



3 March 2022  
Contact: Richard Seaward

Ref: WTJ22-024-MOD2

Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

**Attention: Aditi Coomar**

**SECTION 4.55(1A) MODIFICATION APPLICATION TO MODIFY SSD 10371  
TRINITY GRAMMAR SCHOOL  
119 PROSPECT ROAD AND 50-52 SEAVIEW STREET, SUMMER HILL  
LANDSCAPING AMENDMENT**

## **1. INTRODUCTION**

Dear Aditi,

This Section 4.55(1A) Modification Application is submitted to the Department of Planning and Environment (DPE) on behalf of Trinity Grammar School (the School) in support of the amendments to **State Significant Development (SSD-10371)** for the redevelopment of Trinity Grammar School. In accordance with Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the proposed changes shall result in minor environmental impact for the reasons outlined throughout this report.

Approval for **SSD-10371** was granted 24 September 2021 for:

*Alterations and additions to Trinity Grammar School in construction stages and changes to staff and student numbers comprising:*

- *demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;*
- *construction of a:*
  - *new building with a basement known as the T&L Building;*
  - *new Multi-Purpose Pavilion; and*
  - *new Maintenance Building on Seaview Street;*
- *alterations and additions to existing buildings to create a Performing Arts Building;*
- *refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;*
- *extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection;*
- *associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;*
- *staged increase in student numbers from 1,500 to 2,100 and increase in FTE staff from 277 to 321.*

The development consent for **SSD-10371** is contained within **Appendix 1**.



This application represents the second modification to **SS-10371**. Modification 1 (**MOD1**) relates specifically to rationalising student numbers at the Site and is currently under assessment by DPE.

This modification – **MOD2** is proposed in order to rationalise the approved landscaping. The purpose of this modification is to amend the approved landscaping plans which have evolved as a consequence of design changes following design development and project coordination. The modification to the landscaping comprises:

- Increased trees to border planting areas along the boundary of the Site to Oval 1;
- Planters to Oval Terraces and Music Hall comprising revised planter design and repositioning to accommodate planer soil volumes and capacities;
- Increased trees to Victoria Street, Oval 3 and Oval 2 boundaries to provide perimeter canopy to the Site; and
- Tree replacement (two trees) to the Chapel Drive frontage to accommodate an improved entrance to the School's main entrance.

Further details of the proposed modification can be found in **Part B** of this Letter.

This Section 4.55(1A) Modification Application is structured as follows:

- **Part A** Preliminary
- **Part B** Proposed Development
- **Part C** Legislative and Policy Framework
- **Part D** Key Matters for Consideration
- **Part E** Conclusion

Attached to this submission are the following specialist reports and plans:

- **Appendix 1** – Development Consent SSD 10371
- **Appendix 2** – Landscaping Plans
- **Appendix 3** – Corresponding Architectural Plans
- **Appendix 4** – Schedule of Stamped Plans
- **Appendix 5** – Arboricultural Report
- **Appendix 6** – Heritage Impact Statement





## PART A PRELIMINARY

### 1.1 INTRODUCTION

This application seeks consent for modifications to the approved **SSD-10371** pursuant to Section 4.55(1A) of the EP&A Act. Specifically, the proposed modification seeks consent to amend the following:

- Increased trees to border planting areas along the boundary of the Site to Oval 1
- Planters to Oval Terraces and Music Hall comprising revised planter design and repositioning to accommodate planer soil volumes and capacities;
- Increased trees to Victoria Street, Oval 3 and Oval 2 boundaries to provide perimeter canopy to the Site; and
- Tree replacement (two trees) to the Prospect Road frontage to accommodate an improved entrance to the School's main entrance.

The proposed development does not present any significant environmental impacts and the proposal will remain substantially the same as that approved under the original application. There will be no change to the use of the Site or material amendments to the approved built form. The proposal will prominently reflect the original consent and will relate specifically to landscaping.

Development Consent under Section 4.55(1A) of the EP&A Act states:

(1A) *Modifications involving minimal environmental impact*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*
- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a*

This application represents the second modification to **SSD-10371** and is proposed in order to rationalise the landscaping arrangements at the Site as the development plans have evolved and adapted.

The purpose of this modification is to substitute the stamped landscaping plans and ensure the conditions of consent are not prohibitive to the landscaping arrangements at the School or materially impact on the historical context of the adjacent Headmasters House which is identified as a heritage item.

It is noted that no substantial impact is proposed to the environment or amenity of surrounding development is to result. The proposed development is considered to be substantially the same as required by Section 4.55(1A). Accordingly, it is considered that Section 4.55(1A) is the most appropriate mechanism for the proposed modifications to the consent.





## **1.2 SITE DESCRIPTION**

The subject of this modification is the Trinity Grammar School, Summer Hill Campus on land identified as 119 Prospect Road Summer Hill (Lot 11 DP 1171965, Lot 16 DP15765, Lot 17 DP 15765, Lot 5 DP 15765 and Lot 6 DP 15765).

The Summer Hill campus incorporates a junior, middle and senior schools, accommodating students from Kindergarten to Year 12. Existing facilities contained within the campus include, but are not limited to, the following:

- General learning facilities and specialised subject-specific facilities;
- Junior School;
- Assembly hall;
- Library;
- Administration facilities;
- Indoor sports centre;
- Centenary Aquatic Centre and swimming pools;
- Three (3) ovals and external basketball courts; and
- Underground carparking (located below Ovals 2 and 3).

The primary vehicular access to the campus is facilitated via Victoria Street, with vehicular access to the underground staff, student and visitor carparks (which also incorporate drop-off/pick-up facilities) provided via two separate access points on Victoria Street. Limited vehicular access is also available via Prospect Road in proximity to the proposed amendments to the landscaping. The main pedestrian access to the School is from Prospect Road, where bus zones are located. Restricted pedestrian access is also available from Victoria Street and Seaview Street at certain times.

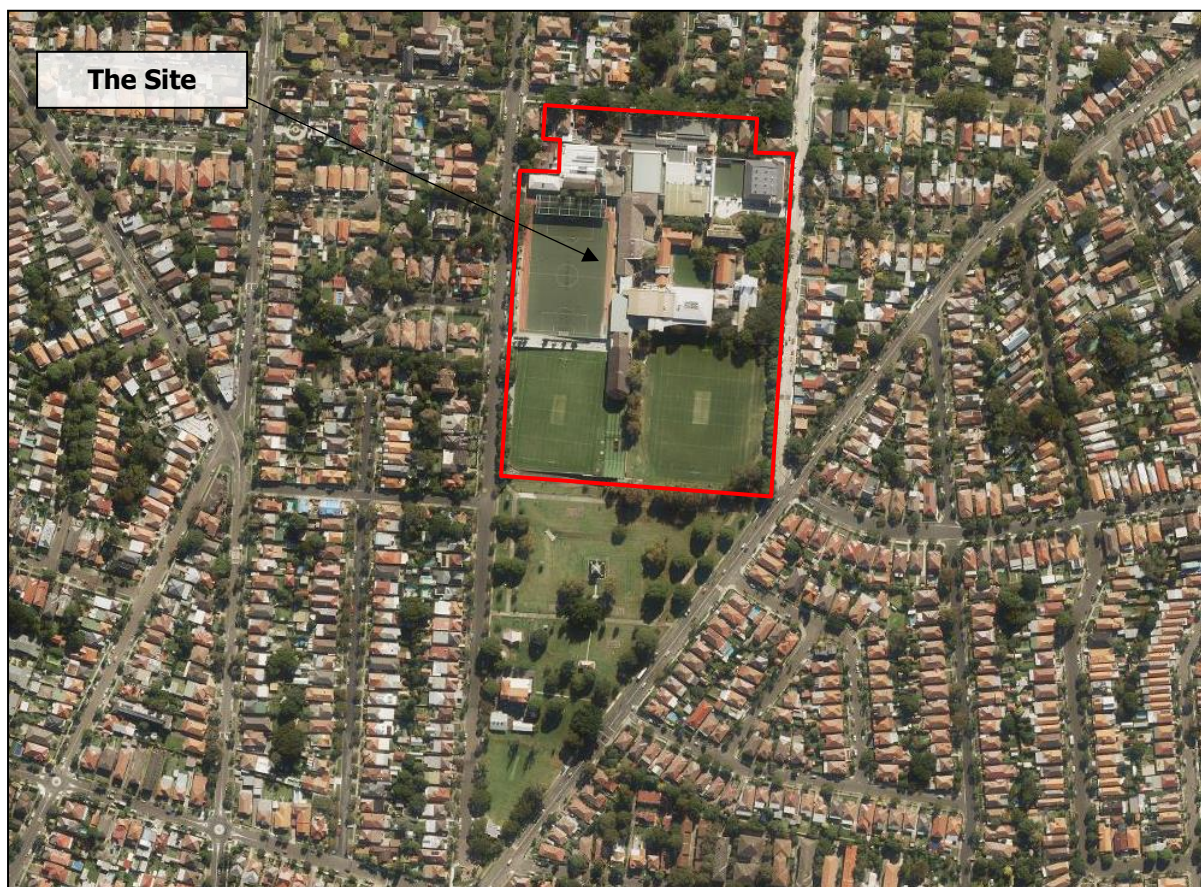
The School offers of a broad range of sporting activities supported by its three playing fields. Oval 1 faces onto Prospect Road and Yeo Park, Ovals 2 and 3 contain car parking below which is accessed off Victoria Street.

The location of the Site and existing development are depicted in **Figures 1 and 2**.





**Figure 1. Cadastral Map (Source: SIX Maps, 2020)**



**Figure 2. Aerial of the Site (Source: Six Maps, 2020)**



### 1.3 DEVELOPMENT HISTORY

Approval for **SSD-10371** was granted 24 September 2021 for:

*Alterations and additions to Trinity Grammar School in construction stages and changes to staff and student numbers comprising:*

- *demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;*
- *construction of a:*
  - *new building with a basement known as the T&L Building;*
  - *new Multi-Purpose Pavilion; and*
  - *new Maintenance Building on Seaview Street;*
- *alterations and additions to existing buildings to create a Performing Arts Building;*
- *refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;*
- *extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection;*
- **associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;**
- *staged increase in student numbers from 1,500 to 2,100 and increase in FTE staff from 277 to 321.*

**(Bold and underlined – our emphasis)**

Review of **SSD-10371** indicates that there is nothing which prevents the proposed modification from proceeding. It is noted that landscaping is cited in the development description and landscaping amendments are included within this modification submission.





## PART B PROPOSED DEVELOPMENT

### 2.1 PROPOSED MODIFICATIONS & JUSTIFICATION

Trinity Grammar School seeks to amend Development Consent **SSD-10371** to revise the landscaping plans to rationalise the planting which is a result of rationalisation of design development and coordination.

#### 2.1.1 Landscaping

The proposed modification to the landscaping is set out in detail in **TABLE 1** below:

TABLE 1 PROPOSED LANDSCAPING AMENDMENTS	
Proposed Amendment	Detailed Description
<b>Oval 1</b>	
Increased trees to border planting areas	Further design development and coordination has resulted in the revision of Site tree planting proposal and precinct landscape design. As a result, additional trees are proposed along the boundaries to Oval 1 to provide site perimeter canopy, whilst maintaining a minimum of 67 new trees on site.
Planters to Oval Terraces and Music Hall	Planter form revised in design development phase to respond to the aesthetic language of the Trinity Theatre, bleacher terraces to Jubilee Drive facade and the overall design of the landscape masterplan. Trees have been repositioned to suit planter soil volume capacities.
<b>Oval 2</b>	
Increased trees to Victoria Street planter bed	Further design development and coordination has resulted in the revision of Site tree planting proposal and precinct landscape design. As a result, additional trees are proposed along the boundaries of Oval 2 to Victoria Street to provide site perimeter canopy, whilst maintaining a minimum of 67 new trees on site.
<b>Oval 3</b>	
Increased trees to Victoria Street planter bed	Further design development and coordination has resulted in the revision of site tree planting proposal and precinct landscape design. As a result, additional trees are proposed along the boundaries of Oval 3 to Victoria Street to provide site perimeter canopy, whilst maintaining a minimum of 67 new trees on site.
Oval grading updated	Oval 3 grading updated due to returfing the oval, increasing the soil capacity for upgrading irrigation requirements and curtilage grades around the Oval thoroughfares.
<b>Chapel Drive</b>	
Replacement of Syzygium australe and Calodendrum capense with two Tristaniopsis laurina 'Luscious' to Prospect Rd frontage	These trees are replaced and approved by Arborist assessment due to re-grading of the public interface to align with Prospect Road footpath, accommodating a safe traversable path and entry statement for the School's accessible entry thoroughfare. Further design development and coordination has resulted in the revision of site tree planting proposal and precinct landscape design.

The proposed landscaping plans are contained within **Appendix 2**. In addition, the accompanying architectural plans which seek to facilitate the landscaping plans and do not propose any material amendments to the built form are contained within **Appendix 3**.

#### 2.1.2 Relationship with Deferred Commencement Conditions





**Appendix 4** includes a schedule of the current stamped plans. It is noted that the schedule of the plans approved pursuant to the deferred commencement conditions are not included within the consent notice (issued 24 September 2021) and thus the full schedule of approved and stamped plans relies on planning condition **B2 (d)** which is set out below for ease of reference:

B2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;
- (d) **in accordance with the approved plans in the table below, unless otherwise amended by condition A1:**

As the plans as approved by the deferred commencement conditions are not expressly cited in the Independent Planning Commission (IPC) acceptance letter dated 18 January 2022, for clarity these are set out in the schedule of stamped plans included within **Appendix 4**. As such, this modification seeks to amend the stamped plans of this consent in accordance with consent **SSD-10371** and the approved stamped plans approved under the deferred commencement details.

## 2.2 MODIFICATIONS TO CONDITIONS OF CONSENT

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. The purpose of this modification is to amend the conditions appropriately to ensure that the conditions are not prohibitive to the orderly and logical development of the Site.

To reflect the proposed modifications to the relevant conditions, text proposed to be deleted is indicated by '~~strikethrough~~' text and text proposed to be added is indicated by **red bold** text as follows:

The desired development outcome as outlined above requires the following modifications to development consent **SSD-10371**:

### Terms of Consent

B2.

B2 The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;
- (d) in accordance with the approved plans in the table below, unless otherwise amended by condition A1:

Architectural Plans prepared by PDML Architecture			
Dwg No.	Rev	Name of Plan	Date
DA003	B	Site Masterplan	15/1/21
DA100	A	Site Demolition Plan B2	3/2/20
DA101	A	Site Demolition Plan B1	3/2/20
DA102	<b>A B</b>	Site Demolition Plan L0 + above	<del>3/2/20</del> <b>11/2/22</b>
DA110	A	Proposed Site Plan B2	3/2/20





DA111	<del>B-F</del>	Proposed Site Plan B1	<del>15/1/21</del> 1/2/22
DA112	<del>C-G</del>	Proposed Site Plan L0	<del>15/1/21</del> 11/2/22
DA113	<del>B-E</del>	Proposed Site Roof Plan	<del>15/1/21</del> 11/2/22
DA120	A	Proposed T&L Precinct Plan B1	3/2/20
DA121	A	Proposed T&L Precinct Plan L0	3/2/20
DA122	A	Proposed T&L Precinct Plan L1	3/2/20
DA123	B	Proposed T&L Precinct Plan L2	24/8/21
DA124	B	Proposed T&L Precinct Plan L3	24/8/21
DA125	B	Proposed T&L Precinct Plan L4	24/8/21
DA126	C	Proposed T&L Precinct Plan Roof Plan	24/8/21
DA130	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2	3/2/20
DA131	<del>A-E</del>	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1	<del>3/2/20</del> 11/2/22
DA132	<del>A-E</del>	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0	<del>3/2/20</del> 11/2/22
DA133	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1	24/8/21
DA134	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2	24/8/21
DA135	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L3	24/8/21
DA140	C	Proposed Maintenance Plan B1	24/2/21
DA141	C	Proposed Maintenance Plan L0	24/2/21
DA142	C	Proposed Maintenance Plan L1	19/2/21
DA143	B	Proposed Maintenance Roof Plan	15/1/21
DA150	A	Proposed Oval 3 Car Park B2	24/8/21
DA151	<del>A-D</del>	Proposed Oval 3 Car Park B1	<del>24/8/21</del> 11/2/22
DA152	A	Proposed Oval 2 Car Park B1	24/8/21
DA153	<del>A-D</del>	Proposed Oval 2 L0	<del>24/8/21</del> 11/2/22
DA160	A	Schematic Bicycle Parking Plan	August 21
DA200	D	Streel Elevations 01,02	18/2/21
DA201	B	Streel Elevations 03,04	15/1/21
DA300	B	Site Sections AA, BB, GG	15/1/21
DA301	B	Site Sections CC, DD	15/1/21
DA302	B	Site Sections EE, FF	15/1/21
DA306	A	Building Elevations	28/8/20
DA307	A	Building Elevations	28/8/20
DA308	C	Building Elevations - Seaview Maintenance	24/2/21
DA309	B	Building Sections - Seaview Maintenance	24/2/21
DA320	A	Building Elevations	August 2021
DA321	A	Building Elevations	24/8/21
DA322	A	Building Elevations	24/8/21





DA330	A	Site Sections AA	24/8/21
DA331	A	Site Sections BB	24/8/21
DA332	A	Site Sections CC	24/8/21
DA333	A	Site Sections DD	24/8/21
DA334	A	Site Sections EE	24/8/21
DA340	A	Jubilee Sections	24/8/21
DA501	A	Signage Location Plan	28/8/20
DA502	A	Signage Blade Wall	28/8/20
DA503	A	Lift Tower Signage	28/8/20
DA504	A	Scoreboard Signage	28/8/20
DA505	A	Prospect Road Signage	28/8/20
DA506	A	Centenary Centre Signage	28/8/20
DA507	A	Seaview Maintenance Signage	28/8/20
DA600	A	Material's Board Western Facade	28/8/20
DA601	A	Material's Board Southern Facade	28/8/20
DA602	A	Material's Board Eastern Facade	28/8/20
DA604	C	Material's Board Seaview Maintenance	24/2/21
<b>Landscape Plans prepared by Arcadia Landscape Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
000	€ F	Coversheet	<del>Oct-2020</del> <b>Feb 2022</b>
100	€ F	Landscape Masterplan	<del>Oct-2020</del> <b>Feb 2022</b>
200	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
201	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
202	C F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
203	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
204	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
205	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
206	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
207	€ F	Landscape Plan	<del>Oct-2020</del> <b>Feb 2022</b>
601	€ F	Landscape Details and Specification	<del>Oct-2020</del> <b>Feb 2022</b>
L-650	A	Landscape Details – planting	24/8/21
634	-	Landscape Details – Jubilee Planter	No date





## PART C LEGISLATIVE AND POLICY FRAMEWORK

### 3.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 4.55(1A) of the EP&A Act makes provision to modify a Development Application (DA) that has been made pursuant to Part 4 of the EP&A Act.

The proposal as submitted to DPIE is considered to satisfy the provisions of Section 4.55(1A) of the Act in that the changes proposed will result in minimal environmental impact and will result in the development being substantially the same as that for which consent was originally granted. The key provisions of Section 4.55(1A) of the EP&A Act have been considered below:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) ***it is satisfied that the proposed modification is of minimal environmental impact, and***
- (b) ***it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).***
- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The purpose of this modification is to amend the landscaping plans for the Site. The amendments to the landscaping have been developed to accord with the general character and appearance of the prevailing landscaping at the school Site. The landscaping amendments relate to the soft landscaping and there are no material amendments proposed to the hard landscaping at the Site which would remain as per the extant and approved landscaping plans.

Overall, it is noted the landscaping amendments will not materially affect the ultimate use, function and general appearance of the Site and are consistent with the landscaping as approved under **SSD-10371**.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- It retains the same use of the approved development in that it provides an educational establishment;
- The proposed modifications do not seek to modify the type of educational facilities provided by the development;
- The proposed modifications does not alter the approved bulk, mass and scale of the approved built form;





- The fundamental benefits delivered by the development, including the proposal's relationship to the existing built form, will continue to be provided;
- The modifications respect the extant landscaping strategy for the Site; and
- The environmental impacts are generally consistent with, or less than, the approved development.

The proposal is considered to be substantially the same development and satisfies the provisions of Section 4.55(1A) of the EP&A Act. The modification of the SSD can therefore be lawfully made under section 4.55 (1A) of the EP&A Act.

### **Section 4.55 Modification Case Law**

In *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177, the Court of Appeal had to consider whether there was power to approve a modification application which sought to amend a condition of consent requiring payment of a contribution, in circumstances where the contribution had already been paid.

The Court of Appeal decision found that a condition of consent cannot be modified once it has been satisfied and a proposal to modify a consent must involve a change to the approved development for it to be a modification application under sections 4.55(1A), 4.55(2) or 4.56(1) of the EP&A Act.

The above case law is directly related to monetary contributions and modification of conditions relating to such. The proposed modifications are in relation to landscaping amendments and have no association with monetary contributions. The case law has been reviewed in detail as well as relevant legal opinions on the case and it is considered that the above case law is not applicable.

### **3.2 ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013**

The Site is subject to the provisions of *Ashfield Local Environmental Plan 2013* (ALEP 2013).

The proposed development relates to the existing and approved educational establishment on the Site, which is permitted with consent in the *SP2 Infrastructure (Educational Establishments)* zone.

The proposal does not contravene any other objectives or provisions of ALEP2013. No further consideration is required.

### **3.3 INNER WEST COMPREHENSIVE DEVELOPMENT CONTROL PLAN 2016**

It is noted that Clause 11 of *State Environmental Planning Policy (State and Regional Development) 2011* states:

#### **11 Exclusion of application of development control plans**

*Development control plans (whether made before or after the commencement of this Policy) do not apply to:*

- (a) State significant development*

Additionally, Clause 35(9) of the Education SEPP, which relates to schools that are permitted with consent, provides that:

***A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.***

Therefore, the provisions of a DCP are not applicable.





Despite this and as per the requirements of the original SEARS for **SSD-10371**, the proposed modifications to the approval are considered to the comply with the requirements of Inner West Comprehensive Development Control Plan 2016 (IWDCP 2016) where relevant relating to landscaping.





## PART D KEY MATTERS FOR CONSIDERATION

The key matters for consideration are addressed in the ensuring subsections.

### 4.1 LAND USE

The proposed will preserve the continued use of the Site as an educational establishment, consistent with **SSD 10371**. The proposed minor amendments to the landscaping will ensure the Site operates at its full potential as a school. Accordingly, the proposed modifications will not impact on the approved educational establishment use of the school premises.; as such, the proposed landscape modifications remain consistent with the existing land use across the Site.

### 4.2 LANDSCAPING

As aforementioned, the amendments to the landscaping will not materially affect the character or appearance of the approved built development are similar in scale to the approved landscaping strategy. As set out in **Appendix 2**, the revised landscaping is as a result of design changes following design development and project coordination. The amendments are minor when read in the context of the approved landscaping plan and will not materially impact on the approved landscape strategy.

The landscaping amendments remain minor in the context of the Site and are a result of changes brought about by design development as consent **SSD-10371** I developed for construction. Of note:

- The modifications are minor when read within the context of the approved landscaping;
- The landscaping modifications do not materially impact on the architectural built form of the School building;
- The landscaping plans include a palate of soft landscape plantings which correspond to the approved soft landscaping palate;
- No material additional hand landscaping is proposed;
- The two trees to be removed due to poor health will be replaced by a compatible species which accord with the prevailing landscaping strategy;
- The proposed amendments will not impact on the heritage significance of the School or setting of the heritage item;
- The amendments to the landscaping encompassing the tree work are compatible with the prevailing landscaping at the Site and deemed appropriate when read within the context of the Site;
- The replacement and planting of additional trees will not impact on planning condition **A1(2)(ii)** requiring the provision of a minimum of 67 additional trees at the Site;
- The amendments to the landscaping, encompassing the replacement and planting of trees at the Site is supported by an arboricultural report.

### 4.3 ARBORICULTURE

**Appendix 5** contains the accompanying arboricultural report prepared to assess the removal of the two trees for landscape design and accessibility purposes. Overall it is considered the removal of these trees will not materially impact on the overall landscaping design of the site or the prevailing character of the Site in terms of landscaping.

#### 4.3.1 BRUSH CHERRY (*SYZYGIUM AUSTRALE*)

This tree is located at the Chapel Drive and is currently protected by Council. The tree is mature with a dominant trunk and is in fair health. The crown is identified showing good health and the structural condition is considered fair with no significant issues sighted. There was no deadwood identified and





epicormic growth was determined as moderate and young at approximately <10% from previous pruning events. This tree has an estimated life expectancy of 40+yrs.

The removal of this tree to regrade with the public interface for landscape design purposes has been assessed in the arboricultural report. It is proposed to replace this tree with a Water Gum *Tristaniaopsis laurina* which is compatible with the approved landscape plans and prevailing setting at the Chapel Drive.

#### 4.3.2 CAPE CHESTNUT (*CALODENDRUM CAPENSE*)

This exotic tree is located at the Chapel Drive and is also protected by Council. The tree is considered young with a dominant trunk and is in poor health. The crown is showing declining health and the structural condition is considered fair with numerous pruning wounds which have left small cavities and locations for potential decay. The crown is also showing declining health with low vigour. There are areas in the canopy of twig dieback with minimal epicormic growth present. This tree has an estimated life expectancy of 5-15yrs.

The removal of this tree to regrade with the public interface for landscape design purposes has been assessed in the arboricultural report. It is proposed to replace this tree with a Water Gum *Tristaniaopsis laurina* which is compatible with the approved landscape plans and prevailing setting at the Chapel Drive.

#### 4.4 HERITAGE

**Appendix 6** contains the accompanying Heritage Impact Statement which reviews the impact of the landscaping amendments on the setting of the heritage item at the Site – defined under Schedule 5 of the AELP2013 as Item 608: School – Headmaster’s House and Chapel, 119 Prospect Road, Summer Hill.

The site is also located in the vicinity of a number of heritage conservation areas, as listed under Schedule 5 of the AELP 2013:

- ‘C1’ Ambleside and Holwood Conservation Area – to the west of the Site
- ‘C7’ Harland Estate Conservation Area – to the west of the Site
- ‘C23’ Victoria Square Conservation Area – to the north of the Site
- ‘C49’ Prospect Hall Conservation Area – to the east of the Site

The Site is also located in close proximity to ‘C1’ The Abergeldie Estate Heritage Conservation Area as listed under Schedule 5 of the *Marrickville Local Environment Plan 2011*.

The accompanying Heritage Impact Statement notes the following:

- The proposed changes to the layout of planters adjacent to the Music Building are minor in nature and involve no direct impact to the heritage fabric within the Site. The planter layout has been revised as part of the design development phase to better respond to the aesthetic language of the Trinity Theatre, bleacher terraces to the Jubilee Drive façade and overall design of the landscape masterplan;
- The changes to the planters relate to the length, shape, positioning and number of proposed planters. The changes maintain a consistent overall distance between the landscape elements and the southern elevation of the music room;
- The removal of two trees (Brush Cherry and Cape Chestnut) at the corner of Chapel Drive and Prospect Road are supported by an arboricultural report (**Appendix 5**). These trees are not assessed to be of any heritage significance and their removal and replacement will have no impact on the significance of the overall Site; and





- The proposed landscaping modifications will not materially impact on the setting of the surrounding conservation areas.

As such, the amended landscape design will be minor in nature and have no adverse impact on the established heritage significance of the subject site.

#### **4.5 ENGAGEMENT**

It should be noted that the School is in constant consultation with the Council. Whilst Council has not been independently notified about this landscaping amendment, it is noted that this is a minor deviation from the approved landscaping plans and will not materially alter or negatively impact on the landscaping scheme for the Site.

#### **4.6 OTHER MATTERS FOR CONSIDERATION**

All other matters for consideration have been previously assessed as part of **SSD-10371** and remain unaffected by the proposed modifications. No further assessment is required in this respect.

#### **4.7 LIKELY IMPACTS OF DEVELOPMENT**

The likely impacts of development in accordance with Section 4.15 have been considered above. As such, no further assessment is required.

#### **4.8 SUITABILITY OF SITE FOR DEVELOPMENT**

The Site is considered suitable for development as established by the previous approval **SSD-10371**. Accordingly, no further assessment is required with regards to the suitability of the Site for development.

#### **4.9 CONSISTENCY WITH REASONS FOR THE GRANT OF THE ORIGINAL CONSENT**

In accordance with Section 4.55(3) of the EP&A Act, in determining an application for modification of a consent, the consent authority must take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The proposed modifications are consistent with the reasons given by the Department of Planning in that:

- The built form remains reasonable for the Site;
- The development continues to be in the public interest; and
- The development continues to meet the objects of the EP&A Act.





## PART E CONCLUSION

In accordance with Section 4.55(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved **SSD 10371**. This Section 4.55(1A) seeks to facilitate amendments in order to respond to conditions of the consent and improve overall landscape design outcomes on the Site. The proposed modifications will not alter the environmental impacts assessed and approved as part of the original development consent, nor will they give rise to any additional adverse amenity impacts.

In accordance with Section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved;
- The modifications will improve landscape amenity offered by the approved educational facilities;
- The modifications are as a result of ongoing landscape design development and will improve the aesthetic appearance of the development and the functionality of the Site;
- The modifications do not impact on the heritage setting of the Site; and
- The proposal will not result in any unacceptable adverse environmental, social or economic impacts.

In light of the above, we therefore recommend the proposed modification is supported by the Minister.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries, please do not hesitate to contact me [rseaward@willowtp.com.au](mailto:rseaward@willowtp.com.au) or Richard Seward 0497 621 310.

Yours Sincerely,

Richard Seaward  
Senior Planner  
Willowtree Planning Pty Ltd  
ACN 146 035 707





**APPENDIX 1**

**DEVELOPMENT CONSENT SSD-10371**



# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2. These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Adrian Pilton (Chair)

Member of the Commission



Wendy Lewin

Member of the Commission



Dr Sheridan Coakes

Member of the Commission

Sydney

24 September 2021

### SCHEDULE 1

**Application Number:**

SSD-10371

**Applicant:**

The Council of Trinity Grammar School

**Consent Authority:**

Independent Planning Commission

**Site:**

119 Prospect Road and 50-52 Seaview Street, Summer Hill  
(Lot 11 DP 1171965, Lot 5 DP 15765 and Lot 6 DP 15765)

**Development:**

Alterations and additions to Trinity Grammar School in construction stages and changes to staff and student numbers comprising:

- demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;
- construction of a:
  - new building with a basement known as the T&L Building;
  - new Multi-Purpose Pavilion; and
  - new Maintenance Building on Seaview Street;
- alterations and additions to existing buildings to create a Performing Arts Building;
- refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;
- extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection;
- associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;
- staged increase in student numbers from 1500 to 2100 and increase in FTE staff from 277 to 321.

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	The Council of Trinity Grammar School or any other person carrying out any development to which this consent applies
<b>Approved disturbance area</b>	The area identified as such on the development layout
<b>Archaeological Salvage</b>	The collection and removal of archaeological data and materials from site
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means Council or an accredited certifier
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical works to enable operation, including but not limited to the removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• salvage works (if any) in accordance with strategies / management plans approved by this consent;</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).</p>
<b>Council</b>	Inner West Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays

<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, Supplementary Response to Submissions, including the works and activities comprising demolition, construction and landscaping, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EESG</b>	Environment, Energy and Science Group of Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement The Renewal Project – Trinity Grammar School SSD-10371, prepared by Willowtree Planning dated April 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>FTE</b>	Full time equivalent
<b>GTP</b>	Green Travel Plan
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed under one or more of the following registers: the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance <i>Note: “material harm” is defined in this consent</i>
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements
<b>Jubilee car park</b>	As identified in the EIS.
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section J of the EIS and Part F of the Response to Submissions.
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or

- b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Multi-Purpose Pavilion</b>	As identified in the EIS.
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>OMP</b>	Operational Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>POEO</b>	Protection of the Environment Operations Act 1997
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions (RtS)</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act in the document titled <i>Response to Submissions – SSDA 10371 Trinity Grammar School – The Renewal Project</i> prepared by Willowtree Planning dated November 2020.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Summer Hill campus</b>	The land defined in Schedule 1.
<b>Supplementary Response to Submissions (SRTS)</b>	The Applicant's supplementary response to submissions in the document titled <i>Response to Additional Information Request</i> prepared by Willowtree Planning dated 21 January 2021 and information provided on 19 February 2021, 25 February 2021, 10 June 2021 and additional information submitted to the Independent Planning Commission dated 25 August 2021 (including all Appendices).
<b>TfNSW</b>	Transport for New South Wales
<b>T&amp;L Building</b>	Teaching and Learning Building
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A DEFERRED COMMENCEMENT CONDITIONS

The following are deferred commencement conditions imposed pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*.

- A1. Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant must satisfy the following deferred commencement conditions prior to this development consent becoming operative:

#### DESIGN AMENDMENTS

- (1) The Applicant must submit to the satisfaction of the consent authority, architectural plans and further design details which:
  - (i) include revised construction materials and finishes for the Maintenance Building to demonstrate that it reflects and enhances the quality and character of the heritage conservation neighbourhood;
  - (ii) include an increased boundary setback for the full length of the new Maintenance Building acoustic wall sufficient to support dense evergreen screen planting along the entirety of the acoustic wall on the side facing Seaview Street;
  - (iii) revise the design of the T&L building to:
    - (a) respond to the scale and character of the heritage setting;
    - (b) preserve sight lines from the Quadrangle, Dining Hall and Chapel approaches as far as practicable; and
    - (c) increase the physical separation laterally over all levels between the T&L Building and the existing Quadrangle Building.
  - (iv) Accommodate soft landscaping measures between the southern facade of the Multi-Purpose Pavilion and Yeo Park to reduce the visual impact of the Multi-Purpose Pavilion on Yeo Park;
  - (v) include revised construction materials and finishes for the Multi-Purpose Pavilion to demonstrate that it has a positive impact on the quality and character of the site, Yeo Park and the surrounding heritage conservation area; and
  - (vi) revise Plan DA504, Sign 3, "Yeo Park Facing Façade", to demonstrate that:
    - (a) the LED Scoreboard is facing Oval No.3 and not in the direction of Yeo Park; and
    - (b) LED lighting is not oriented in the direction of Yeo Park.
- (2) The Applicant must submit to the satisfaction of the consent authority, landscaping plans which:
  - (i) include details of all Jubilee Drive works as provided in the *Jubilee Arrival Plan (Appendix 4)* in the information submitted on 25/08/2021 and *DA340 Issue A "Jubilee Sections"* dated 24/08/2021;
  - (ii) include details of the fire stairs from the basement car park to Jubilee Drive;
  - (iii) provide as a minimum for the planting of 67 additional trees consistent with the EIS;
  - (iv) detail the location, species and height at maturity of plants to be planted on-site;
  - (v) ensure that all plants are selected for drought tolerance;
  - (vi) demonstrate that the trees within the 100L containers would have a minimum height at maturity of 12m;
  - (vii) include the provision of dense evergreen screen plantings along the front / Seaview Street boundary of the Maintenance Building that will reach a mature height of at least 3m; and
  - (viii) are consistent with the architectural plans in condition A1(1).
- (3) The Applicant must submit to the satisfaction of the consent authority, plans of the Jubilee car park and drop-off/ pick-up facilities which include:
  - (i) a minimum of 28 drop-off/pick up spaces;
  - (ii) a minimum of 324 car parking spaces;
  - (iii) a minimum internal circulation aisle of 408m; and
  - (iv) details of the pedestrian link from the car park to the Junior School.

- A2. Evidence that will enable the consent authority to be satisfied those matters in the deferred commencement conditions have been addressed, must be submitted to the Planning Secretary for assessment within twenty-four months of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to Section 4.53(6A) of the *Environmental Planning and Assessment Act 1979*.
- A3. The development consent will not become operative until such time that the consent authority notifies the Applicant in writing that the requirements of the deferred commencement consent conditions have been satisfied.
- A4. Upon the consent authority giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent.

## PART B ADMINISTRATIVE CONDITIONS

Once operative, the consent is subject to the following conditions:

### Obligation to Minimise Harm to the Environment

- B1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

### Terms of Consent

- B2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS, Response to Submissions and Supplementary Response to Submissions;
- (d) in accordance with the approved plans in the table below, unless otherwise amended by condition A1:

Architectural Plans prepared by PDML Architecture			
Dwg No.	Rev	Name of Plan	Date
DA003	B	Site Masterplan	15/1/21
DA100	A	Site Demolition Plan B2	3/2/20
DA101	A	Site Demolition Plan B1	3/2/20
DA102	A	Site Demolition Plan L0 + above	3/2/20
DA110	A	Proposed Site Plan B2	3/2/20
DA111	B	Proposed Site Plan B1	15/1/21
DA112	C	Proposed Site Plan L0	15/1/21
DA113	B	Proposed Site Roof Plan	15/1/21
DA120	A	Proposed T&L Precinct Plan B1	3/2/20
DA121	A	Proposed T&L Precinct Plan L0	3/2/20
DA122	A	Proposed T&L Precinct Plan L1	3/2/20
DA123	B	Proposed T&L Precinct Plan L2	24/8/21
DA124	B	Proposed T&L Precinct Plan L3	24/8/21
DA125	B	Proposed T&L Precinct Plan L4	24/8/21
DA126	C	Proposed T&L Precinct Plan Roof Plan	24/8/21
DA130	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2	3/2/20
DA131	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1	3/2/20
DA132	A	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0	3/2/20
DA133	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1	24/8/21
DA134	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2	24/8/21
DA135	B	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L3	24/8/21
DA140	C	Proposed Maintenance Plan B1	24/2/21

DA141	C	Proposed Maintenance Plan L0	24/2/21
DA142	C	Proposed Maintenance Plan L1	19/2/21
DA143	B	Proposed Maintenance Roof Plan	15/1/21
DA150	A	Proposed Oval 3 Car Park B2	24/8/21
DA151	A	Proposed Oval 3 Car Park B1	24/8/21
DA152	A	Proposed Oval 2 Car Park B1	24/8/21
DA153	A	Proposed Oval 2 L0	24/8/21
DA160	A	Schematic Bicycle Parking Plan	August 21
DA200	D	Streel Elevations 01,02	18/2/21
DA201	B	Streel Elevations 03,04	15/1/21
DA300	B	Site Sections AA, BB, GG	15/1/21
DA301	B	Site Sections CC, DD	15/1/21
DA302	B	Site Sections EE, FF	15/1/21
DA306	A	Building Elevations	28/8/20
DA307	A	Building Elevations	28/8/20
DA308	C	Building Elevations - Seaview Maintenance	24/2/21
DA309	B	Building Sections - Seaview Maintenance	24/2/21
DA320	A	Building Elevations	August 2021
DA321	A	Building Elevations	24/8/21
DA322	A	Building Elevations	24/8/21
DA330	A	Site Sections AA	24/8/21
DA331	A	Site Sections BB	24/8/21
DA332	A	Site Sections CC	24/8/21
DA333	A	Site Sections DD	24/8/21
DA334	A	Site Sections EE	24/8/21
DA340	A	Jubilee Sections	24/8/21
DA501	A	Signage Location Plan	28/8/20
DA502	A	Signage Blade Wall	28/8/20
DA503	A	Lift Tower Signage	28/8/20
DA504	A	Scoreboard Signage	28/8/20
DA505	A	Prospect Road Signage	28/8/20
DA506	A	Centenary Centre Signage	28/8/20
DA507	A	Seaview Maintenance Signage	28/8/20
DA600	A	Material's Board Western Facade	28/8/20
DA601	A	Material's Board Southern Facade	28/8/20
DA602	A	Material's Board Eastern Facade	28/8/20
DA604	C	Material's Board Seaview Maintenance	24/2/21
<b>Landscape Plans prepared by Arcadia Landscape Architecture</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
000	C	Coversheet	Oct 2020
100	C	Landscape Masterplan	Oct 2020
200	C	Landscape Plan	Oct 2020
201	C	Landscape Plan	Oct 2020

202	C	Landscape Plan	Oct 2020
203	C	Landscape Plan	Oct 2020
204	C	Landscape Plan	Oct 2020
205	C	Landscape Plan	Oct 2020
206	C	Landscape Plan	Oct 2020
207	C	Landscape Plan	Oct 2020
601	C	Landscape Details and Specification	Oct 2020
L-650	A	Landscape Details – planting	24/8/21
634	-	Landscape Details – Jubilee Planter	No date

- B3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- B4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition B2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions B2(c) and B2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **Limits of Consent**

- B5. This consent lapses five years after the date of consent unless work is physically commenced.

#### **Student Numbers**

- B6. This development consent does not permit an increase in student and full time equivalent (FTE) staff numbers in attendance at any one time at Trinity Grammar School - Summer Hill campus (the site as identified in **Schedule 1**) until evidence of the following is provided to the satisfaction of the Planning Secretary:
- (a) the results of an independent audit, as described in condition B7;
  - (b) the Jubilee carpark and drop-off / pick-up facilities have been completed;
  - (c) all relevant approvals have been obtained in accordance with the plans approved by condition B2 and the conditions of this development consent; and
  - (d) all required external roadworks and public domain works detailed in the approved Supplementary Traffic Impact Assessment have been undertaken to the satisfaction of the appropriate roads authority as per conditions C14, F11 and F12.
- B7. Prior to each staged increase in student and staff numbers as described in the Staging Report in condition B12, the Applicant must submit to the satisfaction of the Planning Secretary the results of an independent audit to verify the performance of the Jubilee car park and the drop-off/ pick-up facilities. The independent audit must:
- (a) be prepared by a suitably qualified independent auditor, in consultation with an independent traffic consultant, as agreed by the Planning Secretary;
  - (b) conduct traffic surveys and compare the results against the traffic reports in the EIS to verify that the following operational outcomes have been achieved:
    - (i) the capacity of the Jubilee car park drop-off/ pick-up facilities can accommodate the pick-up/drop-off demand within the site during peak AM and PM periods;

- (ii) the demand for queuing spaces at the Jubilee car park is accommodated within the site;
  - (iii) off-site impacts including but not limited to queuing on Victoria Street is minimised as far as practicable;
  - (iv) there is adequate capacity in the car park to accommodate an increase in vehicle movements as a result of the proposed staged increase in student numbers;
  - (c) be completed on three consecutive school days for the duration of the day when all grades (K-12) and students are planned to be on site and must state the student and staff numbers present on the data collection dates;
- B8. Subject to approval of the independent audits required in condition B7, a maximum of 2,100 students and 321 staff are permitted in attendance at any one time at the site.

#### **Prescribed Conditions**

- B9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **Planning Secretary as Moderator**

- B10. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution.

#### **Evidence of Consultation**

- B11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken as part of the submission of relevant documentation including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **Staging**

- B12. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- B13. A Staging Report prepared in accordance with condition B12 must:
- (a) be generally consistent with the staging plans submitted with the "Preliminary Construction Management Plan" submitted with the EIS;
  - (b) include staging of student numbers as per the submitted RtS;
  - (c) set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
  - (d) set out how the operation of the whole of the project will be managed in stages including details of work and other activities to be carried out in each stage and the general timing of when relocating staff and students for each stage will commence and finish (if relevant);
  - (e) specify how compliance with conditions will be achieved across and between each of the stages of the project; and

- (f) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- B14. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- B15. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

#### **Staging, Combining and Updating Strategies, Plans or Programs**

- B16. The Applicant may:
  - (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
  - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
  - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- B17. Any strategy, plan or program prepared in accordance with condition B16, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- B18. If the Planning Secretary agrees, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- B19. Updated strategies, plans (including management plan, architectural and associated consultants' plans), or programs approved by the Planning Secretary or consent authority, supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

#### **Structural Adequacy**

- B20. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA and any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

*Note: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development*

#### **External Walls and Cladding**

- B21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

#### **Applicability of Guidelines**

- B22. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- B23. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of

ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### **Monitoring and Environmental Audits**

- B24. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

**Note:**

*For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

### **Access to Information**

- B25. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition B2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

### **Compliance**

- B26. The Applicant must ensure that all employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Incident Notification, Reporting and Response**

- B27. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- B28. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- B29. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- B30. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- B31. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Revision of Strategies, Plans and Programs**

- B32. Within three months of:
- (a) the submission of a compliance report under condition B34;
  - (b) the submission of an incident report under condition B27;
  - (c) the submission of an Independent Audit under condition E36;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition B2 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- B33. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

*Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

### **Compliance Reporting**

- B34. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (2020).
- B35. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- B36. The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary.
- B37. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

### **Temporary Building installation**

- B38. The temporary building identified in the Preliminary Construction Management Plan (to be constructed in Stage 3 in the location of the Maintenance Building) is not approved as part of this application. A separate development application / complying development application and relevant approvals must be obtained prior to installation of this identified temporary building.

## **PART C PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Bicycle Parking and End-of-trip facilities**

- C1. Prior to the issue of any relevant construction certificate for secure bicycle parking and end of trip facilities, the following design details must be submitted to the Planning Secretary for approval:
- (a) the provision of a minimum of 96 bicycle parking spaces generally consistent with DA160 Issue A Schematic Bicycle Parking Plan prepared by PMDL Architecture dated August 21;
  - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of AS 2890.3:2015 *Parking facilities - Bicycle parking*;
  - (c) the provision of end-of-trip facilities for staff; and
  - (d) the provision of appropriate pedestrian and cyclist advisory signs.

### **External Walls and Cladding**

- C2. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Operational Noise – Design of Mechanical Plant and Equipment**

- C3. Prior to the issue of any relevant construction certificate for the design of mechanical plant and equipment, the Applicant must incorporate the noise mitigation recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.

### **Operational Waste Storage and Processing**

- C4. Prior to the issue of any relevant construction certificate for the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, the design of the operational waste storage area must be in accordance with Council's standards. Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

### **Road Safety Audit – Jubilee Car park**

- C5. Prior to the issue of any construction certificate for the Jubilee car park and drop-off/ pick-up facilities and bicycle parking facilities, a Road Safety Audit (RSA) must be undertaken:
- (a) in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits;
  - (b) by an independent TfNSW accredited road safety auditor;
  - (c) at the intersection of the southern and northern access driveways and Victoria Street and for all vehicle movements associated with the use of the access driveways; and
  - (d) considering vehicle and pedestrian safety in relation to any potential obstruction of sightlines from exiting vehicles to the existing substation, proposed exhaust stack and any proposed signage.
- C6. Appropriate road safety measures and/or traffic management measures (including, if necessary relocation of the substation) must be implemented based on the outcomes of the RSA in consultation with Council and any other relevant authorities in the final design plans prior to the issue of the construction certificate for the Jubilee car park.

### **Road Safety Audit – Maintenance Building**

- C7. Prior to the issue of any construction certificate for the Maintenance Building, a RSA must be undertaken:
- (a) in accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits;
  - (b) by an independent TfNSW accredited road safety auditor; and
  - (c) at the intersection of the access to the Maintenance Building and Seaview Street for all vehicle movements associated with the use of the access.
- C8. Appropriate road safety measures and/or traffic management measures must be implemented based on the outcomes of the RSA in consultation with Council and any other relevant authorities prior to the issue of the occupation certificate for the Maintenance Building.

#### **Car Parking and Service Vehicle Layout**

- C9. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) a minimum of 28 drop-off/pick-up spaces are accommodated within the underground carpark;
  - (c) a minimum of 324 on-site, underground car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
  - (d) the swept path of the longest vehicle entering and exiting the site in association with all proposed works under this development consent, as well as manoeuvrability through the site, are in accordance with the latest version of AS 2890.2.

#### **Stormwater Management System**

- C10. Prior to the issue of any construction certificate, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be generally in accordance with the conceptual design in the EIS; and
  - (c) be in accordance with applicable Australian Standards and Councils requirements.

#### **Carpark Exhaust Stack**

- C11. Prior to the issue of any relevant construction certificate for the basement carpark, the Applicant must submit amended design plans:
- (a) to include details of the car park exhaust stack location, consistent with *DA151 Issue A Proposed Oval 3 Car Park B1* prepared by PMDL Architecture dated 24/8/21;
  - (b) which demonstrate compliance with condition C5(d);
  - (c) to the satisfaction of the Planning Secretary.

#### **Public Domain Works**

- C12. Prior to the issue of any relevant construction certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

**Note:** Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

#### **Roadworks and Access**

- C13. Prior to the issue of any relevant construction certificate for roadworks and access (if any), the Applicant must submit design plans to the satisfaction of the relevant roads authority which

demonstrate that the proposed accesses to the development are designed to accommodate the turning path of the largest service vehicle.

**Note:** Separate construction certificate applications under the *Roads Act 1993* are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

### Roadworks and Pedestrian Access Improvements

C14. Prior to the issue of any relevant construction certificate for public domain works, footpath, vehicular crossings, external roadworks and pedestrian infrastructure, the Applicant must:

- (a) ensure that the design plans for the works on Prospect Road, Old Canterbury Road and Victoria Street are generally consistent with the concept plans listed below, unless otherwise agreed with the relevant public authority (Council or Transport for NSW):

Civil Engineering Works prepared by Stantec			
Dwg No.	Rev	Name of Plan	Date
CI-EW-400-001	A	Prospect Road and Old Canterbury Road Intersection	16/7/21
CI-EW-400-011	B	Prospect Road Pedestrian Crossing	2/8/21
CI-EW-400-021	B	Victoria Street Crossing Realignment	16/8/21
CI-EW-400-031	B	Victoria Street Footpath Upgrade	2/8/21

- (b) prepare the plans in consultation with and to the satisfaction (where necessary) of the relevant roads authority (Council or Transport for NSW);
  - (c) ensure that the realignment of the intersection of Prospect Road and Old Canterbury Road includes a dedicated left turn lane and a splitter island refuge compliant with the TfNSW refuge design directorate (minimum 2m wide X minimum 3m long), unless otherwise agreed with the relevant roads authority; and
  - (d) provide details of the following works including (but not limited to):
    - (i) details of the extent of 'No Stopping' restrictions according to TfNSW crossing design directorate; and
    - (ii) all necessary regulatory and warning signs and markings in association with the upgrade of the crossing at Prospect Road and Old Canterbury Road.
- C15. Separate construction certificate applications under the *Roads Act 1993* are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain including works required by condition C12. The Applicant must provide a copy of the documents approved by the relevant roads authority to the Certifier and the Planning Secretary for information.

### All Abilities Access

- C16. Prior to the issue of a construction certificate, the Applicant must provide evidence to the Certifier from an appropriately qualified person, that the works that are the subject of this development are designed to provide access and facilities for people with a disability, in accordance with the BCA and all other relevant codes. Prior to the issue of a construction certificate the Applicant must submit updated plans that include the requirements referenced to the satisfaction of the Certifier.

## **PART D PRIOR TO COMMENCEMENT OF CONSTRUCTION**

### **Notification of Commencement**

- D1. The Applicant must notify the Planning Secretary and Council in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- D2. If the construction or operation of the development is to be staged, the Planning Secretary and Council must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **Certified Drawings**

- D3. Prior to the commencement of any construction stage, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### **Pre-Construction Dilapidation Report**

- D4. Prior to the commencement of any construction stage, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of all adjoining private properties, heritage items and Council assets that are likely to be impacted by the proposed works.

### **Protection of Public Infrastructure**

- D5. Prior to commencement of any construction stage, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

### **Community Consultative Committee**

- D6. Prior to the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guideline: State Significant Projects (2019)*. The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of construction and continue to do so for a minimum of five years following the completion of construction or other timeframe agreed by the Planning Secretary.

#### **Notes:**

- *The CCC is an advisory committee only.*
- *In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.*

### **Community Communication Strategy**

- D7. No later than four weeks before the commencement of any construction stage, a Community Communication Strategy must be submitted to the Planning Secretary for approval and approved by the Planning Secretary prior to the commencement of construction or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected residents and businesses, and others directly impacted by the development), during the design and construction of the development.

The Community Communication Strategy must:

- (a) identify relevant stakeholders to be consulted during the design and construction phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

- (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
- (d) develop a complaints/grievance mechanism:
  - (i) through which the community can provide feedback to the Applicant and report any complaints;
  - (ii) through which the Applicant will respond to enquiries, complaints or feedback; and
  - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction of the development.
- (e) include specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination and heritage.

#### **Demolition**

- D8. Prior to the commencement of demolition, a demolition work plan required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier.

#### **Ecologically Sustainable Development**

- D9. Prior to the commencement of any construction stage, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- (a) registering for a minimum 4-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier; or
  - (b) seeking approval from the Planning Secretary for an alternative certification process.

#### **Outdoor Lighting**

- D10. Prior to commencement of any relevant construction stage, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting in relation to that stage has been designed to comply with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
- D11. No flood lighting is permissible on site, unless approved by the Planning Secretary.

#### **Environmental Management Plan Requirements**

- D12. Prior to the commencement of construction, management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

#### **Construction Environmental Management Plan**

- D13. Prior to the commencement of any construction stage, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the Certifier and provide a copy to the Planning Secretary. The CEMP must be consistent with the Preliminary Construction Management Plan submitted with the EIS and include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge;
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;

- (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling;
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (condition D15);
  - (c) Construction Noise and Vibration Management Sub-Plan (condition D16);
  - (d) Construction Soil and Water Management Sub-Plan (condition D18);
  - (e) Construction Waste Management Sub-Plan (condition D17);
  - (f) an unexpected finds protocol for contamination and associated communications procedure; and
  - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure.
- D14. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- D15. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council, TfNSW and the CCC;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;
  - (d) incorporate the measures outlined in the Construction Traffic Management Plan framework submitted with the EIS;
  - (e) incorporate measures to minimise conflicts between the construction vehicles and ongoing operations of the school including student safety during construction periods, details of equitable, all abilities access within the site;
  - (f) details of alternate drop-off / pick-up and car parking arrangements during ongoing construction works within the Jubilee car park;
  - (g) details of alternate parking arrangements (if needed) for the staff and driving age students, during ongoing construction works within the basement (where relevant);
  - (h) details of on-site parking for construction vehicles and work zones on the surrounding streets, where needed and in consultation with Council; and
  - (i) detail heavy vehicle routes, access and parking arrangements for heavy construction vehicles.
- D16. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) incorporate the acoustic mitigation measures recommended in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020, and where appropriate incorporate the provision of hoardings to minimise impacts;
  - (d) assess the vibration impacts and detail the vibration management measures and strategies including ensuring safe working distances for vibration intensive plant outlined in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020;

- (e) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to Sensitive receivers;
  - (f) include strategies that have been developed with the community for managing high noise generating works;
  - (g) describe the community consultation undertaken to develop the strategies in condition D16(f);
  - (h) describe the methods of managing noise within the site when construction works are ongoing with school operations to ensure appropriate acoustic amenity of the students and staff of the school;
  - (i) describe the scheduling of high noise generating works within the site to ensure acoustic amenity of the students (such as scheduling construction works outside of the exam times);
  - (j) include a complaints management system to be implemented for the duration of construction; and
  - (k) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition D16(d).
- D17. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
  - (b) information regarding the recycling and disposal locations; and
  - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- D18. The Construction Soil and Water Management Plan (CSWMSP) must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
  - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book';
  - (c) provide a plan of how all construction works will be managed in wet-weather events (i.e. storage of equipment, stabilisation of the site);
  - (d) detail all off-site flows from the site; and
  - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI.
- D19. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

#### **Unexpected Contamination Procedure**

- D20. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP and where any material identified

as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.

#### **Soil and Water**

- D21. Prior to the commencement of any construction stage, the Applicant must install erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

#### **Construction Worker Transportation Strategy**

- D22. Prior to the commencement of construction, the Applicant must prepare and implement a Construction Worker Transportation Strategy (CWTS) in consultation with Council, to the satisfaction of the Planning Secretary. The CWTS must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for construction worker parking in nearby public and residential streets or public parking facilities.

## **PART E DURING CONSTRUCTION**

### **Site Notice**

**E1. Site notice(s):**

- (a) must be prominently displayed at all street boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer;
- (b) must have minimum dimensions of 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
- (c) must be durable and weatherproof and is to be displayed throughout each stage of the works;
- (d) must include the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
- (e) must be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### **Operation of Plant and Equipment**

- E2.** All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### **Demolition**

- E3.** Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition D8.

### **Construction Hours**

- E4.** Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 5pm, Mondays to Fridays inclusive;
  - (b) between 8am and 1pm, Saturdays; and
  - (c) no work may be carried out on Sundays or public holidays.
- E5.** Construction activities may be undertaken outside of the hours in condition E4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- E6.** Notification of such construction activities as referenced in condition E5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- E7.** Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
  - (b) 2pm to 5pm Monday to Friday; and
  - (c) 9am to 12pm, Saturday.

### **Implementation of Management Plans**

- E8.** The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

### **Construction Traffic**

- E9. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping and exit the site in a forward manner. The site personnel vehicles are to be managed in accordance with the Construction Worker Transportation Strategy.

### **Hoarding Requirements**

- E10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
  - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **No Obstruction of Public Way**

- E11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **Construction Noise Limits**

- E12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the CNVMSP.
- E13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition E4.
- E14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

### **Vibration Criteria**

- E15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- E16. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition E15.
- E17. The limits in conditions E15 and E16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition D13 of this consent.

### **Tree Protection**

- E18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;

- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment* prepared by Australis and dated 14 October 2020; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

#### **Air Quality**

E19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

E20. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **Erosion and Sediment Control**

E21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

#### **Imported Soil**

E22. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

#### **Disposal of Seepage and Stormwater**

E23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

#### **Emergency Management**

E24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

#### **Unexpected Finds Protocol – Aboriginal Heritage**

E25. In the event that surface or sub surface disturbance identifies evidence of Aboriginal occupation including carvings and grinding marks and Aboriginal objects, all works must halt in the immediate area to prevent any further impacts to the object(s) or features. A suitably qualified archaeologist and the registered Aboriginal parties (RAPs) must be contacted to determine the significance of the objects or other evidence of occupation. The objects are to remain in situ whilst this advice is sought. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by EES Group and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and EES Group to develop and implement long term conservation and management strategies for all objects/sites. Works must

only recommence with the written approval of Planning Secretary following consultation with Heritage NSW.

- E26. A summary of the unexpected finds that relate to Aboriginal Heritage, including photographs, must be included in an Archival Record.

#### **Unexpected Finds Protocol – Historic Heritage**

- E27. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and the Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Planning Secretary following consultation with Heritage NSW.

#### **Consultation with RAPs**

- E28. The Applicant must consult with the relevant Registered Aboriginal Parties (RAPs) throughout the construction phase with ongoing communication about the project and key milestones and ensure that the consultation process does not lapse, particularly with regard to consultation should the Unexpected Finds Protocol be enacted.

#### **Waste Storage and Processing**

- E29. All waste generated during construction must be secured and maintained within designated waste storage areas on the site at all times.
- E30. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- E31. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- E32. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- E33. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

#### **Outdoor Lighting**

- E34. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting in consultation with the CCC.

#### **Independent Environmental Audit**

- E35. An independent auditor must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- E36. Prior to the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Planning Secretary. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.
- E37. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).
- E38. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 week's notice to the applicant of the date or timing upon which the audit must be commenced.
- E39. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition E36 of this consent;

- (b) submit the response to the Planning Secretary and the Certifier; and
  - (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.
- E40. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements (2020), unless otherwise agreed by the Planning Secretary.
- E41. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.

#### **Historic Heritage**

- E42. No item of heritage significance within the site must be damaged or altered during construction works, unless permitted by this development consent.

## **PART F PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- F1. At least one month before the issue of the occupation certificate of any construction stage, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- F2. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA and any other relevant code.
- F3. The Applicant must provide a copy of the documentation given to the Certifier and to the Planning Secretary within seven days after the Certifier accepts it.

### **Post-construction Dilapidation Report**

- F4. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - (c) to be forwarded to Council for information.

### **Protection of Public Infrastructure**

- F5. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

**Note:** This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by this consent.

### **Protection of Property**

- F6. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### **Utilities and Services**

- F7. Prior to issue of the occupation certificate of any relevant construction stage, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Roadworks and Access**

- F8. Prior to the issue of the occupation certificate of any relevant construction stage where roadworks is proposed, the Applicant must provide evidence to the satisfaction of the Certifier that:

- (a) all external roadworks, footpath and pedestrian infrastructure required by condition C14 have been completed; and
- (b) all necessary approvals from the public authorities have been obtained.

#### **Works as Executed Plans**

- F9. Prior to the issue of the occupation certificate of any relevant construction stage, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

#### **Development Contributions**

- F10. Prior to issue of any occupation certificate (not including demolition), Section 7.11 contributions totalling \$238,384.96 (as indexed) are to be paid to Council in accordance with Section 7.11 of the EP&A Act and Ashfield Council S94A Development Contributions Plan. Prior to payment Council can provide the value of the indexed levy.

#### **Green Travel Plan**

- F11. Prior to the issue of any occupation certificate, a Green Travel Plan (GTP) must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Inner West Council and (Sydney Coordination Office) Transport for NSW;
  - (b) be updated prior to each staged increase in students and/or staff numbers;
  - (c) include objectives and mode share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (d) include specific tools and actions to help achieve the objectives and mode share targets;
  - (e) include details to demonstrate how bus services would be increased and accommodated to satisfy the additional demand likely to be generated by additional students;
  - (f) include additional bicycle provisions as per the approved plans listed in condition C1;
  - (g) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (h) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

#### **Operational Transport and Access Management Plan (OTAMP)**

- F12. Prior to the issue of the occupation certificate for the proposed carpark and / or drop-off / pick-up facilities, an OTAMP must be prepared by a suitably qualified person, in consultation with Council, TfNSW and the CCC, and submitted to the satisfaction of the Planning Secretary. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
  - (b) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) operational management procedures of the drop-off / pick-up parking located within the site, and external road access management to/from the carpark including staff management/traffic controller arrangements;

- (d) the location and operational management procedures for the drop-off / pick-up of students by buses and coaches before and after school, for excursions and sporting activities, including staff management/traffic controller arrangements;
- (e) delivery and service vehicle and bus access and management arrangements;
- (f) management of approved access arrangements;
- (g) clear separation between students/staff and maintenance vehicles (including electric vehicles);
- (h) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off / pick-up parking;
- (i) car parking arrangements and management associated with the proposed use of school facilities by community members; and
- (j) a monitoring and review program.

#### **Mechanical Ventilation**

F13. Prior to commencement of operation of any relevant construction stage, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

#### **Operational Noise**

F14. Prior to the issue of the occupation certificate of any relevant construction stage, a suitably qualified acoustic consultant must certify that the noise mitigation recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020 and as required by condition C3 have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the report. The certification must:

- (a) confirm that any new equipment or extension of the existing public address system comply with a criteria of not exceeding background noise of 5dB(a); and
- (b) confirm that the noise generated by the use of the Multi-Purpose Pavilion will not exceed background noise levels at affected residential receivers by more than 5 dBA.
- (c) be submitted to the Certifier for information.

#### **Operational Noise Management Plan (ONMP)**

F15. Prior to the issue of the occupation certification of any relevant construction stage, the Applicant must submit an ONMP to the satisfaction of the Certifier or update any existing ONMP for the school to the satisfaction of the Certifier. The new or updated ONMP must include:

- (a) details to restrict the use of the new Junior School play area adjacent to Seaview Street for free play to 80 students during lunch and recess breaks;
- (b) details restricting the use of the Multi-Purpose Pavilion to only between 7am – 6pm, as per the recommendations in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020; and
- (c) measures to restrict noise emissions from the Multi-Purpose Pavilion during performances to ensure compliance with the operational noise criteria in condition F16 including requirements for windows to be closed during noisy activities within the Multi-Purpose Pavilion.

#### **Car Parking, Service Vehicles and Bicycle Parking Arrangements**

F16. Prior to the issue of the occupation certificate of any relevant construction stage, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:

- (a) the car-parking, service vehicle areas, bicycle parking facilities comply with condition C1 and condition C9;
- (b) appropriate pedestrian and cyclist advisory signs have been provided;
- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority; and
- (d) end-of-trip facilities for staff are provided.

#### **Road Damage**

- F17. Prior to the issue of the occupation certificate of any relevant construction stage, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

#### **Fire Safety Certification**

- F18. Prior to the issue of the occupation certificate of any relevant construction stage, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

#### **Structural Inspection Certificate**

- F19. Prior to the issue of the occupation certificate for the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

#### **Compliance with Food Code**

- F20. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 *Design, construction and fit-out of food premises* and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

#### **Stormwater Quality Management Plan**

- F21. Prior to the issue of the occupation certificate of any relevant construction stage, an Operation and Maintenance Plan is to be submitted to the satisfaction of the Certifier. The plan must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

#### **Warm Water Systems and Cooling Systems**

- F22. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 *Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

## Outdoor Lighting

- F23. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
  - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

## Signage

- F24. Prior to the issue of the occupation certificate of any relevant construction stage, way-finding signage and signage identifying the location of staff car parking must be installed.
- F25. Prior to the issue of the occupation certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- F26. Prior to issue of an occupation certificate, the approved LED signs must:
- (a) be installed directed away from adjoining residential properties with a timed intensity and illumination adjuster;
  - (b) not operate beyond 10pm;
  - (c) not dazzle or distract drivers due to their colouring;
  - (d) not display advertising or messages which contain fully animated or video/movie style advertising or images; and
  - (e) not be used for any live television, satellite, internet or similar broadcast.
- F27. Prior to the issue of the occupation certificate for the relevant construction stage incorporating the signage, the Applicant must demonstrate to the satisfaction of the Certifier that no signage incorporates any speakers.

## Operational Waste Management Plan

- F28. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must prepare an Operational Waste Management Plan for the development and submit it to the Certifier. The Operational Waste Management Plan must:
- (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include the Management and Mitigation Measures included in EIS Appendix 33.

## Landscaping

- F29. Prior to the issue of the occupation certificate of any construction stage, the Applicant must provide suitable evidence to the Certifier that the landscaping of the site has been completed in accordance with landscape plan(s) approved under condition A1(2).
- F30. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping on-site, to the satisfaction of the Certifier. The plan must:
- (a) describe the ongoing monitoring and maintenance measures to manage the landscaping;
  - (b) include a replanting programme where the landscaping fails to establish; and
  - (c) be consistent with the Applicant's Management and Mitigation Measures at EIS in Part J.

- F31. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the satisfaction of the Certifier.

#### **Service Vehicle Management Plan**

- F32. Prior to the issue of the occupation certificate of any construction stage, the Applicant must prepare a Service Vehicle Management Plan for the development and submit it to the satisfaction of the Certifier. The Service Vehicle Management Plan must:
- (a) detail the times and frequency of the service vehicles would enter and exit the site and with times not to conflict with the student drop-off/pick-up times;
  - (b) outline restrictions to vehicle turning movements on Victoria Street;
  - (c) identify size and type of service vehicles accessing the Seaview Street delivery area; and
  - (d) outline management measures to (such as alarms etc) to ensure that the acoustic amenity of the neighbourhood at Seaview Street is maintained.

#### **Planting in Yeo Park**

- F33. Prior to the issue of the occupation certificate of any relevant construction stage, the Applicant must provide additional canopy trees along the northern boundary of Yeo Park in consultation with Council, to assist with screening the visual of the Multi-Purpose Pavilion (identified in Landscape Plan 203 (issue C) prepared by Arcadia Landscape Architecture dated Oct 2020). A copy of the consultation with the Council must be provided to the Planning Secretary prior to landscaping commencing.
- F34. The trees required in condition F33 must be at least 100 litres in pot size (unless otherwise agreed to by Council), shall be at the Applicant's cost and the Applicant is required to plant them. The trees must be maintained by the Applicant for a period of 12 months after planting. If the trees are damaged, stolen or perish within this 12 month period then the Applicant must replace them like for like. Following the end of the 12 month period ownership and maintenance of the trees reverts to Council.

#### **Seaview Street - Street Tree Planting**

- F35. The Applicant must use its best endeavours to liaise with Council with respect to the replacement of tree(s) in Council's street verge in front of 46 – 52 Seaview Street. The species, pot size and spacing of the trees are to be determined in consultation with Council and be installed at the Applicant's expense. The trees must be maintained by the Applicant for a period of 12 months after planting. If the trees are damaged, stolen or perish within this 12 month period then the Applicant must replace them like for like. Following the end of the 12 month period ownership and maintenance of the trees reverts to Council.

#### **Conservation Management Plan**

- F36. Prior to the issue of the occupation certificate of any relevant construction stage, a detailed Conservation Management Plan (CMP) must be prepared by a suitably qualified heritage consultant, to the satisfaction of the Planning Secretary. The CMP must:
- (a) be prepared in consultation with Council;
  - (b) include details of options for the conservation and ongoing management of the Headmaster's House, Chapel, Quadrangle setting, Dining Hall and North Quad Building; and
  - (c) include details of the buildings that contribute to the Quadrangle space.

## **PART G POST OCCUPATION**

### **Out of Hours Event Management Plan**

- G1. This consent does not approve any out-of-hours events apart from the existing events and uses within the site in accordance with Appendix J to the RtS – Amended Schedule of Uses titled “Trinity Grammar School – Summer Hill Campus - Indicative Usage of Facilities as at 24/10/2019”.
- G2. The use of the Multi-Purpose Pavilion is only allowed between 7am – 6pm, as per the recommendations of *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.
- G3. This consent does not approve any out-of-school hours events to use the T&L terrace, including weekends.

### **Operation of Plant and Equipment**

- G4. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- G5. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires’ Disease.

### **Community Communication Strategy**

- G6. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of all approved construction.

### **Operational Transport and Access Management Plan**

- G7. The OTAMP approved under condition F12 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### **Operational Noise Limits and Noise Management**

- G8. The Applicant must ensure that noise generated by operation of the School does not exceed the Site-specific noise criteria as established in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020.
- G9. The Applicant must ensure that noise from the activities within the site due to the facilities approved by this development consent, are managed in accordance with the ONMP required by this development consent.
- G10. The Applicant must ensure that the noise from the Public Address System and the School Bell would not exceed background noise levels at affected residential receivers by more than 5 dBA.
- G11. The Applicant must ensure that the noise from the use of the Multi-Purpose Pavilion does not exceed background noise levels at affected residential receivers by more than 5 dBA.
- G12. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement of use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the *Noise and Impact Assessment* prepared by SLR dated 4 February 2020 and the criteria in condition F15.
- G13. Should the noise monitoring program in condition G12 identify any exceedance of the recommended noise levels, the Applicant must implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

**Unobstructed Driveways and Parking Areas**

- G14. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

**Green Travel Plan**

- G15. The Green Travel Plan required by condition F11 of this consent must be updated annually and implemented by the Applicant for the life of the development unless otherwise agreed by the Planning Secretary.

**Ecologically Sustainable Development**

- G16. Unless otherwise agreed by the Planning Secretary, within six months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition D9, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.

**Outdoor Lighting**

- G17. Notwithstanding condition F23, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

**Landscaping**

- G18. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition F30 for the duration of occupation of the development.

**Student numbers**

- G19. The Applicant must maintain a student attendance register for the period of 4 years after 2100 students has been reached. The student attendance register must be submitted annually to the Planning Secretary demonstrating that the development does not exceed the 2100 students on Trinity Grammar School - Summer Hill campus site on any given day.

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

**Long Service Levy**

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

**Legal Notices**

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

**Access for People with Disabilities**

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

AN5. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

**Utilities and Services**

AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN7. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

**Road Design and Traffic Facilities**

AN8. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

**Road Occupancy Licence**

AN9. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

**SafeWork Requirements**

AN10. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

**Hoarding Requirements**

AN11. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

**Handling of Asbestos**

AN12. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

**Fire Safety Certificate**

AN13. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition B27 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.



## **APPENDIX 2**

### **LANDSCAPING PLANS**



## DESIGN STATEMENT BY THE CONSULTANT

PROJECT: Trinity Grammar School Renewal Project  
Prospect Road, Summer Hill, NSW, 2130

LANDSCAPE ARCHITECTS: Arcadia Landscape Architecture Pty Ltd.

ABN: 83 148 994 870

To whom it may concern,

Arcadia is responding specifically to the updated modifications to the Landscape SSDA package.

### Modification Amendments:

#### 1. Oval 1

##### 1.1 Increased Tree's to border planting areas.

Further design development and coordination has resulted in the revision of site tree planting proposal and precinct landscape design. As a result, additional trees are proposed along the boundaries to Oval 1 to provide site perimeter canopy, whilst maintaining a minimum of 67 new trees on site.

##### 1.2 Planters to Oval Terraces and Music Hall

Planter form revised in design development phase to respond to the aesthetic language of the Trinity Theatre, bleacher terraces to Jubilee Drive facade and the overall design of the landscape masterplan. Trees have been repositioned to suit planter soil volume capacities.

#### 2. Oval 2

##### 2.1 Increased Tree's to Victoria St planter bed.

Further design development and coordination has resulted in the revision of site tree planting proposal and precinct landscape design. As a result, additional trees are proposed along the boundaries of Oval 2 to Victoria St to provide site perimeter canopy, whilst maintaining a minimum of 67 new trees on site.

### 3. Oval 3

#### 3.1 Increased Tree's to Victoria St planter bed.

Further design development and coordination has resulted in the revision of site tree planting proposal and precinct landscape design. As a result, additional trees are proposed along the boundaries of Oval 3 to Victoria St to provide site perimeter canopy, whilst maintaining a minimum of 67 new trees on site.

#### 3.2 Oval grading updated.

Oval 3 grading updated due to returfing the oval, increasing the soil capacity for upgrading irrigation requirements and curtilage grades around the Oval thoroughfares.

### 4. Chapel Drive

#### 4.1 Replacement of *Syzygium australe* and *Calodendrum capense* with two *Tristaniopsis laurina* 'Luscious' to Prospect Rd frontage.

These trees are replaced and approved by Arborist assessment due to re-grading of the public interface to align with Prospect Rd footpath, accommodating a safe traversable path and entry statement for Trinity's Main accessible entry thoroughfare. Further design development and coordination has resulted in the revision of site tree planting proposal and precinct landscape design. As a result, trees previously proposed along the driveway has been removed and relocated to other locations, whilst maintaining a minimum of 67 new trees on site.

Yours Faithfully - For Arcadia Landscape Architecture Pty Ltd.



DANIEL SPICER

Associate Landscape Architect  
RAILA #3374

09<sup>th</sup> February 2022



## **APPENDIX 3**

### **CORRELATING ARCHITECTURAL PLANS**





**APPENDIX 4**

**SCHEDULE OF STAMPED PLANS**



PLAN DETAILS		SSD APPROVAL		DEFERRED COMMENCEMENT APPROVAL	
Plan Number	Plan Description	Revision	Date	Revision	Date
DA003	Site Masterplan	<b>B</b>	<b>15/1/21</b>		
DA100	Site Demolition Plan B2	<b>A</b>	<b>3/2/20</b>		
DA101	Site Demolition Plan B1	<b>A</b>	<b>3/2/20</b>		
DA102	Site Demolition Plan L0 + above	<b>A</b>	<b>3/2/20</b>		
DA110	Proposed Site Plan B2	<b>A</b>	<del>3/2/20</del>	<b>C</b>	<b>10/12/21</b>
DA111	Proposed Site Plan B1	<b>B</b>	<del>15/1/21</del>	<b>E</b>	<b>21/12/21</b>
DA112	Proposed Site Plan L0	<b>C</b>	<del>15/1/21</del>	<b>F</b>	<b>21/12/21</b>
DA113	Proposed Site Roof Plan	<b>B</b>	<del>15/1/21</del>	<b>D</b>	<b>21/12/21</b>
DA120	Proposed T&L Precinct Plan B1	<b>A</b>	<del>3/2/20</del>	<b>B</b>	<b>16/11/21</b>
DA121	Proposed T&L Precinct Plan L0	<b>A</b>	<del>3/2/20</del>	<b>C</b>	<b>10/12/21</b>
DA122	Proposed T&L Precinct Plan L1	<b>A</b>	<del>3/2/20</del>	<b>C</b>	<b>10/12/21</b>
DA123	Proposed T&L Precinct Plan L2	<b>B</b>	<del>24/8/21</del>	<b>D</b>	<b>10/12/21</b>
DA124	Proposed T&L Precinct Plan L3	<b>B</b>	<del>24/8/21</del>	<b>D</b>	<b>10/12/21</b>
DA125	Proposed T&L Precinct Plan L4	<b>B</b>	<del>24/8/21</del>	<b>D</b>	<b>10/12/21</b>
DA126	Proposed T&L Precinct Plan Roof Plan	<b>C</b>	<del>24/8/21</del>	<b>D</b>	<b>10/12/21</b>
DA130	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2	<b>A</b>	<del>3/2/20</del>	<b>C</b>	<b>10/12/21</b>
DA131	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1	<b>A</b>	<del>3/2/20</del>	<b>D</b>	<b>21/12/21</b>
DA132	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0	<b>A</b>	<del>3/2/20</del>	<b>D</b>	<b>21/12/21</b>
DA133	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1	<b>B</b>	<b>24/8/21</b>		
DA134	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2	<b>B</b>	<b>24/8/21</b>		
DA135	Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L3	<b>B</b>	<b>24/8/21</b>		
DA140	Proposed Maintenance Plan B1	<b>C</b>	<del>24/2/21</del>	<b>E</b>	<b>10/12/21</b>
DA141	Proposed Maintenance Plan L0	<b>C</b>	<del>24/2/21</del>	<b>D</b>	<b>16/11/21</b>
DA142	Proposed Maintenance Plan L1	<b>C</b>	<del>19/2/21</del>		
DA143	Proposed Maintenance Roof Plan	<b>B</b>	<del>15/1/21</del>	<b>C</b>	<b>16/11/21</b>
DA150	Proposed Oval 3 Car Park B2	<b>A</b>	<del>24/8/21</del>	<b>B</b>	<b>16/11/21</b>
DA151	Proposed Oval 3 Car Park B1	<b>A</b>	<del>24/8/21</del>	<b>C</b>	<b>21/12/21</b>
DA152	Proposed Oval 2 Car Park B1	<b>A</b>	<del>24/8/21</del>	<b>B</b>	<b>16/11/21</b>
DA153	Proposed Oval 2 L0	<b>A</b>	<del>24/8/21</del>	<b>C</b>	<b>21/12/21</b>
DA160	Schematic Bicycle Parking Plan	<b>A</b>	<b>August 21</b>		
DA200	Streel Elevations 01,02	<b>D</b>	<b>18/2/21</b>		
DA201	Streel Elevations 03,04	<b>B</b>	<b>15/1/21</b>		
DA300	Site Sections AA, BB, GG	<b>B</b>	<b>15/1/21</b>		
DA301	Site Sections CC, DD	<b>B</b>	<b>15/1/21</b>		
DA302	Site Sections EE, FF	<b>B</b>	<del>15/1/21</del>	<b>D</b>	<b>21/12/21</b>
DA306	Building Elevations	<b>A</b>	<b>28/8/20</b>		
DA307	Building Elevations	<b>A</b>	<b>28/8/20</b>		
DA308	Building Elevations - Seaview Maintenance	<b>C</b>	<del>24/2/21</del>	<b>D</b>	<b>16/11/21</b>

PLAN DETAILS		SSD APPROVAL		DEFERRED COMMENCEMENT APPROVAL	
Plan Number	Plan Description	Revision	Date	Revision	Date
DA309	Building Sections - Seaview Maintenance	B	24/2/21	C	16/11/21
DA320	Building Elevations	A	August 2021	B	16/11/21
DA321	Building Elevations	A	24/8/21		
DA322	Building Elevations	A	24/8/21	B	16/11/21
DA330	Site Sections AA	A	24/8/21	B	16/11/21
DA331	Site Sections BB	A	24/8/21	B	16/11/21
DA332	Site Sections CC	A	24/8/21		
DA333	Site Sections DD	A	24/8/21	B	16/11/21
DA334	Site Sections EE	A	24/8/21	B	21/12/21
DA340	Jubilee Sections	A	24/8/21	B	21/12/21
DA501	Signage Location Plan	A	28/8/20		
DA502	Signage Blade Wall	A	28/8/20		
DA503	Lift Tower Signage	A	28/8/20		
DA504	Scoreboard Signage	A	28/8/20	B	15/11/21
DA505	Prospect Road Signage	A	28/8/20	C	NOT DATED
DA506	Centenary Centre Signage	A	28/8/20		
DA507	Seaview Maintenance Signage	A	28/8/20		
DA600	Material's Board Western Facade	A	28/8/20		
DA601	Material's Board Southern Facade	A	28/8/20		
DA602	Material's Board Eastern Facade	A	28/8/20		
DA604	Material's Board Seaview Maintenance	C	24/2/21		
000	Coversheet	E	Oct 2020	E	Dec 2021
100	Landscape Masterplan	E	Oct 2020	E	Dec 2021
200	Landscape Plan	E	Oct 2020	E	Dec 2021
201	Landscape Plan	E	Oct 2020	E	Dec 2021
202	Landscape Plan	E	Oct 2020	E	Dec 2021
203	Landscape Plan	E	Oct 2020	E	Dec 2021
204	Landscape Plan	E	Oct 2020	E	Dec 2021
205	Landscape Plan	E	Oct 2020	E	Dec 2021
206	Landscape Plan	E	Oct 2020	E	Dec 2021
207	Landscape Plan	E	Oct 2020	E	Dec 2021
601	Landscape Details and Specification	E	Oct 2020	E	Dec 2021
L-650	Landscape Details – planting	A	24/8/21		
634	Landscape Details – Jubilee Planter	-	No date		



**APPENDIX 5**

**ARBORICULTURAL REPORT**



**AUSTRALIS**  
Tree Management



*Trinity Grammar School, Summer Hill Campus*

***The Renewal Project***  
*Near Chapel Drive*

***Arboriculture  
Impact  
Assessment***

Lot 11 in DP 1171965  
Trinity Grammar School  
113-119 Prospect Rd, Summer Hill NSW 2130

Commissioned By:	Bloompark Consulting Pty Ltd Suite 2.04/41 McLaren Street North Sydney NSW 2060
Date:	10 November 2021
File Reference:	20221841
Version:	1
Prepared By:	Meredith Gibbs (Dip. Hort. Arb.)

**Australis Tree Management**  
**PO Box 3453**  
**DURAL NSW 2158**  
**Email: [info@australistrees.com.au](mailto:info@australistrees.com.au)**

## Document Details

Document Title	Arboriculture Impact Assessment		
Client	Bloompark Consulting Pty Ltd		
Site Details	113 - 119 Prospect Rd, Summer Hill NSW 2130 Lot 11 in DP 1171965		
Written By	Meredith Gibbs		
Australis Reference	Version Number	Date	Details
20221841	1	10 November 2021	For Client Review



Meredith Gibbs  
Australis Tree Management  
10 November 2021

### Disclaimer

Australis Tree Management has no affiliation with any private contractors, associations or nurseries involved in the tree removal and pruning business. This ensures an impartial approach to all recommendations given regarding tree removals, tree hazard inspections and surveys. The Principal of the business, Meredith Gibbs, has a certificate level 5 in Arboriculture obtained from Northern Sydney Institute, Ryde TAFE College, NSW in 2003.

This report/assessment is made solely for the use and benefit of the client named on the front of this report. No liability or responsibility whatsoever, in contract or tort, is accepted to any third party who may rely on the report/assessment wholly or in part. Any third party acting or relying on this report / assessment in whole, or in part, does so at their own risk.

The addressee is required to peruse the report and contact Australis Tree Management within fourteen days for corrections. The addressee is also required to advise if any of the information or data supplied is inaccurate or incomplete, thereby affecting the conclusions and recommendations given in this report.

Any required updates, reassessments or re-examinations of the original report required by any other party will incur a fee.

Because of the nature of living organisms and the circumstances and condition that can affect their health and well-being this report will have a validity of 3 months from the date hereof. Where further information/data is supplied to Australis Tree Management, which nullifies the original report then a further fee will apply.

### Copyright

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## Summary

Australis Tree Management has been commissioned by Mr Shaun Diamond from Bloompark Consulting Pty Ltd to complete an arboriculture impact assessment. This report aims to identify the health and condition of the trees, potential impacts from proposed works and to provide recommendations regarding tree retention, protection and removals within the selected location near Chapel Drive.

The development proposed is for the redesign and new landscaping within the selected area.

On the 3 November 2021, I attended the site at 113-119 Prospect Rd, Summer Hill and inspected two (2) trees, which are located on site and within 5m of the boundaries of the site on adjoining properties. These trees are proposed for removal and replacement.

I completed a modified Tree Survey Form (Matheny & Clark, 1994), applied 'TreeAZ' ratings (Barrell, 2010) as well as taking supporting photographs of the trees.

The inspection performed by visibly inspecting the trees from accessible points at ground level and assessing the supplied proposed plans.

The tree defects and symptoms that were encountered have been discussed in section 5 and a detailed tree schedule is included in appendix a.

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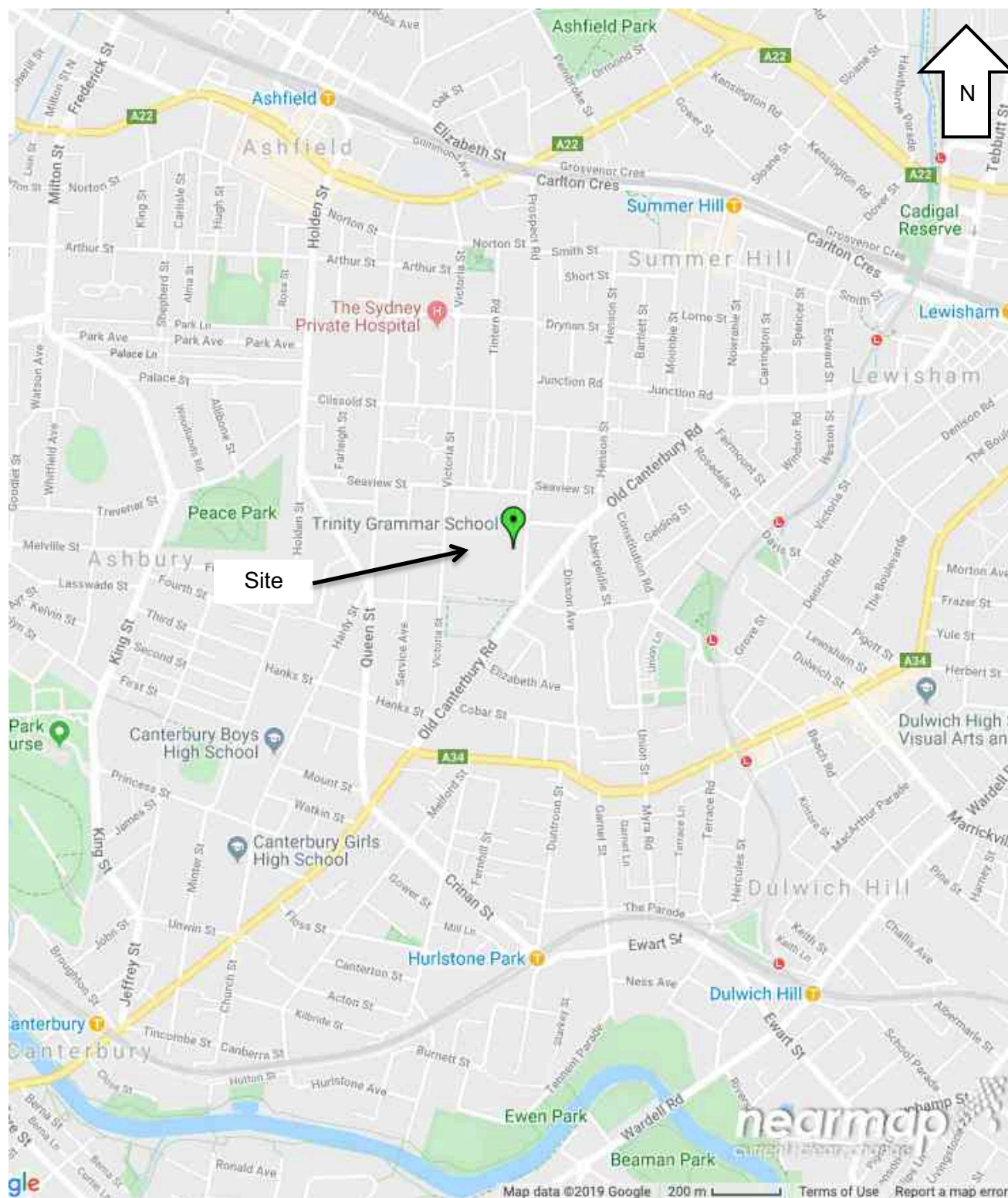
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## Abbreviations

DCP.....	Development Control Plan
LEP.....	Local Environmental Plan
LGA.....	Local Government Authority
SRZ.....	Structural Root Zone
TPO.....	Tree Preservation Order
TPZ.....	Tree Protection Zone

## Location Map

113-119 Prospect Rd, Summer Hill NSW 2130



Source – Near Map 30 October 2019  
Figure 1. Location Map

## Site Map

113-119 Prospect Rd, Summer Hill NSW 2130



Source – Near Map, 9 November 2021  
Figure 2. Site Map

## Introduction

### 1.1 Brief

Mr Shaun Diamond from Bloompark Consulting Pty Ltd provided instructions to inspect and assess the health and condition of the selected trees at 113-119 Prospect Rd, Summer Hill. I have prepared an Arboriculture Impact Assessment on the proposed impacts of the development works on the subject trees.

### 1.2 The Proposed Development

The development proposed is for the redesign and new landscaping within the selected area.

### 1.3 Aims

- Undertake field surveys for tree health and condition.
- Conduct a literature review on the tree defects and symptoms.
- Identify Tree Protection Zones for all trees assessed and assess the likely impacts from the development on the trees.
- Provide preliminary advice and tree protection recommendations for trees proposed for retention and protection.

### 1.4 Qualifications and Experience

This report has been based upon site observations and the assessment of the subject trees. Conclusions have been reached from experience and follow up research. Qualification details are included in the appendix.

### 1.5 Documents Provided

- Provided by Bloompark Consulting Pty Ltd – 8 November 2021
  - 18-586\_TGS\_A1\_Chapel Drive\_211108.pdf

### 1.6 Scope

- This report is only concerned with the health and condition of the subject trees and the potential impacts from the proposed development. Root mapping, invasive structural strength of the trees, soils assessments or aerial inspections were not performed. This report has been prepared in accordance with Inner West (Ashfield) LEP and DCP. It includes a detailed assessment based on the site visit and the documents provided.
- Recommendations may be provided regarding alterations to the proposed design or construction methods to mitigate detrimental impacts on the subject trees.
- Only trees which qualify as a being protected under Inner West (Ashfield) 's Tree Preservation Policy have been included in the body of this report.

## 2 Methodology

### 2.1 Methods

The following relevant information was compiled for consideration of the proposed works. Details are located in the appendices.

- AS 4970- 2009 Protection of trees on development sites
- AS 4373 - 2007 Pruning of amenity trees
- Tree Survey Form (Matheny & Clark, 1994)
- Visual Tree Assessment (Mattheck & Breloer, 1994)

### 2.2 TreeAZ (Barrell, 2016)

- **TreeAZ 'A'** - Moderate and high-quality trees suitable for retention for more than 10 years, and worthy of being a material constraint
- **TreeAZ 'Z'** - Low quality trees not worthy of being material constraint

### 2.3 Information Collected

Information collected includes tree species, dimensions, tree health and condition, tree assessment ratings and tree protection zones etc. Trees located on adjoining properties will be inspected from the ground on the subject site or public land only. All relevant information is included in the Tree Schedule (Appendix A). The inspection was of a preliminary nature and did not involve any climbing or detailed investigation beyond what was visible from accessible points at ground level.

### 2.4 Species Identification

Identification of the subject trees are determined by visible features only at the time of the inspection. Every effort is made to correctly identify the subject trees where time permits. Photographs are compared with varying text listed in 'References'.

### 2.5 Tree Measurements

In accordance with AS 4970-2009 tree trunk diameters were measured with a diameter tape at 1.4m high (unless stated). Tree heights are measured with a clinometer and canopy spreads estimated accordingly.

### 2.6 Photography

A Nikon D5200 SLR camera or an iPhone were used. In low light levels photographs maybe altered to improve visual quality, this involves adjustments to exposure, contrast, reduction of shadows and increased sharpness. No adjustments to vibrancy that alter colours were applied.

### 2.7 Proposed Pruning

All pruning specifications are written in compliance of *AS 4373 - 2007 Pruning of amenity trees* and should be carried out in accordance with *AS 4373 - 2007* and Workcover NSW Code of Practice '*Amenity Tree Industry*', 1998. Definitions for all terminology used in this report are taken from *AS 4373 - 2007 Pruning of amenity trees*,

*AS 4970- 2009 Protection of trees on development sites* and the International Society of Arboriculture's Glossary of Arboricultural Terms.

## **2.8 Vegetation in Non-Rural Areas [NSW] (2017)**

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 includes provisions requiring the preservation of trees and bushland within Inner West (Ashfield) LGA.

### *3 Aims of Policy*

*The aims of this Policy are:*

- (a) to protect biodiversity values of trees and vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

## **2.9 Tree Protection**

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 includes provisions requiring the preservation of trees and bushland within Inner West (Ashfield) LGA. This report relies on the information contained within Inner West (Ashfield) Local Environmental Plan (2013) and Development Control Plan (2016). This report may include trees on adjoining properties that are likely to be impacted by the proposed development regardless of the definition contained in the LEP and DCP. Council may require a greater setback from proposed structures to ensure the preservation and protection of the tree.

## **2.10 Vegetation**

Vegetation types have been determined using a variety of methods depending on the location and LGA. Depending on the sources results can vary and should be used as a guide only.

## 3 Site Visit and Observations

### 3.1 Field Visit

The unaccompanied site visit was conducted on 29 October 2019. All observations were from ground level without detailed investigations. The weather at the time of the inspection was clear, still and dry with good visibility.

### 3.2 NSW Property Details

The following relevant information was gathered from NSW Planning Portal on 9 November 2021.

- Terrestrial Biodiversity – No
- Environmental Protection – No
- Native Vegetation Protection – No
- Riparian Lands & Watercourses – No
- Bushland in Urban Areas (SEPP No. 19) – Yes
- Green Asset – No

### 3.3 Brief Site Description

Trinity Grammar School at Summer Hill is located in the residential suburb of Summer Hill. The campus grounds are bordered by Prospect Road, Victoria Street and Seaview Street. The grounds consist of school buildings, classrooms, recreational areas, driveway's and sports fields.

### 3.4 Location of the Trees

The trees in question are located near Chapel Drive in the north-eastern area of the site. The trees have been located on the aerial site map and supplied plans and numbered accordingly. This plan is for illustrative purposes only and it should not be used for directly scaling measurements. The site contains indigenous, planted native and exotic tree species. They are of varying ages and stages of maturity with some over mature specimens.

### 3.5 On Site Vegetation

The site contains indigenous, planted native and exotic tree species. They are of varying ages and stages of maturity. There is no remnant vegetation on site.

### 3.6 The Benefits of Trees

- Reduce urban heat island effects
- Purify and oxygenate the air
- Sequester carbon through photosynthesis
- Intercepting rainfall and modifying runoff
- Enhance biodiversity
- Providing habitat and wildlife corridors

### 3.1 Councils Exempt Species

The assessed tree species are not listed in the councils' list of exempt species.

### 3.2 Biodiversity Values

The subject site is mapped as not having Biodiversity Values according to The Biodiversity Values Map (BV Map) defined by the *Biodiversity Conservation Regulation 2017*.

### 3.3 Biosecurity Act 2015

The assessed tree species are not listed in the Biosecurity Act 2015.

### 3.4 Replacement Tree Planting

Replacement trees should preferably include indigenous tree species. These will aid in preserving landscape character and wildlife habitat. The trees proposed for removal must be offset through replacement plantings. Council may recommend an increased replacement ratio. All replacement plantings must be species selected from indigenous tree species such as

#### Location and Size of Plantings

- All replacement trees must be located in the designated areas on the Tree Protection Plan and must be 4 metres or greater from the foundation walls of any proposed dwelling.
- The pot size of the replacement tree(s) must be a minimum 25 litres.
- All replacement tree(s) must be maintained until they reach the height of 3 metres.
- All replacement trees must have the potential to reach a mature height greater than six metres.
- All tree stock must meet the specifications outlined in "Specifying Trees" by Ross Clark, Publisher NATSPEC Books.
- Planting methods must meet professional (best practice) industry standards.

## 4 Results

- A complete tree schedule is located in appendix a.
- **TreeAZ 'A'** - Moderate and high-quality trees suitable for retention for more than 10 years, and worthy of being a material constraint
- **TreeAZ 'Z'** - Low quality trees not worthy of being material constraint

### 4.1 Trees Species and Life Expectancy

Tree No.	Species	Life Expectancy
1	<i>Syzygium australe</i> (Brush Cherry)	40+yrs
2	<i>Calodendrum capense</i> (Cape Chestnut)	5-15yrs

Table 1. Trees and Life Expectancy

### 4.2 Proposed for Removal

Tree no.	Species	TPZ	Proposed TPZ Encroachment
1	<i>Syzygium australe</i> (Brush Cherry)	2m	100%
2	<i>Calodendrum capense</i> (Cape Chestnut)	2m	100%

Table 2. Trees Proposed for Removal



Figure 3. The subject trees

## 5 Discussion

### 5.1 Trees Proposed for Removal

#### 5.1.1 Tree No. 1 *Syzygium australe* (Brush Cherry)

5.1.1.1 This native tree is located on site and is protected by council. The tree is mature with a dominant trunk and is in fair health. The crown is showing good (4) health and the structural condition is fair with no significant issues sighted. There was no deadwood and epicormic growth was determined as moderate and young at approximately <10% from previous pruning events. This tree has a 'TreeAZ' rating of 'Z1' and an estimated life expectancy of 40+yrs.

5.1.1.2 The tree is proposed for removal as it is located within the proposed redesigned area and new landscaping.

#### 5.1.2 Tree No. 2 *Calodendrum capense* (Cape Chestnut)

5.1.2.1 This exotic tree is located on site and is also protected by council. The tree is young with a dominant trunk and is in poor health. The crown is showing declining (1-2) health and the structural condition is fair with numerous pruning wounds present leaving small cavities and locations for potential decay. The crown is showing declining (1-2) health with low vigour and the structural condition is fair with numerous pruning wounds present leaving small cavities and locations for potential decay. There are areas in the canopy of twig dieback with minimal epicormic growth present. This tree also has a 'TreeAZ' rating of 'Z1' and with an estimated life expectancy of 5-15yrs.

5.1.2.2 The tree is proposed for removal as it is located within the proposed redesigned area and new landscaping.

## 6 Conclusion & Recommendations

### 6.1 Trees Proposed for Removal

6.1.1 Tree No. 1 *Syzygium australe* (Brush Cherry) is a mature, small, native tree located on site. It is in good condition with a 'TreeAZ' rating of 'Z1' and a 40+yrs life expectancy. The tree is proposed for removal new landscaping.

- Recommendation
  - Replace with *Tristaniaopsis laurina* 'Luscious' (Water Gum)

6.1.2 Tree No. 2 *Calodendrum capense* (Cape Chestnut) is a young, small, exotic tree located on site. It is in poor health with a 'TreeAZ' rating of 'Z1' and a 5-15yrs life expectancy. The tree is proposed for removal new landscaping.

- Recommendation
  - Replace with *Tristaniaopsis laurina* 'Luscious' (Water Gum)

## Appendix A - Tree Schedule

Tree no.	1	2
Species	Syzygium australe (Brush Cherry)	Calodendrum capense (Cape Chestnut)
DBH (diam)	15cm	25cm
DGL (diam)	20cm	30cm
Height	4.0m	6.0m
Canopy N (radius)	1.0m	3.0m
Canopy S (radius)	1.0m	2.0m
Canopy E (radius)	1.0m	2.0m
Canopy W (radius)	1.0m	2.0m
Live Crown Ratio	90%	80%
Age	mature	young
Life Expectancy	40+yrs	5-15yrs
Crown Class	codominant	dominant
Crown Condition	good (4)	decline (2)
Structural Condition	fair	fair
Tree Condition	fair	poor
Deadwood	0%	<10%
	N/A	medium and small
Epicorms	10%-25%	0%
	low and young	N/A
Health & Condition	pruning events	decline / pruning events
Root Zone	garden	garden
Structures	foot path and road	foot path and road
Type	native	exotic
TreeAZ	Z1	Z1
Location	on site	on site
TPO Protected	yes	yes
TPZ	2.0m	3.0m
SRZ	1.7m	2.0m
Proposed Works Comments	landscaping	landscaping
Distance to prop works	0.0m	0.0m
Proposed Works Encr	100%	100%
Proposed Status	Remove	Remove

## Appendix B - Tree Schedule Definitions & Information

**Location** - Adjoining Property / Nature Strip / On Site

**Dimensions** - Diameter at breast height at 1.4m (DBH) / Diameter at ground level (DGL)

**Height** - Height measured in meters determined with a clinometer or estimated by eye

**Canopy** - Canopy spread measured in meters in each direction (radius)

### Age Class

- Young - Recently planted or seeded
- Semi mature - < 20% of life expectancy
- Mature - 20% - 80% of life expectancy
- Over mature - > 80% of life expectancy

**Life Expectancy** - >5 years / 5-15 years / 15-40 years / 40+ years

### Crown Class

- Dominant - Crown extends above general canopy; not restricted by other trees.
- Co-dominant - Crown forms the bulk of the general canopy but crowded by other trees.
- Intermediate - Crown extends into dominant / co dominant canopy but quite crowded on all sides.
- Emergent - Crown development restricted from surrounding trees.
- Suppressed - Crown development restricted from overgrowing trees.

### Tree Condition

**Good** - The crown is unrestricted. Free of pests, diseases and obvious structural issues. Has adequate vigour, foliage volume, size and colour.

**Fair** - The crown is not significantly restricted. Minor signs of pests and diseases. Some signs of damage or branch failures from storms. Some signs of reduced health or potential decline. They tree may improve in health or deteriorate in health and condition and may improve with remedial works.

**Poor** - The crown is significantly restricted. Major signs of pests and diseases. Significant signs of damage or branch failures where structural integrity may be compromised or the tree is in decline and unlikely to recover.

**Senescent** - The tree is overmature and show irreversible decline, dying or nearly dead.

**Dead** - The tree is no longer capable of photosynthesis, osmosis and turgidity. Any dead tree must be assessed for hollow bearing capabilities and habitat potential.

**Removed** - No longer present at location.

### Crown Condition

- 1 - Severe decline, <20% canopy density; major dead wood
- 2 - Declining, 20-60% canopy density; twig and branch dieback
- 3 - Average / low vigour, 60-90% canopy density; twig dieback
- 4 - Good, 90-100% canopy density; little or no dieback or other problems
- 5 - Excellent, 100% canopy density; no deadwood or other problems

### Structural Condition

- Poor - Wounds with fungal fruiting bodies, excessive included bark unions, numerous previous failures, significant wounds.
- Fair - Minor wounds, minor included bark unions, minor deadwood etc.
- Good - No significant issues and good foliage volume

### Deadwood

- Low - Less than 10% of the canopy - Small, <10mm diameter and <2 metres in length / Large, >10mm diameter and >2 metres in length
- Medium - Between 10% and 50% of the canopy - Small, <10mm diameter and <2 metres in length / Large, >10mm diameter and >2 metres in length
- High - Greater than 50% of the canopy - Small, <10mm diameter and <2 metres in length / Large, >10mm diameter and >2 metres in length

**Epicormic growth**

- Low - Less than 10% of the canopy - young / mature
- Medium - Between 10% and 50% of the canopy - young / mature
- High - Greater than 50% of the canopy - young / mature

**Tree Type**

- Endemic - Species that occur naturally and are restricted to a given area.
- Exotic - An introduced plant from outside Australia.
- Indigenous - Species that occur naturally to a given area but may not be restricted to only that area.
- Native - A general term referring to any plant indigenous to Australia including cultivars.

**Root Zone** - Compacted / Garden / Grass / Mulched / Natural Bush / Paved / Soil level lowered / Soil level raised

**Structures** - Fence / Garage / Footpath / Verandah / Dwelling / Road / Driveway / Seat

## Appendix C - Photographs



Figure 4. Tree No. 1 *Syzygium australe* (Brush Cherry)



Figure 5. Tree No. 1 Trunk



Figure 6. Tree No. 2 *Calodendrum capense* (Cape Chestnut)



Figure 7. Tree No. 2 Trunk

## Appendix D - Proposed Site Plan

18-586\_TGS\_A1\_Chapel Drive\_211108.pdf

### TGS Chapel Drive Tree Replacement



### 2x Replacement Species



*Tristaniopsis luscious*  
Water Gum  
8 x 4m

With the Arboricultural advice recieved regarding the health status of the 2 existing trees (Caleodendron & Lilly Pilly) it is Arcadia's advice to remove and replace these species with *Tristaniopsis luscious* for its solar access suitability.

## Appendix E - Glossary

Shigo, A.L. (1986) A New Tree Biology Dictionary.

\*Docktor, D (2001) City of Palo Alto, Tree Technical Manual.

<b>Bark*</b>	All tissue outside the vascular cambium. Bark is usually divided into inner bark active phloem and aging and dead crushed phloem.
<b>Basal</b>	Lower trunk area of the tree.
<b>Branch*</b>	Organ which supports leaves, flowers and fruit.
<b>Branch collar*</b>	Trunk tissue that forms around the base of a branch between the main stem and the branch wood and trunk wood to meet. Formed by compaction or expansion as the girth of the branch and trunk increase.
<b>Canopy</b>	The part of the crown composed of the leaves and small twigs.
<b>Cavity</b>	An open wound, characterized by the presence of decay and resulting in a hollow (Matheny & Clarke, 1994).
<b>Codominant stems*</b>	Stems or trunks of about the same size originating from the same position from the main stem.
<b>Compaction</b>	Compaction of soils causes roots to die due to lack of oxygen and water.
<b>Compartmentalization*</b>	Dynamic tree defense process involving protection features that resist the spread of pathogens.
<b>Crown*</b>	Portion of the tree consisting of branches and leaves and any part of the trunk from which branches arise.
<b>Decay*</b>	Degeneration and delignification of plant tissue, including wood, by pathogens or microorganisms.
<b>Dieback</b>	Dieback is the reduction in the dynamic mass of a tree as twigs and branches die and are walled off by protection boundaries.
<b>Epicormic shoots*</b>	Shoots produced by dormant buds within the bark or stems of a tree as a result of stress, lopping or increase light. Epicormic shoots usually have a weaker form of branch attachment.
<b>Included bark*</b>	Inwardly formed bark at the junction of branches or codominant stems.
<b>Kino</b>	A dark red to brown resin-like substance produced by the trees in the genera Eucalyptus and other related genera. Kino forms when living cells are injured and infected.
<b>Lopping*</b>	Random cutting of branches or stems between branch union or at internodes on young trees.
<b>Mycorrhiza</b>	A symbiotic, nonpathogenic, or weakly pathogenic association of fungi and non woody, absorbing roots of plants. The common belief is that the mycorrhiza help the tree with mineral absorption, especially phosphorus.
<b>Microorganisms</b>	An organism of microscopic size. Bacteria, the tree pathogens, may be as small as 3 microns wide by 5 microns long.
<b>Pathogen</b>	Any agent that causes disease.
<b>Photosynthesis</b>	A process where chlorophyll in plants traps the energy of the sun in a molecule of carbon dioxide and water that is called sugar.
<b>Roots</b>	An organ of a tree that serves to maintain mechanical support, to provide water and essential elements from the soil through absorption, and to store energy reserves.
<b>Stem*</b>	Organ which supports branches, leaves flowers and fruit.
<b>Tree*</b>	Long lived woody perennial plant greater than (or potentially greater than) 3m in height with one or relatively few stems.
<b>Trunk*</b>	The main stem.
<b>Wound*</b>	An opening that is created when the bark is cut, removed or injured.

## Appendix F - TreeAZ (Barrell 2010)

### TreeAZ Categories (Version 10.10-ANZ)

#### Category Z: Unimportant trees not worthy of being material constraint

Z	<b>Local policy exemptions:</b> Trees that are unsuitable for legal protection for local policy reasons including size, proximity and species	
	1	Young or insignificant small trees, i.e. below the local size threshold for legal protection, etc
	2	Too close to a building i.e exempt from legal protection because of proximity etc
	3	Species that cannot be protected for other reasons, i.e. scheduled noxious weeds, out of character in a setting of acknowledged importance, etc
	<b>High risk of death or failure:</b> Trees that are likely to be removed within 10 years because of acute health issues or severe structural failure	
	4	Dead, dying, diseased or declining
	5	Severe damage and/or structural defects where a high risk of failure cannot be satisfactorily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, overgrown and vulnerable to adverse weather conditions, etc
	6	Instability, i.e. poor anchorage, increased exposure, etc
	<b>Excessive nuisance:</b> Trees that are likely to be removed within 10 years because of unacceptable impact on people	
	7	Excessive, severe and intolerable inconvenience to the extent that a locally recognized court or tribunal would be likely to authorize removal, i.e. dominance, debris, interference, etc
	8	Excessive, severe and intolerable damage to property to the extent that a locally recognized court or tribunal would be likely to authorize removal, i.e. severe structural damage to surfacing and buildings, etc
	<b>Good management:</b> Trees that are likely to be removed within 10 years through responsible management of the tree population	
	9	Severe damage and/or structural defects where a high risk of failure can be temporarily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, vulnerable to adverse weather conditions, etc
	10	Poor condition or location with a low potential for recovery or improvement, i.e. dominated by adjacent trees or buildings, poor architectural framework, etc
	11	Removal would benefit better adjacent trees, i.e. relieve physical interference, suppression, etc
	12	Unacceptably expensive to retain, i.e. severe defects requiring excessive levels of maintenance, etc

**NOTE:** Z trees with a high risk of death/failure (Z4, Z5 & Z6) or causing severe inconvenience (Z7 & Z8) at the time of assessment and need an urgent risk assessment can be designated as ZZ. ZZ trees are likely to be unsuitable for retention and at the bottom of the categorization hierarchy. In contrast, although Z trees are not worthy of influencing new designs, urgent removal is not essential and they could be retained in the short term, if appropriate

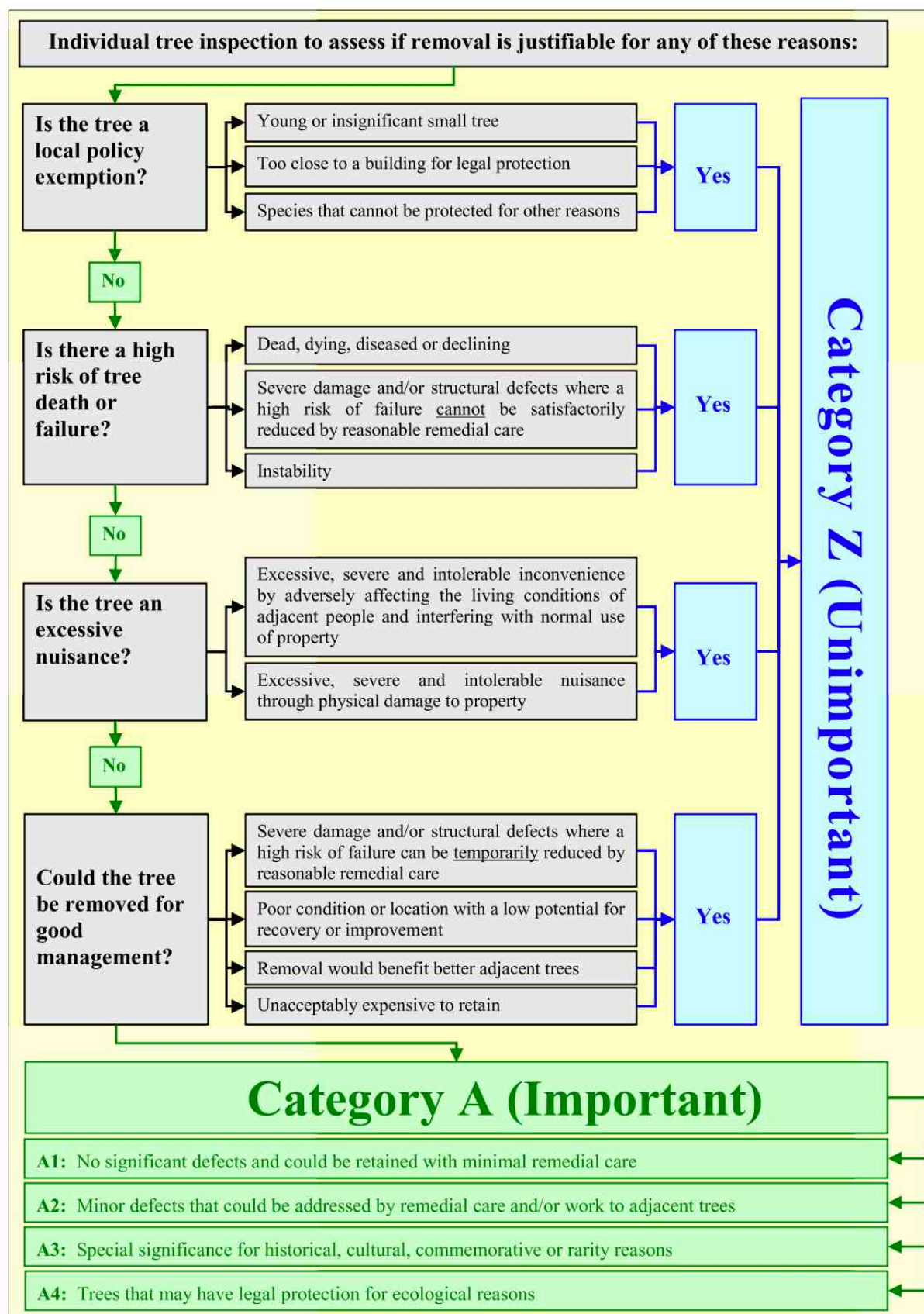
#### Category A Important trees suitable for retention for more than 10 years and worthy of being a material constraint

A1	No significant defects and could be retained with minimal remedial care
A2	Minor defects that could be addressed by remedial care and/or work to adjacent trees
A3	Special significance for historical, cultural, commemorative or rarity reasons that would warrant extraordinary efforts to retain for more than 10 years
A4	Trees that may be worthy of legal protection for ecological reasons (Advisory requiring specialist assessment)

**NOTE:** Category A1 trees that are already large and exceptional, or have the potential to become so with minimal maintenance, can be designated as AA at the discretion of the assessor. Although all A and AA trees are sufficiently important to be material constraints, AA trees are at the top of the categorization hierarchy and should be given the most weight in any selection process.

TreeAZ is designed by Barrell Tree Consultancy ([www.barrelltreecare.co.uk](http://www.barrelltreecare.co.uk)) and is reproduced with their permission

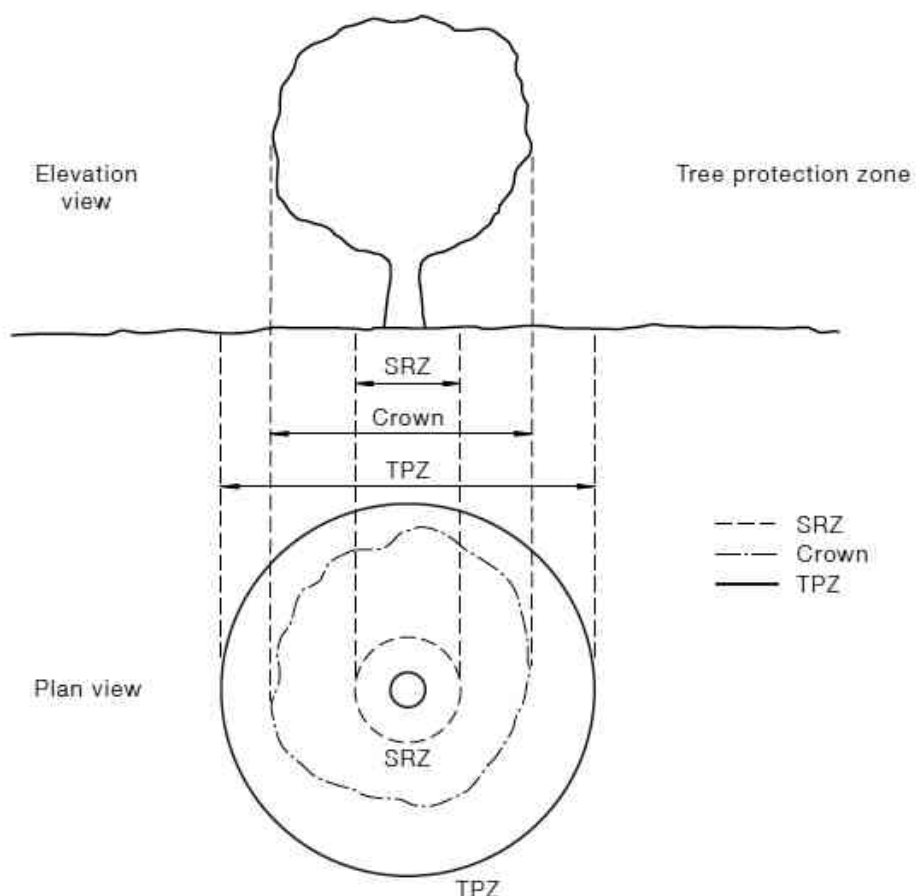
## TreeAZ Flow Chart



## Appendix G - Tree Protection Zones AS4970-2009

### Tree Protection Zone

The tree protection zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable.



#### Determining the TPZ

The **radius** of the TPZ is calculated for each tree by multiplying its DBH  $\times 12$ .  
 $TPZ = DBH \times 12$   
 Where DBH = trunk diameter measured at 1.4 m above ground

**Radius** is measured from the centre of the stem at ground level.

A TPZ should not be less than 2m nor greater than 15m (except where crown protection is required). Clause 3.3 covers variations to the TPZ.

The TPZ of palms, other monocots, cycads and tree ferns should not be less than 1 m outside the crown projection.

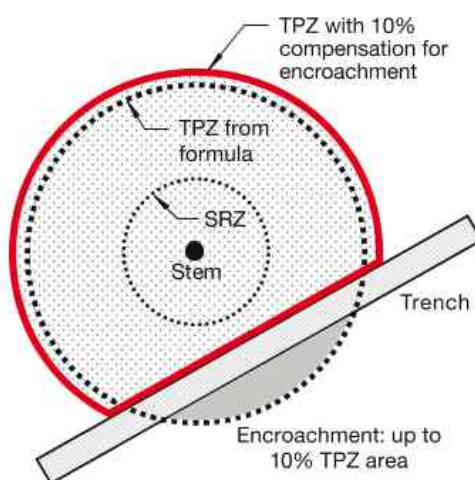
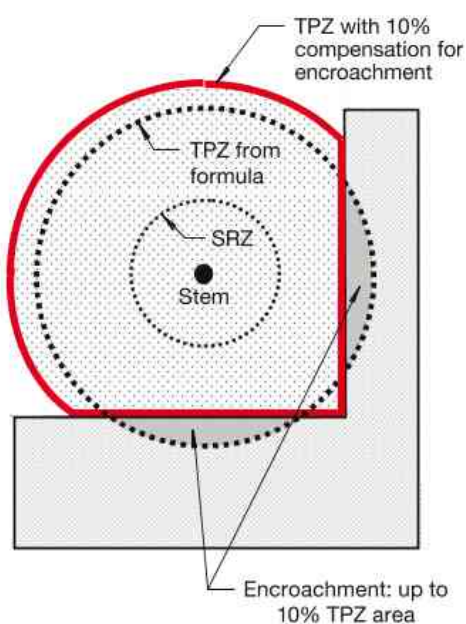
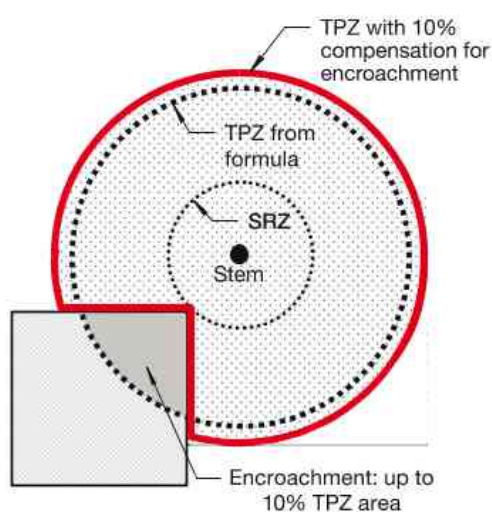
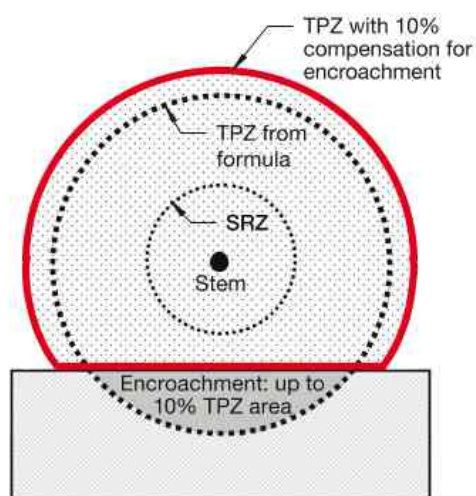
## Appendix H - Tree Protection Zone Encroachments AS4970-2009

### Minor Encroachments

The proposed encroachment is less than 10% of the area of the TPZ and is outside the SRZ. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.

### Major Encroachments

The proposed encroachment is greater than 10% of the TPZ or inside the SRZ, the project arborist must demonstrate that the tree(s) would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. This may require root investigation by non-destructive methods.



## Appendix I - Qualifications & Experience

**Meredith Gibbs** (January 2020)

### Qualifications:

1999 Advanced Certificate in Urban Horticulture  
 2002 Horticulture Diploma (Arboriculture) Level 5  
 2002 Occupational Health & Safety course  
 2002 Risk Management course  
 2002 Smart Train 008397  
 2010 Collecting Catchment Data  
 2011 Quantified Tree Risk Assessment  
 2014 Quantified Tree Risk Assessment  
 2015 Horticulture Diploma (Arboriculture), Level 5  
 2018 White Card Number 2234996

### Practical experience:

1996 - 1998 Nursery Hand - Horticulturist  
 1988 - 2001 Garden Maintenance - Horticulturist  
 1997 - 2004 Silver Springs Nursery (Owner/Operator)  
 2000 - Australis Tree Management (Owner/Operator)

### Memberships and affiliations:

Arboriculture Australia  
 Australian Institute of Horticulture  
 Australian Plant Society of NSW  
 Burrendong Botanic Garden & Arboretum  
 International Society of Arboriculture  
 Quantified Tree Risk Assessment Registered User  
 Society of Municipal Arborists  
 Women in Arboriculture

### Insurance:

Professional Indemnity Insurance  
 Liberty International Underwriters  
 \$5,000,000.00  
 Policy No. HC-ME-SPC-01-104260  
 Public Liability Insurance  
 Liberty International Underwriters  
 \$20,000,000.00  
 Policy No. 463763

### Pro Bono Work:

Middle Dural Public School

### Continuing Professional Development:

NAAA Conference, Mature Trees, 2001  
 Claus Mattheck Seminar 2001  
 ISAAC Conference - Parramatta 2004  
 AILA Tree Management Forum 2005  
 Jeremy Barrell Tree AZ & Report Writing Workshop 2006  
 A Practitioner's Guide to Visual Tree Assessment – Mike Ellison 2007  
 Quantified Tree Risk Assessment Workshop – Mike Ellison 2007  
 ISAAC Conference - Brisbane 2008  
 ISAAC Conference Workshop Dr. David Lonsdale 2008  
 ISAAC Conference Workshop Dr. Phillip Gibbons 2008  
 ISAAC Conference - Newcastle 2009  
 ISAAC Conference - Adelaide 2010  
 ISA International Conference Parramatta 2011  
 ISA International Conference Workshop Dr. Ken James 2011  
 Arboriculture Australia Annual Conference - Sunshine Coast 2014  
 Arboriculture Australia Annual Conference - Adelaide 2015  
 Arboriculture Australia Annual Conference - Canberra 2017  
 Jeremy Barrell Arboriculture Australia Workshop 2017  
 Arboriculture Australia Annual Conference - Hobart 2018  
 Arboriculture Australia Annual Conference - Alice Springs 2019

### Past Projects

Pennant Street Castle Hill (Castle Towers) 2006  
 Fairway Drive, Kellyville 2012  
 Summit Care, Baulkham Hills 2013  
 105-115 Portman Street, Zetland 2016  
 114 Tallawong Road, Rouse Hill 2016  
 2 Lexington Dr Bella Vista 2016  
 The Hermitage - Gledswood Hills 2010-2019  
 105 Cudgegong Rd Rouse Hill Development 2018  
 33 Greenwich Road, Greenwich Redevelopment 2017-2019  
 Gosford Park Redevelopment 2019  
 Blacktown Workers Sports Club Redevelopment 2016-2019  
 Gregory Hills Industrial Estate 2019



## Appendix J - References

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Visited 9 November 2021

NSW Government (2018) *NSW Planning Portal*.  
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NSW Government NSW Legislation (2018) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. <https://www.legislation.nsw.gov.au/#/view/EPI/2017/454/part1/cl5> (9 November 2021)

NSW National Parks & Wildlife Service (1995) *Threatened Species Conservation Act*. NSW NPWS, Hurstville, NSW, Australia.

State Environmental Planning Policy No 19 - Bushland in Urban Areas :(pub1986-10-24)

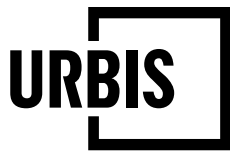
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017: Subject Land :(pub2017-08-25)



**APPENDIX 6**

**HERITAGE IMPACT STATEMENT**





**ANGEL PLACE  
LEVEL 8, 123 PITT STREET  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

24 February 2022

Department of Planning,  
Industry and Environment  
12 Darcy Street  
Parramatta 2150

To whom it may concern,

## **HERITAGE IMPACT STATEMENT - MODIFICATIONS TO APPROVED SSD-10371 - TRINITY GRAMMAR SCHOOL – 119 PROSPECT ROAD, SUMMER HILL**

### **INTRODUCTION**

Urbis has been engaged by Bloompark Consulting Pty Ltd on behalf of Trinity Grammar School to prepare this brief Heritage Impact Statement letter. This letter has been prepared to accompany a modification to approved State Significant Development (SSD) Application (SSD-10371) for additional landscape design associated with the redevelopment of new teaching and educational facilities at the subject site located at 119 Prospect Road, Summer Hill.

The subject site is listed under Schedule 5 of the Ashfield Local Environment Plan 2013 as item 608: School – headmaster's house and chapel, 119 Prospect Road, Summer Hill, Local Significance. The site is also located in the vicinity of a number of heritage items and heritage conservation areas, as listed under Schedule 5 of the Ashfield Local Environment Plan 2013 and the C1 The Abergeldie Estate Heritage Conservation Area, Local Significance, as listed under Schedule 5 of the Marrickville Local Environment Plan 2011.

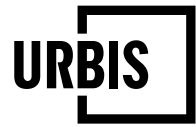
Therefore, this report has been prepared to assess the potential heritage impact of the proposed works on the significance of the subject site, and the listed items and heritage conservation area in the vicinity of the site.

Please refer to the Heritage Impact Statement prepared by Urbis (dated 28.08.2020) for site description and historic overview.

### **PROPOSAL**

This proposal seeks modification to the following landscape elements:

- Changes to planter layouts for the Music Building due to revised tree arrangements and structural design coordination;
- Changes to the Chapel Drive layout;



- Removal of two trees at the southern edge of Chapel Drive;
- Changes to tree planting locations along western boundary to Oval 2;
- Changes to tree planting locations to south-western boundary of the site (Oval 1); and
- Changes to tree planting locations along western boundary to Oval 3.

The figures below provide an overview of these changes to the landscape design.

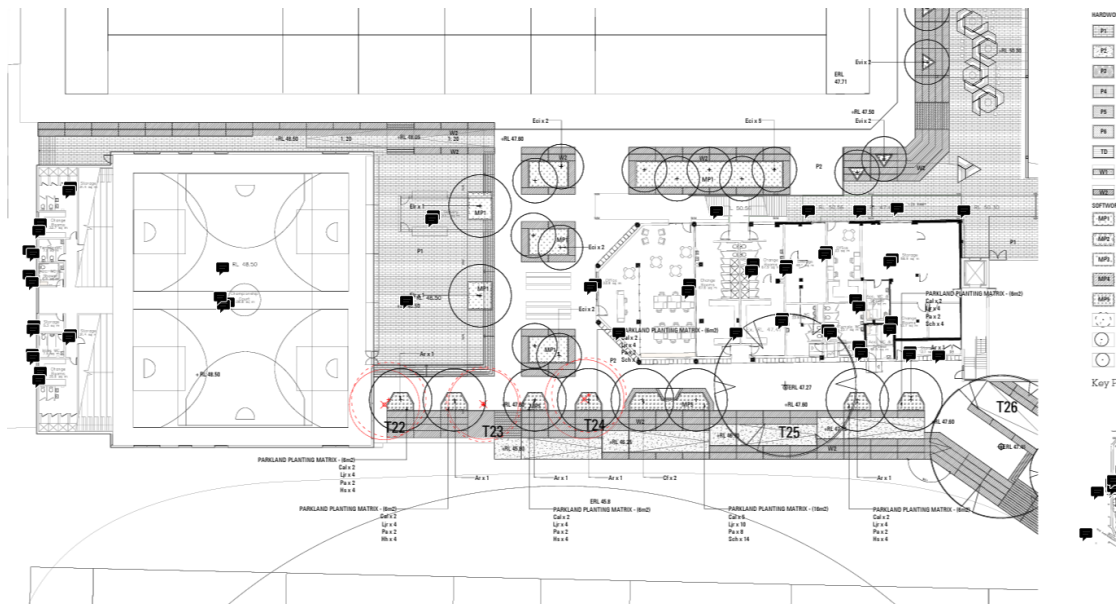


Figure 1: Extract from approved SSD landscape plans.

Source: Arcadia Landscape Architecture, Drawing No. 203, October 2020, Issue C.

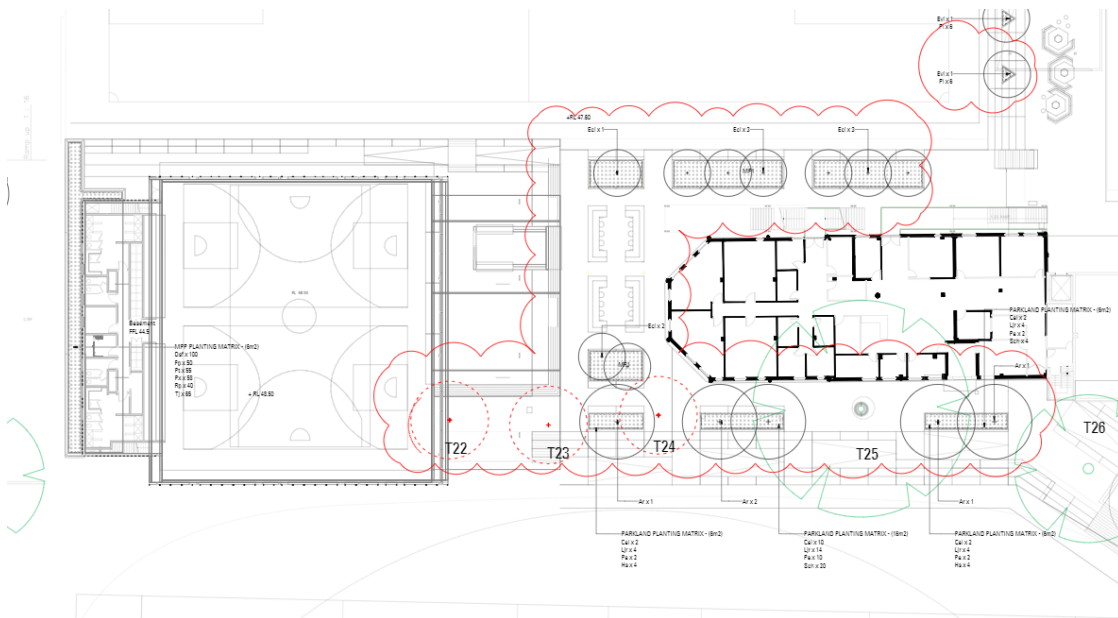


Figure 2: Extract from approved SSD landscape plans.

Source: Arcadia Landscape Architecture, Drawing No. 203, February 2022, Issue F.



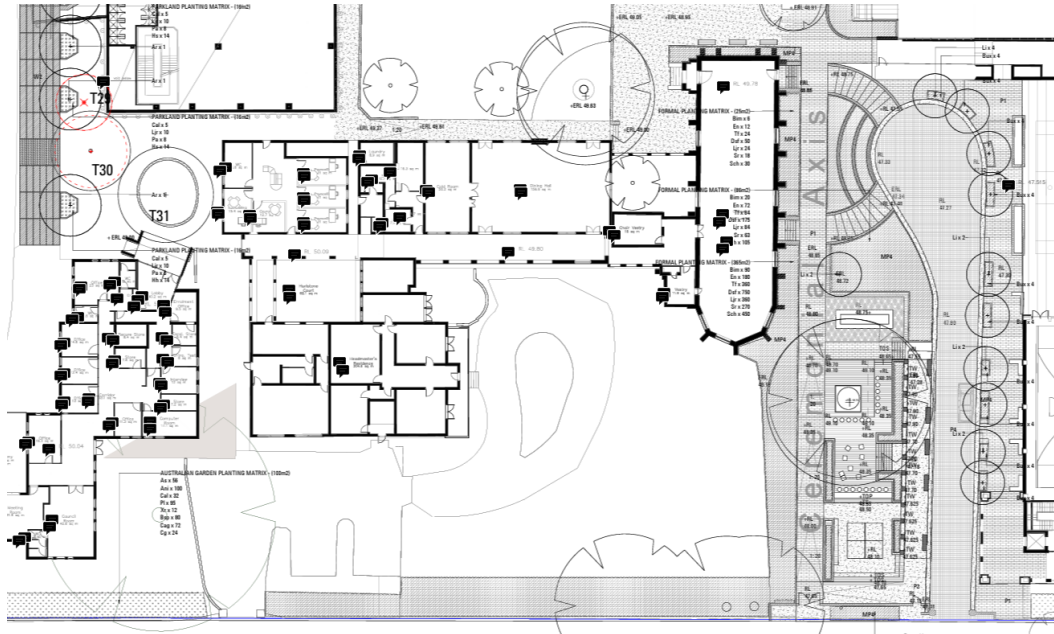


Figure 5: Extract from approved SSD landscape plans.

Source: Arcadia Landscape Architecture, Drawing No. 207, October 2020, Issue C.

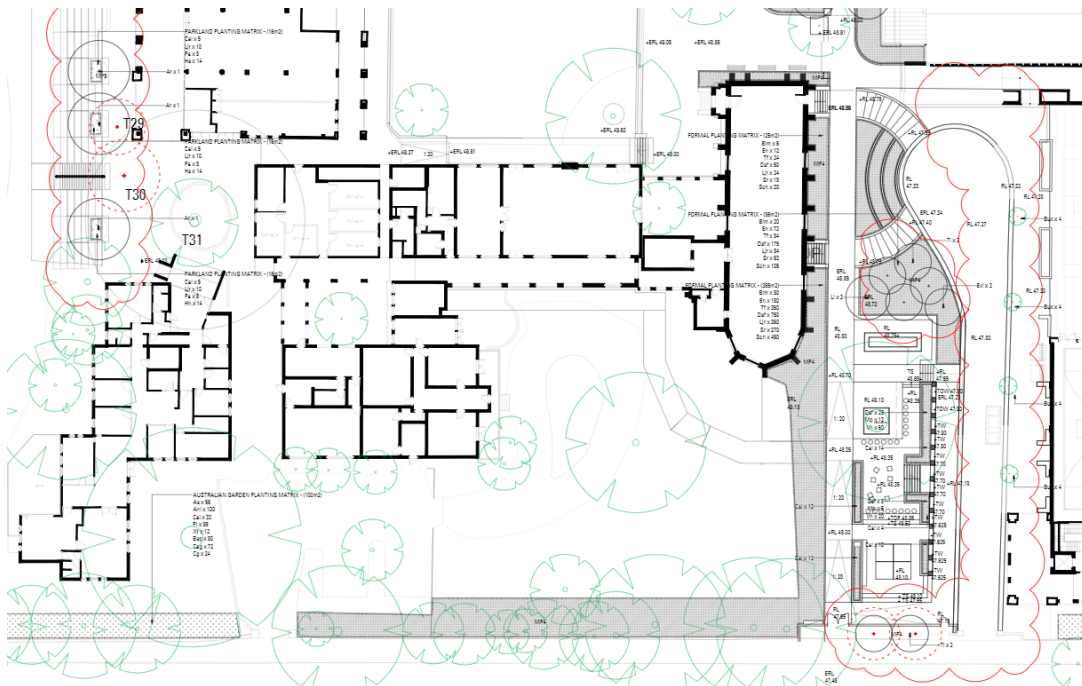


Figure 6: Extract from approved SSD landscape plans.

Source: Arcadia Landscape Architecture, Drawing No. 207, February 2022, Issue F.

## ASSESSMENT OF HERITAGE IMPACT

The Heritage Impact Statement prepared by Urbis in February 2020 established that the significant elements within the subject site include the Headmaster's Residence and the Chapel. In addition, it is considered that the following elements make a contribution to the significance of the site overall:

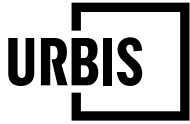
- Headmaster's Residence and Chapel Garden;
- Chapel Gates and Way;
- War Memorial Chapel Court;
- Dining Hall;
- Presentation of the Quad Building to the Quadrangle; and
- Quadrangle (form).

The proposed modifications to SSD-10371 are for minor landscape works as outlined above with no additional works to be undertaken to the noted significant remnant fabric within the subject site.

The proposed changes to the layout of planters framing the Music Building will be of minor nature and involve no direct impact to the significant heritage fabric noted within the subject site. The planter layout has been revised as part of the design development phase to better respond to the aesthetic language of the Trinity Theatre, bleacher terraces to the Jubilee Drive façade (west) and overall design of the landscape masterplan. As visible in Figures 1 and 2, these changes relate to the length, shape, positioning and number of proposed planters whilst maintaining a consistent overall distance between the landscape elements and the southern elevation of the music room. Some trees within the same space have also been repositioned to better suit planter soil volume capacities. These works will not involve any additional demolition and will have no additional impact on the established heritage significance of the site.

Similarly, the proposed changes to the landscaping layout along Chapel Drive and removal of two additional trees along its southern edge will not result in any impact on the heritage significance of the site. It is noted that whilst the Chapel, Headmaster's Residence and surrounding area comprise the most significant portions of the site, the works proposed will be confined to Chapel Drive and its immediate vicinity. Further, the removal of two trees (*Syzygium australe* and *Calodendrum capense*) at the corner of Chapel Drive and Prospect Road are recommended in the Arborist's Report prepared by Australis Tree Management due to a degradation of the public interface to Prospect Road. It is recommended to replace these with alternative species (*Tristania luscious*) for its solar access suitability and better accommodation of a more easily traversable pathway from Prospect Road. The existing trees were not assessed to be of any heritage significance and their subsequent removal and replacement will have no impact on the existing significance on the overall subject site.

The proposed changes to tree plantings across the subject site are minor and aimed at maintaining a minimum of approx. 67 new trees across the overall site whilst providing a sufficient perimeter canopy along the boundaries of Ovals 1, 2 and 3. These changes will have no impact on the established significance of the subject site and will not interrupt any noted view corridors, nor will the changes to plantings result in the removal of any existing trees or vegetation of heritage significance. Further, it is also noted that changes to the perimeter canopy will neither detract from nor diminish the surrounding heritage items and heritage conservation areas located in proximity to the subject site.



Overall, the proposed changes to the approved SSD landscaping will be minor, will have no direct impact on any significant heritage fabric, and will still be in keeping with the general aims of the Trinity Grammar School redevelopment.

## **CONCLUSION**

The proposed modifications to SSD-10371 for additional landscape design will be of a minor nature and have no adverse impact on the established heritage significance of the subject site.

In accordance with the observations set out in this letter and the Heritage Impact Statement prepared by Urbis in February 2020, the proposed works are supported from a heritage perspective and are recommended for approval.

Yours sincerely,

A handwritten signature in black ink, appearing to be "SA", with a long, flowing horizontal line extending to the right.

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