

# State Significant Development Environmental Impact Statement



## MLC Burwood

### MLC Senior School Centre

Submitted to Department of Planning and Environment  
On Behalf of MLC Burwood

September 2014 ■ 14291

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Kate Tudehope

8/09/2014

This report has been reviewed by:



James Harrison

8/09/2014

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<b>C</b>	Quantity Surveyor's Report <i>Altus Page Kirkland</i>
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*Arcadia Landscape Architecture*
- P Construction Traffic Management Plan  
*Transport and Traffic Planning Associates*
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- R Electrical Authority Approvals  
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- S BCA Compatibility Statement  
*Vic Lilli and Partners – Accredited Building Certifiers*
- T Arboricultural Assessment and Development Impact Report  
*Rain Tree Consulting*

# Statement of Validity

## Development Application Details

Applicant name MLC School  
 Applicant address Rowley Street, Burwood  
 Land to be developed

Address	Legal Description
45 Park Road	– Lots 1–11 and 13, DP 192161
	– Lots 1–2, DP 580617
	– Lot 1, DP 82742
	– Lot 1, DP 71600
	– Lot 19, DP 58580
28 – 30 Grantham Street	Lot 1, DP 700411
31A Park Road	Lot B, DP 337178
33 Park Road	Lot A, DP 337178

Proposed development MLC Senior School Centre as described in Section 3.0 of this Environmental Impact Statement

### Prepared by

Name Kate Tudehope  
 Qualifications BA (Hons) MPIA  
 Address Level 7, 77 Berry Street, North Sydney  
 In respect of State Significant Development - Development Application  
 Certification

I certify that I have prepared the content of this EIS and to the best of my knowledge:

it is in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*;

all available information that is relevant to the environmental assessment of the development to which the statement relates; and

the information contained in the statement is neither false nor misleading.

Signature

Name Kate Tudehope  
 Date 8/09/2014

## Executive Summary

### Purpose of this Report

This submission to the Department of Planning and Environment (the Department) comprises an Environmental Impact Statement (EIS) for a Development Application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It relates to the redevelopment of the MLC Senior School Centre, and involves new learning and teaching gross floor area (GFA), associated demolition and landscaping works. The proposed development has a Capital Investment Value (CIV) of approximately \$33.9 million and is therefore classified as State Significant Development (SSD) pursuant to Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD).

### Overview of Project

The new works will provide 1,678m<sup>2</sup> of additional gross floor area (GFA) and comprises the following elements:

- Demolition of:
  - residential dwellings at 31A and 33 Park Road; and
  - six school buildings.
- Construction and use of a new Teaching and Learning Building;
- Construction of a new Art Building;
- Alterations and additions to the existing Year 6 Building;
- Refurbishment of the Independent Learning Centre to provide a senior's room and staff common room;
- Landscaping, including the planting of approximately 64 new trees; and
- Removal of 55 trees (including 20 trees which are exempt species).

### The Site

MLC School is located within the Burwood local government area (LGA) approximately 400m to the north of the Burwood Town Centre, and south of Parramatta Road.

The site of the proposed development is generally rectangular in shape, and is bounded by Park Road to the east, Rowley Street to the south and Grantham Street to the west. The site is bounded by residential development to the north.

The site is owned by MLC School and comprises a number of separate lots.

### Planning Context

Section 5.0 of the EIS considers all applicable legislation in detail.

The site is currently zoned R2 Low Density Residential under Burwood Local Environmental Plan 2012. The proposal is permissible with consent, however the height and FSR standards applying to the site envisage residential development rather than educational uses. As such, the proposed (and existing) development exceeds the 8.2m height and 0.55:1 FSR controls which apply to the site. Two clause 4.6 variation requests are provided at Section 6.0 of this EIS. The building form is consistent with the scale of existing school buildings.

### Environmental Impacts

This EIS provides an assessment of the environmental impacts of the project in accordance with the Secretary's Environmental Assessment Requirements (SEARs) and sets out the undertakings made by the school to manage and minimise potential impacts arising from the development.

## Conclusion

The EIS addresses the SEARs, and the proposal provides for the significant upgrade of the school's out-dated teaching and learning facilities. The potential impacts of the development are minor and are able to be managed. Given the planning merits of the proposal, the proposed development warrants approval by the Minister for Planning and Environment or his delegate.

## 1.0 Introduction

This Environmental Impact Statement (EIS) is submitted to the Department of Planning and Environment pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in support of an application for State Significant Development (SSD).

Development for educational establishment with a capital investment value of more than \$30 million is identified in Schedule 1 of *State Environmental Planning Policy State and Regional Development) 2011* (SEPP SRD) and is therefore declared to be SSD for the purposes of the EP&A Act.

The EIS has been prepared by JBA on behalf of MLC Burwood, and is based on the Architectural Drawings provided by BVN Donovan Hill (see **Appendix B**) and other supporting technical information appended to the report (see Table of Contents).

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), and the SEARs for the preparation of the EIS, which are included at **Appendix A**.

### 1.1 Overview of Proposed Development

The SSD DA seeks approval for:

- Demolition of:
  - residential dwellings at 31A and 33 Park Road; and
  - six school buildings.
- Construction and use of a new Teaching and Learning Building;
- Construction of a new Art Building;
- Alterations and Additions to the existing Year 6 Building;
- Refurbishment of the Independent Learning Centre to provide a senior's room and staff common room;
- Landscaping, including the planting of approximately 64 new trees; and
- Removal of 55 trees (including 20 trees which are exempt species).

The development will provide 1,678m<sup>2</sup> of additional GFA, resulting in a total GFA of 11,462m<sup>2</sup> on this part of the MLC campus.

### 1.2 Objectives of the Project

The MLC School is in need of redevelopment to remove inefficient and old teaching spaces and replace them with modern learning spaces that reflect new models of teaching. This proposal will replace existing teaching buildings on the MLC Senior School site with new learning facilities. The objectives of the proposed scheme are to:

- Update and improve current learning spaces to the new model of teaching;
- Improve staff spaces;
- De-clutter the site to increase usable open space;
- Improve ESD performance; and
- Upgrade the site to achieve Building Code of Australia (BCA) and Disability Discrimination Act 1992 (DDA) compliance.

It should be noted that the proposed development will not increase student or staff numbers. The proposal is entirely focused on modernising the Senior School's

infrastructure and facilities to bring them in line with contemporary learning and teaching styles.

## 1.3 Analysis of Alternatives

During concept design, many test fits of new learning space within the existing buildings were explored. The existing campus comprises many different buildings that have melded together over time and which have different floor levels and roof heights. In order to introduce new learning spaces into the existing buildings, a significant re-work of existing structural walls would be required.

In addition, to make the existing spaces universally accessible, a lift and numerous ramping solutions would be required to deal with the existing changes in level. This would be a costly and inefficient process, leading to a compromised design. A new building presents the school with superior learning spaces, provides accessibility and is a more economically efficient solution.

## 1.4 Background

### 1.4.1 MLC School

The MLC School, founded in 1886, is an independent girls' school catering for 1200 students from Pre-kindergarten to Year 12, with 900 students at the Senior School. MLC is a school of broad ranging opportunity and diversity and boasts an enviable record of providing an outstanding learning environment for girls, while working to meet their needs as individuals. MLC School has been structured as a Pre-kinder to Year 12 school in the knowledge that each developmental stage demands different supports.

## 1.5 Secretary's Requirements

In accordance with section 89G of the EP&A Act, the Secretary of the Department of Planning and Environment issued the requirements for the preparation of the EIS on 14 May 2014. A copy of the SEARs is included at **Appendix A**.

**Table 1** provides a detailed summary of the individual matters listed in the SEARs and identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

**Table 1** – Secretary's Requirements

Requirement	Location in Environmental Assessment	
<b>General</b>		
The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 the Environmental Planning and Assessment Regulation 2000.	Environmental Impact Statement	
The EIS must include an environmental risk assessment to identify potential environmental impacts associated with the development.	Section 7	
The EIS must be accompanied by a report from a qualified quantity surveyor providing: <ul style="list-style-type: none"> <li>– a detailed CIV</li> <li>– an estimate of jobs that will be created by the future development</li> </ul>	<b>Appendix C</b>	
<b>Key Issues</b>	<b>Report / EIS</b>	<b>Technical Study</b>
<b>1) Statutory and Strategic Context</b> Address the statutory provisions applying to the proposal contained in all relevant environmental planning instruments, including: <ul style="list-style-type: none"> <li>– State Environmental Planning Policy (State &amp; Regional Development) 2011;</li> <li>– State Environmental Planning Policy (Infrastructure) 2007;</li> <li>– State Environmental Planning Policy No. 55 – Remediation of Land;</li> </ul>	Section 5.0	-

Requirement	Location in Environmental Assessment	
<p>and</p> <ul style="list-style-type: none"> <li>- Burwood Local Environmental Plan 2012.</li> </ul> <p><i>Permissibility</i></p> <ul style="list-style-type: none"> <li>- Detail the nature and extent of any prohibitions that apply to the development</li> </ul> <p><i>Development Standards</i></p> <ul style="list-style-type: none"> <li>- Identify the development standards applying to the site. Outline and justify any non-compliance with development standards.</li> </ul>		
<p><b>2) Policies</b></p> <p>Address the relevant planning provisions, goals and strategic planning objectives in the following:</p> <ul style="list-style-type: none"> <li>- NSW 2021;</li> <li>- Draft Metropolitan Strategy for Sydney 2031;</li> <li>- NSW Long Term Transport Master Plan 2012;</li> <li>- NSW Bike Plan;</li> <li>- Planning Guidelines for Walking and Cycling; and</li> <li>- Healthy Urban Development Checklist, NSW Health.</li> </ul>	Section 5.0	-
<p><b>3) Built Form and Urban Design</b></p> <ul style="list-style-type: none"> <li>- Address the height, bulk and scale of the proposed development within the context of the locality, the school campus, the heritage item(s), surrounding development, topography and streetscape.</li> <li>- Demonstrate design quality, with specific consideration of the overall site layout, connectivity, open spaces and edges, interface with the public domain, gateways, facades, rooftop, massing, setbacks, building articulation, materials, colours and signage or signage envelopes.</li> <li>- Details how services, including but not limited to, waste management, loading zones, mechanical plant are integrated into the design of the development.</li> </ul>	Section 5.2	Appendix D
<p><b>4) Environmental Amenity</b></p> <p>Provide information detailing the provision of solar access and any overshadowing impacts, acoustic impacts, privacy, view loss and wind impacts. A high level of environmental amenity must be demonstrated.</p>	Section 5.6	Appendix B, Appendix D, and Appendix E
<p><b>5) Ecologically Sustainable Development (ESD)</b></p> <ul style="list-style-type: none"> <li>- Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>) will be incorporated in the design, construction and ongoing operation phases of the development.</li> <li>- Demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.</li> <li>- Include a description of the measures that would be implemented to minimise consumption of resources, water (including waster sensitive urban design) and energy.</li> </ul>	Section 5.9	Appendix F
<p><b>6) Noise and Vibration</b></p> <p>Identify the main noise and vibration generating sources and activities at all stages of construction, and any noise sources during operation. Outline measures to minimise and mitigate potential noise and vibration impacts on surrounding occupiers of land.</p> <p>Relevant Policies and Guidelines:</p> <ul style="list-style-type: none"> <li>- <i>NSW Industrial Noise Policy (EPA)</i></li> <li>- <i>Interim Construction Noise Guidelines (DECC)</i></li> <li>- <i>Assessing Vibration: A Technical Guideline 2006</i></li> </ul>	Section 5.6 and Section 5.10.	Appendix E
<p><b>7) Transport and Accessibility</b></p> <p>Include a transport and accessibility assessment, which details:</p> <ul style="list-style-type: none"> <li>- existing pedestrian and cycle movements within the vicinity of the site;</li> </ul>	Section 3.6, Section 5.4 and Section 5.10.	Appendix G

Requirement	Location in Environmental Assessment	
<ul style="list-style-type: none"> <li>- estimate the total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and cycle trips;</li> <li>- the adequacy of public transport to meet the likely future demand of the proposed development;</li> <li>- measures to promote travel choices that support the achievement of State targets, such as location-specific sustainable travel plan;</li> <li>- the daily peak vehicle movements impact on nearby intersections and the need / associated funding for upgrading or road improvement works (if required);</li> <li>- the proposed access arrangements and measures to mitigate any associated traffic impacts and impacts on public transport, pedestrian and cycle networks;</li> <li>- the proposed parking provisions associated with the proposed development, including consideration of the availability of public transport and the requirements of the relevant parking codes and Australian Standards;</li> <li>- the proposed service vehicle movements (including vehicle type and the likely arrival and departure times); and</li> <li>- access and car parking arrangements at all stages of construction and measures to mitigate any associated pedestrian, cycleway, public transport or traffic impacts.</li> </ul> <p>Relevant Policies and Guidelines:</p> <ul style="list-style-type: none"> <li>- <i>Guide to Traffic Generating Developments (RTA)</i></li> <li>- <i>EIS Guidelines – Road and Related Facilities (DoPI)</i></li> <li>- <i>NSW Planning Guidelines for Walking and Cycling;</i></li> <li>- <i>Austrroads Guide to Traffic Management Part 12: Traffic Impacts of Development.</i></li> </ul>		
<p><b>8) Heritage</b></p> <p>Include a statement of significance and an assessment of the impact on the heritage significance of any heritage items and / or conservation areas in accordance with the guidelines in the NSW Heritage Manual.</p>	Section 5.3	<b>Appendix H</b>
<p><b>9) Contamination</b></p> <p>Demonstrate that the site is suitable for the proposed use in accordance with SEPP 55.</p> <p>Relevant Policies and Guidelines:</p> <ul style="list-style-type: none"> <li>- <i>Managing Land Contamination: Planning Guidelines – SEPP 55 Remediation of Land (DUAP)</i></li> </ul>	Section 5.13	<b>Appendix I</b>
<p><b>10) Utilities</b></p> <ul style="list-style-type: none"> <li>- Prepare an Infrastructure Management Plan in consultation with relevant agencies, detailing information on the existing capacity and any augmentation requirements of the development for the provision of utilities including staging of infrastructure shall be addressed.</li> <li>- Prepare an Integrated Water Management Plan detailing any proposed alternative water supplies, proposed end use of potable and non-potable water, and water sensitive urban design.</li> </ul>	Section 3.7	<b>Appendix J and Appendix R</b>
<p><b>11) Staging</b></p> <p>Provide details regarding staging of the proposed development.</p>	Section 3.9	-
<p><b>12) Contributions</b></p> <p>Address Council's Section 94A Contribution Plan and / or details of any Voluntary Planning Agreement.</p>	Section 1.5	-
<p><b>13) Flooding</b></p> <p>Provide an assessment of any flood risk on site and consideration of any relevant provisions of the NSW Floodplain Development Manual (2005), including the potential effects of climate change, sea level rise and an increase in rainfall intensity.</p>	Section 5.8	<b>Appendix J</b>

Requirement	Location in Environmental Assessment	
<b>14) Drainage</b> Detail drainage associated with the proposal, including stormwater and drainage infrastructure.	Section 3.7 and Section 5.8	Appendix J
<b>15) Servicing and Waste</b> Identify, quantify and classify the likely waste streams to be generated during construction and operation and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, mechanical plant) for the site.	Section 5.10	Appendix K
<b>Plans and Documents</b>	Report	Technical Study
<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> <li>- Architectural drawings, including plans and excavation</li> <li>- Site survey plan, showing existing levels, location and height of existing and adjacent structures / buildings;</li> <li>- Site analysis plan;</li> <li>- Shadow diagrams;</li> <li>- Arborist Report;</li> <li>- Access Impact Statement;</li> <li>- View analysis / photomontage;</li> <li>- Acid Sulfate Soils Assessment;</li> <li>- Stormwater Concept Plan;</li> <li>- Sediment and Erosion Control Plan;</li> <li>- Landscape Plan;</li> <li>- Preliminary Construction Management Plan, inclusive of a Construction Traffic Management Plan;</li> <li>- Geotechnical and Structural Report; and</li> <li>- Schedule of materials and finishes.</li> </ul>	Section 3.0 Section 2.2 Section 2.2 Section 5.6 Section 5.7 Section 5.11 Section 5.5 Section 5.13 Section 3.7 Section 5.8 Section 3.5 Section 5.10 Section 5.10 Section 5.13 and 5.12 Section 5.2	Appendix B Appendix L Appendix B Appendix B Appendix K Appendix M Appendix D Appendix N Appendix J Appendix J Appendix O Appendix K Appendix P Appendix N and Appendix Q Appendix D
<b>Consultation</b>		
<p>During the preparation of the EIS, you must consult with Burwood Council, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>	Section 4.0	-

## 2.0 Site Analysis

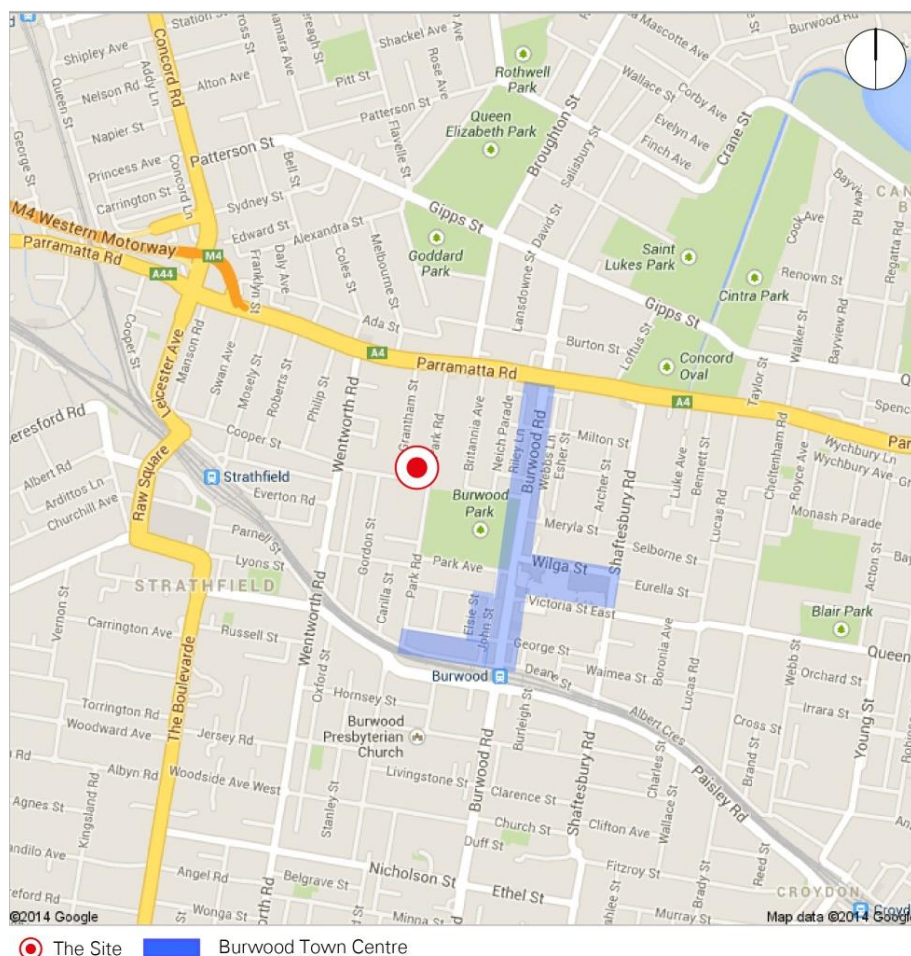
### 2.1 Site Location and Context

#### Location

Located within the Local Government Area (LGA) of Burwood, the MLC Burwood School site (the school site) is approximately 400m north of the Burwood Town Centre, and approximately 750m walking distance from Strathfield Station.

The site is also located within close proximity to Parramatta Road and the M4 Western Motorway.

The site's locational context is shown at **Figure 1**.

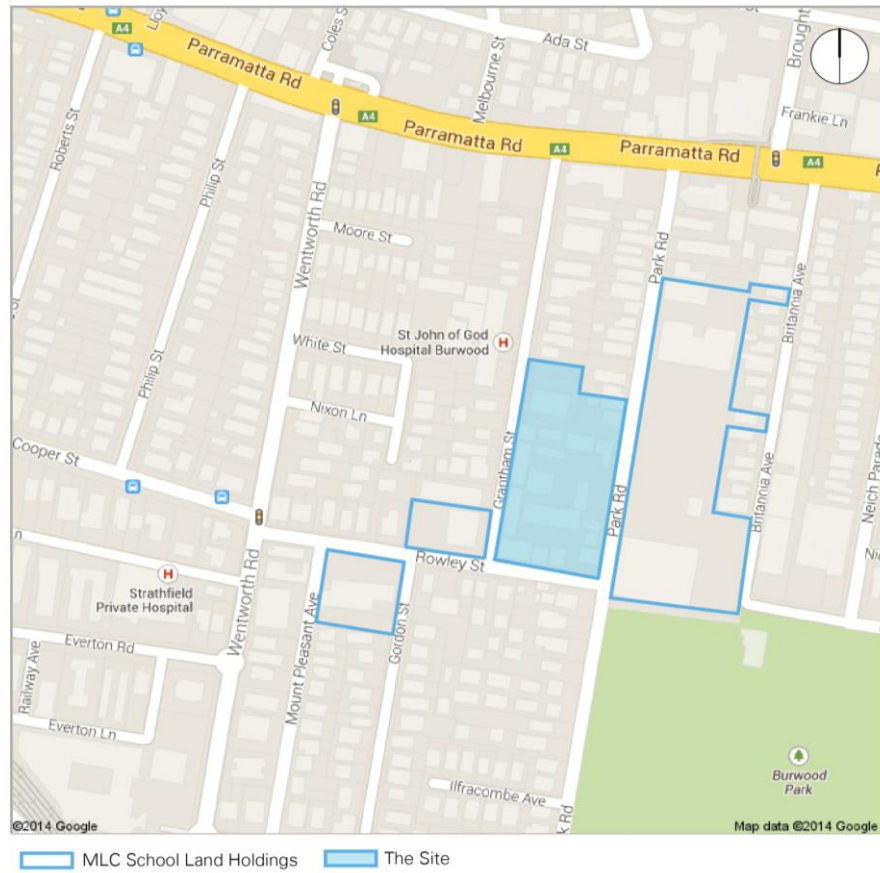


**Figure 1 – Context Plan**  
Source: [maps.google.com](http://maps.google.com)

#### Site Context

Located within a mixed use locality, surrounded by residential, educational and hospital / medical uses, the school site occupies a number of sites between Britannia Avenue and Grantham Street, and bisected by Park Road, as shown in the area identification plan at **Figure 2**.

This proposal only deals with the Senior School (the site), highlighted in **Figure 2**. As shown in the Location Plan at **Figure 3**, the site is bound by Park Road to the east, Grantham Street to the west and Rowley Street to the south, and residential dwellings to the north.



**Figure 2 – Area identification plan**  
Source: [maps.google.com](http://maps.google.com)



**Figure 3 – Location Plan**  
Source: [maps.google.com](http://maps.google.com)

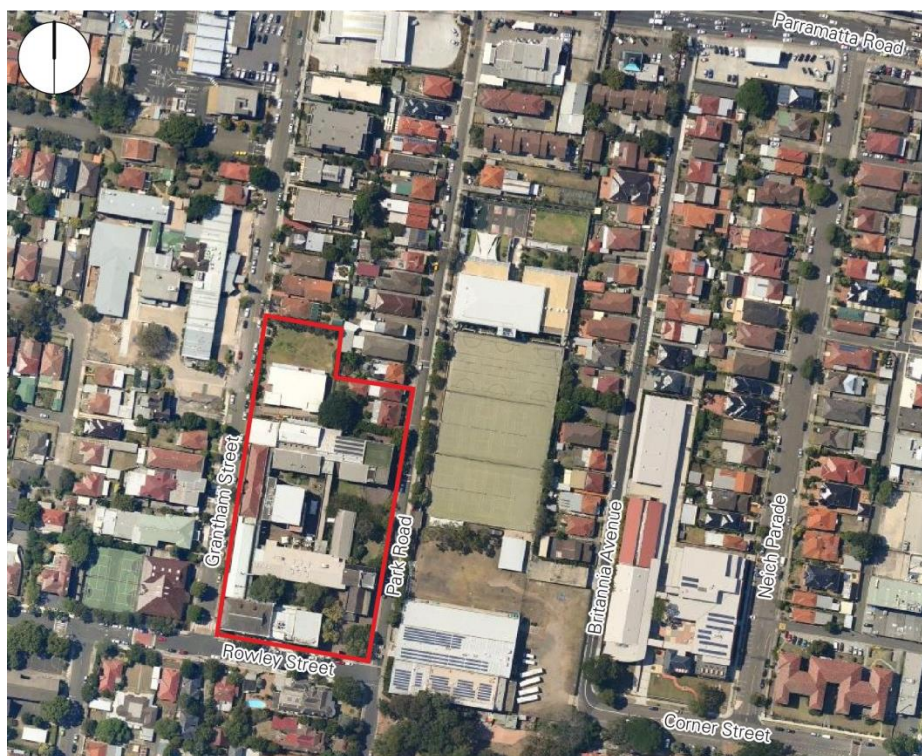
## 2.2 Site Description

The school consists of several separate landholdings with a combined area of approximately 4.14 hectares. This proposal applies only the Senior School site, as shown in **Figure 2** which is also made up of a number of lots as shown in **Table 2**, with a combined area of 12,487 m<sup>2</sup>. It is intended that the various lots be consolidated in due course.

A survey plan prepared by SMEC Urban is located at **Appendix L**. An aerial photo of the site and surrounding land uses is at **Figure 4**.

**Table 2** – Legal description

Address	Legal Description	Current use
45 Park Road	<ul style="list-style-type: none"> <li>– Lots 1–11 and 13, DP 192161</li> <li>– Lots 1–2, DP 580617</li> <li>– Lot 1, DP 82742</li> <li>– Lot 1, DP 71600</li> <li>– Lot 19, DP 58580</li> </ul>	School main campus
28 – 30 Grantham Street	Lot 1, DP 700411	School main campus
31A Park Road	Lot B, DP 337178	Single dwelling
33 Park Road	Lot A, DP 337178	Single dwelling



The Site

**Figure 4** – Aerial photo  
Source: Nearmap

### 2.2.1 Existing Development

The site is currently made up of a mix of modern and older style buildings consisting of various Senior School learning spaces and classroom buildings, a function centre, 6<sup>th</sup> grade building and two residential houses to the north east corner of the site. The main building fronting Rowley Street, and a number of other school buildings are of local heritage significance.

The current 1,360m<sup>2</sup> of open space on the site are infill areas between buildings, located in inappropriate and overshadowed places.

## Existing Building Heights

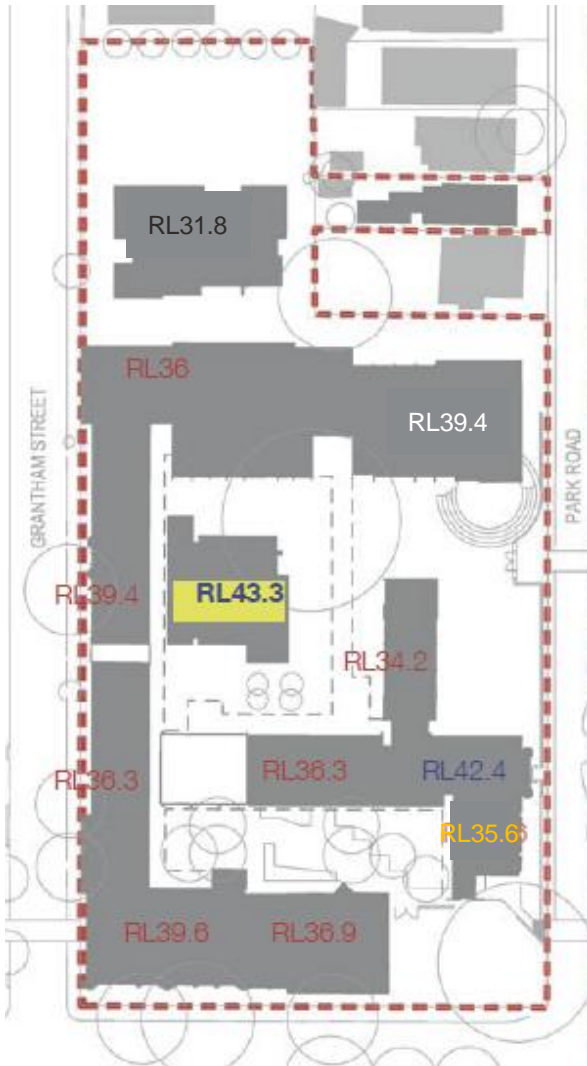
The heights of existing buildings across the site vary from 4.98m to 16.3m as detailed below in **Table 3**.

The tallest building on the Grantham Street frontage is the Sutton Wing, with a height of 12.34m. The Chapel is the tallest building along Park Road, at 15.64m (refer to **Figure 5**).

**Table 3 – Existing Building Heights**

Building	Height	Max Roof RL
<b>Grantham Street Frontage</b>		
Sutton Wing	12.34m	39.42
Potts Hall	11.55m	39.61
Science Laboratories*	8.91m	35.99
Wade House	8.73m	36.32
Year 6	4.98m	31.08
<b>Park Road Frontage</b>		
The Chapel	15.64m	42.44
Classrooms*	11.51m	39.4
Schofield Wing	9.15m	35.95
Staff Room*	6.89m	34.17
<b>Internal Buildings</b>		
Independent Learning Centre	16.3m	43.32
Whitely Wing*	9.75m	36.70
Art Rooms	8.74m	36.28
Main Office	8.71m	36.25

\*buildings to be demolished



**Figure 5** – Existing building heights  
Source: BVN Donovan Hill

### Existing Building Setbacks

Buildings along Grantham Street are generally built to the boundary, with Potts Hall, Wade House and Sutton Wing all setback 1.168m or less.

Along Park Road, the Chapel has a setback of 2.3m, whilst 31A and 33 Park Road have setbacks of 3.1m and 3.4m respectively.

**Figures 6 – 10** show the school buildings fronting Park Road and Grantham Street.



**Figure 6** – The Sutherland Rooms and Schofield Tower – fronting Park Road  
*Source: JBA*



**Figure 7** – Classrooms buildings and pedestrian crossing on Park Road  
*Source: JBA*



**Figure 8** – The built form along Grantham Street - Potts Hall, Wade House and Sutton Wing  
*Source: JBA*

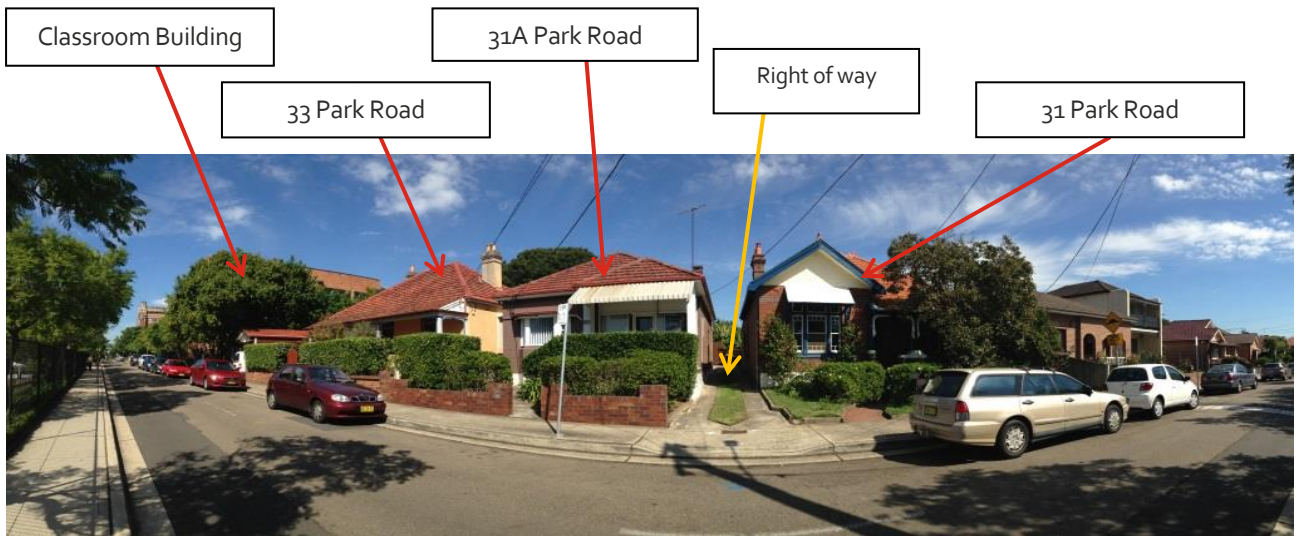


**Figure 9** – Sutton Wing and Wade House along Grantham Street  
*Source: JBA*



**Figure 10** – Year Six Building on Grantham Street  
 Source: JBA

**Figure 11** below illustrates existing development along Park Road, including the existing Classroom building and the residential dwellings located in the north-eastern corner of the site (33 and 31A Park Road). In addition, it shows 31 Park Road and the right of way, which will now adjoin the development site.



**Figure 11** – Development along Park Road  
 Source: JBA

## 2.2.2 Topography

The site is generally flat with a gradual slope of 3.6m from the south-west corner (RL 27.60) to the north east corner (RL 23.84). The most elevated part of the site is at the corner of Rowley Street and Grantham Street at RL 27.6. A Site Survey prepared by SMEC Urban is provided at **Appendix L**.

### 2.2.3 Vegetation

The development site contains 76 trees, which includes two (2) trees within the Council verge on Grantham Street. The 74 trees within the site include a variety of non-local native, locally indigenous and exotic (introduced) species.

Tree removal is discussed at Section 3.3.2.

### 2.2.4 Heritage

The Senior School site, 45 Park Road, is listed in the Burwood Local Environmental Plan 2012 (BLEP 2012) as Heritage Item I89. The Methodist Ladies' College is listed as *it is of local significance as a private school, which represents the rapid increase in population of Burwood as a favourable area for fashionable schools in the period around the turn of the twentieth century.*

A Heritage Impact Statement has been prepared by Perumal Murphy Alessi, Heritage Consultants and is provided at **Appendix H**. The report provides the Statement of Significance for the site, which states that:

*MLC Burwood, particularly the main school site bounded by Rowley and Grantham Street and Park Road, is of local historic, aesthetic and social significance as a good example of an early all girls Church run School established in the late 1880s, as part of the early development in the local area.*

The whole of the Senior School site is listed as a local Heritage Item and there are a number of buildings and facilities that are considered to be of significance, as outlined in **Table 4** below.

**Table 4** – Buildings and facilities of Heritage Significance on the site

Heritage Significance	Buildings and facilities
High	<ul style="list-style-type: none"> <li>– Schofield Tower and Chapel; and</li> <li>– The corner Admissions Building, containing Potts Hall and associated façade and fence, and gates along Rowley Street.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>– Sutton Building along the Grantham Street frontage;</li> <li>– The building between Potts Hall and the Drama Theatre, known as Building 2 that houses the uniform shop, but not modern southern façade and additions; and</li> <li>– The Principal's Lawn and open area (curtilage) and corner frontage around the Schofield Tower and Chapel including entry and western verandah space attached to the Chapel</li> </ul>
Low	<ul style="list-style-type: none"> <li>– 31A Park Road; and</li> <li>– The modern buildings and elements and spaces which generally date from the 1960s to the present including modern palisade fences and gates, also courtyard landscaping and plantings</li> </ul>

No buildings of high or moderate significance are subject to any development under this proposal. None of MLC's other landholdings are identified as heritage items, and the school is not in a Conservation Area.

### 2.2.5 Access and Parking

There is currently no provision for parking on the site. A substantial parking facility for the school is located on the Junior School campus.

The school has a substantial off-street parking facility for staff, an off-street set down / pick-up area, staggered start / finish times for the Junior and Senior campus, and a privately operated bus fleet. All of these are intended to limit the impact of the school's operations on surrounding traffic and parking.

The existing site transport arrangements are further discussed in the Assessment of Traffic and Parking Implications at **Appendix G**.

## 2.3 Surrounding Development

The school site is approximately 400m north-west of the Burwood Town Centre, and sits within a mixed use locality, surrounded by low and medium density residential development, educational and hospital / medical uses.

### Surrounding Built Form and Use

The north of the site is bound by residential dwellings 26A Grantham Street and 31 Park Road, with the main form of development further to the north being single storey dwellings and residential flat buildings (**Figure 12**) up to Parramatta Road which is a busy main arterial road that supports a range of commercial and retail land uses.

West of the site on the corner of Rowley and Grantham Street is the MLC Centenary Music Centre, a three storey building used for music related education for MLC. Further north, along the western side of Grantham Street, is the St John of God Hospital Burwood, Ainsley Nursing home and a range of single dwellings that are used in conjunction with the hospital (**Figure 13**).

The school's playing fields, the Aquatic Centre, the Junior School and the school car park are located opposite the site on the eastern side of Park Road (**Figure 14**).

South of the site are predominantly residential dwellings and Burwood Park which abuts to the south-east boundary of school.

### Surrounding Road Network

Grantham Street is a local road with on-street parking on either side. The street has an institutional character, with a variety of uses and a range of building heights.

Park Road is also a local road that divides the MLC School campus sites located on either side of the school. It can be said that the southern end of Park Road near Rowley Street is essentially a 'school street', as much of the vehicle and pedestrian traffic in this area is connected with the school use.



**Figure 12** – Residential Flat Building along the eastern side of Grantham Street, north of the site  
Source: JBA



**Figure 13** – Medical and hospital buildings directly opposite the site on Grantham Street  
*Source: JBA*



**Figure 14** – MLC sports grounds and Junior School buildings directly opposite the site on Park Road  
*Source: JBA*

## 3.0 Description of the Development

### 3.1 Proposed Development

This application seeks approval for the following development:

- Demolition of:
  - residential dwellings at 31A and 33 Park Road; and
  - six school buildings.
- Construction and use of a new Teaching and Learning Building;
- Construction of a new Art Building;
- Alterations and Additions to the existing Year 6 Building;
- Refurbishment of the Independent Learning Centre to provide a senior's room and staff common room;
- Landscaping, including the planting of approximately 64 new trees; and
- Removal of 55 trees (including 20 trees which are exempt species).

The development will provide 1,678m<sup>2</sup> additional GFA, resulting in a total GFA of 11,462m<sup>2</sup> on this part of the MLC campus.

Architectural drawings illustrating the proposed development are included at **Appendix B**.

### 3.2 Design Principles

The planning and design principles adopted by BVN Donovan Hill for the proposed development of the site are as follows:

- *Create a new heart for the school*

This principle aims to position the new buildings to form the new edges of the two new courtyards which will become the focus of the new teaching and learning spaces.
- *Showing the learning*

The pop-outs on the Teaching and Learning Building aim to display seminar rooms and balconies and allow the learning spaces within the building to engage with the courtyard.
- *Internal connectivity*

The atrium within the Teaching and Learning Building acts as an internal courtyard that will activate and connect the internal areas of the building and enable learning to be seen between levels and spaces.

### 3.3 Site Preparation

#### 3.3.1 Demolition

To make way for the proposed new learning and classroom areas, 4,368m<sup>2</sup> of GFA is to be demolished. As shown in **Figure 15**, the following buildings will be demolished:

- Science Laboratories, fronting Grantham Street;
- Whitely Wing, internal school building;
- Classrooms, fronting Park Road;
- Staff Room, visible from Park Road;

- 33 Park Road, residential dwelling;
- 31A Park Road, residential dwelling; and
- Various covered walkways between buildings within the school grounds.

A demolition plan is included in the architect's drawings at **Appendix B**.

In order to minimise disruption and ensure that the school is able to function with appropriate and adequate spaces and resources during construction, the demolition of the above buildings will be staged in accordance with a construction program to be prepared prior to the commencement of works.



**Figure 15** – Existing site, with buildings to be demolished highlighted  
*Source: BVN Donovan Hill*

### 3.3.2 Tree Removal

The development requires the removal of 55 trees. Of these 55 trees, 20 are exempt species in Burwood LGA, and so consent is not required for their removal.

To compensate for the proposed tree removal, approximately 64 new trees are proposed to be planted, of which 54 are native and 10 are exotic tree species.

### 3.4 Proposed New Buildings

The proposed new buildings are generally located on the northern part of the site, as shown in the computer generated image (CGI) at **Figure 16**. They are:

- Teaching and Learning Building (shown as Building 1)
- An Art Building fronting Grantham Street (shown as Building 2);
- An additional storey on the Year 6 Building (shown as Building 3);
- Alterations and additions to the Independent Learning Centre to provide a senior's room and staff common room (shown as Building 5); and
- Courtyard and landscaping (numbered 4).



**Figure 16** – CGI of Proposed Development  
Source: *BVN Donovan Hill*

#### 3.4.1 Numerical Overview

The key numeric development information is summarised in **Table 5**.

**Table 5** – Key development information

Component	Proposal
Site area	
– Existing	12,487m <sup>2</sup>
– Proposed	13,105m <sup>2</sup>
– Increase	618m <sup>2</sup>
GFA	
– Existing	9,784m <sup>2</sup>
– Proposed	11,462m <sup>2</sup>
– Increase	1,678m <sup>2</sup>
FSR	
– Existing	0.80:1
– Proposed	0.87:1
– Net Increase	0.07:1
Maximum Height	
– metres (maximum)	15.263m (RL 39.4)
– levels	3 (ground plus 2 storeys)
Landscaped Area	2,570m <sup>2</sup>

### 3.4.2 Building Height

**Table 6** displays the general building heights of the new buildings on the site.

As shown in the elevation drawings at **Appendix B**, the building height for the Teaching and Learning Building varies between 13.4 – 15.263m. This is due to the fall in topography towards the north-eastern corner of the site. Despite this, the building is a consistent height of RL 39.4, which is in line with the school buildings to be demolished in this location.

**Table 6 – Building Heights of New Buildings**

Building Figure 16 Reference Number	Building	Street Frontage	Building Height	Maximum Roof RL
1	Teaching and Learning Building	Park Road	13.4 – 15.263m	39.4
2	Art Building	Grantham Street	10.3m	36.3
3	Year 6/Middle Year Building	Grantham Street	10.3m	36.3

### 3.4.3 External Materials and Finishes

The materials and finishes have been chosen to complement the existing built form on the site, and to respect and support the architectural features of the existing heritage buildings.

As depicted in the Finishes Schedule (**Appendix B**) the development will be constructed of brick and concrete, with perforated screens and plywood soffits on the Main Building, and U-Channel glass and steel on the middle school building.

## 3.5 Landscaping

A Landscape Concept Plan prepared by Arcadia Landscape Architecture is included at **Appendix O**. This application proposes two large landscaped courtyards in the centre of the campus that will be utilised as break out spaces for students, as outdoor learning areas, and to improve the general amenity of the site. The proposed layout of the landscaped areas will increase the usability and functionality of the outdoor spaces and improve solar access.

The landscaping for the site aims to provide spaces that:

- Are adaptable and flexible;
- Respond to building layout / function;
- Provide pedestrian scale and fine grain detail;
- Provide quality amenity for students, staff and visitors;
- Are safe and accessible for all;
- Allow activation - all day / all year;
- Have robust materiality; and
- Can manipulate the microclimate.

As noted above, the landscape design incorporates approximately 64 new trees, of which 54 are native and 10 are exotic tree species.

In total 1,210m<sup>2</sup> of additional open space will be provided, totalling 2,570m<sup>2</sup> of open space and landscaped courtyards on the site.

### 3.6 Access and Loading

#### Pedestrian Access

The main entrance of the school at the corner of Park Road and Rowley Street will not be altered as part of this development application. Additionally, the pedestrian access at the point of the pedestrian crossing on Park Road will continue to remain as part of this proposal. A new pedestrian access point will be created at the north-eastern corner of the site to the north of the Teaching and Learning Building as noted in the Design Report at **Appendix D**. This new pedestrian access will be bollarded to limit the entrance to pedestrians only.

#### Vehicle Access and Loading

The existing two vehicle entry points off Grantham Street, as noted on the plans of the existing site (**Appendix B**), are to remain with no changes are proposed to existing loading arrangements.

The existing right of way for 31 Park Road (from Park Road) will remain. It will not provide vehicle entry to the school. Vehicle access points are further discussed in Section 3.9 of the Design Report by BVN Donovan Hill at **Appendix D**.

### 3.7 Infrastructure and Services

The Civil Engineering Design Report prepared by Taylor Thomas Whitting (NSW) Pty Ltd (**Appendix J**) outlines the proposed civil works including stormwater drainage, external site levels and bulk earthworks associated with the basement excavation. These will be designed in accordance with relevant Burwood Council planning and design requirements, and will comply with the relevant Australian Standards and accepted engineering practice.

#### Stormwater Detention and Discharge

On Site Detention (OSD) will be provided as part of the proposed development and designed to ensure compliance with the relevant Australian Standards and Council's Storm Water Management Code. OSD will be in the form of a 34m<sup>3</sup> underground rainwater detention tank under the proposed external paved area south of the new Teaching and Learning Building. See Section 4.3 of the Civil Design Report (**Appendix J**) for further details.

An assessment of the proposed stormwater system is provided at Section 5.8. The Water Sensitive Urban Design (WSUD) measures which have been incorporated into the development are also discussed at Section 5.8.

#### Water and Sewer

There are adequate water mains facilities servicing the development in the form of an existing 150mm diameter Cast Iron Cement Lined water main and 225mm Vitrified Clay sewer to which the new development will be connected.

#### Electrical Services

WSP has calculated electrical demand estimate for proposed development and confirmed that the required power can be provided from the existing kiosk substation in Grantham Street. See **Appendix R** for further details.

### 3.8 Operational Waste Management

The proposed development will not result in any changes to the current waste management and recycling practices. Further, the proposed development will not result in any change to the volume or type of waste generated by the school, as no additional staff or students will be accommodated on the site. Some of the school's existing waste management practices include:

- Worm farms are provided to reduce food waste including one worm farm in the Junior School and two in Kent House;
- A large recycling skip bin is provided for paper and cardboard and is collected on a weekly basis by Cleanaway;
- General waste goes into a compactor near the underground carpark services bay and is collected on a fortnightly basis by Cleanaway;
- Separate garbage bins and paper recycling bins are provided in every classroom and staff room, as well as in the library, offices etc. for general waste;
- Larger garbage bins are provided in playground areas for general waste, which is then transferred into the general waste compactor;
- Larger recycling bins are provided around the school grounds; and
- Water bubblers / water troughs are spread around the school precinct to reduce waste from plastic bottles.

### 3.9 Development Staging

The proposed works will be undertaken in one single stage. The expected duration of construction works is 88 weeks, with some works being undertaken concurrently.

### 3.10 Consolidation of Lots

The pre-DA advice received from Council (dated 14 January 2014) requires that all of the lots of the site (as described in **Table 2**) be consolidated into one lot. This will occur prior to the issue of an Occupation Certificate.

## 4.0 Consultation

In accordance with the SEARs issued for this project, consultation has, and will continue to be, undertaken with relevant public authorities, the community and Council.

A summary of the consultation undertaken with Council and the community is provided below. Several consultants have undertaken additional consultation with relevant parties during the preparation of their reports.

### 4.1 Council

A pre-DA meeting was held with Council staff on 22 November 2013. Council provided feedback on 14 January 2014, and their comments have been taken into account when preparing the scheme. Council's key concerns and the proposal's response to each of them are outlined in **Table 7**.

Personalised letters were sent out to Burwood Councillors on 11 August 2014, offering a meeting with a representative of MLC School. No responses had been received at the time of lodgement.

**Table 7** – Council comment and proponent's response

Issue	Response
Under clause 32 of State Environmental Planning Policy (Infrastructure) 2007, various State Government standards documents for schools will need to be considered in determination of the application. These must be addressed in the Development Application documentation	The Architectural Plans prepared by BVN Donovan Hill are consistent with the relevant standards relating to schools (refer to <b>Appendix B</b> ).
The proposed height may be acceptable, however consideration needs to be given to the impacts on other adjoining low density residential development in the zone, and consistency of scale with existing school buildings, including heritage listed buildings.	The proposed development has been designed to minimise impacts on adjoining buildings, as well as on the Park Road and Grantham Street streetscapes. All buildings are within the maximum height of existing buildings on the site, and will not have any adverse effects on the site's heritage significance.
Concerns were raised about potential impacts of overlooking and reduced privacy on the dwelling houses located immediately to the north of the proposed new teaching and learning building, in particular to the balconies where student noise and overlooking are potential issues.	With respect to privacy and overlooking: <ul style="list-style-type: none"> <li>– The new Teaching and Learning Building will have a minimum setback to the boundary of 6m, and a minimum separation of 7.7m from the privacy screen of the upper levels of the building to the boundary. This is greater than the existing setback of the residential dwelling to be demolished at 31 Park Road.</li> <li>– Privacy screening on the roof terrace is proposed to prevent privacy impacts on the neighbouring property, and a mature planting screen along the boundary edge will create a visual and acoustic buffer between the sites, as shown in the Landscape Plan at <b>Appendix O</b>.</li> </ul>
Noise abatement and privacy screening of residential properties to the north are considered necessary.	Refer to above. As detailed as Section 5.6, there will not be any adverse impacts with respect to operational noise. The developed has been designed to: <ul style="list-style-type: none"> <li>– Locate the internal play area of the development in a central location that is surrounded by buildings to prevent noise impacts on surrounding residences;</li> <li>– Not locate pop-outs on the northern façade of the new Teaching and Learning Building; and</li> <li>– Use the outdoor spaces adjacent to 31A Park Road for learning rather than recreation, resulting in low level noise levels from this space.</li> </ul>
Justification will need to be provided that this building cannot be lowered to reduce its impact in the north-east corner.	Various options have been explored to minimise the height of the new building. The proposed height is considered appropriate, and has been successfully designed to reduce any potential amenity impacts. The

Issue	Response
	generous setback to the building at Level 3 (which will accommodate a screened roof terrace) will reduce the perceived bulk of the building.
The increase in FSR may be acceptable, however the DA will need to provide full details of floor space calculations and the site area basis of the calculations.	A GFA analysis is provided in the Design Report at <b>Appendix D</b> . The site area has been calculated across the Senior School (Park Road) site, which is shown at <b>Figure 3</b> .
The primary concern around setback to the north are the effectiveness of the façade screening and the impacts of the break-out balconies on the effective management of the adverse overlooking and privacy impacts of the dwelling to the north. In addition, the ground level setback area along the northern boundary appears mostly to be paved for pedestrian access, and low rise trees are indicated. These arrangements may not provide adequate screening.	Refer to above. The setback will accommodate a mature planting screen along the boundary edge to create a buffer to the neighbouring properties.
Along Grantham Street, the DA will need to demonstrate integration of the building designs with existing school architectural themes in Grantham Street, and address potential concerns about the adequacy of screening of the new building facades in terms of potential impacts on development on the western side of Grantham Street.	The new buildings along Grantham Street relate to the built form of the existing school buildings through the rectilinear design and the use of colour contrast in the materials and finishes of the buildings. The use of brick and vertical elements, such as steel, responds to the verticality of the openings and ornaments of the existing school buildings. The uniform street frontage of the proposed and existing buildings defines the schools presence along Grantham Street, and is in keeping with the school's heritage building setbacks and features The separation provided by Grantham Street will ensure adequate separation from uses to the west.
The Campus comprises a number of small lots. A consent condition would require the consolidation of the lots into one.	Noted. The SSD DA seeks to consolidate the lots.
The Stormwater Drainage Design must be designed by a qualified civil / hydraulic engineer, in accordance with Council's Stormwater Management Code. Connections are to be to Council's nearest suitable underground drainage system.	Taylor Thomas Whitting (NSW) Pty Ltd has designed the Stormwater Drainage system in accordance with Council's requirements.

## 4.2 Community Consultation

In addition to writing to local Councillors, the community consultation strategy has comprised:

- The distribution of approximately 200 postcards to neighbours (refer to example below at **Figure 17**). This included door-knocking to personally deliver the postcards and speaking with neighbours. The extent of the distribution area is shown at **Figure 18**;
- Delivering personalised letters to local institutions including Ainsley Nursing Home, Southern Cross Catholic Vocational Tafe and St John of God Hospital; and
- Providing a point of contact for any questions or concerns arising from the door-knock and letterbox drop, and answering phone calls and emails about to proposal over two weeks.

# MLC School

## Development Application Important Information for Residents



AUGUST 2014

Dear Neighbour,

MLC School is preparing to lodge a development application with the Department of Planning and Environment for improvements to our Senior School campus at 31–45 Park Road Burwood.

The project will involve:

- Removal of some existing buildings at 31A and 33 Park Road
- Construction of a new building facing Park Road
- Refurbishment to some existing buildings and provision of additional green space.

There will be no increase in student numbers nor in the amount of traffic generated as a result.

We have engaged JBA Urban Development Services to provide you with an independent consultation process.

Should you have any questions or to register for future updates, the School encourages you to contact *The Community Engagement Team* at JBA, details below.

Kind regards

Denise Scala,  
Principal

For more information contact the Community Engagement Team at JBA – Deborah and Alyse

Email: [jba@jbaurban.com.au](mailto:jba@jbaurban.com.au)  
Phone: (02) 9956 6962

**Figure 17** – Front and rear view of the postcard that was issued to local residents  
Source: JBA and MLC



**Figure 18** – Door-knock and letterbox drop distribution area  
Source: JBA

The door-knock and letterbox drop took place on 12 August 2014, with the consultation period open for a two week period after this date. A total of 12 local residents were spoken to during the postcard delivery, with one (1) follow up telephone call from a resident on Park Road. Of the conversations that were had, some of the key issues noted were:

- Many residents were aware of MLC School's work to renew the school campus;
- One neighbour on Park Road raised concerns regarding the white wall finish / tree species along the School's sportsground on Park Road which is not the subject of this application;
- Several residents were concerned about school drop-off zones blocking driveways on Park Road; and
- One neighbour questioned which residences MLC School owned for possible future development on Park Road.

No comments were received from the identified local stakeholders including Ainsley Nursing Home, Southern Cross Catholic Vocational Tafe or St John of God Hospital.

## 5.0 Environmental Assessment

This Section of the report assesses and responds to the environmental impacts of the proposed development. It addresses the matters for consideration set out in the SEARs (refer to Section 1.6).

The Mitigation Measures at Section 8.0 complement the findings of this Section.

### 5.1 Consistency with Relevant Environmental Planning Instruments

The SEARs require the following legislation, strategies and planning instrument to be addressed:

- NSW 2021;
- Draft Metropolitan Strategy for Sydney 2031;
- NSW Long Term Transport Master Plan 2012;
- NSW Bike Plan;
- Planning Guidelines for Walking and Cycling;
- Healthy Urban Development Checklist, NSW Health;
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation);
- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55); and
- Burwood Local Environmental Plan 2012 (LEP 2012).

The development's consistency with the relevant strategic and statutory plans and policies is summarised in **Table 8** below. Variations to, and non-compliance with, the key standards and guidelines highlighted in the table are discussed in detail in the following sections of this environmental assessment.

**Table 8** – Summary of consistency with key strategic and statutory plans and policies

Instrument / Strategy	Comments
<b>Strategic Plans</b>	
<b>NSW 2021</b>	NSW 2021 is a 10 year plan to rebuild the economy, return quality services, renovate infrastructure, strengthen our local environment and communities and restore accountability to Government. A section of the Plan is devoted to the delivery of Education, and a key component of this is improving access to and participation in high quality education, which provides the foundations for long term social and economic success. The proposed development is consistent with NSW 2010, and will improve the facilities provided at MLC School, and will enable the school to continue to provide high quality secondary education, consistent with modern learning and teaching methods.
<b>Draft Metropolitan Strategy for Sydney 2031</b>	Whilst Burwood is not specifically identified as an education precinct under the Strategy, the school is located near the Burwood Town Centre, with access to transport infrastructure to reduce car dependence of students and staff.
<b>NSW Long Term Transport Master Plan 2012</b>	The proposed development is consistent with the Master Plan as it supports the provision of education facilities in proximity of existing bus and rail infrastructure. In doing so, and by providing no additional parking, the proposal supports a reduced reliance on private vehicles, assisting in improving the modal split between cars and public transport.
<b>NSW Bike Plan</b>	Whilst the proposal does not provide any new bicycle infrastructure, the school is supportive of students using bikes as a mode of transport, and will consider the provision of bicycle parking as part of the ESD strategy.

Instrument / Strategy	Comments																				
<b>Planning Guidelines for Walking and Cycling</b>	Whilst the development does not propose any walking or cycling infrastructure on the site, the school's location near Burwood Town Centre, train station and Burwood Park means that students will continue to have safe walking and cycling access to transport and amenities.																				
<b>Healthy Urban Development Checklist</b>	The proposed development is consistent with the HUD checklist in that it incorporates more open space within the campus which promotes and is conducive to physical activity and play.																				
<b>State Legislation</b>																					
<b>EP&amp;A Regulation</b>	<p>This EIS has addressed the criteria within clauses 6 and 7 of Schedule 2. Similarly, the EIS has addressed the principles of ecologically sustainable development through the precautionary principle, which assesses the threats of any serious or irreversible environmental damage. These are further addressed at Section 5.9. Clause 7(1)(d)(v) of Schedule 2 is addressed below.</p> <table border="1"> <thead> <tr> <th>Act</th> <th>Approval Required</th> </tr> </thead> <tbody> <tr> <td colspan="2">Legislation that must be applied consistently</td> </tr> <tr> <td><i>Fisheries Management Act 1994</i></td> <td>N/A</td> </tr> <tr> <td><i>Mine Subsidence Compensation Act 1961</i></td> <td>N/A</td> </tr> <tr> <td><i>Mining Act 1992</i></td> <td>N/A</td> </tr> <tr> <td><i>Petroleum (Onshore) Act 1991</i></td> <td>N/A</td> </tr> <tr> <td><i>Protection of the Environment Operations Act 1997</i></td> <td>N/A</td> </tr> <tr> <td><i>Roads Act 1993</i></td> <td>N/A</td> </tr> <tr> <td><i>Pipelines Act 1967</i></td> <td>N/A</td> </tr> <tr> <td><i>Protection of the Environment Operations Act 1997</i></td> <td>N/A</td> </tr> </tbody> </table>	Act	Approval Required	Legislation that must be applied consistently		<i>Fisheries Management Act 1994</i>	N/A	<i>Mine Subsidence Compensation Act 1961</i>	N/A	<i>Mining Act 1992</i>	N/A	<i>Petroleum (Onshore) Act 1991</i>	N/A	<i>Protection of the Environment Operations Act 1997</i>	N/A	<i>Roads Act 1993</i>	N/A	<i>Pipelines Act 1967</i>	N/A	<i>Protection of the Environment Operations Act 1997</i>	N/A
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<i>Pipelines Act 1967</i>	N/A																				
<i>Protection of the Environment Operations Act 1997</i>	N/A																				
<b>SRD SEPP</b>	<p>The aim of the policy is to identify development that is State Significant Development (SSD). Pursuant to the SRD SEPP a project will be SSD if it falls into one of the classes of development listed in Schedule 1 of the SEPP.</p> <p>'Educational establishment (including associated research facilities)' with a CIV of \$30 million or more are identified as SSD and are considered to be development of State significance.</p> <p>The works have a CIV of approximately \$33.89 million, and so qualifies as State Significant Development. A Quantity Surveyor's certificate prepared by Altus Page Kirkland confirming the total CIV of the proposal is included at <b>Appendix C</b>.</p>																				
<b>Infrastructure SEPP</b>	<p>Under Clause 32 of SEPP (Infrastructure) 2007, proposals for new school buildings need to address School Facilities Standards State government publications, including:</p> <ol style="list-style-type: none"> <li><i>School Facilities Standards—Landscape Standard—Version 22 (March 2002)</i>,</li> <li><i>Schools Facilities Standards—Design Standard (Version 1/09/2006)</i>,</li> <li><i>Schools Facilities Standards—Specification Standard (Version 01/11/2008)</i>.</li> </ol> <p>These standards provide a guide for the development of new schools, new facilities at existing schools and the refurbishment of existing facilities to ensure the creation of an environment which is conducive to learning whilst being safe and robust in a school environment.</p> <p>These standards were considered in the design and planning of the redevelopment of the site, and the project meets the objectives of the standards. A letter confirming that these standards have been considered in the design of the site by BVN Donovan Hill is included at <b>Appendix B</b>.</p> <p>As the development will not accommodate any additional staff or students on the campus, and no additional car parking spaces are proposed, the development does not require referral to the Roads and Maritime Services (RMS) under Schedule 3 of the SEPP.</p>																				
<b>SEPP 55</b>	SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The SEPP specifies when consent is required for remediation of contaminated land.																				

Instrument / Strategy	Comments
	As detailed in Section 5.13 of this report, a Phase 1 Site Contamination Assessment has been prepared by Coffey. Based on the previous uses on the site and the absence of any industrial activities on the site or surrounding land, the site is considered suitable for use as a school and no further investigation of land contamination is warranted.
Local Planning Instruments	
Burwood LEP 2012	Refer to detailed discussion at Section 5.1.1.

### 5.1.1 Burwood Local Environmental Plan 2012

Burwood Local Environmental Plan 2012 (LEP 2012) is the applicable local planning instrument for the proposed development and establishes the relevant land uses and other development standards for the site. **Table 9** sets out the proposal's compliance against the relevant provisions.

**Table 9 – Burwood Local Environmental Plan 2013**

Control	Compliance
Clause 2.1 - Land Use Zones	The proposed school redevelopment is permissible in the R2 Low Density Residential zone.
Clause 2.3 – Zone objectives	The proposal is consistent with the zone objectives as it will provide a land use that provides facilities and services to meet the day to day needs of the local residents.
Clause 4.3 Height of buildings	LEP 2012 sets a maximum height of 8.2m. The highest point of the new development at its maximum point is 15.263 m. See further discussion below and in Section 6 of this report which includes a request to vary the height development standard in accordance with clause 4.6 of LEP 2012.
Clause 4.4 Floor Space Ratio	The FSR under LEP 2012 for this site is 0.55:1. The proposed FSR is 0.87:1. See further discussion below and Section 6 of this report which includes a request to vary the FSR development standard in accordance with clause 4.6 of LEP 2012.
Clause 5.9 - Preservation of trees or vegetation	The development requires the removal of 55 trees, however consent is only required for the removal of 35 (20 trees are listed as exempt species). The trees are not required as native fauna habitat and are required to be removed as they are located within the proposed footprint of the new buildings. The trees do not contribute to the heritage significance of the site, and are generally of low to moderate retention value. See Section 5.7 for further discussion.
Clause 5.10(4) – Effect of proposed development on heritage significance	The site is a Heritage Item under LEP 2012, however none of the buildings that this proposal applies to are of heritage significance. The heritage assessment undertaken of the proposal ( <b>Appendix H</b> ) demonstrates that there will be no impact on the heritage buildings on the site as a result of the development. See Section 5.3 for further discussion.
Clause 5.10(5) – Heritage assessment	A Statement of Heritage Impact has been undertaken by Perumal Murphy Alessi Heritage Consultants ( <b>Appendix H</b> ) which concludes that <i>“the proposed removal of some of existing buildings and elements on the site and proposed new building and additions at MLC School, Burwood, are considered acceptable from a heritage perspective and positive heritage outcome for School and local area.”</i> See Section 5.3 for further discussion.
Clause 6.1 Acid Sulfate Soils	The site is located on Class 5 ASS, however the site is not within 500m of a Class 1, 2, 3 or 4 land and the work will not be below 5 m or disturb the water table. The Geotechnical Investigation prepared by Coffey at <b>Appendix N</b> confirms that the Prospect / Parramatta River Acid Sulfate Soil Risk Map indicates that the site is within an area of no known acid sulfate soils.
Clause 6.2 Flood planning	The existing and proposed levels of the site (in the vicinity of RL 26m AHD) are above the Probable Maximum Flood (PMF) and the 100 year flood. There are no known local flooding issues on the site. See Civil Design Report at <b>Appendix J</b> .

## Building Height

The maximum heights of the proposed buildings vary above the LEP maximum height control of 8.2m, from 15.263m on the north-eastern corner of the site fronting Park Road to 10.3m fronting Grantham Street (see elevation drawings prepared by BVN Donovan Hill at **Appendix D**).

The height of north-eastern corner of the Teaching and Learning Building is due to the fall in topography. This maximum height occurs only at this part of the building, with a minimum height of 13.4m in the north-western corner of the building and a height of 14.6m across the majority of the building.

This variation is considered acceptable and reasonable on the basis that:

- The highest building on the site is the existing ILC which sits at 16.3m above ground level, or RL 43.32. None of the new buildings on the site will be taller than this and all will be lower in height.
- The existing buildings fronting Grantham Street and Park Road, which pre-date LEP 2012 development standards, already have a maximum building height of 12.34m and 15.64m respectively (see **Table 3**), which are excess of the 8.2m development standard.
- The Teaching and Learning Building will not exceed the tallest building fronting Park Road, being the Chapel at 15.64m.
- New buildings along Park Road face onto MLC Burwood School land being the sports fields and Junior School. These buildings will have no impact on the streetscape of Park Road as the roadway is essentially a defacto school road predominantly used by school related pedestrian and vehicle traffic.
- The proposed building height of 15.263m in the north-eastern corner of the Teaching and Learning Building is a result of sloping topography at this point of the site. The building will not exceed RL 39.4, which accords with the current buildings along Park Road to be demolished.
- The proposed buildings along Grantham Street are of similar heights to the existing buildings fronting Grantham Street, and will not exceed RL 36.30, in line with the adjacent heritage buildings.
- The development along Grantham Street is in keeping with the institutional character of the street.
- New buildings along Grantham Street are consistent with the development standards for complying development under Clause 31A of SEPP (Infrastructure) 2007.
- In accordance with the objectives for height in LEP 2012, there are no adverse impacts of the building height of the school on adjoining areas as:
  - the heights are in keeping with the school use; and
  - the development will not overshadow adjoining land or impact on the visual amenity of the neighbourhood.
- The maximum height under the LEP of 8.2m is appropriate to low-density residential development buildings. However, as indicated by the 12m complying development maximum height standard under SEPP (Infrastructure) 2007, a height of 8.2m could be considered unsuitable for educational establishments.
- The expansion and upgrade of the existing school is required to provide a high quality teaching environment that supports collaborative learning spaces and modern teaching facilities.

A request to vary the height standard in accordance with clause 4.6 of LEP 2012 is provided in Section 6 of this report.

## Floor Space Ratio

The development proposes an FSR of 0.87:1. The FSR set for this locality in LEP 2012 is 0.55:1. This variation, and the consequent increase in floor space, is considered acceptable and reasonable on the basis that:

- The existing buildings, which pre-date LEP 2012 development standards, already have an FSR of 0.80:1, which is in excess of the 0.55:1 development standard.
- The FSR increase is only 0.07:1, above the existing FSR of 0.80:1, amounting to 1,678m<sup>2</sup> additional GFA.
- The proposed increase in bulk of the site will be largely imperceptible from the street and is adequately balanced by the increase in open space of 1,210m<sup>2</sup> to be provided on the site.
- The bulk and scale of the buildings is consistent with existing school site development and the character of the area.
- The FSR in LEP 2012 for this locality is based on the predominant land use being low density residential dwellings. Higher FSR and efficient utilisation of land is consistent with the use of the site as a school.
- In accordance with the objectives for floor space in LEP 2012, the density and intensity of the development will achieve an appropriate urban form for the area, and for the use of the site as a school.
- The FSR will not impact the amenity of the adjoining residential properties, or other neighbouring land uses in the area.
- The development will not impact on the heritage buildings in the south of the site, as development will be consistent with the existing heritage buildings along Grantham Street and Park Road, forming a well-defined edge that contributes to the existing built form of the site.
- The development can be adequately serviced by the existing MLC car park, and will place no additional impact on the traffic and parking in the locality.
- The expansion and upgrade of the existing school is required to provide a high quality teaching environment that supports collaborative learning spaces and modern teaching facilities.
- The additional FSR is not a function of an increase in student numbers.

Section 6 of this report includes a request to vary the FSR development standard in accordance with clause 4.6 of LEP 2012.

## 5.2 Built Form

### Building Setbacks

With regard to the building setbacks to both the street frontages, and side setbacks to neighbouring properties, the proposed new buildings are designed to be consistent with the built form of the existing and neighbouring buildings.

#### Grantham Street

As shown in **Figure 9** above, the existing heritage buildings along Grantham Street, being Potts House and the Sutton Wing, are built to the boundary. The proposed new Art Building and Year Six alterations and additions are in line with these, with a setback of 1.225m.

The new building alterations to the Year 6 Building to the north on Grantham Street will continue to have a significant side setback from the neighbouring property at 26A Grantham Street, at 22.079m from the boundary.

Whilst the 6m front setback in DCP 2013 may be appropriate for new residential flat building developments, setbacks along Grantham Street are already built to the boundary, and the new buildings along this street frontage will be in line with the existing buildings along Grantham Street. In this manner, the new buildings will contribute towards a well-defined edge that is suited to the institutional character of the street.

### Park Road

Along Park Road, the Teaching and Learning Building has a general setback of 3.4m from the street boundary, with a 2.3m setback at the two pop-outs along the front façade. The building pop-outs add visual interest and contrast to the development's façade and do not impact the setback from ground level.

The building setback is in line with the Chapel and is similar to the setback of the existing classroom building in this location. The front setback of the Teaching and Learning building is in keeping with the predominant building line along Park Road. As shown in **Figure 19**, the building setbacks along Park Road range from 2.3 – 7.1m, with the front setbacks of the buildings to be demolished at 33 and 31A Park Road being 3.4m and 3m respectively. The proposed setback of the new building will be in keeping with these existing front setbacks.



**Figure 19** – Building setbacks along Park Road

Source: *BVN Donovan Hill*

The northern façade of the new Teaching and Learning Building will be setback 6m to the boundary, and the privacy screen at the upper levels will be 7.7m from the boundary. This is greater than the existing setback of the residential dwelling to be demolished at 31 Park Road. These setbacks are compliant with DCP 2013 residential flat building control of a 5m setback for buildings up to 12m high, and 8m for the part of the building above 12m.

Furthermore, screening on the terrace will mitigate impacts on the privacy of the neighbouring property. In addition, mature planting along the boundary edge will create a visual and acoustic buffer between the sites, as shown in the Landscape Plan at **Appendix O**.

### Built Form and Functionality

The interior built form of the new buildings is a response to new teaching models utilised in modern school environments. The changes in education demand flexible, adaptable and collaborative learning spaces that have maximum efficiencies for functionality and usability. As discussed in the design report prepared by BVN Donovan Hill (**Appendix D**), new teaching models require spaces that are dynamic and allow teachers to provide a range of teaching and learning activities.

As a result, interior spaces are larger and more open, which consequently reflect on the external built form of the building, particularly the Teaching and Learning Building fronting Park Road. The school redevelopment has been designed to consider existing school frontages and façades in an effort to create a continuous street frontage along Grantham Street, and an interesting and compatible street frontage along Park Road. The materials and finishes chosen in the development have been selected to respond to the materials of the site's existing buildings, respect the architecture of the site's heritage buildings, and enhance the architectural features of the new buildings.

The new buildings along Grantham Street relate to the built form of the existing school buildings through the rectilinear design and the use of colour contrast in the materials

and finishes. The use of brick and vertical elements such as steel, responds to the verticality of the openings and ornaments of the existing school buildings. The uniform street frontage of the proposed and existing buildings defines the schools presence along Grantham Street, and is in keeping with the school's heritage building setbacks and features.

Along Park Road the modulation of the pop-outs and the materials chosen to articulate these elements, articulate the building façade and create visual interest along the street frontage. The use of brick responds to the existing materiality of the school buildings and, whilst the built form of the development is suitable for an institutional style development, the use of colour contrast breaks up the visual bulk of the otherwise modular, rectangular building.

### 5.3 Heritage

A Statement of Heritage Impact (SHI) has been prepared by Perumal Murphy Alessi Heritage Consultants and is provided at **Appendix H**.

The report outlines that the site is listed as a local heritage item under LEP 2012, and the works are restricted to the northern part of the site which is occupied by the Science Laboratories, the Whitely Wing and classrooms, which were constructed in stages from the 1960s through to the 1990s. Additionally the two residential dwellings to be demolished in the north eastern corner of the site (29 and 31A Park Road) are examples of late 19<sup>th</sup> and early 20<sup>th</sup> century residential development in the area, though neither are outstanding examples and have no particular architectural features of note.

The report assesses the heritage impact of the proposed development in accordance with the relevant provisions of LEP 2012. This assessment notes that the cultural significance of the school site largely relates to its historical and social associations, the aesthetic character of the early buildings on the site, and the association with the growth and development of Burwood.

The SHI notes that no buildings of heritage significance are to be developed, modified or altered by this proposal. The proposed works are considered acceptable from a heritage point of view, as the primary features that contribute to the significance of the site, will be retained and continue to be highly visible and prominent elements in the Grantham and Rowley Streets and Park Road streetscapes.

Additionally, the assessment considers that the proposed demolition of 29 and 31A Park Road is acceptable, as there is limited cultural significance to the buildings, both having been modified, and they make a limited contribution to the Park Road streetscape.

The report assesses that the proposal will have no adverse impact on the cultural significance of the place. Highly significant buildings and elements will be retained and enhanced by the opening up of internal courtyard spaces and the expansion of the Principal's Lawn. The report states that the new buildings and additions:

- Have appropriate footprints that are restricted and improve the open spaces of the site;
- Are of a consistent scale to the existing buildings;
- Present an appropriate modern architectural style and materials that retains the high visibility of the historic fabric of existing buildings and do not seek to mimic or detract from the historic building fabric on the site;
- Provide setbacks and built form that are consistent with the existing school buildings; and
- Reduce potential visual impact on the existing buildings.

Overall the report concludes that the proposed new buildings are considered acceptable from a heritage perspective and a positive outcome for the school and local area.

## 5.4 Parking and Traffic

Transport and Traffic Planning Associates have assessed the traffic impacts and parking and access arrangements for the development with the focus on the adequacy of the existing set down / pick-up arrangements and the parking and traffic measures onsite (see **Appendix G**).

As there will be no increase to student or staff numbers, no increase to traffic or demand for car parking is expected. There is currently no provision for parking for staff, students or visitors on the site, and none proposed as a result of this redevelopment. A substantial parking facility for the school is located on the Junior School campus.

The Assessment of Traffic and Parking Implications (**Appendix G**) concludes that the existing parking provisions and set down / pick up facilities will continue to be adequate and appropriate and that there will be no adverse traffic implications in terms of operational performance or safety, or traffic related environmental implications due to the proposed development.

Construction traffic impacts are discussed at Section 5.10.3.

## 5.5 Visual Impact

The development has been designed to provide better quality buildings and improved streetscapes on both Grantham Street and Park Road. The design incorporates a combination of materials, finishes and architectural features, such as the pop-outs along Park Road, to create visual interest (refer to Photomontage at **Figure 20**).

Features such as uniform building setbacks and heights, and the use of materials and finishes that create colour and material contrast create a more visually interesting presence for the school in the neighbourhood and celebrates the historical and institutional nature of the site.

The school re-development considers the interaction between the school and neighbouring residential dwellings and incorporates appropriate setbacks, buffers and mechanisms to reduce any potential impacts. To this extent, the visual impact to the surrounding neighbourhood amenity is considered to be positive through improved amenity, better quality architectural design and building materials, and enhanced outdoor open space, vegetation and tree plantings.



**Figure 20** – View of the main building from Park Road  
 Source: BVN Donovan Hill

## 5.6 Amenity Impacts

### 5.6.1 Overshadowing

As the new buildings on the site are located to the south of the neighbouring buildings along Grantham Street and Park Road, there will be no overshadowing or impact on solar access as a result of this redevelopment. This is depicted in the Shadow Diagrams at **Appendix B**.

### 5.6.2 Privacy

To the north along Grantham Street, the building setback to the adjoining residential property is 22.079m which is similar to the existing building setback.

Along Park Road, the design of the northern façade of the new Teaching and Learning Building has carefully considered the potential impacts on the adjoining property at 31A Park Road. To mitigate any potential impacts the proposal provides:

- A minimum 6m setback to the boundary;
- A minimum separation of 7.7m from the privacy screen of the upper levels of the building to the boundary;
- 9.25m separation between the upper levels of the Teaching and Learning Building to the neighbouring building itself;
- A privacy screen to the terrace as a visual buffer;
- A 1.65m wall between the pedestrian entrance and neighbouring driveway; and
- Significant tree plantings along the boundary edge to create a buffer.

As a result of these measures, there will be no privacy impacts to the neighbouring property at 31A Park Road which will become the adjoining property to the north-east of the site as a result of this development.

### 5.6.3 Wind Impacts

Due to the scale of the proposed building and the proposed plantings, there will be no adverse wind impacts associated with the development.

### 5.6.4 Operational Noise

Wilkinson Murray has prepared a Construction and Operation Noise Report (refer to **Appendix E**). Operational noise is addressed below, construction noise and vibration is addressed separately at Section 5.10.2.

The new teaching model supports interactive external learning areas as part of the collaboration space. These spaces, such as the science terrace, provide students with hands on opportunities which better facilitate understanding and learning.

New external learning spaces that are proposed for this application include the:

- Art terraces for sculpture and ceramics;
- English and History amphitheatres for performance and re-enactment; and
- Science terraces for vegetable gardens, PV panels, biology pets and a telescope.

As these external spaces are for learning rather than recreation, noise levels will be low and controlled. Not only is there a 9.25m building separation to 31A Park Road, mature planting screens will be provided along the boundary edge to create a buffer and screening will be installed to the roof terrace to buffer potential noise emissions.

Wilkinson Murray confirm that the proposed development incorporates design measures to meet general requirements regarding acoustic impacts by:

- Locating the internal play area of the development in a central location that is surrounded by buildings to prevent noise impacts on surrounding residences;
- Not locating pop-outs on the northern façade of the new Teaching and Learning Building; and
- Using the outdoor spaces adjacent to 31A Park Road, for learning and will only result in low level noise levels from this space.

Mechanical noise has been assessed against the *NSW Industrial Noise Policy (INP)*. Whilst details of the mechanical plant have not yet been finalised, an initial review indicates the noise level from plant at nearby residences (at 20m from the noise source) will be in the order of 36dBA, which is well below the noise criterion of 46dBA. On this basis, it is unlikely that acoustic treatment will be required.

## 5.7 Tree Removal and Ecological Impacts

An Arboricultural Report has been prepared by Rain Tree Consulting Arboricultural Management to assess the impact of the proposed development on the 76 trees on the site (refer to **Appendix T**). The report assesses the potential impact of the proposal on the subject trees, as well as providing recommendations and tree protection measures to ensure the long-term preservation of the trees being retained. The location of the trees on the site is shown at Figure 1 of the Arborist Report.

### Tree Significance

The 76 trees assessed (which includes two (2) trees within the Council verge on Grantham Street) includes a variety of non-local native, locally indigenous and exotic (introduced) species.

Of the 74 trees on the site, 20 are listed as exempt tree species and can be removed without consent.

### Tree Removal

A total of 55 trees are to be removed as part of the development. These include:

- 20 trees that are exempt tree species within Burwood LGA, and so are able to be removed without a Tree and Vegetation Removal Permit, or development consent.

- 35 trees that are protected, and comprise:
  - Three (3) identified as having low retention value;
  - 25 identified as having medium retention value; and
  - Seven (7) identified as having high retention value.

The majority of these trees fall within the footprint of main building or the landscaping works. The remaining trees' Structural Root Zones will be impacted by the proposed construction, and so cannot be retained.

It is noted that 23 of the 25 trees which are identified as having moderate retention value form part of a screening hedge of Lilly Pillies along the site's existing northern boundary. The seven trees identified as having high retention value comprise Jacarandas, Lilly Pillies and a Bush Cherry.

To compensate for the proposed tree removal, approximately 64 new trees are proposed to be planted. This includes 54 native and 10 exotic tree species (refer to Section 3.5).

### Mitigation Measures

In addition to the provision of substantial replacement plantings, the report proposes a number of recommendations to protect the 19 trees that are to be retained within the construction areas.

The generic Tree Management Plan puts forward a combination of tree protection measures, including fencing and ground protection, which will be provided in accordance with AS4970-2009. These measures are reflected in the Mitigation Measures at Section 8.0.

## 5.8 Stormwater Management and Flooding

A Civil Engineering Design Report has been prepared by TTW which outlines the stormwater management and water sensitive urban design concept for the site, and provides an assessment of potential flooding impacts. The report is provided at **Appendix J** and the findings are summarised below.

### Stormwater

A Stormwater Drainage Concept Plan is appended to the Civil Engineering Design Report. The design of the stormwater system for the proposed development will be in accordance with the Burwood Council Stormwater Management Code Australian Rainfall and Runoff (AR&R, 1987), AS3500.3 – National Plumbing and Drainage Code Part 3 – Stormwater Drainage, and accepted engineering practice.

Runoff from buildings is designed and documented by the hydraulic engineer in accordance with AS3500.3 – National Plumbing and Drainage Code Part 3 – Stormwater Drainage.

As discussed at Section 3.7, an OSD system will be installed on site and existing sewer and water mains provision is adequate to support the requirements of the proposed development.

### Water Sensitive Urban Design

The WSUD measures that have been employed on the site are outlined in TTW's report. Stormwater will be collected from roof and hard stand areas and directed to water reuse tanks and the OSD tank via roof gutters, pits and pipes. Prior to reuse, water will be cleaned by the incorporation of devices such as first flush, gross pollutant, oil and silt arrestors and trash screens into the stormwater system. Potential nutrients, gross pollutants, oil and silt will be removed from the collected water via pollutant control devices.

The incorporation of WSUD systems such as bioretention swales, retention basins, pervious paving and other practices, into the stormwater design are limited due to site area constraints.

In addition, WSUD features such as bioretention swales, retention basins and pervious paving will be incorporated into the final stormwater design, where appropriate.

### Flooding

TTW's report also addresses flood impacts, noting that the existing and proposed levels of the site (in the vicinity of 26m AHD) are above the Probable Maximum Flood (PMF) level and the 100 year flood. Further, TTW note that there are no known flooding issues on the site.

## 5.9 Environmentally Sustainable Development

An ESD Report has been prepared by WSP Built Ecology, and is included at **Appendix F**. ESD principles will be incorporated into the design, construction and ongoing operation phases of the development. Whilst the development will be designed to achieve an equivalent 5 star Green Star Education v1 rating, no formal certification will be sought. Rather, the rating tool has been used to determine and implement appropriate and feasible ESD initiatives so that the design aligns with the Green Star target. These initiatives will be finalised during detailed design.

The report sets out targeted initiatives for a number of areas, including:

- Management;
- Indoor environmental quality, including thermal comfort, daylight amenity, air quality and acoustic comfort;
- Transport;
- Water efficiency including efficient fixtures and fittings, water metering and water reuse initiatives; and
- Materials and operational waste management.

The environmental performance of the development has also been assessed against clause 7(4) of Schedule 2 of the EP&A Regulations. The proposed development is consistent with the five accepted principles of ESD, as described below.

### Precautionary Principle

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The proposal is supported by environmental studies and technical reports which conclude that there are no environmental constraints that would preclude the development of the site, subject to appropriate management during the design, construction and operational stages. It is considered that through adherence to the Mitigation Measures outlined in Section 8.0 the proposal will not result in negative environmental impacts.

### Integration Principle

The integration principle states that decision-making processes should effectively integrate both long-term and short-term economic, environmental and social considerations. The design of the building has been developed to integrate the short and long-term effects of economic, environmental and social considerations in the provision of teaching and educational facilities at the school.

### Intergenerational Equity

The principle of inter-generational equity holds that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. The proposal has been developed to directly benefit current and future generations in that it contributes to the provision of education services for the community without causing significant impact to the environment.

### Biological Diversity

Under the biodiversity principle, the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.

The development site does not contain any threatened or vulnerable species, populations, communities or significant habitats. The construction and ongoing operation of the facility will be managed in accordance with the Mitigation Measures, ensuring no significant indirect impacts on the surrounding environment.

### Valuation and Pricing of Environmental Resources

Under this principle, improved valuation, pricing and incentive mechanisms as well as environmental factors should be included in the valuation of assets and services.

The cost of infrastructure and other design measures to ensure an appropriate level of environmental performance has been incorporated into the cost of development. In addition, the level of waste will be appropriately managed during the construction and the operation of the development. These measures have also been incorporated into the cost of development.

## 5.10 Construction Impacts

### 5.10.1 Construction Hours

The proposed hours of construction are:

- Monday to Friday: 7:00am to 6:00pm;
- Saturday: 7:00am to 5:00pm; and
- No work on Sundays and NSW public holidays.

It is acknowledged that these are outside of the standard construction hours set out by the EPA and Burwood Council. However, the proposed hours will enable the construction noise and vibration generating activities to be carried out in a more efficient manner, thereby shortening the overall construction period to which sensitive receivers will be exposed.

The proposed hours will also reduce the impact of construction activities on the operation of the school, by enabling as much work as possible to be undertaken outside of school hours.

The expected duration of construction works is 88 weeks, comprising the following timeframes for each element:

- Site establishment – 4 weeks
- Demolition – 12 weeks
- Ground works – 8 weeks
- Construction – 40 weeks\*
- Fitout – 52 weeks\*
- External works – 20 weeks\*

\*Works to be undertaken concurrently

## 5.10.2 Construction Noise and Vibration

The Construction Noise and Vibration Report prepared by Wilkinson Murray addresses construction noise and vibration, and the potential impacts of construction on surrounding sensitive receivers (refer to **Appendix E**).

### Noise

The report has assessed the impact of the proposed demolition, excavation and construction activities on the following sensitive receivers in the vicinity of the site:

- 27 Park Road;
- 30 Park Road;
- 31 Park Road;
- 26A Grantham Street; and
- the western Hospital area, which comprises St John of God Hospital and the aged care facility.

### Construction Noise Criteria

The report sets out the construction noise criteria as prescribed by the *Interim Construction Noise Guidelines 2009* for both the standard construction hours, and the works to be undertaken outside of the standard construction hours. Based on typical construction practices and equipment used, it is anticipated that the principal source of noise emissions will be during the ground excavation phase.

### Impact Assessment

A review of the results indicates that there may be some exceedance of the construction noise management levels at the sensitive receivers during the demolition, excavation and construction phases. The potential exceedances would be greater on Saturdays during the extended construction hours, when noise management levels are stricter. Whilst it is noted that all predicted noise levels are below the 'highly noise affected' noise objective, the planning and management of construction activities must take into account sensitivities of surrounding receivers so as to minimise the impact of construction activities at these locations. It is also noted that the most noise intensive phases of development will not extend for the duration or the construction program with reduced impacts anticipated during the site establishment and fit-out stage.

Construction noise and vibration will be managed in accordance with a detailed Construction Noise and Environmental Management Plan, which will be prepared once a contractor has been selected. This will be developed in accordance with the mitigation measures outlined below.

### Mitigation Measures

The following mitigation measures are proposed to reduce construction noise impacts:

- Selection of the quietest feasible construction equipment;
- Localised treatment such as barriers, shrouds and the like around fixed plant such as pumps, generators and concrete pumps;
- Provision of respite periods; and
- Carrying out trial testing of vibration levels where equipment identified as having the potential to exceed the human comfort criteria is used.

In addition, a Community Management Plan will be implemented to ensure that the local community is aware of anticipated changes to noise and vibration emissions prior to the works being undertaken. The plan will also explain the complaint procedures and response mechanisms.

## Vibration

Wilkinson Murray has set vibration criteria for building damage and human comfort. The potential for vibration will be greatest when site preparation and excavation works are taking place, however in the case of this project, minimal vibration is expected using an excavator and dump trucks on the site.

Whilst it is not currently envisaged, there may be the need for some limited rock breaking during the excavation process. Should this occur, small to medium rock breakers may be used on the excavator. If required, the highest vibration levels would occur when construction equipment is located in the north-eastern end of the site near residences on Park Road, where minimum distances between the vibration generating activities and surrounding buildings will be approximately 3 - 4 metres. To maintain human comfort, vibration levels would need to be tested where rock breakers are proposed closer than 20m from residential buildings.

With respect to building damage, the structural damage vibration criteria for residential buildings is significantly higher than the human comfort criteria. The predicted vibration levels are within the human comfort criteria under most circumstances, and so compliance with the building damage criteria will be achieved.

### 5.10.3 Construction Traffic

A Construction Traffic Management Plan (CTMP) has been prepared by Transport and Traffic Planning Associates detailing how construction traffic will be managed throughout the development process (refer to **Appendix P**).

The peak number of truck movements has been estimated based on the gross excavation volume and assumptions around building traffic requirements. It is estimated that during the excavation and ground works process (i.e. at peak construction traffic activity) the development will require approximately 10 truck and trailer arrivals per day. On average, there will only be eight (8) heavy vehicle trips per day. Construction vehicle movements will be managed to eliminate vehicle movements into and out of the site during school arrival (8:00 - 9:30am) and departure (2:30 – 4:00pm) times. However, it is noted that some limited construction vehicle movements may be required during these times, when major concrete pours are taking place. When this occurs, trucks reversing into the site will be managed by a qualified Traffic Controller.

The proposed construction traffic vehicle routes are shown at Figure 5 of the CTMP. It is proposed that construction vehicles will access the site from Parramatta Road via Park Street or Grantham Street. Vehicles will depart the site in the same manner. To limit impacts on Park Street, construction vehicles will access the site via Grantham Street where possible.

Unloading and loading of materials will be undertaken either within the site, or when construction has reached a stage that precludes site access, within on-street Works Zones. Notably, only trucks approaching the Works Zones on Park Road and Grantham Street will be permitted to travel on Rowley Street. Separate approval will be sought from Burwood Council for the Works Zone.

With respect to parking on the site, no parking will be provided for site workers, and as a result, there will only be a minor traffic impact. Construction workers will be encouraged to use the public transport options available, or to car pool wherever possible.

Construction traffic control measures will be further detailed as part of any Traffic Control Plans, as required by the Traffic Control Contractor. The requirements of the CTMP have been included in the Mitigation Measures at Section 8.

### 5.10.4 Construction Waste Management

The Preliminary Construction Management Plan (CMP) prepared by Farrell Coyne Projects, identifies practices and procedures for the identification, management and

reuse (where practical) of waste streams and materials resulting from the demolition of existing structures (refer to **Appendix K**). The CMP also identifies strategies to deal with potentially hazardous and contaminated waste materials.

Before commencement of works on the site, a detailed Construction Waste Management Plan will be prepared to outline final waste management procedures.

### 5.10.5 Air Quality

The proposed earthworks are likely to result in some dust generation. Where this occurs, the management measures outlined in the preliminary CMP will be adopted to reduce any potential air quality impacts.

These measures include water spraying, as well as pro-active management measures such as the covering of loads and monitoring of weather patterns (in particular, wind).

### 5.10.6 Water Quality

The CMP also sets out a number of measures that will be employed to ensure that stormwater quality is maintained. These include:

- Continual clearing of rubble from the site to minimise possible sediment flow during rainfall periods;
- Use of sediment controls in the form of hay bales or sedimentation socks on stormwater kerbs and drainage lines;
- Use of geotextile fabric over existing stormwater inlet drains to allow water to enter into drains whilst retaining sediments; and
- Regular checking of all drainage control devices, particularly during periods of heavy rainfall.

An Erosion and Sediment Control Plan has been prepared by TTW as part of the Civil Engineering Design Report (**Appendix J**) which outlines additional erosion and sediment control measures that will be employed. This plan details the proposed sediment basins, silt traps, sediment fencing and vehicle wash-down facilities which will be installed on the site during the construction period.

## 5.11 Building Codes and Standards

### 5.11.1 BCA

The BCA Report prepared by Vic Lilly & Partners (see **Appendix S**) assesses the proposed development against the controls of the Building Code of Australia (BCA). The report makes a number of recommendations to ensure compliance with the relevant controls, and concludes that the proposed development is capable of achieving compliance with the built form, access and fire safety requirements of the BCA, without undue modification to the design or appearance of the proposed buildings.

### 5.11.2 Access

At present, the site consists of a range of buildings constructed between the school's establishment in 1886 and the library being developed in 1998. As a consequence, most of the buildings are not compliant with the BCA, are not universally accessible, and thus have unsatisfactory levels of disabled access. This proposal will improve the access arrangements on site, ensuring that the main learning and teaching areas of the school are compliant with the relevant building and access requirements for schools.

An Access Review prepared by Morris-Godding Consulting is included at **Appendix M**. The report reviews the proposed development to ensure that ingress and egress, paths of travel, circulation areas and toilets comply with the relevant statutory guidelines.

The report makes recommendations regarding the building fit-out design that will not impact the design or appearance of the proposed development and that are capable of being made during the construction certificate stage. These recommendations relate to elements such as walkway gradients, tactile ground surfaces, handrails, lift access, emergency warning systems and floor surfaces.

The report concludes that the development has accessible and continuous paths of travel throughout the school site, has a reasonable degree of accessibility, and that the development is capable of achieving compliance with the relevant statutory requirements pertaining to site access, common area access, and accessible sanitary facilities.

## 5.12 Structural Adequacy

A Structural Design Statement has been prepared by TTW (**Appendix Q**) to address the structural requirements of the building, particularly in light of the building's specific functional requirements. The statement confirms that the structural design will be in accordance with standard engineering practice and principles and the relevant Australian Standards, including:

- AS3600 - Concrete Structures;
- AS4100 - Steel Structures;
- AS1170.0 - General Principles;
- AS1170.1 - Permanent, Imposed and Other Actions;
- AS1170.2 - Wind Actions;
- AS1170.4 - Earthquake Actions in Australia; and
- AS 4678 – Earth retaining structures.

In addition, the structural design will also comply with the following criteria, to ensure that the functional requirements of the building are met, including:

- Design Criteria for Classroom and Offices; and
- Design Criteria for Corridors.

## 5.13 Soils, Geotechnical and Groundwater

Coffey has prepared a Geotechnical Investigation and a Phase 1 Site Contamination Assessment to assess the potential for contamination, geotechnical conditions, acid sulfate soils and groundwater. The reports are included at **Appendix N** and **Appendix I** respectively, and are summarised below.

The recommendations from these reports have been included in the Mitigation Measures at Section 8.0.

### 5.13.1 Contamination

The Phase 1 Site Contamination assessment determines the potential for onsite contamination within the site. The assessment has investigated historical uses on the site to determine whether any contaminating uses may have occurred. The report concludes that:

- Prior to MLC School facilities being developed at some point between 1951 and 1961 the site appears to have previously been used for residential purposes;
- With the exception of the MLC School campus to the south and St John of God Burwood Hospital to the north-west of the site, land uses surrounding the site have predominantly been residential; and

- No industrial activities or processes were historically or currently identified on the site or land immediately surrounding the site, based on historical aerial photographs.

However, Coffey has noted that there are uncertainties arising from potential sources of contamination, such as weathering of hazardous materials, previously uncontrolled demolition of site structures or fill materials of unknown origin during previous site redevelopment. Notwithstanding this, Coffey considers that wide-spread contamination is a negligible risk as a result of these activities, and concludes that the site is suitable for use as a school, subject to implementation of a Construction Environmental Management Plan for the duration of the construction works, including an unexpected finds protocol.

Based on the above, Coffey considers that the further investigation of land contamination is not warranted for the site.

### 5.13.2 Geotechnical

The Sydney 1:100,000 Geological Sheet indicates that the site is underlain by Ashfield Shale of the Wainamatta Group. The subsurface conditions encountered at the site were relatively consistent, and typically comprised gravelly sand to silty sand or gravelly clay to silty clay.

Based on the results of the site investigations, the report provides advice on the geotechnical aspects of the proposed civil and structural design. These recommendations relate to earthworks, excavation, impacts on adjacent structures, foundation options and earthquake design.

### 5.13.3 Acid Sulfate Soils

The Prospect / Parramatta River Acid Sulfate Soil Risk Map indicates that the site is within an area of no known acid sulfate soils.

### 5.13.4 Groundwater

Groundwater was not encountered during augering in soil and weathered rock to a maximum depth of 4.3m. In deeper boreholes (BH3 and BH4), water was used as drilling fluid while coring the rock which precluded observation of the water table.

## 5.14 Development Contributions

The relevant contributions plan for the site is the *Burwood Council Section 94A Contributions Plan for the Burwood Local Government Area (Excluding the Burwood Town Centre)*.

The Plan has a very limited list of approvals that are excluded from the payment of levies, and whilst developments for the purposes of schools are not automatically exempted from the payment of section 94A contributions under this Plan, it is considered appropriate that MLC be given a full or partial exemption in this instance. A dispensation is considered appropriate as the proposed development comprises upgrades, alterations and additions to an existing facility and will not result in an increase in the number of students or staff on the site. As a result, the proposal will not place any additional demand on public services or facilities.

Furthermore, most of the works for which the Plan seeks to levy a contribution relate to open space upgrades, as well as footpath, road, kerb and gutter improvements. The school provides its own sport and open space facilities within its campus, and the development further enhances the provision of open space. As the development will not put any additional demand on Council's infrastructure, it is considered reasonable that a dispensation be considered.

Finally, the payment of development contributions would consume resources which should be devoted to the school's core business of teaching and the strategic benefits

that would result from such a development. The payment of approximately \$330,000 in contributions would limit the school's ability to provide these services.

## 5.15 Site Suitability

The site is suitable for the proposed development in that it is already used for a school, with a built form not dissimilar to the modern upgrades that are proposed.

The development will not increase the number of students, staff or visitors to the site, and so there will be no additional impacts on the surrounding neighbourhood as a result of the use of the site.

The site is in close proximity to transport infrastructure, shops and other services, and the built form is in keeping with the existing site, existing surrounding development, and the future direction of the built form of Burwood.

The development is suitable for the site as it is permissible in the zone; involves the construction of a quality building with architectural design that enhances the streetscape; improves the functionality and accessibility of the site; and considers and minimises impacts on the surrounding locality.

## 5.16 Public Interest

The proposed redevelopment of the school is in the public interest as it:

- Is of a high standard and compatible with the site's existing buildings;
- Reinforces the heritage significance of the school within the broader neighbourhood by retaining and respecting the heritage significant buildings whilst developing new buildings that are in-keeping with the heritage built form;
- Provides a high level of disabled access;
- Will improve the amenity of Park Road and Grantham Street with interesting and quality frontages; and
- Is compatible with the surrounding hospital and aged care uses, and adjoins medium and low density residential uses.

## 6.0 Request to Vary a Development Standard

Clause 4.6 of LEP 2012 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by LEP 2012. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This application seeks to vary two development standards – height and floor space ratio (FSR).

### 6.1 Height

#### 6.1.1 Development Standard to be Varied

The development standard that is sought to be varied as part of this application is Clause 4.3 of LEP 2012, relating to *height of buildings*. Under Burwood LEP 2012 the site is afforded a maximum height of 8.2m.

As outlined in Section 3.4.2 and shown in the plans at **Appendix B**, the proposed development seeks a maximum building height of 15.263m.

#### 6.1.2 Justification for Contravention of the Development Standard

The maximum height fronting Park Road is 15.263m, whilst the maximum fronting Grantham Street is 10.3m (see drawings prepared by BVN Donovan Hill at **Appendix B**).

This variation is considered acceptable and reasonable on the basis that:

- The highest building on the site is the ILC which sits at 16.3m above ground level, or RL 43.32. None of the new buildings on the site will be taller than this and all will be lower in height.
- The existing buildings fronting Grantham Street and Park Road, which pre-date LEP 2012 development standards, already have a maximum building heights of 12.34m and 15.64m respectively (see **Table 3**), which are excess of the 8.2m development standard.
- The Teaching and Learning Building will not exceed the tallest building fronting Park Road, being the Chapel at 15.64m.
- The proposed building height of 15.263m in the north-eastern corner of the Teaching and Learning Building is a result of sloping topography at this point of the site. The building will not exceed RL 39.4, which accords with the current buildings along Park Road proposed to be demolished.
- The proposed buildings along Grantham Street are of similar heights to the existing buildings fronting Grantham Street, and will not exceed RL 36.30, in line with the adjacent heritage buildings.
- The development along Grantham Street is in keeping with the institutional character of the street.
- New buildings along Grantham Street are capable of meeting the development standards for complying development under Clause 31A of SEPP (Infrastructure) 2007.
- In accordance with the objectives for height in LEP 2012, there are no adverse impacts of the building height of the school on adjoining areas as:
  - the heights are in keeping with the school use; and

- the development will not overshadow adjoining land or impact on the visual amenity of the neighbourhood.
- The maximum height under the LEP of 8.2m is appropriate for low-density residential development buildings. However, as indicated by the 12m complying development maximum height standard under SEPP (Infrastructure) 2007, a height of 8.2m could be considered unsuitable for educational establishments.
- The expansion and upgrade of the existing school is required to provide a high quality teaching environment that supports collaborative learning spaces and modern teaching facilities.

### 6.1.3 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

When considering whether a development standard is appropriate and/or necessary, one must take into account the nature of the proposed variation, the site context, and the design of the proposed development. Each of these matters is discussed below.

#### Nature of Variation

The proposed maximum height of the Teaching and Learning Building is 15.263m (to the top of the uppermost building plant and roof form), being 7.063m above the maximum height limit. The proposed buildings along Grantham Street are 10.3m, being 2.4m above the maximum height limit.

#### Site Context

Site context is a key consideration when determining the appropriateness and necessity of a development standard. Importantly, the height of the tallest proposed building is no higher than the existing highest building on the site, being the ILC which sits at 16.3m above ground level, or RL 43.3. None of the new buildings on the site will be taller than this.

None of the new buildings fronting Grantham Street or Park Road will exceed the tallest building fronting the respective street frontages, being the Sutton Wing at 12.34m on Grantham Street and the Chapel at 15.64m on Park Road. Also, none of the new buildings will exceed RL 39.4 which is in keeping with the built form of the school campus and the character of the streetscape.

#### Design of the Proposed Development

The proposed development has been the subject of a robust design process aimed at creating buildings that meet their functional educational needs and recognise and respond to the context of the school site.

The buildings have been designed to align with the building heights along Grantham Street, to not exceed the existing building heights along Park Road, and with the tallest building continuing to be located within the middle of the overall campus. Additionally, the buildings are located so that there will be no overshadowing or privacy impacts on the neighbouring residential dwellings.

### 6.1.4 Sufficient environmental planning grounds to justify contravening the development standard

The proposed development will not result in any significant adverse impacts for the following reasons:

- The numeric height limit exceedance will have no impact on the streetscape, and on the visual privacy and solar access of neighbouring developments;
- The height will not be greater than the tallest building currently on the site;
- The height will not be greater than the height of the buildings to be demolished;
- The use is permitted on the site; and
- The proposed height is suitable for the size and dimensions of the site in its context.

#### Public Interest

The proposed development would be in the public interest as it is an educational facility, and because it is consistent with the objectives of the height standard and the objectives for development within the zone in which it is proposed to be carried out, as demonstrated below in **Table 10**.

**Table 10** – Assessment against relevant LEP objectives

Objective	Proposal
<b>Clause 2.3 – Zone Objectives: R2 Low Density Development</b>	
To provide for the housing needs of the community within a low density residential environment.	<ul style="list-style-type: none"> <li>– The underlying objective or purpose of this objective is not relevant to the development and therefore compliance is unnecessary.</li> <li>– The development is for the purpose of an educational establishment within a mixed-use neighbourhood. Directly opposite the site to the west on Grantham Street, the land is used for the purpose of a hospital and aged care facility. Whilst to the east, opposite the site on Park Road is the MLC Junior campus.</li> <li>– The development is not located in a neighbourhood that would be described as 'low density residential', nor will the site be able to provide for the housing needs of the community.</li> <li>– The development will not exceed the existing building heights on the site, and thus will not result in an impact on the zoning intentions of LEP 2012 to reserve the area for low density residential environment.</li> </ul>
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	<p>The site is used for the purpose of an educational establishment, which can be said to inherently provide a day-to-day service for residents.</p> <p>The use of the site for a school is in keeping with the existing use of the site, and is a compatible land use within the neighbourhood and within the zone it is situated.</p>
<b>Clause 4.3 Height of Buildings</b>	
(a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,	At present the site does not contribute towards the low or medium density character of the neighbourhood as the site already exceeds the height controls. The proposed development will not be above the existing maximum height of the site, and will not increase the density of the neighbourhood. Consequently, whilst not complying with the development standard of the LEP, the proposed development will not impact the intentions of the LEP height controls.
(b) to control the potentially adverse impacts of building height on adjoining areas.	<p>The proposed development will not exceed the building heights currently on the site, and will cause no adverse impacts on the adjoining area. The highest point of the site will continue to be located in the centre of the site, being the ILC, and the proposed buildings will be in keeping with the existing heights of the buildings fronting Grantham Street and Park Road. The building heights of the proposed buildings will cause negligible impacts on the adjoining areas.</p> <p>The proposed development responds to its site specific context and opportunities and constraints. Any potential adverse impacts have been managed appropriately in the development design through the use of appropriate setbacks, buffering and architectural design. The proposed development is not considered to detract from the amenity of the surrounding area.</p>

## 6.1.5 Secretary's Concurrence

The following Section provides a response to those matters sets out in clause 4.6(5) of the LEP which must be considered by the Secretary in deciding whether to grant concurrence:

***Whether contravention of the development standard raises any matter of significance for State or regional environmental planning.***

The variation to the height development standard of LEP 2012 will not raise any matter which could be deemed to have State or Regional significance. The proposed variation will not have any amenity impacts outside the site's immediate area.

***The public benefit of maintaining the development standard.***

Maintaining the development standard would not result in any public benefit in this situation. Reducing the height would limit the ability of the school to meet its current and future educational objectives, thus limiting the site from realising its full development and functional potential.

***Any other matters required to be taken into consideration by the Secretary before granting concurrence.***

The proposed variation will facilitate the orderly and economic redevelopment of the existing school site for the purposes of improved teaching and learning facilities at the educational establishment.

## 6.2 Floor Space Ratio

### 6.2.1 Development Standard to be Varied

Clause 4.4(2) of Burwood LEP 2012 states that '*The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map*'. The maximum FSR shown on the Floor Space Map for the subject site is 0.55:1.

The proposed development has a site area of 13,105m<sup>2</sup> and GFA of 11,462m<sup>2</sup>, which equates to an FSR of 0.87:1. The proposed FSR therefore exceeds the maximum FSR development standard by 0.32:1.

### 6.2.2 Justification for Contravention of the Development Standard

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In the decision of *Wehbe v Pittwater Council [2007] NSW LEC 827*, Chief Justice Preston stated that there are five different ways in which a variation to a development standard might be shown as unreasonable or unnecessary in the circumstances of the case. Of particular relevance in this instance is the first method, that is: "The objectives of the standard are achieved notwithstanding non-compliance with the standard".

The objectives of the development standard are:

- (a) *to enable development density and intensity of land use to achieve an appropriate urban form,*
- (b) *to focus higher development density and intensity of land use in the inner part of the Burwood Town Centre and to provide a transition in development density and intensity of land use towards the edge of the Burwood Town Centre.*

Despite the proposed variation to the FSR development standard, the proposal will still result in a development that achieves the general objectives of the control in that the proposed built form:

- Is an appropriate urban form within the context of the existing School campus, the neighbouring hospital and health care uses, and medium density and low density residential development;
- Is consistent with the built form of the existing site as it is a continuation of the built form, including bulk and scale, along the Grantham Street frontage, and is of an appropriate scale along Park Road;
- Exceeds the current FSR of the site by only 0.07:1 which is a small increase that will be largely indiscernible when compared with the existing built form of the site;
- Achieves an appropriate scale of density within the site that is consistent with the use of the site for a high school; and
- Will not undermine the provision of usable open space on the site.

Given the consistency with the objectives of the development standard, strict compliance with the FSR standard by this development is considered unreasonable and unnecessary in this instance.

In summary, the variation, and the consequent increase in floor space, is considered acceptable and reasonable on the basis that:

- The non-compliances with the FSR standard do not result in intensification of the development, or in greater student numbers at the school.
- The bulk and scale of the building is consistent with the existing development onsite, and the surrounding low to medium density development and the character of the streetscape.
- The increase in density on the site will be imperceptible from the street.
- The increase in density will not cause an increase in impact on the services, infrastructure or traffic within the local area as student numbers will not be increased as a result of the development.
- The additional floor space will not result in any adverse environmental impacts on the use or enjoyment adjoining properties.

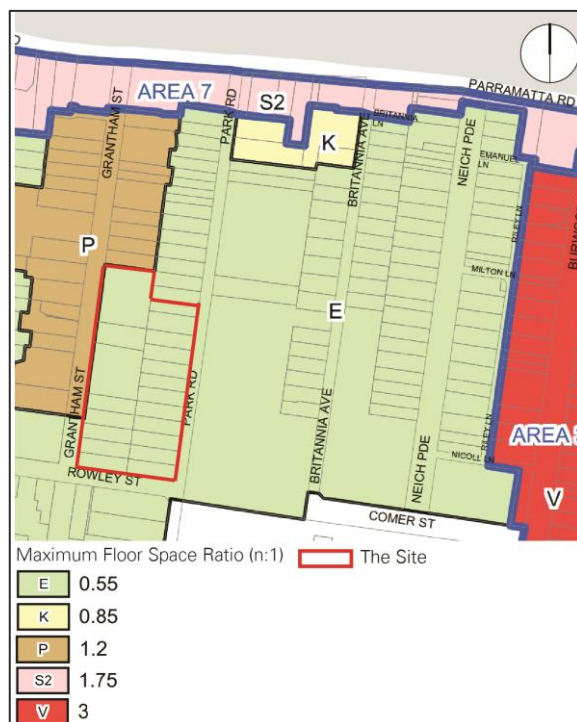
### 6.2.3 Sufficient environmental planning grounds to justify contravening the development standard

#### Suitability of the Site

The site is currently used for the purpose of an educational establishment, and the proposed development is for the redevelopment of part of the school, to enable a more efficient and functional learning and teaching environment. The school is not only of an appropriate size for the increase in density, but the proposal is providing an additional 1,210m<sup>2</sup> of open space which balances out the overall bulk of the new development. For these reasons the site is considered capable of accommodating the proposed FSR of 0.87:1

The current FSR of the site is already above the development control at 0.80:1, and the exceedance of this by 0.07:1 equates to 1,678m<sup>2</sup>, which across the whole school site is a minor increase.

In addition, the proposed FSR is similar to or below the FSR of the surrounding development controls for land in the immediate locality of the site, as shown in **Figure 21**. In light of this, it is considered that the resultant FSR of 0.87:1 of the proposed development is consistent with the FSR of the surrounding neighbourhood and is suitable for the site.



**Figure 21** – Burwood LEP 2012 FSR Map  
 Source: Burwood LEP 2012

**Public interest**

The proposed development would be in the public interest because it is consistent with the objectives of the FSR standard, as discussed above, and also the objectives for development within the zone in which it is proposed to be carried out, as demonstrated below in **Table 11**.

**Table 11** – Assessment against relevant LEP objectives

Objective	Proposal
Clause 2.3 – Zone Objectives: R2 Low Density Development	
To provide for the housing needs of the community within a low density residential environment.	<ul style="list-style-type: none"> <li>The proposal is for the purpose of the redevelopment of an existing educational establishment, and as such, the underlying objective or purpose of this objective is not relevant to the development and therefore compliance is unnecessary.</li> <li>Despite this however, the development does not threaten the low density residential environment of the zone due to the existing FSR, bulk and scale of the site, and due to the development being located in a mixed-use neighbourhood. Directly opposite the site to the west on Grantham Street, the land is used for the purpose of a hospital and aged care facility. Whilst to the east, opposite the site on Park Road is the MLC Junior campus.</li> </ul>
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The site is used for the purpose of an educational establishment, which can be said to inherently provide a day-to-day service for residents. The use of the site for a school is in keeping with the existing use of the site, and is a compatible land use within the neighbourhood and within the zone it is situated.

**6.2.4 Secretary’s Concurrence**

The following Section provides a response to those matters sets out in clause 4.6(5) of the LEP which must be considered by the Secretary in deciding whether to grant concurrence:

***Whether contravention of the development standard raises any matter of significance for State or regional environmental planning.***

FSR standards are largely based on controlling the bulk and scale of buildings in order to minimise adverse environmental impacts. The proposed variation of GFA above the FSR development standard enables flexible and adaptable teaching and learning spaces in line with modern school environments. The amenity impacts arising from the built form and GFA are minimal considering that much of the increase in bulk and scale will be catered for internally within the site, and offset by the increase in open space and landscaping.

***The public benefit of maintaining the development standard.***

As discussed in Section 6.1.5 there is no public benefit in maintaining the development standard in this situation. The school site already exceeds the FSR controls for the site, and is unable to comply with the control without compromising the school's ability to function.

The proposed development only increases the existing FSR onsite by 0.07:1, which will enable the school to provide modern learning environments and spaces that are flexible and adaptable for the dynamic nature of education establishments in the 21<sup>st</sup> Century.

***Any other matters required to be taken into consideration by the Secretary before granting concurrence.***

The proposed variation will facilitate the orderly and economic redevelopment of the existing school site for the purpose of an improved learning environment for the existing school students. The FSR for the existing site already exceeds the FSR controls under LEP 2012, and is similar to or below the FSR of surrounding mixed-use and commercial areas of the local area (shown in **Figure 21**).

## 6.3 Summary

This Section demonstrates that the consent authority can be satisfied that although the proposal exceeds the building height and floor space ratio development standards, the development will deliver a built form that is consistent with the objectives of the zone and development standards for the site.

This Section justifies the departures from the development standards of LEP 2012 and demonstrates that compliance with the standard is unreasonable and unnecessary given the following circumstances:

- The development as proposed is consistent with the objectives of the building height and FSR planning objectives under LEP 2012;
- The development is of a scale and bulk that is not out of context with the existing development on the site, and surrounding development;
- The increase in density on the site will be imperceptible from the street;
- The built form will enable the school to meet the modern education needs and provide flexible and adaptable learning spaces; and
- The development maximises amenity for students and users of the site, and adjoining properties through the provision of high quality and larger open space, and minimises privacy impacts and overshadowing of adjoining development.

Compliance with the building height and FSR standards is therefore unnecessary and unreasonable in the circumstances of the case and should not be reason to preclude the consent authority from approving the proposed development.

## 7.0 Environmental Risk Assessment

An Environmental Risk Assessment (ERA) establishes residual risk by reviewing the significance of environmental impacts and the ability to manage those impacts. The ERA for the development has been adapted from Australian Standard AS4369.1999 Risk Management and Environmental Risk Tools with the methodology described below.

The Risk Assessment Matrix at **Figure 22** illustrates how the residual environmental impacts of a proposal are assigned. The sum of the values assigned provides an indicative ranking of potential residual impacts after the mitigation measures are implemented as follows:

- The significance of impact is assigned a value between 1 and 5 based on:
  - the receiving environment;
  - the level of understanding of the type and extent of impacts; and
  - the likely community response to the environmental consequence of the project.
- The manageability of environmental impact is assigned a value between 1 and 5 based on:
  - the complexity of mitigation measures;
  - the known level of performance of the safeguards proposed; and
  - the opportunity for adaptive management.

Significance of impact	Manageability of impact				
	5 Complex	4 Substantial	3 Elementary	2 Standard	1 Simple
1 – Low	6 (Medium)	5 (Low/Medium)	4 (Low/Medium)	3 (Low)	2 (Low)
2 – Minor	7 (High/Medium)	6 (Medium)	5 (Low/Medium)	4 (Low/Medium)	3 (Low)
3 – Moderate	8 (High/Medium)	7 (High/Medium)	6 (Medium)	5 (Low/Medium)	4 (Low/Medium)
4 – High	9 (High)	8 (High/Medium)	7 (High/Medium)	6 (Medium)	5 (Low/Medium)
5 – Extreme	10 (High)	9 (High)	8 (High/Medium)	7 (High/Medium)	6 (Medium)

**Figure 22** – Risk Assessment Matrix

In accordance with the SEARs, the ERA addresses, as applicable:

- The adequacy of baseline data;
- The potential cumulative impacts arising from other developments in the vicinity of the site; and
- Measures to avoid, minimise, offset the predicted impacts where necessary involving the preparation of detailed contingency plans for managing any significant risk to the environment.

**Table 12** presents the environmental risk assessment for this project.

**Table 12 – Environmental Risk Assessment**

Item	Phase	Potential Environmental Impact	Proposed Mitigation Measures and / or Comment	Significance of Impact	Manageability of Impact	Residual Impact
<b>Key:</b> C - Construction O - Operation						
Noise and Vibration	C + O	<ul style="list-style-type: none"> <li>- Increase in noise and vibration levels during construction activities</li> <li>- Increase in noise levels during the operation of the school building</li> </ul>	<ul style="list-style-type: none"> <li>- Implementation of Construction Noise and Vibration Measures which considers the construction methodology and details specific mitigation measures in accordance with the DECCW Interim Construction Noise Guideline.</li> <li>- Appropriate mitigation measures to be implemented to ensure vibration levels will not compromise human comfort or result in building damage.</li> <li>- Appropriate sound minimisation measures to be incorporated within the plant and mechanical areas.</li> <li>- Uses have been sited so as to minimise noise levels adjacent to sensitive receivers.</li> </ul>	C = 3 O = 1	C = 2 O = 2	C = 5 (low/medium) O = 3 (low)
Traffic and Parking	C + O	<ul style="list-style-type: none"> <li>- Increase in construction traffic on local roads</li> <li>- Increase in traffic and parking on local roads during operation</li> </ul>	<ul style="list-style-type: none"> <li>- No additional staff or students will be accommodated by the proposed development, and so no additional parking is proposed.</li> <li>- A Construction Traffic Management Plan has been prepared detailing measures to minimise any adverse impacts arising from construction traffic.</li> </ul>	C = 3 O = 2	C = 3 O = 1	C = 6 (medium) O = 3 (low)
Heritage		<ul style="list-style-type: none"> <li>- Potential to impact on the site's heritage significance.</li> <li>- Potential for vibration to impact the structural integrity of the site's heritage items.</li> </ul>	<ul style="list-style-type: none"> <li>- The new works have been designed to have a negligible impact on the site's heritage items.</li> <li>- The works are sufficiently separated from the heritage structures to avoid any potential vibration impacts during construction.</li> </ul>	1	1	2 (low)
Visual and Built Form		<ul style="list-style-type: none"> <li>- Visual impact of the development when viewed from the public domain.</li> <li>- Impact of the development on the Grantham Street and Park Road streetscapes.</li> </ul>	2	O = 3	2	4 (low/medium)

Item	Phase	Potential Environmental Impact	Proposed Mitigation Measures and / or Comment	Significance of Impact	Manageability of Impact	Residual Impact
Amenity of Adjoining Properties	C + O	<ul style="list-style-type: none"> <li>- Potential privacy impacts on adjoining properties</li> <li>- Potential overshadowing of adjoining properties</li> <li>- Potential noise impacts on adjoining properties</li> </ul>	<ul style="list-style-type: none"> <li>- The building has been designed to limit privacy and overlooking of the adjoining property.</li> <li>- The location of the building, to the south of the neighbouring property, ensures no adverse overshadowing impact.</li> </ul>	C = 4 O = 4	C = 2 O = 1	C = 6 (medium) O = 4 (low/medium)
Air and Water Quality	C	<ul style="list-style-type: none"> <li>- Potential for reduced air and water quality during construction</li> </ul>	<ul style="list-style-type: none"> <li>- A detailed Construction Environmental Management Plan will be developed once a contractor has been appointed to implement measures to ensure that air and water quality are maintained.</li> </ul>	C = 2	C = 2	C = 4 (low/medium)

## 8.0 Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in **Table 13** below. These measures have been derived from the previous assessment in Section 5.0 and those detailed in appended consultants' reports.

**Table 13** – Mitigation Measures

Mitigation Measures
<b>Traffic and Access During Construction</b> Construction traffic will be managed in accordance with the Construction Traffic Management Plan prepared by Transport and Traffic Planning Associates dated July 2014.
<b>Construction Impacts</b> A Construction Environmental Management Plan (CEMP) will be prepared by the appointed contractor prior to the commencement of works. The CEMP will establish site management principles generally in accordance with the preliminary Construction Management Plan prepared by Farrell Coyne Projects dated July 2014.
<b>Geotechnical Conditions</b> The recommendations of the Geotechnical Investigation undertaken by Coffey and dated June 2014 will be implemented prior to, and during construction.
<b>Environmentally Sustainable Development</b> The development will be designed to achieve an equivalent 5 star Green Star Education v1 rating, in accordance with the ESD Report prepared by WSP Built Ecology dated July 2014. Initiatives will be finalised during detailed design.
<b>Noise and Vibration</b> Measures to mitigate operation and construction noise and vibration will be implemented in accordance with the recommendations of Construction and Operational Noise Report prepared by Wilkinson Murray and dated July 2014.
<b>Tree Removal</b> Trees to be retained will be protected in accordance with the recommendations of the Arboricultural Assessment & Development Impact Report prepared by Rain Tree Consulting dated July 2014.

## 9.0 Conclusion and Justification of the Proposal

This EIS has been prepared to consider the environmental, social and economic impacts of the proposed Senior School Centre at MLC School. The EIS has addressed the issues outlined in the SEARs (**Appendix A**) and accords with Schedule 2 of the EP&A Regulation with regards to consideration of relevant environmental planning instruments, built form, social and environmental impacts including traffic, noise, construction impacts and stormwater.

It is considered the project warrants approval for the following reasons:

- The assessment of this proposal has demonstrated that the development will not generate any environmental impacts that cannot be appropriately managed, and is generally consistent with the relevant planning controls for the site, with the exception of FSR and height. As detailed in Section 6, it is considered unreasonable and unnecessary that they be applied to the site.
- The development will improve the functionality of the existing school and provide more open space within the site. Further, the proposed development is suitable for the site, being within the confines of the existing school site, and is in the public interest.
- The proposal is consistent with the principles of ecological sustainable development as defined by Schedule 2(7)(4) of the EP&A Regulation 2000.
- The area and shape of the site allows for the provision of new teaching and education facilities that meet the special design requirements for the proposed uses, whilst not resulting in any significant adverse impacts on surrounding uses.
- The proposal will not result in any additional students or staff on the site, and so will have no impact on traffic generation or parking, or traffic movements during drop-off and pick-up times.
- The development will not have a significant impact on the quantity of general waste generated by the school.
- The provision of a new and modern teaching and education facility will further support and strengthen the services and facilities provided at the school.

Given the planning merits described above, and significant public benefits proposed, it is requested that the Minister approve the application.