

3 April 2019

Prity Cleary
Assessment Officer
NSW Department of Planning and Environment

(By email: via email at Prity.Cleary@planning.nsw.gov.au)

Dear Prity,

Re: SCEGGS Darlinghurst Concept and Stage 1 DA
Property: SCEGGS Darlinghurst (as described by the EIS)

We are instructed by the East Sydney Neighbourhood Association (ESNA Inc.), representing concerned residents with the vicinity of SCEGGS, to review the SSD application and make submissions for the consent authority's consideration under section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 (EPA Act).

Executive Summary

There are two elements to the proposal:

1. The broad master plan, and
2. The stage 1 works.

Both the masterplan and the stage 1 works **will increase the capacity of the school facilities by 24.44%.**

The core statement of present intent within the EIS, and the basis upon which the Department are asked to assess the proposal, is the assumption that:

"The proposed redevelopment is not intended to increase the existing student population of the School nor to increase the site area of the campus.¹"

Despite this statement of present intent, when assessing the environmental impacts, the Department must consider the capacity of new works and that they are "**able to accommodate**" more students.

The EIS also asks that an environmental assessment proceed on the basis that:

"The future use of the multi-purpose building proposed above will be confirmed as part of a subsequent detailed DA for the construction, operation, and fit out of the building however could accommodate an information and research centre (contemporary library), early learning centre (maximum 90 children), classrooms and general learning areas, meeting rooms, and/or a swimming pool. The ultimate potential functions proposed within the building are however defined and sought within this SSD DA as '**educational establishment**' and '**early education and care facility**'.²"

The reality is, SCEGGS could within the definitions in bold above accommodate more students, early education or care places. Even within the potential mix between these uses there are

¹ Page ii of the EIS

² Pages ii to iii of the EIS

greatly different environmental impacts between a school, child care type uses and other ordinarily ancillary uses.

If one accepts that the uses of the buildings and future buildings will be for an '*educational establishment*' and '*early education and care facility*' then the assessment must proceed on a precautionary basis that these uses permit more students and the capacity increase facilitated by the proposed 24.44% increase.

Assuming a worst case environmental impact, a 24.44% increase in the capacity of SCEGGS could result in corresponding 24.44% increase in the student number above the current population of 942 students. [Insert footnote with source-] SCEGGS' capacity would, on this assumption increase to 1,170 students.

In most cases it can be expected that consent authorities will approve an application to use a site for a permissible use, provided of course the design of the project results in acceptable environmental impacts.

One can only determine the environmental impacts with a clear understanding of the use or mix of uses actually proposed.

The environmental impacts are uncertain, as the nature of the proposed uses will only be "confirmed as part of a subsequent detailed DA".

The proposed gross floor area (GFA) is able to accommodate an increase in the student population and this could include anything permissible as '**educational establishment**' and '**early education and care facility**'. Further, to serve the needs of this increased student population there must also be a corresponding increase in the number of teachers, administrative staff and maintenance staff required, and the impacts of those increased numbers must also be assessed and considered, given that they are likely impacts of this concept proposal.

If the Department is expected to accept and give determinative weight to the statement of present intent that "*is not intended to increase the existing student population*", the proposal must in our opinion detail the exact use of the additional facilities and those elements of the new buildings proposed to be used for each purpose.

If one accepts the statement of present intent that "redevelopment is not intended to increase the existing student population of the School", the detailed uses must exclude additional class room space for school or early education or care. The EIS does not expressly rule out such future uses. It is a vague statement of present intent that cannot be given any weight in a proper environmental assessment.

It is our submission that the EIS's proposition that the assessment should proceed upon the assumption that it is "not intended to increase the existing student population", is not the proper starting point for any environmental assessment.

The exact uses being unknown, the environmental assessment is incapable of determining the environmental impacts. Environmental assessment must be final and certain. In the absence of certainty the Department should ignore the statement of present intent and proceed to assess the likely impacts of the concept proposal on the basis that these new facilities are **able to accommodate** a significant increase in the school population.

The Applicant must in our opinion be asked to provide a revised EIS and supporting reports that set out the Environmental Impacts of the proposal assuming that these new facilities are **able to accommodate** a significant increase in the school population. The capacity of the proposed

facilities must be quantified. Traffic, parking and Noise impacts in particular must be assessed on this basis.

































































Critically, the ability to accommodate criterion is given effect pursuant to clause 57(a)(i) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 which provides that development for an educational establishment **able to accommodate** 50 or more additional students, that involves an enlargement or extension of existing premises, or new premises, **is traffic generating development**. The EIS makes no reference to "Traffic Generating Development". The EIS make no assessment under clause 57 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017.

The Traffic Engineering Report, Annexure K to the EIS, does not address clause 57 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 and its only reference to Traffic Generating Development is at p.36:

"Finally, it is noted that the potential for a child care centre would have the potential to generate up to 72 vehicle trips per hour, based on application of trip rates under the RMS Guide to Traffic Generating Developments (0.8 vehicle trips per child per hour during the AM peak period). These impacts have not been modelled as the centre is not formally proposed as part of the Concept Masterplan, however it is noteworthy that the critical intersections of Liverpool Street at Bourke Street and Forbes Street operate well at a Level of Service of B and A respectively under 2018 conditions."

Documentation Reviewed

In making this submission we have reviewed the following documents:

-  Appendix A_ SEARS.pdf
-  Appendix B_ CIV Report.pdf
-  Appendix C_ Architectural Design Report_Part1.pdf
-  Appendix C_ Architectural Design Report_Part2.pdf
-  Appendix C_ Masterplan Architectural Plans_Part1.pdf
-  Appendix C_ Masterplan Architectural Plans_Part2.pdf
-  Appendix C_ Masterplan Architectural Plans_Part3.pdf
-  Appendix C_ Masterplan Architectural Plans_Part4.pdf
-  Appendix C_ Masterplan Architectural Plans_Part5.pdf
-  Appendix C_ Masterplan Architectural Plans_Part6.pdf
-  Appendix C_ Masterplan Architectural Plans_Part7.pdf
-  Appendix C_ Masterplan Architectural Plans_Part8.pdf
-  Appendix C_ Masterplan Architectural Plans_Part9.pdf
-  Appendix C_ Wilkinson House Detailed DA Plans_Part1.pdf
-  Appendix C_ Wilkinson House Detailed DA Plans_Part2.pdf
-  Appendix D_ Survey Plan.pdf.html
-  Appendix E_ Landscape Plan_Part1.pdf.html
-  Appendix E_ Landscape Plan_Part2.pdf
-  Appendix E_ Landscape Plan_Part3.pdf
-  Appendix F_ Civil Plans.pdf
-  Appendix G_ Stormwater Management Plan.pdf
-  Appendix H_ Wilkinson House Options Analysis_Part1.pdf
-  Appendix H_ Wilkinson House Options Analysis_Part2.pdf
-  Appendix H_ Wilkinson House Options Analysis_Part3.pdf
-  Appendix H_ Wilkinson House Options Analysis_Part4.pdf
-  Appendix I_ Heritage Impact Statement.pdf
-  Appendix J_ Archaeological Assessment.pdf
-  Appendix K_ Traffic Impact Assessment_Part1.pdf
-  Appendix K_ Traffic Impact Assessment_Part2.pdf
-  Appendix L_ Arboricultural Impact Assessment.pdf
-  Appendix M_ Biodiversity Assessment.pdf
-  Appendix N_ Acoustic Assessment.pdf
-  Appendix O_ ESD Assessment.pdf
-  Appendix P_ Preliminary Construction Management Plan.pdf
-  Appendix Q_ Geotechnical Assessment.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part1.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part2.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part3.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part4.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part5.pdf
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-  Appendix R_ Phase 1 Contamination Assessment_Part10.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part11.pdf
-  Appendix R_ Phase 1 Contamination Assessment_Part12.pdf
-  Appendix S_ Structural Certificate.pdf
-  Appendix T_ Waste Management Plan.pdf
-  Appendix U_ Infrastructure Services Report.pdf
-  Appendix V_ BCA Assessment.PDF
-  Appendix W_ Accessibility Assessment.PDF
-  Appendix X_ View Impact Assessment.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part1.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part2.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part3.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part4.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part5.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part6.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part7.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part8.pdf
-  Appendix Y_ Pre-Lodgement Consultation Report_Part9.pdf
-  CATALOGUED IMAGE INDEX OF FIGURES.pdf
-  Environmental Impact Statement.pdf
- Land Owners Consent and Political Disclosure.pdf

Demand for Student Places

The NSW Department of Education's most recent high level advice is:

"NSW is experiencing extraordinary population growth in Sydney and major regional centres.

On current trends, Sydney's population will double in size in just over 40 years. To put this growth into context, for more than 30 years, NSW public education has had relatively stable student numbers. We are now seeing the first major increase in the school-age population since the Baby Boom of the 1950s.

We need to build, upgrade and maintain our school infrastructure to plan for the growing number of student places required:

- There will be a massive 21% growth in student numbers by 2031. This means NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system.
- 80% of growth will occur in Sydney – particularly in urban growth areas
- In many rural communities there will be population changes as families move to regional centres and larger cities. Other centres will grow and the needs of local student populations will change
- Sydney's population projections indicate growth will continue over the next 30 years – the equivalent of 7,200 extra classrooms by 2031.³

SCEGGS has a waiting list and there is no doubt that demand for SCEGGS enrolments is high, as reported by the SMH, Pallavi Singhal, April 24, 2018. There is no doubt that there is pressure upon all schools to increase student numbers.

This is confirmed beyond doubt by the SCEGGS Annual Report 2017:

*"For many years the School has been fully enrolled with extensive waiting lists for all years; particularly our intake years, Kindergarten, Years 3 and 7. On average, 80% of our students remain at the School for the duration of their Secondary schooling."*⁴

³ <https://www.schoolinfrastructure.nsw.gov.au/about-us/The-school-infrastructure-challenge.html>

⁴ https://sceggs.nsw.edu.au/images/Main_Website/PDF/SCEGGS_Annual_Report.pdf

Funding

We submit at the highest level that it is disingenuous for the Applicant to ask the Department to assess the proposal on the basis that "*is not intended to increase the existing student population*", whilst the EIS states the CIV is more than \$20 Million (p.iii of the EIS).

The Quantity Surveyors Cost Assessment (**Appendix B** of the EIS) provides that the CIV will be **\$49,374,200**. It is not until p.44 of the EIS that clause 7.2 acknowledged that the CIV is more than double the \$20 million.

The Department are being asked to accept that SCEGGS will spend **\$49,374,200** and will not seek to increase the student population to fund these works.

If one accepts this statement of present intent, SCEGGS is intending to invest \$52,414.23 for each of the exiting 942 students on improving facilities, but not to increase the number of students.

The funding model for private schools, and increasingly public schools, includes a heavy reliance upon student fees. Again, it is disingenuous for the Applicant to ask the Department to assess the proposal on the basis that "*is not intended to increase the existing student population*".

The SCEGGS 2017 Annual Report (p.28-29) aptly demonstrates funding issues:

"Commercial Management

- SCEGGS has an open and transparent governance structure and applies best practice rules and procedures to manage compliance with Corporations' Law.
- SCEGGS built on its strong fiscal position through continued prudent financial management including ongoing reviews of the School's operating procedures and conducting regular competitive tenders for its goods, services and financing arrangements.
- Over the past 20 years, the SCEGGS Trust has raised over \$8.6 million for the School. Drawing on the support of the Old Girls, parents and friends of the school, philanthropy has been encouraged throughout our school community with a successful Bequest Program, Annual Giving, Capital Campaigns and donations to the Scholarship Fund. Continuing on from previous years, this year the Shining Light Program focused on the Scholarship Fund. SCEGGS has along commitment to social justice, diversity and opportunity and the SCEGGS Scholarship Fund provides opportunities to girls who would not otherwise be able to access a SCEGGS education. The SCEGGS community received \$4.2 million for the Scholarship Fund in 2017.
- The school has a formal WHS policy that reflects the WHS Act and regulations. The School's Board, staff and contractors actively support the policy.
- WGEA (Workplace Gender Equality Agency) was well received.
- The School continued to maintain good relationships with the local community."

Taking a precautionary approach reinforces why the alternative assumption should be made.

The credible alternative assumption is that student numbers will increase to fund the **\$49,374,200** expenditure on the new '**educational establishment**' and '**early education and care facility**'.⁵

⁵ Pages ii to iii of the EIS

Heritage

The demolition of Barham additions (1907-1922), Chapel Building additions (1909-1926), Old Gymnasium (1925), and Wilkinson House (1926) does not respond to and enhance the positive qualities of their setting, landscape and heritage and will not meet the objectives of clause 5.10(1) of Sydney Local Environmental Plan.

The SCEGGS Darlinghurst site is identified as a local heritage item (no. I301) within the C13: East Sydney Conservation Area. It is also located within the vicinity of a number of local and state significant heritage items. The I301 listing is "Sydney Church of England Girls Grammar School group including Barham, Church Building and Wilkinson House and their interiors and grounds".

The EIS's Heritage Impacts statement purports to address the objectives as follows:

"The proposed Stage 1 redevelopment design for Wilkinson House achieves the objectives of this clause through the:

- retention of views through Forbes Street and St Peters Street
- establishment of a building of a similar height and mass to the preceding Wilkinson House
- establishment of a building which reinforces the street alignment of Forbes Street and St Peters Street"

The EIS and Annexure I - Heritage Impact Statement does not demonstrate how the proposal conserves the environmental heritage of the City of Sydney and conserves the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The proposal does not justify a better heritage outcome for the site by the demolition proposed.

Clause 8.1.1 of the EIS - Figure 6 and Figure 7 of the EIS , contends that the new building will be of "similar height and mass to the preceding Wilkinson House". This is not a correct statement of the facts.

The proposal is significantly higher and bulkier than the existing Wilkinson House.

Amenity Impacts

- **Generally** - the real impacts of the development must be assessed having regard to the impacts of:
 - the additional capacity is 3,123.3m² in GFA (there is no environmental impact assessment of the proposed 24.44% increase in the capacity of SCEGGS), this in turn affects traffic, parking and noise amenity impacts in particular.
 - the breach of the Height of Building, this affects visual impacts within the setting and will increase shadows cast upon neighbours in particular. The impacts of shadows cast from elements breaching the HOB are not detailed.
 - Clause 5.10 of the LEP with respect to "conservation" –the Heritage Impacts Statement does not provide sufficient evidence that the proposal will conserve the listed items in a better way than other options.
 - SEPP Education design principle 1 " Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage."
 - SEPP Education design principle 5 " Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood."

- **Traffic & Parking** - Appendix K Traffic Impact Assessment to the EIS dismisses any traffic or parking impacts as follows:

"In summary of the Concept Masterplan, there will be a **net increase of 3,123.3m² GFA** but importantly, no increase in either staff or student numbers, with the new facilities focussed on the delivery of improved functionality, efficiency and amenity."p.29

"In summary for Stage 1, there will be a net increase of 163.1m² GFA but importantly, as with the Concept Masterplan, there will also be no increase in either staff or student numbers for Stage 1."p.30

"The Development Application will not seek to change the number of students or staff and as such an assessment on the trip generating potential of the school is not considered warranted."p.53

The only element of the above statement we agree with is "importantly".

Importantly, the additional GFA of 3,123.3m² proposed is able to accommodate a significant increase in capacity for the student population.

- **Noise** - The acoustic report makes no reference to the number of students. The report is technical in nature. I would provide this to Steven Cooper to pull apart. And again the assessment of noise impacts must also be on the basis that the net increase of 3,123.3m² GFA must increase the capacity and this must have some effect upon noise impacts upon neighbours.

- **Overshadowing** - The EIS states "The proposed buildings have been designed to limit overshadowing of adjacent properties and view impacts are reasonable in the circumstances of this particular site (Refer Section 8.1.2 of this EIS). Where impacts to properties to the south are unavoidable from a reasonable built form due to site orientation and existing setbacks we note these impacts are largely resulting from a compliant building height in that location."

The more accurate statement is that shadows cast by the additional HOB above the existing building heights cast additional shadows and further reduce solar access to additional properties further south of the site.

Principle 5—amenity- of the Education SEPP provides- Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Principle 1—context of the Education SEPP requires that, built form and landscape must "enhance the positive qualities of their setting, landscape and heritage". The proposal does not achieve this requirement because...

- **Views** – There has been insufficient time to undertake a detailed Tenacity Assessment of loss of views applying the planning principle in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 at 25-29 from the affected neighbouring properties. I am instructed that there are views lost as a result of the elements proposed above existing building heights and breaching the LEP HOB. Further, despite clause 42 of the Education SEPP and its interaction with the HOB development standard in the LEP, , clause 35(6) of the Education SEPP nevertheless requires the design quality of the development to be evaluated in accordance with the design quality principles set out in Schedule 4.

Critical Design Principles for the Neighbourhood- Education SEPP

The Education SEPP sets out a number of mandatory relevant considerations for the consent authority in Schedule 4.

- **Principle 1—context, built form and landscape**

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

This proposal does not enhance the positive qualities of the setting, landscape or heritage. It results in the destruction of heritage and will have negative impacts on the landscape and will significantly impact views. There is no evidence of any attempt to minimise impacts on views, which will result from non-compliance with the HOB provisions of the LEP.

Principle 7— aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

The current proposal does not achieve compliance with these principles. It will have a negative impact on the heritage character of the neighbourhood, will breach the statutory HOB limits and will reduce the quality and sense of identity of the neighbourhood by removing longstanding items of heritage, which are an inherent part of the neighbourhood character.

Traffic Generating Development

Pursuant to clause 57(a)(i) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 development for an educational establishment **able to accommodate** 50 or more additional students, that involves an enlargement or extension of existing premises, or new premises, is traffic generating development. We submit that this proposal is Traffic Generating Development.

The Macquarie dictionary describes able in this context:

“4. **be able to**, to have the **capability or capacity** to:...”

Therefore, the test is not about an applicant's stated intention, rather it is about the capability or capacity of the Gross Floor Area to enable SCEGGs to increase student numbers.

The words in clause 57 “**able to accommodate**” provide a very important statutory and environmental planning assessment principle.

This principle is that irrespective of any statement of present intent that “is not intended to increase the existing student population”, such statements of present intent are an irrelevant consideration as to whether the proposal is **able to accommodate** additional students.

The additional GFA for any use within the definition ‘**educational establishment**’ and ‘**early education and care facility**’ is “**able to accommodate**” a significant increase in the student population, despite SCEGGs statement of present intent.

The EIS and the supporting reports appended to the EIS, all rely heavily upon the assumption by those providing reports that “is not intended to increase the existing student population.”

Clause 57 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017 mandates that the basis for the proper assessment of traffic and parking impacts is the ability of the proposal to accommodate more students.

Ability stems from the building's capability or capacity.

Clause 57(3)(c) requires among other statutory considerations that the consent authority must take into consideration:

“**any** potential traffic safety, road congestion or parking implications of the development.”

Appendix K Traffic Impact Assessment to the EIS dismisses any traffic or parking impacts as follows:

“In summary of the Concept Masterplan, there will be a net increase of 3,123.3m² GFA but importantly, no increase in either staff or student numbers, with the new facilities focussed on the delivery of improved functionality, efficiency and amenity.”p.29

“In summary for Stage 1, there will be a net increase of 163.1m² GFA but importantly, as with the Concept Masterplan, there will also be no increase in either staff or student numbers for Stage 1.”p.30

“The Development Application will not seek to change the number of students or staff and as such an assessment on the trip generating potential of the school is not considered warranted.”p.53

The only element of the above statement we agree with is “importantly”.

Importantly, the additional GFA of 3,123.3m² proposed is **able to accommodate** a significant increase in the student population.

The EIS and the Appendix K Traffic Impact Assessment report do not allow the DPE to properly consider traffic safety, road congestion or parking implications because the Traffic Impact Assessment relies upon the statement of present intent and is not found upon the statutory requirements of clause 57(a)(i) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017. The proposal is traffic generating development.

Part 7 Clause 57 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

57 Traffic-generating development

(1) This clause applies to development for the purpose of an educational establishment:

(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and

(b) that involves:

(i) an enlargement or extension of existing premises, or

(ii) new premises,

on a site that has direct vehicular or pedestrian access to any road.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and

(b) take into consideration the matters referred to in subclause (3).

(3) The consent authority must take into consideration:

(a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(b) the accessibility of the site concerned, including:

(i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(ii) the potential to minimise the need for travel by car, and

(c) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

Consultation

The SEAR's required an appropriate level of consultation with community groups and affected landowners.

At page xiii of the EIS, the EIS Refers **Appendix V** and **Section 3** of the EIS. Appendix V is the BCA Report and not relevant to the SEAR's requirements for an appropriate level of consultation with community groups and affected landowners.

We have instead reviewed Appendix Y being the Consultation Outcomes Report in nine (9) parts.

What is the proper planning approach to the assessment of the impacts?

A salient objection to another prominent school's expansion, Shore at North Sydney by Julie Bindon, the founding partner and managing partner of JBA, now Ethos Urban (a highly respected town planner and Acting Commissioner of the Court for the period commencing 21 December 2018) stated, in objections to the expansion of Shore at North Sydney:

"I strongly object to any proposal until:

- a) The number of additional students is reduced to a level that can be sustained on the site in terms of containing its impact on the locality;
- b) All loading and unloading of students, whether by private vehicle or by coaches used by the School must be contained on the School's land in a safe manner that does not impact on the local street system. The current proposal fails to do so."

... AND ...

"It is a long-standing planning principle that development must internalise or contain its own impacts where it is at all possible. In this case, there is no sound reason for externalising the significant impacts of the traffic generated by students drop off and pick up, and by the Schools coaches. The use of local narrow streets for these school purposes impacts on the operation of the affected streets, and the resultant congestion is excessive and dangerous".

The proper planning approach is that:

1. The capacity informs the calculation of the number of students,
2. The impacts must be determined having regard to the number of students able to occupy the school, and
3. Development impacts must internalise or contain its own impacts where it is at all possible

Determination

The DPE can:

1. Recommend to the Minister that the proposal be refused:
 - a. the EIS and supporting reports have not adequately addressed the SEARs. The Traffic and Parking report fails to adequately address existing and proposed transport, traffic and parking impacts or adequately address how these impacts will be managed as required by the SEARs.
 - b. the impacts of any further increase in GFA are unacceptable given the existing traffic and parking impacts associated with SCEGGS and the EIS and its supporting reports cannot reasonably rely upon "statements of present intent" that there is no intent to increase in student or staff numbers.
 - c. The EIS relies heavily upon statements of present intent "The proposed redevelopment is not intended to increase the existing student population of the School nor to increase the site area of the campus.⁶"
 - d. Pursuant to clause 57(a)(i) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 development for an educational establishment **able to accommodate** 50 or more additional students, that involves an enlargement or extension of existing premises, or new premises, **is traffic generating development**. The EIS and the traffic and parking report does not address this requirement.
 - e. The EIS does not demonstrate that Transport, Traffic and Parking impacts are acceptable.
 - f. There is a further significant short fall in required onsite parking if one accept that the educational establishment **able to accommodate** more students than the existing 942.
2. Recommend to the consent authority that the proposal be approved despite our objections above and by others:

⁶ Page ii of the EIS

- a. Subject to a deferred commencement condition that the consent is not to operate until the applicant satisfies the Planning Secretary, in accordance with the regulations, as to any matter specified in the following condition.
- b. The deferred commencement condition should be imposed as follows:

"Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act* 1979 this consent is deferred and does not operate until SCEGGs have satisfied the Planning Secretary that the maximum number of students enrolled does not exceed a student cap of 942 for the site.

We submit the proposal should be refused as the EIS and the supporting reports, based upon assumptions do not undertake the required statutory assessment (particularly as the rely upon statements of present intent relating to the intensity of the use despite a significant increase in capacity).

We submit, if it is not refused, that any approval should be subject to the deferred commencement condition above. There should be a student cap of 942 students imposed upon any consent of the applicant's statement of present intent is the core assumption upon which the Department assess the proposal.

In the circumstances of this application, if SCEGDs are genuine in their statement that "*is not intended to increase the existing student population of the School nor to increase the site area of the campus*", this statement can only be read to mean no increase beyond the existing 942 students.

If any consent is granted it must include a new conditions expressly imposing the cap.

Please don't hesitate to contact me on 0408 463 714 or by email brett@daintry.com.au.

Yours faithfully,



Brett Daintry, MPiA, MAIBS, MEHA
Director