



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
*Shore Physical Education Centre,
North Sydney (SSD 7507)***



Environmental Assessment Report
Section 89H of the *Environmental Planning and
Assessment Act 1979*

May 2017

ABBREVIATIONS

Applicant	Sydney Church of England Grammar (Shore)
CIV	Capital Investment Value
Consent	Development Consent
Council	North Sydney Council
DA	Development Application
NSDCP	North Sydney Development Control Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
Infrastructure SEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
NSLEP	North Sydney Local Environmental Plan
Minister	Minister for Planning
MSC	Multipurpose Sports Complex
OEH	Office of Environment and Heritage
PEC	Physical Education Centre
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State significant development

Cover Photograph: Illustrative aerial photomontage south-eastern view (Source: Robinson Urban Planning)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by Sydney Church of England Grammar (Shore) school (the Applicant) seeking approval for a Physical Education Centre (PEC) at its North Sydney campus.

The subject site comprises part of the south-east portion of the Shore senior school campus, located at Blue and William Streets and Hunter Crescent, and the adjoining residential land parcels at 4 and 5 Hunter Crescent and 16 William Street. The site is located within the North Sydney Local Government area.

The proposed development would include the construction of the PEC, comprising an Aquatic Centre and a Multipurpose Sports Complex (MSC), and expansion of the existing Bishopsgate Carpark to accommodate the relocation of 23 informal outdoor carpark spaces and a new pick-up/drop-off facility.

The project has a capital investment value (CIV) of approximately \$52,861,567 million and would generate 137 construction jobs and two operational jobs. There would be no increase in current student numbers.

The proposal is SSD under clause 15 of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is development for the purposes of an educational establishment and has a CIV of more than \$30 million. The Minister for Planning is the consent authority.

The portion of the proposal located within the existing Shore senior school campus is permissible under the *North Sydney Local Environmental Plan 2013* (NSLEP) as it is zoned SP2 Infrastructure (Educational Establishment). The portion of the proposal located at 4 and 5 Hunter Crescent and 16 William Street is not permissible under the NSLEP as it is zoned R4 High Density Residential. However, pursuant to clauses 28(1) and 28(2)(b) of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), the proposal is permissible with consent at 4 and 5 Hunter Crescent and 16 William Street.

The Environmental Impact Statement (EIS) was exhibited for 30 days from 28 July 2016 until 26 August 2016. The Department received 14 submissions during the exhibition of the application, including seven submissions from public authorities, including North Sydney Council (Council), two submissions from organisations and five submissions from the general public (including two objections). The key matters raised in the submissions included: traffic and parking; vehicular and pedestrian access; heritage and archaeology; landscaping; urban design; building height, bulk and scale; and amenity.

The Applicant provided a Response to Submissions (RtS) and RtS Addendum, which included additional information and responses to key issues raised in the submissions. The RtS Addendum proposed a new on-site vehicle drop-off/pick-up facility and the retention of existing on-site parking provision (rather than increased car parking provision as originally proposed).

The Department has assessed the merits of the proposal and determined the key issues to be: built form and urban design; traffic and parking; amenity; heritage and archaeology; and event use. The Department is satisfied that the potential impacts of the proposed development have been adequately addressed through the EIS, RtS and RtS Addendum and/or through the imposition of recommended conditions.

The Department considers the proposal is consistent with the objects of the *Environment Planning and Assessment Act 1979* (EP&A Act) (including ecologically sustainable development), State priorities, *A Plan for Growing Sydney* and the draft *North District Plan*. The Department is satisfied the subject site is suitable for the proposed PEC and would provide

significant improvements to the existing school campus. The Department therefore considers the development would be in the public interest and recommends the SSD application be approved, subject to conditions.

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1. BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

Sydney Church of England Grammar (Shore) school (the Applicant) seeks approval for a physical education centre (PEC) at Shore school, North Sydney.

Shore school is an all-boys day and boarding school that caters for students from Years 3 to 12 across preparatory and senior school campuses. The school has a student population of 1,468 students (including 207 boarders) and employs 329 staff (full-time and part-time). The Shore senior school campus currently accommodates 1,227 students. The Shore preparatory school campus currently accommodates 241 students. The proposed redevelopment would not increase the student population but would result in two additional staff.

On 19 October 1998, Council approved an application (DA 336/1998 as modified) for the two-stage development of the BH Travers Centre at the Shore senior school campus. BH Travers Centre Stage 1, which permitted construction of a building containing the library and basketball court, was completed in 2000. BH Travers Centre Stage 2, which permits the demolition of the existing gymnasium and 25 m pool and the construction of a gymnasium and 25 m swimming pool facility in the south-eastern portion of the Shore senior school campus, has not been commenced.

On 9 November 2012, the Planning Assessment Commission approved a concept plan (MP10_0149 as modified) and a concurrent Stage 1 project application (MP10_0150 as modified) for the extension of Shore onto the adjacent Graythwaite site. The Graythwaite site shares a common boundary with the existing Shore senior school campus to the east and the existing Shore preparatory school campus to the north.

1.2 Site Description

Shore school is located at Blue and William Streets and Hunter Crescent in the suburb of North Sydney, approximately 700 m to the east of North Sydney Train Station and 3.4 km to the north of the Sydney central business district in the North Sydney local government area.

The development site comprises part of the south-east portion of the Shore senior school campus and the adjoining residential land parcels at 4 and 5 Hunter Crescent and 16 William Street, which are owned by Shore. The site is irregular in shape with an approximate 110 m frontage to William Street and 48 m frontage to Hunter Crescent. The site location is illustrated in **Figures 1 and 2**.

The site is formally described as Lot 3 DP 508557, Lots B, C and D DP 975970, Lot 3 DP 75717, Lot 1 DP 570826 and Lots 3, 4, 5, 6 and 7 DP 18725. The topography of the site falls approximately 12 m from north to south and the northern portion of the site is traversed by the North Shore Rail Line corridor tunnel in an east-west direction.

The portion of the development site located within the Shore senior school campus currently contains: a four to five storey library building (BH Travers Centre Stage 1); a two to four storey gymnasium; the two to three storey Robson House boarding house; the single storey Bishopsgate Carpark with on-roof tennis courts; an outdoor basketball court, in-ground 25 m swimming pool and diving pool; covered seating and barbeque; landscaping; and open grassed areas. The distance separation between the existing gymnasium and the nearest residences (excluding those to be demolished at 4 and 5 Hunter Crescent and 16 William Street) is approximately 15 m.

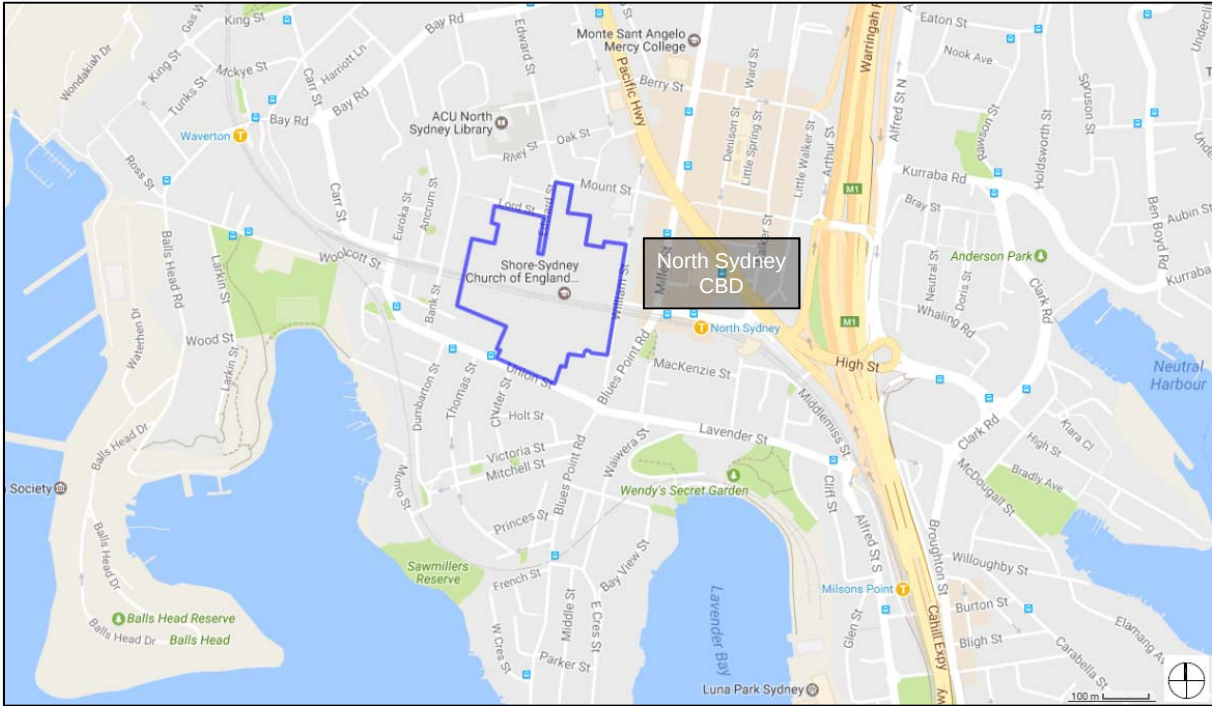


Figure 1: Shore School location (Source: Nemap)



Figure 2: Site plan (Source EIS)

The portion of the site located within the residential land parcels at 4 and 5 Hunter Crescent and 16 William Street contains three two-storey brick residential flat buildings with laundry outbuildings. The distance separation between the existing buildings at 16 William Street and the nearest residences is approximately 14 m. The site layout is illustrated in **Figure 3**.

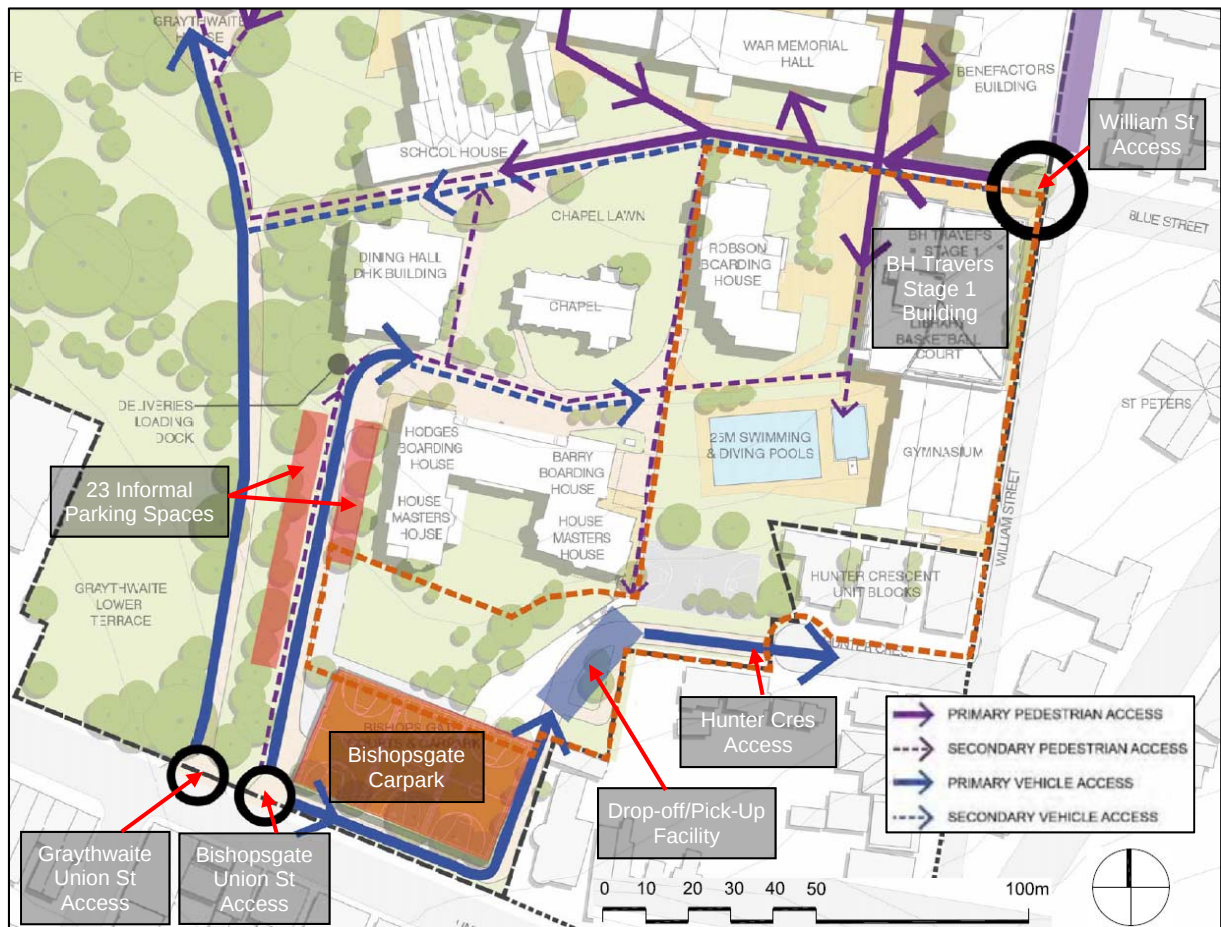


Figure 3: Existing site layout (showing circulation paths) (Source EIS)

Shore school is listed as a heritage item of Local Significance under the NSLEP. Within the school, the Graythwaite site is separately listed as a heritage item on the State Heritage Register and by the NSLEP and Upton Grange is separately listed as a heritage item by the NSLEP. Four other locally listed heritage items, including St Peter's Presbyterian Church and Grounds, St Peter's Presbyterian Church Manse, Waiwera (6 William Street) and Waiwera (8 William Street), and the Union, Bank and Thomas Street Heritage Conservation Area are in close proximity to the subject site.

The school is readily accessible by public transport, with the North Sydney Train Station and bus services located along Blue Street being approximately 170 m east of the existing Shore senior school campus boundary. The new Victoria Cross Metro station, which is due to open in 2024, will be located approximately 350 m to the north-east of Shore school.

Existing vehicular access to the senior school campus is via access points off Union Street, Hunter Crescent and William Street. The Hunter Crescent and eastern most Union Street entrance points are connected via an internal road and pick-up/drop-off zone. There is a total of 148 existing on-site parking spaces at the school, including 68 parking spaces within the Bishopsgate Carpark and 23 informal parking spaces located on the internal road running north-south to the west of Bishopsgate Carpark and Hodges Boarding House.

The site is located amongst a mix of educational establishment, light industrial, place of worship, low, medium and high density residential and mixed uses, which are detailed below and shown in **Figure 4**:

- to the east of the site is William Street, beyond which is place of public worship, including St Peters Presbyterian Church North Sydney, and high density residential development;
- to the north of the site is Shore school, beyond which is place of public worship, including Mary MacKillop Place, and Mount Street;
- to the west of the site is Shore (Graythwaite) school, beyond which is low and medium density residential development fronting onto Bank Street and Bank Lane; and
- to the south of the site is Shore school and medium and high density residential development fronting onto Union Street, beyond which is light industrial and medium density residential development.

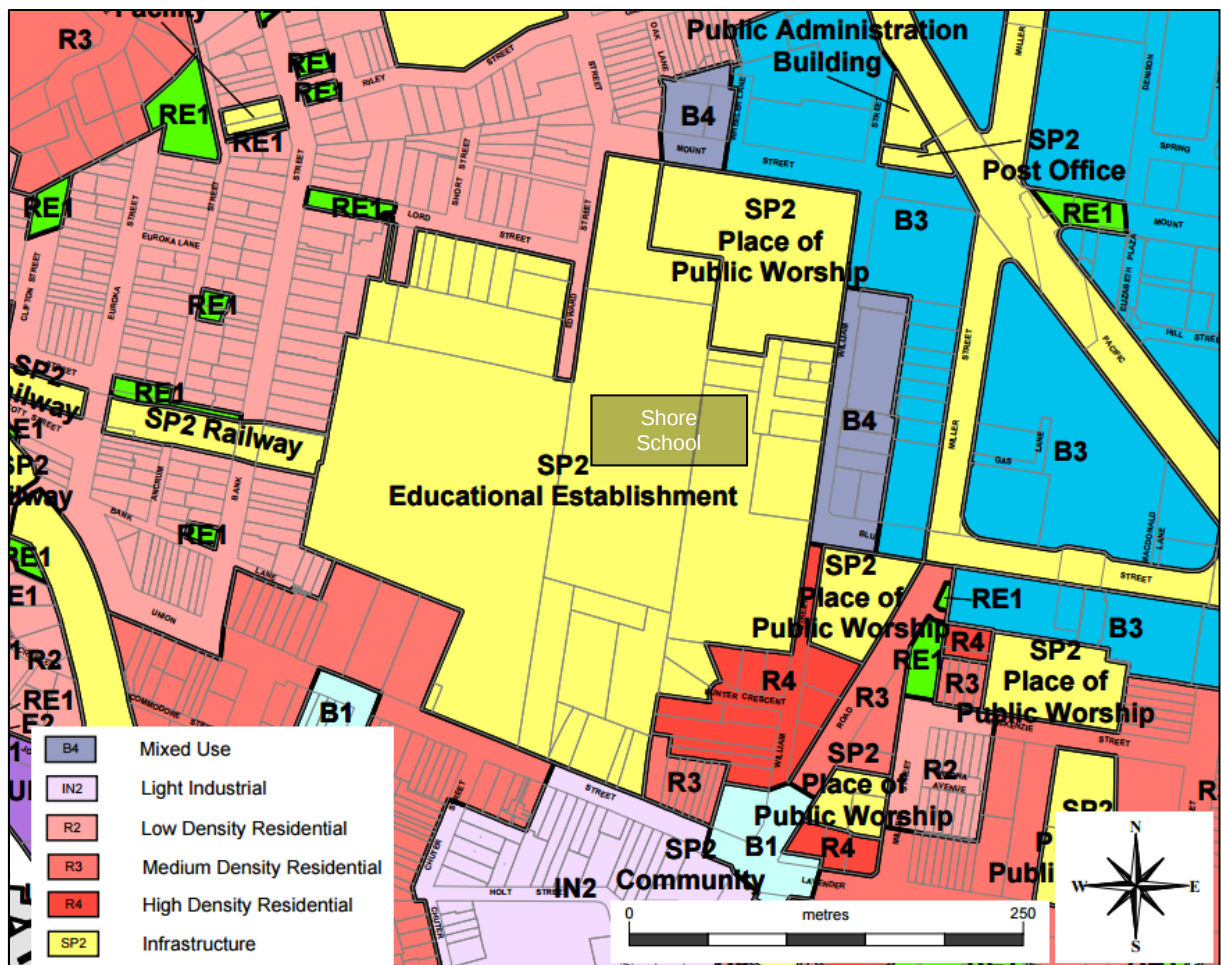


Figure 4: NSLEP land use map (Source NSLEP)

1.3 Project Description

Development consent is sought for a PEC at the Shore senior school campus. To facilitate the proposed development, the proposal would involve the demolition of the existing gymnasium, 25 m swimming pool, diving pool and Shore school owned residential flat buildings at 4 and 5 Hunter Crescent and 16 William Street.

The proposed PEC comprises an Aquatic Centre and a Multipurpose Sports Complex (MSC) linked by shared ground and lower ground levels. Alterations are also proposed to the existing change room facilities of the adjoining BH Travers Centre Stage 1.

The proposal would also include alterations and extension to the existing Bishopsgate Carpark and internal access roads to accommodate the relocation of 23 informal carpark spaces within the school grounds, a new pick-up/drop-off facility, and revised vehicular and pedestrian access.

Table 1 provides a summary of the development proposal's key components and features and **Figure 5** depicts the proposed layout. **Figures 6 to 9** depict the existing and proposed perspectives of the development site when viewed from William Street.

Table 1: Key development components

Development Summary	• Demolition of the existing: - gymnasium; - in-ground 25 m swimming pool; - in-ground diving pool; - basketball court; - covered seating; - covered barbeque; - garage and annex attached to Robson Boarding House; and - three two-storey residential flat buildings and external laundries at 4 and 5 Hunter Crescent and 16 William Street. • Construction of two new buildings up to four storeys (with shared ground and lower ground levels) containing: - indoor 50 m pool; - gymnasium; - three basketball courts with tiered seating; - weights, rowing/erg and cardio areas; - two recovery pools; - physio treatment area; - change room facilities; - staff offices, facilities and amenities; - reception areas; - 11 classrooms or similar, - breakout areas; - plant and storage areas; - water tanks; - lifts and stairs - loading area; - seven parking spaces; - eight bicycle parking spaces. • Alterations to the change room facilities of the adjoining BH Travers Centre Stage 1 building. • Extension of the Bishopsgate Carpark and amended pedestrian and vehicular access arrangements including a new student pick-up/drop-off facility; • Removal of 34 trees; and • Landscaping including planted courtyards, terraces and green facades.
Signage	A Shore metal sign measuring approximately 2 m wide by 2.3 m high to be erected on the southern façade of the MSC.
Height	Maximum 16.3 m
Gross Floor Area	10,979 sqm
Carpark Spaces	Retention of existing 148 parking spaces, including the relocation of the 23 informal carpark spaces into the extended Bishopsgate carpark.
Capital Investment Value	\$52,861,567
Construction Jobs	137
Additional Staff	2

Construction Hours	7 am to 6 pm Mondays to Fridays and 8 am to 1 pm Saturdays.
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The proposed development is not seeking endorsement for an increase in student numbers. The PEC would be used by an increased number of Shore students/staff and external attendees for existing and new school events. The existing use of the site by Northern Suburbs Basketball Association would continue, with no increase in attendance. The PEC would not be used by any new external user groups.

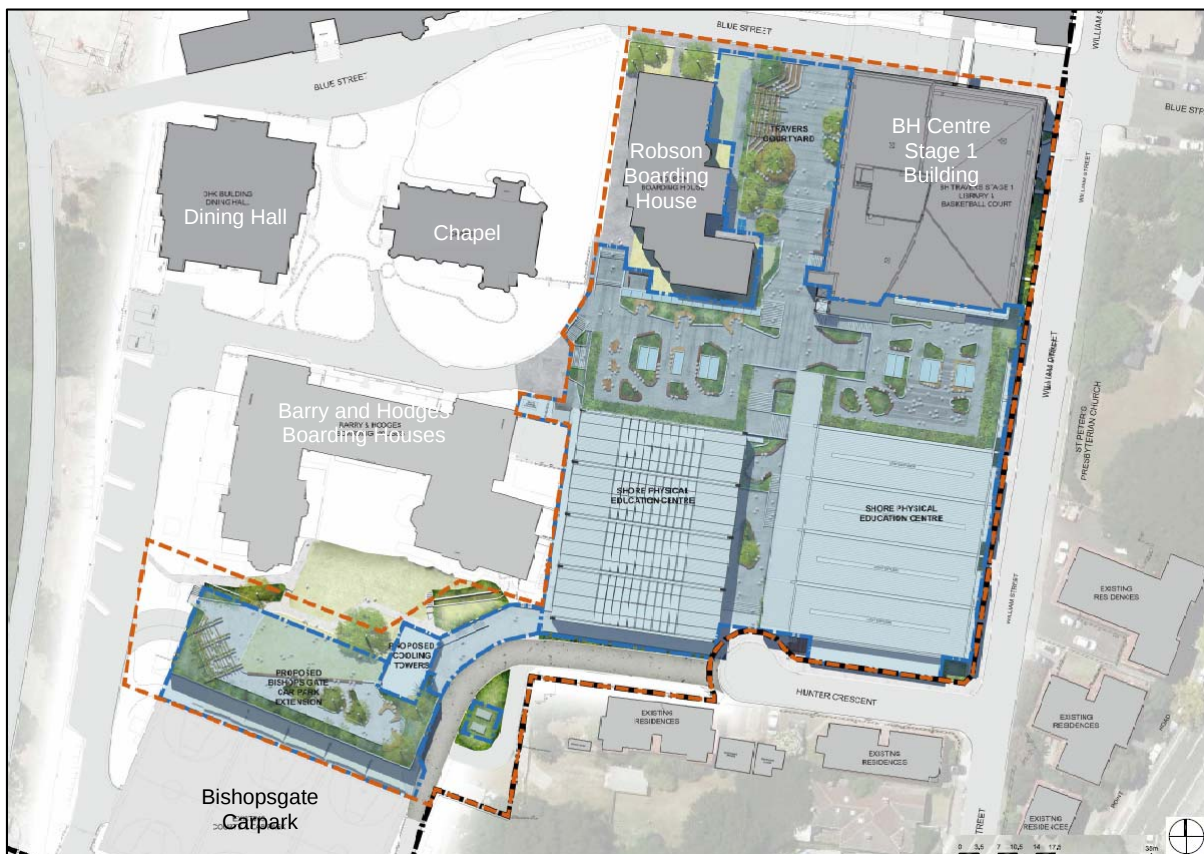


Figure 5: Proposed development layout (Source: EIS)



Figure 6: Existing perspective from the corner of Hunter Crescent and William Street (Source: EIS)



Figure 7: Proposed perspective from the corner of Hunter Crescent and William Street (Source: EIS)



Figure 8: Existing perspective from the intersection of Blue and William Streets (Source: EIS)



Figure 9: Proposed perspective from the intersection of Blue and William Streets (Source: EIS)

1.4 Project Need and Justification

The proposed development responds to the school's identified need for improved and expanded physical education facilities. The proposal is justified on the basis of the following:

- an increase in school pupil numbers from 965 pupils in 1991 to 1468 pupils in 2016 has created increased demand for physical education facilities;
- a requirement to provide after-hour recreational facilities for 207 boarders;
- the introduction and increased popularity of Personal Development, Health and Physical Education as a Junior and Higher School Certificate subject;
- an increase in physical education staff from two in 1998 to 10 in 2016;
- smaller class sizes resulting in a need for more classrooms;
- the aging 25 m swimming pool (built in the 1970s) is no longer adequate as it does not accommodate water polo or swim squad training;
- since the construction of the existing facility, demand for weight and circuit training has increased;
- existing facility is poorly ventilated and the layout inhibits good supervision;
- the need for improved associated facilities, such as change rooms, first aid, lost property, lockers, function spaces and storage; and
- the desire to relocate the 23 informal parking spaces into the Bishopsgate Carpark.

2. STATUTORY AND STRATEGIC CONTEXT

2.1. State Environmental Planning Policy (State and Regional Development) 2011

The proposal is classified as State significant development (SSD) as it is for the purpose of an educational establishment, with a CIV in excess of \$30 million, as defined under clause 15 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Therefore, the Minister for Planning is the consent authority.

2.2. Delegated Authority

In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessments can determine the subject application as Council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

2.3. Permissibility and Zoning

Under the NSLEP, the portion of the proposal located within the existing Shore senior school campus is permissible as it is zoned SP2 Infrastructure (Educational Establishment) and the portion of the proposal located at 4 and 5 Hunter Crescent and 16 William Street is not permissible as it is R4 High Density Residential.

However, clause 28(1) of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) provides that development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone. Clause 28(2)(b) of the Infrastructure SEPP also provides that development for the purposes of the extension of existing educational establishments is permissible with consent on land adjacent to the existing educational establishment.

As the land parcels at 4 and 5 Hunter Crescent and 16 William Street are located within R4 High Density Residential zone (which is a prescribed zone for the purposes of the Infrastructure SEPP) and the land would be developed for the purpose of the extension of the adjoining Shore educational establishment, the proposal is fully permissible.

2.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to its objects (refer to glossary at **Appendix C**), as set out in section 5 of the Act.

The proposal complies with the objects of the EP&A Act as it would deliver facilities for educational purposes in an ecologically sustainable manner. The proposal promotes the social and economic welfare of the State through the orderly redevelopment of an existing school for social infrastructure.

2.5. Ecologically Sustainable Development

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

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. The proposal is considered to be consistent with ESD principles as described in Appendix O of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The proposal is located on a previously developed and disturbed site. It would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. However, the redevelopment would result in the removal of 34 trees. The proposal includes tree planting to partially offset this loss. The site is not subject to any known effects of flooding and is not subject to bushfires. The site would not be impacted by changes in sea level resulting from climate change.

The Applicant has submitted an ESD Report at Appendix O of the EIS. The ESD Report describes a project specific environmental framework, which is proposed to guide the design,

construction and operation of PEC. The framework details seven ESD initiatives relating to energy, occupation comfort and indoor environmental quality, waste, materials, management, promotion of sustainable transport, site ecology, and buildings emissions and discharge. For each initiative, the ESD Report identifies objectives, approach (including design mechanisms and methods of implementation), key site/design opportunities, and key site/design risks.

The Department has considered the development in relation to the ESD principles and is satisfied that the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act and EP&A Regulation.

2.6. Environmental Planning and Assessment Regulation 2000

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

2.7. Strategic Context

The Department considers that the proposal is appropriate for the site given:

- it is consistent with *Premiers Priorities* to improve education results, through the provision of new classrooms, and to tackle childhood obesity, through the provision of physical education facilities;
- it is consistent with *A Plan for Growing Sydney*, as it proposes the delivery of education facilities that meet the needs of Sydney's growing and changing population, and supports the need for adequate teaching facilities;
- it is consistent with the *State Infrastructure Strategy Update 2014*, as it accommodates for the growth in the demand for teaching space on existing school land;
- it is consistent with *Sydney's Cycling Future 2013*, as it would support the use of bicycles by staff by providing eight additional bicycle parking spaces;
- it is consistent with the Greater Sydney Commission's *Draft North District Plan*, as it would assist in meeting the demand for school facilities; and
- it would provide direct investment in the region of \$52,861,567 million, which would support 137 construction jobs and two new operational jobs.

2.8. Secretary's Environmental Assessment Requirements

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

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1. Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the Department is required to place the application and accompanying information on public exhibition for a minimum period of 30 days. The Department publicly exhibited the EIS from 28 July 2016 until 26 August 2016 (a total of 30 days). The EIS was made available on the Department's website and for viewing at the following locations:

- Department of Planning and Environment, Information Centre, Sydney; and
- North Sydney Council Customer Service Centre, North Sydney.

The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the North Shore Times on 27 July 2016. The relevant State and local government authorities and adjoining landowners were notified in writing.

The Department received 14 submissions during the exhibition of the application including seven from public authorities, two from organisations and five from the general public, two of

which objected to the proposal. A summary of the key issues raised in the submissions is provided below.

3.2. Public Authority Consultation and Submissions

No public authority objected to the proposal. However, the Council, Transport for NSW (TfNSW), Office of Environment and Heritage (OEH), Roads and Maritime Service (RMS), Sydney Water, Sydney Trains, and the NSW Environmental Protection Authority (EPA) provided comments for consideration in the Department's assessment of the application. A summary of the issues raised is provided below.

Council provided the following comments for consideration:

- Existing parking provisions exceed the maximum requirements set out in the North Sydney Development Control Plan (NSDCP) (269 per cent).
- Proposed additional 38 parking spaces will further exceed the maximum requirements (338 per cent).
- Proposed parking provision would entirely undermine the intent and purpose of the NSDCP.
- There should be no net increase in parking provision above existing levels.
- Council inspections reveal vehicle queuing onto Union Street during the afternoon pick-up.
- Capacity of the internal pick-up queue observed to exceed, resulting in up to 9 vehicles queuing on Union Street and eastbound vehicles entering the westbound lane to overtake.
- Existing pick-up/drop-off facility should be reviewed and reconfigured to ensure that all queuing occurs on site as part of the proposed development.
- A Demolition and Construction Management Program should be submitted to Council prior to the issuing of a Construction Certificate.
- The proposal is not considered to have a detrimental impact on the heritage significance of the School.
- The buildings proposed for demolition originate from the 1970s and are not considered to be of heritage significance.
- The flat buildings in William Street and Hunter Crescent originate from the 1940s and whilst intact are modest and are not considered to be particularly good examples of development of that era.
- The proposed new building is of a contemporary design that is easily able to be distinguished as new works, while incorporating design elements and materials that reference the character of the school site.
- The proposed building, whilst larger in scale than the structures it replaces, is not considered to have any unacceptable heritage impact on the Shore site, the heritage items in the vicinity or the nearby conservation area.
- It is recommended that all mitigation recommendations detailed in the Heritage Assessment and Impact Statement at Section 8.0 be attached to any approval as conditions of consent.
- Whilst there are numerous trees and shrubs to be removed, only tree numbers 18 (Cyprus Pine), 33 (Brushbox) and 93 (Spotted Gum) are of significant amenity, habitat or horticultural values.
- The mature Brushbox growing on William Street should not be threatened and placement of a small financial bond should ensure that no damage comes to the tree.
- No objection to removal of tree number 18 (Cyprus Pine).
- Development should be redesigned to accommodate the spotted Gum and required setbacks.
- Any green walls on the common boundary with the footpath on William Street is not supported for several reasons, including risk management on council footpaths.
- The proposed height non-compliance is acceptable with regard to the objectives of the control, adequacy of the Clause 4.6 request, amenity and other impacts.

EPA raised no objections and provided no comments on the proposal.

OEH (Heritage Division) provided the following comments for consideration:

- The site retains historical archaeological potential.
- Most historical occupation is situated within the greater Shore school site and not within the subject site.
- Historical archaeological resources and relics dating from circa 1850s onwards are likely to be associated with occupation associated with land subdivision activities of William Miller and, within the subject land, later occupation post-1860.
- Evidence of occupation at and post subdivision (including mid-1850s, 1860s and post-1880s occupation) may also be present within the areas of proposed impact. Although it is likely that this will include either ephemeral evidence, which is more likely to survive archaeologically, or later occupation evidence, which may not retain archaeological research potential.
- The submitted Heritage Assessment and Impact Statement (HAIS) is inconsistent. However, the conclusion that historical archaeological relics of local significance are supported.
- Avoidance of impacts to significant archaeological resources where possible in the design of new structures is preferred in the first instance.
- Where impact avoidance is not possible, a suitable program of archaeological excavation and recording prior to construction excavation would be suitable to mitigate the loss of this locally significant information.
- A number of conditions are recommended relating to heritage impact mitigation, building and landscape design, heritage interpretation, the appointment of an appropriately qualified and experienced archaeological consultant, the requirement for a Historical Archaeological Research Design (HARD) and an Interpretation Plan, archaeological mitigation, final excavation reporting and the nomination of a repository for salvaged relics.

RMS raised no objections and provided no comments on the proposal.

Sydney Trains raised no objection and recommended conditions relating to works involving ground penetration deeper than two metres either above or within 25 m of the North Shore Rail Line corridor/tunnel, public liability insurance, bond guarantees, tunnel lining vibration, borehole approval, electrolysis risk, inspection of rail tunnels, dilapidation reporting, acoustic assessment, mobile craneage and other aerial operations, as built drawing submission, structure maintenance and inspection, and easement registration.

Sydney Water raised no objection to the proposal and provided comments relating to works close to Sydney Water assets, building plan approval and Section 73 Compliance Certification under the *Sydney Water Act 1994*.

Transport for NSW (TfNSW) commented that the proposed development has the potential to impact on traffic/transport operation and pedestrian safety. A condition requiring the submission of a Construction Pedestrian and Traffic Management Plan (CPTMP) prior to the commencement of any works on site was recommended.

3.3. Organisation Submissions

The Union Precinct and the Northern Suburbs Basketball Association provided comments for consideration in the Department's assessment of the application. A summary of the issues raised is provided below.

Union Precinct provided the following comments for consideration:

- Minor concern regarding building bulk and associated impacts on the residential flat buildings on the eastern side of William Street.
- Major concern regarding the traffic management, particularly the long-term arrangement for Union Street.

- Despite right turns from the west bound lane of Union Street into pick-up/drop-off zone being banned, and signposted accordingly, observations show that the ban is not being followed or enforced.
- The problems arise as the eastern most access point of Union Street has three shared functions: entry to the drive heading north, entry to the existing staff parking structure and entry to the pick-up/drop-off zone.
- It is impossible to police the no right turn into pick-up/drop-off zone when right turns to access drive heading north and entry to the existing staff parking structure are legal.
- Right hand turns from the west bound lane of Union Street are dangerous.
- Access should be left hand turn from the eastbound lane of Union Street only, with a painted medium strip and/or double lines installed.
- Proposed additional parking accessed via Union Street will increase traffic activity at this critical point.
- Request condition requiring that the eastern most access point on Union Street being left hand turn only and that signage and painted and striped medium strip are to be installed to enforce correct use.

Northern Suburbs Basketball Association commented that the proposal was supported as the critical shortage of indoor sporting facilities in the area cannot be met by Council funded facilities only.

3.4. Public Submissions

A summary of key issues raised in the five public submissions is provided in **Table 2**.

Table 2: Summary of Public Issues

Issue	Issue Summary
Built Form	Insufficient building setback to William Street. Buildings on the eastern (opposite) side of William Street are all setback further than the proposed building.
	Surrounding residential buildings and St Peter's Church are lower in profile.
	A more sympathetic interface with the surrounding community is required.
Amenity	During winter the buildings on William Street between Blue Street and Blues Point Road are overshadowed.
Heritage	The proposal is located opposite a Heritage Site and therefore should be more sympathetic to the surroundings.
Access	William Street is a narrow street with narrow footpaths and is not suitable for the increased pedestrian movements.

3.5. Applicant's Response to Submissions

The Applicant provided a Response to Submissions (RtS) to the Department on 21 December 2016, responding to issues and concerns raised by the Department, Council, agencies and the general public. The RtS report addressed the Department's request for additional information and issues raised in submissions, and included additional information and justification regarding: parking and traffic; landscaping; heritage and archaeology; design; bulk and scale; setbacks; pedestrian access; and solar amenity.

The Applicant's RtS also proposed a number of minor amendments to the proposal, including: a reduction in proposed parking provision from 38 to 25 spaces (173 total); a revised Green Travel Plan (GTP) and Transport Access Guide; omission of the proposed William Street green wall; retention of the Brushbox on William Street; a revised landscape layout and additional replacement planting on the Bishopsgate carpark rooftop.

The RtS was referred to Council, TfNSW, Sydney Trains and OEH for comment. TfNSW reiterated the request for a condition requiring that prior to the commencement of any works

on site, a CPTMP be formulated. No comment was received from Council, Sydney Trains or OEH.

The Applicant provided an RtS Addendum on 20 March 2017, responding to issues raised by the Department regarding proposed parking provision and the revised GTP. The RtS Addendum proposed to: retain the 148 existing parking spaces; amend vehicular access arrangements; and extend the Bishopsgate Carpark to accommodate for relocation of 23 existing informal parking spaces and a new pick-up/drop-off facility. The RtS Addendum removed from the proposal any additional parking spaces.

The RtS Addendum was referred to Council for comment.

Council advised it had no further comment in regard to the RtS or RtS Addendum and recommended a number of standard conditions.

The Department is satisfied the RtS and RtS Addendum satisfactorily addresses the issues raised in submissions. Key issues have been further considered in **Section 4** of this report.

4. ASSESSMENT

4.1. Section 79C Evaluation

Table 3 identifies the matters for consideration under section 79C (see glossary at **Appendix C**) that apply to SSD, in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 4** (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table.

The EIS has been prepared by the Applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

Table 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies - see Appendix B
(a)(ii) any proposed instrument	The <i>Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> will: - simplify and standardise the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt development and complying development; - set out clear planning rules for these developments, including where they can be built, what development standards apply, and consultation requirements; and - establish state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas. It does not include any provisions that would influence the design of the proposal.
(a)(iii) any development control plan	See Appendix B *
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the

	procedures relating to DAs (Part 6 of the Regulation), public participation procedures for SSD's and schedule 2 of the Regulation relating to EIS. Refer to discussion at Section 2.7 .
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 4.2
(c) the suitability of the site for the development	Suitable - Refer to Sections 2.8 and Section 5
(d) any submissions	Refer to Sections 3 and 4.2
(e) the public interest	Refer to Section 4.2.5
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the SRD SEPP, NSDCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant NSDCPs at Appendix B.

4.2. Key Issues

The Department has considered the EIS, the issues raised in submissions and the Applicant's response to these issues in its assessment of the development. The Department considers the key issues to be:

- built form and urban design;
- parking and traffic impacts;
- amenity impacts;
- heritage and archaeology; and
- PEC usage.

4.2.1. Built Form and Urban Design

Bulk and Scale and Materials and Finishes

General

The proposal includes two new built form elements on the site, being the PEC and the extended Bishopsgate Carpark. The proposal also includes alterations to the change room facilities of the adjoining BH Travers Centre Stage 1.

The site is subject to varying building height controls under the NSLEP (as detailed in **Figure 10**). **Table 4** details the proposed building heights against the NSLEP building height controls.



Figure 10: NSLEP building height controls (separated by yellow dotted line) (Source EIS)

Table 4: Building height comparison

Proposed Building		Maximum Building Height		
		Control	Proposed	Complies
PEC	MSC	12 m	16.3 m	No
	Aquatic Centre	12 m	9.7 m	Yes
Bishopsgate Carpark		8.5 m	4.75 m	Yes

The PEC would comprise the Aquatic Centre and MSC, separated by a stepped, central courtyard above shared lower ground and ground floor basement levels (as detailed in **Figure 11**).



Figure 11: PEC layout plan (Source EIS)

MSC

The proposed MSC would be constructed on the site of the existing gymnasium and residential flat buildings at 4 and 5 Hunter Crescent and 16 William Street. The existing gymnasium is a two to four storey concrete, metal and brick building. The eastern facade of the gymnasium fronts William Street. The existing residential flat buildings are two to three storey brick structures with tiled pitched roofs. The southern facades of the residential flat buildings front Hunter Crescent and the eastern facade of 16 William Street, which is a corner lot, also fronts William Street.

The MSC would comprise of three to four stories and would have a total gross floor area (GFA) of 6,366 sqm. The building would be located to the south of the existing BH Travers Centre Stage 1, with the eastern facade of the building fronting William Street and the southern facade fronting Hunter Crescent (as detailed in **Figures 12 and 13**). Following the fall in topography of the site from north to south, the building would step down along William Street towards Hunter Crescent, with the maximum building height of 16.3 m occurring at the apex of the roof arch located towards the southern edge of the building envelope adjacent to William Street.

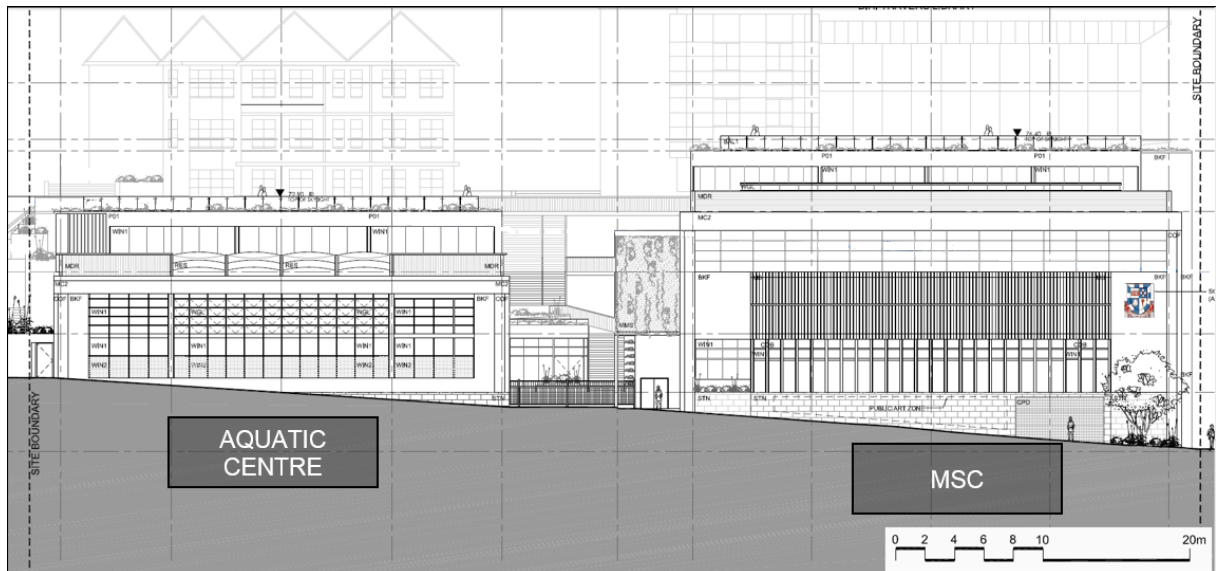


Figure 12: PEC south elevation (Source EIS)

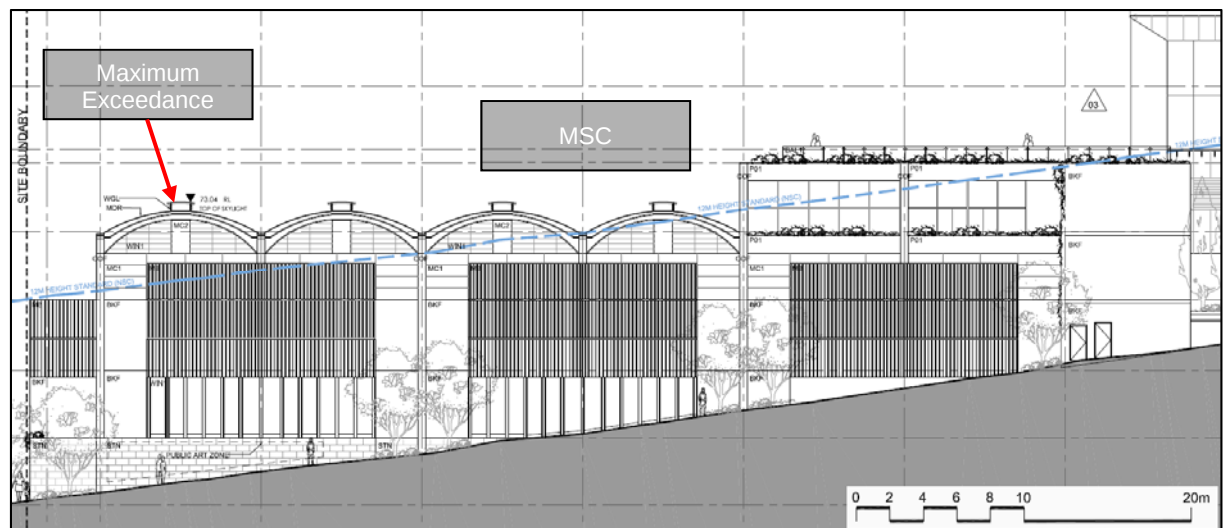


Figure 13: MSC east elevation (Source EIS)

Several elements of the proposed MSC exceed the NSLEP maximum 12 m building height control (see **Figure 14**), with a maximum exceedance of 4.3 m.

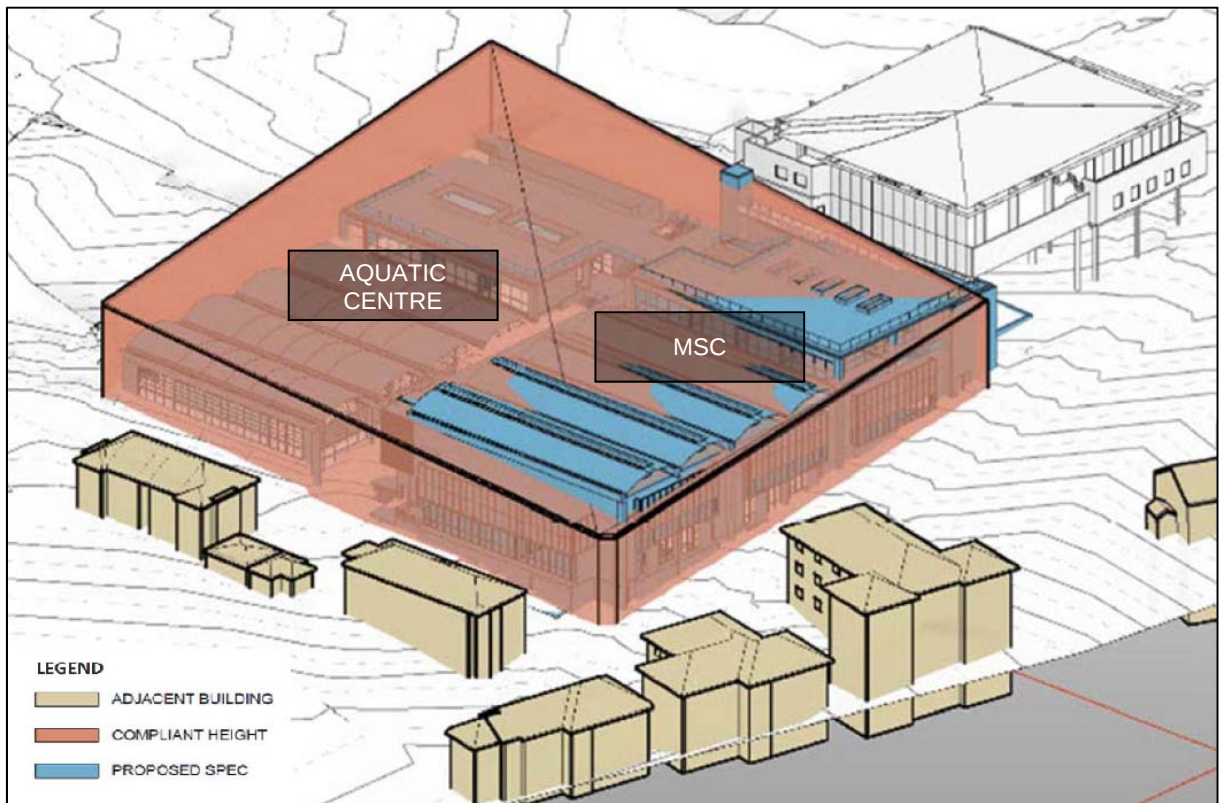


Figure 14: PEC and 12 m height compliant building envelope (Source EIS)

The Applicant relies on the provisions under Clause 4.6 of the NSLEP, which provides flexibility in the application of the development standards if it can be demonstrated to the satisfaction of the Consent Authority that compliance is unreasonable and unnecessary and there is sufficient planning justification for contravention of the development standard. The Applicant has prepared a written request that seeks exemption to the development standard for the PEC building height.

The Applicant submitted the following justification for the exemption:

- the 12 m height restriction does not appropriately reflect the existing Shore school campus, which includes many existing and approved buildings that exceed both the 8.5 m and 12 m height restriction;
- the 12 m height restriction is not reasonable for the site, most of which is zoned SP2 Infrastructure (Educational Establishment) and occupied by an existing educational establishment;
- larger educational built forms should be expected as the NSDCP identifies the site and adjacent properties as an Educational Precinct;
- the functional requirements of the MSC necessitate a built form that has a height greater than 12 m;
- the proposed design would provide for a stepping down along the slope along William Street and would have a compliant street frontage height at Hunter Crescent;
- the site contains an existing gymnasium building which exceeds the 12 m height restriction and is subject to a development consent (DA 336/1998) permitting its replacement with a larger gymnasium and swimming pool facility that would also exceed the 12 m height restriction;
- the PEC would sit comfortably within the streetscape of William Street and Hunter Crescent and a high standard of architectural design is proposed;
- further excavation to reduce the building height is not possible due to the underlying North Shore Rail Line corridor; and

- the proposal would not give rise to any unreasonable or unexpected adverse amenity impacts for surrounding properties and any heritage impacts would be minimal and positive.

Whilst Union Precinct raised minor concerns regarding the bulk of the PEC, Council was supportive of the proposed height variation request.

The Department is of the view that whilst the proposed height of the new MSC does not conform to the 12 m height limit, the building would be sited adjacent to an existing library building (BH Travers Centre Stage 1), which sits taller than the proposed building. The Department also acknowledges that the existing gymnasium exceeds the 12 m height limit and that BH Travers Centre Stage 2 approval (not yet commenced) permits the construction of a gymnasium and 25 m swimming pool facility in the south-eastern portion of the Shore senior school campus that would also exceed the 12 m height limit. The proposed new building also steps down the site along William Street towards Hunter Crescent to match the slope of the land and has been designed to be of a height to accommodate the large internal void required by the proposed basketball courts and underlying rail easement.

The Department considers the additional height of the MSC above the 12 m height limit to be acceptable in the context of the height of the existing building on the site (14.63 m), the building height permitted by DA 336/1998 (15.5 m) and the height of existing buildings on the Shore school campus (up to seven storeys). The Department notes Council has commented that the proposed height non-compliance is acceptable and the Clause 4.6 request is adequate.

The Department's assessment concludes that compliance with the development standard is unreasonable and unnecessary in this particular instance, and that there are sufficient environmental planning grounds to justify the variation to the 12 m building height control. The development standard does not raise any matter of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised. The Department is therefore satisfied that the building would be of an appropriate scale for the locality. The building will also have an acceptable impact on the amenity of adjoining residential properties, the landscape and heritage, which is discussed in greater detail in this section and **Section 4.2** of this report.

Aquatic Centre

The proposed Aquatic Centre would be constructed on the site of the existing outdoor basketball court, in-ground 25 m swimming pool and covered barbeque area. The Aquatic Centre would comprise of two to four stories (including basement levels) and would have a GFA of 2,981 sqm. The building would be located to the south of Robson Boarding House and to the east of Barry Boarding House, with the southern façade of the building fronting the internal school road located immediately to the west of the Hunter Crescent cul-de-sac (as detailed in **Figure 10**). Following the fall in topography of the site from north to south, the building would step down from Robson Boarding House towards the internal school road, with the maximum building height of 9.7 m occurring at the apex of the roof arch adjoining to the southern edge of the building envelope adjacent to Hunter Crescent (see **Figure 15**).

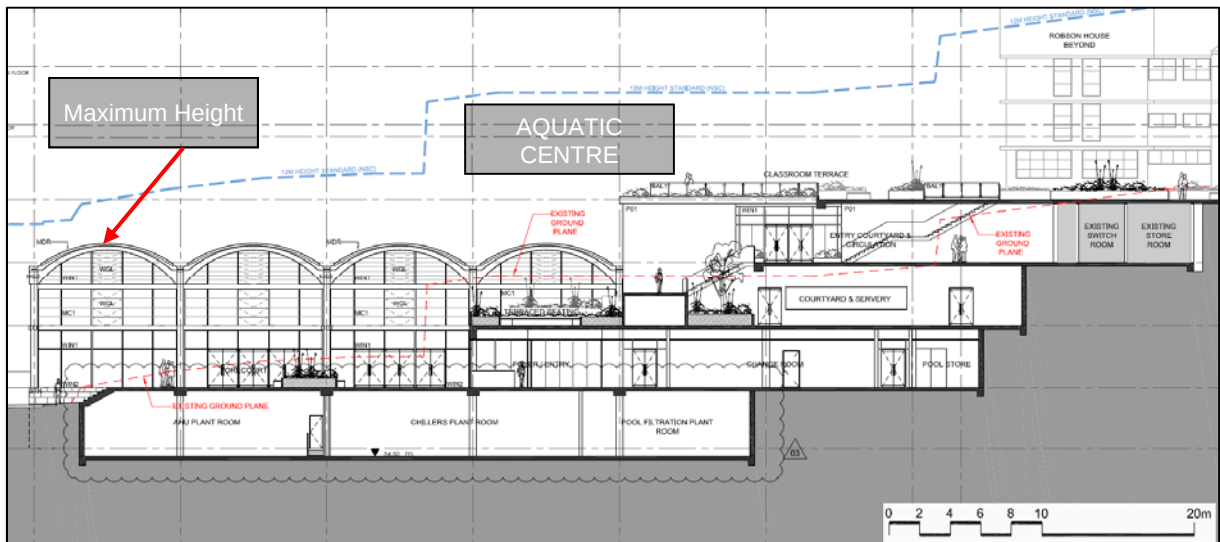


Figure 15: Aquatic Centre east elevation (Source EIS)

PEC Conclusion

The central courtyard between the Aquatic Centre and the MSC would follow the fall in topography of the site from north to south, stepping down three storeys from the Travers Courtyard (between BH Travers Centre Stage 1 and Robson Boarding House) to the Hunter Crescent cul-de-sac.

The Department acknowledges that the proposed Aquatic Centre and the MSC buildings, whilst larger than surrounding residential flat buildings, would be comparable in scale with a number of other existing buildings on the school campus, including the BH Travers Centre Stage 1, Benefactors Building and the combined Drama Studio, Smith Auditorium and Hawkins Foyer. The design of the PEC would also incorporate a number of measures to break up the built form of buildings, including separating the Aquatic Centre and the MSC, and stepping the buildings down the slope of the site and back from the William Street and Hunter Crescent frontages. Members of the public raised concerns as to the adequacy of the setback of the proposed PEC from William Street. In response, the Applicant's RtS confirmed that the building would be setback one metre from William Street, which would be greater than the 0.85 m setback of the existing gymnasium.

Additionally, the buildings incorporate a complementary mix of external materials and finishes, including glazing, brick, stone, concrete, aluminium and glass louvers, aluminium cladding and bronze anodized screens, which results in an appealing and innovative built form. Internally, masonry and glass are proposed at low levels for durability and transparency and at higher levels high performance timber is proposed to achieve warmth and acoustic performance. Accordingly, the Department is satisfied that, on balance, the proposed bulk, scale, materials and finishes of the PEC development would be acceptable for the site.

Extended Bishopsgate Carpark

The existing Bishopsgate Carpark is a single-storey, concrete framed structure with three rooftop basketball courts with perimeter fencing. A two-storey extension is proposed to be constructed on the open grassed area located to the north of the existing carpark to consolidate informal parking spaces on the school grounds. The extension would be a flat-roof concrete framed structure, with brick laid in a textured pattern on the east and west façades and mesh screening on the southern façade.

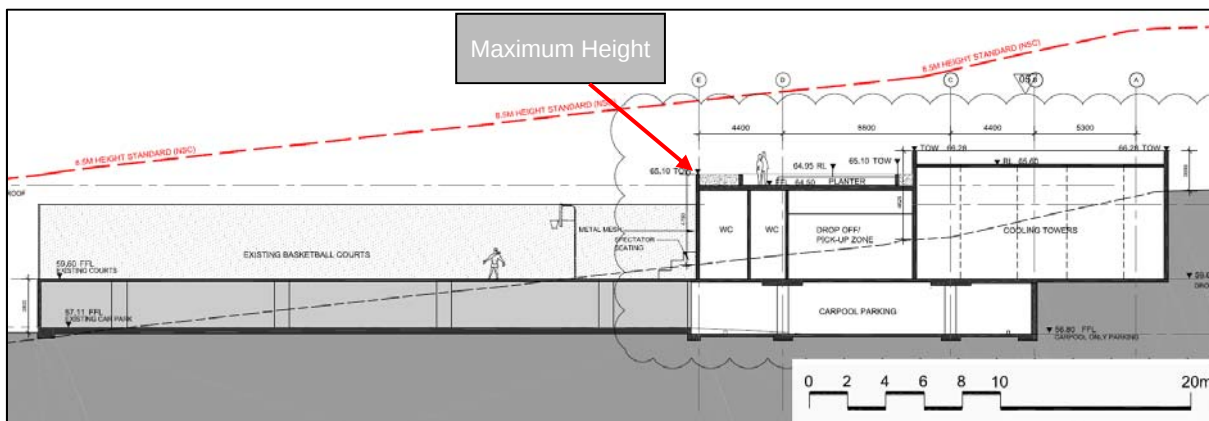


Figure 16: Bishopsgate Carpark proposed north-south section (Source Rts Addendum)

The ground floor element of the extension would accommodate 24 parking spaces and the first floor element of the extension would accommodate a new drop-off/pick-up facility and one disabled parking space (as detailed in **Section 4.2.2**). A cooling tower would also be located in the north-east corner of the extension and raised landscaping would be provided on the roof terrace (see **Figures 16 and 17**).

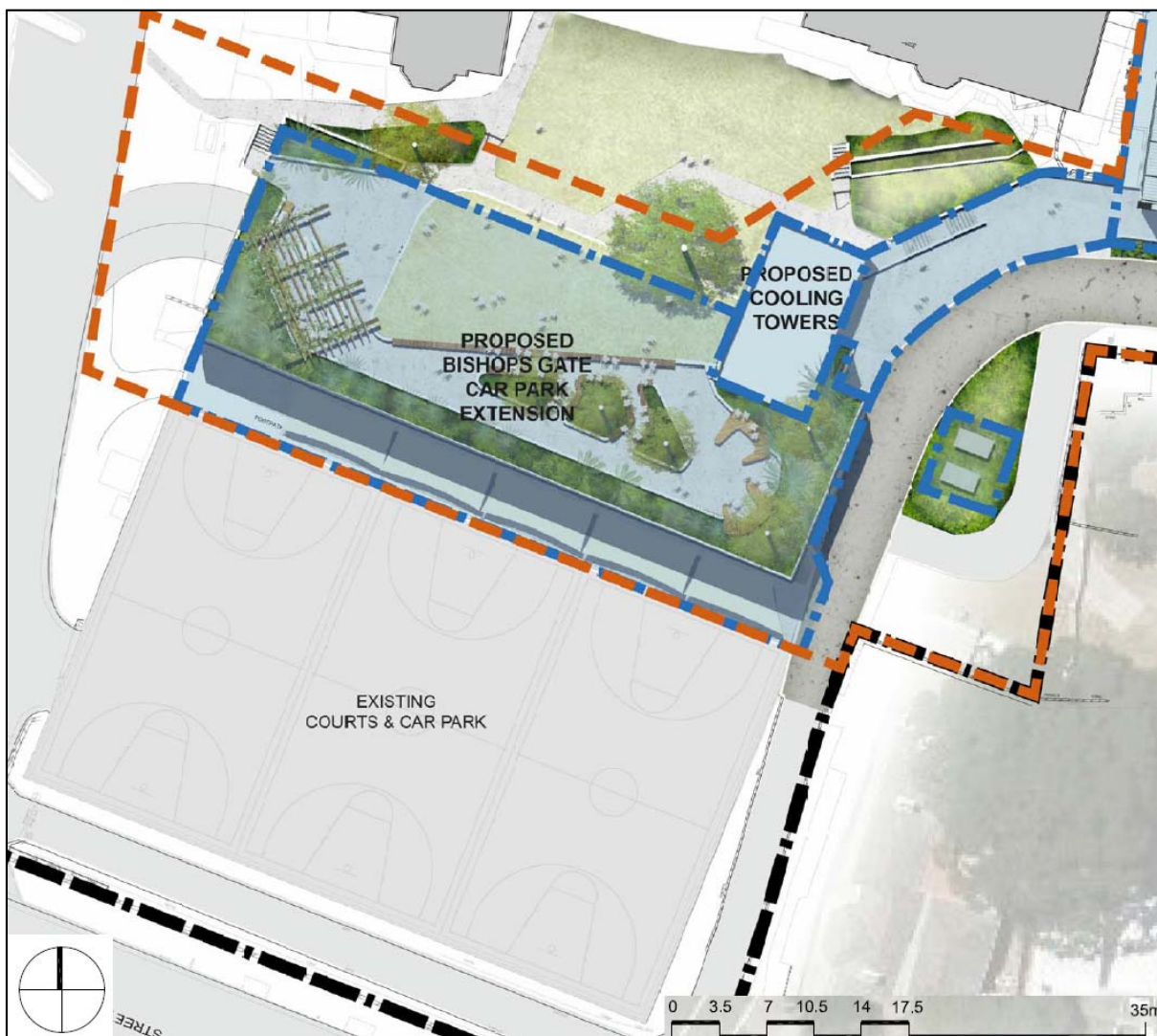


Figure 17: Bishopsgate Carpark extension (Source EIS)

The raised roof landscaping and cooling towers would project a maximum of 0.6 m and 1.78 m respectively above the floor level of the roof terrace (RL 64.50). Including raised roof landscaping, the maximum building height of the carpark extension would be approximately 4.75 m, occurring at the southern edge of the extension adjacent to the existing carpark. The extension would therefore comply with the NSLEP maximum 8.5 m building height control.

The Bishopsgate Carpark is located to the south of Barry and Hodges Boarding Houses. Due to the topography of the site falling from north to south, the floor level of the roof terrace would be lower than that of the ground floor levels of Hodges and Barry Boarding Houses (RL 65.12 and RL 65.44 respectively).

In light of the above, the Department is satisfied that the proposed bulk, scale, materials and finishes of the Bishopsgate carpark extension would be acceptable for the site.

Landscaping

The proposed landscape design seeks to create a contemporary, functional and aesthetically pleasing landscape that seamlessly blends with the built form. The Applicant submitted a Landscape Design Report (LDR) which proposed the series of stepped courtyards between Aquatic Centre and MSC be planted to create a green spine linking the central driveway to the north and Hunter Crescent to the south. Roof terraces above the northern extents of the Aquatic Centre and the MSC, with low planting to retain views to the harbour, would provide flexible learning spaces and function areas. Landscaping is also proposed on the roof of the extension to the Bishopsgate Carpark and the adjoining area to the north. The proposed landscape plan is illustrated in **Figure 18**.



Figure 18: Landscape plan (Source EIS)

The original LDR proposed that green walls would be provided within the sunken courtyard and on portions of the southern and eastern facades of the MSC. Council did not support the proposed green wall on the William Street façade of the MSC due to footpath risk management concerns. In response, an amended LDR was submitted as an appendix to the RtS which

proposed a green wall only be provided within the sunken courtyard and on the southern façade of the MSC (see **Figure 19**). Planted recesses would be provided on the southern and eastern façade of the MSC.

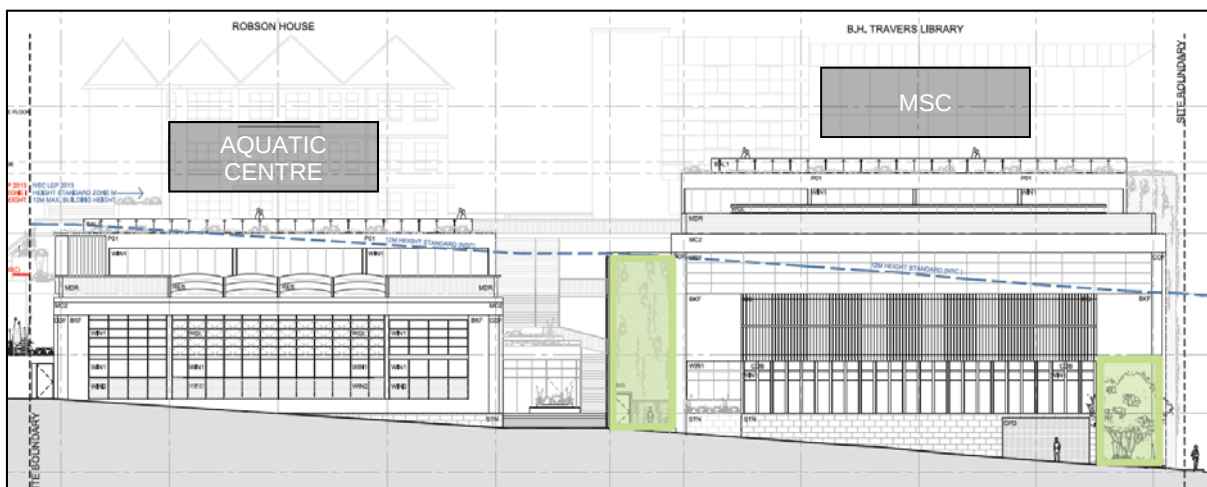


Figure 19: Location of revised greenwall (Source EIS)

The Applicant also submitted an Aboricultural Impact Assessment (AIA) which proposed that a total of 16 existing trees would be retained and 34 existing trees would be removed. Of the three High Retention Value Trees identified on the site, the Queensland Box (Tree 33) would be retained and the Cypress Pine (Tree 18) and Spotted Gum (Tree 93) would be removed (see **Figure 20**).



Figure 20: Tree survey (Source EIS)

Council supported the removal of the Cypress Pine (Tree 18) as it would threaten the future structural integrity of built structures. However, Council requested that the Spotted Gum (Tree 93) be retained if possible. In response, the RtS reiterated that the tree cannot be retained due to impacts on the Tree Protection Zone and Structural Root Zone. To mitigate this loss, a Tree Replacement Plan was submitted as an appendix to the RtS which proposes to replace the Spotted Gum with seven new trees, including a new Spotted Gum (see **Figure 21**).

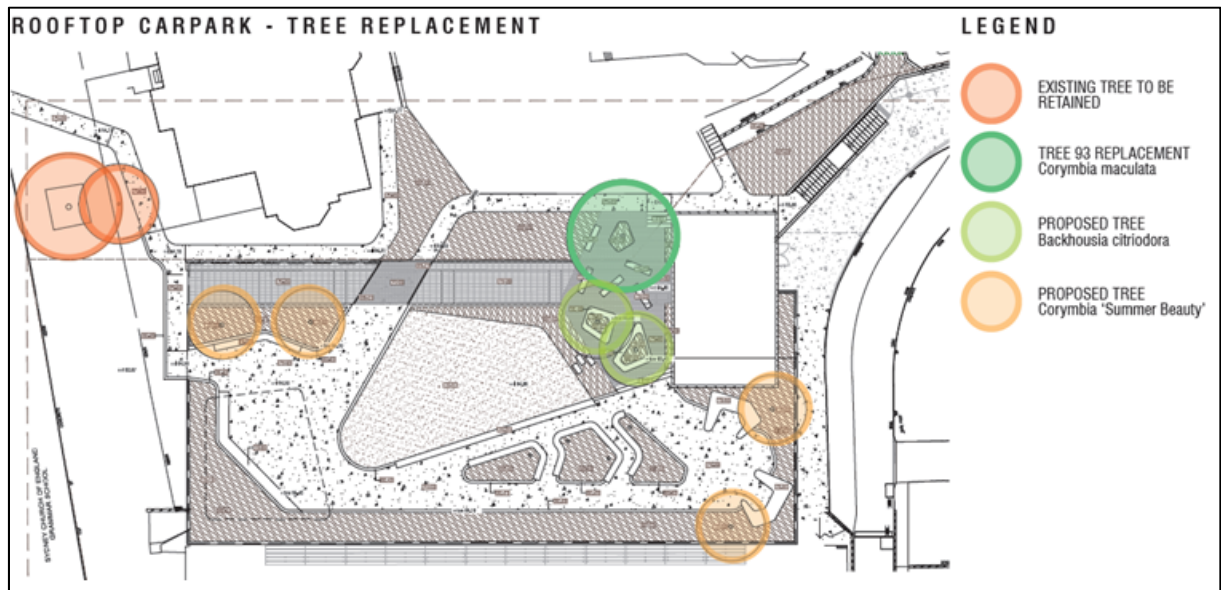


Figure 21: Replacement tree planting (Source RtS)

The Department acknowledges that the proposed tree removals will have a moderate impact on the streetscape and character of the school site, particularly the proposed removal of the two High Retention Value Trees. Nevertheless, the proposed landscaping and tree replacement would operate to assist offsetting the tree loss. Further, it is considered that the proposed landscape design would provide for clear and integrated access to the PEC and significantly improve the order and quality of outdoor learning spaces. Accordingly, the Department is satisfied that the proposal satisfactorily mitigates for the loss of trees required to construct the new buildings.

4.2.2. Parking and Traffic Impacts

Vehicle and Bicycle Parking

The total existing parking provision at Shore school is 148 spaces, of which the existing Bishopsgate Carpark comprises 68 parking spaces.

Notwithstanding that the proposed development would generate only two additional permanent staff, the Applicant originally proposed to increase the on-site parking provision from 148 spaces to 186 spaces, comprising 31 spaces in an extended Bishopsgate Carpark and seven spaces in the basement of the MSC. In addition to the 31 new parking spaces, it was proposed that the Bishopsgate Carpark extension would accommodate the relocation of 23 informal parking spaces located on the internal road running north-south to the west of Bishopsgate Carpark and Hodges Boarding House (see **Figure 22**).

The NSDCP permits a maximum of 1 parking space per 6 staff for educational establishments. Shore school employs 329 permanent and part-time staff. With the addition of two additional staff, the NSDCP would permit a maximum of 56 parking spaces.

Following exhibition of the EIS, Council commented that the existing 148 parking spaces significantly exceeds the maximum provisions set out in the NSDCP and that, as such, there should be no net increase in parking as part of the PEC development. The Department also requested that the Applicant reduce the proposed parking provision and that a revised GTP be submitted that adopts a sustainable transport mode share for staff and students.



Figure 22: Existing Bishopsgate Carpark and 23 uncovered parking spaces (Source Nearmap)

The Applicant's RtS reduced the additional proposed parking provision from 38 to 25 spaces (total of 173 spaces) and a revised GTP was submitted which identified a targeted 10 per cent reduction to 54 per cent private car (single occupant) mode share for staff. However, not being satisfied that the increased parking provision beyond the 148 existing spaces had been adequately justified, the Department advised the Applicant that the extension of the Bishopsgate Carpark should be further amended to accommodate only for the relocation of the 23 existing parking spaces. The Department also required that the GTP be further revised to better reflect the close proximity of the school to the North Sydney train station and the upcoming Victoria Cross Metro station.

In response, the Applicant submitted an RtS Addendum which proposed only to retain the 148 existing spaces. It is proposed that the Bishopsgate Carpark be extended to accommodate for 22 of the 23 existing parking spaces. The ground floor element of the extension would comprise 24 parking spaces, including 21 relocated parking spaces, and the first floor element of the extension would comprise 1 disabled park and a new pick-up/drop-off facility (as detailed in **Figures 23 and 24**).

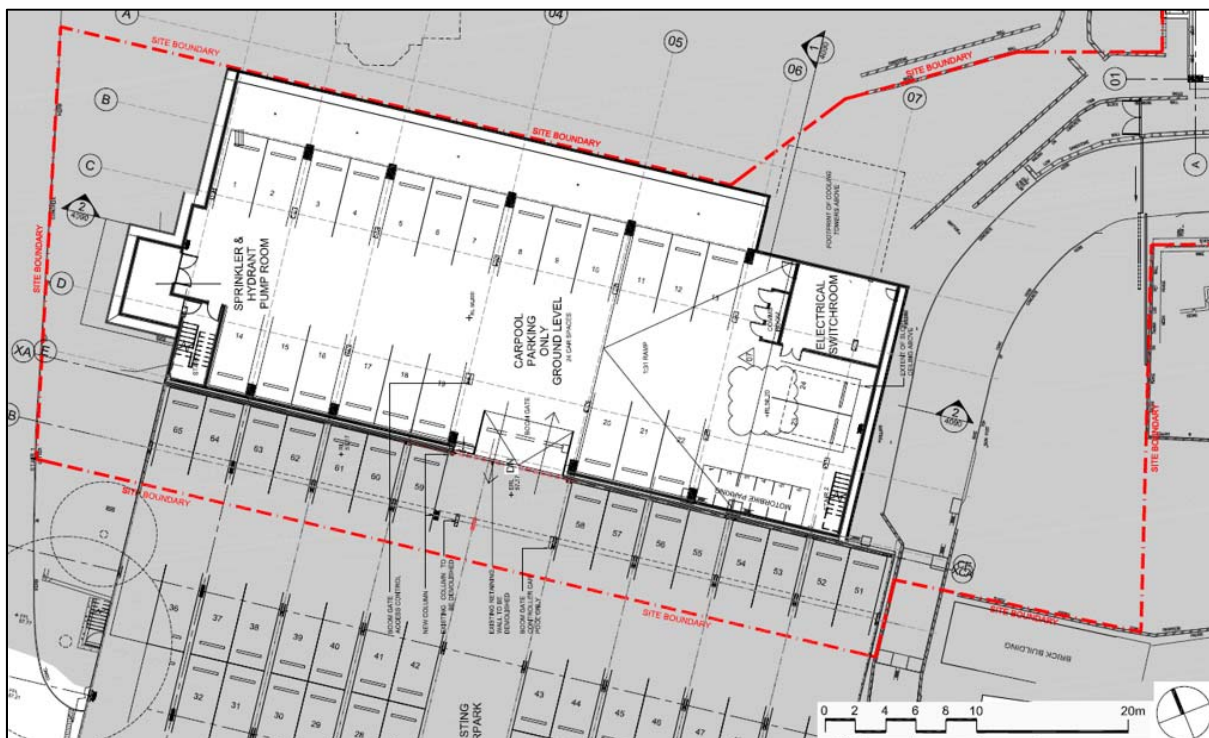


Figure 23: Proposed Bishopsgate Carpark ground floor extension (21 spaces) (Source EIS)

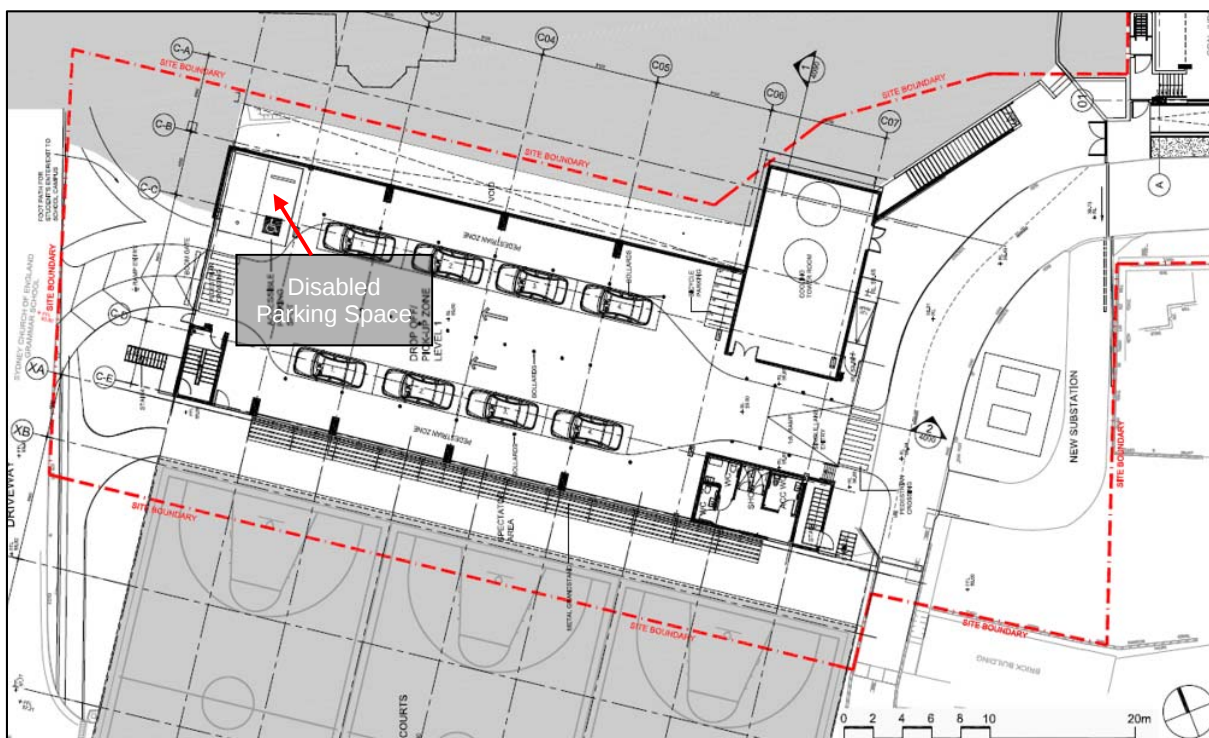


Figure 24: Proposed Bishopsgate Carpark first floor extension (1 space) (Source EIS)

The 24 parking spaces on the ground floor element of the extension would be allocated as carpool parking only and separated from the remainder of the carpark by way of boom gate. One parking space would be relocated into the basement of the MSC (as detailed in **Figure 25**). A revised GTP was also submitted which identified a targeted 31 per cent reduction to 33 per cent private car (single occupant) mode share for staff.

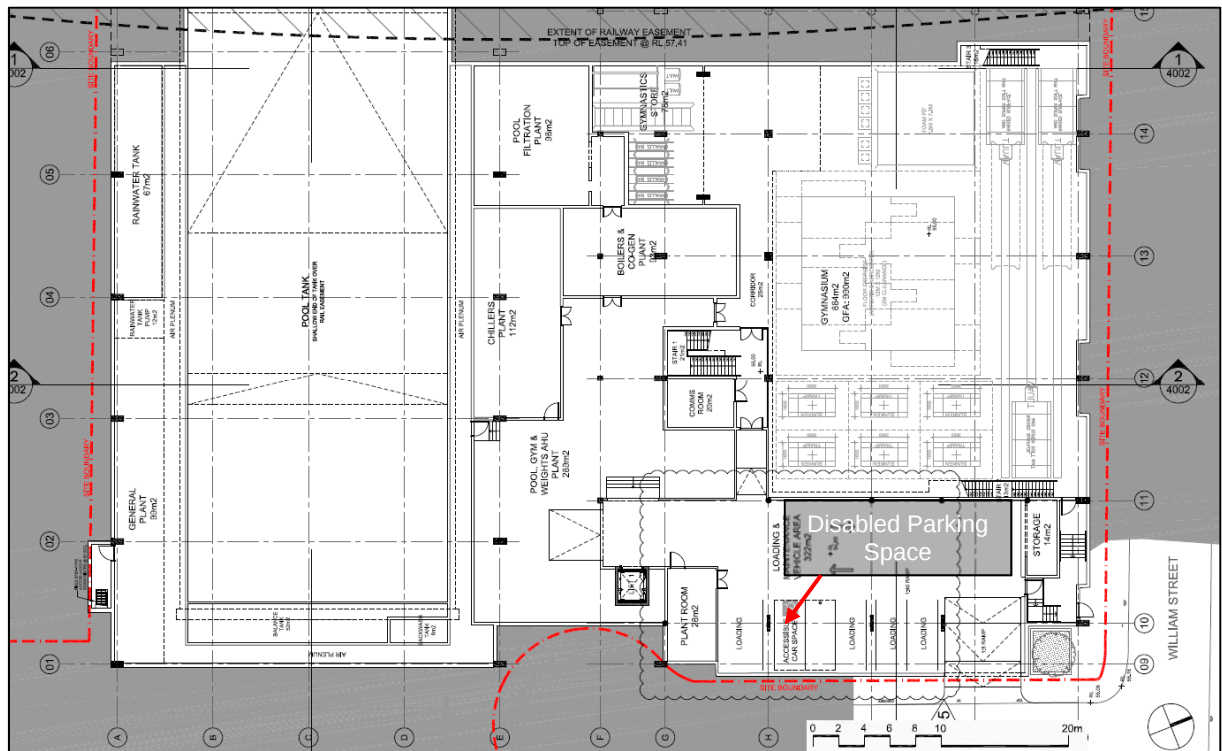


Figure 25: Proposed PEC basement parking (1 space) (Source EIS)

Six motor cycle parking spaces and eight bicycle parking spaces, together with end-of-trip facilities, would be provided in the Bishopsgate Carpark extension. Existing showers, lockers and change facilities are proposed to be improved by the development of the PEC.

The Department acknowledges that the current parking provision substantially exceeds the NSDCP. However, the Applicant is now not proposing any additional parking spaces, only the relocation of the 23 informal parking spaces. The Department also notes that the two additional staff that the proposal would generate is a minor increase and there would be no increase in student numbers. Furthermore, the Applicant has submitted a revised GTP that identifies a decrease in private car (single occupant) mode share for staff and the 24 parking spaces on the ground floor element of the extension would be allocated as staff carpool parking only. Accordingly, the Department is satisfied that the existing school parking provision is capable of accommodating for any minor additional parking demand that the two additional staff may generate.

Regarding construction traffic and parking, the Department has recommended conditions requiring the preparation and implementation of a Construction Environmental Management Plan and a Construction Traffic and Pedestrian Management Plan. A condition has also been recommended precluding the obstruction of the public way during construction. Subject to the imposition of the recommended conditions, the Department is of the view that traffic and parking impacts associated with construction would be satisfactory.

Drop-off/Pick-up Facility

An existing pick-up/drop-off facility is located to the north-east of the Bishopsgate Carpark and is accessed via a one-way internal road running from the eastern most Union Street entrance point and an internal loop road circulating to west of Hunter Crescent cul-de-sac (see **Figure 26**).

Council commented that currently the afternoon pick-up exceeds the vehicle queuing capacity of the internal road, resulting in vehicles queuing onto Union Street. Council advised that as this queuing onto Union Street blocks east-bound traffic, the existing pick-up/drop-off facility should be reviewed and reconfigured to ensure that all queuing occurs on site. The Union Precinct

also raised traffic and safety concerns associated with the existing pick-up/drop-off facility, particularly in relation to westbound vehicles turning right into the eastern most Union Street entrance point.

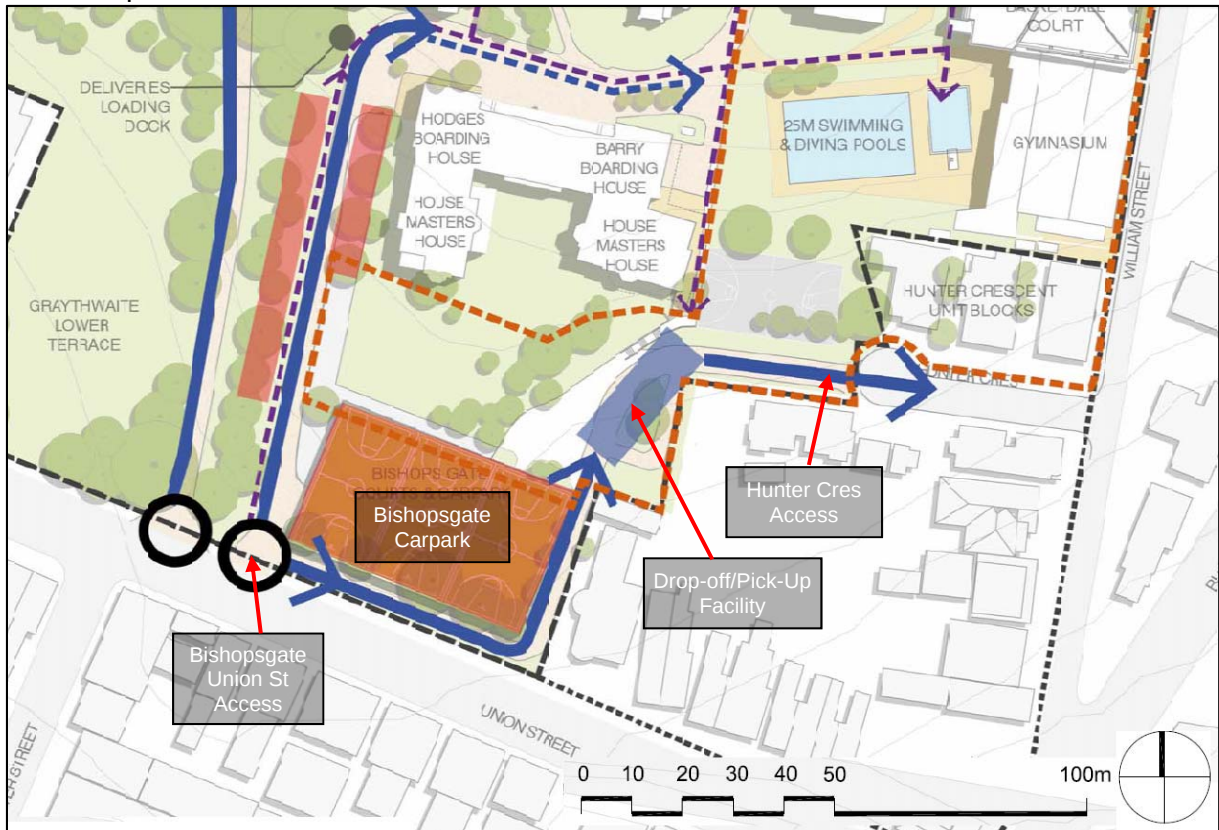


Figure 26: Existing drop-off/pick-up facility (Source EIS)

In response, the Applicant has proposed amended vehicular access arrangements, including the new pick-up/drop-off facility, as illustrated in **Figures 24 and 27**.

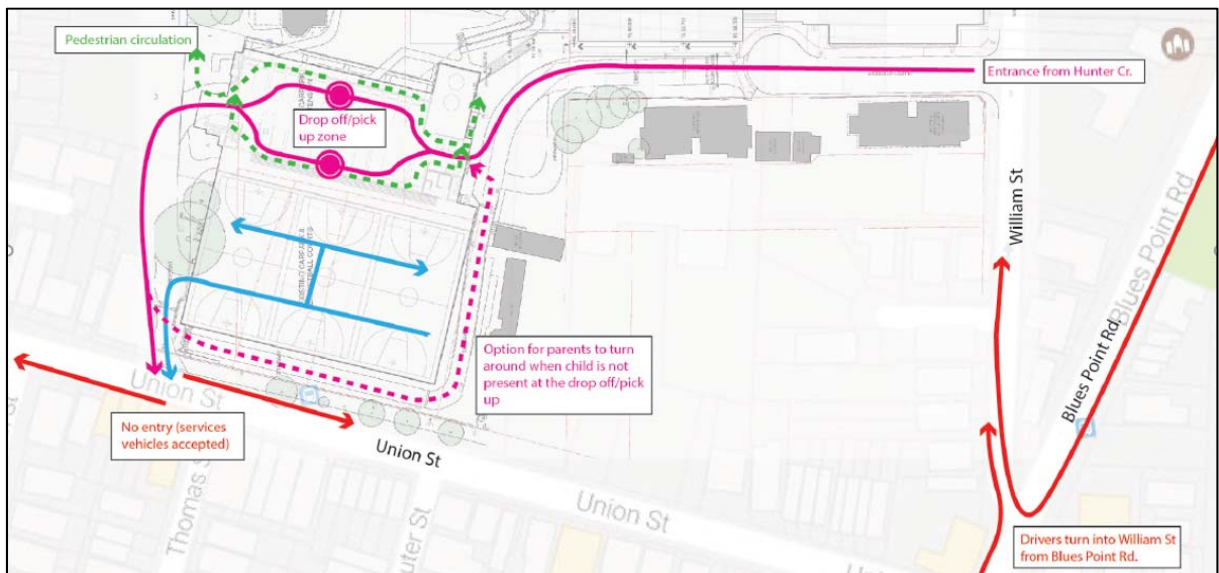


Figure 27: Proposed drop-off/pick-up facility (Source RtS Addendum)

To avoid the issue of vehicles queuing onto Union Street, the pick-up/drop-off facility would be re-located into the first floor of the Bishopsgate Carpark extension, with ingress only via Hunter Crescent and egress only via Union Street. The existing internal road circulating to the south and east of the Bishopsgate Carpark extension would be retained to provide a loop back to the pick-up/drop-off facility. Only service vehicles would access the site via the Union Street entrance. The

Applicant also proposes that ingress to the existing and relocated parking spaces on the ground floor of the Bishopsgate Carpark would be via Hunter Crescent and the new pick-up/drop-off facility. Egress from the Bishopsgate Carpark would only be via Union Street.

The Applicant has submitted the following typical school week usage profile for the proposed new pick-up/drop-off facility:

- Monday to Friday morning drop-off between 5:30 am and 7 am of students attending the swim, gymnastics, weight and basketball training;
- Monday to Friday morning drop-off between 7 am and 9 am of all year group students;
- Monday to Friday afternoon pick-up between 2:30 pm and 3:30 pm of Years 4-6 students;
- Monday afternoon pick-up of cadets between 5 pm and 6 pm;
- Friday afternoon pick-up of boarders between 6 pm and 7 pm;
- Monday to Thursday afternoon pick-up between 7 pm and 7:30pm of students attending basketball training;
- occasional Monday to Friday afternoon pick-up until 10 pm for events, such as parent evenings, concerts, career nights and presentations;
- Saturday drop-off and pick-up between 7 am and 3 pm for interschool sports;
- occasional Saturday drop-off and pick-up between 7 am and 10 pm for events, such as weddings, eisteddfods, seminars, plays and concerts;
- Sunday afternoon drop-off between 2 pm to 7 pm of boarders; and
- occasional Sunday drop-off and pick-up between 2 pm and 10 pm for events, such as baptisms, seminars, plays and concerts.

In accordance with the above, on Monday to Friday swipe card access through the Hunter Crescent access boom gate to the pick-up/drop-off facility would only be available to staff before 5:30 am, from 9 am to 2:30 pm and after 7:30 pm (10 pm for occasional events).

In addition, use of the proposed new pick-up/drop-off facility will also be potentially used to reduce traffic congestion and demand for on-street parking during events, such as school functions and weddings.

The Department notes that the new pick-up/drop-off facility would have two more pick-up/drop-off spaces than the existing facility and would allow for parents to circulate around the Bishopsgate carpark if their child is not present for pick-up. Furthermore, the revised GTP targets a 10 per cent reduction in private vehicle student mode share, which would result in a commensurate reduction in usage of the pick-up/drop-off facility.

The Applicant submitted a revised Transport and Accessibility Report with the RtS Addendum which detailed SIDRA modelling of the effect of the proposed pick-up/drop-off facility on the main approach intersections to the site. Expected traffic volume increase and double expected traffic volume increase were modelled and it was concluded that relevant intersections would continue to operate at a high level of service during peak times under both scenarios.

Accordingly, the Department is satisfied that the proposed new pick-up/drop-off facility and revised access would prevent the vehicles queuing from backing up onto Union Street and that the operation of the pick-up/drop facility would not result in any substantial impacts to the operation of the surrounding road network.

Event Traffic and Parking

The Applicant submitted a revised Indicative Usage Profile for the PEC (as detailed in **Section 4.2.5**) and an addendum to the revised Transport and Accessibility Report detailing worst case traffic generation and parking demands during peak usage of the PEC. The peak attendance periods identified by the Applicant are detailed in **Table 5**.

Table 5: Peak PEC attendance

	Peak Time	Activities	Attendance (persons)
Weekday Mornings	6 am to 8 am	Swim Squad Training, Gymnastics Training, Weights Training & Basketball Training	180
Friday Afternoon	6 pm to 7pm	Swimming Meet, Basketball Training & Norths Basketball	290
Saturday	9 am to 12 pm	Biathlon, Water Polo & Basketball	230
Sunday	10 am – 12 pm	Morning Tea post Chapel Service	200

The addendum to the revised Transport and Accessibility Report indicates that the greatest peak vehicular trip generation would be in association with the Morning Tea post Chapel Service on Sundays between 10 am and 12 pm. Based upon 200 people attending and a car occupancy of 1.5 people per car, it is submitted that the peak event would generate in the order of 135 vehicles. As Shore school would retain a total parking provision of 146 spaces and these spaces would be made available for PEC visitors, the Applicant submits that the parking demand for this peak event would be met on site. In regard to traffic impacts, the Applicant notes that modelling indicates that the main approach intersections to the site would maintain a high level of services for up to 152 vehicles during the weekday morning peak and that the expected Sunday morning peak period does not generally align with the peak for relevant intersections. Accordingly, it is concluded that the surrounding road network would be able to cater for the peak usage on Sunday mornings.

The Applicant acknowledges that whilst 290 people would attend the PEC during the Friday afternoon peak period between 6 pm and 7pm, many of the participants would be collected from the new pick-up/drop-off facility. Accordingly, it is submitted that the vehicular trip generation for Friday afternoon peak period would be less than that of Sunday morning peak period. In this regard, the Department acknowledges that the 200 students/staff attending the Swimming Meets and 60 students/staff attending Basketball Training would already be on site. The 30 attendees from the Northern Suburbs Basketball Association would generate vehicular trips during the peak period. The Department notes that whilst on-site parking would not be made available to attendees from the Northern Suburbs Basketball Association, this is an existing use that would not be subject to an increase in attendance as a consequence of the proposal. Further, the Applicant has advised that currently most of the 30 attendees are students that arrive and depart the site by way of foot or public transport, with up to two coaching staff driving to the site and utilising on-street parking. Accordingly, the Department is satisfied that any vehicular trips and parking demand generated by the attendees from the Northern Suburbs Basketball Association during the peak period would have a negligible impact on surrounding local streets.

The Department's assessment concludes that the traffic and parking impacts associated with peak usage of the PEC would be satisfactory, subject to the imposition of the Department's recommended condition requiring the preparation and implementation of an Operational Transport Management Plan.

Pedestrian Access

Access to the PEC would be via a series of stepped courtyards and stairs, which would form a central pedestrian spine running north-west between the Aquatic Centre and the MSC. The central pedestrian spine would link the internal school road to the north and the Hunter Crescent cul-de-sac to the south. The Aquatic Centre roof terrace would also be accessible via the school grounds to the west of site. The Applicant submits that the proposal improves

and prioritises pedestrian movements and would retain clear access to each building. The Applicant submitted an Accessibility Report which concluded that the proposed development would be capable of achieving a high level of access for people with disabilities and meeting all relevant standards.

Pedestrian access to the Bishopsgate Carpark extension and the pick-up/drop-off zone would be via the routes illustrated in **Figure 24**.

Members of the public raised concerns regarding the capacity of the footpaths on William Street to accommodate for increased pedestrian movements. In this regard, the Department notes that the proposed development is not seeking endorsement for an increase in student numbers and that the proposed central pedestrian spine between the Aquatic Centre and the MSC would provide an alternative north-south pedestrian route within the school grounds.

In light of the above, the Department considers the proposed pedestrian access arrangements to be acceptable, subject to the imposition of the Department's recommended conditions requiring the preparation and implementation of an Operational Transport Management Plan and Access Management Plan.

4.2.3. Amenity Impacts on the Surrounding Area

Consideration has been given to the impacts of the proposal on the surrounding area in terms of visual privacy, acoustic amenity and solar access.

Solar Access

There would be overshadowing impacts associated with PEC to the south at 14 William Street and 1 Hunter Crescent and to the east at Nos. 212, 214 and 216 Blues Point Road (see **Figure 28**). The Department notes that representations from members of the public raised concerns regarding overshadowing on William Street, Blue Street and Blues Point Road during winter and the Union Precinct raised minor concerns regarding the potential impacts of the bulk of the residential flat buildings on the eastern side of William Street.

To illustrate the potential overshadowing impact associated with the proposal, the Applicant has submitted shadow diagrams depicting shadows cast by the proposed PEC at 9 am, 10 am, 11 am, 12 pm, 1 pm, 2 pm and 3 pm on 21 June (representing the worst case scenario at the winter solstice) and 9 am, 12 pm and 3 pm on 21 March and 21 September (see **Figures 29 to 35**). Shadow diagrams depicting the shadow cast by existing buildings and a 12 m height compliant massing have also been submitted.

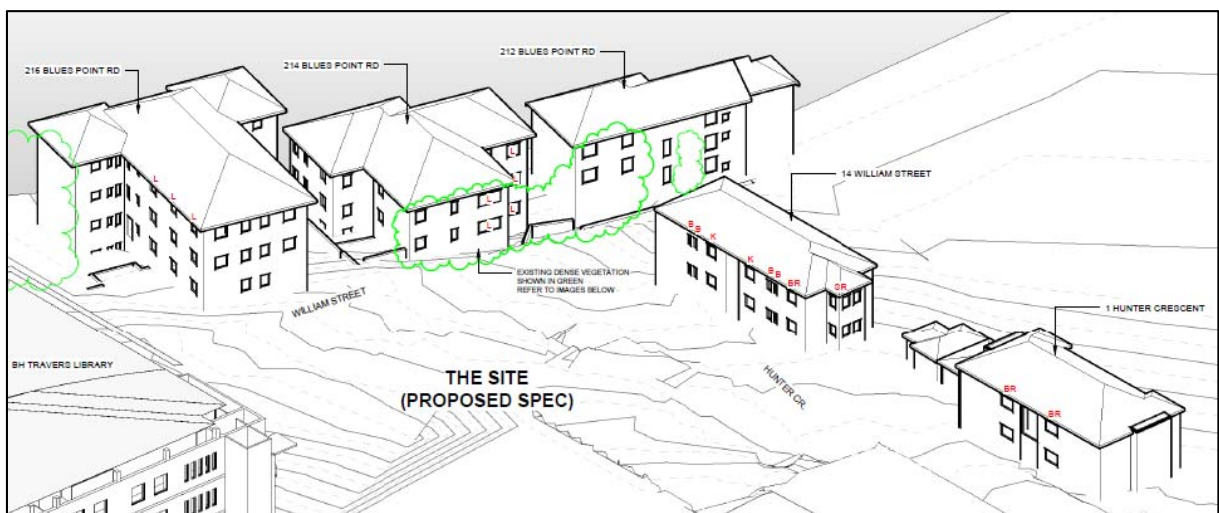


Figure 28: 1 Hunter Crescent, 14 William Street and at Nos. 212, 214 and 216 Blues Point Road
(Source EIS)

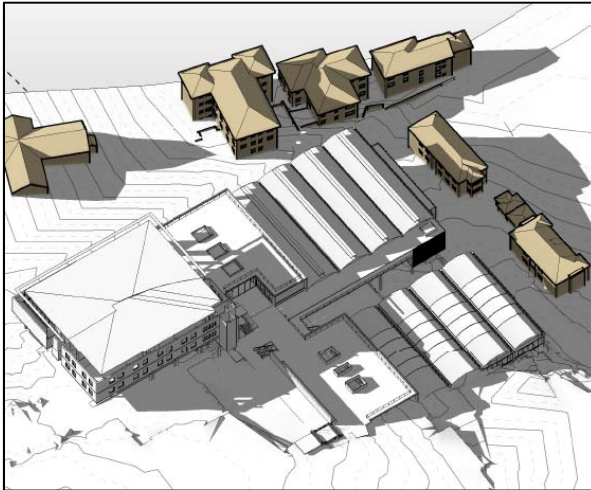


Figure 29: 9 am 21 June Shadow Diagram
(Source EIS)

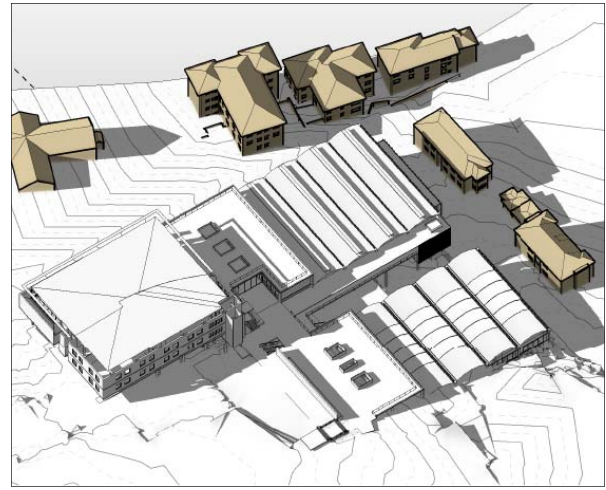


Figure 30: 10am 21 June Shadow Diagram
(Source EIS)

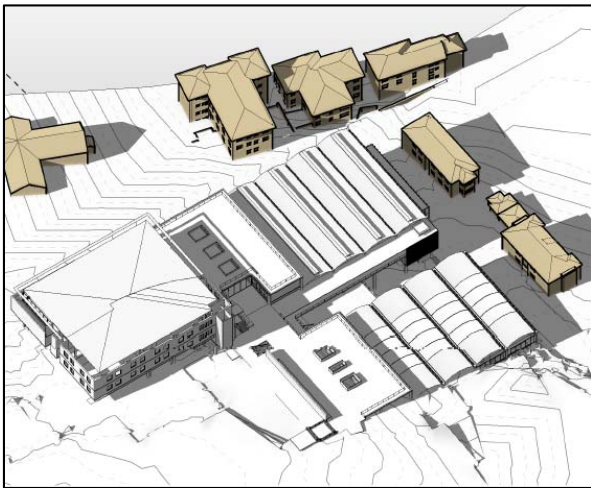


Figure 31: 11am 21 June Shadow Diagram
(Source EIS)

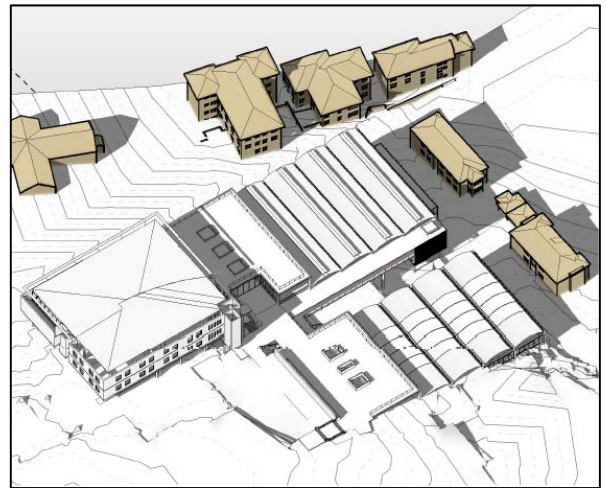


Figure 32: 12am 21 June Shadow Diagram
(Source EIS)

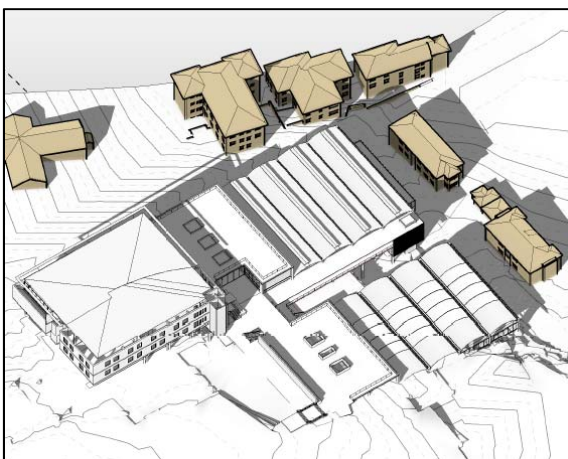


Figure 33: 1pm 21 June Shadow Diagram
(Source EIS)

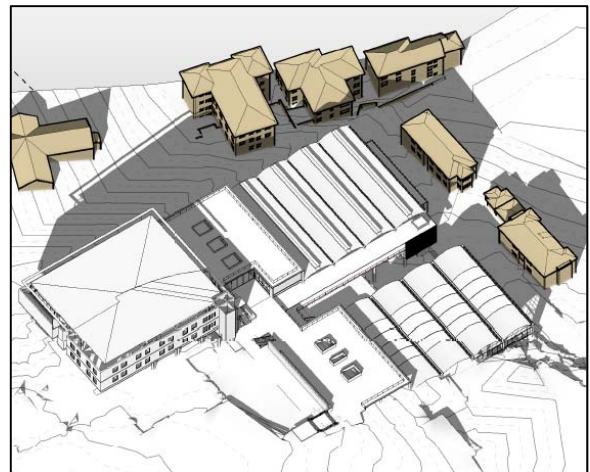


Figure 34: 2pm 21 June Shadow Diagram
(Source EIS)

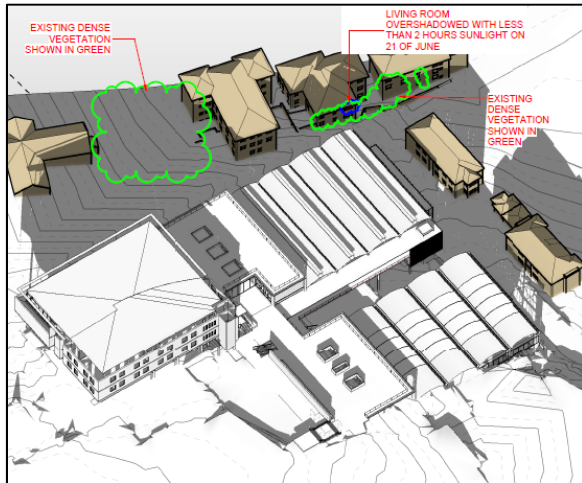


Figure 35: 3pm 21 June Shadow Diagram
(Source EIS)

1 Hunter Crescent

A two-storey flat building and external garage are located on the property. The property is owned by the Applicant.

The existing buildings on the subject site result in negligible overshadowing of the flat building between 9 am and 3 pm on 21 June.

On 21 June the proposal would result in significant additional overshadowing of the eastern elevation of the flat building until approximately 10:30 am. The eastern elevation self-shadows from 12 pm. Accordingly, the ground floor and first floor living room windows on the southern edge of the eastern elevation may not receive two hours direct sunlight between 9 am and 3 pm.

On 21 June the proposal would result in partial additional overshadowing of the northern elevation of the flat building approximately until 10:30 am and from 2:30 pm. However, the additional shadow cast would not affect the windows of any living rooms.

At 9 am, 12 pm and 3 pm on 21 March and 21 September the proposed development would not result in significant additional overshadowing.

14 William Street

A two-storey flat building and external garage are located on the property. The property is owned by the Applicant.

The existing buildings on the subject site result in negligible overshadowing of the flat building between 9 am and 3 pm on 21 June.

On 21 June the proposal would result in significant additional overshadowing of the northern and western elevations of the flat building. With the exception of the ground and first floor sun rooms located at the western extent of the flat building, the shadow cast by the PEC would not affect the windows of internal living rooms.

In regard to the ground floor sun room, the proposal would result in overshadowing of the windows on the western and northern elevations until approximately 1 pm and 2 pm respectively. The windows on the western and northern elevations would then be overshadowed from approximately 3 pm. Accordingly, the ground floor sun room would maintain approximately 2 hours of direct sunlight between 9 am and 3 pm.

In regard to the first floor sun room, the proposal would result in overshadowing of the windows on the northern and western elevations until 12 pm. Accordingly, the first floor sun room would maintain approximately 2 hours of direct sunlight between 9 am and 3 pm.

At 9 am, 12 pm and 3 pm on 21 March and 21 September the proposed development would not result in significant additional overshadowing.

212 Blues Point Road

A three-storey flat building is located on the property.

The existing buildings on the subject site result in overshadowing of the flat building from approximately 3 pm on 21 June.

On 21 June the western elevation of the flat building is subject to significant overshadowing from the existing flat building located at 214 Blues Point Road and self-shadowing until approximately 11 am. The proposal would result in significant additional overshadowing of the western elevation from approximately 2 pm. Accordingly, the minimum two hours direct sunlight between 9 am and 3 pm would be maintained.

At 9 am, 12 pm and 3 pm on 21 March and 21 September the proposed development would not result in significant additional overshadowing.

214 Blues Point Road

A three-storey flat building is located on the property.

The existing buildings on the subject site result in significant overshadowing of the flat building from approximately 2:30 pm on 21 June.

On 21 June the central portion of the western elevation of the flat building is subject to significant self-shadowing and overshadowing from the existing flat building located at 216 Blues Point Road. The ground floor and first floor living room windows on southern edge of the central portion of the western elevation are in shadow until approximately 11 am and 11:30 am respectively. The proposal would result in significant additional overshadowing of the ground floor living and first floor living room windows from approximately 1 pm and 1:30 pm respectively. Accordingly, the ground floor and first floor living room windows would maintain approximately two hours of direct sunlight between 9 am and 3 pm.

On 21 June the southern portion of the western elevation of the flat building is subject to significant self-shadowing and overshadowing from the existing flat building located at 14 William Street. The ground floor and first floor living room windows on southern edge of the southern portion of the western elevation do not currently receive two hours of direct sunlight between 9 am and 3 pm. The third floor living room window on southern edge of the southern portion of the western elevation is in shadow until approximately 12 pm. The proposal would result in significant additional overshadowing of the third floor living room window from approximately 2 pm. Accordingly, the third floor living room window would maintain approximately two hours of direct sunlight between 9 am and 3 pm.

At 3 pm on 21 March and 21 September the proposed development would result in additional overshadowing.

216 Blues Point Road

A three-storey flat building is located on the property.

The existing buildings on the subject site result in significant overshadowing of the flat building from approximately 2 pm on 21 June.

On 21 June the western elevation of the flat building self-shadows until approximately 11:30 am. The proposal would result in significant additional overshadowing of the flat building from approximately 1:30 pm. Whilst the additional shadow cast would affect the windows of living rooms, a minimum of two hours of direct sunlight between 9 am and 3 pm would be maintained

At 3 pm on 21 March and 21 September the proposed development would result in minimal additional overshadowing.

Conclusion

The shadow diagrams submitted by the Applicant indicate that the proposal would result in overshadowing impacts at 14 William Street and 1 Hunter Crescent and Nos. 212, 214 and 216 Blues Point Road. In particular, the shadow diagrams indicate that between 9 am and 3 pm on 21 June several living rooms in the flat buildings at 14 William Street and 214 Blues Point Road would only maintain approximately two hours of direct sunlight and two living rooms at 1 Hunter Crescent may not maintain two hours of direct sunlight.

Two of the most shadow affected residential properties, the flat buildings at 1 Hunter Crescent and 14 William Street, are owned by Shore and would potentially be redeveloped in the future for school uses. Furthermore, a 12 m height compliant massing would cast shadow comparable to that of the proposed PEC. In this regard, when compared to the shadow cast by the proposed Aquatic Centre and MSC separated by a sunken central courtyard, an unbroken 12 m height compliant massing would cast significantly more shadow on the affected living rooms at 1 Hunter Crescent and 14 William Street.

The Department also acknowledges that in order to reduce the solar access impacts, the height of the proposal would need to be significantly reduced. Such a reduction would compromise the design quality of the building and is precluded by the requirement to provide large voids above the three basketball courts and the swimming pool. Furthermore, the height of the building cannot be reduced by way of further excavation due to the presence of the underlying railway tunnel easement.

On balance, in light of the above and given the public benefit from providing additional educational facilities and the reasonable amenity enjoyed by the affected residences, the Department considers the overshadowing impacts of the development acceptable in the circumstances.

Acoustic Amenity

The proposal was accompanied by a Construction and Operational Noise Report (Acoustic Report) that assesses potential construction and operational noise and vibration impacts on nearby sensitive receivers.

The Acoustic Report identifies sensitive residential receivers on William and Union Streets and Hunter Crescent. Background noise monitoring was undertaken at two locations to establish rating background levels (RBL) in accordance with the *Industrial Noise Policy* (INP). Location 1 was located at 16 William Street and Location 2 was 4 Hunter Crescent (see **Figure 36**). The results of the background noise monitoring are presented in **Table 6**.



Figure 36: Noise monitoring locations (Source EIS)

Table 6: Rating Background Noise Level (RBL(dBA))

	Day (7 am – 6 pm)	Evening (6 pm – 10 pm)	Night (10 pm – 7 am)	Saturday (7 am – 6 pm)
Location One	49	44	39	49
Location Two	45	43	41	45

Construction Noise

The EPA's *Interim Construction Noise Guideline* (ICNG) outlines the process of establishing construction noise management levels (NMLs) for surrounding sensitive receivers. Based on the established background noise levels and ICNG recommended day time NMLs, construction NMLs for residential receivers have been established, which are outlined in **Table 7**.

Table 7: Construction noise management levels (L_{Aeq}-dBA)

Sensitive Receiver	Day (7 am – 6 pm)	Saturday (7 am – 6 pm)	Highly noise affected Noise Level
William Street	59 (Background + 10 dBA)	54 (Background + 5 dBA)	75
Hunter Crescent	55 (Background + 10 dBA)	50 (Background + 5 dBA)	75
Union Street	55 (Background + 10 dBA)	50 (Background + 5 dBA)	75

Modelling was conducted of the predicted noise levels for bulk excavation, building construction and façade/fitout scenarios, the results of which are outlined in **Table 8**.

Table 8: Predicted construction noise levels (L_{Aeq} (15 min) - dBA)

Sensitive Receiver Day (7 am – 6 pm)	Predicted Noise Levels	Weekday Exceedance	Saturday Exceedance
Bulk Excavation			
William Street	68	9	14
Hunter Crescent	71	16	21

Union Street	56	1	6
Building Construction			
William Street	63	4	9
Hunter Crescent	66	11	16
Union Street	54	-	4
Façade/Fitout			
William Street	58	-	4
Hunter Crescent	58	3	8
Union Street	45	-	-

The Acoustic Report demonstrates that construction NMLs for sensitive receivers would be exceeded during the bulk excavation phase by up to 16 dBA on weekdays and 21 dBA on Saturdays. However, it is unlikely that 'highly noise affected' levels (above 75 dBA) would be attained.

The Applicant proposes several construction noise mitigation measures, including: the installation of hoarding around the construction site; selection of the quietest feasible equipment; use of rock saws and ripping in preference to rock breakers; localised treatment around fixed plant; and the provision of respite periods. The Applicant also proposes to formulate a Construction Noise and Vibration Management Plan (CNVMP) addressing appropriate management of construction noise and the Department has recommended a condition to this effect.

The Department has recommended a condition limiting the hours of construction to between 7 am and 6 pm Mondays to Fridays and between 8 am and 1 pm Saturdays. The Department has also recommended a condition providing for a respite period of from rock breaking, rock hammering, sheet piling, pile driving and similar activities between 12 pm and 2 pm Mondays to Fridays.

Subject to compliance with the recommended conditions of consent and implementation of the proposed mitigation measures, the Department is satisfied that construction noise impacts can be appropriately managed during the construction phase of the proposal.

Construction Vibration

The Acoustic Report identifies that during construction the minimum distance between vibration generating activities and surrounding residential buildings would be 3 to 4 m and that human comfort criteria could potentially be exceeded. Accordingly, the Acoustic Report recommends that the use of medium and large rock breakers within 20 m of residential buildings should be carefully managed and that trial testing of vibration levels be conducted where construction equipment has the potential to exceed human comfort criteria.

Construction vibration is predicted to generally comply with structural damage vibration criteria, with the exception being where medium and large rock breakers would be used near residential buildings on Hunter Crescent and William Street. Accordingly, the Acoustic Report recommends the use of alternative excavation measures, such as rock saws, near residential buildings and trial testing of vibration levels where the use of hydraulic hammers is required.

The Applicant also proposes to formulate a CNVMP addressing appropriate management of construction vibration and the Department has recommended a condition to this effect.

The northern portion of the site is traversed by the North Shore Rail Line corridor tunnel in an east-west direction. Excavation for the PEC would occur both above and to south of the railway easement. The Acoustic Report recommends that potential vibration levels at the easement would need to be assessed against vibration criteria set by Sydney Trains. In this regard, Sydney Trains has requested a condition limiting the maximum allowable vibration to 12.5 mm

per second during construction. Sydney Trains has also requested a condition requiring a Ground Vibration and Movement Monitoring Report to be submitted upon request.

In addition to the above, the Department recommends standard conditions requiring compliance with vibration criteria to ensure no adverse impacts to existing buildings or structures is generated by demolition and construction activities.

Subject to compliance with the recommended conditions of consent and implementation of the proposed mitigation measures, the Department is satisfied that construction vibration impacts can be appropriately managed during the construction phase of the proposal.

Operational Noise and Vibration

The operation of proposed PEC is likely to result in potential noise impacts generated from carpark exhaust fans, cooling tower, plant and sporting activities and events. Based on the established background noise levels and ambient noise levels, project specific noise levels were established (refer to **Table 9**), which are the most stringent of the intrusive and urban amenity criteria for adjoining sensitive receivers in accordance with the INP.

Table 9: Project specific operational noise management levels L_{Aeq} (15 min) dB(A)

Sensitive Receiver	Day (7 am – 6 pm)	Evening (6 pm – 10 pm)	Night (10 pm – 7 am)
William Street	54	45	40
Hunter Crescent	50	45	40
Union Street	50	45	40
Commercial Receivers	65	65	65

The Acoustic Report advises that whilst noise from most of the major plant, such as chillers, fan coil units and pumps, would be contained by the building structure of the PEC, the carpark exhaust fans and cooling tower may require mitigation, such as silencers on fans, acoustic louvers, noise barriers and variable speed controls on cooling towers, to achieve the operational noise management levels.

The Acoustic Report adopts a large attendance, competitive basketball event to be the worst case operational noise scenario for the MSC. During this worst case scenario, it is predicted that:

- within the basketball hall the maximum reverberant sound pressure level would be approximately 95 dBA; and
- at the most exposed residential receivers in William Street the maximum reverberant sound pressure level would be approximately 41 dBA and the $L_{Aeq, 15 \text{ min}}$ would be 32-34 dBA.

The Acoustic Report adopts a large attendance, competitive swim meet to be the worst case operational noise scenario for the Aquatic Centre. During this worst case scenario, it is predicted that within the pool hall the maximum reverberant sound pressure level would be approximately 85 dBA. The Aquatic Centre would be constructed with doors and high level operable louvers on the eastern façade and high level operable louvers on the southern façade. The predicted effect of opening and closing these louvers and doors on reverberant sound pressure levels at the most exposed residential receivers in Hunter Crescent during a large attendance, competitive swim meet is detailed in **Table 10**.

Table 10: Opening and closing louvers and doors competitive swim meet

Southern Louvers	Eastern Louvers and Doors	$L_{Aeq, 15 \text{ min}}$
Open	Open	60dBA
Closed	Open	50dBA
Closed	Closed	33dBA

The Applicant proposes that the doors and louvers would be opened and closed as required to ensure compliance with the Project Specific Operational Noise Management Levels.

The Department has recommended conditions requiring event noise monitoring, the preparation of an acoustic management plan, and compliance with the relevant noise provisions of the *Protection of the Environment Operations Act 1997*.

As the proposed PEC would be constructed above the North Shore Rail Line corridor tunnel, in accordance with Clause 87 of the Infrastructure SEPP, the proposal was referred to Sydney Trains. Sydney Trains raised no concerns regarding rail noise or vibration, subject to the imposition of a condition of approval requiring an acoustic assessment to be submitted demonstrating compliance with the Department's *Development Near Rail Corridors and Busy Roads - Interim Guidelines*. The Department has recommended a condition to this effect.

The Department acknowledges that the existing school is located within an urbanised environment and considers the noise generated from the proposal during operation can be managed to comply with the relevant criteria. The Department has recommended conditions requiring the Applicant identify the required mitigation measures to attenuate the mechanical plant noise prior to commencement of works to ensure that it complies with relevant noise criteria. The Department has also recommended conditions requiring the Applicant undertake a noise monitoring program of the mechanical plant within 60 days of the commencement of use to verify that the measured noise levels of the mechanical plant do not exceed the levels identified in the Acoustic Report.

Visual Privacy

The proposed PEC would result in potential privacy impacts on the residential unit buildings to the south at 14 William Street and 1 Hunter Crescent and to the east at Nos. 212, 214 and 216 Blues Point Road. The Applicant submits that potential privacy impacts of the PEC on the adjacent residential units have been minimised by way of the following:

- Hunter Crescent and William Street would separate the PEC from adjacent residential flat buildings;
- the roof terraces would be located above the northern extents of the Aquatic Centre and MSC, further distancing the terraces from the adjacent residential flat buildings;
- the PEC would have limited east and south facing windows;
- the pool deck of the Aquatic Centre would generally be at existing ground level; and
- Shore school currently owns the residential flat buildings at 1 Hunter Crescent and 14 William Street.

The Department notes that within the MSC a void would comprise the levels above the first floor basketball courts and a storage area would separate the basketball courts from the glazing fronting Hunter Crescent. Similarly, within the Aquatic Centre a void would comprise the levels above the ground floor pool deck and low level glazing fronting Hunter Crescent would have a ceramic frit. In light of the above, the Department is satisfied that the design of the PEC would effectively minimise any potential privacy impacts upon adjacent residential flat buildings.

4.2.4. Heritage

The land on which the Shore school is currently located originally formed part of 39 acres of land granted to Thomas Walker in 1832. Following ongoing subdivision and sale, a small portion of land formerly subject to the original grant was sold by Thomas Dibbs to the Church of England Property Trust Diocese of Sydney in March 1888. Shore school was subsequently founded in May 1889 and by incrementally purchasing surrounding properties, including the acquisition of the Graythwaite site in 2009, the school has been expanded to approximately eight hectares.

Built Heritage

Whilst Shore school is listed as a heritage item by the NSLEP, the individual buildings of Shore school are not heritage listed. Nevertheless, the Applicant's HAIS identifies the Chapel, Dining Hall, Middle Block, War Memorial Hall, School House, Robson Boarding House, Hodges

Boarding House and Barry Boarding House as being buildings of heritage significance (see **Figure 37**).



Figure 37: Buildings of heritage significance (coloured orange) (Source EIS)

Of the identified buildings of heritage significance, only Robson Boarding House is located within the proposed development site. Originally constructed circa 1880 as a dwelling for a daughter of Thomas Dibbs, the building was purchased by Shore school in 1925 and converted to a boarding house. Robson Boarding House is a two to three storey free-standing building with steeply gabled, concrete tiled roofs and painted masonry wall. The building is located to the north of the existing 25 m swimming pool, and whilst Robson Boarding House would largely be retained, it is proposed to demolish the entry annex and small single-storey garage located on the southern side of the building and to landscape the adjacent grounds to the east and south. The HAIS states that the annex and garage are late additions and that the removal of these intrusive elements would serve to enhance the heritage significance of the building. It also states that the existing landscape elements are not of heritage significance and that the proposed landscape design would enhance the setting of Robson Boarding House.

Several other existing buildings/structures within the proposed development site, including the gymnasium, in-ground 25 m swimming pool, in-ground diving pool, basketball court and three two-storey residential flat buildings at 4 and 5 Hunter Crescent and 16 William Street, would also be demolished. The gymnasium and swimming pools were constructed in 1970 and the three residential flat buildings were constructed circa 1940. The HAIS states that these buildings/structures are not of heritage significance and that their demolition would have no adverse effect on any heritage items within or in the vicinity of the site.

Other Shore school buildings of heritage significance located in close proximity to the proposed development site include:

- The Chapel, which was constructed in 1914 and is a free standing single-storey face-brick building in the Federation Gothic style, with sandstone detailing and steeply pitched slate roof. The building is located to the south of Chapel Lawn and to the west of Robson Boarding House, approximately 10 m from the edge of the proposed development site; and
- Hodges and Barry Boarding Houses, which were constructed circa 1886 and purchased by Shore school in 1929 and 1938 respectively. The two buildings are similar in design, being two-storey masonry buildings with painted external walls and steeply gabled tile roofs. The buildings have been altered and extended, including the construction in 1970 of a two-storey brick wing that linked the two buildings. Barry Boarding House is located to the east the outdoor basketball court, approximately 3 m from the edge of the proposed development site. Hodges Boarding House is located to the west of Barry Boarding House and to the north of Bishopsgate Carpark, approximately 3 m from the edge of the proposed development site.

The individually heritage listed Graythwaite site and Upton Grange are located on the western side of Shore school and substantially removed from the proposed development site.

Outside the school boundaries, St Peter's Presbyterian Church and Grounds, St Peter's Presbyterian Church Manse, Waiwera (6 William Street, North Sydney) and Waiwera (8 William Street, North Sydney) are heritage items of Local Significance under the NSLEP located in the vicinity of the proposed development site. The southern extent of the proposed development site is also adjacent to the Union, Bank and Thomas Street Heritage Conservation Area of Local Significance under the NSLEP.

In its EIS submission, OEH (Heritage Division) commented that the Applicant should consider better integration of sympathetic built and landscape design outcomes around areas of heritage significance. It was also requested that more sympathetic and less intrusive new structure designs that better consider urban design and heritage outcomes be explored. Submissions from members of the public also raised heritage concerns.

In response, the RtS states that:

- the PEC was designed to ensure the least visual impact to the Chapel and environs;
- the level of the roof terrace above the Aquatic Centre is situated below the level of the Chapel lawn and would not impede views from the Chapel towards the harbour and city;
- the Chapel form, sitting within a formal garden, would not be affected by the proposed PEC;
- the MSC would be located directly to the south of the much higher BH Travers Building (Stage 1);
- the eastern façade of the PEC would reflect a similar relationship with William Street as the existing gymnasium and planted recesses would provide articulation to the streetscape;
- the eastern façade would consist of brick and stone to reflect the existing neighbourhood materiality and the sandstone of St Peter's Church;
- a re-entrant corner to Hunter Crescent containing a planter and street landscaping would provide building form modulation; and
- the MSC would be largely located within the approved envelope for the two-stage development of the BH Travers Centre (DA 336/1998).

No further comments were received from OEH regarding the RtS.

The Department acknowledges that the proposed PEC and associated landscaping would have some impact on the setting of the Robson, Hodges and Barry Boarding Houses, the Chapel and St Peter's Presbyterian Church and Grounds. However, the Department is of the view that, on balance, the built heritage impacts of the proposal are acceptable.

The Department notes that the existing buildings/structures proposed to be demolished to accommodate for the proposed PEC are not of heritage significance and that the demolition of intrusive elements of Robson Boarding House would enhance the heritage significance of the building. Further, the Department considers the proposed building heights and scale of the PEC to be consistent with the existing buildings on site. It is noted that the finished floor level of the MSC roof terrace (RL 75.40) would be substantially lower than that of the adjoining BH Travers Stage 1 Building (RL 85.30) and that the finished floor levels of the Aquatic Centre roof terrace (RL 71.30) would be lower than that of the lower ground floor level of Robson Boarding House (RL 71.50) and the Chapel (RL 72.68), thus preserving views from the buildings of heritage significance towards the south. The roof terraces of the PEC would also provide new viewpoints for appreciation of adjacent heritage items.

Whilst it is acknowledged that the western edge of the Aquatic Centre building would be located in close proximity to the eastern edge of Barry Boarding House, the Department notes that the roof ridge of the Barry Boarding House (RL 75.98) would be substantially higher than the adjacent portion of the Aquatic Centre roof (RL 68.5). Further, the Department is satisfied that the design of the PEC is sufficiently contemporary for the Aquatic Centre and MSC to be distinguished as new works.

The Department considers that proposed landscaping of the extended Bishopsgate Carpark rooftop would serve to minimise the impact of the extension upon the setting of the adjacent Hodges and Barry Boarding Houses. This mitigation would be further enhanced by the finished floor level of the roof terrace (RL 64.50) and raised landscaping elements (RL 65.10), excluding the cooling tower, being lower than the ground floor levels of Hodges and Barry Boarding Houses (RL 65.12 and RL 65.44 respectively). Further, the Department considers that the southern facade of the first floor addition to the Bishopsgate Carpark being located approximately 42 m to the north Union Street would serve to minimise the impact of the extension upon the Union, Bank and Thomas Street Heritage Conservation Area.

Subject to the mitigation measures detailed in the Applicant's HAIS being implemented to ensure existing heritage items are protected during demolition and construction works and to minimise potential impacts on the items of heritage significance, the Department considers the built heritage impacts of the proposal to be acceptable.

Archaeological Heritage

The Applicant's HAIS identifies four main phases of historical development at the subject site:

- Ephemeral Use (1788-1832);
- Thomas Walker's Land Grant and Early Subdivision (1832-1854);
- The Growth of St Leonards and Subdivision (1854-1926); and
- Growth alongside the Shore School (1926-Present).

The HAIS advises that the subject site has low potential to contain archaeological remains associated with pre-1850s use of the site for ephemeral purposes and the front yards of cottages established circa the 1830s and moderate to moderate-high potential to contain archaeological remains associated with subdivisions comprised of terrace houses, cottage and outbuildings established circa 1850. These archaeological remains may be of local significance and considered relics under the Heritage Act.

In addition to noting that the construction of the BH Travers Centre Stage 1, gymnasium and residential flat buildings is likely to have completely destroyed archaeological resources in certain areas of the proposal site, the HAIS divides the proposed development into two zones of potential archaeological impact. Zone 1 is comprised of the PEC and Bishopsgate Carpark extension footprints, where bulk excavation would likely result in the complete removal of historical archaeological resources. Zone 2 is comprised of areas of landscape and access

modification, where ground disturbance would be less likely to impact historical archaeological resources.

To mitigate any potential impacts in areas of moderate to moderate-high potential to contain archaeological resources, the HAIS recommends that a program of archaeological testing and open area excavation should be undertaken prior to commencement of the bulk excavation works in Zone 1, and that a program of archaeological monitoring and recording should be undertaken in conjunction ground disturbance works in Zone 2. Compliance with a Historical Archaeological Research Design (HARD) detailing proposed methodology for excavation and recording is also recommended.

OEH (Heritage Division) commented that notwithstanding the HAIS being inconsistent in its assessment of archaeological significance, the conclusion that the site potentially contains historical archaeological relics of local heritage significance was broadly supported. The OEH (Heritage Division) also recommended that a suitable program of archaeological excavation and recording undertaken prior to excavation would be suitable to mitigate the loss of locally significant information. Accordingly, the OEH (Heritage Division) requested conditions requiring the nomination of an appropriate archaeological consultant, the submission and approval of a HARD and excavation methodology prior to the commencement of ground disturbance, an archaeological program of mitigation being undertaken prior to and/or in conjunction with ground disturbance, the lodgement of final excavation report(s), the nomination of a salvaged relics repository and the preparation of an Interpretation Plan upon receipt advice from OEH (Heritage Division).

The Department is satisfied the recommended conditions of consent, incorporating conditions recommended by the HAIS and OEH (Heritage Division), would ensure the site's existing archaeological heritage is adequately maintained during construction and operation.

4.2.5. PEC Usage

The Aquatic Centre would contain an eight lane 50 m swimming pool and the MSC would contain three basketball courts and a gymnasium. The Applicant submitted an Indicative Usage Profile for the PEC. A summary of new activities that would occur within the PEC and existing on-site activities that that would be relocated to the PEC and experience increased attendance/occurrence are summarised in **Table 11**.

Table 11: Aquatic Centre and PEC indicative usage profile

Activity	Frequency	Time	Session Duration	Forecast Attendance/ Session	External Attendees
Aquatic Centre					
Swimming Meets	Maximum of 4 Fridays (Term 1)	5 pm to 7 pm	2 hours	200	No
Squad Training	Weekdays	5.30 am to 7.30 am	2 hours	30	No
	Monday-Thursday	5.30 pm to 7.30 pm			No
Water Polo Training	Monday-Thursday (Terms 1 & 4)	5.30 am to 7.30 am	90 mins	20	No
		5.30 pm to 7.30 pm			No
Water Polo	Saturday (Terms 1 & 4)	8 am to 12 pm	60 mins	30	Yes
MSC					
Gymnastics PE Classes	Weekdays (4 sessions/day)	8.20 am to 3 pm	47 mins	24	No
Gymnastics Training	Weekdays	6.30 am to 7.30 am	1 hour	30	No
	Monday-Thursday	3.15 pm to 5 pm	105 mins	30	No
Basketball Training	Monday-Thursday (Terms 1 & 4)	3.15 pm to 5 pm	90 mins	60	No

Activity	Frequency	Time	Session Duration	Forecast Attendance/ Session	External Attendees
Interschool Basketball	14 Saturdays (Term 1 & 4)	8 am to 1 pm	60mins	120	Yes

The Department considers that the traffic or car parking impacts associated with peak use of the PEC to be satisfactory, subject to the imposition of a condition requiring the preparation and implementation of an Operational Transport Management Plan. The Department has recommended a condition to this effect (as detailed in **Section 4.2.2**)

Northern Suburbs Basketball Association also use the existing gymnasium on Mondays, Wednesdays and Fridays between 5 pm and 7 pm, with a current attendance of approximately 30 people per session. The applicant proposes that this use would continue unchanged upon commencement of use of the MSC.

Clause 28(3) of the Infrastructure SEPP identifies that an educational establishment (including any part of its site and any of its facilities) may be used, with consent, for any community purpose, irrespective of whether it is a commercial use of the establishment. Consequently, uses considered to be for a 'community purpose' are permissible within educational establishments, with consent.

The Department considers that the proposed use of the MSC by Northern Suburbs Basketball Association would be classified as a community use and is consistent with the intent of clause 28(3) of the Infrastructure SEPP. Therefore, the proposed community use of the MSC in the application is considered permissible with consent.

4.3. Other Matters

Contamination

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

The proposal was accompanied by a Stage 1 Environmental Site Assessment (ESA). The ESA identified areas of environmental concern relating to the historical use of pesticides, hazardous building materials and imported fill. Analysis of soil samples obtained from 12 sampling points (see **Figure 38**) revealed heavy metal and polycyclic aromatic hydrocarbon contamination in imported fill at seven sample points (BH 1, 2, 4, 5, 7, 8 and 9) at elevations that pose a risk to human and environmental receptors.

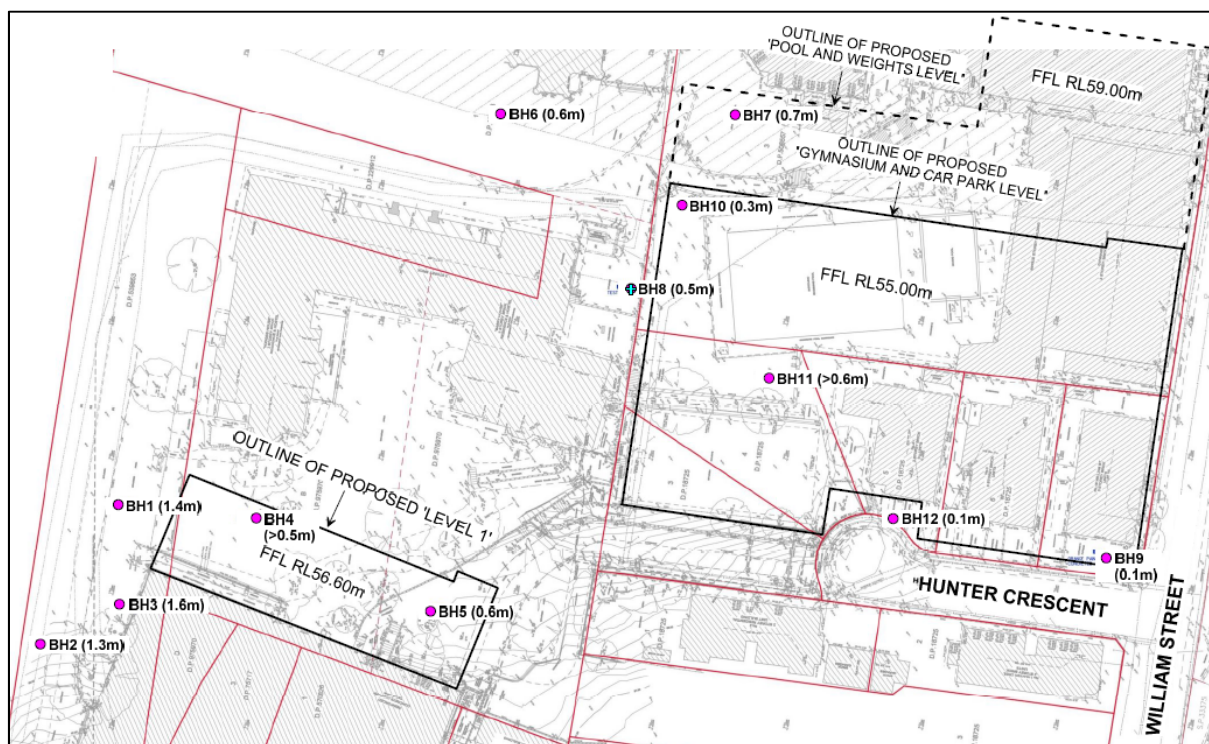


Figure 38: Contamination sampling points (Source EIS)

The ESA concludes that the site can be made suitable for the proposed development subject to the following further actions:

- undertake additional sampling beneath existing buildings to confirm extent of fill and to address identified data gaps;
- prepare a Remediation Action Plan (RAP) outlining remedial measures;
- prepare a Validation Plan upon completion of remediation; and
- undertake a Hazardous Materials Assessment of the existing building prior to commencement of demolition.

The proposal was also accompanied by a RAP, which proposes to remediate site through a combination of:

- excavating contaminated surface fill as part of bulk earthworks and removing the contaminated material to an appropriate off-site facility; and
- capping and containing any contaminated fill that remains on site;
- implementing an Environmental Management Plan (EMP) for the long-term management of containment areas; and
- Validation, Contingency and Site Management Plans.

The RAP concludes that the site can be made suitable for the proposed development provided the recommendations of the RAP are successfully implemented.

The Department notes that the EPA had no comment to make in regard to the proposal.

The Department acknowledges the contaminants of concern identified through detailed site investigations undertaken by the Applicant are capable of being remediated to ensure the existing site can continue to be used for their education use. In this respect, the Department is satisfied that the investigations undertaken by the Applicant satisfactorily demonstrate that the site can be made suitable for the proposal in accordance with clause 7 of SEPP 55. The Department has recommended conditions requiring a site validation report and site audit statement be prepared by an accredited site auditor prior to and upon completion of the remediation works.

Public Interest

The proposal is considered to be in the public interest as it would provide for the delivery of education facilities, including physical education facilities, new classrooms and an improved student pick-up/drop off facility. The proposal would also generate 137 construction jobs and two new operational jobs.

5. CONCLUSION

The Department has reviewed the EIS and considered advice from the public authorities, including Council. Issues raised in the submissions and the Applicant's responses have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department's assessment concludes the proposal's built form is acceptable as it won't result in any adverse environmental or amenity impacts and would be consistent with the scale and form of existing retained development retained on-site and the surrounding residential and heritage buildings. The design of the buildings also demonstrate that appropriate measures have been incorporated into the designs to ensure they satisfactorily integrate with their immediate surrounds and minimise any potential impacts. The Department is satisfied that, subject to the imposition of recommended conditions, the proposed new pick-up/drop-off facility and revised access would prevent the vehicles queuing from backing up onto Union Street and that the operation of the pick-up/drop facility and access would not result in any substantial impacts to the operation of the surrounding road network.

The application is consistent with the objects of the EP&A Act (including ecologically sustainable development), State priorities, *A Plan for Growing Sydney* and the draft *North District Plan*. The Department is also satisfied the proposal would provide significant public benefits through the provision of expanded education facilities. The proposal would also generate approximately 137 construction and two operational jobs.

The Department is satisfied that the proposal has satisfactorily responded to the issues raised and recommends the SSD application for the proposed redevelopment of the Shore PEC be approved, subject to recommended conditions. The Department's recommended conditions of consent would ensure the construction and operational of the PEC would not result in adverse environmental impacts on the surrounding environment.

6. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- (a) **consider** all relevant matters prescribed under section 79C of the EP&A Act, as contained in the findings and recommendations of this assessment report and appended documentation;
- (b) **grant consent** to the State significant development application for Shore Physical Education centre (SSD 7507), subject to conditions of consent set out in the attached instrument at **Appendix D**; and
- (c) **sign** the attached development consent at **Appendix D**.

Prepared by: Adam O'Connor, Planner

Endorsed by:

Approved by:



31/05/2017

Karen Harragon
Director
Social & Other Infrastructure Assessments

David Gainsford
Executive Director
Priority Projects Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7507
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7507
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7507

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND NSDCP(S)

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

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

The proposal is for SSD in accordance with s. 89C of the EP&A Act because it is development for the purpose of an educational establishment with a CIV in excess of \$30 million, under clause 15 of Schedule 1 of the SRD SEPP.

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

Under the NSLEP, the portion of the proposal located at 4 and 5 Hunter Crescent and 16 William Street is not permissible as it is zoned R4 High Density Residential. Clause 28(1) of the Infrastructure SEPP provides that development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone and Clause 28(2)(b) provides that development for the purpose of the expansion of existing educational establishments may be carried out by any person with consent on land adjacent to the existing educational establishment. As the land parcels at 4 and 5 Hunter Crescent and 16 William Street are located within the R4 High Density Residential zone (which is as prescribed zone for the purposes of the Infrastructure SEPP) and the land would be developed for the purpose of the extension of the adjoining Shore educational establishment, the proposal is wholly permissible under the Infrastructure SEPP.

Clause 28(3) of the Infrastructure SEPP provides that an educational establishment (including any part of its site and any of its facilities) may be used, with consent, for any community purpose, whether or not it is a commercial use of the establishment. The Department considers the proposed use of the MSC by Northern Suburbs Basketball Association to be a community purpose and therefore permissible, with consent.

Clause 32 of the Infrastructure SEPP requires proposals for new school buildings to address the School Facilities Standard State government publications to ensure school facilities provide safe and robust school learning environments.

Clause 86 of the Infrastructure SEPP requires referral to Sydney Trains of development that involves excavation in, above or adjacent to a rail corridor. The proposal was referred to Sydney Trains who had no objection to the proposal subject to relevant conditions.

Clause 87 of the Infrastructure SEPP requires consideration of the *Rail infrastructure Noise Guideline* for development for educational establishment purposes on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration. The Department notes that the proposed PEC would be constructed above the North Shore Rail Line corridor tunnel. The rail tunnel emerges to the surface to the west of the Graythwaite site and to the east of North Sydney Station. The proposal was referred to Sydney Trains and no concerns were raised regarding rail noise or vibration on the proposed development subject to the imposition of a condition of approval requiring an acoustic assessment to be submitted demonstrating compliance with the Department's *Development Near Rail Corridors and Busy Roads - Interim Guidelines* prior to the issue of the relevant Construction Certificate. The Department also notes that the proposed PEC would be replacing an existing gymnasium and that the adjacent existing buildings, such as Barry and Hodges Boarding Houses and BH Travers Centre Stage 1, are currently used for purposes where low internal noise and vibration levels are required, such as for studying and boarding

accommodation. Accordingly, the Department does not consider that the proposed development would be likely to be adversely affected by rail noise or vibration.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

- provide a state-wide planning approach to the remediation of contaminated land;
- identify when consent is required or not required for a remediation work;
- specify certain considerations that are relevant to applications for consent to carry out remediation work; and
- require that remediation work meet certain standards and notification requirements.

Clause 7 of SEPP 55 identifies that a consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated;
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The Applicant submitted a Stage 1 Environmental Site Assessment (ESA) which detailed that soil sampling found evidence contamination, probably related to imported fill, use of pesticides and the use of hazardous building materials. The ESA concluded that the site can be made suitable for the proposed development provided the following recommendations are undertaken:

- carry out additional sampling beneath the existing buildings to confirm the extent of fill and to address identified data gaps;
- prepare a Remediation Action Plan (RAP) to outline remediation measures;
- prepare a Validation Assessment report upon completion of remediation;
- prepare an Environmental Management Plan (EMP) for the ongoing remediation of contamination remaining on site; and
- carry out a Hazardous Materials Assessment for the existing buildings prior to the commencement of demolition work.

The Applicant submitted a RAP that proposed the excavation of fill material from the general site surface and capping of remaining fill. The RAP concludes that the site can be made suitable for the proposed development provided the recommendations of the RAP are successfully implemented.

The Department is satisfied that the investigations undertaken by the Applicant satisfactorily demonstrate that the site can be made suitable for the proposal in accordance with clause 7 of SEPP 55. The Department has recommended conditions requiring a site validation report and site audit statements be prepared by an accredited site auditor prior to and upon completion of the remediation works.

North Sydney Local Environmental Plan 2013 (NSLEP)

The development is consistent with the NSLEP aims to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment.

Consideration of the relevant clauses of the NSLEP is provided in **Table 1**.

Table 1: Consideration of NSLEP

NSLEP Clause	Complies	Department Comment/Assessment
2.1 Land Use Zones		The site is zoned SP2 Infrastructure (Educational Establishment) and R4 High Density Residential.
2.3 Zone Objectives	No	The Land Use Table prohibits the portion of the proposed development located within the R4 High Density Residential zone. Pursuant to clauses 28(1) and (2)(b) of the Infrastructure SEPP, the proposal is permissible within the R4 High Density Residential zone as it is a prescribed zone for the purposes of the Infrastructure SEPP and the land would be developed for the purpose of the extension of the adjoining Shore educational establishment.
4.3 Height of Buildings	No	A maximum building height of 12 m applies to the site. Part of the proposal exceeds the height development standard. The Department is satisfied that the development standards are unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention. See Section 4.2.1 of the report.
4.6 Exceptions to Development Standards	Yes	The Applicant has submitted a written request to seek a variation to the development standards, which provides a justification for the contravention. The Department is satisfied that the development standards are unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention. See Section 4.2.1 of the report.
5.9 Preservation of Trees or Vegetation	Yes	Development consent is being sought to remove 34 trees. All other trees are to be retained on site and would be protected through appropriate tree protection zones and fencing, as recommended by the Arborist Report. The Department considers the proposed removal of the trees to be acceptable and that the offset planting proposed as part of the landscaping for the site would adequately preserve the amenity of the area, including biodiversity values.
5.10 Heritage Conservation	Yes	The site is listed as a heritage item of Local Significance under the NSLEP. The Graythwaite site is listed as a heritage item on the State Heritage Register and by the NSLEP and Upton Grange is listed as a heritage item by the NSLEP. St Peter's Presbyterian Church and Grounds, St Peter's Presbyterian Church Manse, Waiwera (6 William Street, North Sydney) and Waiwera (8 William Street, North Sydney). The site is adjacent to the Union, Bank and Thomas Street Heritage Conservation Area of Local Significance under the NSLEP. A Heritage Assessment and Impact Statement submitted with the application concludes the redevelopment would not adversely impact the heritage significance of the school or adjacent heritage items and conservation areas. The assessment recommends conditions relating to mitigation measures to ensure existing heritage items are protected during demolition and construction works and to minimise potential impacts on the items of heritage significance. OEH (Heritage Division) has also recommended conditions requiring the nomination of an appropriate archaeological consultant, the submission and approval of a HARD and excavation methodology prior to the commencement of ground disturbance, an archaeological program of mitigation being undertaken prior to and/or in conjunction with ground disturbance, the lodgement of final excavation report(s), the nomination of a salvaged relics repository and the preparation of an Interpretation Plan upon. The Department has included the recommendations in the development consent, where relevant.
6.10 Earthworks	Yes	Development consent is being sought for excavation. Subject to conditions, the Department is satisfied that the proposed excavation will not have a detrimental impact on environmental functions and

		processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
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Development Control Plans

It is noted that clause 11 of the SRD SEPP provides that development control plans do not apply to SSD. Notwithstanding, consideration of relevant controls has been given in **Table 2**.

Table 2: Consideration of North Sydney Development Control Plan 2013

DCP Control	Department Comment/Assessment
3.2.1 Topography To ensure that the natural topography and landform are maintained	The proposed development would include extensive excavation to accommodate for the PEC and Bishopsgate Carpark extension. The Department is satisfied that the proposed excavation is appropriate given the slope of the site, the large void space required above the three basketball courts and the need to maintain views to and from the buildings of heritage significance to the north of the site.
3.2.5 Noise To ensure reasonable levels of acoustic amenity to nearby residents.	The Acoustic Report details operational and construction noise management levels. The Acoustic Report demonstrates that construction noise management levels for sensitive receivers would be exceeded. The Applicant proposes several mitigation measures to ensure compliance with operational and construction noise management levels. Several conditions of approval have also been recommended, including the submission of: a CNVMP; details of operational noise mitigation measures; and operational noise monitoring results (both mechanical plant and school events). The Department's assessment has concluded that subject to compliance with the recommended conditions of consent and proposed mitigation measures, operational and construction noise can be appropriately managed. See Section 4.2.3 of the report.
3.2.6 Reflectivity To minimise the impacts by reflected light and solar reflectivity from buildings on pedestrians and motorists.	The Multipurpose Sports Complex would have a greater proportion of solid to void space and the Aquatic Centre, which would include reflective materials, would be located internal to the site.
3.2.7 Artificial Illumination - To minimise the impact of artificial illumination on the amenity of residents and pedestrians. - To provide a safe urban environment without adverse effects on surrounding development or the public domain.	A condition of approval has been recommended requiring external lighting to comply with <i>AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting</i> .
3.2.8 Views - To protect and enhance opportunities for vistas and views from streets and other public places. - To protect and enhance existing views and vistas from streets and other public spaces. - To provide additional views and vistas from streets and other public spaces where opportunities arise.	The Department's assessment has concluded that the scale and design of the proposal would preserve existing district views to and from buildings of historical significance and surrounding landmarks.

3.2.9 Solar Access To ensure that dwellings on adjoining and neighbouring sites have reasonable access to sunlight and daylight.	The shadow diagrams submitted by the Applicant indicate that the proposal would result in overshadowing impacts at 14 William Street and 1 Hunter Crescent and Nos. 212, 214 and 216 Blues Point Road. Between 9 am and 3 pm on 21 June several living rooms in the flat buildings at 14 William Street and 214 Blues Point Road would only maintain approximately two hours of direct sunlight and two living rooms at 1 Hunter Crescent may not maintain two hours of direct sunlight. Nevertheless, the Department's assessment has concluded that the overshadowing impacts on the residential properties are acceptable. See Section 4.2.3 of the report.
3.2.10 Acoustic Privacy To ensure all residents are provided with a reasonable level of acoustic privacy.	A condition of approval has been recommended requiring an acoustic assessment to be submitted demonstrating compliance with the Department's <i>Development Near Rail Corridors and Busy Roads - Interim Guidelines</i> prior to the issue of the relevant Construction Certificate.
3.2.11 Vibration To ensure that workers are not unreasonably impacted upon by vibrations caused by the operation of railways and roadways.	A condition of approval has been recommended requiring an acoustic assessment to be submitted demonstrating compliance with the Department's <i>Development Near Rail Corridors and Busy Roads - Interim Guidelines</i> prior to the issue of the relevant Construction Certificate.
3.2.12 Visual Privacy To ensure that adjoining residents are provided with a reasonable level of visual privacy.	The Department's assessment has concluded that the proposed design of the PEC would effectively minimise any potential visual primacy impacts upon adjacent residential flat buildings. See Section 4.2.3 of the report.
3.3.2 Streetscape To ensure that footpaths, kerb and guttering and street trees contribute to a consistent streetscape.	The amended LDR proposes also planted recesses on the southern and eastern facades of the MSC.
3.3.6 Setbacks - To reinforce the characteristic pattern of setbacks and building orientation within the street. - To control the bulk and scale of buildings. - To preserve the amenity of existing dwellings and provide amenity to new dwellings in terms of shadowing, privacy, views, ventilation and solar access.	The MSC would be setback one metre from William Street, which would be greater than the 0.85 m setback of the existing gymnasium. The Department's assessment has concluded that the proposed bulk and scale of the PEC and Bishopsgate Carpark and the amenity impacts of the proposal on existing dwellings are acceptable. See Sections 4.2.1 and 4.2.3 of the report.
3.3.7 Form, Massing and Scale - The size of new buildings is consistent with surrounding, characteristic buildings and is not significantly larger than characteristic buildings. - The design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality. - That buildings clearly define streets, street corners and public spaces.	The Department's assessment has concluded that the proposed bulk and scale of the PEC and Bishopsgate Carpark would be acceptable for the site. See Section 4.2.1 of the report.
3.3.9 Colours and materials	The Department's assessment has concluded that the proposed materials and finished of the PEC and Bishopsgate Carpark would be acceptable for the site. See Section 4.2.1 of the report.

To ensure new buildings reflect and reinforce the existing and desired character of a locality.	
3.4.6 Excavation - To retain existing vegetation and allow for new substantial vegetation and trees. - To minimise the adverse effects of excavation on the amenity of neighbouring properties. - To minimise excavation and site disturbance so as to retain natural landforms, natural rock faces, sandstone retaining walls and the like and to retain natural water runoff patterns and underground water table and flow patterns. - To ensure the structural integrity of adjoining properties.	The proposed development would include extensive excavation and site disturbance to accommodate for the PEC and Bishopsgate Carpark extension. Notwithstanding, the Department is satisfied that the loss of existing vegetation would be adequately offset by proposed vegetation planting and tree replacement (Section 4.2.1 of the report). Furthermore, the Department is satisfied that subject to the imposition of the proposed mitigation measures and recommended conditions of approval, noise and vibration associated with the proposed excavation can be appropriately managed (Section 4.2.3 of the report).
3.4.7 Landscaping - Landscaping and planting satisfies minimum performance standards and is sustainable and appropriate to the site. - Landscaping should not adversely impact upon the amenity and usability of adjoining properties. - To encourage biodiversity conservation and ecological processes.	The Department considers the landscape design would create high quality spaces and provide further opportunities for learning and socialisation. See Section 4.2.4 of the report.
9.4 General Signage Controls – Design, Scale and Size To ensure that signage does not detract from the architecture of existing buildings, streetscapes and vistas	The proposed sign comprises the Shore school crest. The proposed sign has been integrated into the design of the building and the shell element of the crest has been incorporated into the ceiling forms of the PEC. The scale of the proposed sign is also modest relative to that of the southern façade of the MSC, to which it would be affixed. The proposed sign is not considered to detract from the architecture of the existing buildings, streetscapes or vistas.
9.6 Signage Restrictions - To avoid visual clutter and the proliferation of signs. - To ensure that advertisements relate to the use of the land on which they are located. - To preserve residential character, streetscapes and vistas	The proposed sign is permissible as it is considered business identification signage.
9.9 Signs on Heritage Items and in Conservation Areas To ensure signage does not impact on the ability to conserve the significance of heritage items and/or conservation areas.	Whilst the single proposed sign would be affixed to the side wall of the Multipurpose Sports Complex, the building would be contemporary in design and distinct from existing buildings of heritage significance. The sign would also display the traditional Shore crest. The proposed sign is not considered to impact on the ability to conserve the significance of heritage items within or adjacent to the site.
9.11 Controls For Specific Sign Types	A single 4.6 sqm sign would be would be affixed to the southern façade of the Multipurpose Sports Complex and would be integrated into the design of the building.

To minimise the visual impacts on the quality of vistas, streetscapes and skylines.	
10.2.1 Parking Provision The maximum parking rate for educational establishments is 1 space per 6 staff	Existing parking provision substantially exceeds the maximum parking rate. Whilst 23 informal existing parking places would be relocated into the extended Bishopsgate Carpark, no additional parking provision is proposed. The Department's assessment has concluded that the existing school parking provision is capable of accommodating for any minor additional parking demand that the two additional staff may generate. See Section 4.2.2 of the report.
10.6 Green Travel Plans To encourage employees within an organisation to make greater use of public transport, cycling, walking and car sharing for commuting and work related journeys.	The proposal would generate two additional staff and the Applicant submitted an amended GTP which identifies a targeted 31 per cent reduction to 33 per cent private car (single occupant) mode share for staff. See Section 4.2.2 of the report.
13.3 Archaeology - Acknowledge the importance of archaeology as part of North Sydney's heritage resources. - Minimise potential for interference with archaeological heritage as a result of development by encouraging relics to be preserved in-situ.	The Department's assessment has concluded that subject to the implementation of the mitigation measures detailed in the Applicant's HAIS and the recommended conditions of approval, the site's existing archaeological heritage would be adequately maintained during construction and operation. See Section 4.2.4 of the report.
13.4 Development in the vicinity of heritage items Ensure that new work is designed and sited so as to not detrimentally impact upon the heritage significance of the heritage item and its setting.	The Department's assessment has concluded that subject to the implementation of the mitigation measures detailed in the Applicant's HAIS, the built heritage impacts of the proposal to be acceptable. See Section 4.2.4 of the report.
13.5 Protecting Heritage Significance - Ensure changes to heritage items are based on an understanding of the heritage significance of the heritage item. - Allow change to occur to heritage items to meet amenity and contemporary safety, sustainability or technological standards, provided that those changes are sympathetic to and does not detrimentally affect the heritage significance of the heritage item. - Ensure significant features of heritage items are retained and that development is sympathetic to these features with particular regard to bulk, form, style, character, scale, setbacks and materials. - Acknowledge changes over time to heritage items, as subsequent layers may also be of significance.	The Department's assessment has concluded that subject to the implementation of the mitigation measures detailed in the Applicant's HAIS, the built heritage impacts of the proposal to be acceptable. See Section 4.2.4 of the report.

• Encourage reinstatement of missing details and the removal of past unsympathetic changes, to improve overall outcomes to the heritage significance of the heritage item.	
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APPENDIX C GLOSSARY

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that 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. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Section 79C Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Note. See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Note. The consent authority is not required to take into consideration the likely impact of the development on biodiversity values if:

- (a) the development is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995), or*
- (b) a biobanking statement has been issued in respect of the development under Part 7A of the Threatened Species Conservation Act 1995.*

APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
