Education SEPP.
- the building does not have good proportions and a balanced composition.
- the proposed development does not address Principle 1 (context) of Education SEPP.
- traffic calming measures are required for the Arilla Road / Mayfield Avenue / Allawah Road route.
- it is unclear whether there is sufficient space and setback from structures for the viability in the long term of large indigenous canopy trees.
- the landscaped area should be wide enough to grow taller trees.

5.5.2 In the RtS submission, Council recommended consideration be given to relocating the top two or three levels of the building towards the north-west and increasing the setback from the south-eastern (rear) boundary, to minimise the perceived visual bulk of the development.

### **Government agency advice**

5.5.3 No Government agency except EHG raised any further concerns in response to the RtS. GANSW also reviewed the proposal and raised no further concerns.

5.5.4 EHG reiterated their concerns regarding the BDAR and advised the Applicant's RtS did not respond to the issues raised in their earlier comments. Consequently, the Applicant should provide further information to address EHG's concerns.

5.5.5 On 19 May 2022, the Department requested additional information from the Applicant, based on the comments from Council and EHG and the following outstanding issues:

- an updated BDAR.
- a table assessing the proposal against the principles of Schedule 4 Education SEPP.
- architectural plans and table to demonstrate that the unencumbered outdoor and indoor play area for the proposed ELC comply with the requirements of the Education SEPP.
- an amended schedule of GFA for the development and confirmation of the site area.
- a clear visual impact analysis diagram.
- further clarification on the assessment of nearby intersections.
- further clarification regarding DOPU along Pymble Avenue.
- traffic calming measures on Arilla Road / Mayfield Avenue / Allawah Road.
- rectification of architectural drawings errors.

## **5.6 Supplementary Response to submissions (SRtS)**

5.6.1 On 10 June 2022, the Applicant provided a supplementary RtS (SRtS) responding to Department's, Council's and EHG comments. The SRtS included:

- updated table of Childcare Planning Guideline Assessment, in accordance with the Education SEPP requirements.
- updated architectural plans and tables rectifying errors and demonstrating that the play areas for the proposed ELC, comply with the requirements of the Education SEPP.
- an amended schedule of GFA.
- updated Traffic Impact Assessment responding to Council's concerns.

- visual impact analysis diagram.
- updated BDAR.

5.6.2 The Applicant did not propose any additional traffic calming measures in response to Council's comments and argued this was not necessary considering the low volume of traffic generated by the development.

## **5.7 Consultation after lodgment of SRtS**

5.7.1 The Department referred the SRtS to Council and EHG for comments.

5.7.2 In response, Council provided the following comments:

- the SRtS has not included any physical changes to the building which would impact on the height and bulk.
- previous issues on ESD, traffic and parking, and landscape design, were not resolved.
- the traffic calming investigations and measures can be included as conditions.

5.7.3 EHG reviewed the SRtS, reiterated the majority of its previous concerns, and requested that the Applicant submit an amended BDAR to address these.

5.7.4 In response, the Applicant submitted a further amended BDAR on 4 July 2022.

5.7.5 EHG reviewed the SRtS and accepted the BDAR subject to recommended conditions.

5.7.6 On 8 August 2022, the Applicant submitted further SRtS including a request to waive the development contributions that are required to be paid. This matter is discussed in Section 6.5.

## **5.8 Notice to modify SSD-5314 (Approved Concept Proposal and Stage 1)**

5.8.1 During the assessment of the SSD application, the Department sought clarification regarding the location of the GHP building within the site in the context of the approved Masterplan in SSD-5314 Approved Concept Proposal.

5.8.2 In response the Applicant advised that the Masterplan under SSD-5314 Approved Concept Proposal did not allocate any specific use of the site near the area the subject of SSD-17424905 and therefore the GHP building would not be inconsistent with the Approved Concept Proposal.

5.8.3 However, the Department noted that the proposed Healthcare Centre envelope would partially overlap on the footprint of the GHP building and again questioned the Applicant's advice that there was no inconsistency.

5.8.4 The Applicant subsequently advised that the Dining and Function Centre and Healthcare Centre, forming future Stages 3 and 4 of SSD-5314 of the Approved Concept Proposal, do not have detailed development consent and as such have not been constructed.

5.8.5 The Applicant further advised they no longer wish to pursue these two stages of SSD-5314 and instead now wish to deliver these facilities within the GHP building.

5.8.6 The Department requested the Applicant resolve the inconsistencies between the two SSD approvals.

5.8.7 Consequently, on 3 August 2022, the Applicant lodged a notice to modify the Approved Concept Proposal. The notice is presented to the Commission as part of this report.

## 5.9 Independent Heritage Assessment

5.9.1 The site is not listed as an item of local heritage significance. However, a part of the eastern boundary of the campus adjoins the Pymble Avenue Conservation Area (item number C11). The site is also located near several items of local heritage significance listed in KLEP.

5.9.2 Noting the community concerns regarding the proposal's impact on the heritage significance of the locality, the Department engaged an independent heritage consultant (GML Heritage) in November 2021 to obtain independent advice regarding heritage related impacts of the development on the adjoining locally listed heritage conservation area and heritage buildings.

5.9.3 GML Heritage reviewed the Applicant's Heritage Impact Statement as well as the community and Council's submission and concluded that the:

- proposed development would have no impact on the significance of the nearby heritage conservation area.
- legibility, visibility and amenity of the neighbouring conservation area and heritage items in the vicinity would be retained.
- views to and from individual properties located within the conservation area, and views to and from heritage items in the vicinity, would also be retained.
- proposed development is acceptable from a heritage perspective.
- proposed alterations and additions to the PLC campus are consistent with the heritage objectives of the KLEP and the KDCP.

5.9.4 GML Heritage's report can be viewed at **Appendix C**.

## 6 Assessment

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

- traffic and transport
- built form, amenity and visual impacts.
- biodiversity and tree removal.

6.1.2 These key issues are discussed in **Sections 6.2 to 6.4**. Other issues considered during the assessment are discussed at **Section 6.5**.

### 6.2 Traffic and transport

6.2.1 A Transport Impact Assessment (TIA) was submitted with the EIS and revised by SRtS to address submissions relating to traffic congestion, parking, and DOPU areas.

6.2.2 The TIA assessed existing traffic conditions surrounding the site and transport impacts associated with the proposal.

#### Existing road network and pedestrian connections

6.2.3 The PLC campus is bound by Pymble Avenue to the southeast, and Avon Road to the north and west, which are local roads with 50km/hour speed limits. The site adjoins Avondale Golf Club to the south. Vehicle access to the campus is off Avon Road. The details of the vehicular access points and car parking spaces are discussed in **Section 1**.

6.2.4 **Figure 32** identifies the surrounding road network in the context of the PLC campus.

6.2.5 The PLC campus includes several pedestrian access points, the main being from Avon Road via Gate 1. A pedestrian tunnel under Pacific Highway, near the roundabout between Avon Road, Pymble Avenue and Everton Street, is the primary walking route from the campus to Pymble Rail station. A pedestrian crossing located in front of the pedestrian tunnel provides a crossroad connection at Avon Road (**Figure 32**).

6.2.6 A raised pedestrian crossing is also provided close to Gate 1 with a traffic controller at this crossing during DOPU hours.

6.2.7 As discussed in **Section 1**, the PLC campus is serviced by buses and the train line.



operation of the school, and indicated this would be aggravated by the proposal and 90 additional children.

- 6.2.13 Following RtS submission, Council maintained their concerns regarding the impacts of the proposal on the Avon Road / Arilla Road / Mayfield Avenue / Allawah Road route and requested traffic calming measures be introduced or investigated in these areas.
- 6.2.14 In its review of the EIS and RtS, the Department also raised concerns regarding the lack of sufficient analysis of all affected nearby intersections and the reasons for decrease in the average delays at the Pacific Highway / Beechworth Road intersection post development. Additionally, the Department requested the Applicant provide additional traffic analysis considering the background traffic, plus the traffic growth in the 10-year horizon and assess the impacts of the ELC on Pymble Avenue.
- 6.2.15 While TfNSW did not raise specific concerns regarding impacts of the proposal on the traffic congestion in the area, the agency requested that the Applicant revise the GTP to include specific requirements (**Section 5**).

#### *Applicant's response*

- 6.2.16 In response to the concerns raised by the public, Council and the Department, the Applicant amended the TIA as part of the SRtS to include additional intersection analysis, crash history and updated GTP with target mode shares in the future and a commitment to increase the use of walking, private buses and public transport as modes of travel per year.
- 6.2.17 The operational traffic impacts and the intersection performances are discussed, based on the amended TIA.
- 6.2.18 The Applicant's RtS advised that due to alterations of traffic scenarios during Covid-19 lockdowns, the proposal relied on pre-covid traffic data (between 2012 – 2019) to ascertain existing traffic conditions.
- 6.2.19 The amended TIA advised that while the total number of additional children in the ELC would be 90, in terms of usage:
- staff surveys indicate a minimum of 32 staff members are keen to enrol their children in an on-campus ELC.
  - a survey undertaken by PLC in July 2021 found approximately 18% of the parents who responded (total of 441 responses) had two or more children attending the school.
  - many children who enrol in ELCs associated with private schools such as PLC, typically have siblings attending the school.
- 6.2.20 Based on the above, the amended TIA assumes that the total number of children who would contribute to generating additional traffic due to the ELC would be approximately 42 children (rather than 90).

Applying the RMS Guide to Traffic Generating Developments (2002), the amended TIA provides a comparison of the vehicular trips generated by 90 and 42 children as identified in **Table 8**.

**Table 8 | Comparison of vehicular trips (Source: Applicant's SRtS 2022)**

Children	7am - 9am	2pm - 4pm	4pm - 6pm
90	72	27	63
42	34	13	29

- 6.2.21 Additionally, the amended TIA states that some ELC vehicle trips would be drawn from existing traffic flows in the area, particularly on arterial routes. For example, people who commute along Pacific Highway may call into the ELC before and after work, not increasing the demand on Pacific Highway.
- 6.2.22 Notwithstanding, the amended TIA includes SIDRA analysis of three local intersections, (shown in **Figure 32**) to determine impacts of additional trips due to 90 ELC children.
- 6.2.23 A comparison of the intersection modelling results for the existing (base case) scenario and the post development scenario in **Table 9** shows the Levels of Service (LOS) at each intersection. Detailed descriptions of each Level of Service (LoS) can be found in the TIA. LoS A, B, or C indicate a good, acceptable, or satisfactory level of service, respectively, for the operation of the intersection, with no mitigation measures required. LoS D, E, or F indicates the intersection is near or at capacity and if the traffic assessment demonstrates a worsening of impacts from the proposal, mitigation measures should be considered.

**Table 9 | Intersection analysis (Source: Applicant's SRtS 2022)**

Intersection	Scenario	AM Peak Average Delay (seconds/vehicle)	AM Peak Level of service (LoS)	PM Peak Average Delay (seconds/vehicle)	PM Peak Level of service (LoS)
Pacific Highway/ Livingstone Avenue	base	18.4	B	105.0	F
	proposed	19.4	B	107.7	F
Pacific Highway / Beechworth Road	base	354.1	F	484.2	F
	proposed	356.8	F	482.2	F
Avon Road / Pymble Avenue / Everton Street	base	15.4	B	11.1	A
	proposed	17.5	B	11.6	A

- 6.2.24 The SIDRA results indicate that the forecasted traffic generated from the ELC would have minor impact to the existing conditions of the roundabout with Level of Service (LoS) maintained and minor increments in average delays.

- 6.2.25 The amended TIA advised that the ELC would generate a maximum of 72 vehicle trips at any one time. Factoring in the trip distribution and the spreading out of the trip during various times of the day, the increase in traffic would be minor, when comparing it with an increase in student population within the school. Therefore, a further analysis of traffic impacts over the 10-year horizon is not considered necessary.
- 6.2.1 Regarding additional traffic on Pymble Avenue, the Applicant advised an analysis of postcode data has been conducted which shows approximately 12% of existing students live on the southern side of the campus, requiring access to the school via Pymble Avenue (suburbs such as South Turramurra and West Ryde). Consequently, out of the total additional post development vehicle trips generated (**Table 8**), about 9 vehicles (AM peak) and 8 vehicles (PM peak) would access Pymble Avenue. This is a minor increase and would not have a significant impact on the operation of this road.
- 6.2.2 The Applicant's RtS included an amended GTP incorporating the comments from TfNSW and Council regarding specific actions to achieve the target travel modes and ensure sustainable transport modes such as walking are encouraged, to reduce further traffic congestion.
- 6.2.3 The Applicant's amended TIA included traffic crash history on Avon Road as well as the intersection of Avon Road, Pymble Avenue and Everton Street, and indicated no crashes or personal injury have been reported to the Police in these areas.
- 6.2.4 In response to Department's enquiry on the reasons for decrease in average delays at the Pacific Highway / Beechworth Road intersection post development, the Applicant advised there would be increased traffic on Beechworth Road and the north-west approach at Pacific Highway, where the delay would be the highest. This would result in a decrease in delay at this intersection.
- 6.2.5 Regarding Council's request regarding the traffic calming measures, the Applicant advised that a traffic calming study on Arilla Road / Mayfield Avenue / Allawah Road routes is not required, because the proposed development itself would not generate any significant additional traffic within the area.
- 6.2.6 The amended TIA states that the proposed ELC is expected to add 25 trips to the Pacific Highway / Beechworth Road intersection and 63 trips to the Pacific Highway / Livingstone Avenue intersection. This is equivalent to approximately 1 trip every 2.5 minutes and 1 trip every minute for each intersection, which is considered a minor increment in the overall traffic.
- 6.2.7 The 22 to 25 additional vehicle trips would be distributed at different operating time slots of the campus. Consequently, the proposed development would not result in an increase in any traffic congestion that would require further mitigation through traffic calming devices.

#### *Submissions and Government agency comments in RtS and SRtS*

- 6.2.8 Council did not comment further on the additional intersection study. However, Council maintained their concerns regarding the impacts on the Arilla Road / Mayfield Avenue / Allawah Road route and requested a study on the need for traffic calming measures on the route be undertaken, in consultation with the community, to offset the effects of school activity on these residential streets. The approval from the Council local traffic committee would be required prior to the installation of any recommended measures.

### *Department's assessment*

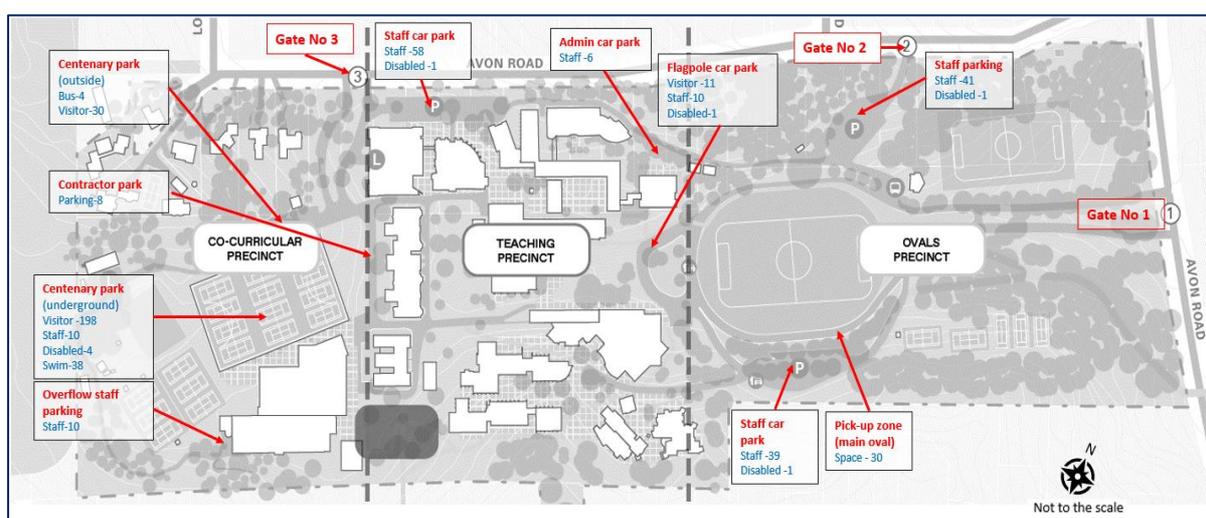
- 6.2.9 The Department notes that the proposal would not result in an increase in PLC student population and would only introduce 90 children in the new ELC. The Applicant's traffic analysis demonstrates that the proposed traffic generation due to the ELC would not have a major impact on the wider road network.
- 6.2.10 Additionally, the Department agrees with the Applicant that most ELC children would be enrolled siblings of students or from the children of PLC staff members. Therefore, the overall traffic impacts would be less than that calculated as a worst-case scenario in the amended TIA.
- 6.2.11 Notwithstanding, the above, the Department notes the current student numbers in PLC is not capped at 2259 by any development consent. The Department notes (per documents from submitters) that the enrolments within the school have previously increased by small percentages on a yearly basis or at other intervals. Consequently, the Department acknowledges the concerns raised in public and Council submissions regarding the on-going traffic impacts on the surrounding roads due to the operation of the school and the fact that this may be exacerbated in the future with potential further increases of student numbers, while being outside the scope of this application.
- 6.2.12 In this regard, the Department considers that the campus is in a highly accessible location and serviced by train and bus services. Implementation of the GTP in the short and long term would reduce private vehicle trips and have a positive impact on the overall traffic congestion in the area. The Department has recommended conditions of consent requiring the Applicant to submit a final GTP, prior to the issue of the occupation certificate, incorporating comments from Council and TfNSW and considers that the GTP would ensure that the adverse traffic impacts on the surrounding roads from the school should be reduced.
- 6.2.13 The Department has consulted Council regarding the requirement for further investigation to ascertain whether traffic calming measures are required on the Arilla Road / Mayfield Avenue / Allawah Road route. The Department agrees with Council's comments that the local roads have reached their capacities, partly due to the existing operation of the school, and any further increase in traffic may require traffic calming measures to ensure safety of pedestrians and local users. As requested by Council, the Department has included a condition of consent requiring the Applicant to:
- undertake an additional traffic assessment to ascertain the current traffic situation on this route and the future traffic situation post development.
  - recommend certain traffic calming measures, as required, based on this study in consultation with the community and Council.
  - provide the report to the Planning Secretary for approval.
  - provide the approved report to Council and obtain endorsement from the local traffic committee so that such calming measures can be installed.
- 6.2.14 The Department considers that the Applicant would have the opportunity to install physical calming measures (if any) or else provide funding for measures as required by Council.
- 6.2.15 The Department is satisfied that subject to the implementation of the above recommended conditions, the proposed development would not result in significant adverse impact on the

local and wider traffic network. The implementation of the GTP with specific targets regarding increased use of sustainable travel modes would ensure that the operational traffic impacts are minimised. To ensure the effective implementation of the GTP, the Department recommends a condition requiring the Applicant to establish an annual monitoring regime as part of the GTP for a period of five years after operations commence.

## Parking and DOPU

6.2.16 As discussed in **Section 1**, the PLC campus accommodates 548 on-site parking spaces for staff, visitors, contractors, and visitors, as identified in **Figure 33**.

6.2.17 PLC also provides four parking spaces for the school-owned private buses. The Applicant's EIS states that the existing and post development car parking arrangement within the PLC campus complies with the requirements of KDCP.



**Figure 33** | Overall parking in PLC campus (Source: Applicant's SRtS 2022)

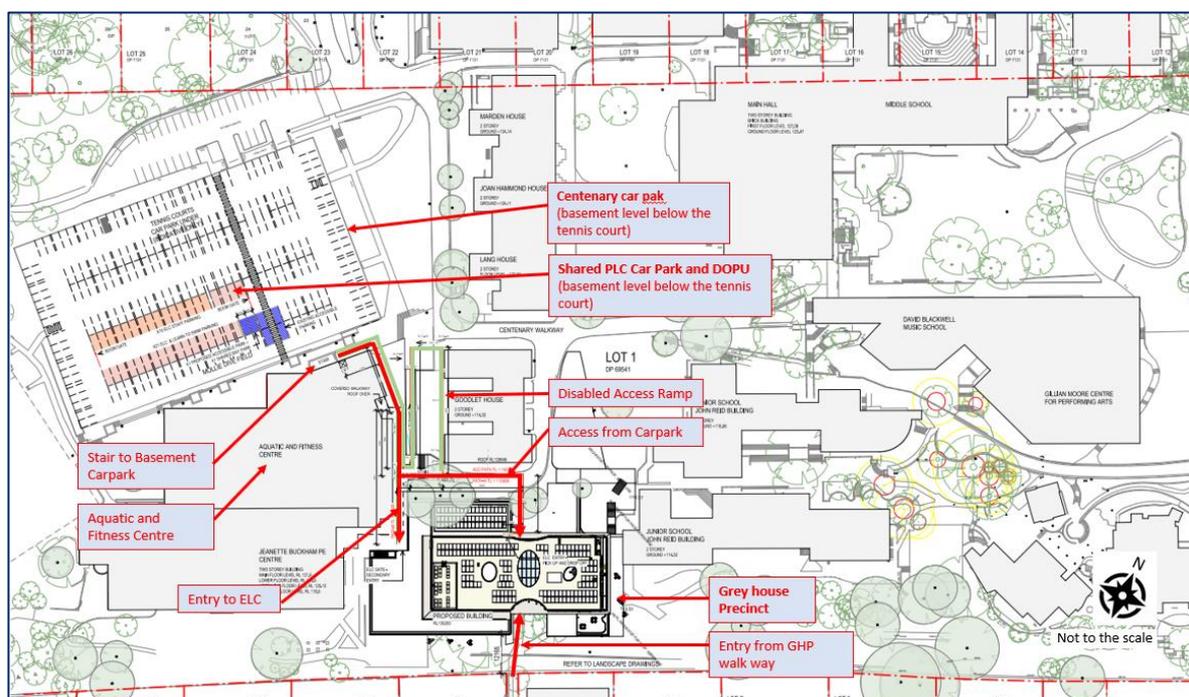
6.2.18 The Department notes that KDCP requires 1 space per four students with no separate requirement for staff, for schools. Consequently, for the current 2259 enrolments in PLC would require 565 car spaces. The campus currently includes 548 car spaces to cater for the school. Considering that PLC does not allow Year 12 students to drive and park within the campus, the existing car parking is considered to be acceptable by the Department, and the shortage is considered negligible in the current scenario.

6.2.19 The new ELC would accommodate 90 children, requiring 23 car parking spaces under the KDCP (one parking space per four children). The overall parking requirement within the campus including the ELC would be 588 car spaces.

6.2.20 The development does not provide any additional car parking provisions but relies on a shared car parking arrangement within the Centenary Car Park.

6.2.21 The Applicant proposes to use 38 existing car parking spaces in the Centenary Car Park for the ELC staff and DOPU for children. Of the 38 car spaces, two spaces would be combined to provide for one accessible car space, resulting in 37 car spaces available within the Centenary Car Park for the proposed ELC.

- 6.2.22 A ramped access pathway would provide access from the car park to the GHP building. Alternately, a lift is also present within the AFC for access to the GHP building. The location and access to the GHP building from the car park are shown in **Figure 34**. The proposed car parking spaces would be shared with the AFC swimming classes.
- 6.2.23 The Applicant has advised that the 37 car spaces within the Centenary Car Park would be accessed via Gate 3 on Avon Road. Two boom gates have been installed to separate the parking spaces from the rest of the car park and would continue to operate to preserve the spaces for ELC use only. The amended TIA indicates that 15 car spaces would be used for ELC staff, and the remaining for ELC children DOPU, shared with the learn to swim class patrons.
- 6.2.24 Additionally, the Applicant's TIA recommended that time limited car parking be arranged on Pymble Avenue, in consultation with Council.



**Figure 34 | Proposed ELC car parking and access to GHP (Source: Applicant's SRtS 2022)**

*Submissions and Government agency comments*

- 6.2.25 During the EIS exhibition, the Department raised concerns that the closing time of the AFC learn to swim classes was unclear, and any conflict between the use of the car spaces by the ELC and AFC cannot be assessed.
- 6.2.26 Council sought clarification as to whether the car parking for the co-curricular activities within the PLC campus (before and after school hours) would be impacted due to the use of the Centenary Car Park by the ELC. Council also queried the impact of the OHSC parking on the existing car spaces within the car park.
- 6.2.27 Community submissions raised concerns regarding the impact of the development on available on-street parking on the surrounding streets. Submitters advise the Centenary Car Park is not suitable for ELC parking, because it is far from the proposed building and

inconvenient for parents with children with prams. Submitters consider that the location of the Centenary Car Park would encourage parents to conduct DOPU operations on Pymble Avenue and this would be further exacerbated if time limited parking on this road is permitted. It would also encourage students to park on the surrounding roads, especially on Pymble Avenue, and access the campus via Grey House Walk.

#### *Applicant's response*

6.2.28 In response to Council and Department's concerns, the Applicant's RtS advised that the learn to swim school within the AFC operates between 9am – 12pm in the mornings and 3:30pm – 6:30pm in the afternoons (Monday to Saturday). The AFC is used in the mornings by the community and in the afternoon by PLC students only.

6.2.29 The AM and PM peak periods for the ELC are likely to be 7 - 7:30am and 6 - 6:30pm respectively. Additionally, pick-up times would be spread throughout the day any time after core school hours (noting the type of users). Consequently, the proposed use of the Centenary Car Park for the ELC and AFC concurrently is unlikely to result in any conflict or shortfall in car spaces, which could lead to on-street parking by the ELC users. The Applicant also emphasised that the boom gates would ensure that the 37 spaces are preserved within the car park for ELC use only.

6.2.30 The 30 additional OHSC spaces within the GHP building would also be for existing students, therefore not generating any parking need.

6.2.31 Additionally, the Centenary Car Park would have at least 212 spaces available for visitors in addition to the 37 ELC spaces. If needed, these car spaces can be used in the afternoon by the PLC parents for co-curricular activities and/or learn to swim patrons.

6.2.32 In response to the community regarding impacts of the development on Pymble Avenue parking, the Applicant's RtS removed the recommendation for time limited parking on Pymble Avenue. The RtS states that the Centenary Car Park is an appropriate arrangement for DOPU of ELC children and that the proposal would not intensify the use of Grey House Walk or unreasonably impact on Pymble Avenue as:

- the walking distance from the Centenary Car Park entrance to the ELC is 73.3m
- an alternative path around Goodlet House is approximately 119.5m (**Figure 34**)
- the walking distance from Pymble Avenue to the ELC, via the Grey House Walk is about 210m which is longer than the distance of Centenary Car Park and the ELC.
- the Grey House Walk is a narrow pathway with uneven surfaces and narrower widths due to overgrown vegetation. Consequently, it is not an ideal walking pathway for parents with young children or prams.
- access from the Grey House Walk is currently controlled and monitored by staff.
- Pymble Avenue itself is quite steep and not ideal for parents with prams.
- due to the boom gates, 37 dedicated ELC parking spaces would always be available to parents and staff, complemented by the safe accessible pathway and lift.

6.2.33 In response to community's concerns regarding illegal DOPU on Pymble Avenue by junior school children, the Applicant's RtS advised:

- PLC includes sufficient car parking spaces and DOPU zones within the campus. The kindergarten and junior school students also enter via Gate 1 for DOPU.
- DOPU also occurs on the other side of the railway line, near Pymble Rail Station in dedicated DOPU spaces. This allows reduction of PLC traffic on the immediate surrounding road network.
- the use of local streets is discouraged by PLC, with access to the campus from Pymble Avenue only available to certain local students.
- on-street car parking is not permitted during the school days on Avon Road. Additionally, 'No Parking' signs are posted on Pymble Avenue between 7am to 9.30am, 2.30pm - 4pm on school day and "No Stopping" signs are active between 6.30am - 9.30am on school days, as shown in **Figure 4**.
- given the time restricted parking and access control measures at the Grey House Walk, the intensification of the use of the walkway by junior school students using the GHP building, cannot occur.
- a GTP would be development to encourage students, teachers and parents to look towards greater sustainable transport use (walking and public/ private bus usage) and restore the amenity of the surrounding residents.

6.2.34 Notwithstanding, the Applicant's amended TIA included recommendations to reduce traffic impacts on Pymble Avenue, including installation of a keycard activated gate at the Grey House Walk, investigating the feasibility of a remote DOPU area such as a nearby park, and working collaboratively with Council and Hornsby police to monitor operations at Pymble Avenue / Avon Road DOPU areas. The amended TIA noted that the Applicant has arranged with Council to allow DOPU operations on Grandview Street, to reduce traffic congestion on the surrounding roads. Similar options of alternate DOPU areas should be investigated.

#### *Department's assessment*

6.2.35 The Department has reviewed the Applicant's EIS, RtS, agency advice, and Council's submissions. The Department notes the proposal would not increase student numbers but provide upgraded facilities. Consequently, the Department agrees with the Applicant's argument that no change is required to the existing on-site car parking facilities to cater for the GHP building. **Figures 4** and **33** show PLC has sufficient parking facilities, DOPU zones and bus parking zones within the site to cater for the campus operations and the existing 2259 students.

6.2.36 The Department notes that the ELC would generate the requirement of 23 additional spaces, that would be shared with the AFC within the site. The Department agrees that the ELC peak DOPU periods would not overlap with other uses within the campus including the learn to swim school within the AFC. This would be further enforced by the boom gates, ensuring that 37 spaces are available for ELC sole use. Consequently, provision of separate car parking for the ELC users in addition to the existing car parking within the site is not considered necessary.

6.2.37 While the junior school component in the GHP would be more easily accessible from the Grey House Walk, the pathway itself is access controlled (with a staff member responsible for controlling student access in addition to a key card). Additionally, the Pymble Avenue frontage of the site, in the vicinity of the walkway, incorporates "No Stopping" and time limited "No

Parking” signs. The existing parking conditions are not conducive to allowing DOPU or illegal parking operations on this street.

- 6.2.38 Continuation of management measures would discourage parents from parking on Pymble Avenue frontage, deter students from using the Grey House Walk, and continue using the designated DOPU zones within the campus. This in turn would minimise any impacts on the amenity of the residents on Pymble Avenue, due to the proposed development.
- 6.2.39 The Department notes that the Centenary Car Park has an elevator with capacity for at least 6 persons at a time. Pram users can use the elevator or access ramp to the ELC. Given the accessible pathway between the car park and the GHP building, parents would use this car park as opposed to Grey House Walk and Pymble Avenue.
- 6.2.40 Given the above, the Department supports the Applicant’s argument regarding impacts of the proposal on the available on-street parking on Pymble Avenue and considers that the majority of complaints in relation to illegal parking on this street are related to ongoing school operations and unrelated to the proposal.
- 6.2.41 The Department also notes that while the kindergarten and junior schools operate from 7am to 5pm (weekdays), students use Gate 1 and would avoid conflict with ELC users who would use Gate 3 to access the site.
- 6.2.42 Noting these scenarios, the Department is satisfied that the Applicant’s proposal on shared use of car spaces within the site for the ELC is reasonable and feasible.
- 6.2.43 Notwithstanding, to ensure effective operation of the campus in future and minimise adverse impacts on Pymble Avenue from the GHP building or ongoing school operations, the Department has recommended a condition requiring implementation of an Operational Transport and Access Management Plan (OTAMP) for the entire campus. The OTAMP would:
- emphasise management of existing DOPU and parking areas within the campus to ensure that the 212 Centenary Car Park spaces are available for use when needed.
  - ensure that 37 car spaces are always available for ELC use.
  - ensure access control measures are implemented at Grey House Walk.
  - ensure traffic marshals are implemented for proper management of pedestrian routes and school crossings.
  - include measures to minimise traffic congestion and illegal parking on Pymble Avenue to access the junior school component within the GHP building.
  - include measures to discourage Year 12 students from driving to school to complement the GTP.
  - include management measures for effective use of concurrent activities within the Centenary Car Park.
  - include a monitoring regime to review the effectiveness of the OTAMP on the DOPU at Avon Road/Pymble Avenue in consultation with Council and police.
- 6.2.44 The Department has also recommended a condition requiring the Applicant to consult with Council to investigate alternate DOPU zones on the nearby streets and provide the Planning Secretary with details of such investigations and any outcomes, post occupation of the GHP building.

## **Service vehicle access**

- 6.2.45 The amended TIA advises that servicing demand for the ELC is expected to be minor. There are several loading docks and service bays within the PLC campus that can be used to accommodate the servicing demands of the ELC. No additional service vehicle bays are required.
- 6.2.46 Council has not raised any concerns in this regard. The Department has recommended a condition requiring the Applicant provide information on the nearest loading dock and methods of delivering/transporting materials from the dock to the ELC, prior to the issue of the occupation certificate for the building.

## **Bicycle parking and GTP**

- 6.2.47 During the EIS exhibition, Council requested the Applicant review bicycle parking and end-of-trip facilities.
- 6.2.48 TfNSW provided recommendations regarding the GTP including delineation of the bicycle space as well as end-of-trip facilities within the Travel Access Guide.
- 6.2.49 In response, the Applicant indicated that GTP includes implementation strategies to increase the use of active transport, which includes a review of the existing bicycle facilities on the campus. The final version of the GTP would include details of the existing bicycle and end-of-trip facilities.
- 6.2.50 The Department notes that the proposed development would not result in an increase in student numbers requiring additional bicycle facilities within the site. Notwithstanding, the implementation of the GTP would ensure that the existing bicycle facilities within the campus are reviewed and improved where needed. The Department supports the Applicant's approach and recommends the implementation of these strategies through the GTP.
- 6.2.51 The Department has also recommended that the GTP be endorsed by TfNSW prior to final approval, as requested by the agency.

## **Construction Traffic**

- 6.2.52 Construction works are proposed to be undertaken in three stages to manage construction vehicle access and frequency, and limit impacts on students / staff and neighbours. The Application is supported by a preliminary CTMP which outlines the vehicle access control measures at various construction stages over 18 months.
- 6.2.53 The construction trucks would access the site via Pacific Highway / Livingstone Avenue / Everton Street and then Avon Road.
- 6.2.54 The construction site for the GHP is expected to be wholly contained in the south-east section of the PLC campus, with no requirement for work zones. Entry and exit for construction and construction worker vehicles are expected to be via Gate 3 along Avon Road, with three temporary internal gates proposed to control access to the site.
- 6.2.55 The site office location and truck movements would ensure the least disruption to movement of students and pedestrians within the campus. During busy school times, an accredited

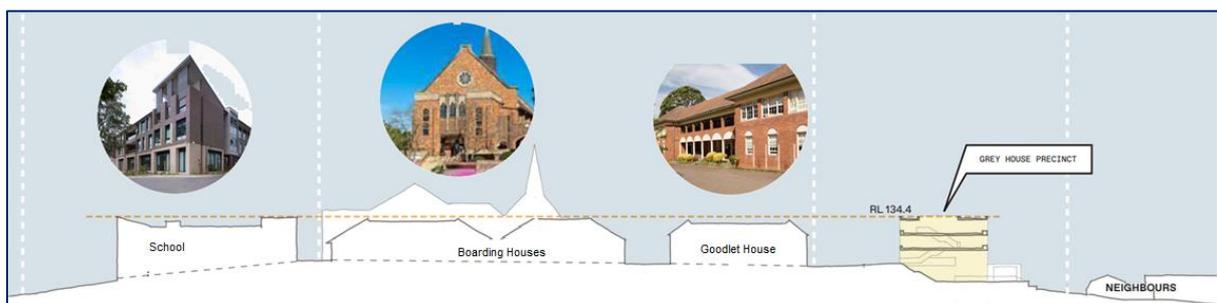
TfNSW traffic controller would be on-site to assist pedestrians crossing the driveway accesses at Gate 3 along Avon Road and avoid conflicts with entering/exiting trucks.

- 6.2.56 During construction works, the Grey House Walk would be closed to students to provide access for construction workers.
- 6.2.57 Council and Government agencies did not raise any concerns regarding construction traffic.
- 6.2.58 The Department has recommended a condition requiring the Applicant to provide a final CTMP prior to the commencement of construction and ensure that recommendations of the preliminary CTMP are incorporated including provision of construction worker parking within the site, to minimise disruptions within the locality.

### 6.3 Built form, amenity, and visual impact

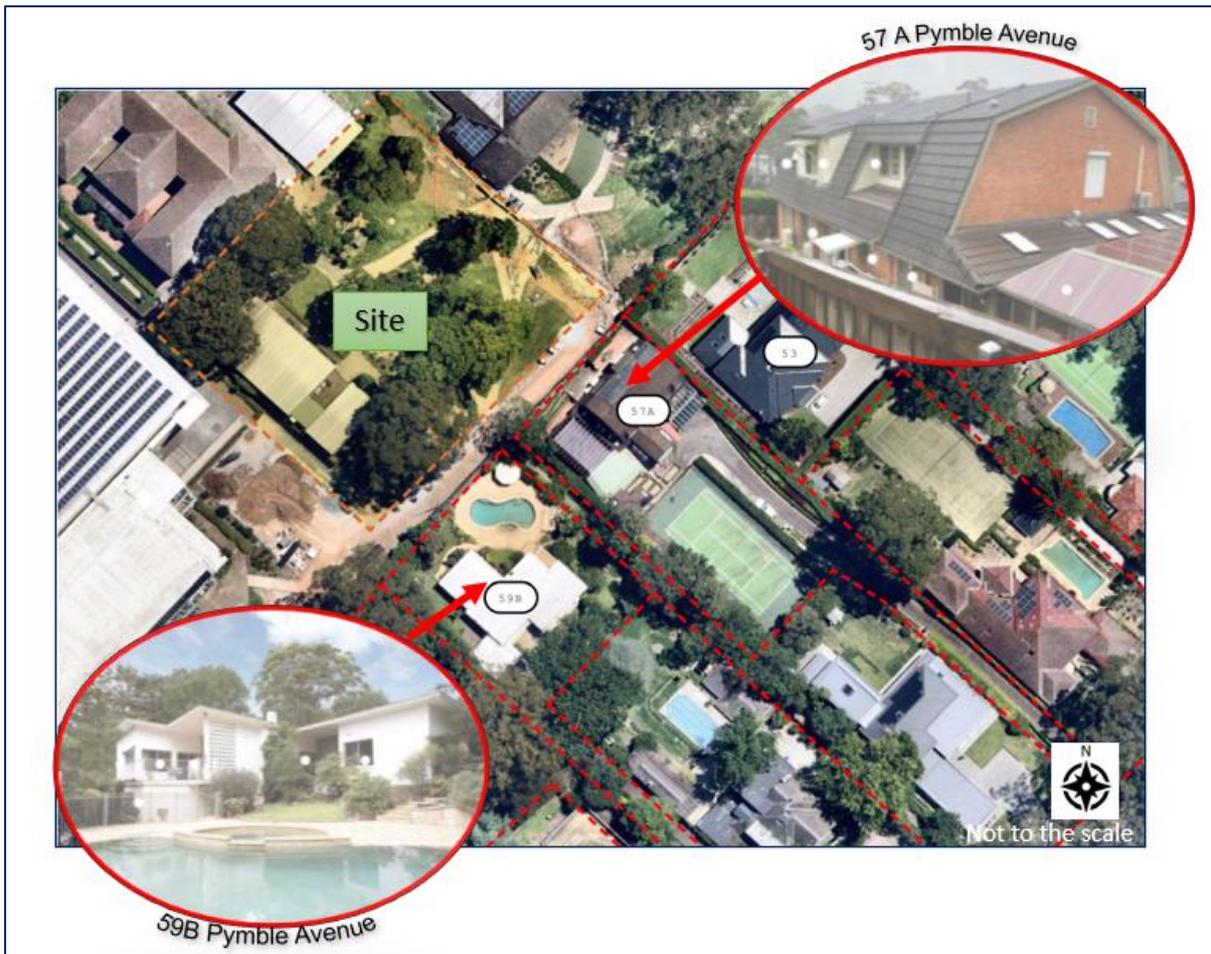
#### Building height and visual impact

- 6.3.1 The proposed GHP building would generally be up to five storeys in height stepping down towards the northern side and would result in an overall maximum building height of 20.6m.
- 6.3.2 The building's appearance would be three stories on the south-western side and from the north-western side it would appear as a three to four storey building. Details of the physical layout of the building are discussed in **Section 2**.
- 6.3.3 The height and bulk of the new building is generally consistent with the existing buildings within the campus, as identified in **Figure 35**.



**Figure 35 | Built form and adjoin properties (Source: Applicant's RtS 2022)**

- 6.3.4 The GHP building would be located centrally within the site and therefore not directly visible from any street frontage.
- 6.3.5 The GHP building would be constructed at the interface of the SP2 and R2 low density residential zones and directly adjoin two houses at 57A and 59B Pymble Avenue. The site in the context of the low-density zone is provided in **Figure 36**.



**Figure 36** | The site in the context of the low-density zone (Source: Applicant's RtS 2022)

6.3.6 The EIS was accompanied by a visual impact assessment (VIA) which considered the visibility and impacts of the proposal as viewed from key locations surrounding the site. The assessment concluded the proposal would not result in significant adverse visual impacts to the surrounding area, noting the new building would not be highly visible, other than as viewed from the adjoining dwellings along Pymble Avenue. In this regard, the VIA concludes that the development would have a **high/moderate** visual impact on dwellings at 59B and 57A Pymble Avenue. For all other dwellings along Pymble Avenue, the visual impact was categorised as **moderate to minor**.

*Submissions and Government agency advice on EIS*

6.3.7 Council objected to the development on the basis that it's bulk and scale is not compatible with the adjoining low density residential area. Council advised that:

- building setbacks should be increased at the zoning interference (SP2 to R2) so that the amenity of the low-density dwellings can be restored where possible. In this regard the development should be assessed against the Apartment Design Guide (ADG).
- the development is excessive in scale, and a transition in the built form is required to reflect the changes to the zoning.

- the proposal does not achieve the design quality principles of the Education SEPP, especially Principle 1 (context), Principle 5 (amenity) and Principle 7 (aesthetics), as it is excessive in height and scale at the south-eastern (rear) elevation and results in overbearing visual and overshadowing impacts upon adjoining dwelling houses.
- 6.3.8 Community submissions also raised significant concerns with the height of the proposed building, and the fact that it would be out of character with surrounding residential areas characterised by one to two storey dwellings.
- 6.3.9 As discussed in **Section 5**, the Applicant consulted the SDRP following exhibition of the EIS. The SDRP provided further comments advising that the design of the brick podium should be re-considered, as stepping down the brick base to the east appears to intensify the perceived scale of four-storey ceramic façade. More horizontal elements should be introduced to tone down the scale and the re-examination of the south-eastern façade was required in the context of the low-density zone along with consideration for overshadowing impacts.
- 6.3.10 GANSW reviewed the EIS and reiterated the comments from SDRP as discussed above in paragraph 6.3.9. GANSW also advised that the RtS should address overshadowing impacts on the adjoining dwellings, include more horizontal shading strategies complementing the glazing to improve daylight and enable access to natural, and incorporate elements regarding Connection with Country.

*Applicant's response to building design concerns*

- 6.3.11 In response, the RtS amended the design by reducing the building envelope on the northern-western side (by stepping down). The overall five storey scale has been retained.
- 6.3.12 The Applicant advises that the design, as modified by the RtS, meets the Education SEPP Design Principles (especially Principles 1, 5 and 7) and the following design elements would assist in reducing the overall bulk and scale of the GHP building, as well as result in positive urban design outcomes to minimise the impact on adjoining properties:
- a raised brick podium to maintain the continuous two storey scale in keeping with the residential scale.
  - a lighter materiality to the upper levels to minimise the bulk and scale.
  - reduced envelope of the top floor with an increased setback up to 19.2m complemented by an articulated south-eastern facade.
  - stepped northern elevation, which would appear as a four-storey building.
  - a shadow gap expression on level two and articulated with a darker facade material.
  - modified and extended awning to increase horizontal shading.
  - reduced extent of ceramic fin façade.
  - modifications to the atrium design and additional planting on level 4.
  - reduction in the number of picture windows on the south elevation.
  - interlayered mesh on picture windows and vertical screening in front of the operable window to reduce overlooking opportunities.
- 6.3.13 The RtS is supported by a Design Statement with indicates that PLC continues to work closely with Guringai elder Uncle Laurie Bimson to create outdoor learning spaces across its campus and is looking at opportunities to improve the natural environment around the riparian

zone as part of the Masterplan. Further details on Connecting with Country were included in the RtS. The materials and finishes, as modified by the RtS, are identified in **Figure 37**.



**Figure 37** | Materials and finishes (Source: Applicant's RtS 2022)

6.3.14 In response to public submissions, the RtS states that the overall building would not be perceived as five storeys. Due to topographic features, the building would appear as three, four, and five-storeys from different angles. The building has been designed to minimise impact on surrounding low-density context, including façade articulation, varied materials, landscaping, and introduction of a setback upper level as identified in **Figures 38** and **39**.



**Figure 38** | Built form at the zoning interface (Source: Applicant's RtS 2022)



**Figure 39 |** Built form as viewed from Pymble Avenue dwellings (Source: Applicant’s RtS 2022)

6.3.15 The RtS includes an addendum to the VIA testing the view impact of the GHP building towards 57A and 59B Pymble Avenue with and without the landscaped screening. The assessment concludes that the development would have negligible overlooking impact on adjoining properties, subject to the implementation of the screen planting. **Figures 40** and **41** provide comparative view impact analyses with and without landscape screening at the southern boundary.



**Figure 40 |** Comparative view analysis (with and without landscape screen) as viewed from 59B Pymble Avenue (Source: Applicant’s RtS 2022)



**Figure 41** | Comparative view analysis (with and without landscape screen) as viewed from 57A Pymble Avenue (Source: Applicant's RtS 2022)

*Submissions to the RtS and the Applicant's SRtS*

6.3.16 Council reviewed the RtS and reiterated their concerns regarding the adverse impacts of the building's bulk and scale on the adjoining low-density zone, and the inconsistency of the proposal with the Design Quality Principles of Education SEPP. Council recommended that the top two or three levels of the building should be relocated towards the north-west and the set-back from the south-eastern (rear) boundary increased, to minimise the visual bulk of the development as viewed from the adjoining dwellings.

6.3.17 The Department requested the Applicant address Council's concerns, provide a table assessing the consistency of the proposal against the design principles of the Education SEPP, and include an amended schedule for the GFA to reflect the design modifications.

6.3.18 No community submissions were received in response to the RtS.

6.3.19 GANSW reviewed the Applicant's RtS and commented that the distance between the proposed and the neighboring buildings is large (19.5m (Level 0 - 1), 25.8m (Level 2 to 4)). This coupled with the proposed landscaping along the boundary would be sufficient for screening the adjoining residential properties. However, GANSW requested that the Applicant clarify whether the Level 3 picture windows would overlook the swimming pool at 59B Pymble Avenue.

- 6.3.20 In response, the Applicant's SRtS emphasised that the design of the building had been significantly altered in response to Council and GANSW's comments, which reflect a reduction in bulk and scale of the building. Consequently, no further amendments to the design were proposed.
- 6.3.21 The Applicant's SRtS provided a table assessing the Design Quality Principles of the Education SEPP along with an amended schedule for the GFA.
- 6.3.22 Council reviewed the Applicant's SRtS and have maintained their concerns regarding the bulk and scale of the GHP building.

#### *Department's assessment*

- 6.3.23 The Department acknowledges that the proposed GHP building is five storeys, which is not a similar scale to the adjoining dwellings along Pymble Avenue. However, the Department also notes that the site is not located in a low-density area in its entirety. The site adjoins the existing buildings within the PLC campus, which are of a much larger scale. Five storey residential flat buildings are located on Avon Road, near the PLC campus. The height and scale of the GHP building is consistent with other existing buildings within the campus and the medium-density residential flat buildings.
- 6.3.24 The Department's assessment notes that the Applicant has undertaken an options analysis for the proposal, which indicates that the proposed development and upgraded facilities are required for the future school community. Alternative locations within the PLC campus were explored but would require demolition of existing buildings in good condition. Consequently, the proposed location is the most suitable for the GHP building.
- 6.3.25 The Department notes Council's comments about bulk and scale of the building. However, Council's numeric building height and floor space ratio standards are not applicable to the site. Notwithstanding, the Department's assessment of the scale of the proposed built form concludes that it is consistent with the objectives of clause 4.3 (Height of Buildings) of the KLEP, as it seeks to transition in scale between the campus and adjoining lower density residential zone, to protect local amenity. The development is also compatible with the bulk and scale of the other school buildings within the site.
- 6.3.26 The Department has reviewed the Applicant's response and notes that the SDRP has generally supported the proposed brick podium which emphasises the two-storey scale responding to the context of the adjoining low-density environment. The Department notes in response to SDRP comments, the building steps down on the northern side to connect with the junior school play area.
- 6.3.27 The Department has considered the concerns raised in public and Council submissions, and concludes the visual impact of the on the adjoining dwellings on Pymble Avenue, due to the height, bulk and scale of the GHP building, is not unreasonable as:
- the PLC campus already includes substantial built up areas intercepted by ovals and carparks. Therefore, there are few options for locating new buildings without impacting existing buildings and/or play areas.
  - the siting of the building is appropriate as it provides accessible connections to the AFC and the Centenary Car Park, which are integral to the functioning of the ELC.

- the building is similar in scale to other buildings commonly found within school sites.
- the scale of the building is also similar to the four-five storey residential flat buildings that are located in close proximity to Pymble Avenue, on Avon Road.
- the design of the building is a result of the functional requirements. The building layout has been designed to maximise access to natural light and ventilation. Reducing the length of the building or relocating the upper levels to provide separate buildings would compromise its functions or result in a taller building.
- noting its use, the zoning of the PLC campus, the existing built-up areas, and the need for the building, it is not considered necessary or appropriate for the development to adopt the same scale or appearance as adjoining south-eastern residences, subject to minimising the visual privacy and overshadowing impacts.
- the Applicant has consulted with the SDRP and made reasonable attempts to include a two-storey building podium with recessed upper levels, to tone down the visual bulk, as perceived from the adjoining low-density areas.
- the five storey-built form has been stepped in accordance with the natural topography of the land, and recessed into the slope, which has effectively reduced the visual scale of the development, where possible.
- as discussed in the following sections, the building design and setbacks ensure that reasonable solar access is maintained to the habitable windows and private open space areas of the immediately adjoining residential dwellings.
- proposed measures and additional recommended conditions (discussed later) would also ensure that visual privacy of the neighbours is maintained.
- the proposed landscape screening once fully grown, would ensure visual screening of the building bulk as viewed from Pymble Avenue residences. While the growth of vegetation would take time, it would be a positive outcome for the site and the locality.
- the building would not be highly visible, other than as viewed from Pymble Avenue. The overall spatial character of the PLC campus and the existing buildings would be retained.
- the design of the building would have no adverse impact on the adjoining heritage conservation areas or heritage listed dwellings, as discussed in **Section 6.5**.

6.3.28 The Department is satisfied that the design of the building envelope is consistent with the Design Quality Principles for schools under Schedule 4 Education SEPP, particularly Principles 1, 5 and 7 (see **Appendix B**).

#### **Amenity impacts – visual privacy**

6.3.29 During EIS exhibition, community submissions raised concerns that the proposed development would overlook the rear yards of adjoining properties and overshadow habitable windows and open spaces.

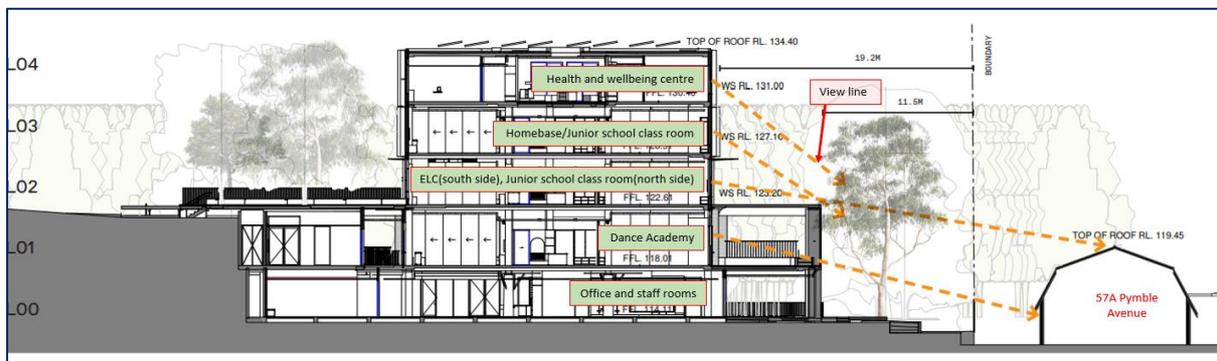
6.3.30 Council also raised concerns regarding the impact of the development on the visual privacy of neighbors.

6.3.31 The Department requested the Applicant provide a clear overlooking analysis diagram from the outdoor terrace on Level 2 and windows on Level 3 (junior school classrooms).

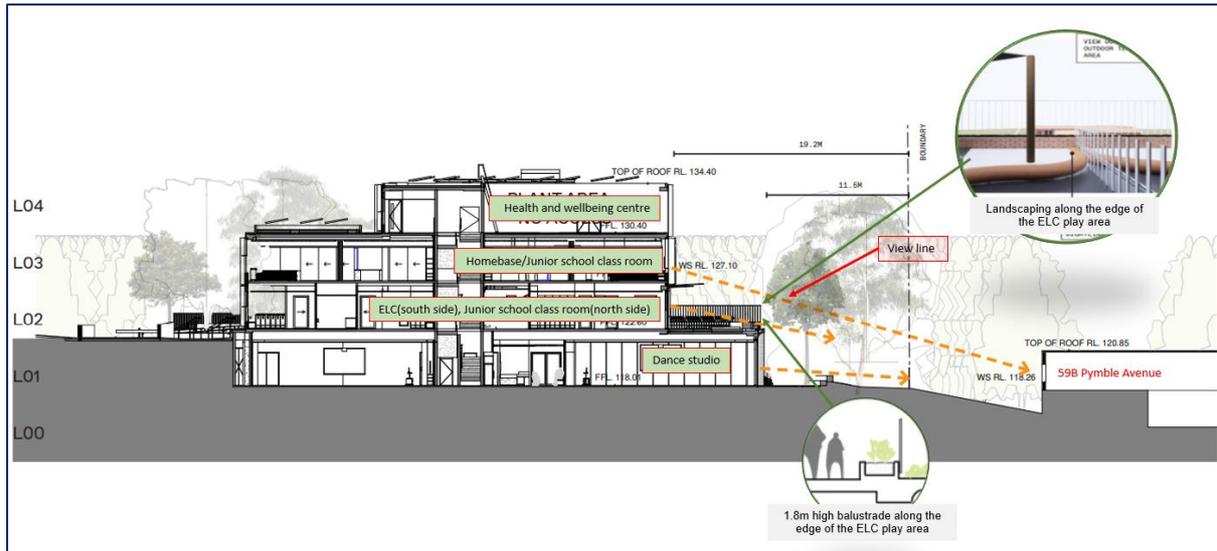
6.3.32 In response to the submissions and comments, the Applicant's RtS modified the design to increase the setbacks of the top levels from the southern boundary adjoining the residential

developments. As identified in **Figure 42** and **Figure 43**, the ground and first floors of the GHP building (as modified by the RtS) would have 11.5m - 12m setbacks and the remaining upper levels would have 19.2m setbacks from the south-eastern boundary line. This would result in approximately 24m setback from the existing dwelling at 57A Pymble Avenue and 25.6m from 59B Pymble Avenue.

- 6.3.33 The Applicant's RtS indicates that the ADG recommends a building separation of 18m between habitable rooms/balconies, 12m between habitable and non-habitable rooms, and 9m between non habitable rooms, for five – eight storey apartment buildings. It recommends an increase in setback by 3m at zoning interfaces with low density dwellings. The guidance ensures best practice outcomes for developments in terms of visual privacy and sunlight. The proposed maximum building separation, being 19.5m (lower levels) to 25.8m (upper levels), which is generally consistent with the ADG, being 1.5m less than the largest recommended building separation at 21m (18m + 3m) for the lower levels.
- 6.3.34 The RtS advised that given the topography, adjoining low-density dwellings would be located below the ground level of the site. View line diagrams were included which demonstrate that it would be extremely difficult for any direct views into the adjoining dwelling windows or the private open space to the rear of these dwellings.
- 6.3.35 The additional horizontal articulation and reduction in the number of picture windows further reduces the opportunity for any views towards residential dwellings. Additionally, the upper level of the building includes clinical spaces rather than the main learning areas, further reducing the opportunity for any overlooking from this part of the building.



**Figure 42** | The building as viewed from 57A Pymble Avenue (Source: Applicant's RtS 2022)

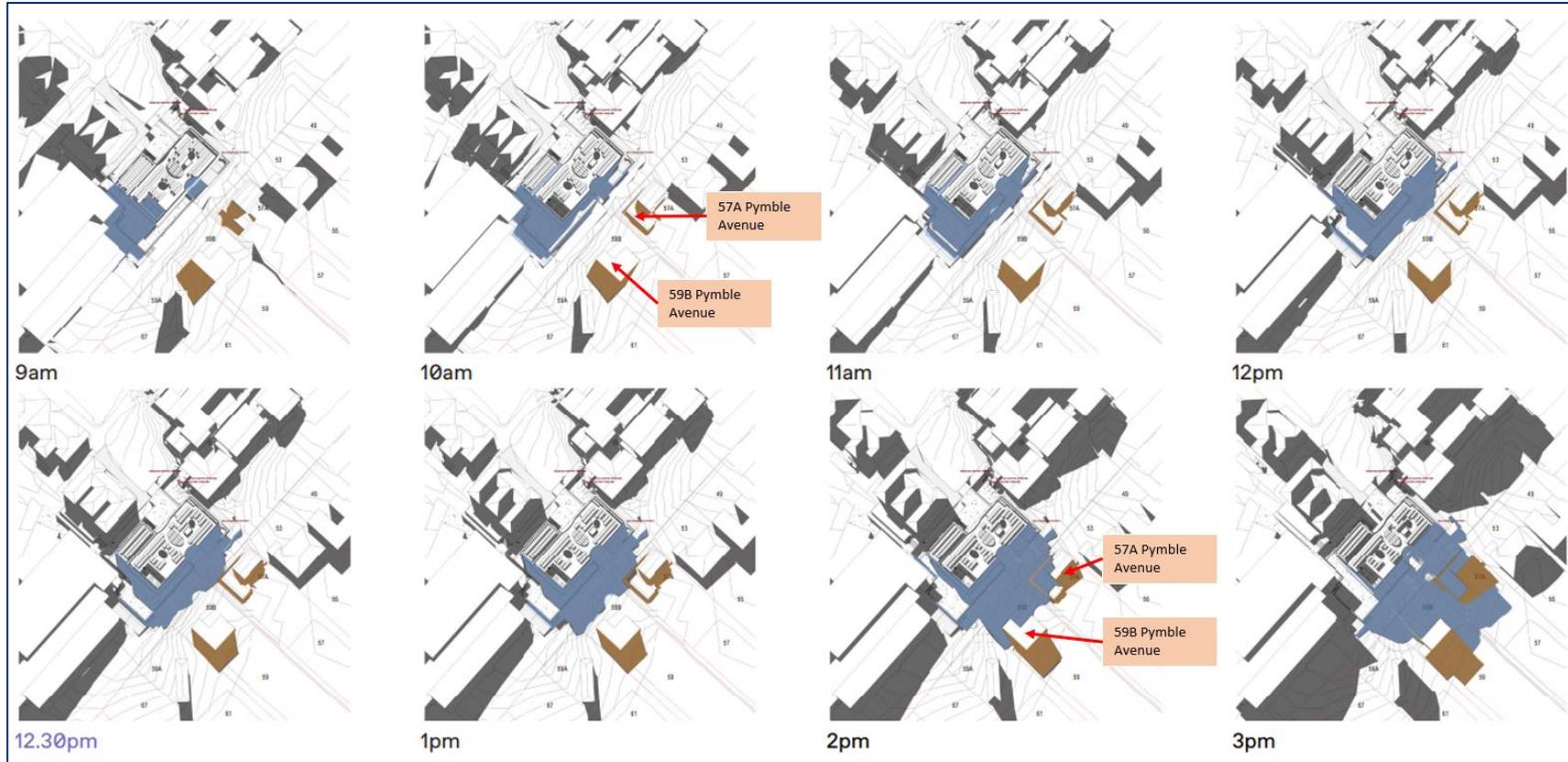


**Figure 43 |** The building as viewed from 59B Pybble Avenue (Source: Applicant’s RtS 2022)

- 6.3.36 To reduce any residual overlooking impacts, the Applicant proposes a 1.8m high balustrade for Level 2 ELC play area along with planters / non-trafficable areas (**Figure 43**).
- 6.3.37 The Applicant also proposes large Blue Gum trees along the southern boundary to provide extensive screening, act as a landscape buffer, and add to the canopy of Pybble Avenue.
- 6.3.38 The Department agrees with the Applicant that the GHP building has been set back adequately to minimise overlooking opportunities on to the rear open space and habitable windows of the neighboring properties to the south (especially 59B and 57A Pybble Avenue). The overlooking opportunities would be further reduced through the reduction of picture windows, horizontal shading elements, and allocation of appropriate use on the upper floors.
- 6.3.39 However, the Department remains concerned that the junior classroom windows, the picture windows and the ELC play area may overlook the upper-level windows of 59B/57A as well as the rear yards and swimming pool of the two adjoining dwellings. The submitted diagrams do not clearly indicate the impact of overlooking from the windows on to the adjoining properties.
- 6.3.40 Therefore, to reduce any overlooking opportunities on to the adjoining residential developments, the Department has recommended conditions requiring the Applicant to:
- include obscure glass to those windows of the Level 2 and Level 3 junior school classrooms along the southern elevation that directly front 57A and 59B Pybble Avenue.
  - include a 1.8m high balustrade with an obscure privacy glass (minimum height 1m from the finished floor) along the southern elevation of the ELC external play area.

**Amenity impacts - overshadowing**

- 6.3.41 The application includes shadow diagrams showing impacts of the shadows of the building on the adjoining properties at 57A and 59B Pybble Avenue, between 9am and 3pm, on 21 June (mid-winter). The shadow diagrams, as modified by the RtS, are provided in **Figure 44** and detailed in **Table 10** and **11**.



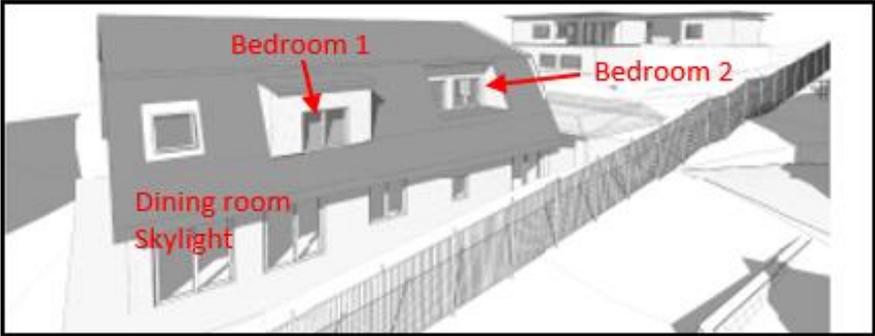
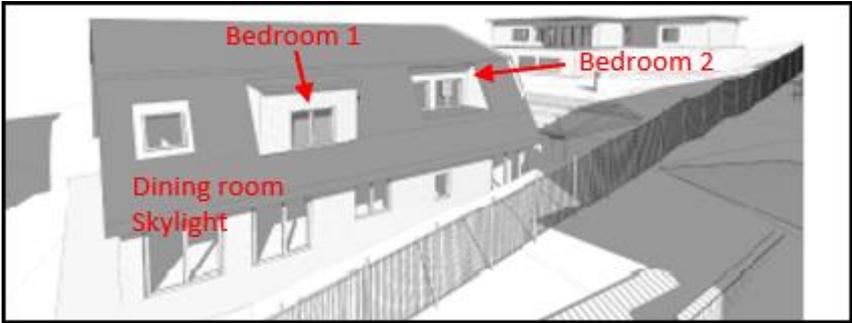
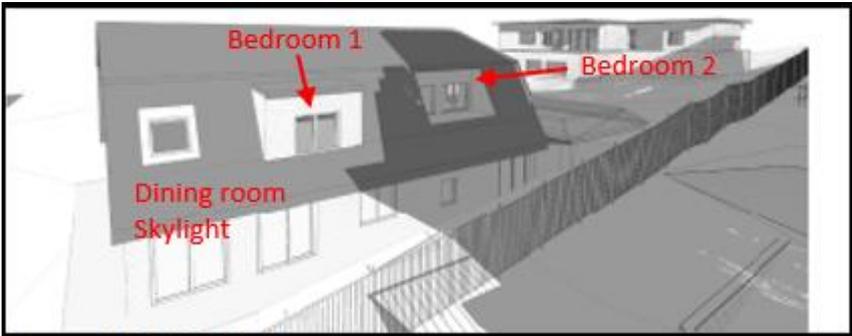
**Figure 44 |** Shadow impact analysis (mid-winter) to adjoining properties, 57A and 59B Pymble Avenue, Pymble (Source: Applicant’s RtS 2022).

*Overshadowing - 57A Pymble Avenue*

6.3.42 Three habitable room windows of this property would potentially be impacted by overshadowing due to the proposed development.

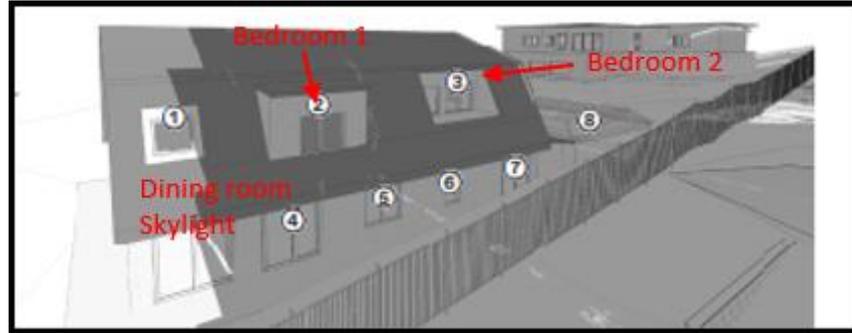
6.3.43 The windows of the rear façade of the building at 57A Pymble Avenue would experience overshadowing at 1.30pm on 21 June. **Table 10** provides details of the affected windows and identifies that all windows of the adjoining property at 57A Pymble Avenue would receive at least 4.5 hours of solar access during winter solstice.

**Table 10** | Shadow analysis 57A Pymble Avenue (Source: Applicant's RtS 2022)

21 June	Shadow cast
<p><b>12.00pm</b></p> <p>No shadow impact between 9am to 12pm</p>	
<p><b>1pm</b></p> <p>Shadow impact would start about 1.30pm</p>	
<p><b>2pm</b></p> <p>Window of Bedroom 2 would not receive solar access at 2pm</p>	

**3pm**

Windows of bedroom 1 and 2 would not receive solar access



*Overshadowing - 59B Pymble Avenue*

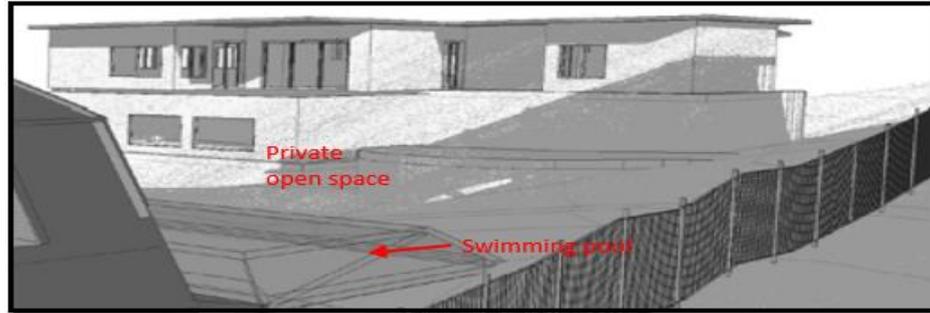
6.3.44 **Table 11** identifies that the property at 59B Pymble Avenue would experience overshadowing from 1pm on 21 June across a part of their private open space. By 2pm, the building's shadow would cover more than 50% of this open space. However overall, the private open space would receive at least 4 hours of solar access during winter solstice.

**Table 11** | Shadow cast analysis provided in the Applicant's RtS 2022

21 June	Shadow cast
<b>12pm</b>	
<b>1pm</b>	

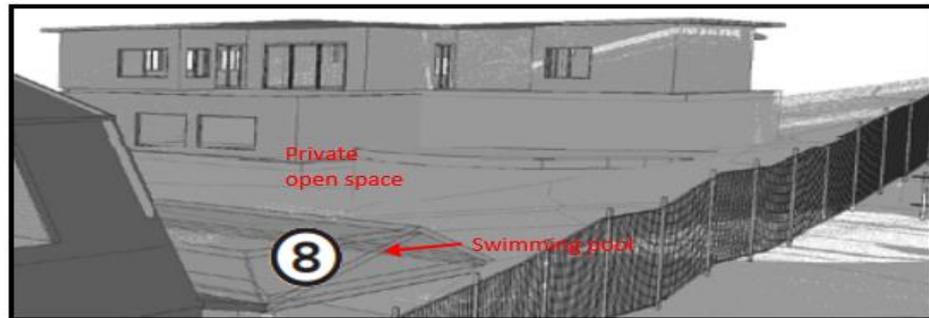
### 2pm

Private open space and swimming pool would have shadow impact



### 3pm

The entire private open space would be covered by shadow



#### *Submissions and Government agency comments*

- 6.3.45 Council reviewed the EIS and commented that the overshadowing due to the proposed GHP building does not comply with Part 4 of the KDCP, which requires that a building is to be designed and sited to maintain at least 4 hours solar access, between 9am and 3pm on 21 June to the north facing windows, all living areas (family rooms, rumpus, lounge, and kitchen) and the private open space areas, such as swimming pools and patios, of adjoining dwellings.
- 6.3.46 Council requested a detailed analysis of overshadowing impacts and advised that the Applicant provide a table of compliance and/or non-compliance of the solar access provisions comparing it against a known criterion (such as a development control plan, SEPP, or Australian Model Code for Residential Development (AMCORD)). Council emphasised that the solar access provisions should comply with the applicable DCP or the Land and Environment Court (LEC) planning principle.
- 6.3.47 Community submissions raised concerns that the design of the building would cause overshadowing of neighboring properties.
- 6.3.48 Following exhibition of the EIS, the Applicant consulted with SDRP which recommended further details of overshadowing impacts on low-density dwellings due to the development.

#### *Applicant's response and Council's comments*

- 6.3.49 The Applicant's RtS provided a detailed shadow diagram based on true north, location, and nature of existing and/or proposed fencing with the shadows projected, shadow on windows cast in neighboring houses (**Figure 44**).
- 6.3.50 The RtS stated that the proposed development, as modified by the RtS, complies with the provisions of KDCP in terms of solar access and overshadowing.

6.3.51 The RtS also stated that the proposed development provides greater setbacks than recommended in the ADG, for most of the southern façade, and this would reduce overshadowing impact to the adjoining properties.

6.3.52 Council did not raise further comments on shadow impact.

#### *Department's assessment*

6.3.53 The Department has reviewed the Applicant's EIS, RtS, and community submissions. The Department considers that the proposed building would have appropriate setbacks from the adjoining properties and provide adequate daylight to habitable rooms of neighboring dwellings.

6.3.54 The Department has assessed the shadow diagrams and is satisfied that north-west facing windows of neighboring properties would receive at least 4 hours solar access, complying with the KDCP requirements. Consequently, the Department considers that the proposed development has an acceptable outcome regarding overshadowing, despite its five-storey built form. Given compliance with KDCP, the Department has not conducted any further assessment against AMCORD, which requires only 3 hours of solar access to neighboring properties during winter solstice.

## **6.4 Biodiversity, tree removal and landscaping**

### **Biodiversity and tree removal**

6.4.1 The EIS included a BDAR assessing the impacts of the development on local biodiversity, and an Arboricultural Impact Assessment Report including details of tree removal required by the proposal. During EIS exhibition, Council raised concerns that the proposed development does not provide evidence of retaining trees where possible. Council advised many of the trees proposed to be removed are of moderate to high retention value. While replacement trees are proposed, these do not constitute like for like replacement. These concerns were reiterated following submission of the RtS.

6.4.2 Community submissions objected to the development on the grounds of tree removal and removal of canopy cover.

6.4.3 EHG raised significant concerns regarding BDAR inadequacies.

6.4.4 In response to EHG and Council's concerns, the Applicant submitted an amended BDAR and details of replacement trees as part of the SRtS. The details of the EHG concerns, the Applicant's response to those and the final comments from EHG have been discussed in **Section 5**.

6.4.5 Given that the BDAR has been amended to respond to EHG and Council comments, the relevant sections of the amended BDAR have been discussed in this section.

6.4.6 The Applicant states that the native vegetation communities within the PLC campus are not in excellent condition. PLC is undertaking bush regeneration works in other parts of the campus. Notwithstanding, a very minor portion of the site area falls within the biodiversity value map, published by the former NSW Office of the Environment and Heritage, and Appendix C

streamlined assessment module-small area in the Biodiversity Assessment Method 2020 (BAM) is applicable.

- 6.4.7 The amended BDAR assessed two disturbance areas including the GHP building footprint and the proposed accessway along the southern boundary. According to the amended BDAR, the site area comprises two plant community types (PCT) that would be cleared / impacted by the development. Both PCTs, Sydney Turpentine Ironbark Forest (STIF) and Blue Gum High Forest (BGHF), are listed as Critically Endangered Ecological Community (CEEC) under the BC Act. and Critically Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- 6.4.8 The Applicant's BDAR advises that the proposal is not expected to significantly impact on any Matters of National Significance, pursuant to the Significant Impact Guidelines (DE 2013). The Applicant has not referred this application to the Commonwealth under the provisions of the EPBC Act. As such, Matters of National Significance is not relevant to the assessment of the SSD application.
- 6.4.9 The amended BDAR identifies the location of STIF and BGHF (including canopy cover above existing roads) in **Figure 45** and assessed the impacts in two zones, zone 1 (access way vegetation) and zone 2 (building footprint vegetation) as detailed in **Table 12**. Vegetation zone 2 would be more impacted than zone 1. The STIF is located within zone 2.



**Figure 45** | STIF and BGHF in the site context (Source: Applicant's SRtS 2022)

**Table 12 |** Vegetation zones (Source: Applicant’s SRtS 2022)

Vegetation Zone	Previous and present situation	Area to be cleared
Vegetation zone 1	<ul style="list-style-type: none"> <li>a mix of six mature trees and non-native trees.</li> <li>(<i>E. pilularis</i>, <i>E. microcorys</i> and <i>E. saligna</i> are present throughout the garden).</li> </ul>	Approximately 0.04ha
Vegetation zone 2	<ul style="list-style-type: none"> <li>ground cover with High Threat Exotic species.</li> <li>native canopy trees associated with the STIF.</li> </ul>	Approximately 0.02ha

6.4.10 The amended BDAR includes the assessment of direct, indirect, and prescribed impacts on the local biodiversity due to the development as discussed below.

*Direct impacts*

6.4.11 The amended BDAR identifies the proposed development would require removal of 29 trees and approximately 0.06ha of vegetation area. While the development would directly impact on STIF PCT, it is not considered a significant loss because the existing STIF vegetation is structurally and functionally poor due to previous clearing. However, direct impact of the removal of 0.06ha of STIF requires two ecosystem credits to be offset in accordance with the BAM, under the BC Act.

6.4.12 The development would result in the loss of 29 trees. The amended BDAR states that all trees removed are to be replaced at a ratio greater than 1:1 (for trees not covered by a biodiversity offset strategy). However, a tree replacement ratio of 2:1 is preferable to 1:1 to mitigate the urban heat island effect and enhance habitat. Consequently, 29 trees would be replaced by 37 medium to large replacement trees.

6.4.1 The amended BDAR also states 46 threatened fauna species have been recorded within 10km of the site, which are currently listed as vulnerable or endangered under State. Of these, the endangered Gang-gang Cockatoo population occurs within 10km of the site.

6.4.2 The impact area hosts marginal foraging habitat for microbats in the form of canopy cover and insect abundance, which would be lost due to the tree removal. The development is unlikely to impact on any critical koala habitat or any other threatened fauna.

6.4.3 Notwithstanding, the BAM calculator (BC Act) identifies the proposed works would generate one species credit for Large-eared pied bat (*Chalinolobus dwyeri*).

*Indirect impacts*

6.4.4 The amended BDAR includes an assessment of indirect impacts of the proposal on the biodiversity, and recommends weed management in cleared grounds, refraining entry of pathogens into the site, avoidance of soil compaction in non-built areas, and maintaining and improving water quality.

### *Serious and irreversible impacts*

- 6.4.5 The BDAR includes an assessment of serious and irreversible impacts (SAII) due to the development. The BAM calculator recognised both STIF and Large-eared pied bat to be SAII entities for the site. However, the detailed assessment concludes that the development would not place STIF or the bat species at risk of extinction or cause a serious or irreversible impact.

### *Prescribed impacts and mitigation measures*

- 6.4.6 The amended BDAR assessed potential impacts of the development on features that threatened species or communities can be dependent on (prescribed impacts) including karst, caves, cliffs, rocks, human made structures (such as the demountable to be demolished/removed) and non-native vegetation.
- 6.4.7 The assessment concludes existing rocks would be reused in the landscaped gardens and species connectivity or habitat within the site would be maintained. Non-native vegetation is also scattered throughout, and the impacts on this vegetation would be negligible.
- 6.4.8 Regarding the impacts of demolition works on the microbat habitat, the Applicant states the demountable have fully sealed roof spaces, providing few opportunities for foraging habitat of bats. Consequently, removal of these structures would have negligible impacts on the habitats of the fauna species.
- 6.4.9 The BDAR includes mitigation measures to ensure that all direct, indirect, and prescribed impacts are mitigated where possible. This includes replacement of trees, weed control measures, water quality maintenance measures, monitoring and installation of nest boxes, reusing removed trees and hollows, prevention of pathogens, translocation of juvenile native plants, and preparing a vegetation management plan.

### *Department's assessment*

- 6.4.10 Based on the comments from EHG in relation to BC Act, the Department accepts the Applicant's BDAR and is satisfied that and the proposal is unlikely to result in a significant impact on the biodiversity values of the locality, subject to implementation of the mitigation measures.
- 6.4.11 The GHP building has been located to avoid and minimise impacts on identified threatened biodiversity within the campus. While the location would impact on STIF and a fauna species, it would not lead to SAII. The removal of the STIF and the impacts on the bat species have been suitably offset through ecosystem credits. Identified indirect and prescribed impacts would be suitably mitigated through replacement trees, ecosystem credits and additional management measures.
- 6.4.12 The Department supports the Applicant's approach to undertaking bush regeneration works and considers that the implementation of the recommendations of the amended BDAR would enhance biodiversity within the campus and surrounds. Conditions to this effect have been recommended including the development and implementation of a Vegetation Management Plan for the site.

## Landscaping

6.4.13 The Applicant's EIS was supported by Landscape Report and Landscape Plans, which delineated landscaped areas within the site.

6.4.14 During the EIS exhibition, Council raised concerns regarding the extent of tree removal within the site, and the proposed landscaping including:

- the landscape report does not provide site wide details of the proposed site planting
- replaced trees should be distributed evenly within the site.
- wider landscape areas should be provided for tall tree planting with greater setback, especially on the southern side, adjoining the access road. These areas are too narrow and too close to the dance break out area and stair access area linking to the Grey House Walk.

6.4.15 The Department requested the Applicant demonstrate how the landscape plan for the site connects to the Masterplan.

6.4.16 GANSW and SDRP reviewed the EIS and advised that Connecting with Country opportunities should be evident in the landscape strategies within the site.

### *Applicant's response and amended landscape plan*

6.4.17 In response to concerns, the Applicant's RtS advised the trees selected for removal are considered necessary for the structure and building footprint of the proposal.

6.4.18 The Applicant's RtS included an amended landscape plan. The Applicant advises that the amended design significantly increased the landscape planting south of the dance studios, as well as reduced the retaining walls to ensure adequate soil volume is provided for the larger trees. Many tree locations have been moved away from the building to maintain clearance.

6.4.19 Regarding replacement trees species, the Applicant states that the site is a part of the overall PLC campus with a wider tree masterplan, and proposed tree planting species and locations have been based on this wider tree masterplan.

6.4.20 The Applicant has advised that the proposed tree planting achieves 28% canopy cover with the use of non-native trees to ensure adequate solar access during winter.

6.4.21 The Applicant's RtS advises canopy trees would be planted adjacent to the south-eastern boundary and western side of the proposed building. The south-eastern landscaping strip would provide an effective landscaping screen between the building and adjoining residential properties and western façade landscaping would support passive environmental design, to maintain a high level of amenity for the internal and external spaces of the building.

6.4.22 The Applicant's Design Report addendum includes Connecting with Country strategies to be incorporated in the design of outdoor spaces.

6.4.23 The amended landscape plan is provided in **Figure 46**. It shows that landscaping has been proposed on Levels 0 to 2 and Level 4. The ELC outdoor play area is located on the south-western side of the proposed building on Level 2 and includes landscape outdoor play spaces.

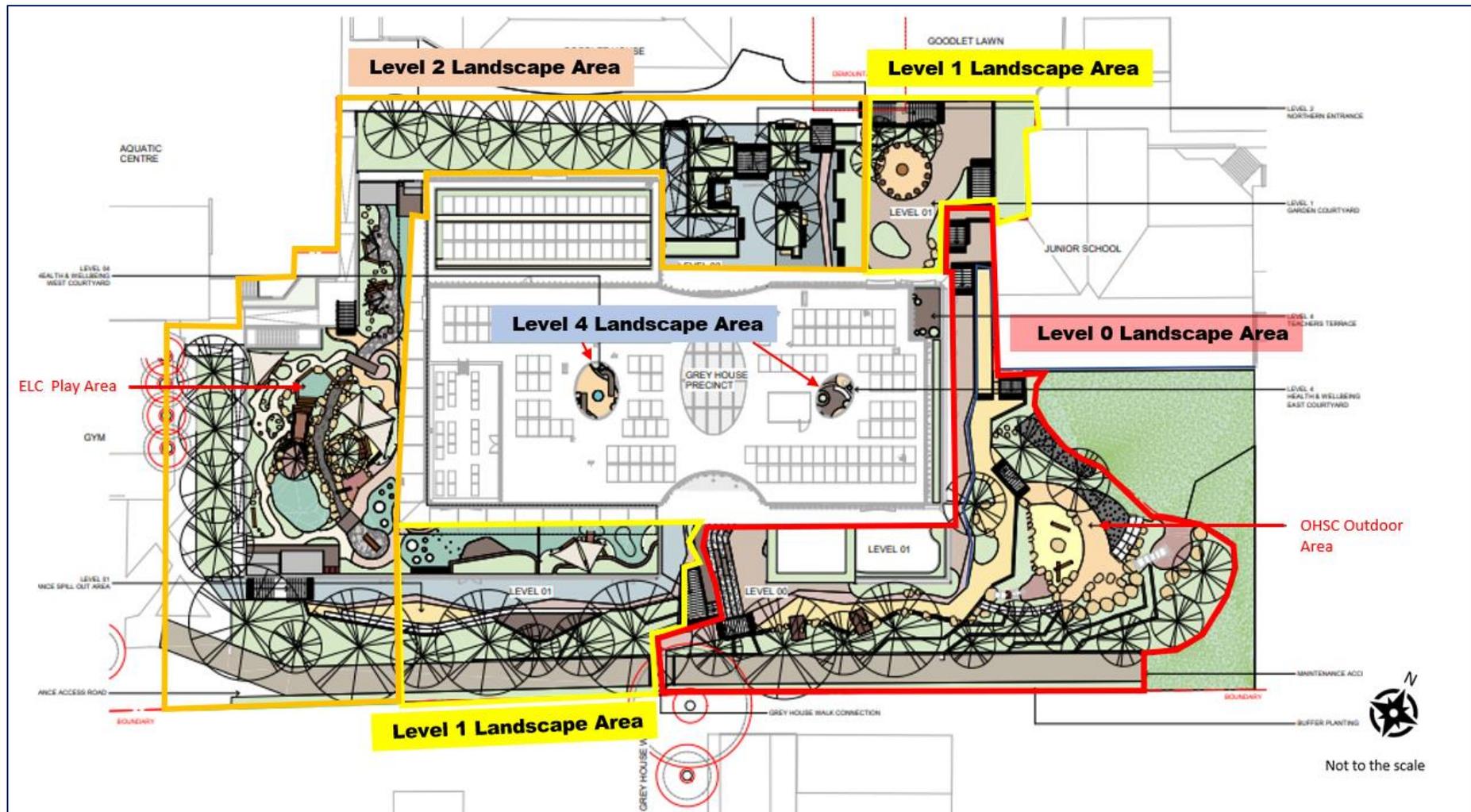


Figure 46 | Landscape area (Source: Applicant's RtS 2022)

### *Submissions to RtS and SRtS*

- 6.4.24 Council reviewed the Applicant's RtS and commented that the revised landscape plans are conceptual, with a lack of detail on the proposed species.
- 6.4.25 While Council acknowledged that the width of landscape areas adjacent to the access way along the southern elevation have increased, the suitability of the landscape areas for planting tall indigenous canopy trees is still unclear. For example, medium to large trees would be closer to existing paved areas and the Goodlet House, and the depth of the setback may be insufficient for long term survival of trees.
- 6.4.26 GANSW reviewed the RtS and supported the proposed landscaping along with the south-eastern boundary which would reduce overlooking on to the neighboring properties.

### *Applicant's response in SRtS*

- 6.4.1 In response, the Applicant advised the schedule of plant species and tree planting were provided as part of the application. Further, proposed landscaping and the location of the development site have been integrated directly into the overall masterplan for PLC and would be further developed in the detailed design stage.
- 6.4.2 The Applicant also advised that the buffer landscape near Goodlet house (north of the site) is 5m wide deep soil planting which is adequate for replacement tree planting.
- 6.4.3 No further amendments to the landscape plan have been provided.

### *Department's assessment*

- 6.4.4 The Department has assessed the amended landscape plan and Council's submission. The Department considers the site is part of the PLC campus, and the overall campus has a broader landscape strategy. The landscaping for this site would generally connect with the Masterplan while incorporating elements of Connecting with Country.
- 6.4.5 As such, the Department notes the primary purpose of landscaping within the site is to minimise visual impact of the building and maintain the canopy cover along Pymble Avenue. The Department considers that the proposed landscaping has appropriately achieved this.
- 6.4.6 The proposed landscaping provides a variety of play areas, covered learning areas, and gathering areas, suitable for the learning needs of ELC and primary school children. Consequently, the Department supports the Applicant's approach to landscaping the site.
- 6.4.7 The Department notes that the Applicant endeavors to undertake a reasonable level of engagement with the local Aboriginal community. Conditions of consent are recommended to ensure that this engagement continues, post determination of the application. A condition of consent has been recommended that requires the Applicant submit an amended landscape plan incorporating Connecting with Country principles to be identified in the Design Report submitted with the RtS.

## 6.5 Other issues

6.5.1 The Department’s consideration of other issues is provided at **Table 13**.

**Table 13** | Department’s assessment of other issues

Issue	Findings	Department’s consideration and recommended conditions
<b>Construction noise and vibration</b>	<ul style="list-style-type: none"> <li>• The EIS includes a Noise Impact Assessment (NIA) which assesses the potential construction noise and vibration impacts on nearest sensitive receivers.</li> <li>• The assessment established construction noise management levels for the site as perceived at noise sensitive receivers in accordance with EPA’s Interim Construction Noise Guideline (2009).</li> <li>• The assessment concludes that during certain construction phases, the predicted noise from construction works would exceed the construction noise management levels and “Highly Noise Affected Level” of 75dBA in some instances.</li> <li>• The NIA found that the highest construction noise levels are predicted during site preparation, bulk earthworks and construction.</li> <li>• To manage adverse impacts of construction noise, the NIA recommends best practice noise mitigation measures, including project and plant machinery specific measures.</li> <li>• For static equipment, the NIA recommends an acoustic screen during the construction period.</li> <li>• During the EIS exhibition, community submissions raised concerns that the surrounding residents would experience disturbance due to construction noise and vibration.</li> <li>• In response, the Applicant’s RtS states that the proposed noise mitigation measures would be implemented through</li> </ul>	<ul style="list-style-type: none"> <li>• The Department considers construction noise impacts can be adequately managed in accordance with the Interim Construction Noise Guideline, through the adoption of mitigation measures.</li> <li>• To ensure that potential construction impacts are appropriately managed, the Department has recommended conditions of consent requiring:               <ul style="list-style-type: none"> <li>○ construction hours are in accordance with the standard construction hours.</li> <li>○ a Construction Noise and Vibration Management Plan is prepared that incorporates the recommendations of the NIA.</li> <li>○ construction noise control measures to ensure the ongoing school operations are not impacted.</li> </ul> </li> </ul>

a construction noise and vibration management plan.

---

**Operational noise**

- The NIA assesses the potential operational noise impacts of the development on the nearest sensitive receivers to the south of the site.
- The NIA establishes external noise level criteria for the surrounding residences in accordance with EPA's Noise Policy and indicates that the main noise generating activities would include indoor and outdoor student activities, school bell, music from school events, dining hall and presentation space use, ELC and dance studio external areas.
- The NIA identifies that mechanical plant and equipment would be subject to detailed acoustic assessment prior to construction. Barriers, noise attenuation, vibration isolation and selection of low noise equipment would ensure compliance with noise intrusiveness criteria.
- The internal learning areas would meet the noise criteria subject to façade and glazing treatments.
- The NIA assesses the impacts of the use of the external play areas and notes that the maximum noise level would exceed the external noise criteria (3 dBA exceedance). The NIA states that the distance of the residences from the GHP building as well as the topography would partially reduce the noise impacts. Notwithstanding, to mitigate any adverse impacts due to the noise exceedance, the NIA recommends:
  - inclusion of a barrier to the perimeter of the level 2 ELC external play area, built of a solid material such as glass with a height of no less than 1.5m above the finished floor.
- The Department has assessed the NIA and the Applicant's response to Council's concerns.
- The Department is satisfied that, subject to implementation of the recommendations of the NIA, restriction of the use of the ELC between 7am – 10pm and all out-of-hours school activities to 10pm, the proposal would not have an unreasonable impact on the surrounding low-density dwellings.
- The Department has recommended conditions that require:
  - a detailed assessment of plant and equipment demonstrating compliance with the identified noise criteria.
  - incorporation of recommendations of the NIA in the detailed design of the building.
  - the Applicant to conduct short term noise monitoring following commencement of operation to ensure that the proposed noise level targets are achieved.
  - the Applicant to prepare an Out of Hours Event Management Plan for school events involving over 100 patrons, to ensure appropriate noise management measures are implemented including restricting all events and operation of the dance studio to 10pm.

- restricting the dance practice with amplified music within the submerged dance studios.
- adopting the Australasian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment, being 2.5 hours of outdoor play with a buffer of 1.5 hours for additional activities.
- The NIA generally concludes that noise levels from the school operations meet applicable environmental noise criteria subject to the implementation of recommended construction techniques and glazing specifications within the building, acoustic measures for the mechanical plant and equipment, and closing windows of the school hall beyond 7pm.
- Several objections were received from the public and Council regarding operational noise impacts. Council raised concerns regarding the impacts of the noise levels from the amplified equipment of dancing studio after standard school hours, considering current noise complaints due to the use.
- The Applicant's RtS confirmed that the future dance studio operations would be better than the current conditions. The noise generated by the development would be reduced by extensive soundproofing and the purpose-built nature of the dance studio.

**Aboriginal Cultural Heritage**

- An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the application.
- The ACHAR concludes that due to its location, landscape features and significant previous disturbance, the site had low to nil potential for Aboriginal objects.
- The ACHAR found that it is highly unlikely that any Aboriginal objects or evidence of Aboriginal occupation exists
- The Department reviewed the ACHAR and considers that potential impacts on Aboriginal cultural heritage have been appropriately addressed.
- The Department is satisfied that the proposal would not result in significant impacts on Aboriginal cultural heritage.
- Conditions of consent are recommended consistent with

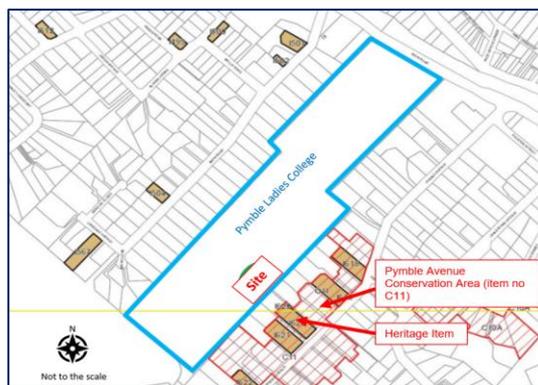
within the development site and advised the proposal would not impact Aboriginal cultural heritage.

- Consultation with the Registered Aboriginal parties established there were no social, cultural, historical or aesthetic values associated with the site.
- To ensure Aboriginal cultural heritage values are appropriately considered and protected, the ACHAR included a recommendation, regarding unexpected finds protocols.
- As discussed in Section 6.3, the Applicant consulted Aboriginal parties and incorporated input into landscape and overall design of the building to ensure that Connecting with Country principles are achieved in the design.

the ACHAR including induction, unexpected finds protocol and ongoing consultation.

### Historic Heritage

- No heritage item is located on the site.
- The site, and the overall PLC campus, are not within the conservation area. The site is located near Pymble Avenue Conservation Area (item no C11) and near heritage listed items as identified in schedule 5 of the KLEP (**Figure 47**).



**Figure 47 | Conservation area and heritage items** (Source: Applicant's EIS 2021)

- The EIS includes a Heritage Impact Statement (HIS) which confirms that the proposed development would not have detrimental impacts to these heritage items or to the Pymble Avenue Conservation Area.

- The Department engaged an independent consultant (GML Heritage) to review the HIS and public submissions.
- GML Heritage reviewed the impact of the proposed building on the heritage items in the vicinity, compatibility with the existing buildings within the PLC campus, compliance with relevant controls and guidelines.
- GML Heritage concluded the proposed development would not have any impact on the adjoining conservation area and surrounding heritage items.
- Therefore, conditions to avoid or mitigate any impacts on the heritage significance of the nearby heritage items and/or the conservation area are not required.
- The Department has reviewed the HIS and Archaeological Assessment and does not consider the proposal would

- Several community submissions raised concerns that the proposed development would have a detrimental impact to the conservation area and Council's listed heritage items.
  - Council did not raise concerns regarding matters relating to heritage impact.
  - The EIS also includes a Heritage Archaeological Assessment Report which concludes there is nil potential that significant archaeological remains are present within the site.
- have unacceptable impacts on any matters of historic heritage value in the surrounding areas or the site archaeology.
- The Department has recommended a condition for the implementation of an unexpected finds protocol in the instance matters of historic archaeological significance are identified on site during construction.

**Site contamination**

- A Preliminary Site Investigation report was provided with the EIS.
  - The report indicates that the site was owned by the Presbyterian Church (New South Wales) Property Trust between 1916 and 1981.
  - The Uniting Church in Australia Property trust purchased the land in 1981 and ownership remains unchanged.
  - Therefore, the historic land title records do not identify any particular land uses which could have resulted in site contamination that would preclude the use of the site for the purpose of a school building.
  - Notwithstanding, the report recommends that:
    - a Detailed Site Investigation be undertaken to characterise the site contamination conditions and establish whether the site is suitable for the proposed development, or whether remediation is required. This should include sampling to meet the minimum sampling density specified by the NSW EPA.
    - if it is not practicable to do so as part of the Detailed Site Investigation, additional inspection and sampling should be undertaken following demolition/removal of the existing demountable and marquee structures to confirm the
- State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) requires the Department to be satisfied that the site is suitable or would be made suitable through remediation for the intended use.
- The Department notes that a detailed site investigation has not been undertaken as part of this development application. In the absence of soil testing throughout the site, it cannot be ensured that the entire site is suitable for the development.
  - Due to the above uncertainties, the Department has recommended the following conditions:
    - a detailed site investigation be undertaken including soil testing throughout the site.
    - should any contaminants be identified at unacceptable levels a remedial action plan be prepared.
    - a site auditor be engaged by the Applicant.
    - an unexpected finds protocol be development and implemented.
    - in case remediation works are needed, the site auditor

classification of material to be excavated for the proposed development.

- Community submissions advised that further investigations regarding site contamination should be undertaken.

must confirm (via a site audit statement) the suitability of the site at the completion of those works.

- The Department considers that, subject to the implementation of the above conditions of consent, the application is assessed as satisfactory against the provisions of SEPP 55.
- Given the proposal does not propose any change of use, section 7 of SEPP 55 does not require further consideration.

**ELC play area**

- The Education SEPP and associated childcare guidelines requires a minimum 292.5m<sup>2</sup> of indoor unencumbered and 630m<sup>2</sup> outdoor unencumbered area for an ELC with 90 children.
- The Department requested the Applicant to provide numerical data regarding the unencumbered outdoor and indoor play areas to demonstrate their compliance with the relevant standards.
- The Applicant's SRtS advised that a total of 310m<sup>2</sup> outdoor and 650m<sup>2</sup> indoor unencumbered area have been provided for the ELC children.

- The Department is satisfied with the outdoor unencumbered and indoor unencumbered areas for ELC children.

**ELC food safety**

- Council commented that the proposed kitchen size is not sufficient to prepare food for 90 ELC children.
- The kitchen area should be 19m<sup>2</sup> in area to accommodate all fixtures and fittings including dry food storage, refrigeration, freezer units and a food preparation bench.
- Council recommended conditions of consent for appropriate operation of the kitchen and to restrict outdoor eating to maintain amenity of neighbours.
- The Applicant's RtS confirmed that the proposed kitchen space is adequate for accommodating food processing service.

- The Department reviewed the Applicant's EIS and RtS and considers that the internal fit out of the kitchen is subject to compliance with BCA provisions.
- No outdoor eating is proposed. Therefore, no further consideration in this regard is necessary.

**Increasing student number**

- Several community objections commented the:
  - proposed building would provide opportunity to increase student numbers in the future.
  - development would increase by 90 ELC children.
- The Applicant's RtS confirmed that no increase in PLC student numbers is proposed under this application. PLC has a current shortfall of classroom spaces. Therefore, these additional classrooms are justifiable.
- The Applicant also addressed that the majority portion of the additional 90 ELC children would cater for the existing staff families.
- The Department is satisfied that the GHP building would provide a modern teaching and learning facilities to support existing PLC students with demand of students, staff and the broader community, rather than increasing student population.
- The impacts of the new ELC with 90 children is assessed in **Section 6.**

**Wind impact**

- The EIS includes a Wind Environment Study. In the study, a model of the GHP building has been tested in a wind tunnel considering various scenarios.
- The results of the study indicate that wind conditions for most trafficable outdoor locations within and around the GHP building would be suitable for their intended uses. However, some areas may experience strong winds exceeding the relevant criteria for comfort.
- Suggested treatments to ameliorate this impact include:
  - increase in landscaping at all levels.
  - 1.5 – 1.8m high impermeable or 30% porous screens along the north-eastern and south-eastern boundaries.
  - similar screen or dense foliating trees (3 -4m high) at the southern corner.
  - permanent porosity to the north-western and south-eastern facades of the atrium space (Levels 3 – 4).
  - 1.2m high impermeable balustrade along the north-eastern boundary of the proposed roof top terrace.
- The Department has reviewed the Wind Environment Study and considers that, subject to conditions of consent requiring implementation of the recommendations of the report, the proposal would not result in any outdoor or indoor environment that would not be conducive to the users.
- Conditions to this effect are recommended.

- Community submissions raised concerns that the proposed outdoor play spaces conflict with the recommendations of the wind report.
- In response, the Applicant advised that a palisade fence with glass behind it is provided on the balustrades, to satisfy the recommendation of the wind report.

---

### **Lighting**

- Council raised concerns regarding the impacts of the proposal on the adjoining residences due to light spill.
- Council recommended conditions regarding:
  - requirements for external lighting on the building to prevent light spill.
  - limiting use of internal lighting in the early morning, evening and at night.
- The Applicant advised in RtS that the use of the building would be within the school hours so that there is no possibility of light impact to the surrounding area.
- The Department reviewed the Applicant's RtS and SRtS and notes that flood lighting has not been proposed under this application.
- Notwithstanding, a condition of consent is recommended requiring outdoor lighting within the site to be designed to comply with AS 1158.3.1:2005.

---

### **Stormwater and drainage**

- The site is not subject to flooding.
  - The EIS includes a Stormwater Management Plan that states that stormwater drainage works would be implemented in accordance with Australian Standards (AS 3500.3) and Council's requirements.
  - An existing stormwater pipe and pit network conveying stormwater from upstream and outside the site area passes through the footprint of the proposed building. This line will require diversion and will be implemented as early works, prior to the commencement of construction (under separate planning pathway).
  - The proposed stormwater system would include a system of pits and pipes connecting to the diverted stormwater line through an on-site detention system. An overland flow path is
  - The Department is satisfied that the Applicant has demonstrated the site can accommodate the required stormwater and drainage management systems.
  - The Department has recommended conditions requiring the design and implementation of a stormwater management system for the site in accordance with relevant standards and guidelines.
-

proposed to cater for the large storm events.

- The on-site detention basin would have an appropriately sized outlet pipe to maintain a maximum discharge equivalent to the predevelopment discharge rate during all storm events up to and including the 1% Annual Exceedance Probability storm event.
- The Applicant proposes water quality treatment devices and rainwater tanks to retain off site flow and reuse water on site.
- Council did not raise concerns or comments relating to stormwater or drainage matters.

---

**Sediment, erosion, and dust control**

- A preliminary Construction Management Plan is included with the EIS with management initiatives for sediment, erosion and dust control.
- Proposed measures would contain sediment within the site and prevent erosion into neighbouring properties and the public domain during construction works.
- The Department considers that appropriate measures have been proposed to prevent erosion and control dust as part of construction works.
- The Department has recommended conditions requiring the preparation of a final detailed Construction Environmental Management Plan prior to the commencement of construction, incorporating details of sediment and erosion control.

---

**Social impact**

- The EIS included a Social Impact Assessment that addressed key demographic characteristics of the area, detailed stakeholder engagement, and assessed impacts in relation to local and site amenity, traffic, heritage, social inclusion, health and safety, economic, environmental and construction impacts.
  - The report found that the proposal would likely result in short term negative impacts from construction activities.
  - However, in the long term it would provide improved and modern learning
  - The Department is satisfied that the proposal would have positive social impacts as it would meet the educational needs of the area.
  - Short term impacts arising from the construction phase would be mitigated through recommended conditions requiring construction management plans.
-

pathways and facilities available for school and community use.

- During the EIS exhibition, the Department requested the Applicant include details of social impacts of the intensification of Grey House Walk and amend the details relating to nearby childcare centres.
- In response, the Applicant's RtS included an addendum to the report identifying all relevant sensitive receivers within a 500m and 1km radius of the site. The Applicant clarified that no intensification of Grey House Walk is proposed. Consequently, there would be no additional impacts on the neighbours.

---

**Community use**

- The Applicant advises the dance academy and ELC components of the development may be made available for community use.
  - The dance academy would have art facilities.
  - The OSHC would offer vacation care for girls and boys in the community, outside of school terms.
  - The OSHC would have a dedicated movie room, outdoor play, kitchen and dining rooms, study room, and art rooms, which may be accessible for the community.
- The Department supports the initiatives by PLC to enable community use of its facilities.
  - Given the specific detail on community use proposed is unknown at this stage, the Department considers it is appropriate that any community use of the site outside school hours involving more than 100 attendees be supported by an Out of Hours Event Management Plan that details:
    - activities should not extend beyond 10pm
    - not include the use of amplified music unless inside a building with doors and windows closed.
  - Subject to these limits, the Department is satisfied that community use would not result in significant impacts beyond those considered in this report, including operational traffic, parking and operational noise.
-

<b>Loss of property value</b>	<ul style="list-style-type: none"> <li>• Concerns were raised in community submissions that the proposed bulky building would affect the property value of the surrounding dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department notes that matters relating to the private contracts of sale and/or value of properties are not planning matters. No further assessment in this regard is necessary.</li> </ul>
-------------------------------	--	---

<b>Utilities</b>	<ul style="list-style-type: none"> <li>• The EIS includes a service assessment report to assess the existing capacity of utility services to service the site and the proposed works. The report identifies that a new Ausgrid kiosk substation would be required to facilitate the proposal.</li> <li>• The proposed substation location would be behind Lang House adjacent to the existing substation.</li> <li>• The PLC campus is serviced by all essential services and utilities including fibre network.</li> <li>• Sydney Water provided advice regarding water servicing, wastewater servicing and trade wastewater requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department notes that the proposed substation location would be outside of the site, and not within the scope of the application.</li> <li>• Notwithstanding, a condition of consent is recommended requiring the Applicant deliver all required infrastructure to enable functioning of the building in the future.</li> <li>• The Department has recommended conditions to ensure the Applicant lodges appropriate requests for the supply of these services, and that all utilities are available prior operation.</li> </ul>
------------------	--	---

<b>Waste and recycling</b>	<ul style="list-style-type: none"> <li>• The EIS includes a Construction Waste Management Plan and an Operational Waste Management Plan.</li> <li>• The Construction Waste Management Plan includes the proposed methods for identification, temporary retention and disposal of hazardous demolition and/or construction waste.</li> <li>• The Operational Waste Management Plan includes expected operational waste volumes and waste management measures to be adopted.</li> <li>• PLC currently has a central waste storage area to collect and separate waste. The GHP building would use this waste collection area.</li> <li>• Waste collection is proposed by a private contractor during and outside of operating hours.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department has reviewed the information provided and is satisfied appropriate arrangements can be made to manage waste so that the proposal would not result in adverse impacts on the local environment, and to maximise opportunities to reuse and recycle materials.</li> <li>• The Department has recommended conditions to ensure that appropriate waste handling and management arrangements are implemented during construction and operation.</li> </ul>
----------------------------	--	---

<b>Bushfire</b>	<ul style="list-style-type: none"> <li>• The site does not constitute bushfire prone land.</li> <li>• The proposal was referred to NSW RFS, who raised no concerns regarding the development.</li> <li>• Community submissions have raised concerns regarding reduction of bushfire safety due to the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department notes that NSW RFS have raised no concerns regarding the development.</li> <li>• PLC has an overall fire safety and evacuation procedure in place, which applies to the development.</li> <li>• The Department raises no concerns in this regard.</li> </ul>
<b>Development Contributions</b>	<ul style="list-style-type: none"> <li>• Section 7.12 EP&amp;A Act provides for a consent authority to impose, as a condition of development consent, a requirement for the Applicant to pay a fixed levy.</li> <li>• The proposal requires a development contribution at a rate of 1% of the cost of the development in accordance with the Ku-ring-gai section 94A Contributions Plan 2015.</li> <li>• Council have recommended that the contribution be paid prior to the issue of the construction certificate.</li> <li>• The Applicant has requested that the requirement to pay development contributions be waived noting that the vacation care would be available for the wider community including the ELC and that the campus is already available for community use.</li> <li>• The Applicant has also provided examples of other SSD applications within other LGAs and the Roseville College development (SSD-9912) within this LGA, where developer contributions were either waived off or levied by the Commission with no specific monetary amount mentioned.</li> <li>• Council have provided no comment on this matter and advised that it would be a decision of the consent authority.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department has considered the Applicant's request to waive the contributions. However, under Ku-ring-gai section 94A Contributions Plan 2015, there are limited opportunities to consider merit base cases of exemption. Such exemptions may apply to developments that: provide a direct community benefit including the provision of childcare services (especially for 0-2).</li> <li>• However, the Department does not consider that the development entirely provides a childcare service. The GHP building includes a substantial component of classrooms and learning facilities for the school, the ELC being a component of this building.</li> <li>• The Department notes that a condition requiring the payment of the development contributions was charged for SSD-9912. The amount was not mentioned in that condition.</li> <li>• The Department considers that there is not sufficient justification for the development contributions to be waived in this instance.</li> <li>• Conditions requiring payment of development contributions</li> </ul>

under Section 7.12 of the Act has been recommended.

**Consistency with Masterplan**

- In July 2013, the Department approved Development Consent SSD-5314 for Phase 2 of the PLC campus Masterplan. The Approved Concept Proposal and Stage 1 approved development in four stages. Construction of the AFC, the Mollie Dive tennis courts have been completed under Stages 1 and 2. The Approved Concept Proposal also included envelopes for a Dining and Function Centre and Healthcare Centre in Stages 3 and 4.
- The Applicant has advised that the Dining and Function Centre and Healthcare Centre have not been constructed and the Applicant does not wish to pursue these two structures as part of Development Consent SSD-5314.
- Instead, the Applicant proposes these facilities within the GHP building.
- However, the Department noted that the Healthcare Centre envelope would partly overlap on the GHP building footprint.
- Consequently, to ensure that the SSD application is not inconsistent with the Approved Concept Proposal, the Applicant has lodged a notice under section 4.17(5) of the EP&A Act to modify SSD-5314 to remove any reference to the Healthcare Centre envelope/ Stage 4.
- The Department notes that a portion of the Healthcare Centre envelope under SSD-5314 would be located over the submerged dance studios of the GHP building in the current SSD application.
- The Department considers this to be an inconsistency with the Stage 4 of the Masterplan approved under SSD-5314.
- Consequently, the Development Consent SSD-5314 should be modified to remove any inconsistencies between this SSD application (SSD 17424905) and Development Consent SSD-5314.
- The Department considers that SSD-17424905 is inconsistent with the conditions of the Development Consent SSD-5314, and SSD-17424905 cannot be determined without the modifying those conditions of Development Consent SSD-5314.
- Section 4.17(1)(b) and (5) of the EP&A Act allows the consent authority to impose a condition under one determination that amends another determination granted under the EP&A Act in relation to the land to which the development application relates.
- In order to facilitate the modification under sections 4.17(1)(b) and (5) of the EP&A Act, the Department considers

that the Applicant's notice to modify the conditions of SSD-5314 should be accepted by the Commission.

- Section 4.17(1)(b) of the EPA Act enables a condition of development consent may be imposed if it requires the modification of a consent granted under the EP&A Act in relation to the land to which the development application relates. If the consent authority imposes such a condition, the consent may be modified subject to and in accordance with the EP&A Reg (section 4.17(5), EP&A Act).
- A condition to this effect is recommended as part of the recommended instrument of determination for SSD-17424905.

---

**Public Interest**

- The Applicant has advised that the proposal is in the public interest.
- The Department is satisfied that the proposal would be in the public interest.
- The proposal would benefit the community as it would provide for expanded school facilities including contemporary teaching and learning facilities with adaptable and collaborative learning spaces that would improve educational outcomes.
- The proposal would result in direct investment in the area of \$46,665,813 and overall is predicted to generate 555 construction jobs for the duration of all stages and 20 new operational jobs.

## 6.6 Summary of Department’s consideration of submissions

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

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

Issue	Consideration
Traffic and parking, impacts on DOPU along Pymble Avenue, and intensification of Grey House Walk	<p>The proposal provides for additional 90 ELC children but does not involve any increase in school student numbers. The Department has carefully considered the issues raised in the public submissions regarding the potential traffic and amenity impacts associated with the ELC.</p> <p>The Department considers that satisfactory parking is provided for the ELC within the Centenary Car Park, which is a suitable location. Given the time restricted parking on Pymble Avenue, it is unlikely that DOPU operations for junior school students would occur there. Grey House Walk would be access controlled, discouraging junior school students from this route.</p> <p>The Department’s assessment in <b>Section 6.2</b> concludes that, subject to the implementation of the OTAMP, the traffic impacts of the proposal can be managed and mitigated. To address the concerns raised in the submissions, the Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> <li>• implementation of an OTAMP.</li> <li>• review of the need for traffic calming measures along surrounding roads and implementation of those as needed.</li> <li>• preparation and implementation of a Green travel Plan.</li> </ul> <p>The proposal would not encourage students to park on surrounding roads.</p>
Adverse noise, traffic and other impacts associated with construction	<p>The Department notes that the preliminary CTMP provides details of construction vehicle access routes, management of existing operations during construction works.</p> <p>The Construction Noise and Vibration Management Plan sets out the provisions for maintaining the amenity of the surrounding residents during construction works.</p> <p>The Department is satisfied that construction impacts can be satisfactorily managed and mitigated, subject to standard conditions, including requirements for a CTMP and Construction Noise and Vibration Management Plan.</p>

Accessibility to the building from Centenary Car Park	The Department assessed the accessibility between the Centenary Car Park and the GHP building to be satisfactory ( <b>Section 6.2</b> ).
Visual impacts, over shadowing and visual privacy impacts due the height and building bulk	<p>The Department considers that the five storey-built form has been stepped in accordance with the natural topography of the land and recessed into the slope, which has effectively reduced the visual scale of the development.</p> <p>The proposed building would have generous setbacks from adjoining residences and would not compromise the visual privacy or result in unacceptable reductions to solar access to the immediate neighbours (<b>Section 6.3</b>).</p> <p>The Department concludes that proposed built form would facilitate upgraded school facilities without an unreasonable visual or amenity impact on surrounding residents, subject to recommended conditions regarding additional privacy glass along the southern façade.</p>
Heritage	<p>The Department assessed the impacts of the proposal on the heritage significance of the adjoining heritage conservation area and the heritage items (<b>Section 6.5</b>).</p> <p>The Department engaged GML Heritage to review the impacts of the proposal on the surrounding items of heritage significance.</p> <p>Based on the comments from GML Heritage, the Department concludes the proposed development would not significantly impact on the heritage values of the surrounding heritage conservation area or items of local significance.</p>
Landscaping inadequacies	<p>The Department considers the site is part of the PLC campus and the overall campus has a broad landscaped area. The landscaping for the site is required to minimise visual impact of the building from adjoining properties and encourage further screening and canopy cover. The proposed landscaping achieves this outcome and would be further improved via recommended conditions requiring incorporation of Connecting with Country strategies.</p> <p>The Department supports the Applicant’s approach to landscaping the site.</p>
Biodiversity and tree removal	<p>The proposed removal of 29 trees would be offset by the provision of 37 new trees, as well as extensive shrub and groundcover plantings.</p> <p>The Department has assessed the biodiversity and tree removal impacts (<b>Section 6.4</b>) and considers the development to be satisfactory.</p>

Operational noise impacts	<p>The Applicant’s NIA includes a detailed assessment of the operational noise impacts and recommends design and management measures to reduce operational noise impacts.</p> <p>The Department is satisfied that, subject to the implementation of the recommended measures, the development would not result in adverse noise impacts due to the dance studio, school hall or the ELC use (<b>Section 6.5</b>).</p>
Wind impacts	<p>The Department has assessed the submitted Wind Impact Study and recommended conditions to ensure the suggested wind treatments are incorporated in the building design and landscaping (<b>Section 6.5</b>).</p>
Property values	<p>The Department notes that matters relating to the private contracts of sale and/or value of properties are not planning matters (<b>Section 6.5</b>).</p>
Increase in students	<p>The Applicant does not propose an increase of school student numbers as part of this application. The proposed 90 children in the ELC would not result in an unreasonable impact on the surrounding locality in terms of noise and traffic.</p>
Bushfire safety	<p>The site does not constitute bushfire prone land. NSW RFS have raised no concerns regarding fire safety (<b>Section 6.5</b>).</p>

## 7 Evaluation

- 7.1.1 The Department has reviewed the Environmental Impact Statement (EIS), Response to Submissions (RtS), Supplementary RtS (SRtS), and assessed the merits of the proposal, taking into consideration advice from the Government agencies, Ku-ring-gai Council (Council) and concerns raised in the public submissions. Issues raised have been considered and environmental issues associated with the proposal have been addressed. The Department concludes the impacts of the proposal can be appropriately mitigated, subject to the implementation of conditions of consent.
- 7.1.2 The proposed GHP redevelopment would provide improved teaching and learning outcomes through the future development of new, purpose-built and modern educational facilities, and upgrade existing aging assets to meet contemporary and evolving educational standards.
- 7.1.3 The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the vision of the North City District Plan, to provide additional and contemporary school infrastructure on the site of an existing educational establishment to meet the growing needs of Sydney.
- 7.1.4 The application was publicly exhibited between 9 November and 6 December 2021. During this period, the Department received 127 public submissions (including 124 objections) including comments from the Member of Ku-ring-gai, Mr. Alister Henskens MP, one objection from Council, and advice from seven Government agencies.
- 7.1.5 The Applicant submitted a RtS and further SRtS to address the concerns raised by Council, Government agencies and the Department. The RtS involved minor amendments to the design of the building and landscaped areas. Council reviewed the RtS and SRtS and maintain concerns regarding impacts of the bulk of the building on surrounding residences.
- 7.1.6 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ecologically sustainable development, and issues raised in submissions. The Department identified traffic and transport, built form, amenity and visual impacts, biodiversity, and tree removal as the key issues for assessment.
- 7.1.7 The Department concludes that the:
- road network can accommodate the development including the new ELC with 90 children, subject to conditions requiring reduction in car usage via a Green Travel Plan, management measures in the Operational Transport and Access Management Plan, and further investigation regarding the need for traffic calming measures on certain local roads.
  - building caters for its functional requirements and the applicant contends that it cannot be further reduced in size. It is compatible with the existing buildings within the PLC campus, and with similar buildings on other school sites.
  - proposed built form, while being higher than the adjoining low-density dwellings, has been effectively screened by landscaping, setback from the boundaries, and well-articulated.

- building would not have an unreasonable impact on the visual privacy and solar access to the living and private open space areas of the adjoining dwellings, especially the dwellings on 57A and 59B Pymble Avenue.
- built form would not unreasonably impact on the heritage values of the nearby heritage conservation area.
- proposed removal of vegetation including clearing of Sydney Turpentine Ironbark Forest would not have an unacceptable impact on the plant community and the overall biodiversity. The removed trees would be replaced by native species that would, in the long term, effectively screen the building and provide the required canopy cover for Pymble Avenue.
- appropriate mitigation measures are recommended to ensure the visual and acoustic amenity of the neighbourhood is retained.
- operational and construction noise emissions from the site would not have significant amenity impact, subject to implementation of mitigation and management measures.

7.1.8 On balance, the Department concludes the impacts of the proposal are acceptable and appropriately mitigated through implementation of the recommended conditions of consent.

7.1.9 The application is referred to the Independent Planning Commission to determine the application as Council has objected to the development.

7.1.10 The assessment report is hereby presented to the Independent Planning Commission for determination.

**Prepared by**

Aditi Coomar (Team Leader) and Nahid Mahmud (Senior Planning Officer)

**Endorsed by:**

**Recommended by:**



**Karen Harragon**  
**Director**  
**Social and Infrastructure Assessments**



**Erica Van Den Honert**  
**Executive Director**  
**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/25791>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25791>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25791>

4. Applicant's Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25791>

5. Additional submissions and correspondence received after close of exhibition

[Submitted under separate cover.](#)

## Appendix B – Statutory Considerations

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report refers to the provisions of the environmental planning instruments (EPIS) that govern the carrying out of the project (as applicable at the time of lodgement) and have been and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy (Planning System) 2021 (Planning Systems SEPP)
- Draft State Environmental Planning Policy (Environment).
- Ku-ring-gai Local Environment Plan 2015 (KLEP).

### 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 (as in force at the time of the lodgement of the SSD) is provided in **Table B1**.

**Table B1 | SRD SEPP compliance table**

Relevant Sections	Consideration and Comments	Complies
<b>3 Aims of Policy</b>		
<p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development</p>	<p>The proposed development is identified as SSD.</p>	<p>Yes</p>
<b>8 Declaration of State significant development: section 4.36</b>		
<p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>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</p> <p>b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development is permissible with development consent.</p> <p>The proposal is SSD in accordance with section 4.36 of the EP&amp;A Act as it is development for the purpose of an educational establishment with a CIV in excess of \$20 million, under clause 15(2), of Schedule 1 of the SRD SEPP, as was in force immediately prior to the lodgement of the application.</p>	<p>Yes</p>

**State Environmental Planning Policy (Planning System) 2021 (Planning System SEPP)**

Section 2.7 of the Planning System SEPP applies to the application.

The Independent Planning Commission is the declared consent authority pursuant to Section 2.7 of the Planning System SEPP as Council has objected to the development.

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

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

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is 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. The height of building or floor space ratio development standards within the KLEP do not apply to the site. The Department assessed the merits of the building's height and bulk in **Section 6.3**.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application was referred to TfNSW (incorporating Road and Maritime Services) in accordance with this clause (**Section 5**).

The Education SEPP defines the early learning centre as a centre-based childcare facility. Clause 22 of Part 3 of the Education SEPP states that concurrence is not required for a 'centre-based childcare facility' (i.e. early learning centre) if:

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

The proposal for the ELC (childcare centre) satisfies the numeric play space requirements for 90 children. Therefore, separate concurrence of the Regulatory Authority is not required (see **Section 6.5**).

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 and the Department's Childcare Guidelines is provided in **Table B2**.

Clause 35(6)(b) requires that consideration be given to whether the development enables the use of school facilities to be shared with the community (**Section 6.5**).

**Table B2 | Consideration of the Design Quality Principles**

Matter	Consideration/Comment
Principle 1 - Context, built form and landscape	<p>The configuration and siting of the GHP building has regard to the site constraints, particularly topography, existing trees and the adjoining low-density dwellings. While the proposed building would be four-five storeys, when compared to the two storey developments on the south-eastern side, the Department finds that the proposed building height would be acceptable within context of the PLC campus (<b>Section 6.3</b>).</p> <p>The design of the GHP building includes the provision of new landscaping which would establish an appropriate landscaped setting for the new building and outdoor spaces, while effectively screening the building from the adjoining low-density area.</p> <p>The proposal includes replacement planting of 37 trees and deep soil zones for large canopy trees to be planted. The proposed removal of trees is acceptable (<b>Section 6.4</b>). The proposed layout maximises solar access and ventilation to the internal learning areas as well as to the living areas and private pen spaces of the adjoining dwellings.</p> <p>The proposal would not have unreasonable impacts on adjoining residential properties (<b>Section 6.3</b>).</p>

Principle 2 - Sustainable, efficient, and durable      The proposal includes ecologically sustainable development measures (**Section 0**). The materials chosen are durable and require low maintenance.

The Green Travel Plan submitted which the EIS encourages sustainable travel modes.

Principle 3 - Accessible and inclusive      The proposal has been designed to be accessible and inclusive through the provision of a lift and accessible paths of travel from the Centenary Car Park to the GHP building.

The submitted Access Report has assessed the proposal against the relevant access regulations, including Access Standards (AS 1428 series, AS 1735.12), the *Disability Discrimination Act 1992*, the Building Code Australia and the Disability Standards for Education 2005. The report confirms that the development achieves compliance or can readily achieve compliance with the relevant requirements, which can be detailed during the Construction Certificate stage.

The Department has recommended a condition requiring all future development applications to include an Access Assessment to certify that the development complies with the relevant accessibility requirements.

The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.

The ELC and dance academy are to be used for wider community and Out-of-hours-care offers the community vacation care for girls and boys outside of school terms. OSHC will have a dedicated movie room, outdoor play, kitchen and dining rooms, study room and art rooms which could be used for local wider community.

Principle 4 - Health and Safety      The design of the school building provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles.

The proposal would clearly delineate the pedestrian entrances into the GHP building to allow the management of visitors to the site. The residual impacts can be managed via conditions of consent.

The building maximises access to natural light and ventilation and provides for a landscaped environment to benefit the health and well-being of students, staff and visitors.

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 GHP building seeks to maximise natural light and ventilation to the indoor areas, while the landscaping and covered outdoor areas provide ample shaded areas for students and staff use.

The proposal would not unreasonably impact the amenity of adjoining residents through operational noise, overshadowing or overlooking (**Section 6.3**). The visual privacy element would be further enforced through additional conditions regarding privacy glass on the southern elevation.

The Department has recommended conditions relating to operational noise.

The Department has recommended conditions to ensure construction noise and vibration impacts are appropriately managed and mitigated.

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	<p>The proposal offers an articulated and dynamic built form with clear entry points and wayfinding.</p> <p>The GHP building achieves an appropriate standard of design and appearance and would not have any adverse visual impacts.</p> <p>The proposed external materials of the GHP building are of a high quality and include a natural colour palette consistent with the character of the campus and the streetscape.</p> <p>Overall, the building design responds appropriately to its context and would result in a positive impact on the PLC campus and Pymble Avenue through the sufficient setback, façade articulation, selected materiality and landscaping.</p>
--------------------------	---

### Consideration under Department’s Child Care Planning Guideline

#### Design Principles

Context	The proposed ELC is well integrated with the GHP building and would cater primarily for children of the existing staff. The ELC fits into the context of the PLC campus.
---------	--

Built form	The ELC integrates with the GHP built form.
------------	---

Adaptive learning spaces	The floor plan shows that these spaces can be achieved within the allocated ELC area. Conditions of consent have been recommended to this effect.
Sustainability	The unencumbered internal space provides opportunities for cross ventilation.
Landscape	The landscape design for the proposed ELC play areas are integrated into the landscaped garden settings and the overall building design.
Amenity	The ELC has been designed to ensure suitable indoor and outdoor play spaces are provided that would have suitable access to daylight and natural ventilation.
Safety	The design incorporates secure fence lines around the outdoor play space areas to ensure safety is maintained.

### Matters for consideration

Site selection and location	<p>The proposed ELC forms part of the proposed PLC campus.</p> <p>The Applicant proposes dedicated car parking within the PLC campus enabling drop-off / pick-up for young children, minimising any potential safety or traffic concerns (<b>Section 6.2</b>).</p> <p>The location of the ELC within the GHP building would strengthen the relationship between the ELC and school students. The site does not hold any preceding site contamination, or bushfire constraints that would unnecessarily limit the ability for a centre based childcare centre from being established.</p>
Local character, streetscape and the public domain interface	<p>The proposed integration of the ELC with PLC would ensure it remains compatible with the character of the locality.</p> <p>The ELC is located on level 2, to ensure that the outdoor play areas are screened from the public domain and provides for a clear delineation between the boundaries of the school play area and that for the ELC.</p>
Building orientation, envelope, building design and accessibility	<p>The Applicant has demonstrated that the design and location of the ELC play areas on the southern side of the site would not result in any adverse environmental or amenity impacts on the adjoining residents in the locality.</p> <p>Recommended conditions require further screening of the southern play area through privacy glass to restore the amenity of the residents.</p>

Landscaping                      The proposed landscape design incorporates several passive and active landscape elements to help create a diverse and interesting learning environment.

Appropriate fencing is proposed along the boundaries of the play area in the form of balustrades.

Visual and acoustic privacy                      The predicted noise impacts associated with the operation of the preschool are generally satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent (**Section 6.5**).

The submitted noise report includes various acoustic treatments for the building to ensure that the ELC children are not impacted by other facilities.

The visual privacy impacts would be minimised through the incorporation of a 1.8m high balustrade along the southern side with a minimum 1m high privacy glass.

Noise and air pollution                      The development would not result in noise or air pollution.

Hours of operation                      The proposed hours of operation would not unreasonably impact on the locality.

Traffic, parking and pedestrian circulation                      The proposed ELC would provide 37 shared carpark spaces within the centenary car park area (**Section 6.2**).

### National Regulation

Indoor space requirements                      The unencumbered play areas (indoor and outdoor) comply (**Section 6.5**).

Laundry and hygiene facilities                      Laundry facilities are proposed to be provided on-site. The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.

Toilet and hygiene facilities                      The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.

Ventilation and natural light                      Plans submitted by the Applicant demonstrate that the indoor and outdoor play areas would receive sufficient natural daylight.

Administrative space	The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.
Premises designed to facilitate supervision	The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.
Emergency and evacuation procedures	The Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.
Outdoor space requirements	The proposal complies with the requirements and is reinforced through conditions of consent.
Natural environmental	The landscape design for the gardens incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.
Shade	Details of shaded outdoor play area have not been provided. A condition of consent is recommended to facilitate this.
Fencing	The ELC is proposed on Level 2. Therefore, it would include balustrades rather than a fence.
Soil assessment	The Applicant has satisfactorily demonstrated that the site does not pose a contamination threat. However, the Department has recommended a condition of consent requiring the Applicant to undertake detailed site investigation prior to the commencement of construction and then provide a Site Audit statement confirming the suitability of the site for the purpose of the development.

### **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. The EIS includes a contamination assessment for the site which concludes assess and quantify any soil and ground water contamination and demonstrate that the site is suitable for the proposed use in accordance with SEPP 55.

The application includes a Preliminary Site Investigation Report as part of the EIS which concludes that there is minimal chance of soil contamination, noting the history of the site. As the site is currently occupied by the PLC, the Preliminary Site Investigation Report did not undertake detailed soil and ground water testing and a conclusive assessment of land contamination status, cannot therefore be made at this stage. However, the report recommends a detailed investigation and soil sampling to avoid any future risks.

The Department has recommended conditions that require further soil investigation and preparation of adequate remediation (if needed), prior to the commencement of construction. The details of the assessment of soil contamination is provided in **Section 6.5**.

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

The Department has published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018. The Draft Remediation SEPP retains the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

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

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

### **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 will generally be consistent with the provisions of the Draft Environment SEPP.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SEPP)**

The SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area.

The proposal is consistent with the relevant planning principles of the SHC SREP and would not have any significant adverse impact on the Sydney Harbour Catchment.

### **Ku-ring-gai Local Environmental Plan 2015 (KLEP)**

The KLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Ku-ring-gai City Council local government area. The KLEP 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 KLEP and those matters raised by Council in its assessment of the development (**Section 5**).

The Department concludes the development is consistent with the relevant provisions of the KLEP. Consideration of the relevant clauses of the KLEP is provided in **Table B3**.

**Table B3** | Consideration of the KLEP 2015

KLEP 2015	Department Comment/Assessment
Land Use Table – Zone SP2 Infrastructure	<p>Education facilities are permissible with consent in the SP2 Infrastructure zone.</p> <p>The ELC is integral to the use of the site as a school and is therefore permissible within the campus.</p> <p>The proposed development meets the objectives of the zone as SP2.</p>
Clause 5.10 – Heritage conservation	<p>The site is not identified as an item of heritage significance and is not located in any conservation area. The site is located in the vicinity of the Pymble Avenue Conservation Area (PACA) and heritage items listed under the KLEP.</p> <p>The Department engaged a heritage consultant for peer review. Based on the peer review, the Department concludes that the proposed development is acceptable from a heritage perspective.</p>
Clause 7.7 – Acid Sulfate Soils	<p>The site is identified as being located on land with class 5 acid sulfate soils. No further action in this regard is required.</p>
Clause 7.8 – Flood Planning	<p>The site is not identified as a flood planning area.</p>

### Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development. Notwithstanding this, the objectives of the relevant controls under the Kuring-gai Development Control Plan 2021, where relevant, were considered.

## Appendix C – Independent Heritage Report

## Appendix D – Recommended Instrument of Consent/Approval

## Appendix E – Notice of Modification to SSD-5314