



Weigall Sports Complex Sydney Grammar School

State Significant Development
SSD 10421

September 2021



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Weigall Sports Complex, Sydney Grammar School (SSD 10421)

Cover image: Photomontage of the Weigall Sports Complex / Building 1 (Source: Applicant's RtS 2021)

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
ACHA	Aboriginal Cultural Heritage Assessment
AHD	Australian Height Datum
Applicant	Sydney Grammar School
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Assessment Report
Building 1	Proposed three storey sports complex including pools and multi-purpose courts
Building 2	Proposed two level car park
CIV	Capital Investment Value
Consent	Development Consent
Commission	Independent Planning Commission
Council	Woollahra Municipal Council
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
Department	Department of Planning, Industry and Environment
DSI	Detailed Site Investigation
Education SEPP	State Environment Planning Policy (Educational Establishments and Child Care Facilities) 2017
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FTE	Full time Equivalent
GANSW	Government Architect NSW
GTP	Green Travel Plan
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
ICNG	Interim Construction Noise Guideline 2009

LAHC	Land and Housing Corporation
LATM	Local Area Traffic Management Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
NAR	Noise Assessment Report
OPM	Operational Plan of Management
OTMP	Operational Transport Management Plan
Planning Secretary	Planning Secretary of the Department of Planning, Industry and Environment
PMF	Probable Maximum Flood
PNTLs	Project Noise Trigger Levels
PSI	Preliminary Site Investigation
RAP	Remediation Action Plan
RtS	Response to Submissions
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SGS	Sydney Grammar School
SHR	State Heritage Register
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
TIA	Traffic Impact Assessment
TfNSW	Transport for NSW
VIA	Visual Impact Assessment
WDCP	Woollahra Development Control Plan 2015
WLEP	Woollahra Local Environmental Plan 2014

Executive Summary

This report provides an assessment of a State significant development (SSD) application (SSD 10421) lodged by Robinson Urban Planning Pty Ltd, on behalf of Sydney Grammar School (SGS) (the Applicant).

The proposal seeks approval for the new Weigall Sports Complex for SGS, comprising demolition of existing sports facilities / carparking areas, bulk excavations, and construction of a new three storey sports complex with basement (Building 1) and a single-storey split-level car park (Building 2), 102 new car spaces, landscaping, tree removal, signage and a kiosk substation.

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

The application is referred to the Independent Planning Commission for determination as more than 50 public submissions were received by way of objection.

Assessment summary and conclusions

The Department of Planning, Industry and Environment (the Department) has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), principles of ecologically sustainable development, issues raised in submissions and the Applicant's response to these. The Department concludes that the proposal is in the public interest and recommends that the application be approved subject to conditions.

The Department identified traffic and parking, building location, amenity, built form, and removal of trees as the key issues for assessment. The Department's assessment concludes that:

- the development would introduce enhanced sporting facilities for the Sydney Grammar School that can be shared with external organisations, including other schools. Consequently, the need for the development within the Weigall sports grounds is justified.
- the proposal is sited within the least flood affected area of the Weigall sports grounds, avoids the loss of and impacts to the existing sports fields used by the school and maintain existing landform features used for spectator seating.
- However, the Applicant has not sufficiently explored all possible locations for the development within the Weigall sports grounds, that would satisfactorily minimise the view loss and other adverse amenity impacts on the neighbouring properties to the south of the site, along with considerations for flooding and/or loss of play space.
- the proposed siting of and scale of Building 1 is not entirely satisfactory as the eastern section of the building (program pool wing) would result in view loss and other amenity impacts on the adjoining properties to the south, in particular, north facing apartments located within 8 Vialoux Avenue.
- the school's need for access to enhanced sports/recreation facilities does not outweigh its impacts on the amenity of the neighbouring properties, namely view and vista outlook. Consequently, the location of the Building 1 cannot be considered a balanced approach, if the design of Building 1 is pursued in its current form.
- for Building 1 to be sited at the location within the site preferred by the Applicant, the Applicant

would be required to undertake additional design amendments to ensure that the view loss impacts on the apartments at 8 Vialoux Avenue are acceptable. The Department has consulted with the Applicant in this regard and recommended a condition requiring the design of Building 1 be amended by increasing the setbacks of Level 1 and 2 of the eastern portion of Building 1 (program pool wing) from the southern boundary / 8 Vialoux Avenue. The Department considers that this amendment would improve the view loss and amenity impacts at 8 Vialoux Avenue, but also mitigate impacts to other buildings along the southern boundary.

- the proposed buildings, in their current form, would not have significant adverse amenity impacts on the neighbouring properties in terms of overshadowing, overlooking, light spill or operational impacts. However, importantly some elements of overshadowing would also likely be further improved by the recommended amendment of Building 1 built form.
- subject to the recommended amendments, the proposed variation of the height and floor space ratio controls in the Woollahra Local Environmental Plan 2014 in relation to Building 1 is considered justified and acceptable.
- except for the eastern section of Building 1 (which would result in adverse view and amenity impacts), the remainder of the development would achieve a high standard of design, appearance, and materiality, responding to the surrounding context.
- subject to the recommended amendments, the development when revised would not result in adverse heritage or visual impacts, and would not obscure any identified significant views along Alma Street.
- the majority of the proposed tree removal is considered acceptable, subject to the Applicant further exploring opportunities to retain additional trees along the Neild Avenue frontage prior to tree removal occurring.
- the new landscaping works would include satisfactory replacement planting, as well as maintaining and improving the overall existing tree canopy of the site.
- the road network can accommodate the development, subject to the preparation and implementation of a Green Travel Plan, Operational Plan of Management (OPM), Operational Traffic Management Plan, and Local Area Traffic Management Plan.
- sufficient on-site pick-up/drop-off facilities and car parking spaces would be provided to accommodate predicted vehicle queuing demand.
- internalisation of Sydney Grammar School Edgecliff on-street pick-up/drop-off vehicle queuing into the car park building would address existing traffic issues on Alma Street.
- construction traffic can be managed via implementation of a Construction Traffic Management Plan and additional investigations regarding vehicle manoeuvring within Vialoux Avenue.
- operational and construction noise emissions from the site would not have significant amenity impacts, subject to implementation of mitigation and management measures.

The Department considers the view loss impacts to a number of north facing apartments within 8 Vialoux Avenue are significant and should be mitigated. The Department considers that the adverse impacts can be reduced through further design amendments to Building 1 built form, without significantly impacting on overall functionality or significantly reducing the School's access to enhanced sporting/recreation facilities. Therefore, recommendations regarding design amendments have been included as conditions of consent. The Department is satisfied that the remainder of the impacts of the proposal and the issues raised in submissions have been addressed in the Applicant's Environmental Impact Statement (EIS), Response to Submissions (RtS) and Supplementary

Response to Submissions (SRtS). The other identified residual impacts can be mitigated and managed by way of recommended conditions.

The site has been used historically as part of the SGS and other wider school campuses, its use facilitated in part by a series of local development approvals. It is considered suitable for the proposed sporting facilities supporting the multiple school campuses of the SGS. The proposal would provide improved sporting, recreational, health and teaching and learning outcomes through the development of new, purpose-built and modern sports / educational facilities. It would also provide for opportunities for use of the SGS facilities by others, including school and community groups.

The proposal

The proposal seeks approval for:

- demolition of some structures, tree removal and bulk earthworks
- construction of a three storey sports complex (Building 1), including two indoor swimming pools, four multi-purpose courts, spectator seating and associated amenities.
- one single-storey split level car park building (Building 2) and a kiosk electrical substation.
- vehicular/pedestrian access, 102 car parking spaces, six motorcycle spaces, 42 bicycle spaces and pick-up/drop-off facilities.
- hard and soft landscaping around both buildings, and provision of 42 replacement trees
- four illuminated identification signs.

The proposal has a Capital Investment Value (CIV) of \$54,400,000. The Applicant advises the proposal would generate up to four operational and 155 construction jobs.

The site

The site is located within the south-western portion of the existing Sydney Grammar School, Weigall sports grounds at Neild Avenue, Rushcutters Bay, in the Woollahra local government area. The site comprises open space with associated facilities and eight surface car parking spaces. The site is irregular in shape, covers an area of 9955 square meters and is located within the Paddington Conservation Area under the Woollahra Local Environmental Plan 2014.

Engagement

The application was publicly exhibited from 12 November to 10 December 2020 (37 days), and extended by eight days until 18 December 2020. The Department received a total of 102 submissions, including 10 from public authorities (comments from Woollahra Council (Council) and the adjoining City of Sydney Council), 88 individual public submissions including one from Alex Greenwich MP (72 objections), and four submissions from special interest groups (including three objections).

The key issues raised in the submissions include amenity impacts (overshadowing, loss of views, outlook and privacy, amenity loss, operational noise and air pollution, and light spill), traffic and parking, height and scale, loss of trees, insufficient community benefit, flooding and insufficient community consultation.

On 26 April 2021, the Applicant submitted a RtS to address issues raised in the submissions. The RtS proposed some design amendments to Building 1. In response to the RtS, the Department received

nine additional submissions including seven from public authorities (including Council), and two submissions from the public.

On 10 May 2021, the Department held a community engagement meeting with residents of 25-27 and 29-33 Lawson Street, providing an overview of the proposal and listening to the concerned residents.

The Department has extensively consulted with the Applicant, whereby multiple SRtS were submitted by the Applicant between June and September, addressing issues in relation to view loss, noise, flooding, construction impacts, signage, trees, streetscape character, end of trip facilities, project need and details and trip generation. The Department made the SRtS available on its website and no further submissions were received.

Contents

1	Introduction	1
1.2	Sydney Grammar School (SGS) and Weigall sports grounds	1
1.3	Site description	3
1.4	Surrounding context	6
1.5	Previous approvals	8
2	Project	9
2.1	Description of development	9
2.2	Layout and design	11
2.3	Flooding and drainage	14
2.4	Use and activities	15
2.5	Signage	18
2.6	Related development	19
3	Strategic context	21
3.1	Project need and justification	21
3.2	Strategic context	21
4	Statutory context	22
4.1	State significance	22
4.2	Permissibility	22
4.3	Matters for consideration	23
4.4	Biodiversity Conservation Act 2016	27
5	Engagement	29
5.1	Department's engagement	29
5.2	Summary of submissions	29
5.3	Response to submissions	34
5.4	Supplementary response to submissions	35
6	Assessment	37
6.2	Building location	37
6.3	Amenity impact	42
6.4	Built form	66
6.5	Trees	75
6.6	Traffic and parking	78
6.7	Other issues	91
6.8	Summary of Department's consideration of submissions	104
7	Evaluation	107
	Appendices	110

1 Introduction

- 1.1.1 This report provides an assessment of State significant development (SSD) application for the new Weigall Sports Complex for Sydney Grammar School (SGS), located within the Weigall sports grounds, Neild Avenue, Rushcutters Bay.
- 1.1.2 The proposal seeks approval for a new sports complex. The development comprises the demolition of existing sports facilities, bulk earthworks and construction of a three storey sports complex with basement, a split-level car park building, tree removal, landscaping, signage and a substation.
- 1.1.3 The application has been lodged by Sydney Grammar School (SGS) (the Applicant), and the site is located within the Woollahra local government area (LGA).

1.2 Sydney Grammar School (SGS) and Weigall sports grounds

- 1.2.1 SGS is a private boys school established in 1857 in College Street, Sydney.
- 1.2.2 In 1907, SGS purchased additional land at Rushcutters Bay for the purpose of school sports fields and amenities, and named it Weigall sports grounds. Since this time, SGS has further expanded to other campuses, including preparatory schools at St Ives and Edgecliff.
- 1.2.3 The Weigall sports grounds is located on Neild Avenue, Rushcutters Bay, adjacent to the SGS Edgecliff campus, 1.5 kilometres (km) west of SGS Darlinghurst campus, 19km south-west of SGS St Ives campus, and 2.5km south-east of the Sydney CBD (Figure 1). The SSD application relates to the southern part of the Weigall sports grounds (marked in red in Figure 1). This part is referred to as ‘the site’ in this report.

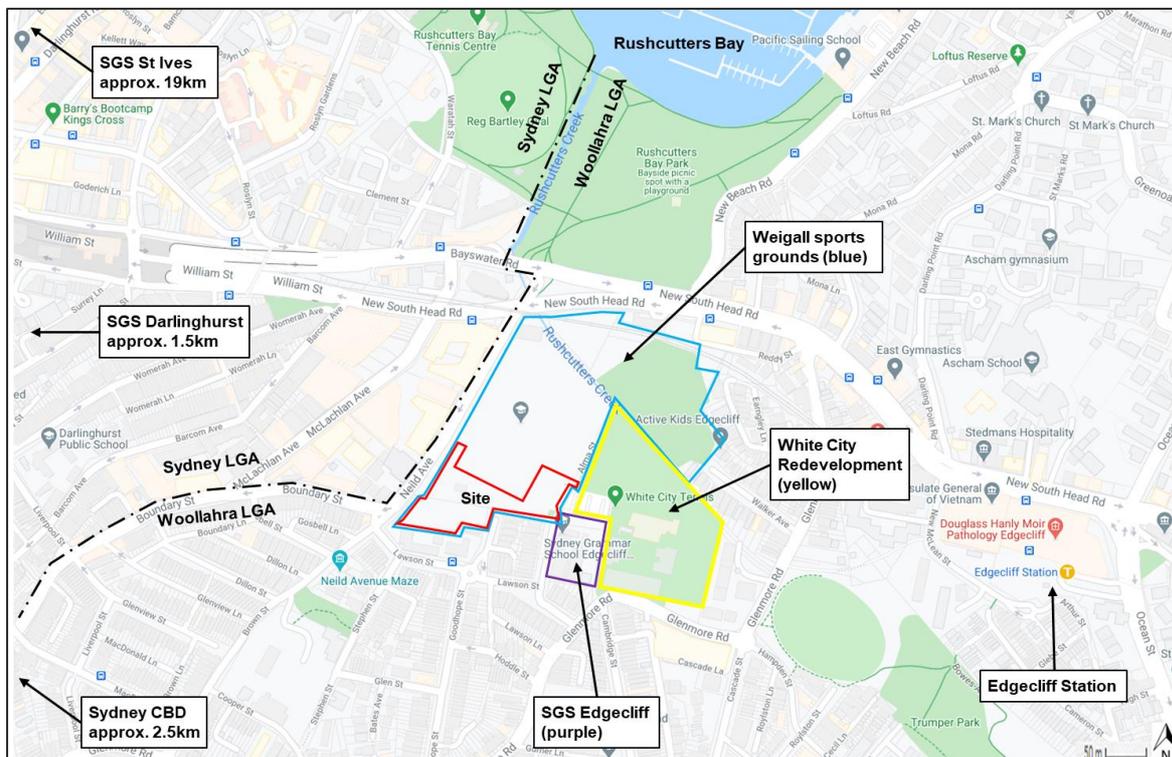


Figure 1 | Location of the Weigall sports grounds (blue) (Source: Nearmap 2021)

- 1.2.4 The Weigall sports grounds is irregular in shape, 4.99 hectares (ha) in size, and bounded by Neild Avenue to the west, New South Head Road to the north residential properties are located adjacent the site on South Road and Walker Avenue, the White City redevelopment (marked in yellow in **Figure 1**), SGS Edgecliff to the east, and residential properties to the south.
- 1.2.5 The legal description of the land is Lot 1 DP 633259, Lot 2 DP 547260 (part) and Lot 1 DP 311460 (part).
- 1.2.6 The Weigall sports grounds include sporting fields, multi-purpose / tennis courts, the Weigall Pavilion, Barry Pavilion, a Grandstand, cricket nets and surface car parking. The components of the sports ground are identified in **Figure 2**. SGS use the Weigall sports grounds as the:
- playground for SGS Edgecliff students (Monday to Friday)
 - venue for physical education for SGS Edgecliff and College Street students (Monday to Friday)
 - sports training venue for SGS Edgecliff and College Street students (all week)
 - sports competition venue home ground for SGS Edgecliff and College Street students in the independent school competitions (Monday to Friday and Saturdays as required)
 - venue for school Army and Air Force Cadets parades (as required).
- 1.2.7 An elevated railway viaduct crosses over the northern part of the site, and a Sydney Water concrete stormwater channel, carrying the former Rushcutters Creek, runs diagonally across the site from the south-east to the north-west corners (**Figure 2**).



Figure 2 | The Weigall sports grounds layout and use (Source: Applicant's EIS 2020)

- 1.2.8 The Weigall sports grounds is subject to flooding, with 1 in 100 year flood (1% Annual Exceedance Probability (AEP)) events conveyed along the natural depression in the concrete channel and probable maximum flood (PMF) events affecting the majority of the

grounds (Figure 3).

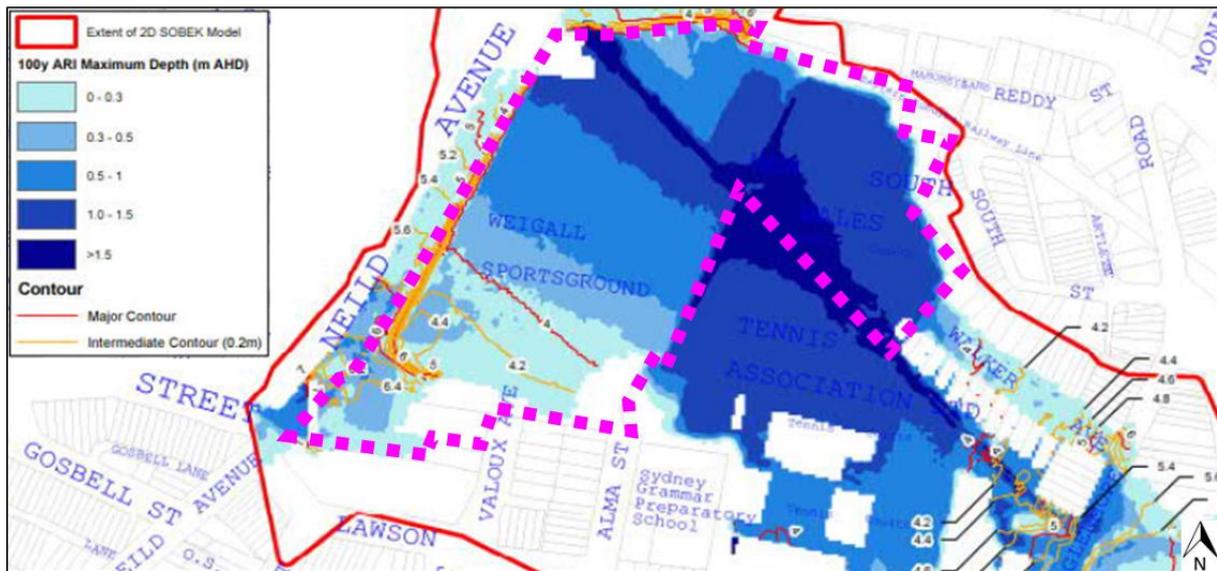


Figure 3 | The Weigall sports grounds (outlined pink) 1 in 100 year maximum flood depth (Source: Applicant's EIS 2020)

1.3 Site description

1.3.1 The site is located at the south-western corner of the Weigall sports grounds, is irregular in shape and covers an area equal to 9955 square meters (m²) (approximately 20% of the total area). The components of the site and the surrounding developments are shown in **Figure 4**.



Figure 4 | The site (outlined red), existing facilities, vehicle entrance (green triangle), and adjoining residential properties (outlined pink and yellow) (Source: Nearmap 2021)

1.3.2 The site is bounded by Neild Avenue to the west, Weigall sports grounds rugby and football

fields to the north, and the White City Redevelopment and SGS Edgecliff to the east. Residential apartments and dwelling houses adjoin the site to the south accessed from Vialoux Avenue / Alma Street, (perpendicular to the southern boundary) and Lawson Street (parallel to the southern boundary) (**Figure 4**).

1.3.3 The site contains a number of sporting facilities and amenities including six multi-purpose / tennis courts and associated fencing, cricket nets, paved and grassed areas and the two storey Barry Pavilion, comprising a first floor viewing stand facing the courts and playing fields, and ground floor storage. Photos of the site and surroundings are provided in **Figure 5**.



Figure 5 | The multi-purpose / tennis courts (top), cricket nets (middle) and the Barry Pavilion (bottom) (Source: Applicant's EIS 2020)

1.3.4 Vehicle and pedestrian access to the site is from two gated entry points, one located off Alma

Street opposite the White City redevelopment site, and the other located off Neild Avenue opposite 16 Neild Avenue. Gated pedestrian access (services only) is also provided to the multi-purpose / tennis courts from Vialoux Avenue (**Figure 6**).

- 1.3.5 The site includes an at-grade car parking area (eight spaces) to the west of the multi-purpose / tennis courts, accessed from Neild Avenue. This area also contain the waste storage area for the Weigall sports grounds and SGS Edgecliff. A service road is on the southern boundary, adjacent to 9 Vialoux Avenue and 24 Alma Street, connecting the Alma Street entrance to the multi-purpose / tennis courts (**Figure 6**).



Figure 6 | The Alma Street vehicle entrance and service road (top) and the at-grade car park and Neild Avenue vehicular entrance (bottom) (Source: Applicant's EIS 2020)

- 1.3.6 The site accommodates 90 trees, the majority of which are located around the multi-purpose / tennis courts and along Neild Avenue. The trees are a mixture of native and non-native species and none are identified on the Woollahra Significant Tree Register 1991 or Schedule 5 of the Woollahra Local Environmental Plan 2014 (WLEP).

- 1.3.7 The topography of the land slopes down from south to north, falling approximately 2.7m (from 6.3m to 3.6m AHD). Despite the site being located at an elevation much higher than the natural depression / concrete channel within the Weigall sports grounds, it is subject to potential flooding with predicted maximum flood depths up to 50mm during the 1% AEP and 300-500mm during PMF events. The PMF for the site is up to 6.9m AHD at the multi-purpose / tennis courts, and 5.7m AHD at the cricket nets.

- 1.3.8 The site does not contain any locally listed heritage items under the WLEP, however, it is

located within the Paddington Heritage Conservation Area. The site does not contain any State heritage items listed under the State Heritage Register (SHR).

1.4 Surrounding context

- 1.4.1 The site is located in a primarily medium density urban setting, and the buildings and spaces surrounding the site vary in use, form, age, height and architectural design. The surrounding context is summarised below and shown at **Figure 4**. A number of residential flats on the southern side of the site are owned by Land and Housing Corporation (LAHC).
- 1.4.2 To the south of the site are five residential properties as shown in **Figure 4**:
- 29-33 Lawson Street - a mid-20th century, three to five storey brick apartment building, providing social housing, with a 'U' shaped footprint. Windows in the rear northern elevations of the building directly overlook the site and are set back 4.6m from the common boundary at the closest point. Common open space provided adjacent the common boundary.
 - 25-27 Lawson Street and 2 Vialoux Avenue - a 1960s four to five storey brick and render apartment building providing social housing. Windows in the rear northern elevation of the western part of the building overlook the site, setback approximately 15m from the boundary. Common open space provided along the northern boundary.
 - 8 Vialoux Avenue - a three storey mid-20th century brick apartment building. Windows in the northern side elevation of the building directly overlook the site, setback 1.47m from the boundary.
 - 9 Vialoux Avenue - a two to three storey modern dwelling house with lower ground storage/parking fronting the SGS service road accessed off Alma Street. Windows in the northern side elevation of the building directly overlook the site and are setback 2m from the boundary. SGS owns this property and it is currently used as the school headmaster's residence.
 - 24 Alma Street - a two storey terrace house with lower ground storage fronting Alma Street, the SGS service road. Windows in the northern side elevation of the building directly overlook the site and are setback 2m from the boundary. SGS owns this property and it is currently used as the ground-keeper's residence.
- 1.4.3 To the east of the site, on the opposite side of Alma Street, is the three storey, late 20th century SGS Edgecliff campus and the White City Redevelopment site, which currently contains disused sports fields, recreation facilities, and a surface car park, and has approval for a variety of two to three storey private sports and recreation facilities (see **Section 2.6**).
- 1.4.4 To the west of the site, on the opposite side of Neild Avenue, is a modern five storey residential apartment building at 18-28 Neild Avenue and two modern five storey mixed-use buildings at 12-16 Neild Avenue. The front elevations of the buildings are located approximately 20m away from the western boundary of the site.
- 1.4.5 To the north of the site, are the Weigall sports grounds rugby and football fields.
- 1.4.6 Photos of the surrounding developments are shown in **Figure 7** and **Figure 8**.

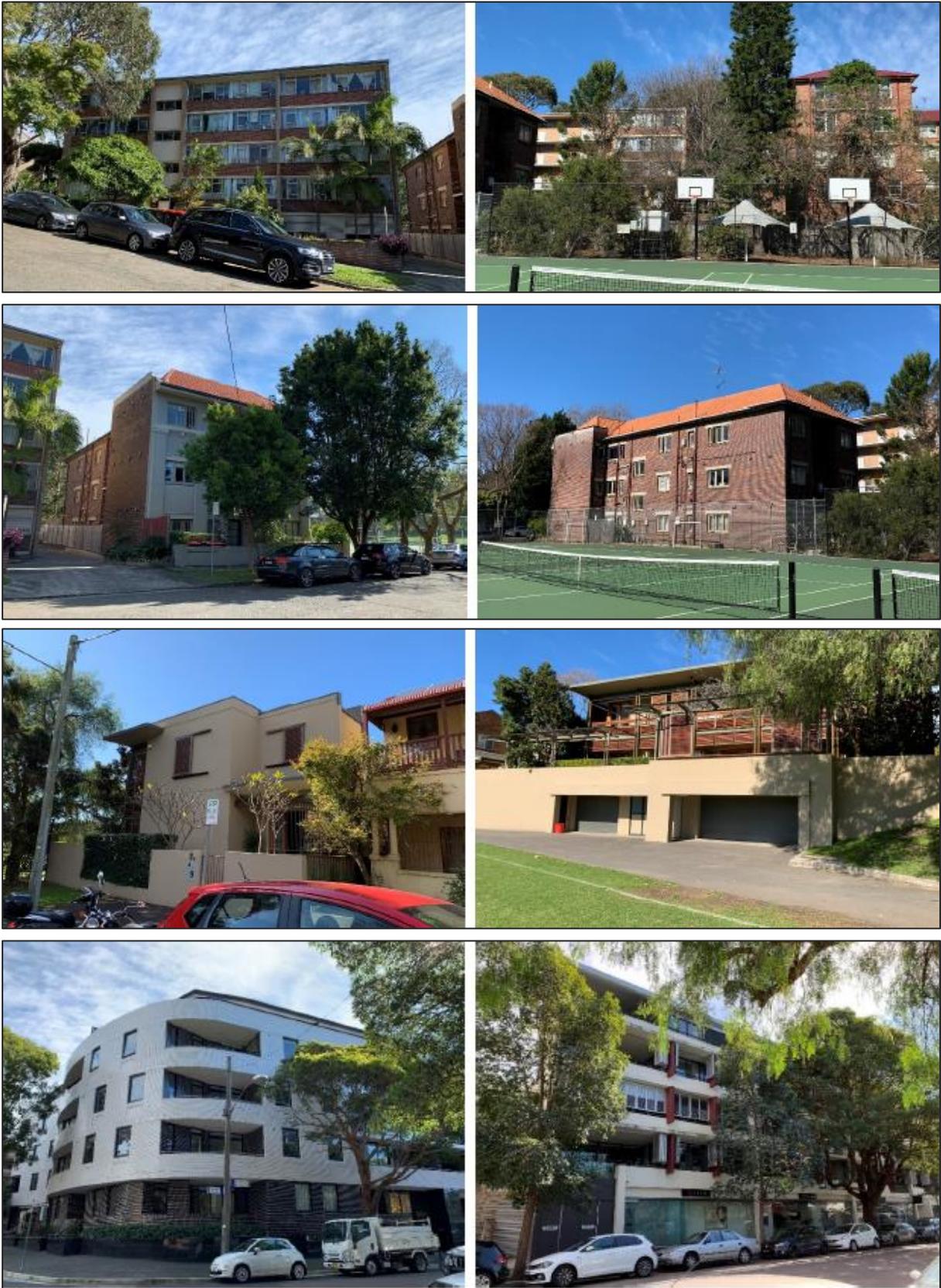


Figure 7 | 25-27 Lawson Street (top), 8 Vialoux Avenue (mid-top) 9 Vialoux Avenue (mid-bottom), 18-28 Neild Avenue (bottom left) and 12-16 Neild Avenue (bottom right) (Source: Applicant's EIS 2020)



Figure 8 | 29-33 Lawson Street (Source: Applicant's EIS 2020)

- 1.4.7 The site is surrounded by local streets (Lawson Street, Vialoux Avenue, and Alma Street) and sub-arterial roads (Neild Avenue). The closest State road is New South Head Road (north).
- 1.4.8 The site has access to public transport located 600m west of Edgecliff Station, 800m east of Kings Cross Station and within 400m of bus stops providing for 10 bus routes. On-street cycle route passes the site along Lawson Street and Neild Avenue.
- 1.4.9 An on-street bus zone (two bus bays) used by SGS is located on the eastern side of Neild Avenue, adjacent to Weigall sports grounds (north of the site) and south of the intersection with New South Head Road (**Figure 4**).
- 1.4.10 The site is in vicinity of some items of heritage significance listed in the WLEP and Sydney Local Environment Plan 2012. Although not individually listed, a number of other buildings in the vicinity are contributory buildings within the Paddington HCA, as they make a positive contribution to the character of the area.

1.5 Previous approvals

- 1.5.1 The Applicant advises that the Weigall sports grounds has been historically used as sporting fields for SGS since its purchase 1907. The EIS includes a list of various development consents that have been issued by Woollahra Council (Council) since 1975 in relation to the use of the site for school purposes and associated sporting facilities. These include:
- BA 75/0434 Basketball Courts.
 - BA 89/0302 Repair grandstand and BA 83/0386 for roof over barbeque.
 - DA 89/1168 Basketball courts.
 - DA 96/1574 Alterations to grandstand and Neild Avenue fence.
 - DA302/2006 Recreation facility - new playing field for SGS.
 - DA 590/2007 Recreation facility - subdivide Lot 2 DP 1114604 into 2 lots.
 - DA 06/0047 Alterations and additions to pavilion.
 - DA 548/2007 Educational Establishment - refurbish existing sports pavilion.
 - DA 854/2007 Educational Establishment - scoreboard for playing field.
 - DA 75/2008 Educational Establishment - erection of temporary amenities.

2 Project

2.1 Description of development

2.1.1 The key components and features of the proposal (refined in the Response to Submissions (RtS) and supplementary RtS (SRtS)) are provided in **Table 1** and are shown in **Figure 10** to Figure 16.

Table 1 | Main components of the proposal

Aspect	Description
Proposal summary	A new Weigall Sports Complex for SGS, comprising demolition of existing sports facilities / carparking areas, bulk excavation, and construction of a new three storey sports complex with basement and a single-storey split-level car park building, 102 new car spaces, landscaping works, tree removal, signage and new kiosk substation.
Site area	9955m ² .
Site preparation and demolition works	<ul style="list-style-type: none"> • Demolition of: <ul style="list-style-type: none"> ○ sports facilities including cricket nets, six multi-purpose / tennis courts and the Barry Pavilion. ○ at-grade car parking, Neild Avenue driveway and cross-over. ○ vehicle service road and associated works on the southern boundary. • Bulk earthworks resulting in approximately 10,000 cubic metres (m³) excavated soil. • Remediation works, acid sulfate soil management and validation. • Deviation of existing sewer and stormwater pipe infrastructure.
Built form	<ul style="list-style-type: none"> • Construction of a three storey (RL 22.63 / 16.4m) building (Building 1), providing: <ul style="list-style-type: none"> ○ two indoor swimming pools at ground level. ○ four multi-purpose courts at first and second floor levels. ○ spectator terrace along the northern elevation. ○ changing facilities, amenities, office, services and storage. ○ centralised rooftop plant enclosure (up to RL 23.8 / 17.6m). • Construction of a split level single-storey (RL 10.44 / 4.8m) car park (Building 2). • Construction of a stand-alone electrical kiosk sub-station at the south-western corner of the site.
Gross floor area (GFA)	6220m ² total GFA within Building 1 (Building 2 has no floor space).
Use	Sporting facilities associated with the school.

Aspect	Description
Access	<ul style="list-style-type: none"> • Replacement driveway and cross-over from Neild Avenue providing and new turnaround area south of Building 1. • Replacement service road accessed from Alma Street and running along the southern boundary of the site, between Building 2 and 9 Vialoux Avenue / 24 Alma Street. • Driveway to Building 2 from Alma Street. • New pedestrian access from Neild Avenue, west of Building 1.
Parking	<ul style="list-style-type: none"> • 102 car parking including: <ul style="list-style-type: none"> ○ Building 1 – five covered surface car spaces on the southern side, adjacent to the vehicle turnaround area. ○ Building 2 – 97 parking spaces, including 93 spaces within, and four spaces adjacent to, the southern elevation of Building 2. • Six motorcycle spaces within Building 2. • 42 bicycle parking spaces including: <ul style="list-style-type: none"> ○ 40 student and visitor bicycle parking spaces in the public domain. at the Building 1 Neild Avenue entrance. ○ 2 staff spaces within Building 1, and end of trip facilities.
Pick-up/drop-off	<ul style="list-style-type: none"> • Pick-up/drop-off facility (up to six cars) within the proposed vehicle turnaround area south of Building 1, for use by visitors to Building 1. • Amended operation of the seven existing pick-up/drop-off spaces on Alma Street outside SGS Edgecliff, by redirecting any vehicle queue associated with these spaces through the proposed ground floor car park of Building 2 (increased queue capacity by 135m / 22 vehicles).
Trees and landscaping	<ul style="list-style-type: none"> • Remove 20 trees and provision of 42 replacement trees. • Hard and soft landscaping around Buildings 1 and 2, including trees, shrubs and ground covers, pathways, ramps and lighting. • Concrete bleachers outside the northern elevation of Building . • Vertical planting / green walls around Building 2.
Signage	<ul style="list-style-type: none"> • Provision of four illuminated identification signs displaying the school name and crest, including: <ul style="list-style-type: none"> ○ Building 1 - two signage zones, one mounted on the northern elevation of the building, and the other at the Neild Avenue entrance. ○ Building 2 - two signage zones, one mounted on the southern elevation of the building, and the other at the Alma Street entry.
Jobs	<ul style="list-style-type: none"> • 155 construction jobs. • four full time equivalent (FTE) operational jobs.
Capital Investment Value (CIV)	\$54,400,000.

2.2 Layout and design

2.2.1 The proposed Weigall Sports Complex comprises two buildings with associated landscaping, car parking and services. The structures are proposed to be located within the site, along the southern boundary of the Weigall sports grounds. The development would be completed as a single stage.

2.2.2 The site layout is provided in **Figure 9**.

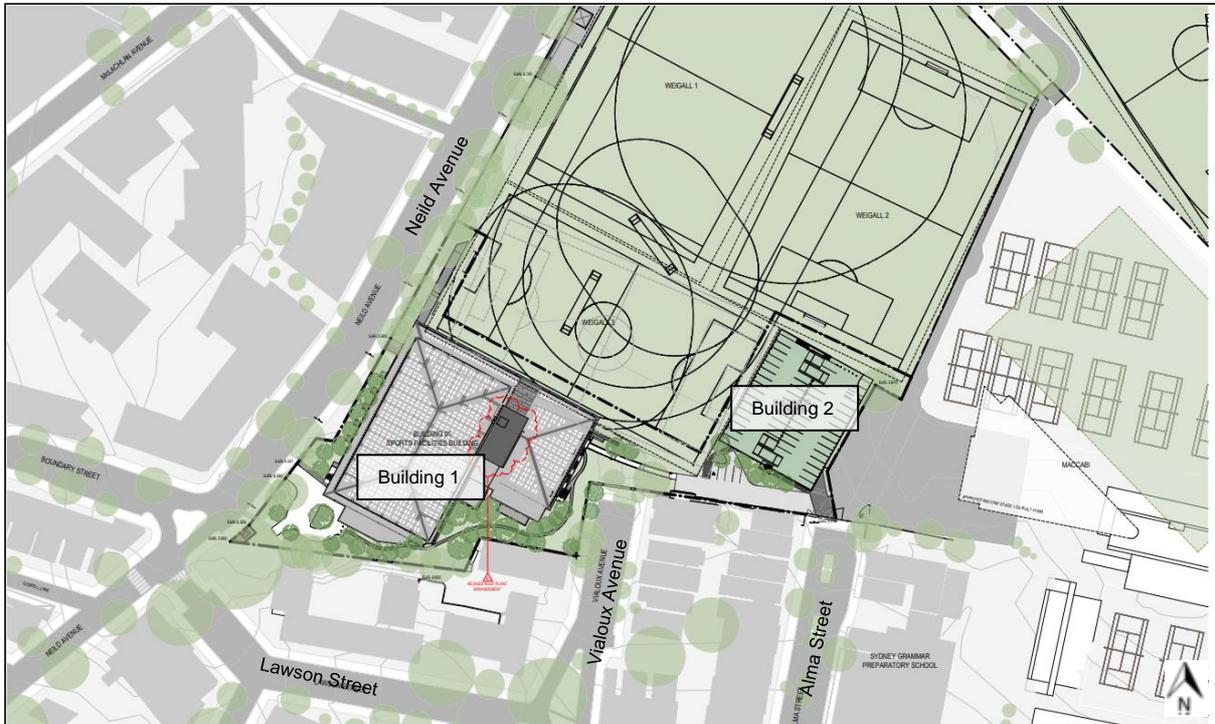


Figure 9 | Proposed site plan (Source: Applicant's RtS 2021)

Building 1 – Sports Complex

2.2.3 Building 1 has an 'L' shaped footprint (**Figure 10** and **Figure 11**) and includes:

- a main pool, smaller program pool, change rooms and toilets at ground floor level.
- multi-purpose courts 1 and 2 and change rooms and toilets at first floor level.
- multi-purpose courts 3 and 4 at second floor level.
- pool filtration, pump and storage rooms and rainwater tanks at basement level.
- mechanical plant, vent exhausts and photovoltaic solar panels (PV panels) at roof level.

2.2.4 The main access to the building is from its northern elevation, facing the Weigall sport grounds. Pedestrian access is via a gated entrance from Neild Avenue to the west, ramped access from the east via the service road connected to Alma Street, and stairs directly from the Weigall rugby / football field to the north.

2.2.5 A covered spectator terrace and concrete bleachers are located along the northern elevation of Building 1, and provide for a viewing platform and seated area to watch sport on the existing Weigall sports grounds.

2.2.6 A secondary building entrance is located at the rear of the building, together with a vehicle turnaround, pick-up/drop-off facility, and five surface car parking spaces. The existing Neild

Avenue vehicle entrance is relocated 20m south to provide vehicle access to the new facilities. A stand-alone green waste enclosure and electrical substation is proposed on the southern side of the vehicle turnaround.

2.2.7 20 trees around the Building 1 footprint are proposed to be removed to facilitate the development. All other trees would be retained and protected during construction. Landscaping is provided around Building 1, including 42 replacement trees and other shrubs and ground covers. A new 2.2m tall southern boundary fence with 29-33 Lawson St is also proposed.

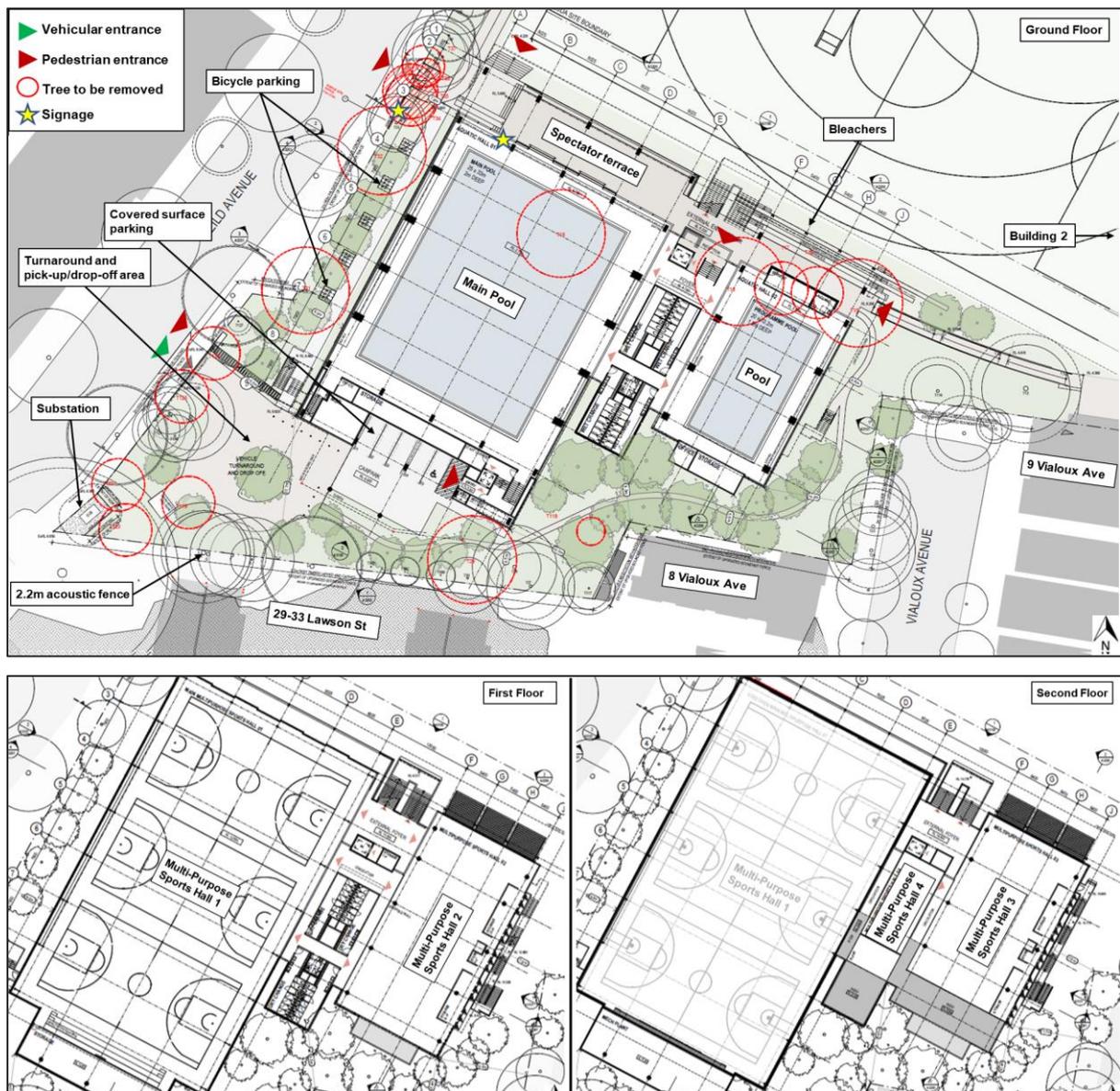


Figure 10 | Building 1 ground (top) first (bottom left) and second (bottom right) floor level layouts, access and key features (Source: Applicant's RtS 2021)



Figure 11 | Building 1 northern elevation (top) and section through the building (bottom) (Source: Applicant's RtS 2021)

Building 2 – Car Park

2.2.8 The proposed Building 2 is proposed as a split-level single storey structure with two parking levels, accessed via a gated driveway from Alma Street. A total of 97 car parking spaces are proposed, including 93 spaces internally and four surface spaces adjoining the southern elevation of the building (**Figure 12**). An accessible entry to Building 2 is to be located adjacent to the disabled parking bay.

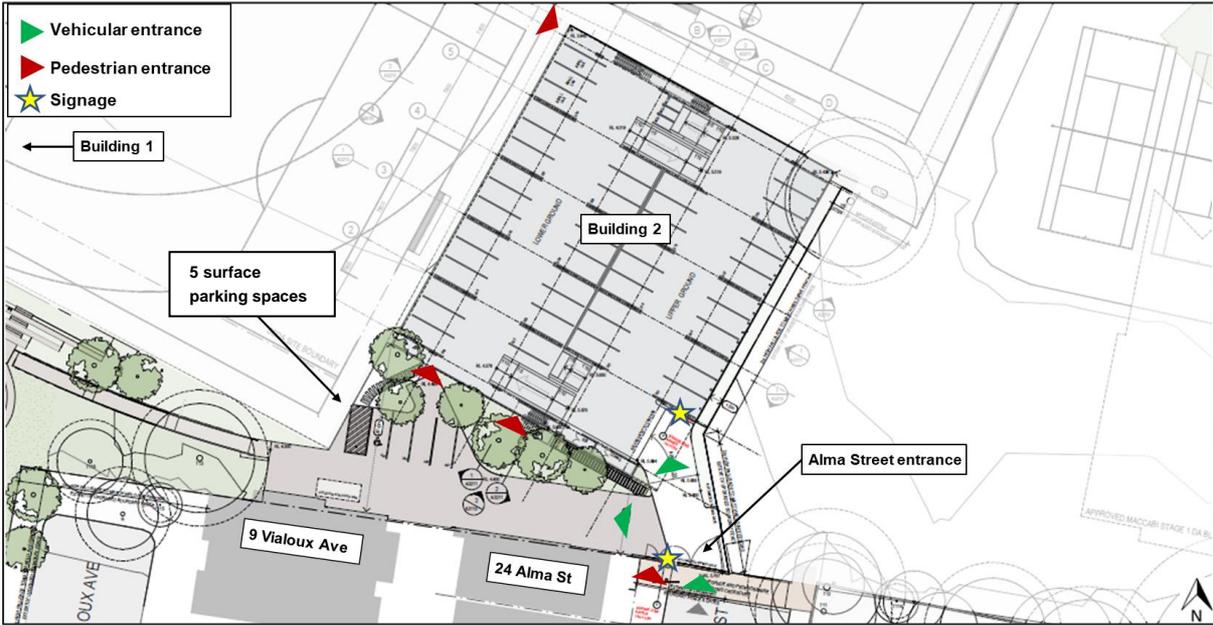


Figure 12 | Building 2 layout and access (Source: Applicant's RtS 2021)

2.2.9 Landscaping and a service road is provided between the southern elevation of the building and the northern elevation of 9 Vialoux Avenue and 24 Alma Street. Four proposed at grade surface car parking spaces are accessed from the service road.

2.2.10 Pedestrian access to Building 2 is provided at the southern and northern elevations. Staired access to the upper ground parking level is also provided in these locations. The building is proposed to be a concrete structure and the elevations of the structure are open and proposed to be screened by a vertical garden / green walls using climbing plants (**Figure 13**).



Figure 13 | Building 2 southern elevation (top) and perspective of the eastern elevation (bottom) (Source: Applicant's EIS 2020 and RtS 2021)

2.3 Flooding and drainage

2.3.1 The application proposes to deviate Council's existing stormwater and Sydney Water sewer pipe infrastructure around the proposed footprint of Building 1 (**Figure 14**).

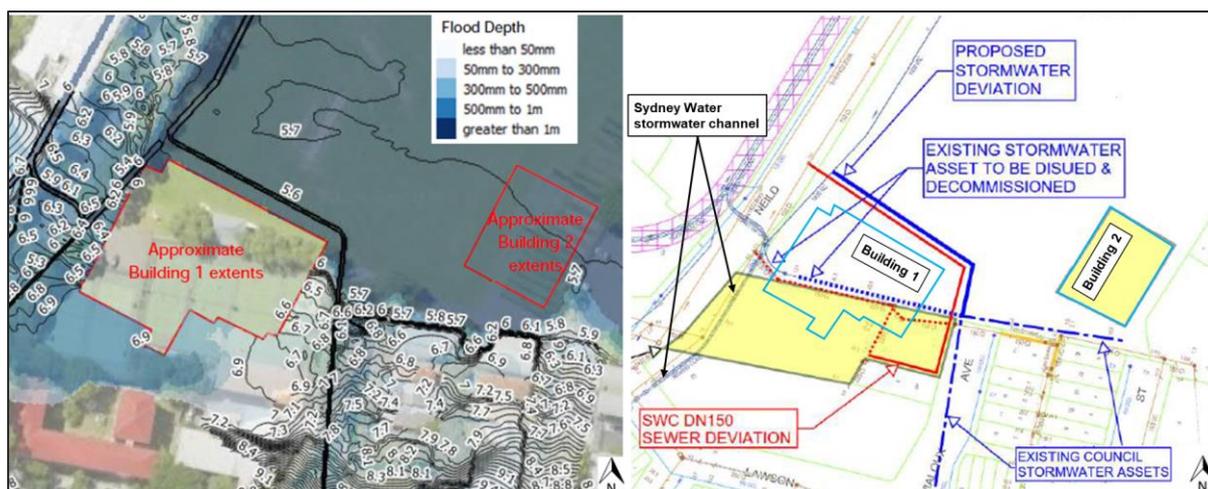


Figure 14 | Building 1 and 2 footprints and relationship to the PMF (left) and sewer and stormwater infrastructure deviation (right) (Source: Applicant's RtS 2021)

2.3.2 The Applicant has advised that:

- Building 1 has been designed to be at or above the PMF (6.9m AHD) at all locations.
- Building 2 containing car parking, has been designed to be above 4.3m AHD.
- stormwater runoff from roof and hardscape areas would be collected by new pit and pipe infrastructure, and conveyed to Council's local infrastructure at Neild Avenue and Sydney Water's infrastructure that crosses the site via an on-site stormwater detention system.

2.4 Use and activities

2.4.1 The primary use of the development is sport and recreational activities associated with the existing and on-going use of the site as an educational establishment. Proposed activities include swimming and training, basketball, volleyball, water polo, lifesaving, fencing, taekwondo, physical education, and fitness/strength training.

2.4.2 The existing SGS and Weigall sports grounds hours of operation and proposed hours of operation of the development are summarised at **Table 2**.

Table 2 | Existing and proposed hours of operation by various users (Source: Applicant's SRtS 2021)

Use	Existing hours of operation	Proposed hours of operation
SGS College St Campus		
• School hours for students	• Mon-Fri – 8:15am to 3pm	• No change
• School reception	• Mon-Fri – 8am to 6pm	• No change
• Sports training	• Mon-Fri – 6:30am to 8pm	• No change
• Sports competition	• Sat – 7am to 3pm	• No change
SGS Edgecliff Campus		
• School hours for students	• Mon-Fri – 8am to 3pm	• No change
• School reception	• Mon-Fri – 8am to 4pm	• No change
• Sports training	• Mon-Fri – 7am to 4:30pm	• No change
• Sports competition	• Sat – 7am to midday	• No change

Use	Existing hours of operation	Proposed hours of operation
Weigall sports grounds		
<ul style="list-style-type: none"> SGS Playing fields training SGS Playing fields competition 	<ul style="list-style-type: none"> Mon-Fri – 6:30am to 6pm Sat – 7am to 3pm 	<ul style="list-style-type: none"> No change No change
Sports Facilities (on the site)		
<ul style="list-style-type: none"> SGS training SGS competition 	<ul style="list-style-type: none"> Mon-Fri – 6:30am to 6pm Sat – 7am to 3pm 	<ul style="list-style-type: none"> Mon-Fri – 6am to 7pm Sat – 6:30am to 3pm
<ul style="list-style-type: none"> Community use 	None	<ul style="list-style-type: none"> Summarised in Table 3
<ul style="list-style-type: none"> Community use extended hours 	None	<ul style="list-style-type: none"> Mon-Fri– 7pm to 10pm Sat – 3pm to 10pm Sun – 7am to 6pm

2.4.3 The SGS weekend competitions include competitions between SGS students, inter-campus and inter-school competitions.

2.4.4 The application does not propose any changes to SGS student numbers across its campuses as a result of the proposal, or the existing hours of operation of SGS campuses or the Weigall sports grounds outside the site boundary. The EIS (as updated by the SRtS) includes an Operational Plan of Management (OPM), which confirms the management of car parking spaces, pick-up/drop-off and community use of the facilities.

2.4.5 The Applicant's traffic report supporting the EIS advised the maximum number of anticipated students (including players and spectators) plus parents (spectators and drop-offs), trainers, and staff on the weekend would be:

- summer: total of 386, including 209 students.
- winter: total of 321, including 182 students.

Additionally, the Applicant has provided a utilisation profile for summer and winter event weekends (maximum of 14) as summarised in **Figure 15**.

Proposed Utilisation Profile - WSC - Weekends - Summer											
Sport	Event	Event Profile						Attendance Profile / session			
		Events / year	Event start - end		Event Duration (mins)	No. of Sessions per Event	Session duration (mins)	Players / Session	Officials - Staff / Session	Spectators / Session	Total / Session
Basketball	Comp	14	8:00 AM	3:00 PM	420	7	60	80	8	60	148
Basketball	Function	14	1:30 PM	2:30 PM	60	1	60	50	6	60	116
Weights (Rehab)	Training	14	8:00 AM	10:00 AM	120	1	120	20	3	0	23
Fencing (Beginners)	Training	14	8:00 AM	10:00 AM	120	1	120	10	2	0	12
Water Polo		14	7:00 AM	12:00 PM	300	1	5	44	4	20	68

Proposed Utilisation Profile - WSC - Weekends - Winter												
Sport	Event	Event Profile						Attendance Profile / session				
		Events / year	Event start - end		Event Duration (mins)	No. of Sessions per Event	Session duration (mins)	Players / Session	Officials - Staff / Session	Spectators / Session	Total / Session	
Volleyball	Comp	14	8:00 AM	3:00 PM	420	5	90	72	8	30	110	
Winter Tennis	Comp		Not occurring at Weigall						Not occurring at Weigall			
Weights (Rehab)		14	8:00 AM	10:00 AM	120	1	120	20	3	0	23	

Figure 15 | Utilisation profile on weekend event days (Source: Applicant's SRtS 2021)

2.4.6 The Applicant proposes that both proposed pools in Building 1 would be available for community group use when not required by SGS. However, community group access would be restricted to external organisations only (such as schools, tertiary educational establishments, sport associations and the like) as agreed with SGS, rather than unrestricted community public access by individuals. The hours of community use are summarised in Table 3.

Table 3 | Proposed hours of community use (Source: Applicant's SRtS 2021)

Day	Time	Max. Occupancy	Max. Hours Available
During School Term			
Monday to Friday	9am to 3pm	Pool 1 – 48 to 50	Up to 30 hours per week
Monday to Friday	7pm to 10pm	Pool 2 – 48 to 50	Up to 15 hours per week

Day	Time	Max. Occupancy	Max. Hours Available
<ul style="list-style-type: none"> • Saturday • Sunday 	<ul style="list-style-type: none"> • 3pm to 10pm • 7am to 6pm 		<ul style="list-style-type: none"> • Up to 7 hours per week • Up to 11 hours per week
Outside of School Term			
<ul style="list-style-type: none"> • Monday to Saturday 	<ul style="list-style-type: none"> • 9am to 10pm 	Pool 1 – 48 to 50	<ul style="list-style-type: none"> • Up to 78 hours
<ul style="list-style-type: none"> • Sunday 	<ul style="list-style-type: none"> • 7am to 6pm 	Pool 2 – 48 to 50	<ul style="list-style-type: none"> • Up to 11 hours

2.4.7 The car spaces and pick-up/drop-off would be controlled by gates and operate as follows:

Building 1

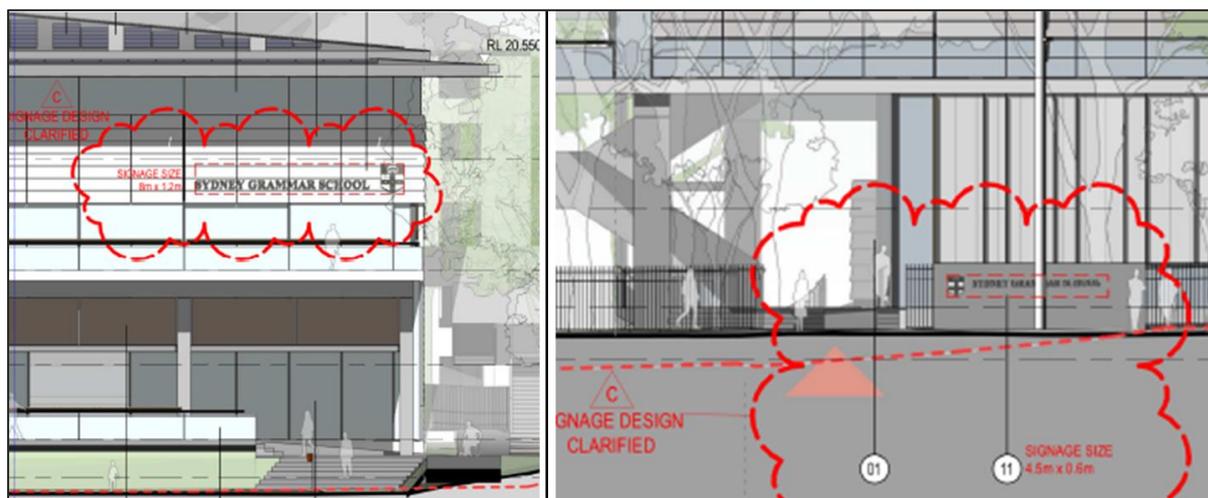
- Neild Avenue gated entrance to the five car parking spaces, and the pick-up/drop-off facility, would be open between 6am and 7pm Monday to Friday, and 6:30am and 7pm on weekends.

Building 2

- Alma Street gated entrance to the 97 car parking spaces would be open between 6am and 10pm all week.
- car park would not be used after 9pm, except for nine events per year (approximately two per term) associated with training/activities in Building 1.
- car park is not available for community use or in association with the community use of Building 1.

2.5 Signage

2.5.1 The application includes four illuminated identification signs, two located at entrances to the site at Alma Street and Neild Avenue, one affixed to northern elevation of Building 1 and the other affixed to the southern entrance of Building 2 (**Figure 10, Figure 12 and Figure 16**).



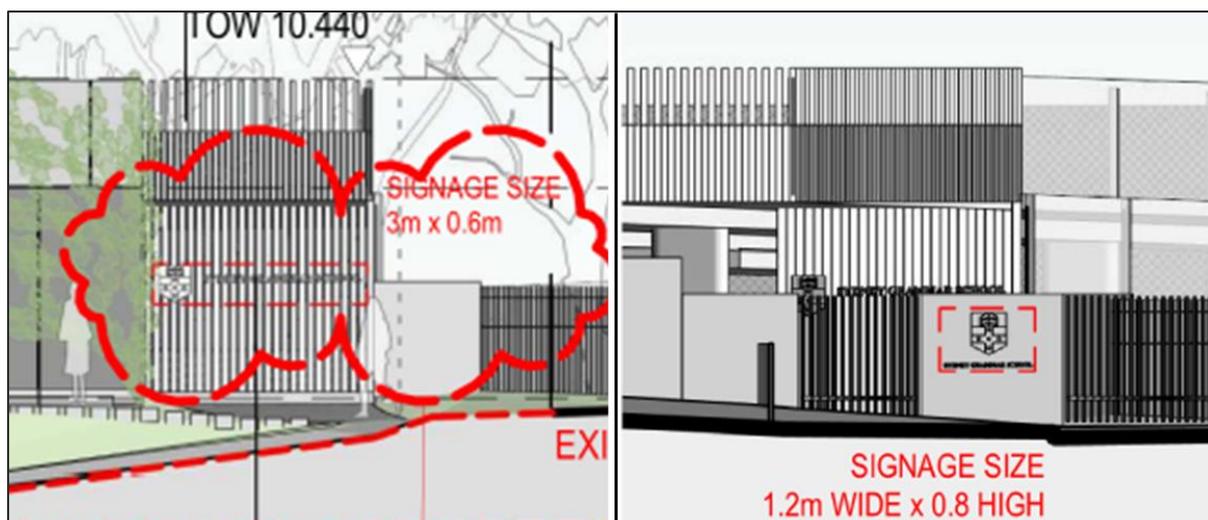


Figure 16 | Proposed signage to Building 1 (top left), Neild Avenue pedestrian entrance (top right), Building 2 (bottom left) and Alma Street entrance (bottom right) (Source: Applicant's SRTS 2021)

2.6 Related development

White City Redevelopment

- 2.6.1 On 15 December 2015, the Joint Regional Planning Panel approved the Concept redevelopment of the White City site (DA 2015/438/2) for a new club, sporting facilities, community space, childcare centre and cafe.
- 2.6.2 On 3 September 2020, the Sydney Eastern City Planning Panel approved Stage 1 of the White City Redevelopment (DA 477/2019) for three storey club facilities, sporting facilities and site remediation.

Paddington Greenway Project

- 2.6.3 The Paddington Greenway Project is an initiative of members of the Paddington community, supported by Council and City of Sydney. The objective of the project is to develop a green corridor extending from Rushcutters Bay Park to Trumper Park in Paddington, to facilitate walking, cycling and provide for improved landscaping.
- 2.6.4 It is anticipated that the proposed corridor would follow the route of the Sydney Water concrete drainage channel, which runs through the Weigall sports grounds and adjoining White City redevelopment (**Figure 2** and **Figure 17**). The development does not impact on the proposed corridor identified under the Project.

3 Strategic context

3.1 Project need and justification

3.1.1 The Applicant indicates that the SGS's Senior School on College Street cannot accommodate its sport program and relies on external facilities, which are limited and logistically difficult to manage. SGS is finding it increasingly difficult to accommodate sport programs for its students, and have limited offerings due to student demand and limited or no facilities.

3.1.2 The proposal would meet the sport, personal development, health and physical education needs of the SGS community and reduce reliance on external facilities, enabling greater supervision and protection of students. It would update the SGS sporting facilities, provide all-weather sporting facilities for Edgecliff Preparatory School, and accommodate an increased swimming and basketball sport program. The existing SGS tennis program would be relocated away from Weigall sports grounds as part of the proposal.

3.1.3 The Applicant has stated the proposal seeks to improve facilities and safety for students, while minimising adverse amenity impacts. The EIS, in quoting the SGS headmaster states:

'Each year, SGS educates 1,150 students at College Street, 400 students at Edgecliff and 300 students at St Ives. The benefits of the Weigall Sports Complex for these existing and future students and our staff is considerable. Reduced travel times to weekly training sessions and competition, improved facilities to encourage student participation and commitment to sport, fitness and healthy lifestyles and most importantly improved child protection. Further to this, public facilities currently hired by SGS will be freed up to the wider community.'

3.1.4 The Department agrees that the proposal would provide sporting facilities to meet school demand and future growth, as well as opportunities for limited community group use.

3.2 Strategic context

3.2.1 The Department considers the proposal is appropriate for the site, as it is consistent with the:

- NSW State Priorities to provide new and improved teaching and education facilities.
- Greater Sydney Commission's (GSC) *Greater Sydney Region Plan: A Metropolis of Three Cities*, as it proposes new school facilities to meet the growing needs of Sydney and includes opportunities to co-share facilities with the local community.
- Transport for NSW's *Future Transport Strategy 2056*, as it would provide a new educational facility in a location that is accessible by public transport and would include new / improved parking and pick-up/drop-off facilities.
- vision outlined in the GSC's Eastern City District Plan, as it would provide school infrastructure in a highly accessible location with new employment opportunities.
- Infrastructure NSW's *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it proposes infrastructure designed to accommodate school facilities that can be shared with the community.

The proposal would provide direct investment in the region of approximately \$54.4 million, which would support 155 construction jobs and four new operational jobs.

4 Statutory context

4.1 State significance

4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as it is development for the purpose of an educational establishment comprising alterations or additions to an existing school, with a CIV of more than \$20 million pursuant to clause 15(2) of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.1.2 In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (the Commission) is the consent authority as there are more than 50 unique public submissions objecting to the proposed development.

4.2 Permissibility

4.2.1 The site is identified under the WLEP as being partly within the R3 Medium Density Residential zone and partly within the RE2 Private Recreation zone (**Figure 18**). 'Educational Establishments' are not listed as permissible with consent within either zone.

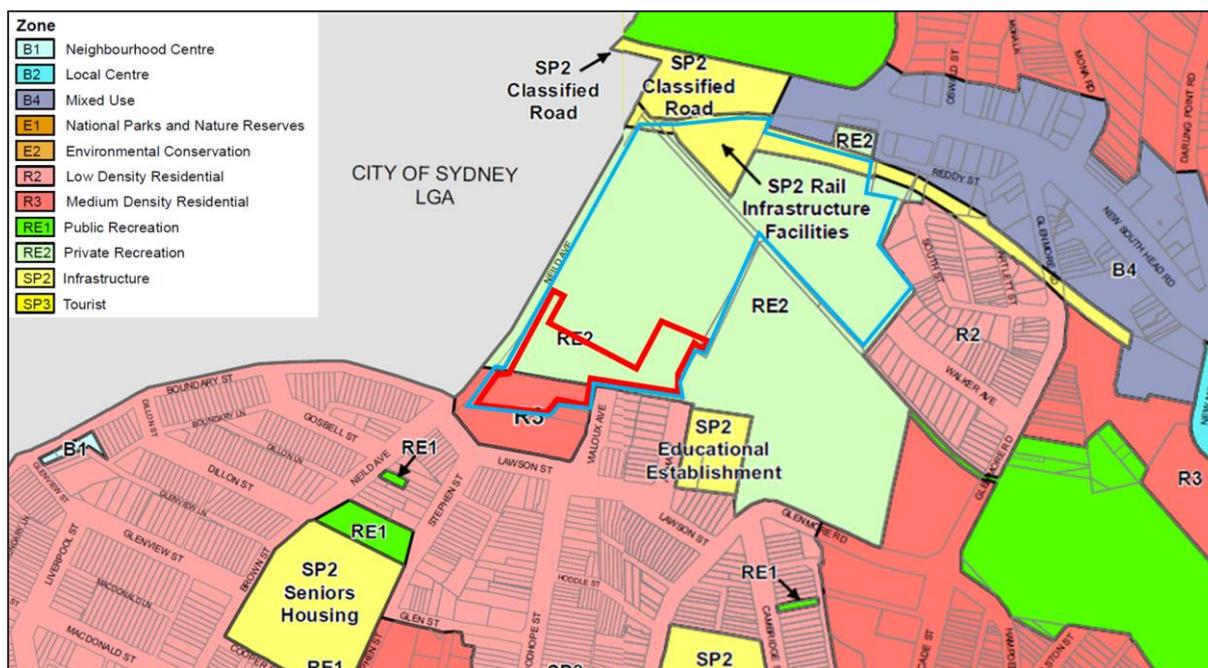


Figure 18 | Land use zones affecting the site (Source: WLEP)

4.2.2 Clause 35 (Schools—development permitted with consent) of the State Environmental Planning Policy (Educational Establishments and Child Care Centre) 2017 (Education SEPP) states:

- (1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*
- (2) *Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.*

(3) Development for the purpose of a school may be carried out by any person with development consent on the land that is not in a prescribed zone if it is carried out on land within the boundary of an existing school.

- 4.2.3 R3 zone is a prescribed zone under clause 33 of the Education SEPP, and therefore under clause 35(1), a school is permitted in this zone.
- 4.2.4 The proposal involves indoor sporting facilities and ancillary car parking in association with a school, as identified in clause 39(1)(a)(ii) of Education SEPP. Consequently, these facilities are permitted on the site, under to clause 35(2) of the Education SEPP.
- 4.2.5 While the RE2 zoned part of the site is not listed as a prescribed zone, the Applicant states that the proposal is permissible under clause 35(3), as it is located on land within the boundaries of an existing school. In this regard, the Applicant identified that the Weigall sports grounds (including the site) is used as the playground, sports training, sporting competition and the Personal Development, Health and Physical Education classes for various SGS campuses, including the preparatory school on the adjoining site.
- 4.2.6 As discussed in **Section 1.5**, the Department notes that several approvals have been granted by Council since 1975 in relation to the use of the site as a sporting facility for SGS. The site has been considered as an 'Educational Establishment' in those development consents. Based on the history of the development approvals on the site, the Department agrees with the Applicant's advice regarding the permissibility of the development within the RE2 zone. The site has used by SGS historically (since 1907) for sporting and physical education facilities. Consequently, the use is permissible within the site under clause 35(3) of the Education SEPP.
- 4.2.7 Notwithstanding the conclusions reached above, clause 4.38(3) of the EP&A Act allows development consent to be granted despite the development being partly prohibited by an environmental planning instrument.
- 4.2.8 The Commission may therefore determine the carrying out of the development.

4.3 Matters for consideration

Environmental planning instruments

- 4.3.1 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is relevant to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.
- 4.3.2 The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

Objects of the EP&A Act

- 4.3.3 The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent /approval) are to be understood as powers to advance the objects of the legislation, and limits

on those powers are set by reference to those objects. Therefore in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 4**.

Table 4 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal involves the provision of new facilities within an existing school sport campus in a central well-connected location.</p> <p>The site is well-established and its redevelopment would have a positive impact the economic welfare of the community or the natural environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes measures to deliver ecologically sustainable development (ESD) (see below).</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal would be an orderly and economic use and development of land, subject to implementation of the recommendations regarding design amendments to the eastern section of Building 1 (program pool wing). The development, as amended by conditions consent, would provide for sporting facility to complement the multiple school campuses of SGS. The merits of the proposal are considered in Section 6.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>N/A.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The proposed development would not significantly impact on the natural environment or the conservation of threatened species or habitats. The Department has considered the impacts of the proposed works on existing trees in Section 6.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The site is not listed as a local or State heritage item and would not impact nearby heritage items(Section 6.5). The development has the potential to impact on of the amenity of a contributory building within the Paddington Conservation Area The Department has recommended amendments that would reduce view loss impacts to apartments at 8 Vialoux Avenue (Section 6.3). The site has a low potential for uncovering Aboriginal or non-Aboriginal archaeology or impacting on cultural heritage (Section 6.6).</p>
(g) to promote good design and amenity of the built environment,	<p>The buildings have a modern functional design utilising low-scale built form, which would integrate with the</p>

Objects of the EP&A Act	Consideration
	<p>surrounding environment. The Department has recommended amendments that would reduce view loss impacts to apartments at 8 Vialoux Avenue (Section 6.3).</p> <p>The application includes landscape features, including hard and soft landscaping and native vegetation plantings, which are sympathetic to the surrounding landscape and provide a landscape setting when viewed from outside the site (Section 6.5).</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings, subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal, which included consultation with Council and other public authorities and consideration of their responses (Section 5 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal, as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website and at Council during the exhibition period.

Ecologically sustainable development

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

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

4.3.5 The Applicant is targeting a 4-Star Green Star (Australian Best Practice) rating, which is consistent with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (EFSG) design guide. The development proposes ESD initiatives and sustainability measures including:

- high efficiency building envelope / façade system.
- photo-voltaic panels located on the roof of the pool building.
- energy efficient LED lighting, zoning, controls and site co-ordination.
- high efficiency heating, ventilation and air-condition systems.

- water fixtures (taps, showerheads, toilets etc) certified under the Water Efficiency Labelling Scheme (WELS).
 - rainwater harvesting and reuse system.
 - efficient aquatic centre water management including water reuse, wastewater management, leak detection and water monitoring.
 - low impact construction materials including sustainable timber, reduce Portland concrete use and responsibly sourced aggregates.
- 4.3.6 The Applicant consulted Government Architect NSW (GANSW) through the State Design Review Panel (SDRP), prior to the lodgement of the EIS. The SDRP confirmed that it supported the proposal and stated that it provided thorough environmental sustainability initiatives including carbon neutrality of the site and building.
- 4.3.7 The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Appendix I of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- 4.3.8 Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives will encourage ESD in accordance with the objects of the EP&A Act.
- 4.3.9 The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the Certifier, prior to the issue of the occupation certificate.

Environmental Planning and Assessment Regulation 2000

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

Planning Secretary's Environmental Assessment Requirements

- 4.3.11 Department is satisfied the EIS and RtS proposal adequately addresses the requirements of the re-issued Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

Section 4.15(1) matters for consideration

- 4.3.12 **Table 5** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 5 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding this, the objectives and controls within the Woollahra Development Control Plan 2015 (WDCP) have been considered (where relevant) at Section 6 .
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned as discussed in Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period as discussed in Section 5 and 6 .
(e) the public interest	The proposal is in the public interest as discussed in Section 6 .

4.4 Biodiversity Conservation Act 2016

- 4.4.1 Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.
- 4.4.2 The Applicant submitted a request to the Department to waive the requirement to submit a BDAR, and included an ecological assessment as part of its request. The assessment found that the vegetation on the site does not form part of an important habitat corridor, is surrounded by urban areas, and high-volume road networks associated with the Sydney CBD.
- 4.4.3 The Department's Environment, Energy, and Science Group (EESG) reviewed the Applicant's supporting information and determined that the proposed works are not likely to have a significant impact on biodiversity values. Consequently, a BDAR waiver was granted by the Department on 21 April 2020. Since then the proposal was amended and a new request for

BDAR waiver was submitted by the Applicant. The EESG reviewed the Applicant's request and determined that the proposed amended works would still not likely have a significant impact. Subsequently, a BDAR waiver was reissued by the Department on 29 July 2020.

- 4.4.4 Notwithstanding, the Department has considered the removal of 20 trees at **Section 6.5**. The trees not considered to contribute to biodiversity value.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 12 November 2020 until 18 December 2020 (37 days). To remedy an administrative error having resulted in not all relevant surrounding landowners and occupiers being originally notified, the public exhibition was extended by eight days until 18 December 2020.
- 5.1.2 The application was exhibited on the Department's website only, with no public exhibition notices placed in newspapers (in accordance with the COVID-19 restrictions regulation). The Department also notified adjoining landholders and relevant State and local government authorities in writing. Department representatives visited the site to provide an informed assessment of the development.
- 5.1.3 The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions of consent at **Appendix C**.
- 5.1.4 On 10 May 2021, following the completion of the exhibition period, the Department held a community engagement meeting with residents of 25-27 and 29-33 Lawson Street.
- 5.1.5 During the community engagement meeting, the Department representatives provided an overview of the proposal and the overall SSD assessment process. The residents expressed concerns regarding various aspects of the proposal, however, no new concerns were raised are not already summarised at **Table 8**.

5.2 Summary of submissions

- 5.2.1 The Department received a total of 102 submissions, comprising 10 submissions from public authorities (including comments from Council and City of Sydney Council), 88 individual public submissions (72 objections including an objection from Alex Greenwich MP) and four submissions from special interest groups (three objections) including one petition (25 signatures).
- 5.2.2 A summary of the issues raised in the submissions is provided at **Table 6** below and copies of the submissions may be viewed at **Appendix A**.

Table 6 | Summary of submissions to EIS exhibition

Submitter	Number	Position
Public authorities	10	
Council	1	
City of Sydney Council	1	Comment
Transport for NSW (TfNSW)	1	

Submitter	Number	Position
Heritage NSW, Department of Premier and Cabinet (Heritage NSW)	1	
Heritage NSW, Aboriginal Cultural Heritage (Heritage NSW ACH)	1	
EESG	1	
Environment Protection Authority (EPA)	1	
Sydney Trains	1	
Sydney Water	1	
Water NSW	1	
Special Interest Groups	4	
Parents' Association of the Sydney Grammar School	1	Comment
Paddington Society	1	
Owners of Strata Plan 11962, 8 Vialoux Avenue, Paddington	1	Object
Petition (25 signatures)	1	
Community Members	88	
	72	Object
	12	Comment
	4	Support
TOTAL	102	

Public authority submissions

5.2.3 A summary of the issues raised in the public authority submissions is provided at **Table 7** below and copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of public authority submissions to the EIS exhibition

Council
<p>Council did not object to the proposal, but requested the Applicant:</p> <ul style="list-style-type: none"> • amend the bulk and scale of Building 1 to reduce the impact on views from neighbouring properties and allow for appropriate view sharing. • amend the eastern and western façades of Building 1 to provide more articulation, windows, varied materials and dense planting to inactive façade components. • update the parking analysis to consider the total demand for the facilities (spectators, players, community use). • provide detailed queuing analysis for the pick-up/drop-off facility. • provide further detail of bus operations, traffic generation and local traffic management. • provide six additional bicycle parking spaces. • confirm the proposal would not impede development of the Paddington Greenway corridor through the

site at a future date.

Council recommended conditions of consent relating to:

- payment of a development contribution (\$544,000).
- car and bicycle parking and sustainable travel.
- tree protection, management, replacement, landscaping and light spill.
- stormwater and flooding.
- heritage interpretation and Aboriginal and non-Aboriginal archaeology.
- construction impact mitigation measures, structural and geotechnical matters, hazardous materials, acid sulfate soil and waste classification.

City of Sydney Council

City of Sydney Council did not object to the proposal and required the Applicant to:

- undertake public domain improvements along Neild Avenue and Alma Street.
- amend the proposal to retain certain trees and consider alternative access arrangements to reduce tree removal requirements.
- provide replacement trees in accordance with the Australian Standard for landscape tree stock.
- prepare an acid sulfate soil management plan and update the Remedial Action Plan to include an unexpected finds protocol.
- reduce the potential light spill to neighbouring properties.
- consider how the proposal may impact the Paddington Greenway project.

Council recommended conditions of consent relating to:

- no increase in maximum student numbers / enrolments.
- construction and operational noise.
- operational management plans (waste, servicing, community use).
- materials and finishes.
- tree protection.
- connection to City of Sydney stormwater infrastructure.

TfNSW

TfNSW recommended the Green Travel Plan (GTP) be amended to improve sustainable travel outcomes including:

- provide the proposed number of car share and vehicle pool vehicle spaces.
- provide charging equipment for e-bikes and bicycle maintenance equipment.
- develop a GTP communications strategy and a Parking Management Strategy.
- clarify who is responsible for delivery and implementation, provide funding for ongoing actions and a review strategy (at least every five years).

Heritage NSW

Heritage NSW provided the following comments:

- the proposal is in the vicinity of SHR item Rushcutters Bay Park and Yarranabbe Park.
- the likelihood of uncovering non-Aboriginal archaeological resources on the site is low.
- the site is located within the Paddington Conservation Area and near the Alma Street palms, both of which are locally listed items under the WLEP. Council is responsible for providing any advice on these items.

Heritage NSW recommended a condition requiring the implementation of an archaeological unexpected finds

during construction.

Heritage NSW ACH

Heritage NSW ACH provided comments:

- the Aboriginal Cultural Heritage Assessment (ACHA) should be updated to correct inconsistencies and clarify mitigation measures
- the site has low potential to impact on Aboriginal cultural heritage.

Heritage NSW ACH recommended the preparation of an Aboriginal Heritage Management Plan (AHMP).

EESG

EESG confirmed:

- a reissued BDAR waiver was approved..
- it had no further comments on flooding impacts.

EPA

EPA noted the proposal:

- does not require an environmental protection licence under the *Protection of the Environment Operations Act 1997*.
- is not being undertaken on behalf of a NSW public authority and does not include activities for which the EPA is the appropriate regulatory authority.

Sydney Trains

Sydney Trains recommended conditions to protect rail assets and operations.

Sydney Water

Sydney Water provided advice:

- the proposal be amended so that all buildings and structure are at least 1m away from Sydney Water's stormwater channel that crosses the site.
- no tennis courts or artificial turf should be within 1m clearance zone of Sydney Water's stormwater assets.
- potable water and wastewater is available via existing mains around the site. Adjustments, deviations and/or amplifications may be required and should form part of a separate Section 73 application.

WaterNSW

WaterNSW confirmed the site is not located in close proximity to any WaterNSW land or assets and the risk to water quality is low.

Public submissions

5.2.4 A summary of the issues raised in the individual public submissions is provided at **Table 8** below and copies of the submissions may be viewed at **Appendix A**.

Table 8 | Summary of public submissions to the EIS exhibition

Issue	Proportion of total (88) submissions
Construction impacts, including noise, traffic and dust	63%
Overshadowing of adjoining properties	51%
Traffic and parking	49%
Inappropriate building location	42%
Loss of private views and outlook	39%
Operational noise	34%
Inappropriate height and scale	30%
Loss of trees	25%
Adverse light spill	19%
Insufficient community benefit	19%
Inadequate public consultation	16%
Inappropriate building design	17%
Flooding and stormwater	13%
Fumes / air pollution from pool exhaust	13%
Adverse impacts from use of facilities out of school hours	11%
Insufficient landscaping around buildings	7%
Paddington Greenway project has not been considered	7%
Existing school facilities are sufficient and there is no need for the proposal	6%
Loss of open / green space	6%
Loss of privacy	5%
Adverse heritage impact on the Paddington Conservation Area	5%
Loss of property value	5%
The development should incorporate Aboriginal heritage interpretation	1%
Development does not achieve design excellence	1%
The application should be determined by Council	1%

5.2.5 The special interest groups and Alex Greenwich MP did not raise any issues in addition to those already summarised at **Table 8**.

5.2.6 In addition to the 88 public submissions received during exhibition, the Department received two additional correspondences outside exhibition, including one from White City (owner of the adjoining property), after the close of the public exhibition period. The public submission raised concerns about the reflectivity of solar panels and other issues already summarised in **Table 8** (operational noise, public benefit, traffic and parking and flooding). The submission

from White City recommended appropriate signage to be provided to minimise the chance of vehicle/pedestrian conflicts.

5.3 Response to submissions

5.3.1 Following the exhibition of the proposal, the Department placed all submissions received on its website, and requested the Applicant provide a response to the issues raised in the submissions and following the Department's preliminary review of the EIS.

5.3.2 On 26 April 2021, the Applicant submitted its Response to Submissions (RtS) (**Appendix A**). The RtS provided additional information and clarification in response to the issues raised in submissions. The RtS included physical amendments to the proposal:

- relocated the Building 1 rooftop plant enclosure approximately 4m further north closer to the northern / away from the southern elevation
- corrected the height of the acoustic fence (2.2m) along the southern boundary
- provided obscure glazing to Building 1 south facing windows.

5.3.3 The RtS was made publicly available on the Department website and referred to relevant public authorities and Council. An additional nine submissions were received in response to the RtS, including seven from public authorities (including one from Council) and two objections from the public. The submissions are summarised in **Table 9** and **paragraph 5.3.4**, and copies of the submissions may be viewed at **Appendix A**.

Table 9 | Summary of public authority submissions to the notification of the RtS

Council

Council reviewed the RtS and reiterated its concern that Building 1 provides for inadequate articulation and window openings on the Neild and Vialoux Avenue elevations.

Council confirmed the application has addressed the majority of its concerns and stated:

- Council supports the shared use of community facilities.
- parking demand can be accommodated by the development and bicycle parking is acceptable.
- pick-up/drop-off circulation is satisfactory and an Operational Traffic Management Plan should be prepared and implemented.
- a GTP should be prepared and implemented.
- the Local Area Traffic Management plan should be prepared in consultation with Council, local school and community. It should incorporate traffic calming measures including upgrade of the Neild Avenue pedestrian crossing and installation of a speed tables.
- acid sulfate soils, hazardous materials and contamination matters have been addressed.
- construction impacts can be managed and mitigated.
- the revised design would not result in adverse heritage impacts and public access through the SGS site to the Paddington Greenway would not be impeded.

Council updated its list of recommended conditions.

City of Sydney Council

City of Sydney Council recommended conditions requiring the implementation of the Acid Sulfate Soils Management Plan, installation of outdoor lighting in accordance with relevant Australian Standards, and details of connection to City of Sydney drainage infrastructure.

TfNSW

TfNSW recommended a condition requiring the preparation of a GTP in consultation with TfNSW.

Heritage NSW ACH

Heritage NSW ACH confirmed the RtS has considered and addressed Aboriginal cultural heritage matters for the site.

Heritage NSW

Heritage NSW reiterated its comments provided in response to the EIS.

EESG

EESG confirmed it had no comments on the RtS.

Sydney Water

Sydney Water stated the proposal has sufficiently resolved issues for this stage of development and detailed requirements, including any potential asset alterations or adjustments would be provided to the Applicant as part of the separate Section 73 Application process.

5.3.4 Two submissions were received from the public, which reiterated the following concerns:

- inappropriate bulk and scale of Building 1 in relation to the existing surrounding context.
- view impacts to apartments within 29-39 Lawson Street, and the Applicant's view assessment was not taken from the most affected apartments within that building.

5.4 Supplementary response to submissions

5.4.1 Following the notification of the RtS, the Department placed copies of submissions received on its website, and requested the Applicant provide a response to the issues raised in the submissions and matters raised following the Department's review of the RtS.

5.4.2 On 15 June 2021, the Applicant submitted its supplementary response to submissions (SRtS) (**Appendix A**). The SRtS did not amend the proposal, however it provided additional information and clarification in response to following key matters:

- a revised site selection analysis to consider a further option of relocating the development envelope to be along the Neild Avenue frontage rather than entirely along the southern boundary fronting the residential apartments along Lawson Street and 8 Vialoux Avenue.
- view impacts, noise, flooding, construction impacts, signage, tree coverage, end of trip facilities and project strategic need.
- an analysis of potential amenity impacts to 9 Vialoux Avenue and 24 Alma Street.
- a response to Council's comments on streetscape character.
- further details on the submitted drawings.

5.4.3 On 29 June 2021, the Department requested the Applicant provide further information with respect to the assessment of impacts of 'as existing' views from affected properties (9 Vialoux Avenue and 24 Alma Street).

- 5.4.4 On 9 July 2021, the Applicant submitted a further SRtS. This SRtS included further details of the view impact analysis of 9 Vialoux Avenue and 24 Alma Street.
- 5.4.5 On 15 July 2021, the Department requested the Applicant provide clarification of vehicle trips associated with the use of Weigall sports grounds on the weekend and confirmation of proposed hours of operations.
- 5.4.6 On 28 July 2021, the Applicant submitted a further SRtS with further details of vehicle trips and the proposed operating hours with a revised Operational Plan of Management (OPM).
- 5.4.7 On 2 August 2021, the Department requested the Applicant provide additional clarification of vehicle trips generated for Weigall sports grounds and proposed hours of operation.
- 5.4.8 On 5 August 2021, the Applicant submitted additional information to clarify the vehicle trips generated and proposed hours of operation.
- 5.4.9 The Department undertook further consultation with the Applicant in August and September regarding the impacts of Building 1 on the views currently enjoyed by the northern facing apartments at 8 Vialoux Avenue. During this consultation, the Department recommended that part of the top two floors of the eastern section of Building 1 be altered to reduce the devastating view impacts on the apartments within 8 Vialoux Avenue.
- 5.4.10 On 8 September 2021, the Applicant submitted a further SRtS in response to Department's concerns. The SRtS stated that the removal of any section of Building 1 would not substantially improve the impacts on the apartments within 8 Vialoux Avenue. The SRtS also included additional justification regarding the reasonableness of the location, built form and scale of the Building 1. The SRtS did not propose any amendments to the location or design of Building 1.
- 5.4.11 In September 2021, the Department raised further concerns regarding the impacts of Building 1 on surrounding neighbours due to view loss. The Department consulted with the Applicant on recommended design amendments to Building 1.
- 5.4.12 Following the consultation, on 29 September 2021, the Applicant submitted a further SRtS in response to Department's recommended amendments to the design of Building 1 and its relationship to 8 Vialoux Avenue. The SRtS included:
- a peer review of the original visual and view loss assessment prepared by Urbis and submitted with the EIS, RtS and SRtS. The peer review concluded Urbis' classification of view loss impacts to apartments within 8 Vialoux Avenue could be considered overly conservative. The peer review offered an alternative assessment, which concluded view loss could be considered to be moderate to severe (rather than devastating).
 - an alternative design option for Building 1 with increased Level 1 (by 4m) and Level 2 (further 3m) floor setbacks from the common boundary with 8 Vialoux Avenue (**Figure 25**) to reduce view loss impacts to that property.
- 5.4.13 The Department has made all the SRtS publicly available on its website. No additional submissions were received.

6 Assessment

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

- building location.
- amenity impact.
- built form.
- trees.
- traffic and parking.

6.1.2 Each of these issues is discussed in the following sections. Other issues considered during the assessment are discussed at **Section 6.6**.

6.2 Building location

6.2.1 Buildings 1 and 2 are located at the southern part of the Weigall sports grounds, as shown in **Section 2.2**.

6.2.2 The EIS includes an analysis of site selection and consideration of alternative development opportunities within the Weigall sports grounds (Selection Analysis). The Selection Analysis considered the key components of the development and impacts relating to footprint, built form, flood affectation, impact on Weigall sports grounds functionality, amenity, and cost (**Figure 19**). The Applicant's Selection Analysis concludes the proposed site location and the arrangement of the two buildings results in the best overall outcome for meeting the SGS's objectives when compared to the three alternative locations within Weigall sports grounds.





Figure 19 | The proposed (Option 1) and alternative site locations (Options 2-3) considered by the Applicant for the development (Source: Applicant’s EIS 2020)

6.2.3 The Applicant engaged with the SDRP, prior to the lodgement of the EIS. The SDRP generally supported the proposed location and built form, subject to additional details regarding architectural design and materials, vehicle and pedestrian access and movements, and landscaping.

6.2.4 The EIS included these details in the design of the development. No further comments were received from GANSW about the built form during the EIS exhibition.

Submissions and Applicant's response

- 6.2.5 Objections were raised in public submissions that the site is not an appropriate location for the proposed buildings (particularly Building 1) having regard to the resultant impacts on the amenity of the neighbouring properties to the south (including overshadowing, visual privacy, acoustics and loss of views of the open space. Many submissions recommended the buildings be relocated to the northern side of the Weigall sports grounds, adjacent to the elevated railway viaduct (Option 4), to be furthest away from residential properties and to minimise the consequences of various operational and construction related amenity impacts.
- 6.2.6 Neither the relevant Council nor the adjacent Council, City of Sydney objected to the site selection / location of the buildings. However, Council provided comments on amenity impacts of the development (which the Department has considered at **Section 6.3**).
- 6.2.7 Noting amenity impacts on neighbouring properties, particularly the north facing apartments at 8 Vialoux Avenue, the Department recommended the Applicant assess an alternative option, showing the relocation of built form away from apartments at 8 Vialoux Avenue and reorienting it along the Neild Avenue frontage.
- 6.2.8 In response, the Applicant's SRtS revised the Selection Analysis to better evaluate the site options and included new Option 5 (**Figure 20**). The Applicant stated Option 5 is the least desirable (scoring 54/100), noting flood affectation, impact on the valley floor, loss of a sports fields, and potential loss of trees on Neild Avenue.

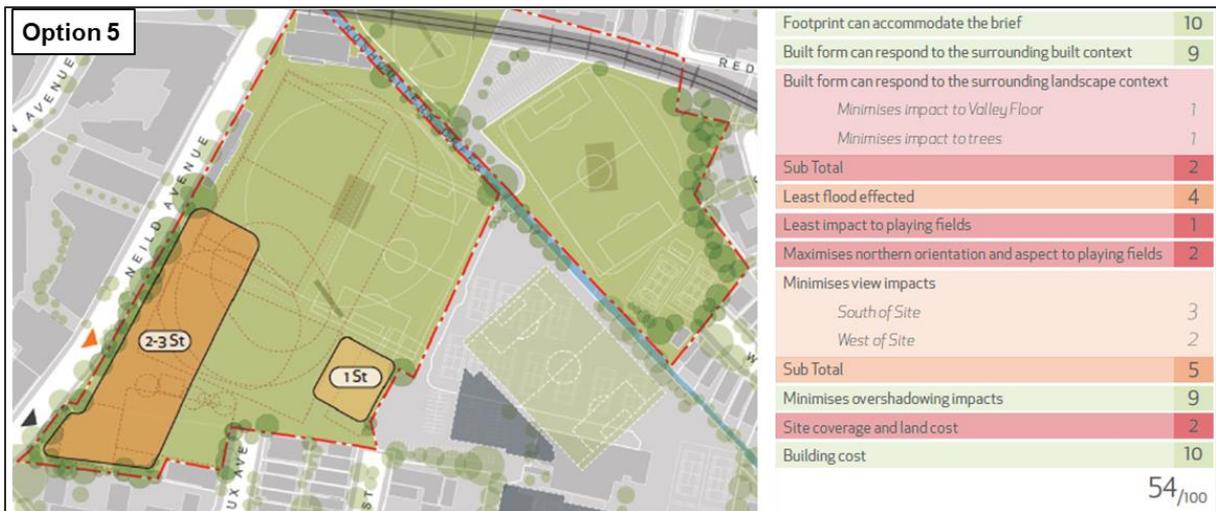


Figure 20 | Option 5 alternative site location provided in response to Department's request (Source: Applicant's SRtS 2021)

- 6.2.9 Generally, in the RtS and SRtS, the Applicant referred to the Selection Analysis and reiterated that the site location was selected following a detailed review of the wider Weigall site opportunities and constraints. In addition, the Applicant advised that the proposal concentrates new buildings with existing urban development at the least flood affected location, retains the green valley floor, has a minimal impact on the Weigall sports grounds, and amenity impacts have been addressed. The Applicant also noted the SDRP generally supported the location of the proposed development.

Department's consideration

6.2.10 The Department notes the Selection Analysis considered the key aspects of the site and requirements of the development to establish selection criteria, with each given a value out of 10. The Department reviewed the Applicant's Selection Analysis criteria, and considers they are reasonable indicators to be applied in the site selection process, to determine the best location for the development.

6.2.11 However, in weighing the importance of the criteria, the Department gives less weight to the 'impact to playing fields' and 'northern orientation' criterion, as these impacts are operational and the size of the Weigall sports grounds mean there may be options available for reconfiguration(s) of existing fields and play areas.

6.2.12 The Department considered the Selection Analysis (as updated by the SRtS) and agrees with the Applicant that Options 2, 3 and 4 do not represent the best options for the site as:

- Option 2 would result in a particularly poor built form relationship to adjoining developments, is on partially flood affected land, and has some adverse amenity impacts. In addition, locating Building 2 on Neild Avenue (a high volume, one-way sub-arterial road) is inappropriate for access reasons, and this option would not provide the public benefit of internalising the existing SGS Edgecliff pick-up/drop-off vehicle queuing to address existing traffic issues.
- Option 3 is unlikely to have as significant built form and flood affected impacts, as indicated in the Selection Analysis, noting Building 2 is a single storey, non-habitable car park. However, this option has the same traffic and access issues as Option 2 and is therefore inappropriate.
- Options 4 is located on the most flood affected part of the site, and is remote from existing school buildings, which is undesirable from an operational or safety perspective. In addition, the proposal would have a greater impact on trees and presence within the valley floor.

6.2.13 However, the Department also notes that Option 5 (intended to represent the redistribution of mass from outside the apartments at 8 Vialoux Avenue to Neild Avenue) Building 1 does not appear to be a correct representation of the Building 1 mass footprint and appears to be double the size of Building 1 massing footprint in Option 1 (**Figure 21**).



Figure 21 | Comparison between Option 1 and Option 5 Building 1 massing (Source: Applicant's SRtS 2021)

- 6.2.14 The Department raised its concern with the different massing being presented to the Applicant during meetings to discuss options for location of the buildings. However the Applicant has verbally advised that in considering the relocation of the building along the Neild Avenue frontage (Option 5), the internal basketball courts for Building 1 would have to be reoriented in a north-south direction, which would subsequently lead to a redesign of the entire development and a longer building footprint.
- 6.2.15 The Applicant has also advised that only an elongated building footprint would be required to ensure that the school could retain the existing running track within the Weigall sports grounds, which would otherwise be adversely impacted upon. The Applicant argues that if a building envelope, similar to the Option 1, is considered in relation to Option 5, it would result in the loss of further active sports grounds within the Weigall sports grounds, impact on the characteristic of the 'valley' identified as a significant element by Council and was not a preferred option for Sydney Grammar School. The Applicant has not provided any further (internal or external) details regarding a representative building design at the Option 5 location, to support the above arguments.
- 6.2.16 While noting the Applicant's arguments, the Department considers that Option 5 has not provided a fair representation of the likely building massing. As a consequence the predicted built form / visual, flooding, site coverage and tree impacts may have been over estimated in relation to this option. The Applicant's arguments for not locating the building in the Option 5 location are not fully supported due to:
- lack of a representative design that demonstrates that the elongated building is the only option along the Neild Avenue frontage.
 - an appropriate comparison of the extent of impact of Option 5 on the users of Weigall sports grounds, vs the extent of impact Option 1 on the amenity of the neighbours on the southern side.
- 6.2.17 Therefore the Department does not agree with the Applicant's assessment and conclusions on Option 5, and considers that this option could have been a viable alternative site location / configuration for the development, if it was further explored.
- 6.2.18 Notwithstanding the above assessment of Option 5, the Department notes that Option 1 is the preferred option for the Applicant and therefore has assessed the merits of the proposal based on the Option 1 location, as submitted as part of this application.
- 6.2.19 The Department's assessment of the siting of the development notes that the proposed location of the building along the southern boundary of the Weigall sports grounds (Option 1) would result in some significant amenity impacts on the neighbours along the southern boundary of the site, especially on the views currently enjoyed by the north facing apartments within 8 Vialoux Avenue. The Department discusses these impacts in the following sections (assessed in **Section 6.3**) of the report.
- 6.2.20 While acknowledging the impacts on the apartments within 8 Vialoux Avenue would be significant, the Department accepts that the Option 1 building location responds to the site's flood affection, being a critical element of site selection. It locates the building in the part of the site which is least affected by flooding. Consequently, it would be least likely to be adversely impacted by, or impact, surrounding flood movements. Additionally Option 1 would also result in retaining the existing sports fields and running track within the Weigall sports grounds.

- 6.2.21 Further, the siting of the building in Option 1 scored much higher when compared to Options 2 and 4 in the Applicant's Selection Analysis criteria. In this regard, the Department agrees with the Applicant that while Option 4 (adjacent to the railway viaduct) results in the least overshadowing and view impacts, it is the least suitable location in terms of flood affectation and is not considered a feasible location for the development, noting its use as a sporting facility for school students.
- 6.2.22 To ensure that Building 1 can be maintained at the Applicant's preferred location, and result in acceptable impacts on the neighboring residents at 8 Vialoux Avenue, the Department has recommended amendments to the design of the eastern portion of Building 1 (program pool wing). The Applicant has reviewed the Department's revised design recommendations and agreed to provide a future amendment to the design of Building 1 by increasing the setbacks of Levels 1 and 2 of the eastern portion (program pool wing) from 8 Vialoux Avenue. An increase of setbacks of 3-4m has been considered by the Applicant, to allow for additional views and outlook for those impacted apartments.
- 6.2.23 The Department considers that in addition to improving the views/outlook of the affected apartments, these amendments would also have the effect of reducing the overall bulk/scale of this portion of Building 1 when viewed from 8 Vialoux Avenue, without significantly impacting on the building's functionality. The setback of Levels 1 and 2 also provide additional landscaping opportunities. The details of these design amendments are discussed in **Section 6.3**.
- 6.2.24 Based on the above assessment and recommended mitigations, the Department considers that Option 5 may still have provided an acceptable option for locating the development if the Applicant had further progressed design options for that location. In the absence of the Department being able to consider more refined plans for Option 5, Option 1 is considered a feasible option for locating a skillfully designed building.
- 6.2.25 In addition to the adverse impacts on the views enjoyed by 8 Vialoux Avenue, the siting the building within this location of the site will have impacts on apartments within 29-33 Lawson Street, 9 Vialoux Avenue, 24 Alma Street and 12-16, 18-28 Neild Avenue. The Department is satisfied that the Applicant has demonstrated that the building at this location would have an acceptable level of amenity impacts (view loss, overshadowing and overlooking) on apartments within 29-33 Lawson Street, 9 Vialoux Avenue, 24 Alma Street and 12-16, 18-28 Neild Avenue (assessed in **Section 6.3**).
- 6.2.26 The Department concludes, that, on balance, and subject to the implementation of the recommended condition, the development can be reasonably sited at the proposed location.
- 6.2.27 The residual impacts of the development in terms of traffic, noise and amenity, following the implementation of the recommended design amendments, are considered acceptable, noting the other positive impacts of the proposal in terms of provision of sporting facilities for the students of Sydney Grammar and other schools/organisations.

6.3 Amenity impact

- 6.3.1 As summarised in **Section 1** and shown at **Figure 22**, the closest residential properties to the site are along its southern boundary and to the west on the opposite side of Neild Avenue.

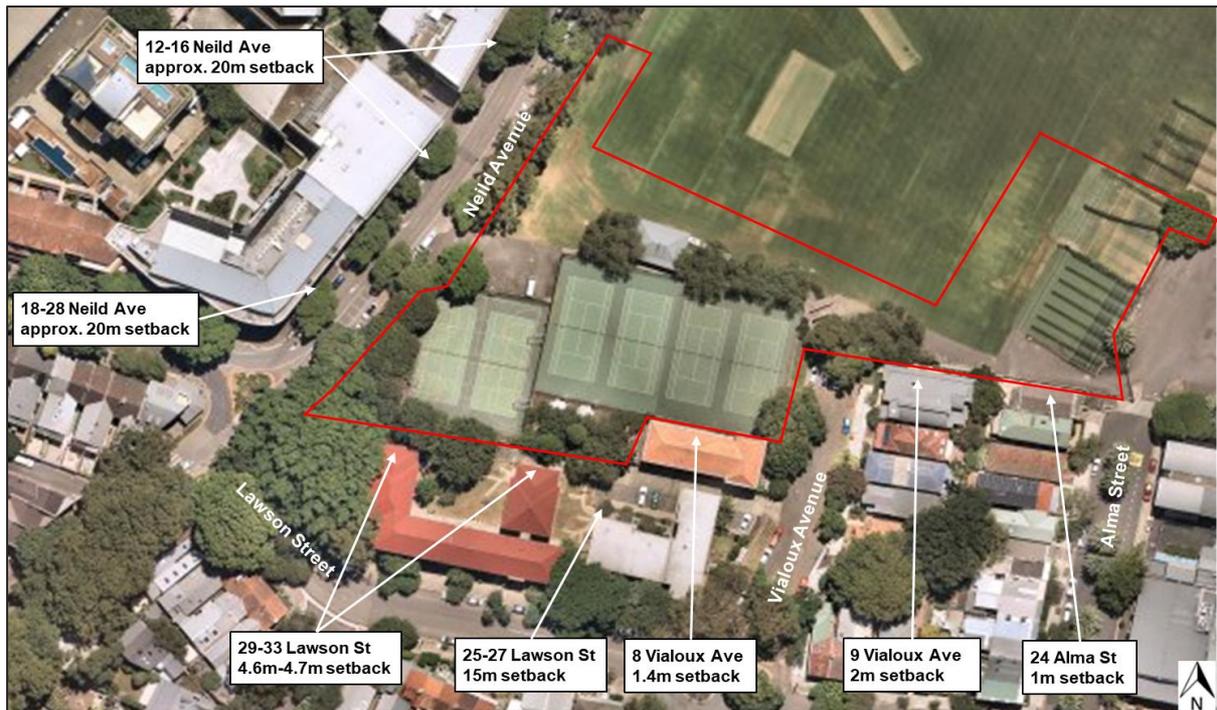


Figure 22 | Adjoining residential properties and their distance/setback from the site boundaries (Source: Nearmap 2021)

- 6.3.2 Concerns were raised in public submissions about the amenity impacts of the proposal, in particular loss of private views and outlook, overshadowing, overlooking, and operational and construction noise impacts. Council recommended that further consideration be given to improving view sharing outcomes, particularly for apartments in 29-33 Lawson Street.
- 6.3.3 The Apartment Design Guide (ADG), used in conjunction with State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development, recommends standards for new residential flat buildings, including their impact on adjoining residential flat buildings (where relevant). The ADG provides guidelines for standards to be adhered to when a non-residential development adjoins a residential flat building. Although the proposal is not residential, in the absence of other relevant planning controls, the Department has referred to the development controls within the ADG as a guide in assessing the amenity impacts of the development on adjoining residential flat buildings to the south.
- 6.3.4 The Department has considered the key amenity impacts associated with the proposal, relating to loss of view and outlook, overshadowing, overlooking, and noise in the following sections.

Loss of views and outlook

- 6.3.5 The occupants of the residential flat buildings to the south and west of the site currently enjoy a range of district and landscape views across the site. The Applicant's EIS is supported by a Visual Impact Assessment (VIA) by Urbis, which includes perspectives of the development as viewed from adjoining properties, and provides an assessment of the likely impact of the development on private views. The VIA was updated by the RtS and SRtS to include additional assessment of the apartments within the residential flat building to the south.

6.3.6 In considering the potential impacts of the development on the views enjoyed by neighbours, the VIA considered apartments within the following properties facing the site that are likely to be most affected by the proposal as identified in **Figure 22**.

6.3.7 The VIA view sharing analysis prepared by the Applicant indicates the proposal has been designed to address view sharing principles established in the Land and Environment Court by *Tenacity Consulting vs Warringah [2004]* NSWLEC 140 (Tenacity) (see **paragraph 6.3.16**). The analysis predicts that the neighbouring apartments in properties facing the development would experience a reduction in existing district views. The VIA quantifies these impacts to those apartments facing the development as:

- apartments in 8 Vialoux Avenue (south) - **severe to devastating**.
- apartments in 29-33 Lawson Street, (south) - **minor to moderate**.
- apartments within 16 and 18-28 Neild Avenue (west) - **negligible to moderate**.
- apartments within 9 Vialoux Avenue. **minor to moderate**.
- apartments in 24 Alma Street - **moderate to severe**.

6.3.8 The view loss impacts on the north facing apartments at 8 Vialoux Avenue are identified in **Figure 23**.

6.3.9 The Department notes that the height of Building 1 exceeds the maximum permissible height limit under the WLEP. The VIA has considered the impacts of the proposed additional height of Building 1 against the impacts of a WLEP height compliant scheme. The VIA concludes that while a scheme complying with the WLEP height limit could retain views to the upper levels of some adjoining buildings, the views from the majority of the apartments at the lower levels of buildings at Lawson Street and Neild Avenue, and all apartments at 8 Vialoux Avenue, would be impacted.

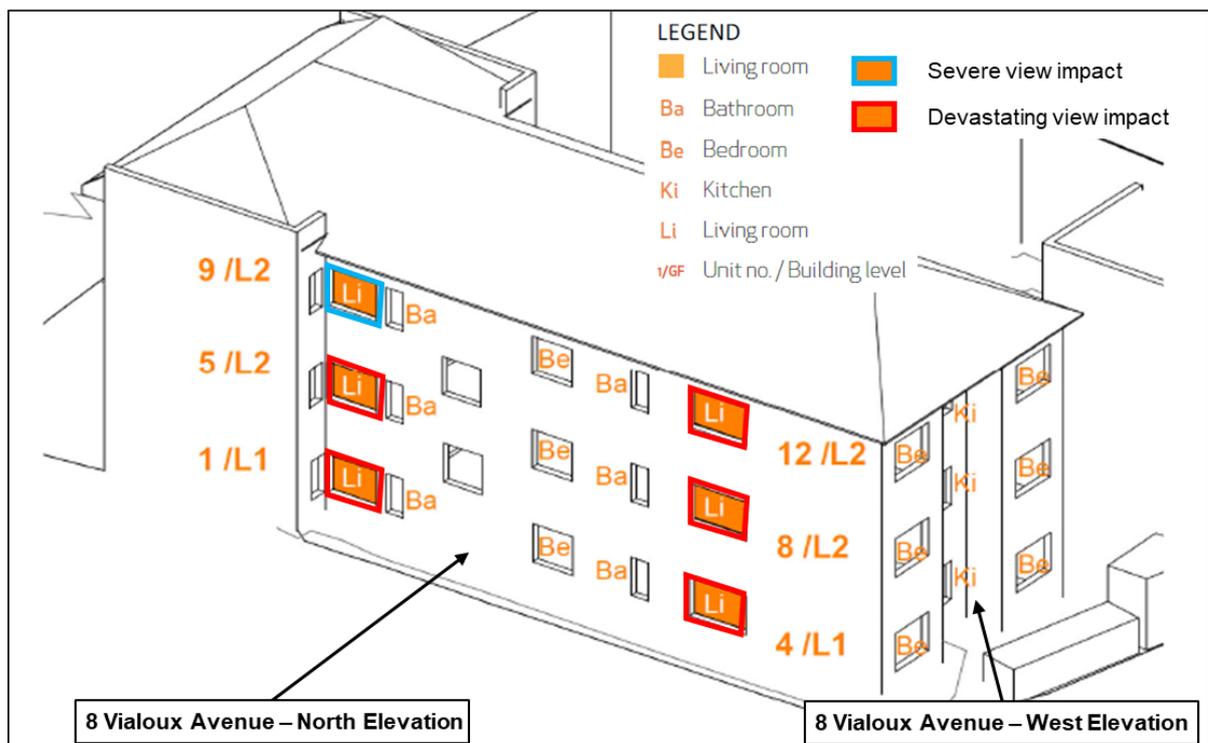


Figure 23 | Severe and devastating view loss impacts to 8 Vialoux Avenue living rooms caused by the current Building 1 built form (Source: Applicant’s SRTS 2021)

Submissions and Applicant's response

- 6.3.10 Concerns were raised by occupants of affected apartments along the southern boundary (along Lawson Street and Vialoux Avenue) about the impact of the development on views from their properties. Concerns were raised from affected occupants of 8 Vialoux Avenue about the close proximity of Building 1 to existing windows.
- 6.3.11 Council raised concerns the proposal would have an impact on private views from adjoining apartments (particularly 29-33 Lawson Street), and recommended the development be reduced in height / scale to address these impacts. Council stated that severe to devastating view impacts are contrary to the aims of the Education SEPP and the R3 Zone objective in the WLEP and WDCP, which all seek to ensure visual/view impacts are minimised.
- 6.3.12 The Department requested the Applicant provide detailed view loss impact assessments for all surrounding properties likely to be affected by the proposal.
- 6.3.13 In response to the concerns raised, the Applicant's RtS included addendums to the VIA including an assessment of view impacts on apartments within 29-33 Lawson Street and 12-16 Neild Avenue.
- 6.3.14 The Department held a public meeting on 10 May 2021 and met with concerned residents of 29-33 Lawson Street and visited the apartments of a number of residents following the meeting. A number of residents from Vialoux Avenue also attended. The Department also undertook a site visit on 10 May 2021 to further inform its assessment, including consideration of the site's relationship to adjoining residential properties.
- 6.3.15 Following the site visits and during further consultations (as identified in **Section 5**), the Department requested the Applicant clarify measures taken to reduce the 'devastating' view impact to the north facing apartments in 8 Vialoux Avenue (as per conclusions of the VIA). The Department also requested the Applicant clarify how the development and the impacts can be considered reasonable given the devastating impact on views and whether further reductions to the height and scale of Building 1 could be delivered through redesign to reduce these impacts. Additionally, the Department requested the Applicant provide an assessment of view loss impacts to SGS owned dwellings at 9 Vialoux Avenue and 24 Alma Street – both having been excluded from the applicant's assessment.
- 6.3.16 In response to the Department's request, the Applicant's SRtS included an assessment of view loss impacts to apartments at 9 Vialoux Avenue and 24 Alma Street. With regard to apartments at 8 Vialoux Avenue, the assessment also confirmed:
- the height of Building 1 steps down to 10.1m where it adjoins the north facing apartments at 8 Vialoux Avenue (to become compliant with the WLEP 10.5m height control).
 - Building 1 is setback between 8.5m and 15m from the north facing apartments at 8 Vialoux Avenue and dense landscaping within the setback is proposed.
 - the proposal's impact on north facing apartments within 8 Vialoux Avenue has been assessed based on the principles established by Tenacity and the conclusions of the Applicant's assessment are:
 - current views do not include iconic, scenic or highly valued views and the outlook is over a side boundary which is difficult to protect.

- the Education SEPP confirms consent may be granted for development that contravenes a development standard and the proposal is reasonable in this regard.
- this section of the site is zoned R3 which allows a three storey residential flat building to be built in the future. A WLEP height compliant residential building on the site would have similar or worse view loss impacts on the adjoining apartments.
- the setbacks are generally consistent with the ADG requirements and an oblique view-cone is still possible from affected windows of the apartments.
- notwithstanding the impacts, landscaping along the side boundary would provide a green outlook for the residents of the affected apartments.
- there is a reasonable expectation by the Applicant to develop the site for its objectives and retaining northerly views to protect adjoining residents would frustrate the development of the land and severely diminish its use/function.
- Building 1 has been skilfully designed and is an improvement on pre-EIS designs.

6.3.17 In response to concerns raised by the Department with regard to view loss impacts on apartments at 8 Vialoux Avenue, in September 2021 the Applicant provided a peer review of the original VIA. The peer review concludes that the original qualification of views may be overly conservative and impacts on views to apartments within 8 Vialoux Avenue could be classified as moderate to severe (rather than devastating as identified in the original VIA).

6.3.18 Notwithstanding the above considerations and reasons, the Applicant has responded to concerns raised by the Department with regard to view loss and suggested an alternative design for the eastern section of Building 1 (program pool wing) to reduce view loss impacts to apartments within 8 Vialoux Avenue. The alternative design includes increasing Level 1 and 2 setbacks of the eastern part of Building 1 by an additional 4m and 3m respectively from 8 Vialoux Avenue. The Applicant's peer review concluded this amendment would result in a significant improvement of view loss impacts and a maximum view loss impact of 'severe'.

Summary of Department's assessment of view loss impacts

6.3.19 The Department agrees with the VIA that the five residential properties identified at **paragraph 6.3.7** would be most affected, in terms of view loss due to this development.

6.3.20 The Department has reviewed the extent of view loss impacts in detail in the section below. Notwithstanding the Applicants reasons and justification, the Department's assessment concludes the height and scale of Building 1 in its current form (as submitted with the SSD application) would have a devastating impact on apartments 1, 4, 5, 8 and 12 of 8 Vialoux Avenue.

6.3.21 The devastating impact of the development on the views of the north facing apartments of 8 Vialoux Avenue is undesirable. The Department considers this impact to be significant, unneighbourly and unreasonable to an extent that, if Building 1 is approved in its current form, it would not result in orderly development of the land to which this development applies.

6.3.22 In addition, although other amenity impacts (solar access and outlook) to north facing apartments in 8 Vialoux Avenue meet the ADG standards, they achieve the minimum level, and when considered holistically this contributes to the overall unacceptability of Building 1 in its current form.

6.3.23 On this basis, the Department considers that the development can only be allowed at this location if the view loss impacts on the apartments within 8 Vialoux Avenue can be improved

from their current proposed impact state of 'devastating' (where, as a minimum, some additional sky views should be retained for the majority of the effected apartments).

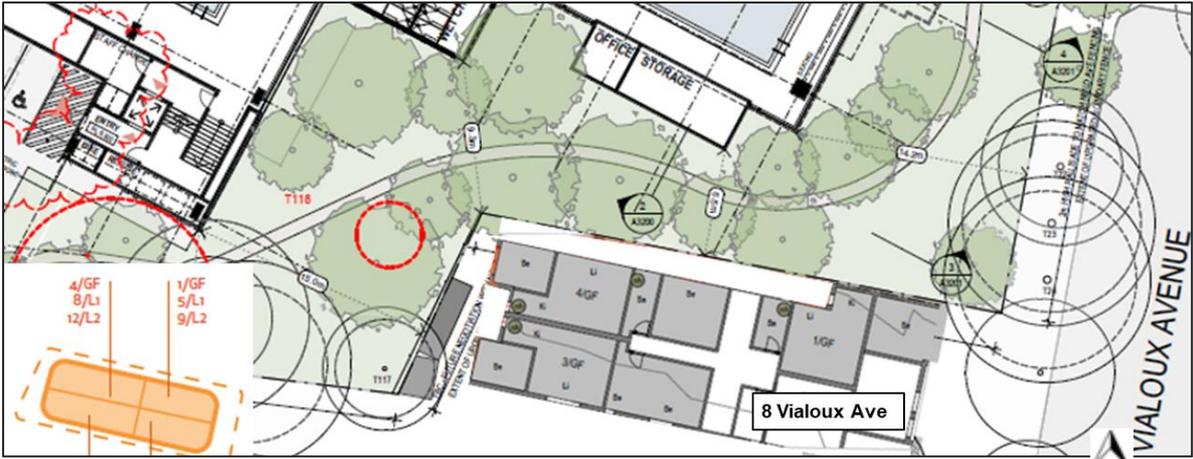
- 6.3.24 In order to improve the view loss impacts (as discussed above) on the north facing neighbours at 8 Vialoux Avenue, the Department has recommended a condition requiring design amendments to the eastern portion of Building 1, aligning with suggestions provided by the Applicant (discussed at **paragraph 6.3.46**).
- 6.3.25 The Department considers that the scale of the proposed development as viewed from the apartments within 8 Vialoux Avenue, as well as the view loss impacts experienced from this building, would both significantly improve if the recommended design amendments are pursued.
- 6.3.26 The Department's assessment against the Tenacity Principles and the recommended condition is discussed below.

Department's assessment of the extent of view impacts

- 6.3.27 The Department has considered the impacts of the development on the views enjoyed by identified apartments, using the four-step assessment in accordance with principles established by Tenacity. The steps / principles adopted in the decision are:
- Step 1 - Assess what views are affected and the qualitative value of those views (water views have high value / iconic views (e.g. the Opera House) are highly valued. Whole views are valued more highly than partial views)
 - Step 2 - Consider from what part of the property the views are obtained (the protection of views across side boundaries is more difficult than from front and rear boundaries)
 - Step 3 - Assess the extent of the impact (impact spectrum being 'negligible', 'minor', 'moderate', 'severe' and 'devastating' and views from kitchen more valued than bedrooms)
 - Step 4 - Assess the reasonableness of the proposal that is causing the impact.
- 6.3.28 The Department's assessment of Steps 1-3 is provided in Error! Not a valid bookmark self-reference., followed by Step 4 considerations.

Table 9 | Department's consideration of view impacts to the affected properties

Step 1 - View affected	Step 2 - View location	Step 3 - Extent of impact
Northern Apartments at 8 Vialoux Avenue – See images below in this table		
<p>Views north directly across the site (tennis courts) and through existing vegetation towards Weigall sports grounds and partly obscured district views beyond.</p> <p>This is a district view with no icons.</p>	<p>Views north from living rooms and bedrooms within north facing apartments at ground, first and second floor levels.</p> <p>View west from kitchens and bedrooms.</p>	<p>Building 1 obscures significant proportions of all existing views from north facing apartments (1, 5 and 9 facing Vialoux Ave and the site) (4, 8 and 12 facing north and west onto the site). Images provided below from the Applicant's VIA.</p> <p><u>Apartments 1, 5 and 9</u></p> <ul style="list-style-type: none"> • living room views of the Weigall sports grounds and district views beyond are completely obscured by Building 1 Program Pool wing for ground and mid-level apartments 1 and 5. • top floor apartment 9 retains glimpse district view right of Building 1. • kitchen views west are obscured by Building 1 Main Pool wing. • all apartments have unaffected, secondary views to bedrooms facing east over Vialoux Avenue. • the overall impact for these apartments is considered by the Department to be severe for apartment 9 and devastating for apartments 1 and 5. <p><u>Apartments 4, 8 and 12</u></p> <ul style="list-style-type: none"> • living room views of the Weigall sports grounds and district views beyond are completely obscured by Building 1 program pool wing for all apartments. • top floor apartment 12 retains a glimpse of a sky view. • the overall impact for these apartments is considered by the Department to be devastating. <p>Despite requests from the Department that the Applicant update the VIA to include additional analysis of Units 1 and 4, the Applicant did not do so. Accordingly, in addition to the matters assessed in the VIA, the Department provides the following conclusions :</p> <ul style="list-style-type: none"> • the VIA does not provide evidence of the existing and proposed north facing view impacts to ground floor apartments (1 and 4) or the rear mid-level apartment (8), which are likely the most impacted by the proposal. The Department considers these impacts have potential to be worse than the impact shown to apartment 5 in the VIA assessment. The Department therefore concludes, in the absence of any information to the contrary, they should also be categorised as devastating rather than severe. • the VIA does not include analysis of western bedroom views from apartments 4, 8 and 12. Therefore bedroom views west are also expected to be obscured (by an unknown degree) by the Building 1 main pool wing and landscaping. <p>The Department notes the conclusions reached by the Applicant's VIA peer review that the Application's original qualification of views as devastating may be overly conservative. However, this does not change the Department's above conclusions.</p>



Living room of Unit 5, 8 Vialoux Avenue



Living room of Unit 9, 8 Vialoux Avenue



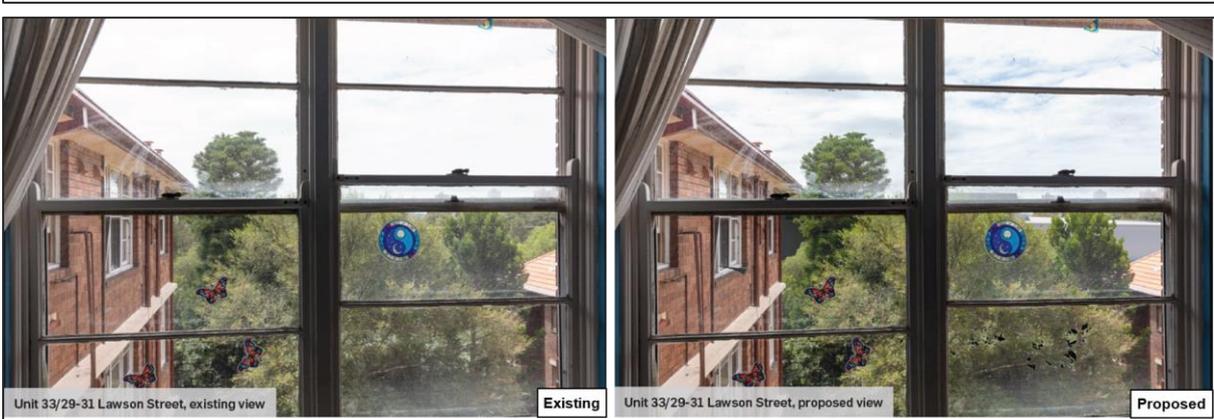
Living room of unit 12, 8 Vialoux Avenue



Step 1 - View affected	Step 2 - View location	Step 3 - Extent of impact
------------------------	------------------------	---------------------------

Apartments at 29-33 Lawson Street – See images below in this table

<p>Views north through existing vegetation, partly obscured views of the Weigall sports grounds and in some cases district views beyond.</p> <p>This is a district view with no icons.</p>	<p>Views from the living rooms and bedrooms from north facing apartments</p>	<p>At upper levels, sky views and the top of some existing trees are retained. Affected views are from living rooms and bedrooms. The impact is considered to be moderate.</p> <p>At mid-lower levels, views are already interrupted by existing vegetation. The northern elevation of the proposal would be visible to varying degrees through retained and proposed vegetation. Affected views relate to living rooms and bedrooms. The impact is considered to be minor.</p> <p>Evidence of the impact to apartments at the northern ends of the building wings closest to the site have not been provided. However, as these apartments have secondary windows to the east/west. The Department considers the overall impacts to be moderate / severe.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Step 1 - View affected	Step 2 - View location	Step 3 - Extent of impact
------------------------	------------------------	---------------------------

Apartments at 12-16 and 18-28 Neild Avenue – See images below in this table

Views west across Neild Avenue, through existing vegetation and over the site. In some case district views (varying degrees of obstruction) are possible beyond the site.

This is a district view with no icons.

Views from the living rooms and bedrooms from east facing apartments.

At upper levels, sky views, the top of district views including some tall buildings and the tops of existing trees are retained. Views of the Weigall sports grounds are completely removed. Affected views are from living rooms, bedrooms and balconies. Oblique views to the side of Building 1 would be unaffected. The impact is considered to be **moderate**.

At mid-lower levels, views are already interrupted by existing vegetation. In some instances, glimpses of district views would be obscured. The western elevation of the proposal would be visible to varying degrees through retained and proposed vegetation. Affected views relate to living rooms, bedrooms and balconies. The Department considers the impact to be **negligible to minor**.



Step 1 - View affected	Step 2 - View location	Step 3 - Extent of impact
9 Vialoux Avenue – See images below in this table		
Views north directly across the site towards Weigall sports grounds and partly obscured district views beyond. This is a district view with no icons.	Views north from living room, kitchen, study, bedrooms and terrace / balcony.	Views north and north-west from the southern half of the dwelling, including living, study, dining rooms and terrace would be unaffected by Building 2. Views north-east from the northern half of the dwelling, including kitchen, bedroom and balcony would be partially blocked by Building 2. However, sky views above the building and views west of the building would be unaffected. Overall the Department considers the impact to be minor to moderate .



Step 1 - View affected	Step 2 - View location	Step 3 - Extent of impact
24 Alma Street – See images below in this table		
Views north directly across the site towards Weigall sports grounds and partly obscured district views beyond. This is a district view with no icons.	Views north from living and dining rooms, kitchen and rear terrace at ground floor and bedrooms on first floor.	At ground floor level views of the Weigall sports grounds are largely obscured. North-west views from the rear terrace and north views from first floor bedrooms would be unaffected. The impact is considered to be moderate to severe .



Tenacity step 4 assessment - Reasonableness

Compliance with development standards

- 6.3.29 Tenacity principles clarify that a development that complies with all planning controls would be considered more reasonable than one that breaches them.
- 6.3.30 Having regard to the above, the Department notes that a portion of the site, adjacent to the apartments at 8 Vialoux Avenue and the apartments at 29-33 Lawson Street, is subject to WLEP height control (10.5m) and elements of Building 1 within this part of the site partly exceeds the height control. The Department has considered the proposal against the height control at **Section 6.4**.
- 6.3.31 The Applicant asserts that although the development exceeds the WLEP height control for the site, the Education SEPP confirms consent may be granted despite any non-compliance. In light of this, the Applicant states that limited weight must be given to the WLEP controls and it is reasonable to conclude the proposal complies with planning controls in terms of assessment against the Tenacity principle of reasonableness.
- 6.3.32 In addition, the Applicant has also advised that despite six of the 12 apartments within 8 Vialoux Avenue having severe to devastating view loss impacts, these impacts are to be expected noting any WLEP height compliant (10.5m tall) and ADG setback compliant (3m) redevelopment of the site could have similar view loss impacts (**Figure 24**).
- 6.3.33 The Department does not agree with the Applicant's conclusion that as the Education SEPP facilitates consideration of non-compliances with development standards, this also means that the development is automatically deemed to comply with planning controls for the purposes of assessment against the Tenacity principles.
- 6.3.34 The Department considers the intention of the Education SEPP was not to allow for unlimited heights and/or for unlimited impacts associated with height (Schedule 4 – Design Quality Principles). In the absence of development controls, the development must be acknowledged as non-compliant with the controls that would otherwise apply to a residential flat building (being a permissible development) and subsequently be carefully considered on its merits.
- 6.3.35 The Department notes the Applicant's assertion that if a residential flat building was proposed at this location, fully maximising the WLEP height control, that it would likely result in similar view loss impacts to 8 Vialoux Avenue (**Figure 24**). However, the Department considers that any redevelopment of the site for residential purposes would also be subject to consultation and merit assessment against Tenacity principles and other significant amenity impacts.
- 6.3.36 Consequently, the potential for a residential development to maximise its potential on this site, including achieving the maximum WLEP building height control, cannot be guaranteed without an assessment of its merit. Further, the Department notes the Applicant's indicative massing shows a potential residential building envelope in an awkward location close to 8 Vialoux Avenue and 29-33 Lawson Street rather than a more realistic siting set closer to the northern boundary (orange dashed line in **Figure 24**) or other more sensitive built form permutation(s) away from residential properties. The Department therefore does not consider this to be a fair indication of a likely residential massing potential.

6.3.37 Given the above, the Department therefore concludes, although not technically ‘breaching’ the planning controls by virtue of the Education SEPP, the proposal cannot be considered compliant in terms of the intention of the Tenacity principles and a careful merit based assessment is therefore required.

6.3.38 The Department also considers that there is not sufficient evidence to conclude that an alternative residential flat building on the site would result in similar ‘devastating’ impacts as the proposed development as currently designed or that this would in itself justify the impacts of the current proposal.

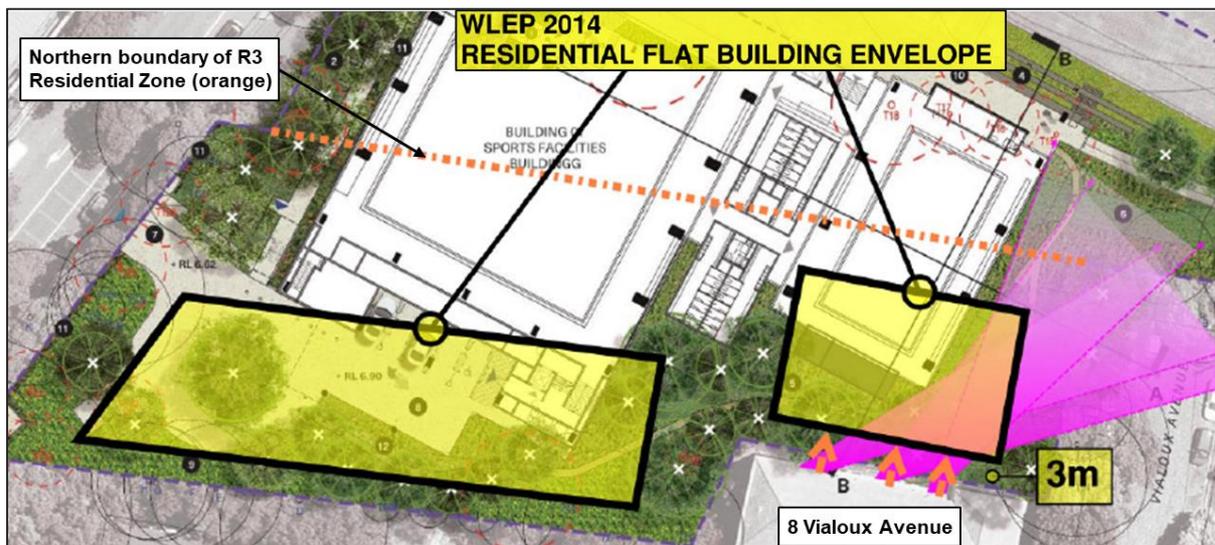
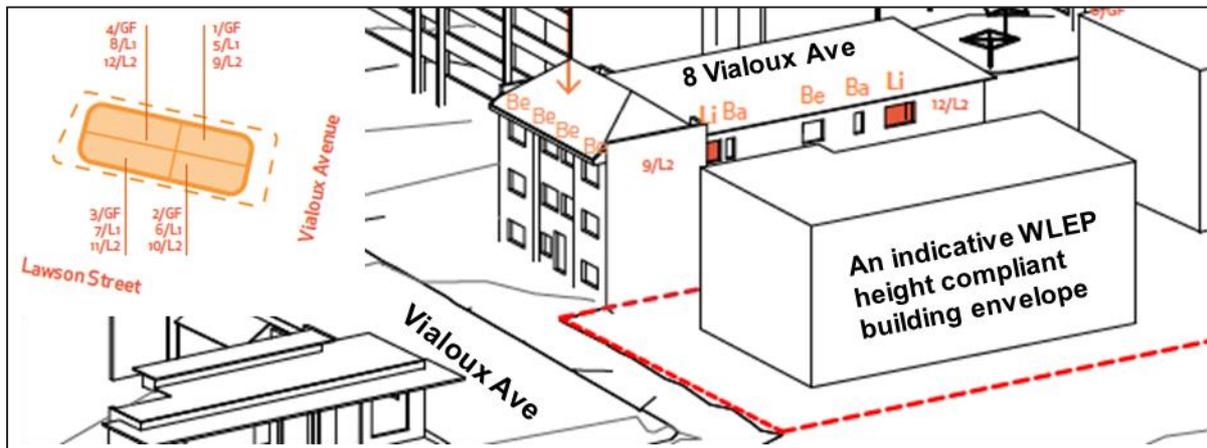


Figure 24 | Relationship of north facing 8 Vialoux Avenue apartments to an indicative height compliant building envelope on the site (Source: Applicant’s SRtS 2021)

Skilful design

6.3.39 Tenacity planning principles also require the question be asked whether a more skilful design could provide similar development potential and amenity while reducing the impact on views.

6.3.40 The Applicant’s RtS and SRtS have argued that the design is optimal for the site and that:

- there is little opportunity to reduce the bulk and scale of the proposed built form, in a way that realises the development potential of the site and provides the necessary school sport facilities while reducing the overall impact on views to adjoining properties.
- it is reasonable to develop the site for the purpose of enhanced sporting facilities, as it is

otherwise vacant and occupied by play courts.

- a reduction to the size of the development would frustrate the development potential and severely diminish the use and function of the facility.
- provision of a single, two or three storey building at this location would continue to have a severe to devastating impact on views from 8 Vialoux Avenue.
- the design of the proposal constitutes a skilful design that has incorporated community comments during the pre-EIS consultation and still provides for an oblique view-cone from living rooms of 8 Vialoux Avenue, to the north-east through landscaped areas.

6.3.41 The Department acknowledges the Applicant's justification in that it is reasonable to develop this site, being zoned R3 and located in an inner city environment, on an open generally undeveloped, private land. Although the immediately adjoining properties are currently able to borrow or gain access to views across the site due to the presence of an open space, it is reasonable to expect some degree of interruption / change to the existing views.

6.3.42 However, the Department does not agree with the Applicant's justification that the current form of the design of Building 1 is skilful, as:

- in its current form, it would devastatingly obstruct the views that are currently accessed by the effected apartments at 8 Vialoux Avenue.
- the Applicant has not provided a detailed design outcome at the Option 5 location.
- the affected apartments in 8 Vialoux Avenue not only experience devastating view loss to their principal north view, but Building 1 is likely to also interrupt secondary views to the west in addition to the other amenity impacts discussed in the following sections.
- the Applicant's VIA does not include an assessment of the view loss impacts to the likely most affected apartments at 1, 4 and 8 within 8 Vialoux Avenue. In addition, the Applicant's identification of 'view-cones' has not been supported by view impact assessment, consideration of the obliqueness of the angle of the view or impact of landscaping on any views that may remain.

6.3.43 The Applicant's intention to develop the site with a building in part of the site and requirements to consider and mitigate view loss from apartments within 8 Vialoux Avenue represent potentially competing outcomes. The Department considers that some amendments to the design of Building 1 are required to strike an acceptable balance between the two competing outcomes.

6.3.44 In this regard, the Department notes that the view loss impact on apartment 9 of 8 Vialoux Avenue is 'severe' rather than 'devastating' as sky views from a standing position within the subject living room would be retained in the future (shown in **Table 10**). Following the parameters set in the Applicant's VIA, the Department considers that further design amendments should be pursued so that the view loss impact to living room windows within north facing apartments 1, 5, 8 and 12 at 8 Vialoux Avenue (**Figure 23**) should generally be no worse than those at apartment 9.

6.3.45 The Department has undertaken extensive consultation with the Applicant during the assessment process, to pursue recommended design amendments and ensure that the design outcome for Building 1 is more skillful and responds to its context in a way that the view impacts from the affected apartments within 8 Vialoux Avenue are improved.

6.3.46 As a result of the consultation, the Applicant's SRtS (September 2021) includes suggestions for an alternative design for Building 1 (**Figure 25**) that would be capable of providing the same development potential, while reducing the impact on views from the effected apartments within 8 Vialoux Avenue. The design amendments include:

- relocation of the floor plates of Levels 1 and 2 accommodating multi-purpose courts 2 and 3 (i.e. section of Building 1 to the east of the stair core) further northward (by 4m and 3m respectively) above the ground floor outdoor circulation space and bleacher seating to increase the setback from the southern boundary / 8 Vialoux Avenue.
- provide landscaping to the flat roofs created above Levels 1 and 2, which would be inaccessible (except for maintenance purposes).

6.3.47 The Applicant's SRtS suggests that the above design amendments would increase sky view to all apartments within 8 Vialoux Avenue.

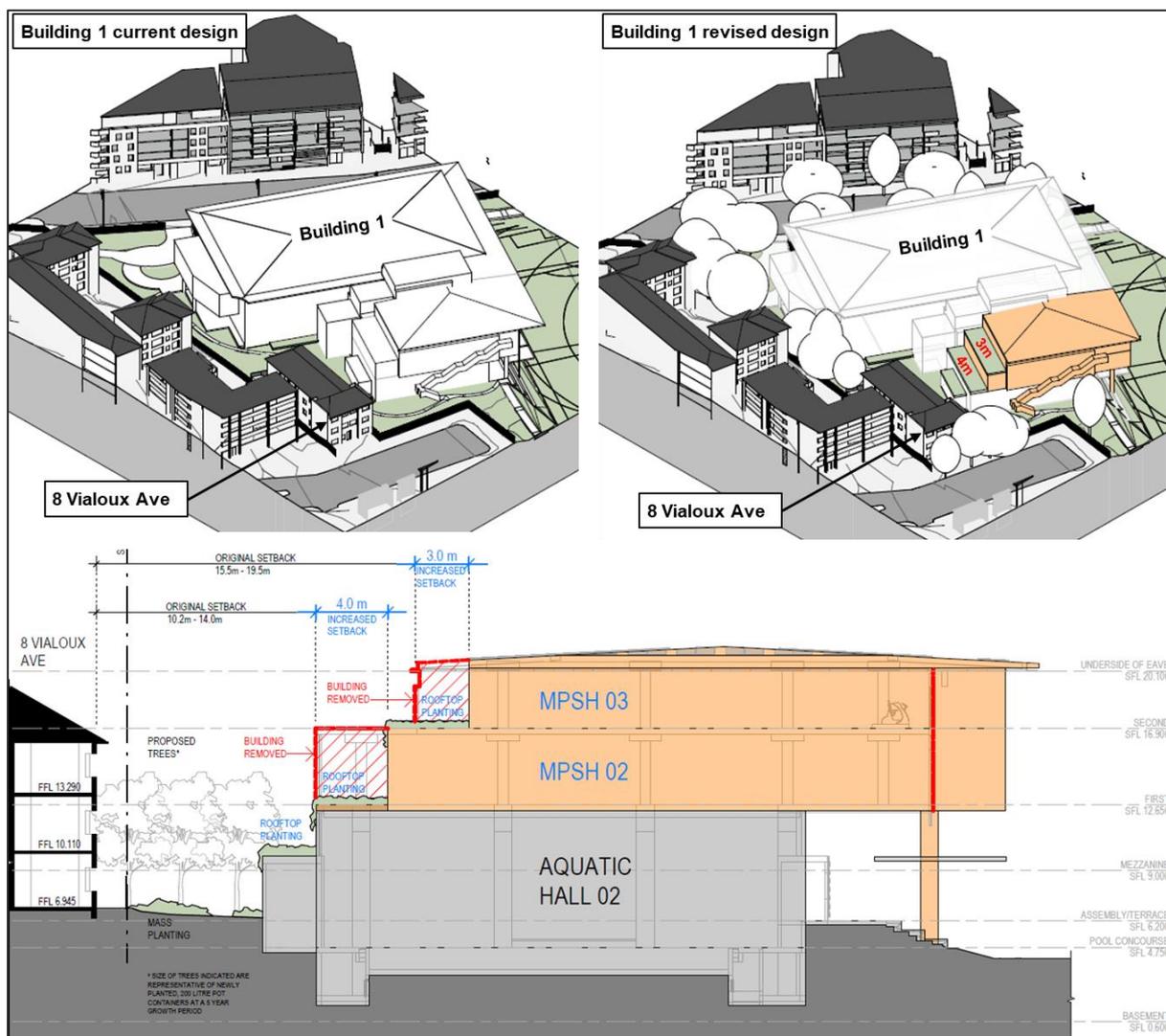


Figure 25 | Applicant's suggested amendments to Building 1 to address the identified adverse amenity impacts to 8 Vialoux Avenue (Source: Applicant's SRtS 2021)

6.3.48 The Department has carefully considered the Applicant's suggested revised design and agrees the amendments are likely to achieve the Department's recommended view loss improvements outlined at **paragraph 6.3.44**. The Department is confident that the above

design amendments to a portion of Building 1 as detailed at **paragraph 6.3.46**, would result in a balanced outcome that would continue to afford acceptable development outcome, with minimal impacts on the building's functionalities.

- 6.3.49 The Department has recommended a condition requiring the Applicant provide amended drawings to achieve the above outcome, prior to the issue of any construction certificate.
- 6.3.50 The Department acknowledges that view loss as a result of the proposed development range from minor to severe for apartments within 29-33 Lawson Street, 12-16 and 18 to 28 Neild Avenue, as well as the SGS owned properties at 9 Vialoux Avenue and 24 Alma Street (excluding 8 Vialoux Avenue). Notwithstanding these impacts, the affected views are all situated at mid-distance from the site, and all affected properties retain elements of existing views, substantial sky views, and/or have unaffected secondary views. Therefore the overall view impacts on these apartments are, on-balance, reasonable given the inner-city and site context (including its land use zone).

Overshadowing

- 6.3.51 The ADG recommends living rooms and private open spaces of at least 70% of apartments in a building in an urban area should receive at least 2 hours of direct sunlight between 9am and 3pm on 21 June (mid-winter). The WDCP recommends north facing windows to upper levels of adjacent dwellings receive 3 hours of direct sunlight between 9am and 3pm at mid-winter.
- 6.3.52 The Applicant submitted overshadowing diagrams that show the predicted overshadowing impact on the immediately surrounding area (Overshadowing Analysis), including the impact of Buildings 1 and 2 on residential properties directly south of the site at 25-27 and 29-33 Lawson Street, 8 and 9 Vialoux Avenue and 24 Alma Street (**Appendix C**).
- 6.3.53 Overshadowing Analysis indicates that between 9am and 3pm during mid-winter Building 1 would:
- reduce solar access to three apartments within 8 Vialoux Avenue as follows (**Figure 26** and **Figure 27**):
 - ground floor, apartment 1 - reduction of 4 hours sunlight (from 6 hours to 2 hours).
 - ground floor, apartment 4 - reduction of 4 hours sunlight (from 6 hours to 2 hours).
 - level 1, apartment 8 - reduction of 1.5 hours (from 6 hours to 4.5 hours).
 - not overshadow any apartment living rooms in 29-33 Lawson Street.
 - not overshadow any apartments in 25-27 Lawson Street, 12-16 and 18-28 Neild Avenue.
 - maintain 4 hours of direct sunlight to 50% of rear private open space of 29-33 Lawson Street.
 - overshadow two of the six existing clothes lines located within the rear of 29-33 Lawson Street by an additional two hours during the early morning and late afternoon. The remaining four clothes lines are unaffected by the proposal.
- 6.3.54 The Overshadowing Analysis indicates that the height of Building 2 would not overshadow the northern side windows of 9 Vialoux Avenue or 24 Alma Street.

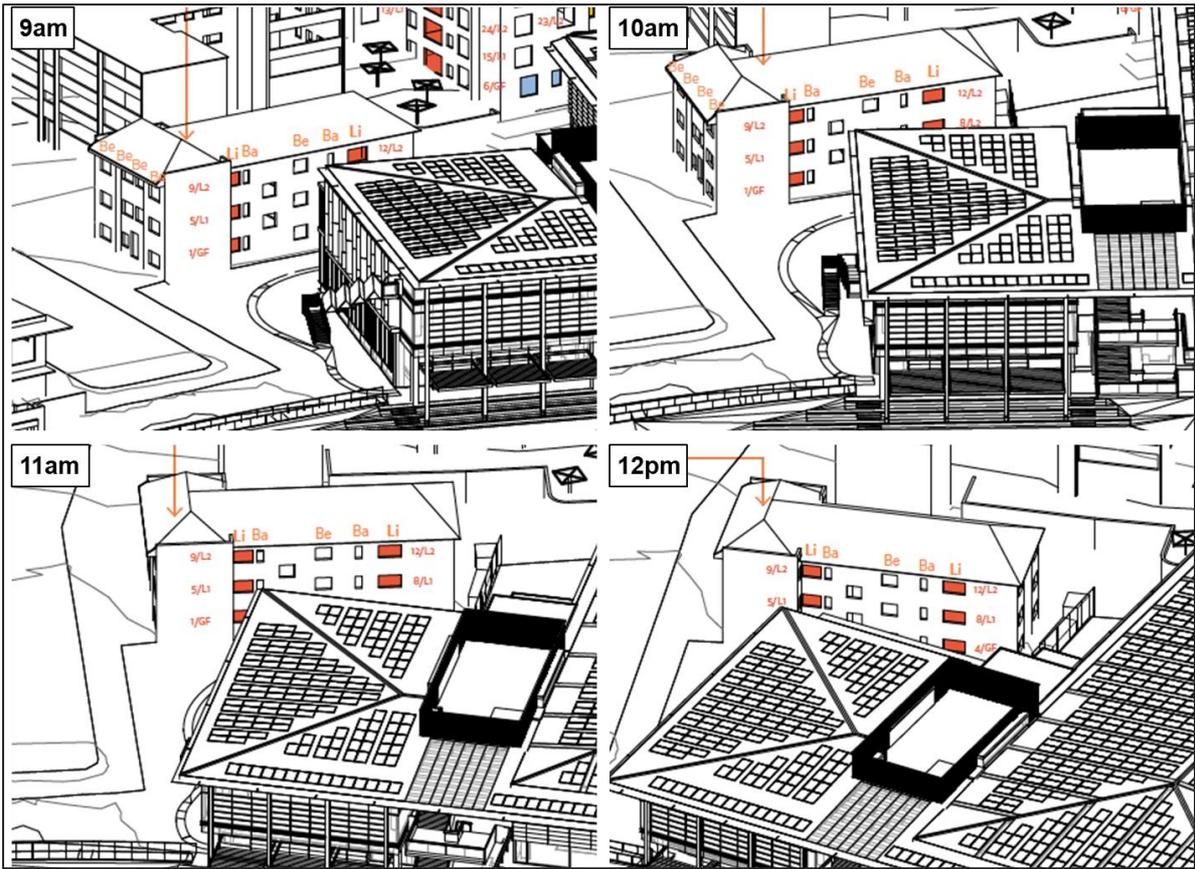


Figure 26 | Overshadowing Analysis predicted overshadowing impact on 8 Vialoux Avenue on 21 June (mid-winter) between 9am and midday (Source: Applicant's RtS 2021)

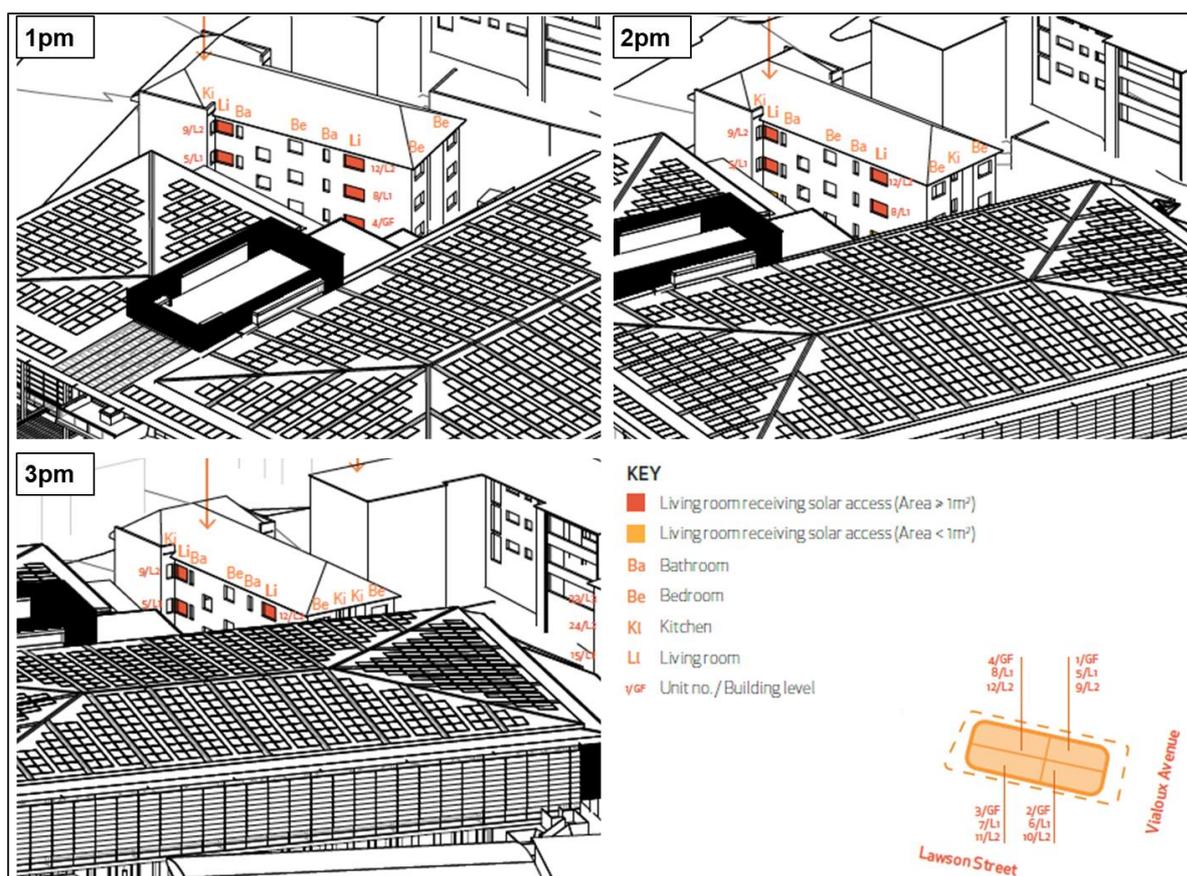


Figure 27 | Overshadowing Analysis predicted overshadowing impact on 8 Vialoux Avenue on 21 June (mid-winter) between 1pm and 3pm (Source: Applicant's RtS 2021)

Submissions and Applicant's response

6.3.55 Concern was raised in the public submissions that Building 1 would overshadow the windows of the apartments within adjoining residential properties and the rear yard / communal open space and clothes lines of 29-33 Lawson Street.

6.3.56 In response, the Applicant stated the proposal would result in solar access to any adjoining residential properties consistent with the WDCP and ADG and provided an Overshadowing Analysis. In addition, the Applicant asserts by comparison that a notional, height-compliant, apartment building on the site would have greater adverse overshadowing impacts on properties to the south (**Appendix C**).

6.3.57 The Department requested the Applicant confirm whether the development would overshadow the rear yard of 29-33 Lawson Street or the north facing windows of 9 Vialoux Avenue and 24 Alma Street.

6.3.58 The Applicant's SRtS clarified that the proposal would reduce direct sunlight to 50% of the rear communal open space of 29-33 Lawson Street by 2 hours (from 6 to 4 hours) and would not overshadow 9 Vialoux Avenue and 24 Alma Street.

Department's consideration

6.3.59 The Department considers the overshadowing impacts are acceptable as the:

- proposal is consistent with ADG recommended minimum solar access requirements, in particular:

- Building 1 would not result in any adverse overshadowing of apartments within 25-27 Lawson Street, 12-16 and 18-28 Neild Avenue and the living rooms of all apartments within 29-33 Lawson Street would maintain at least 2 hours of direct sunlight to living rooms during mid-winter.
- Building 1 would result in a significant reduction in light to apartments at the lower levels of 8 Vialoux Avenue (up to 4 hours). However, the resulting solar access (2 hours) would meet the ADG minimum standard.
- Building 1 would not result in adverse overshadowing of the rear communal open space, or clothes lines, of 29-33 Lawson Street.
- Building 2 would not overshadow 9 Vialoux Avenue or 24 Alma Street.

6.3.60 The Department acknowledges the development alters the amount of direct sunlight reaching residential properties around the development, particularly the north facing apartments at 8 Vialoux Avenue. However, the Department concludes the proposal is consistent with the ADG recommended minimum requirements for solar access, and would meet the minimum solar access criteria applicable to residential flat buildings.

6.3.61 Notwithstanding, owing to the Department's recommended that the design of Building 1 be amended to address view loss impacts to apartments within 8 Vialoux Avenue, this is likely to also have the effect of reducing the predicted overshadowing impact on the affected apartments within 8 Vialoux Avenue.

Overlooking

6.3.62 To ensure developments do not have an adverse impact on privacy, the ADG recommends minimum separation distances between residential buildings up to four storeys:

- 6m between habitable room windows and blank walls (separation h-b).
- 12m between habitable room windows (separation h-h).

6.3.63 As shown at **Table 10**, the proposal exceeds the ADG minimum separation distance requirements between Building 1 and apartments at 29-33 Lawson Street and apartments at 8 Vialoux Avenue, with the exception of two windows at the ground floor of 8 Vialoux Avenue, which are between 1.5m and 1.8m closer to Building 1 than recommended by the ADG (**Figure 28**).

6.3.64 All windows in apartments within 25-27 Lawson Street are greater than 25m from the rear of Building 1, and exceed the ADG recommended minimum separation distance requirements.

Table 10 | Building separation distances between Building 1 and 29-33 Lawson St and 8 Vialoux Avenue

Building Level	ADG control	Proposed Distances	Complies
Windows in rear elevations of Building 1 and 29-33 Lawson Street			
Ground	<ul style="list-style-type: none"> • 6m (h-b) • 12m (h-h) 	<ul style="list-style-type: none"> • Between 15.3m to 40.3m (h-b) • None 	<ul style="list-style-type: none"> • Yes • Not applicable
First and Second	<ul style="list-style-type: none"> • 6m (h-b) • 12m (h-h) 	<ul style="list-style-type: none"> • Between 10.9m to 32.1m (h-b) • Between 14.3m to 27.5m (h-h) 	<ul style="list-style-type: none"> • Yes • Yes

Building Level	ADG control	Proposed Distances	Complies
Third	<ul style="list-style-type: none"> 6m (h-b) 12m (h-h) 	<ul style="list-style-type: none"> Between 13.9m to 40.3m (h-b) Between 14.3m to 27.5m (h-h) 	<ul style="list-style-type: none"> Yes Yes
Windows in rear elevation of Building 2 and side elevation of 8 Vialoux Avenue			
Ground	<ul style="list-style-type: none"> 6m (h-b) 12m (h-h) 	<ul style="list-style-type: none"> 9m (h-b) Between 10.2m to 10.5m (h-h) 	<ul style="list-style-type: none"> Yes 1.5m to 1.8m less
First and Second	<ul style="list-style-type: none"> 6m (h-b) 12m (h-h) 	<ul style="list-style-type: none"> Between 10m - 17.4m (h-b) None 	<ul style="list-style-type: none"> Yes Not applicable



Figure 28 | Distance between ground floor windows of Building 1 and 8 Vialoux Avenue (Source: Applicant's Rts 2021)

6.3.65 Concern was raised in public submissions that windows in the southern elevation of Building 1 would overlook adjoining residential properties at 25-27 and 29-33 Lawson Street and 8 Vialoux Avenue.

6.3.66 The Applicant has stated although the ADG does not apply to the development, the proposal generally complies with ADG recommended minimum standards. In addition, Building 1 and landscaping have been designed to prevent overlooking between Building 1 and apartments within 8 Vialoux Avenue.

6.3.67 The Department notes the proposal complies with ADG recommended minimum separation distances except in two instances at the ground floor of the north facing apartment at 8 Vialoux Avenue. Notwithstanding, the Department considers the proposal would not result in any adverse overlooking as:

- the only clear-glazed window in Building 1 closer than the ADG requirement facing 8 Vialoux Avenue is a ground floor high-level window that, due to the excavation of the site, looks out at foot-level between Building 1 and 8 Vialoux Avenue.

- a 1.8m high boundary fence exists between Building 1 and 8 Vialoux Avenue, which would obscure views into and out of the site at ground level.

6.3.68 The Department has recommended conditions requiring the proposed landscaping be planted prior to the first use of Building 1 to ensure that visual privacy impacts are addressed.

Operational noise

6.3.69 The application includes a Noise Assessment Report (NAR) that considered potential construction and operational noise impacts of the proposal and provided recommendations to minimise and mitigate any noise impacts.

6.3.70 The closest residential receivers to the site and NAR noise monitoring locations are shown at **Figure 29**.



Figure 29 | Subject site in context to the nearest residential receivers (Source: Applicant's EIS 2020)

6.3.71 The OPM confirms the facilities are available for training, curricular, sports competition and community (other schools and community groups only) use Monday to Saturday 6am to 10pm, and Sunday 7am to 6pm, as summarised in **Section 2.4**.

6.3.72 Operational noise sources would primarily include the indoor use of the pool and multi-purpose courts, traffic associated with the pick-up/drop off and parking areas, and operation of mechanical plant.

6.3.73 The NAR detailed the results of noise monitoring carried out to determine the existing background and ambient noise levels and to establish the project noise trigger levels (PNTLs) at the nearest residential receivers. The PNTLs were established in accordance with the procedures set out in the Noise Policy for Industry.

6.3.74 The NAR considered that noise impacts from on-site activities (the indoor use of the pool and multi-purpose courts, traffic associated with the pick-up/drop off and parking areas), would comply with the Noise Policy for Industry criteria at the nearest residential receivers, subject to

the following acoustic management and mitigation measures/treatments incorporated as part of the proposal (**Figure 30**):

Building 1

- glazing and solid external elements constructed to minimum performance standards
- operable windows facing south and east to be closed during high-noise generating periods (including pool whistles and sporting events/functions), and any time after 6pm.
- a 2.2m high acoustic fence along the southern boundary shared with 29-33 Lawson Street.
- acoustically absorptive material to the underside of the car parking area soffit (ceiling) to address noise associated with the pick-up/drop-off and the car parking area.

Building 2

- a solid wall to the lower level of the southern elevation of the car park.
- 1.8m high barrier to the upper level along the southern elevation of the car park.
- acoustically absorptive material to the underside of the carpark soffit.

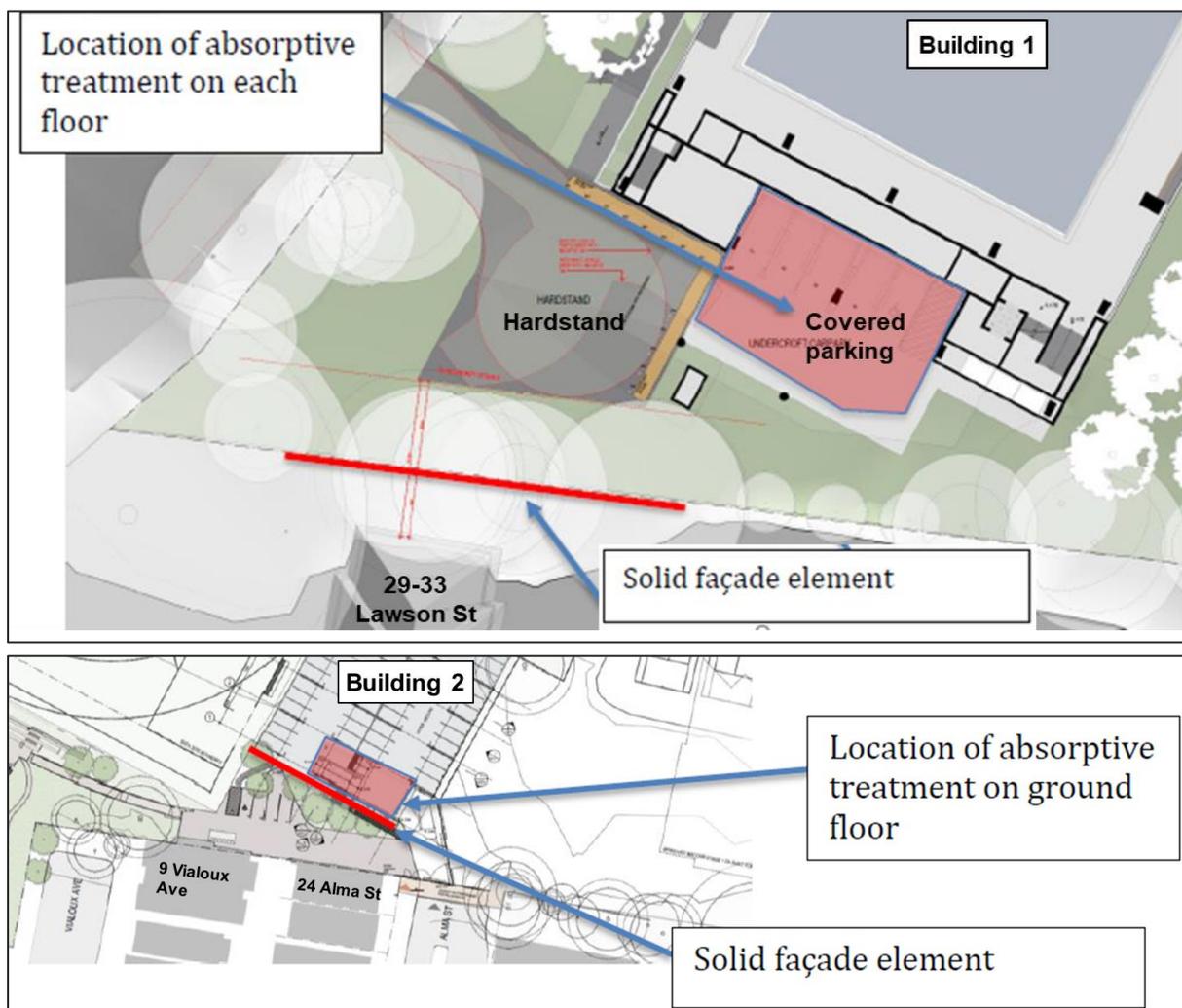


Figure 30 | Proposed acoustic treatments to Buildings 1 and 2 (Source: Applicant's EIS 2020)

6.3.75 The OPM confirms most pedestrians would enter Building 1 from the northern entrance. Additionally, attendees would be encouraged to leave the premises in an orderly and quiet

fashion, loitering monitored and actively discouraged, and CCTV installed to allow SGS to ensure compliance with the OPM.

6.3.76 With regard to mechanical plant, the NAR confirmed plant specifications are not known at this stage. However, all equipment would be acoustically treated to ensure compliance with the NPI criteria, and the location of plant within the rooftop enclosure is acoustically appropriate.

6.3.77 In summary, the NAR confirmed that the school's operational noise sources would not exceed the relevant noise criteria in the NPI, subject to recommended acoustic treatments and site operation measures being incorporated as part of the proposal.

Submissions and Applicant's response

6.3.78 Concern was raised in public submission to operational noise impacts associated with the use of Building 1 both during and outside school hours. Council did not raise any concerns in relation to operational noise impacts.

6.3.79 In response to requests by the Department to provide additional information on the noise impacts of the operation of the pick-up/drop-off facility, the Applicant's SRtS clarified:

- pick-up/drop-off facility would operate between 6am and 7pm Monday to Friday and between 6:30am and 7pm on weekends, staff would enforce operating hours and the Neild Avenue vehicle entrance gates would be closed outside operating hours.
- maximum noise emissions from the operation of the pick-up/drop-off facility would comply with the relevant criteria for sleep disturbance.
- the noise wall provides a line-of-sight barrier between 29-33 Lawson Street and the pick-up/drop-off facility, and would be an effective noise attenuation mitigation measure.

Department's consideration

6.3.80 The Department acknowledges that the proposal would generate some level of noise from its operation. However, the Department accepts the NAR's findings and considers that the operational noise generated is acceptable, noting that the noise would not be excessive or sustained over long periods during the day or night, and there are no identified noise exceedances.

6.3.81 The Department recommended the conditions of consent to mitigate and manage any potential operation noise impacts, including requirements for the Applicant to:

- provide evidence demonstrating that the NAR's noise mitigation recommendations have been incorporated into the design of the development.
- implement the OPM during operation.
- engage a suitably qualified noise consultant to undertake short-term noise monitoring within six months of site occupation, to verify that the operational noise levels do not exceed the recommended PTNLs for mechanical plant, sports facilities, and pick-up/drop-off facilities.

6.3.82 The Department is satisfied the proposal would operate in accordance with the noise criteria set out in the NPI, and have an acceptable impact on the surrounding receivers, subject to inclusion of acoustic treatments, site operation measures recommended in the NAR, and compliance with the recommended conditions of consent.

Construction noise and vibration

- 6.3.83 The site is located between approximately 1m and 20m away from existing residential properties and an educational facility (SGS Edgecliff) respectively. Ground floor commercial premises are located along Neild Avenue.
- 6.3.84 The NAR confirms that the development would be constructed in accordance with the Interim Construction Noise Guideline 2009 (ICNG) standard hours of construction. In addition, noisy works would be restricted to Monday to Friday – 9am to 5pm and Saturday – 9am to 1pm.
- 6.3.85 In accordance with the ICNG guidelines, the NAR established a Noise Management Level (NML) for the nearest residential properties as 57dB. The NAR confirmed that the proposed works have potential to generate noise between 70 to 75dB at the nearest residential receivers (highly affected noise under the ICNG).
- 6.3.86 The NAR acknowledges proposed construction works may result in noise impacts beyond the NMLs, and in some instances noise generated may reach 75dB. To address the adverse impacts of the construction noise, the NAR recommends mitigation measures including the preparation and implementation of a construction noise and vibration management plan (CNVMP), maintenance of plant and equipment in working order, appropriate community consultation, monitoring, a complaints register, restricting high noise generating activities to certain hours, use of use of percussive and concrete sawing behind a close façade, and adherence to vibration guidelines.

Submissions and Applicant's response

- 6.3.87 Concerns were raised in public submissions about the proposed hours of construction, that the proposal would result in adverse construction noise and vibration impacts and that the community was already experiencing construction fatigue from other development on the site.
- 6.3.88 Council did not raise any concerns about construction noise impact. Council recommended conditions requiring the Applicant to prepare dilapidation reports, and a construction methodology/structural report. Council also recommended that excavation and construction works should not have an adverse impact on surrounding properties, and vibration monitoring should be undertaken.
- 6.3.89 In response to the Department's request to undertake an assessment of noise impact to the SGS Edgecliff campus, the Applicant's SRtS included a noise statement confirming additional noise monitoring was undertaken and the existing rated background level at the school is between 40-49 dB(A). In addition, the ICNG recommended NML (45dB(A)) would be used for the assessment of noise impacts to the school, and it is expected that management of noise impacts would be required which could include scheduling of works outside sensitive times in accordance with the CNVMP.

Department's consideration

- 6.3.90 The Department has considered the findings of the NAR and public submissions. On balance, the Department considers, given the dense urban nature of the immediate surrounding area, some noise impacts during construction are unavoidable.
- 6.3.91 The Department considers the Applicant's proposed mitigation measures are acceptable. However given the potential noise impacts, the Department recommends conditions requiring

hours of construction in accordance with ICNG standard hours, additional limitations placed on noisy works, and the implementation of a CNVMP.

6.3.92 In addition, the following additional measures are necessary to mitigate impacts to the nearest residential properties:

- implementation of respite periods from the noisiest activities on the site.
- all construction vehicles to arrive / depart the site within the permitted hours.
- no noise to be 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997* (POEO Act).

6.3.93 On this basis, and subject to the Applicant's compliance and commitment to implement all reasonable and feasible measures to mitigate and manage noise, the Department is satisfied construction work can be managed to minimise disruption to residential amenity.

6.4 Built form

6.4.1 The proposal includes the construction of two buildings across the site (see **Section 2.2**). The existing environment is characterised as a mixture of established medium-density residential, mixed use and other non-residential properties, together with the open area of the Weigall sports grounds. The immediate surrounding context is summarised at **Section 1.4**.

6.4.2 The south-western corner of the site is subject to a maximum building height control of 10.5m (above ground) under clause 4.3 of the WLEP. No other part of the site is subject to a building height control (**Figure 31**).

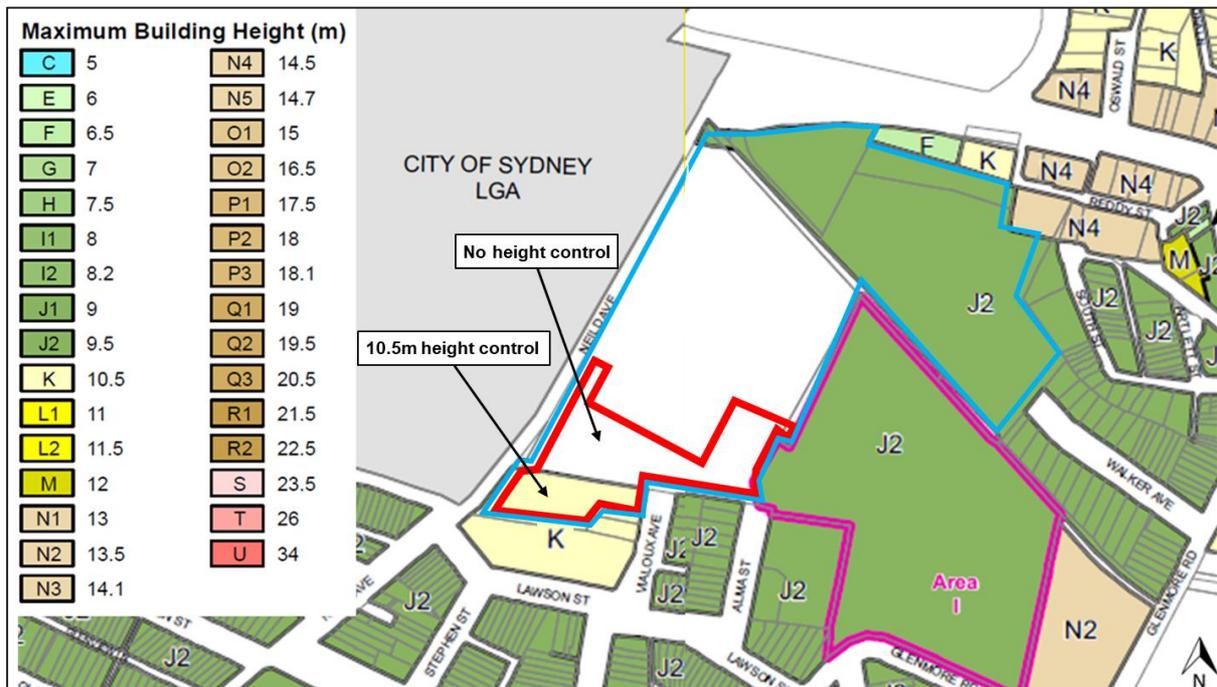


Figure 31 | Maximum Building Height WLEP map extract (Source: WLEP)

6.4.3 The overall height of Building 1 is 16.4m (RL 22.63) and Building 2 is 4.9m (RL 10.4m). As shown at **Figure 32**, the southern portion of Building 1 exceeds the maximum building height control for the south-western corner of the site by between 1.8m and 5.9m. Building 2 is not subject to a height control.

- 6.4.4 In addition to the building height control, the south-western corner of the site is subject to a maximum FSR control of 0.65:1 under clause 4.4 of the WLEP. Building 1 has a total GFA of 6220 m², of which 2535m² would be located within the R3 zone / south-western corner of the site. Accordingly, the FSR for this part of the site is 0.78:1, exceeding the WLEP FSR control (0.65:1) by 0.13:1.
- 6.4.5 The EIS states that a variation request under clause 4.6 of the WLEP would generally be required to vary the height of buildings and FSR development standards. However, the Education SEPP applies to the proposal, which enables consent to be granted for school developments that contravene LEP development standards. The Applicant has stated the height and density of the development is appropriate as Building 1 is located near development of similar size, away from the open valley floor, is comprised of a stepped building heights and low-pitched roofs, and would not have negative amenity impacts.
- 6.4.6 The Applicant's RtS refined the design of Building 1 by reconfiguring the roof plant enclosure and relocating it further north so that it is no longer located within the part of the site covered by the maximum height control.
- 6.4.7 In addition, the Applicant states the development provides for a reduced height and scale opposite the residential properties to the south (**Figure 32**) by stepping the building down:
- from 16.5m to 12.3m (4.3m / one storey) opposite the rear of apartments at 29-33 Lawson Street.
 - from 15.3m to 10.1m (5.2m / one storey) opposite the side of apartments at 8 Vialoux Avenue.

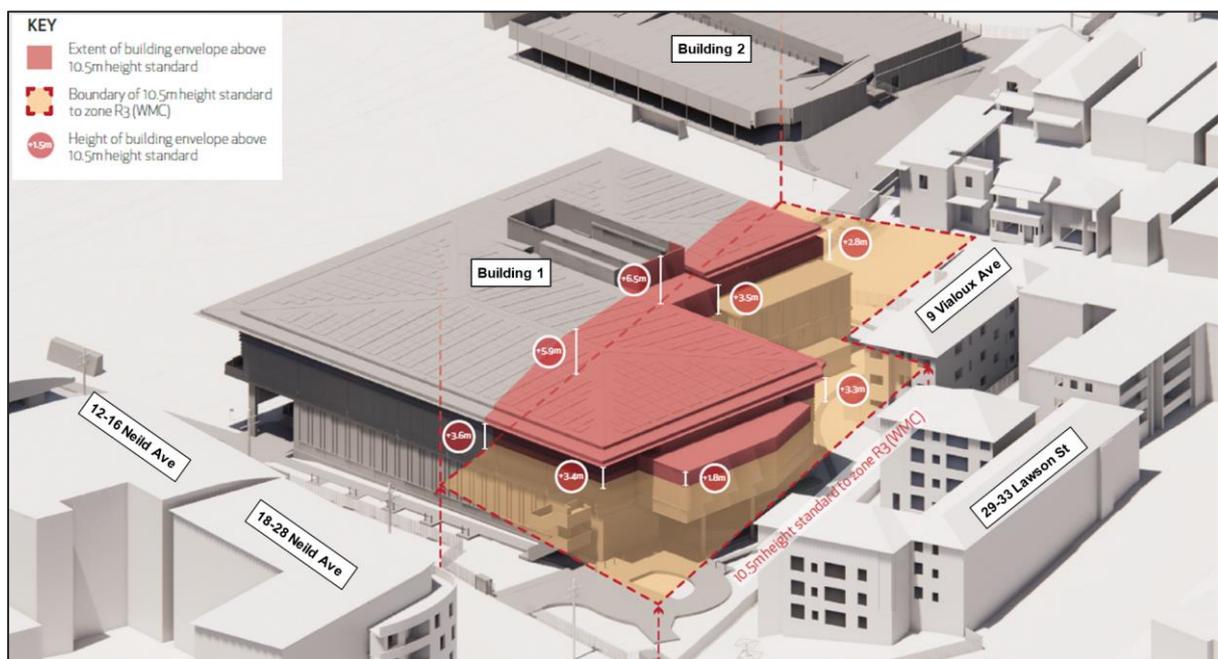


Figure 32 | A 3D perspective of the development looking north-east and showing the locations where Building 1 exceeds the WLEP 10.5m height control (Base source: Applicant's RtS 2021)

Submissions and Applicant's response

- 6.4.8 Concern was raised in public submissions that the height and scale of Building 1 is excessive and inappropriate given the low-density character of the surrounding area.

- 6.4.9 Council and City of Sydney did not object to the height of Building 1 and its exceedance of the WLEP maximum height control.
- 6.4.10 In response to the concerns raised, the Applicant reiterated the Education SEPP allows for the development to exceed the WLEP height and FSR controls. Notwithstanding, the amended design in the RtS reduced the overall height of Building 1 by 0.6m (from 17m to 16.4m) and provided increased setbacks between adjoining properties (**paragraph 6.4.6**).

Department's consideration

- 6.4.11 The Department has considered the height of Building 1 and concerns raised in public submissions. The Department notes the height and FSR controls in the WLEP do not apply to this development under clause 42 of the Education SEPP, regardless the Department has assessed the merits of the development, considering the controls as a development guide.
- 6.4.12 The adverse impacts of the built form of Building 1 on the views enjoyed by 8 Vialoux Avenue are discussed in **Section 6.2**. To improve the view loss impacts on these apartments, the Department has recommended the design of the eastern portion of Building 1 (located opposite 8 Vialoux Avenue) be amended (**paragraph 6.3.46**). The Department is satisfied that the recommended design amendments would improve the overall scale of the Building 1, as perceived from the northern boundary of 8 Vialoux Avenue.
- 6.4.13 The Department considers that the height and scale of the remainder of Building 1 (excluding the eastern component of Building 1) is acceptable, and exceedance of the WLEP building height control is reasonable and justified in this instance, given the:
- overall height is comparable to the adjoining apartment building at 12-16 and apartments at 18-28 Neild Avenue and 29-33 Lawson Street.
 - development includes landscaped building setbacks, which further reduce the perception of the overall height of the building within its surrounding context.
 - proposal endeavours to minimise amenity impacts including view loss, overshadowing, overlooking and operational impacts (see **Section 6.3**).
- 6.4.14 The Department notes the maximum height of Building 2 is less than the WLEP maximum building height control. The building would not have unacceptable amenity impacts on 9 Vialoux Avenue and 24 Alma Street (see **Section 6.3**).
- 6.4.15 Based on the above, and subject to resolution of the view loss impacts to 8 Vialoux Avenue through design amendments of Building 1, the Department considers the proposed building heights satisfy the objective of clause 4.3 'Height of Buildings' of the WLEP, which establishes appropriate maximum building heights, ensures the height of buildings complements the streetscape and character of the area, and minimises the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.
- 6.4.16 On balance, subject to the implementation of recommended design amendments, the height exceedance of Building 1 would not have unacceptable visual or amenity impacts on the neighbouring properties. The height and scale of Building 2 is assessed as satisfactory.
- 6.4.17 The Department acknowledges the proposal exceeds the maximum FSR control under clause 4.4 of the WLEP. Noting clause 42 of the Education SEPP, the Department's assessment concludes that the exceedance of the FSR development standard can be supported. As such,

it only applies to the south-western corner of the site (approximately 33% of the total site area). The proposal is generally consistent with the objectives of clause 4.4 of the WLEP and would result in a building that is compatible with the size of the land to be developed, when considering the Weigall sports grounds in their entirety.

6.4.18 Accordingly, the Department considers that strict compliance with the maximum FSR control under the WLEP is unnecessary and unreasonable in this circumstance, and finds there are sufficient environmental planning grounds to justify contravening the development standard.

Building design

6.4.19 The Applicant's Architectural Design Report provides the following consideration of the design of the buildings:

- individual building elements including projecting roof forms, cantilevered balconies and stairs, terraces, and screening contribute to the overall composition of the built form and refine building scale.
- the buildings incorporate extensive facade modulation to create visual interest and increase the reading of depth, shadow, patterning and textures.
- the material palette chosen for the new buildings are sympathetic and subservient to both the existing built and landscaped context, and includes pale fibre cement, pale concrete, natural and charcoal metal elements and selected timber highlights.

6.4.20 The EIS addressed the Design Quality Principles for schools under Schedule 4 of the Education SEPP and the GANSW's Design Guide for Schools. The EIS concluded that the design responds to its surrounding urban context and is supported by an extensive landscape plan to complement the existing and future character of the area. The built form elements are identified in **Figure 33** and **34**.



Figure 33 | Perspective looking south-east across Weigall sports grounds towards Buildings 1 and 2 (Source: Applicant's EIS 2020)

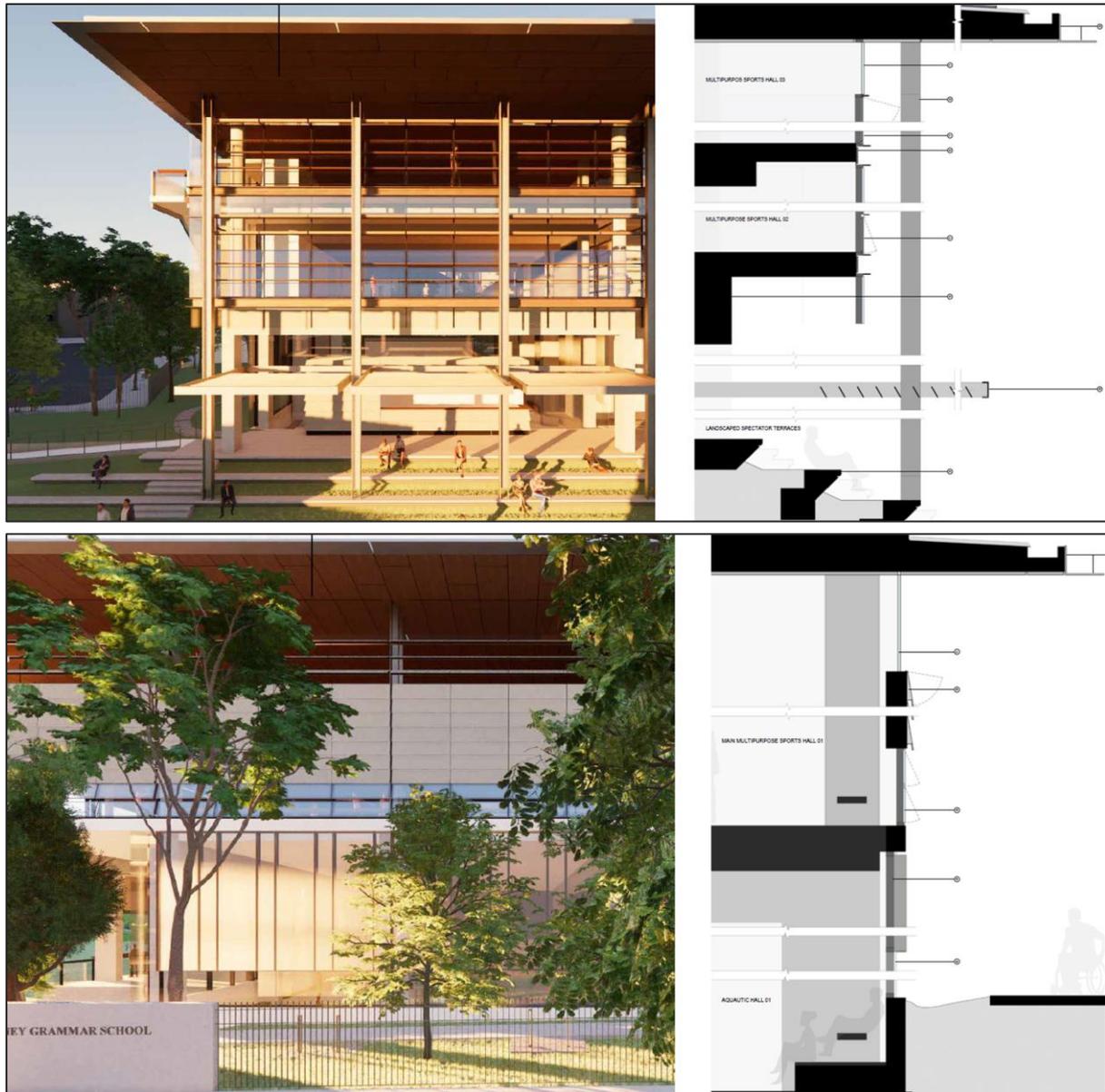


Figure 34 | North elevation/section (top) Neild Avenue western elevation (bottom) (Source: Applicant's EIS 2020)

Submissions and Applicant's response

6.4.21 Concern was raised in public submissions that the overall design of the development was inappropriate in the context of the site. Council did not object to the design of either building, however recommended the eastern and western façades of Building 1 be amended to provide greater articulation, additional window openings, varied materials and dense planting to inactive façade components.

6.4.22 The Applicant stated the proposal achieves a high standard of architectural and landscape design, which was supported by the SDRP. In response to Council's concern, the SRtS states the elevations contribute positively to the character and activation of streetscapes, and include low level clear glazing, mid-level obscure glazing, operable glazed louvres, operable solid louvres and high level clear glazing.

6.4.23 The proposal balances the functional requirements of solar and glare control, internal acoustic control to sporting functions, and privacy/overlooking. In addition, approximately 65% of the

western (Neild Avenue) and 90% of the eastern (Vialoux Avenue) elevation comprises openings and windows (**Figure 35**).

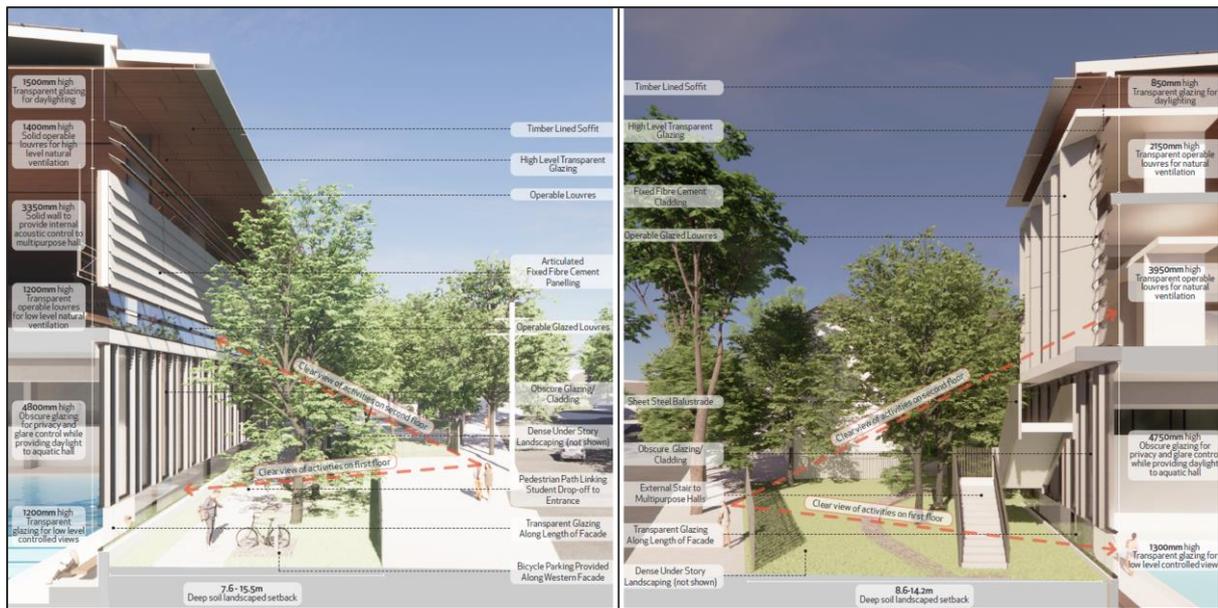


Figure 35 | Neild Avenue (left) and Vialoux Avenue (right) elevations and relationship to the street (Source: Applicant's SRTS 2021)

Department's consideration

6.4.24 The Department has assessed the merits of the architectural design of the development.

When considered as an individual development (with no consideration for the context), the design addresses the functionalities of the buildings and achieves a generally good standard of design and appearance as follows:

Building 1

- the northern elevation of Building 1 has been divided into two unequal parts separated by a projecting external staircase, to provide for an articulated built form.
- the building is well proportioned, set within a landscape setting, and setback behind existing and proposed landscaping at its eastern, western and southern boundaries.
- the elevations include a variety of materials that contribute positively to the streetscape.
- the building achieves a high internal amenity in terms of layout, adaptability and access to sunlight and ventilation.

Building 2

- building is of a simple unobtrusive concrete design.
- elevations of the building would be screened by climbing plants to soften its overall appearance and integrate it into the broader Weigall sports grounds setting.

6.4.25 However, noting the assessment at **Section 6.3**, the Department concludes that while Building 1 achieves a good standard of design, it does not appropriately respond to its context, namely its siting in relation to 8 Vialoux Avenue due to its impacts on the views currently enjoyed by the 8 Vialoux Avenue apartments. In order to ensure that the buildings better responds to its context and improves the impacts on the neighbours, the Department has recommended design amendments to the eastern section of Building 1.

6.4.26 The Department is satisfied that the remainder of Building 1 (excluding the eastern component) and Building 2, responds appropriately and positively to the site and its context, while balancing the need to address the demand for additional educational facilities.

6.4.27 The Department has assessed the proposal in accordance with the design quality principles set out in Schedule 4 of the Education SEPP (**Appendix B**) and does not raise any specific concerns in relation to urban design outcomes, subject to the amendment of Building 1 program pool wing to address the view loss impacts to apartments within 8 Vialoux Avenue.

Heritage and visual impacts

6.4.28 The site is not listed as a State or local heritage item, however it is located in the Paddington Heritage Conservation Area near items of heritage significance listed below (**Figure 36**):

- WLEP Item 243 - seven Canary Island Date Palms, Alma Street, Road reserve.
- Sydney Local Environment Plan 2012 Item 371 - Former Advanx Industrial Car Assembly Hall, 34–52 McLachlan Avenue.

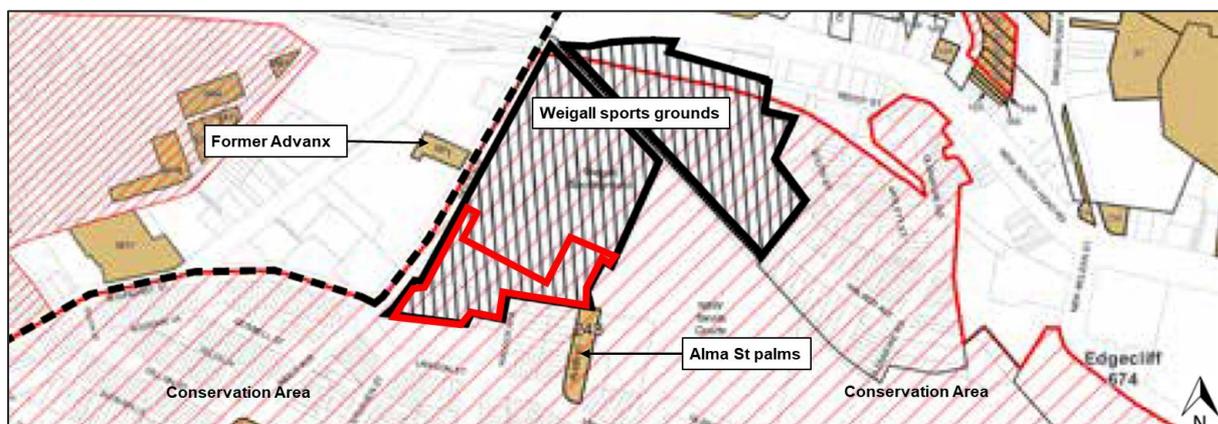


Figure 36 | The site, nearby heritage items and the conservation area (Source: Applicant's EIS 2020)

6.4.29 The WDCP identifies the view south along Alma Street, which includes the heritage listed Phoenix Palms in the central median, is a significant view.

6.4.30 The Applicant's Heritage Impact Statement (HIS) considered the site history and potential heritage impacts of the proposal. The HIS concluded the:

- site is not heritage listed and the removal of structures would not adversely impact the heritage significance of the area.
- proposal would not impact the key values of the site that contribute to the Conservation Area (i.e. its history as market gardens and SGS sports fields).
- proposal is consistent with heritage provisions of the WLEP and WDCP.
- design and location of the development would contribute positively to the area.

6.4.31 The views of the proposed buildings from the surrounding locations are provided in **Figure 37** to **Figure 40**.



Figure 37 | Existing (left) and proposed (right) elevated view south across Weigall sports grounds towards Buildings 1 and 2 (Source: Applicant’s RtS 2021)



Figure 38 | Existing (left) and proposed (right) view north-east towards 24 Alma Street and the site / Building 2 from the northern end of Alma Street (Source: Applicant’s RtS 2021)



Figure 39 | Existing (left) and proposed (right) view west towards Buildings 1 from Vialoux Avenue (Source: Applicant’s RtS 2021)



Figure 40 | Existing (left) and proposed (right) view north-east across the Neild Avenue / Lawson Street intersection towards Buildings 1 (Source: Applicant's RtS 2021)

Submissions and Applicant's response

6.4.32 Concern was raised in public submissions that the proposal would have an adverse impact on the Paddington Conservation Area. The Paddington Society recommended Building 2 should be deleted and only surface car parking provided to ensure the development did not obstruct views down Alma Street or views into the valley floor.

6.4.33 Council and City of Sydney did not raise any concerns about the heritage impact of the proposal. In addition, Council confirmed it agreed with the findings of the Applicant's HIS and recommended conditions requiring the preparation of a Heritage Interpretation Strategy.

6.4.34 In response to concerns raised, the Applicant's RtS states that flood planning, high water table, and acid sulfate soils prevent the ability to provide cost-effective basement parking. In addition, Building 2 would be screened by new tree and shrub planting and vertical green walls. The HIS demonstrated the proposal would not have an adverse impact on the Paddington Conservation Area.

6.4.35 In response to the Department's request for clarification of the potential visual impact of Building 2 on the Alma Street view, the Applicant's SRtS included an updated VIA assessment that demonstrated that Building 2 would not be readily visible from the Alma Street view location (**Figure 41**) and has (in a worst-case scenario) only a low level visual impact.



Figure 41 | Existing (left) and proposed (right) WDCP view along Alma Street (Source: Applicant's SRtS 2021)

Department's consideration

6.4.36 The Department has considered the HIS, concerns raised in public submissions, and the merits of the proposal. The Department considers the development would not have adverse heritage or visual impacts as:

- the site contains no heritage significant buildings, and the HIS demonstrated the proposal would not adversely impact on the Paddington Conservation Area.
- Building 2 would obscure the north-western view, obliquely across the Weigall sports grounds (**Figure 38**), however the view north from the eastern side of Alma Street towards the valley floor would be retained.
- the development would not have a material impact on the WDCP identified significant view along Alma Street.
- the proposed building heights and landscaped setbacks ensure the development is sympathetically integrated into the immediate context, and would not adversely impact on nearby heritage items or be readily visible from key locations within the Paddington Conservation Area.

6.4.37 The Department concludes the proposal would not have an adverse impact on the Paddington Conservation Area or the heritage significance of nearby heritage items.

6.5 Trees

6.5.1 A total of 90 existing mature trees are contained within the site and 14 street trees adjoin the site. The proposal seeks to remove 20 trees (**Figure 42**).

6.5.2 The application includes an Arboricultural Impact Assessment (AIA), which surveyed the trees on the site and identifies the health, structural condition and landscape significance of the trees. In particular, the AIA confirms:

- 13 trees (15-19, 29, 31, 32, 35, 36, 61, 125 and 126) have a moderate landscape significance and a retention value of '*Consider for Retention*'.
- seven trees (34, 37, 47, 118, 119, 120 and 122) have a low landscape significance and retention value of '*Consider for Removal*'.
- no trees proposed for removal are of high or very high landscape significance or have been allocated a retention value of '*Priority for Retention*'.



Figure 42 | Tree removal and demolition plan, approximate location of Building 1, 2 and the substation and proposed Neild Avenue entrances to Building 1 (Source: Applicant’s RtS 2021)

6.5.3 The AIA concludes there is no feasible option to retain the 20 trees proposed for removal, as they either conflict with the location of proposed buildings or their removal is necessary due to poor health / low landscape significance. To offset the proposed removal, the proposal includes the planting of 42 replacement trees around Buildings 1 and 2 (**Figure 43**).

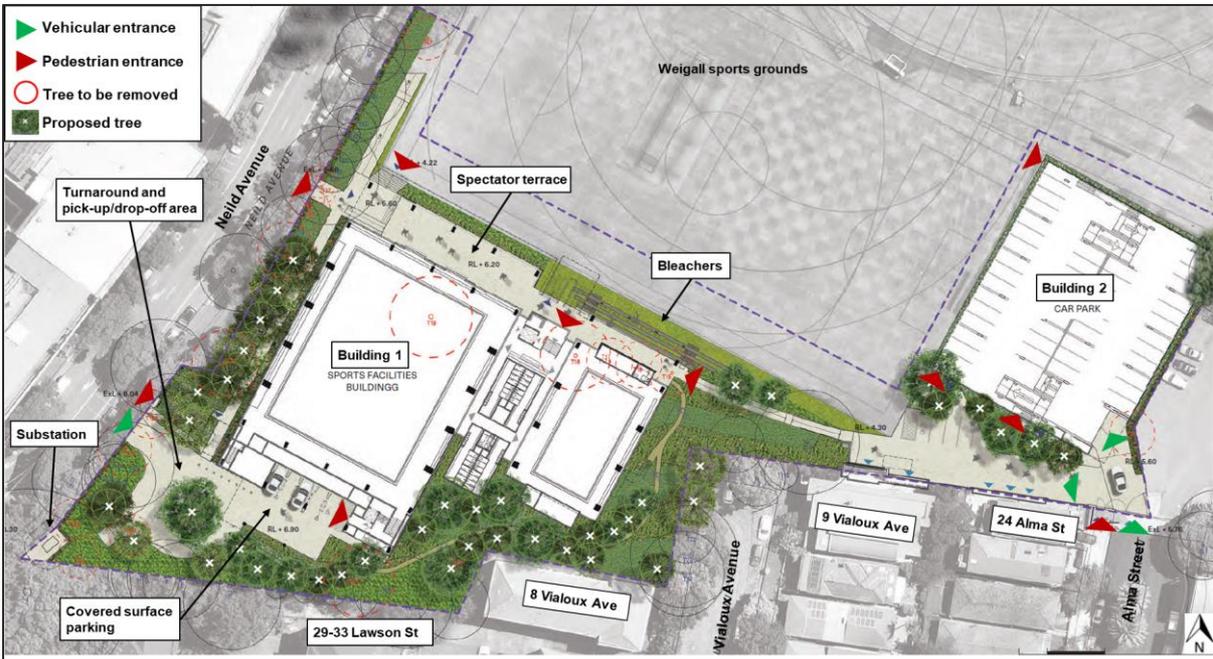


Figure 43 | Landscaping and tree replacement plan (Source: Applicant’s RtS 2021)

Submissions and Applicant’s response

6.5.4 Concern was raised in public submissions about the extent of the proposed tree removal, suggesting more effort should be made to retain existing mature trees on the site.

6.5.5 Council did not object to the proposed tree removal or replacement, subject to conditions relating to protection of retained trees and general landscape and tree management. City of

Sydney recommended trees T32, T35, T36 and T37 (**Figure 42**) be retained and proposed replacement trees be ordered 6-12 months before commencement of the landscape works.

- 6.5.6 EESG did not raise any concerns about biodiversity resulting from the proposed removal of 20 trees.
- 6.5.7 In response to the concerns raised, the Applicant reiterated it is not possible to retain the 20 trees. Additionally, T32, T35, T36 and T37 conflict with Building 1 footprint and its proposed entry. In addition, planting of 42 new trees represent a replacement ratio of 2:1, and trees planted would comprise advanced tree stock (200 litre pot size).
- 6.5.8 In response to the Department's request to clarify the existing / proposed tree canopy coverage, the SRtS confirmed the existing tree canopy coverage is approximately 3376m² (28.9%) and the proposed coverage increases to 3696m² (31.7%).

Department's consideration

- 6.5.9 The NSW Government's draft Greener Places Design Guide 2020 (draft GPDG) suggests a tree coverage target of 25% in medium density urban areas.
- 6.5.10 The Department has considered the proposal, and issues raised in submissions, and is satisfied the proposed tree removal is acceptable as:
- T36 is not identified as having a high retention value and therefore its removal to facilitate the development is acceptable.
 - with the exception of trees T32, T35 and T37, the proposed removal of trees to facilitate the redevelopment is unavoidable due to the location of the majority of trees.
 - the AIA identifies that all trees proposed to be removed have either low or moderate landscape significance, rather than high value. In this context, the removal and replacement of these trees is appropriate regardless of the extent of the development.
 - the Applicant's commitment for replacement planting would result in a site tree canopy coverage of 31.7%, which exceeds both existing tree coverage and the 25% canopy coverage target within the draft GPDG.
 - replacement planting would comprise native species with use of advanced tree stock to ensure rapid achievement of the canopy cover.
- 6.5.11 With regard to trees T32, T35 and T37, the Department agrees with the City of Sydney that it may be possible to retain some or all of these trees, where they are not located within the footprint of Building 1. The Department also considers that there are opportunities to relocate the Neild Avenue gated pedestrian entrance and path further north to facilitate tree retention.
- 6.5.12 Based on the above assessment, the Department recommends conditions requiring the Applicant to explore design options (such as relocation of the pedestrian entry) to ensure the retention of T32, T35 and T37. Conditions of consent also recommend retention of 70 existing trees within the site and provision of at least 42 replacement trees comprised of advanced tree stock with a final canopy coverage of 31.7% of the site.
- 6.5.13 The Department is satisfied that, subject to the above conditions requiring tree replacement, retention and protection, the proposed tree removal is acceptable.

6.6 Traffic and parking

Operational traffic impact and intersection performance

6.6.1 The site is located within a medium density, mixed-use urban setting and surrounded by a road network as identified in **Figure 4**. The nearby road hierarchy and intersections are shown at **Figure 44**.

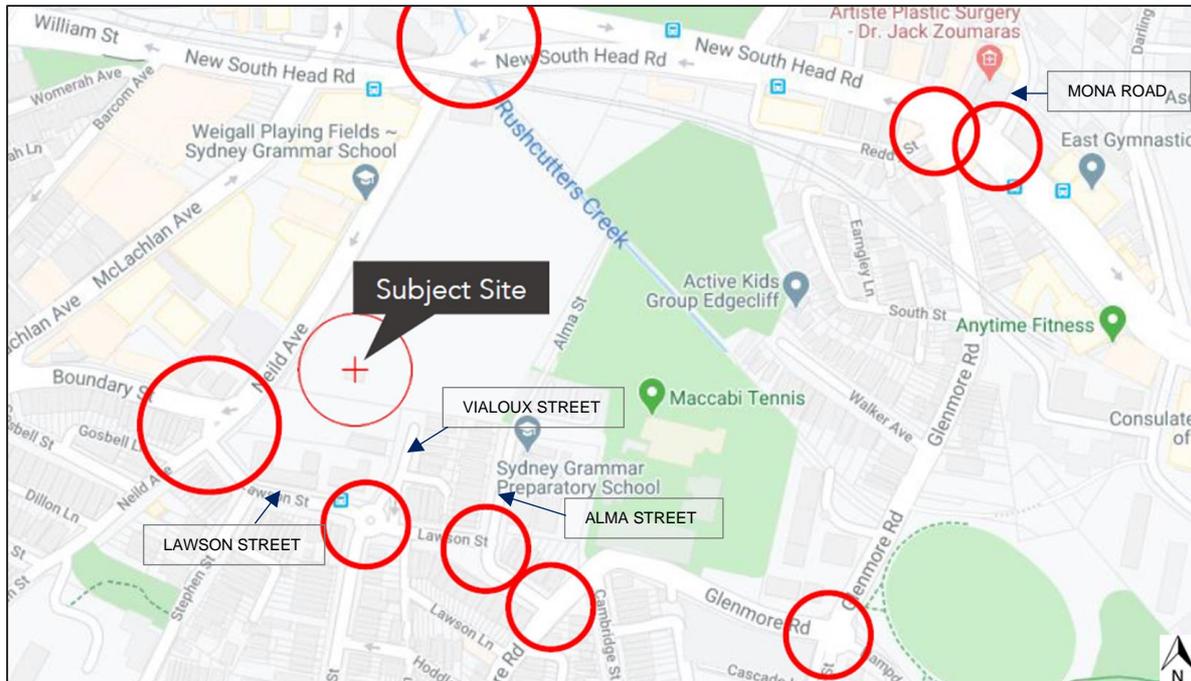


Figure 44 | The surrounding road network and intersections (Source: Applicant's EIS 2020)

- 6.6.2 Lawson Street, Vialoux Avenue, and Alma Street are local roads (single lane in each direction) and include 2 hour restricted on-street car parking. Vialoux Avenue and Alma Street are both no through roads, connected to Lawson Street and terminating at the site's southern boundary. Neild Avenue is a regional / sub-arterial road managed by Council (two lanes in each direction) and includes unrestricted parking along the site frontage. New South Head Road is the closest State Road and comprises three lanes in each direction and on-street parking is not permitted.
- 6.6.3 The intersections of Lawson Street with Vialoux Avenue and Alma Street are priority controlled. The Lawson Street / Neild Avenue intersection is controlled via a roundabout and the intersection of Neild Avenue and New South Head Road is controlled via traffic signals (**Figure 44**).
- 6.6.4 The EIS included a Traffic Impact Assessment (TIA) that considered the impacts of the proposal on the surrounding road network and performance of key intersections.
- 6.6.5 The TIA has considered the use of the existing (the pavilion, cricket nets, basketball and tennis courts) and proposed facilities (Building 1) within the site, operating hours, duration of use and anticipated attendance numbers. The TIA identifies that the facilities in the site and broader Weigall sports grounds are used during the week for school training and competitions.

- 6.6.6 In addition, the site and broader Weigall sports grounds are used on weekends for interschool competitions between 7am and 3pm.
- 6.6.7 The TIA identified that there are four distinct activity periods (before, during and after school, as well as weekends) which generate different parking and traffic demands. Differences in the use of the facilities and sports played during the warmer and cooler months also impact traffic generation.
- 6.6.8 The TIA undertook weekday and weekend traffic surveys during November / December 2019 to determine the existing traffic volumes on the local road network. The peak hour for the local road network was determined to be:
- 8am to 9am weekdays (AM Peak).
 - 4:45pm to 5:45pm weekdays (PM Peak).
 - 11am to 12pm weekends (W/E Peak).
- 6.6.9 SGS transports students to/from the site during school times by coach/bus. Students are able to be picked up or dropped off by private vehicles outside school times if registered with the school to do so. Currently, students are transported to the Weigall Sports grounds by private vehicle park within the Little Weigall car park at the northern end of the Weigall sports grounds or park/pick-up/drop-off on an informal basis on Neild Avenue, Lawson and Alma Streets.
- 6.6.10 Based on the traffic survey, and assuming a vehicle occupancy rate of 1.2 per car and 50% of students being picked up by private vehicles, the TIA observes that the site (including the broader Weigall sports grounds) currently generates between 28 to 56 private vehicle trips on a typical weekday. The Department notes that the surveys and traffic counts in the TIA for the weekend does not include the existing vehicle trips to Weigall sports grounds specifically. The Applicant has advised on weekends, the TIA considered the overall vehicle trips in the locality impacting the performance of the intersections, rather than trips generated for the Weigall sports grounds use only.
- 6.6.11 The TIA clarified sporting activities before and during school periods typically occur outside the weekday AM and PM peaks and as a consequence do not significantly impact on the operation of the road network. The TIA therefore did not undertake additional assessment of impacts during these times. Sporting activities after school occur during the weekday PM, and activities on weekends occur during the W/E peak. These impacts are considered by the SIDRA modelling.
- 6.6.12 As summarised at **Table 2, Figure 15** and in **Section 2**, the Applicant intends to use Building 1 facilities for school training and inter school competitions Monday to Saturday, and community use Monday to Sunday.
- 6.6.13 The TIA estimates that the facilities within Building 1 when fully operational would generate:
- 43 inbound and 43 outbound vehicular trips during the weekday PM peak.
 - 47 inbound and 47 outbound vehicular trips during the W/E peak.
- 6.6.14 To address potential operational traffic impacts from the increase in traffic generation, the EIS (updated by the SRtS) includes an Operational Management Plan (OPM), which confirms the management of the car parks, pick-up/drop-off facility and hours of operation. In addition, the Applicant confirmed:

- SGS would continue to transport students to/from the site by coach during school times.
- pick-up/drop-off would be directed to the new facility at Building 1 which has been designed to accommodate the identified demand.
- on weekends, sports events would be staggered and 102 car parking spaces are sufficient to accommodate peak parking demand, which includes pre/post game car park demand overlap (discussed later).
- the EIS includes a green travel plan (GTP) framework that sets out a structure for future surveys and initiatives for implementation as part of a detailed GTP.

6.6.15 Based on the completed development, the background traffic volume, and incorporating the predicted traffic generation of the White City Redevelopment, the TIA provided SIDRA analysis of the peak hour intersection performance for identified intersections, summarised in **Table 11**.

Table 11 | Intersection performance Level of Service (LoS) (Source: Applicant's EIS 2020)

Intersection	Day / Peak	Period	LoS	Avg Delay (seconds)
Neild Ave / New South Head Road	Weekday PM peak	Existing	B	18.2
		Proposed	B	19.4
	Weekend peak	Existing	A	18.2
		Proposed	B	19.4
Boundary St / Lawson St / Neild Ave	Weekday PM peak	Existing	A	10.1
		Proposed	A	13.4
	Weekend peak	Existing	A	8.0
		Proposed	A	10.9
Lawson St / Vialoux Ave / Goodhope St	Weekday PM peak	Existing	A	11.2
		Proposed	A	11.8
	Weekend peak	Existing	A	10.6
		Proposed	A	11.3
Alma St / Lawson St	Weekday PM peak	Existing	A	6.8
		Proposed	A	8.2
	Weekend peak	Existing	A	6.9
		Proposed	A	8.0
Glenmore Rd / Lawson St	Weekday PM peak	Existing	A	7.3
		Proposed	A	8.0
	Weekend peak	Existing	A	7.2
		Proposed	A	7.4
Cascade St / Hampden St / Glenmore St	Weekday PM peak	Existing	A	13.1
		Proposed	A	13.8
	Weekend peak	Existing	A	11.8
		Proposed	A	12.1
Mona Rd / New South Head Rd	Weekday PM peak	Existing	B	16.5
		Proposed	B	17.3
	Weekend peak	Existing	A	7.5
		Proposed	A	8.1
Glenmore St / New South Head Rd	Weekday PM peak	Existing	B	17.3
		Proposed	B	17.3
	Weekend peak	Existing	B	22.4
		Proposed	B	22.4

6.6.16 As shown above, the TIA concludes the proposal would not have any adverse impacts on the operation of nearby intersections. In particular, the development would cause only minor increases to approach delays at each of the intersections modelled, and only one reduction in the Level of Service (LoS), from LoS A to LoS B at Neild Avenue / New South Head Road intersection during the W/E peak.

6.6.17 The TIA did not indicate that there were any planned upgrades of road infrastructure in the vicinity of the site by Council or TfNSW or as a result of this application.

Submissions and Applicant's response

6.6.18 Following EIS exhibition, concern was raised in public submissions and in Council's submission about the traffic impact of the proposal noting:

- traffic calculations include inconsistencies and do not incorporate demand associated with potential basketball functions and overlapping parking demand associated with the start/end of sporting events.
- the application states the community would not have access to Building 2, clarification of parking arrangements associated with community use of facilities should be provided.
- the GTP approaches and initiatives are generally supported, however the GTP should include more quantifiable targets for students and staff, strategies, and an implementation plan.

6.6.19 In addition to the above comments, Council recommended a deferred commencement condition requiring a Local Area Traffic Management Plan (LATM), to be funded and implemented by the Applicant, to address safety of pedestrian movements. Council also recommended conditions requiring the preparation of a GTP and clarifying that no consent is granted for any increase in student population.

6.6.20 TfNSW did not provide comments on operational traffic, but recommended a GTP be prepared and implemented including management strategies, initiatives and monitoring and review processes.

6.6.21 In response to the comments provided, the Applicant's RtS clarified 'basketball functions' are infrequently held and only for winning teams, therefore players and spectators from earlier games do not stay for functions and result in increased parking demand (overlap).

6.6.22 The RtS stated that it was disputed that there were any inconsistencies with the TIA and the calculations and parking demand figures presented are accurate and still apply. In addition, the application includes an OPM, which confirms the community use of facilities would be managed by via agreements with SGS, limited to local groups within walking distance of the site, and organisations that can provide coach/bus transportation.

6.6.23 The Applicant confirmed it would accept conditions requiring the preparation and implementation of a GTP, and this is best prepared after determination, in consultation with relevant stakeholders and based on the final operation of the development. In addition, it was confirmed that consultation has commenced with Council about the preparation of a LATM.

6.6.24 Council considered the RtS and agreed the GTP can be prepared closer to the time of implementation, and the LATM should upgrade the two existing pedestrian crossings at Neild

Avenue and Lawson Street and install speed reduction facilities (e.g. speed table) between the existing Neild Avenue speed table and the Neild Avenue / Boundary Street intersection.

6.6.25 Additionally, the Department requested the Applicant update the TIA to include further information on trip generation and parking associated with the existing use of the Weigall sports grounds.

6.6.26 In response to a request from the Department, the Applicant's SRtS clarified that:

- despite the removal of tennis facilities from the site, the traffic modelling has not deducted the overall existing (28) trips associated with the Weigall sports grounds (including tennis use) and these existing trips are included in the modelling
- the proposed Weigall Sports Complex is expected to generate its maximum parking demand on 14 event Saturdays during summer only. On those days, the car park has been designed to accommodate the car parking requirements of all players and visitors associated with the sports complex. On these 14 peak event days, there would generally be no change to the existing demand for on-street parking
- players and visitors associated with cricket on the Weigall sports grounds would continue parking and pick-up/drop-off within Little Weigall car park and surrounding roads. Due to the displacement of tennis facilities, the on-street parking demand generated by the Weigall sports grounds is expected to be reduced
- on any other day of the year, the proposed Building 2 car park and the Building 1 pick-up/drop-off facility is anticipated to have a spare capacity. Therefore, vehicles associated with the use of the broader Weigall sports grounds could use these facilities and reduce demand on surrounding streets.

Department's consideration

6.6.27 The Department has reviewed the Applicant's TIA and matters raised in submissions. Based on the conclusions of the TIA, as well as Council's and TfNSW's comments, which raised no concerns regarding traffic generation, the Department is satisfied that the traffic generated by the proposed development can be accommodated in the local road network. In particular, the Department notes:

- the increase in vehicle movements during peak periods is minor in the context of the surrounding road network, would only result in minor additional delays at the identified intersections, and all intersection would continue to operate at acceptable LoS.
- appropriate sustainable travel measures would be supported through the implementation of a GTP, which may result in additional reductions to traffic impacts on the surrounding road network by encouraging a reduction in private car usage and increase in active / public transport use.
- implementation of the LATM would ensure appropriate ongoing operation and pedestrian safety. This can be finalised prior to the occupation of the buildings (rather than deferred commencement).
- reasonable mitigation measures are proposed including new pick-up/drop-off and car parking facilities, implementation of the OPM, staggering of sports events, and continued operation of bus/coach services.

6.6.28 Overall, the Department concludes the operational traffic impacts can be appropriately managed and mitigated subject to conditions requiring the preparation and implementation of a GTP and LATM.

Building 1 pick-up/drop-off facility

6.6.29 Building 1 includes a vehicle driveway and vehicle turn around area accessed off Neild Avenue, providing for an on-site pick-up/drop-off zone capable of accommodating six vehicles queuing on the site (**Figure 45**).

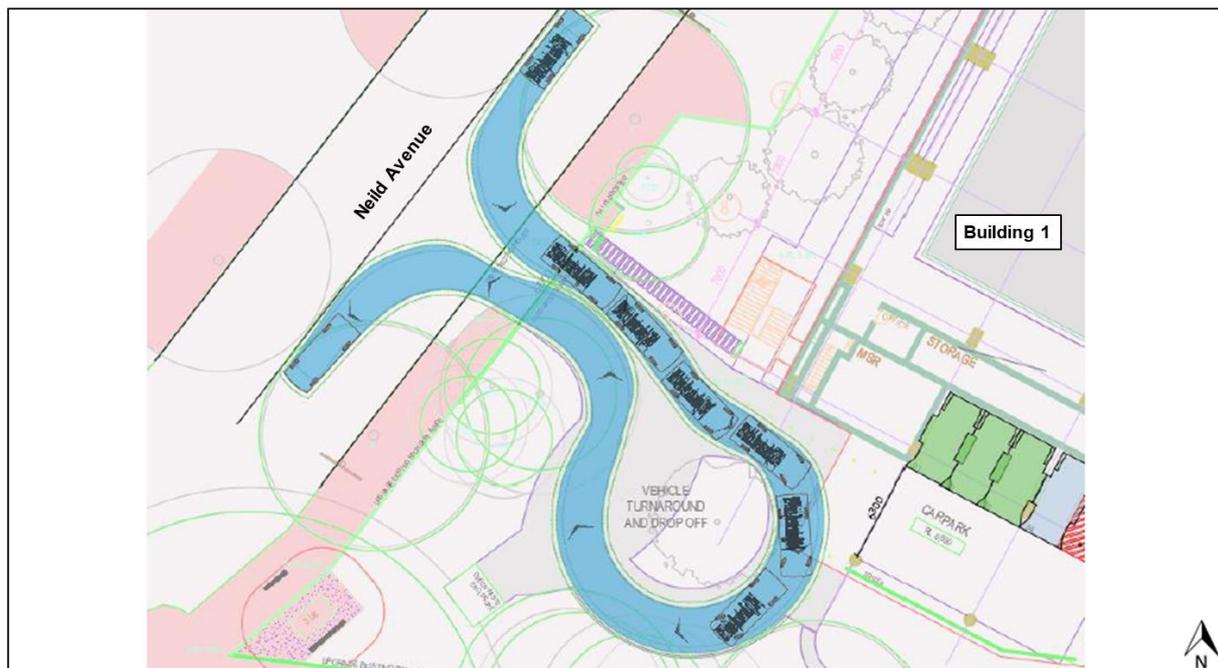


Figure 45 | Building 1 proposed pick-up/drop-off vehicle queuing arrangements (Source: Applicant's EIS 2020)

6.6.30 The TIA indicates that students travelling to and from the site via private vehicles would be directed to the proposed Building 1 pick-up/drop-off facility.

6.6.31 A probability distribution analysis was undertaken to calculate the required number of pick-up/drop-off spaces to accommodate demand, adopting the assumptions that pick-up/drop-off operation occurs within a 30 minute time period, 60 seconds service time, 1.2 to 1.5 person occupancy rate, and 120 seconds for pick-up. In addition, during the week it was predicted that 40% of students depart using SGS buses, and 50% of remaining students would get picked up. On the weekend it was predicted that approximately 20% of students would be dropped off and picked up.

6.6.32 Based on the predicted traffic generation and assumptions, the analysis indicates that there would be demand for approximately:

- 38 vehicles during the before school period (i.e. outside the weekday AM peak).
- 48 vehicles during the after school period (i.e. including the weekday PM peak).
- 26 vehicles on Saturdays (i.e. including the weekend peak).

6.6.33 Based on the analysis, a total of six pick-up/drop-off spaces are required to accommodate the maximum demand pick-up/drop-off demand (48 vehicles during weekday PM peak). The TIA

notes the vehicle turn around area provides adequate capacity and has been designed to accommodate six vehicles on-site at once to prevent queues developing on Neild Avenue.

Submissions and Applicant's response

- 6.6.34 Council confirmed it agreed with the Applicant's pick-up/drop off modelling assumptions. However, Council requested the Applicant provide quantifiable queuing analysis to demonstrate the facility can accommodate the 98th percentile queue at peak traffic levels and prevent vehicles queuing onto Neild Avenue. In addition, an Operational Transport Management Plan (OTMP) should be provided in accordance with the WDCP requirements.
- 6.6.35 In response to Council's comments, the Applicant provided an updated distribution analysis and concluded over the 30 minute period there would be no queue (95th percentile) and a queue probability of only 6.45%. In addition, extending the pick-up period to a more realistic 45-minute period reduces the queue probability to 0.81%. The Applicant agreed to the preparation and implementation of an OTMP.
- 6.6.36 Council considered the Applicant's RtS, and confirmed the pick-up/drop-off arrangements are satisfactory, and agreed that the detailed OTMP could be formulated nearer to the time of implementation and recommended a condition in this regard.
- 6.6.37 In response to a request by the Department regarding the weekend use of the facility, the Applicant's SRtS has confirmed that during the weekend peak period the proposed sports complex would generate a pick-up/drop-off demand of up to four vehicles, and therefore has spare capacity (two spaces) within the proposed facility.

Department's consideration

- 6.6.38 The Department has reviewed the proposed Building 1 pick-up/drop-off facility and considers that the proposed area is acceptable and provides for sufficient on-site vehicle queuing capacity to accommodate the peak predicted pick-up/drop-off demand generated.
- 6.6.39 The Department recognises if not managed appropriately, the pick-up/drop-off facility may result in traffic congestion on surrounding streets and conflict between pedestrians and vehicles on the site. Accordingly, the Department has recommended conditions requiring the preparation and implementation of a OTMP, in accordance with Council's requirements, prior to the first use of the pick-up/drop-off facilities.
- 6.6.40 The Department concludes that implementation of the OTMP and the LATM ensure the safe access / movements within the site and minimise impacts on the local roads due to any unexpected queuing.

SGS Edgecliff pick-up/drop-off facility

- 6.6.41 SGS Edgecliff is currently provided an on-street pick-up/drop-off zone at the eastern side of Alma Street, which allows for a vehicle parking and queue capacity of approximately seven spaces. The TIA observations confirm the existing facility is insufficient in accommodating existing school demand and vehicles currently queue along Alma Street and back onto adjoining streets.
- 6.6.42 To address this existing issue (unrelated to the operation of the facilities within current proposal), the application proposes to re-direct vehicles for the SGS Edgecliff pick-up/drop-off zone into, and circulate within, the ground floor car park of Building 2. This new arrangement

would increase queuing length by approximately 135m or approximately 22 vehicles (**Figure 46**).

- 6.6.43 The TIA concludes the proposed amendment would provide a broader community benefit by mitigating existing queuing, improve the Alma Street / Lawson Street intersection performance during school pick-up times, and improve the experience of residents currently impacted by queuing.



Figure 46 | Revised SGS Edgecliff pick-up/drop-off vehicle queuing arrangements (Source: Applicant's EIS)

- 6.6.44 The Department notes a number of public submissions refer to existing traffic problems in the surrounding area being associated with the SGS Edgecliff vehicle queuing arrangements.

- 6.6.45 Consequently, the Department supports the proposed internalisation of vehicle queuing into the school site, and notes this would address traffic issues associated with the existing operation of SGS, which is of public benefit.

- 6.6.46 To ensure appropriate management of this facility, the Department recommends a condition requiring the OTMP include details of the management and operation of the pick-up/drop-off queuing arrangements within Building 2 catering to SGS Edgecliff.

Car and bus parking

- 6.6.47 The site includes eight surface car parking spaces to the west of the existing multi-purpose / tennis courts and accessed from the Neild Avenue entrance. A bus zone capable of accommodating two buses is located on the eastern side of Neild Avenue to the north of the site and currently used by SGS (**Figure 4**).

- 6.6.48 Neither the WDCP nor the *RMS Guide to Traffic Generating Developments* set out specific car or bus parking rates applicable to the proposal. The WDCP requires 1 accessible space per 100 spaces and 1 motorcycle space per 10 car parking spaces.
- 6.6.49 Based on the traffic demand analysis (**paragraph 6.6.13**), the TIA stated parking demand throughout the weekdays would be generated by staff and the analysis indicates that up to 15 car parking spaces would be required. During the weekends, the parking demand is generated by spectators and players and has been determined to be 102 parking spaces in summer and 78 in winter, allowing for overlap at pre/post game times.
- 6.6.50 The proposal includes the removal of the eight existing surface car parking spaces and provides 102 car and six motorcycle parking spaces divided between Buildings 1 and 2:
- five covered surface car parking spaces adjacent to the southern elevation of Building 1.
 - 93 car and six motorcycle parking spaces within Building 2 and four car parking spaces adjacent to the southern elevation of Building 2.
 - two accessible and three 'small car spaces' within the 102 car spaces.
- 6.6.51 The TIA stated that the provision of six (rather than 10) motorcycle spaces is appropriate as players would need to carry equipment to the site and would be accompanied by parents / friends. Therefore, it is unlikely that many attendees would come to the site by motorcycle.
- 6.6.52 The TIA confirmed the school would continue to use the two existing Neild Avenue bus bays, and predicts the development would need to transport 172 students (up to 3 buses) before school, 234 students (up to 5 buses) during school, and 403 students (up to 7 buses) after school. To ensure no more than two buses are parked at the bus zone at any one time, the TIA confirms the following mitigation measures would be implemented:
- staggered bus pick-up/drop-off.
 - hired buses by SGS with increased capacity.

Submissions and Applicant's response

- 6.6.53 Concern was raised in public submissions that the proposal includes insufficient car parking, and the proposed intensification of use would increase pressure on existing on-street car parking spaces.
- 6.6.54 Council did not object to the parking provision, and stated that small car parking spaces must not exceed 5% of the overall number of parking spaces, and accessible parking should comply with the requirements of the Building Code of Australia (BCA). TfNSW did not comment on the car parking provision.
- 6.6.55 In response to the concerns raised, the Applicant's RtS stated, in the absence of parking controls, the car parking rate is based on detailed predicted traffic generation calculations and reflects the future parking need of the development. Three 'small car space' equates to 3% of the overall parking provision, and the two accessible spaces comply with BCA requirements.
- 6.6.56 Council considered the Applicant's RtS, and confirmed the maximum parking demand on weekdays and weekends can be accommodated by the proposed parking arrangements, and the small and accessible car parking spaces are acceptable. Council recommended conditions requiring parking be limited to the maximum proposed, designed in accordance with Australian Standards and operated in accordance with the OTMP.

Department's consideration

- 6.6.57 The Department notes the Applicant's justification that the proposed number of car and motorcycle parking spaces is based on traffic generation calculations that are considered justified. In addition, neither Council or TfNSW have raised concerns about car parking provision / impact.
- 6.6.58 The Department supports car and motorcycle parking spaces within the site and considers they are likely to accommodate staff and visitor parking demand within the site and reduce unreasonable impacts on the locality. The Department concludes the proposed car parking is appropriate for the development and would not result in the need for staff / visitors to rely on surrounding on-street parking.
- 6.6.59 To address the limitation of bus bays (two spaces), the Applicant would implement staggered game times and/or hire larger buses to pick-up/drop-off students at the site. The Department notes Council has not raised concerns with this aspect of the proposal, and considers, subject to the implementation of the mitigation measures, the two bus bays would be sufficient to accommodate the school's need.
- 6.6.60 To ensure appropriate design and operation of the car parking areas, the Department has recommended conditions requiring the:
- layout of the proposed car parking spaces be designed in accordance with relevant Australian Standards, and accessible parking spaces comply with BCA requirements
 - OTMP be updated to include proposed bus parking mitigation measures.

Construction traffic and parking

- 6.6.61 The EIS included preliminary Construction Traffic Management Plan (CTMP), Demolition and Construction Waste Management Plan, and Construction Management Plan (CMP). These preliminary plans aim to minimise the impact of construction vehicle traffic on the overall operation of the road network and ensure the safe and efficient movement for both the public and construction workers.
- 6.6.62 The plans confirm that works are proposed to be carried out between the hours of 7am to 6pm Monday to Friday (noisy works limited to between 8am to 5pm Monday to Friday) and 8am to 1pm Saturday. All construction vehicles would undertake loading/unloading within the site and the size of largest vehicle servicing the demolition/construction would be 8.8m medium-rigid vehicle (MRV). Construction vehicles for:
- Building 1 would enter the site via Vialoux Avenue and exit onto Neild Avenue.
 - Building 2 would enter the site via Vialoux Avenue and exit onto Alma Street.
- 6.6.63 The Demolition and Construction Waste Management Plan confirms the development would remove approximately 10,000m³ soil and 1221m³ demolition waste from the site.
- 6.6.64 A swept path analysis provided in the CTMP confirmed the key intersections near the site could accommodate the movements of a 8.8m MRV. The proposed construction vehicle arrival and departure routes are shown in **Figure 47**.

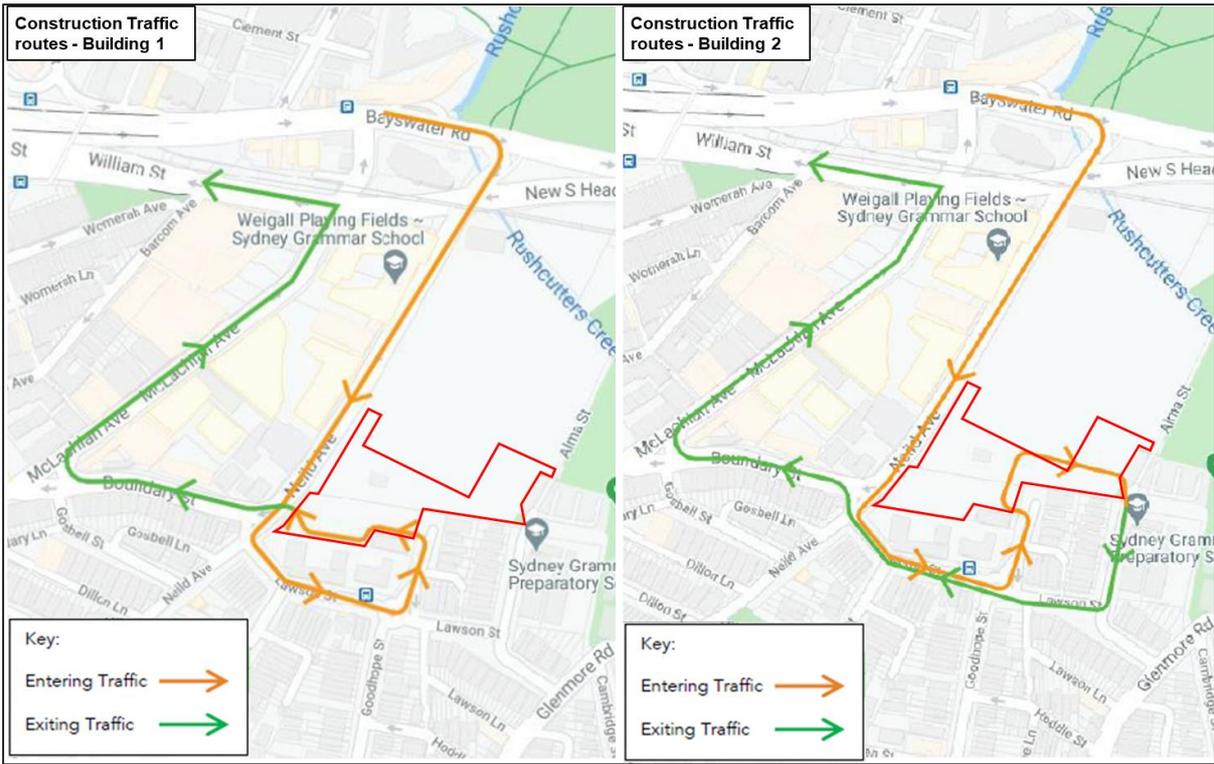


Figure 47 | Building 1 and 2 construction vehicle routes (8.8m MRV) (Source: Applicant's EIS 2020)

6.6.65 Pedestrian and cycle access would be maintained throughout construction with no changes to existing public transport operations. Site access from Vialoux Avenue would require the temporary removal of one on-site car parking bay and prevent the end of Vialoux Avenue being used for informal on-street car parking (**Figure 48**).



Figure 48 | Temporary removal of one car parking space and between five and three informal parking spaces on Vialoux Avenue (Source: Applicant's EIS 2020)

6.6.66 The CTMP and Waste Management Plan state there would be an average of 50 workers on site, and a maximum of 80 workers at any given time. No on-site parking is proposed for construction workers and the use of on-street parking in the vicinity of the site would be

discouraged. Workers would therefore be encouraged to make use of public transport and car-pool where practicable.

Submissions and Applicant's response

- 6.6.67 Public submissions raised concerns in relation to construction vehicles using the surrounding roads, the impact of construction workers using on-street parking spaces, and the removal of six car parking spaces on Vialoux Avenue.
- 6.6.68 Council stated construction vehicle manoeuvres would be restricted by the relatively narrow entrance to Vialoux Avenue and parked cars. Council recommended the Applicant liaise with the developers of White City Redevelopment to address cumulative construction impacts, restrict construction traffic during school opening/closing times on school days, install a no parking zone in front of the Vialoux Avenue construction access point, and prepare a final CTMP. TfNSW did not provide any comments in relation to construction traffic impacts.
- 6.6.69 In response to the concerns raised about the removal of car parking on Vialoux Avenue, the Applicant's RtS stated the impact on Vialoux Avenue car parking would be investigated when preparing the final CTMP. In addition the Applicant stated, subject to further assessment, it may be possible to retain two of the five informal parking spaces at the end of Vialoux Avenue. The Applicant agreed to update the final CTMP to address Council's recommendations.
- 6.6.70 Following its review of the RtS, the Department requested greater clarity about the manoeuvrability of construction trucks to safely and successfully navigate the left turn into Vialoux Avenue, predicted duration of construction works, and construction traffic generation.
- 6.6.71 In response, the Applicant's SRtS included updated indicative MRV swept path analysis (**Figure 49**).



Figure 49 | Swept path analysis for construction trucks entering Vialoux Avenue from Lawson Street (Source: Applicant's SRtS 2021)

- 6.6.72 The Applicant confirmed construction timing and predicted traffic generation as:

- bulk excavation and demolition stage – 6 to 8 weeks, maximum of 40 trucks per day (minimal impact on intersection performance).
- construction stage – Building 1 approximately 24 months, Building 2 approximately eight months, maximum of 10 trucks per day (negligible impact on intersection performance).

Department's consideration

6.6.73 The Department accepts the findings of the CTMP which considered construction traffic volumes would have minimal disruption on the surrounding road network. The Department notes pedestrian access would be maintained during construction, and there would be no significant impact on public transport operations.

6.6.74 The Department acknowledges concerns raised in public submissions in relation to the impact on existing on-street car parking. However, the Department notes this impact would be for a temporary period during the construction phase. In addition, the Applicant confirmed two of the five informal parking spaces on Vialoux Avenue may be able to be retained following finalisation of the CTMP. The Department concludes the impact on on-street parking is temporary, minor in nature, and therefore acceptable.

6.6.75 The Department has considered the Applicant's SRtS and indicative construction swept path analysis for trucks entering Vialoux Avenue. The analysis indicates an MRV can turn left into Vialoux Avenue, subject to minor overhang of the central road island. Notwithstanding, the Department is concerned the manoeuvre is extremely tight, and may conflict with parked cars or require multiple point-turns, which may disrupt traffic and result in road safety issues.

6.6.76 To manage and mitigate the construction traffic impacts, the Department has recommended conditions requiring the preparation of a:

- detailed CTMP, to be submitted to the Planning Secretary for approval prior to the commencement of construction, to ensure road safety and network efficiency is maintained and subject to:
 - clarification of the ability of construction vehicles to successfully access Vialoux Avenue and in the event this is not possible provide details of alternative construction entry point.
 - retention of two existing informal car parking spaces at the end of Vialoux Avenue
 - consultation with Council and TfNSW and inclusions of Council's recommended amendments (**paragraph 6.6.68**).
- Construction Worker Transport Strategy (CWTS), detailing the provision of sufficient parking facilities, or other travel arrangements for construction workers, to minimise the demand for parking in nearby residential streets
- Driver Code of Conduct, to minimise road traffic noise, and ensure drivers use only the approved construction traffic routes.

6.6.77 On balance, the Department is satisfied that construction traffic and parking impacts can be managed and mitigated, subject to recommended conditions including preparation of a CTMP, CWTS and Driver Code of Conduct.

6.7 Other issues

6.7.1 The Department's consideration of other issues is provided at **Table 12**.

Table 12 | Department's assessment of other issues

Issue	Findings	Department's consideration
<p>Community use of pool facilities</p>	<ul style="list-style-type: none"> As summarised in Section 2, both pools within Building 1 would be available for limited community use. The community access would be limited to external organisations and not be open to public access by individuals from the local community. Concern was raised in public submissions that as the pool facilities would not be open to the public or the local community, the application does not provide for adequate public or general benefit, only benefit to the private school. Council requested the Applicant provide additional clarification of the community use of the facilities. The Applicant stated that community use is restricted to organisations, rather than individuals, as it enables better management of the SGS duty of care to students and prevents wider environmental impacts (e.g. traffic, parking and noise). The Applicant's RtS and SRtS updated the OPM to clarify the operation and management of community use. Council considered the RtS and confirmed it supports proposed community use of the pool facilities, subject to operation in accordance with the Applicant's updated OPM. 	<ul style="list-style-type: none"> The Department notes resident's concern that the proposed new facilities would not allow for general public access. However, the Department considers limiting access to organisations is acceptable in this instance as: <ul style="list-style-type: none"> access is at the Applicant's discretion and dependent on when the facilities are not needed by the school for normal operations four existing public pools (Andrew Boy Charlton, Cook+Phillip, Prince Alfred Park and Murray Rose) are within 1.5km and 2km from the site providing access for organisations (schools, tertiary establishments, sport associations and the like) is understandable, and still represents some public benefit. The Department has recommended a condition requiring the community use be undertaken in accordance with the OPM.
<p>Hours of operation</p>	<ul style="list-style-type: none"> The Applicant proposes to use the facilities in accordance with the hours of operation, and extended hours of operation summarised at Table 2, Figure 15 and Section 2. Only community use is proposed within the extended hours of operation. Concern was raised in public submissions about the impact of the use of the facilities out of school hours. 	<ul style="list-style-type: none"> The Department considers the hours of operation are acceptable as: <ul style="list-style-type: none"> SGS use would be generally in accordance with the existing Weigall sports grounds hours of operation the NAR has demonstrated operational noise impacts can be managed and includes mitigation measures (Section 6.3).

Issue	Findings	Department's consideration
	<ul style="list-style-type: none"> • The Applicant has stated the OPM provides operational management and mitigation measures and traffic and noise mitigation measures ensure amenity impacts are addressed. • In addition, organisations using the facilities would be required to arrive at the site either by walking or by coach. Car parking / pick-up/drop-off access would not be provided. • Council have not raised any specific concerns regarding the community use. 	<ul style="list-style-type: none"> ○ the TIA demonstrated the predicted traffic generation associated with SGS use would not have an adverse impact on the local road network and parking and pick-up/drop-off facilities are adequate to meet peak demands. ○ community organisations using the facilities would be required to access the site by walking or coaches only and not have access to parking facilities (Section 6.2). ○ the Department has recommended conditions requiring the implementation of the OPM and OTMP to address traffic impacts in relation to community use. • The Department concludes the proposed hours of operation are acceptable, subject to the implementation of the OPM, OTMP and the NAR mitigation measures.
<p>Landscaping</p>	<ul style="list-style-type: none"> • The proposal includes hard and soft landscaping summarised at Section 2 and shown at Figure 10, Figure 12 and Figure 43. • Concern was raised in public submissions that insufficient landscaping has been provided around the buildings. • Council and City of Sydney did not object to the proposed landscaping and recommended conditions relating to landscape management. • The Applicant confirms the landscaping forms a key part of the design of the proposal. In particular, Building 1 is surrounded by tree and shrub planting and Building 2 includes vertical green walls to all sides. 	<ul style="list-style-type: none"> • The Department notes landscaping forms part of the overall design and composition of the development. • The Department considers the proposed landscaping is acceptable for the site/development as: <ul style="list-style-type: none"> ○ extensive planting (trees, shrubs and ground covers) are proposed within the setbacks of Buildings 1 and 2 from adjoining properties to the south. ○ vertical planting is proposed around Building 2, which would screen the car park structure and soften its appearance. ○ hard and soft landscaping is provided along Neild Avenue and between Buildings 1 and 2, which ensures these spaces are integrated into the overall design of the development, Neild Avenue and adjoining Weigall sports grounds. ○ the trees proposed to be removed would be replaced with 42 new trees (Section 6.5) and the Department has recommended the

Issue	Findings	Department's consideration
		<p>Applicant explore options to retain additional trees along the Neild Avenue frontage.</p> <ul style="list-style-type: none"> The Department is satisfied that, subject to the recommended conditions, the proposed landscaping is acceptable and recommends Council's and City of Sydney's suggested conditions relating to landscape management.
<p>Paddington Greenway Corridor</p>	<ul style="list-style-type: none"> Concern was raised in public submissions, and initially by Council and the City of Sydney, that the proposal has not considered its relationship and potential impact on the Paddington Greenway (Section 2.6). In response to the concerns raised, the Applicant provided an updated Architectural Design Report, which considered the location of the Paddington Greenway and its relationship to the proposal. Council considered the RtS and recommended a condition ensuring public access through the Weigall sports grounds is not impeded. 	<ul style="list-style-type: none"> The Department notes that at its closest point (Building 2), the site is located approximately 120m south-west of the proposed Paddington Greenway corridor. Given its distance from the site, the Department considers the proposal would not have an adverse impact on, or jeopardise, the potential future provision of the Paddington Greenway corridor. The Department has recommended Council's public access condition.
<p>Open space</p>	<ul style="list-style-type: none"> The Weigall sports grounds cover an area of 49,900m² and comprises: <ul style="list-style-type: none"> 44,800m² open space consisting of grassed fields and landscaping 5100m² built infrastructure including courts, cricket nets, spectator stands and car parking. Concern was raised in the public submissions that the proposal would result in the adverse loss of Weigall sports ground open space. The Applicant has confirmed the proposal would result in the reduction of 1600m² open space. 	<ul style="list-style-type: none"> The Department notes the proposed 1600m² reduction represents 3.6% of the total Weigall sports grounds open space area. The Department considers the proposed reduction in open space is acceptable as: <ul style="list-style-type: none"> it is minor in the context of the overall site. the new sports facilities represent a significant benefit to SGS and allow for use by community organisations. the reduction is limited to informal grassed areas and would not result in the reduction in the number or size of existing sports fields.
<p>Archaeology</p>	<ul style="list-style-type: none"> The application includes an ACHA and a HIS. These reports consider the site's potential to contain archaeological remains and potential Aboriginal cultural heritage impacts. 	<ul style="list-style-type: none"> Although both reports indicate the potential for archaeological finds is limited, the Department accepts Heritage NSW ACH and Heritage NSW's recommendation that the an

Issue	Findings	Department's consideration
	<ul style="list-style-type: none"> The ACHA and HIS conclude that due to the amount of site disturbance, the site has a low potential for intact in-situ Aboriginal and non-Aboriginal archaeological deposits. The ACHA includes recommendations to manage any unexpected archaeological finds and provides a framework for monitoring activities. Heritage NSW ACH confirmed the site has a low potential to impact on Aboriginal cultural heritage. Heritage NSW ACH recommended the ACHA be updated to correct inconsistencies and a condition be imposed requiring an unexpected finds protocol and an Aboriginal Heritage Management Plan prior to construction commencing. Heritage NSW confirmed the site has a low potential to impact on non-Aboriginal archaeological remains and recommended a condition requiring the preparation and implementation of an unexpected finds protocol. Council did not raise any concerns about archaeology and recommended standard archaeological conditions. In response to the comments provided, the Applicant updated the ACHA. 	<p>Aboriginal Heritage Management Plan and unexpected finds protocol be prepared and implemented. The Department has recommended conditions accordingly.</p> <ul style="list-style-type: none"> The Department has also recommended Council's standards conditions to ensure appropriate management and mitigation measures are in place during construction.
<p>Heritage interpretation</p>	<ul style="list-style-type: none"> Concern was raised in a public submission that the development should incorporate Aboriginal heritage interpretation. Council recommended the Applicant prepare a Heritage Interpretation Strategy (HIS) relating to the former use of the site as a market garden and sports fields. The Applicant has agreed to Council's recommended condition. The Applicant's ACHA confirmed that Aboriginal heritage interpretation is one way to connect to contemporary experience of students and the public with the Aboriginal cultural values associated with the Paddington/Rushcutters Bay area. However, it does not recommend the preparation of a HIS. 	<ul style="list-style-type: none"> The Department agrees with the submission that the proposal should incorporate Aboriginal heritage interpretation. The Department notes Council's HIS condition relates specifically to non-Aboriginal heritage. In addition the ACHA acknowledges the potential benefits of Aboriginal heritage interpretation. The Department supports Council's HIS condition, and recommends the condition be revised to encapsulate both Aboriginal and non-Aboriginal heritage interpretation.

Issue	Findings	Department's consideration
Flooding	<ul style="list-style-type: none"> • As summarised in Section 2.3, the Flood Report confirms: <ul style="list-style-type: none"> ○ Building 1 is classified as a sensitive development for flood planning purposes, and its finished floor level has been designed to be at or above the PMF (6.9m AHD) at all locations where waters could enter the building. ○ Building 2 has been designed to be a minimum of 300mm freeboard to the 1% AEP (4.3m AHD). • The report concludes although there would be a redistribution of flooding as water moves around Building 1, the impact is local and overall the development would have a negligible impact on surrounding properties. • Concern was raised in public submissions about the potential flood impacts of the development. • Council raised no objection to flood impacts subject to conditions requiring the building being constructed in accordance with the WDCP design requirements. 	<ul style="list-style-type: none"> • The Department notes Building 1 has been designed so that its finished floor level is above the height of the PMF. This ensures the sensitive component of the development would not be adversely impacted by the most extreme flooding events. • The Department accepts the findings of the Flood Report, which concludes the buildings would be designed to address flood impacts and would have negligible flood impact on adjoining properties. • The Department has recommended a condition requiring the development to be design and built in accordance with the WDCP flood design requirements. • Subject to the above condition, the Department concludes the proposal would not have any adverse flooding impacts.
Stormwater and drainage infrastructure	<ul style="list-style-type: none"> • As summarised in Section 2.3, the application proposes to: <ul style="list-style-type: none"> ○ create new pit, pipe and on-site detention tank infrastructure. ○ deviate Council's existing stormwater and sewer pipes around the footprint of Building 1. • Concern was raised in public submissions that the development requires appropriate drainage infrastructure. • Council raised no objection to drainage and stormwater management, or the deviation of its infrastructure, subject to conditions requiring the preparation of a stormwater management plan, works-as-executed plans, and drainage reserve. • Sydney Water recommended the proposal be amended so that all buildings and structure are at least 1m away from Sydney Water's stormwater channel that crosses the site. 	<ul style="list-style-type: none"> • The Department accepts the findings of the Civil and Stormwater Report, which conclude the proposal would be provided with appropriate stormwater and drainage infrastructure. • The Department agrees that Council's conditions are necessary and appropriate and recommends them accordingly. • The Department recommends the Applicant work with Sydney Water regarding any adjustments or alterations to its assets, as part of the separate Section 73 Application process.

Issue	Findings	Department's consideration
	<ul style="list-style-type: none"> The Applicant has agreed to Council's recommended drainage and stormwater management conditions. In addition, the Applicant clarified that, at its closest, Building 1 would be located 4m away from Sydney Water's assets. Sydney Water considered the RtS and confirmed the details provided have addressed its concern. 	
Other construction impacts	<ul style="list-style-type: none"> Concern was raised in public submissions about potential construction impacts in particular air quality and dust impacts on adjoining properties. The Application includes a sediment, erosion and dust control report, which consider proposed measures to inhibit the movement of sediment and dust from the site during the demolition and construction phase. The report recommends mitigation measures including cleaning of trucks before exit, securing of loads on construction vehicles, boundary silt fencing, filter bales, water sprays to suppress dust, and site cleaning. 	<ul style="list-style-type: none"> The Department notes the site is located within an established inner city environment and in this context, it is likely that some construction impacts are unavoidable. To address air quality impacts, the Department recommends the preparation of a Construction Environmental Management Plan, including air quality and waste management assessments and a communications strategy. The Department concludes subject to the implementation of the Construction Management Plan, ICNG standard hours of construction, the CNVMP and the CTMP, construction impacts can be appropriately managed and mitigated in accordance with standard practice for development sites in urban areas.
Contamination	<ul style="list-style-type: none"> The EIS included a Preliminary Site Contamination Investigation (PSI), Detailed Site Investigation (DSI), Remedial Action Plan (RAP) and Hazardous Material Survey (HMS). The PSI and DSI identify that the site was previously used as market gardens prior to its purchase by SGS in 1907 and subsequently used for recreational purposes. The PSI and DSI included a review of historical data, aerial photography and EPA public registers, undertook laboratory testing and data analysis investigations of soils (including 18 boreholes and three ground water monitoring wells) and identified: 	<ul style="list-style-type: none"> The Department has reviewed the PSI, DSI and RAP and considers that the site would be suitable for the development, subject to implementation of RAP recommendations. The Department has recommended a condition requiring the Applicant to submit a Site Audit Statement to confirm that the site has been appropriately remediated, prior to commencement of operation. The Department considers it appropriate that an unexpected contamination procedure is in place to manage any unexpected contamination during construction works.

Issue	Findings	Department's consideration
	<ul style="list-style-type: none"> ○ certain chemicals (heavy metals including lead, total recoverable hydrocarbons, polycyclic aromatic hydrocarbons and benzo(a)pyrene) on the site and contained within fill/soil material. ○ the fill material in numerous area of the site as dark brown/black with anthropogenic inclusions of ash, slag and charcoal. ○ concentrations of arsenic in groundwaters. ● The DSI confirmed the: <ul style="list-style-type: none"> ○ lead and aesthetic impacts identified in the fill profile requires remediation / management in order to make the site suitable for the proposed use. ○ concentrations of arsenic in groundwaters is indicative of the urban environment within the geological setting of the site, and not an unacceptable risk to future on-site receptors. ● The DSI concluded that a RAP (including unexpected finds protocol) should be prepared and implemented to guide the remediation and validation of the site to enable the site to be considered suitable for its proposed use. ● The Application includes a RAP in response to the recommendations of the DSI and states: <ul style="list-style-type: none"> ○ the preferred remedial strategy is excavation and off-site disposal of lead impacted soil and removal of excavated material from the site to a lawful waste facility. ○ fill with anthropogenic inclusions (ash, slag and charcoal) are not suitable for use at the site surface and will need to be placed below pavements or covered as part of the development. ○ the risks during construction associated with contaminated land should be managed via a Construction Environmental 	<ul style="list-style-type: none"> ● The Department supports the imposition of Council's recommended hazardous materials conditions that have been agreed with the Applicant. ● The Department is satisfied that the site can be made suitable for the development and the application is consistent with State Environmental Planning Policy No. 55 – Remediation of Land, subject to the implementation of the above recommended conditions and the submission of Site Audit Statement.

Issue	Findings	Department's consideration
	<p>Management Plan, Work Health and Safety Management Plan.</p> <ul style="list-style-type: none"> ○ following the completion of the remediation activities, a validation report should be prepared to demonstrate the successful validation of the site and suitability for the intended use. ● The EPA confirmed the proposal does not require an environmental protection licence under the POEO Act and does not propose activities that the EPA is the regulatory authority for. ● Council recommended conditions relating to hazardous materials management and waste classification. ● The Applicant has agreed to Council's suggested conditions relating to the management of hazardous materials. 	
Acid sulfate soils	<ul style="list-style-type: none"> ● The site is classified as Class 3 and 5 acid sulfate soils land under the WLEP. ● Council recommended an Acid Sulfate Soils Management Plan be prepared and waste disposal should occur in accordance with relevant guidelines. City of Sydney recommended a similar condition. ● In response to the comments raised, the Applicant's RtS included an Acid Sulfate Soils Management Plan and agreed to Council's waste disposal condition. ● Council recommended conditions relating to the Acid Sulfate Soils and waste disposal. 	<ul style="list-style-type: none"> ● The Department notes the site is potentially affected by acid sulfate soils. ● However, the Department considers if such soils are encountered during the construction phase, they can be appropriately managed subject to the implementation of the management plan recommendations. ● The Department has recommended conditions requiring the implementation of the Acid Sulfate Soils Management Plan and Council's suggested waste disposal condition agreed with the Applicant.
Lighting	<ul style="list-style-type: none"> ● The Application includes a Lighting Report, which considers the impact of lighting and potential light spill resulting from the development. Internal, landscaping and security lighting are also proposed. ● Concern was raised in public submissions that the proposal may result in adverse light spill on neighbouring residential properties. ● Council recommended a condition relating to outdoor sports field lighting. City of Sydney Council recommended 	<ul style="list-style-type: none"> ● The Department notes that the existing multi-purpose / tennis courts and cricket nets within the site do not include external lighting. ● The Department considers the Lighting Report adequately considered the proposal's potential lighting impacts. ● The Department considers the proposal would not result in adverse lighting impacts, noting lighting would be designed/installed in accordance with the relevant Australian Standards, and proposed mitigation measures

Issue	Findings	Department's consideration
	<p>the Applicant explore opportunities to reduce light spill from the site.</p> <ul style="list-style-type: none"> • In response to comments raised, the RtS included an updated Lighting Report which confirms: <ul style="list-style-type: none"> ○ no sport field lighting forms part of this application. ○ the extent of outdoor lighting is minimal and includes stairs, pedestrian pathways, car parking areas and subtle canopy lighting. All lighting would be in accordance with the relevant Australian Standards. • In addition, light spill would be further minimised through the implementation of mitigation measures including: <ul style="list-style-type: none"> ○ targeted lighting, appropriate light fittings, glare minimisation and no omni-directional lighting. ○ use of lighting control system to automate the timing of lighting and to dim lighting intensity outside peak times (being between 11pm and 6am). ○ the car park roof of Building 2 would include motion sensors and a barrier along the southern boundary to address light spill. • In addition, to limit light spill from the roof of Building 2 the car park, the SRtS updated the OPM confirming the car park would not be used after 9pm (except for nine events per year), and a boom gate and signage would limit car access to the roof after 9pm. 	<p>contained within the Lighting Report would ensure the proposal appropriately manages potential light spill impacts on adjoining residential properties.</p> <ul style="list-style-type: none"> • The Department has recommended conditions requiring lighting comply with the relevant Australian Standards, and the Applicant implement mitigation measures contained within Lighting Report prior to the first use of the development. • The Department also recommends the development be operated in accordance with the OPM.
<p>Substation</p>	<ul style="list-style-type: none"> • The proposal includes the erection of a stand-alone electrical substation at the south-western corner of the site. • Concern was raised in the petition about the substation and potential impact of electromagnetic radiation and noise. • In response to the concern raised, the Applicant provided a report which concluded that the substation would not have an adverse impact as it will be designed and operated in accordance with: 	<ul style="list-style-type: none"> • The Department notes the substation is located approximately 15m away from the closest residential property on the ground floor of 29-33 Lawson Street. In addition, the Department notes it is not uncommon for substations to be safely located within developments, closer to residential properties (sometimes in residential buildings). • The Department is satisfied, subject to the Applicant consulting with Ausgrid that the substation would be designed

Issue	Findings	Department's consideration
	<ul style="list-style-type: none"> ○ the requirements of the Australian Radiation Protection and Nuclear Safety Agency. ○ Ausgrid Network Standard NS174 Environmental Procedures. ○ Noise Policy for Industry and POEO Act, which prohibits the generation of 'offensive noise'. 	<p>and located to meet acceptable standards.</p> <ul style="list-style-type: none"> ● The Department has recommend a condition requiring the Applicant to consult with all utilities providers prior to the construction of any utility works.
Bicycle parking	<ul style="list-style-type: none"> ● The EIS provided 20 bicycle racks for students and visitors adjacent to Building 1 and two bicycle spaces for staff within Building 1. Building 1 includes end of trip facilities for staff. ● Council raised concern the proposal does not include sufficient bicycle parking and should be increased to be consistent with the WDCP requirement of 1 space per 15 visitors (i.e. total of 40 visitor and two staff spaces). ● In response to Council's comments, the Applicant's RtS clarified the 20 visitor bicycle racks are double sided and therefore can accommodate 40 bicycles. ● The SRtS clarified the dedicated end of trip facilities provided for staff in Building 1 include two lockers, a shower and changing cubicle and charging point. ● Council confirmed the proposal complies with the WDCP requirements. 	<ul style="list-style-type: none"> ● The Department notes the Applicant's clarification that the proposal includes a total of 42 spaces (40 for students and two for staff). ● The Department notes the proposal is consistent with the WDCP bicycle parking provision and end of trip requirements and concludes the proposal is acceptable in this regard. ● The Department has recommended a condition that the bicycle parking and end of trip facilities be provided in accordance with the WDCP requirements, prior to the first use of the development.
Reflectivity	<ul style="list-style-type: none"> ● Concern was raised in a public submission that the roof mounted solar panels would reflect sunlight onto apartments on Neild Avenue and Lawson Street. ● In response, the Applicant confirmed it would consider solar panel reflectivity during the future detailed design stage and the following mitigation measures: <ul style="list-style-type: none"> ○ anti-reflective coatings and/or select panels with a rougher surface finish ○ reorienting / changing panel layouts. ○ shielding the panels so they cannot be seen. 	<ul style="list-style-type: none"> ● The Department notes the Applicant has not yet determined the exact location or specifications of the solar panels at this stage and these matters would be considered during the detailed design stage. ● Noting the resident's concerns to ensure the proposal does not have adverse amenity impacts, the Department recommends a condition requiring the proposal ensure the placement and design of the solar panels does not result in unacceptable glare or reflection on neighbouring residential properties.

Issue	Findings	Department's consideration
Signage	<ul style="list-style-type: none"> The application seeks approval for four illuminated business identification signs (see Section 2.5). The Applicant advised the signage would display the school name and crest, three signs would be illuminated by either internal or external lighting aimed at the sign, and would be controlled to turn off illumination after 11pm. The owner of the White City Development site has recommended additional 'give way' and 'stop' signage be installed at the shared vehicle entrance to the site (Building 2) at Alma Street to improve pedestrian safety. In response, the Applicant agreed to the installation of 'give way' and 'stop' signage. In addition, it proposes the removal of existing redundant signage and commits to further consultation to ensure co-ordination of the driveway design. 	<ul style="list-style-type: none"> The Department has assessed the proposed school signs against the provisions of State Environmental Planning Policy 64 – Advertising Signage (Appendix B) and considers the signs are of an appropriate size, which is proportionate to the overall scale of the development. The Department also notes that the proposed illumination would not have adverse light spill impacts as three of the four illuminated signs are directed away from neighbouring properties and the entrance sign on Neild Avenue is approximately 20m away from existing residential properties. The Department considers 10pm to be a more appropriate time for illumination to be turned off in recognition of neighbours and has recommended a condition accordingly. The Department supports the rationalisation and improvement of the directional signage at the Alma Street shared vehicle entrance. The Department recommends a condition requiring the Applicant consult with the owner of the White City Redevelopment site and install the signage prior to the first use of the car parking within Building 2.
Pool exhaust	<ul style="list-style-type: none"> Concern was raised in public submissions that the ventilation of the pool would result in air pollution and impact adjoining residential properties. In its RtS, the Applicant clarified the: <ul style="list-style-type: none"> pool exhaust air would discharge at roof level a minimum of 20m away from the southern site boundary discharge velocity, dispersal and wind patterns ensures exhaust is diluted at the point of discharge chemical treatment of pool water would meet best practice standards, and result in reduced chlorine content in discharged air exhaust 	<ul style="list-style-type: none"> The Department notes the pool exhaust air would discharge at roof level and is located 20m away from the southern boundary (being a minimum of 24.6m away from adjoining residential properties). The Department notes the Applicant's clarification of the operation of the pool exhaust system and is satisfied the proposal would not have an adverse impact on adjoining residential properties in terms of air pollution. The Department recommends a condition requiring the pool exhaust to discharge at roof level and in

Issue	Findings	Department's consideration
	<ul style="list-style-type: none"> ○ all systems would be designed in accordance with Australian Standard 1668.2. 	<p>accordance with the relevant Australian Standards.</p>
<p>Need for additional school facilities</p>	<ul style="list-style-type: none"> ● Concern was raised in the public submissions that existing SGS facilities are sufficient and there is no need for the proposal. ● The Applicant has stated that the SGS College campus cannot accommodate its sport program and relies on external facilities which are limited and logistically difficult to manage. ● The proposal would address these shortfalls and meet sport and physical education needs of SGS. In addition, it would update the SGS sporting facilities, provide all-weather sporting facilities for SGS Edgecliff and accommodate an increased swimming and basketball sport program 	<ul style="list-style-type: none"> ● The Department supports the improvement of the sporting facilities, noting this would benefit current and future students, and the facilities have been designed to accommodate usage by other schools and community organisations. ● The Department has considered the merits of the proposal in Section 6 and concludes it is consistent with strategic planning policy and acceptable subject to conditions.
<p>Development Contributions</p>	<ul style="list-style-type: none"> ● Section 7.12 of the EP&A Act provides for a consent authority to impose, as a condition of development consent, a requirement for the Applicant to pay a fixed levy. ● The Woollahra Section 94A Development Contributions Plan 2011 (Contributions Plan) applies to the site and requires a development contribution levy up to 1% of the CIV of the development. ● Council has recommended a condition requiring the payment of a development contributions in accordance with the Contributions Plan, totalling \$544,000. 	<ul style="list-style-type: none"> ● The Department has recommended a condition requiring the payment of the \$544,000 development contribution.
<p>Consultation</p>	<ul style="list-style-type: none"> ● Concern was raised in public submissions that inadequate public consultation was undertaken. ● The Applicant confirmed that it undertook a range of community and stakeholder engagements prior to the lodging the application (between 17 March and 7 October 2020). ● Community consultation activities included creation of public website, online survey, four separate letter drops 	<ul style="list-style-type: none"> ● The Department exhibited the EIS for total of 37 days (including extension time). The public exhibition period exceeds the minimum 28 day statutory requirement under the EP&A Act (Section 5). ● The Department: <ul style="list-style-type: none"> ○ made the Applicant's RtS and SRtS publicly available and considered all submissions received in its assessment (Section 6).

Issue	Findings	Department's consideration
	<p>to approximately 1000 dwellings, 24/7 phone line and email, 17 meetings with residents and the community, and two community information and feedback sessions.</p>	<ul style="list-style-type: none"> ○ visited the site and conducted meetings with neighbouring residents. ● The Department is satisfied that sufficient community consultation has occurred, and the community has had sufficient opportunity to comment on the proposal.
Determination by Council	<ul style="list-style-type: none"> ● It was recommended in a public submission that the proposal should be determined by Council. 	<ul style="list-style-type: none"> ● As discussed at Section 4.1, the proposal is SSD in accordance with the SRD SEPP. ● The Commission is the consent authority for the application, as more than 50 public submissions have been received objecting to the proposal.
Property values	<ul style="list-style-type: none"> ● Concern was raised in the public submissions that the proposal would have an adverse impact on property values. 	<ul style="list-style-type: none"> ● Matters relating to the private contracts of sale and/or value of properties are not planning matters. ● Objections based on loss of property value are not able to inform the assessment of the application. ● The Department has considered the merits of the proposal at Section 6 and concludes the development is acceptable subject to conditions.
Social Impact	<ul style="list-style-type: none"> ● The application includes a Social Impact Assessment (SIA), which identifies the positive and negative impacts of the proposal, including: <ul style="list-style-type: none"> ○ improved sporting facilities for SGS. ○ community access to facilities and SGS and community collaboration. ○ showcase of local culture and history and local job creation. ○ negative impacts from increase in pedestrian / vehicular movements and construction impacts. ● To address negative social impacts the SIA recommends undertaking community consultation during construction and implement proposed measures relating to parking and pick-up/drop-off facilities, lighting and boundary treatments and community access to the facility. 	<ul style="list-style-type: none"> ● The Department has considered the SIA and agrees the proposal would have positive social impacts as summarised in the SIA. ● The Department notes, as proposed, the proposal would have a disproportionate amenity impact on 8 Vialoux Avenue and this would represent a negative social impact. The Department has sought to address this social impact by recommending the reduction of built form adjacent to 8 Vialoux Avenue (Section 6.3). ● The Department considers the other likely negative social impacts would be appropriately addressed subject to the conditions recommended in this report relating to mitigation of construction impacts and preparation and implementation of operational management plans.

6.8 Summary of Department's consideration of submissions

6.8.1 A summary of the Department's consideration of issues raised in submissions is provided at **Table 13**.

Table 13 | Department's consideration of key issues raised in submissions

Issue Raised	Department's Consideration
Construction impacts	<p>The Department considers subject to the preparation and implementation of a CTMP the construction traffic impacts of the development can be managed / mitigated. The Department has recommended a condition requiring the Applicant to further investigate the ability of vehicles to enter Vialoux Avenue and to retain two of the five existing on-street informal car parking spaces at the end of Vialoux Avenue (Section Error! Reference source not found.).</p> <p>The Department considers that other construction impacts relating to air quality, dust and waste can be satisfactorily managed subject to the implementation of a CEMP including a communications strategy.</p>
Amenity impacts	<p>The Department acknowledges that the proposal would alter existing views, vistas and outlooks from surrounding residential properties. In relation to views the Department has applied the Tenacity Principles to its assessment and concludes the devastating view loss impacts to properties at 8 Vialoux Avenue are unacceptable and has recommended part of Building 1 be amended to address these impacts (Section 6.3). View loss impacts to other nearby residential properties at 12 and 16 Neild Avenue, 29-33 and 25-27 Lawson Street, 24 Alma Street and 9 Vialoux Avenue are significant, but on balance are acceptable.</p> <p>The Department has considered the proposed development against the recommended ADG standards and concludes the development would not result in adverse overshadowing or overlooking of neighbouring residential properties (Section 6.3).</p> <p>To ensure the proposed pool exhaust does not have an adverse air quality impact, the Department has recommended a condition that it discharge at roof level and systems are designed in accordance with relevant Australian Standards (Section 6.6).</p> <p>To ensure the proposal does not result in adverse light spill, the Department has recommended a condition requiring lighting to be designed in accordance with Australian Standards and the Applicant's mitigation measures be implemented prior to the commencement of operation (Section 6.6).</p>
Operational traffic	<p>The Department considers the predicted operational traffic impacts can be accommodated within the existing road network. In addition, the proposed 102 on-site car parking spaces and pick-up/drop-off facilities are sufficient to meet the predicted demand during peak periods.</p> <p>The internalisation of SGS Edgecliff pick-up/drop-off on-street vehicle queuing into the site would address existing operational traffic issues associated with the operation of SGS Edgecliff and represents a significant public benefit.</p>

Issue Raised	Department's Consideration
	<p>The Department has recommended conditions to ensure the operational traffic is appropriately managed through the implementation of the LATM, OPM, OTMP and GTP (Section 6.6).</p>
Noise	<p>The Department considers that the operational noise emissions from the site would not have significant impacts on nearby residential properties, subject to the implementation of management and mitigation measures including erection of acoustic fencing and building materials and implementation of the OPM (Section 6.3).</p> <p>The Department acknowledges that due to the dense urban environment some construction noise impacts would be unavoidable. However, subject to works being undertaken in accordance with the ICNG and a CNVMP the impacts can be managed / mitigated. In addition, the Department has recommended conditions requiring further mitigation measures and processes be implemented to reduce noise emission impacts.</p>
Building location Incl. flooding	<p>The Department is satisfied the development is permissible development on the site and the impacts of the development on the surroundings, having regard to traffic, built form, tree loss and noise are acceptable.</p> <p>The Department has considered the Selection Analysis and the Department concludes the site location is one of the most appropriate locations for the development. In addition, the development is located in a location that is the least flood affected within the Weigall sports grounds (Section 6.2).</p>
Built form	<p>The Department concludes that the devastating view loss impacts to properties at 8 Vialoux Avenue due to Building 1 are unacceptable. Consequently, the Department has recommended that the upper levels of the eastern section of Building 1 (program pool wing) be amended to include additional setbacks to mitigate these impacts (Section 6.3).</p> <p>The Department considers the remaining built form and scale of the proposed buildings are appropriate in the context of the scale of existing surrounding development and respond appropriately to the identified site constraints.</p> <p>The Department considers exceedance of the WLEP height and FSR control for Building 1 is justified, subject to amendments to address view loss impacts. Subject to the amendments, the buildings are of a comparable height to adjoining properties and include stepped height and setbacks. The Department's recommended amendment to the height and scale of Building 1 would further reduce the overall impact of the proposal.</p> <p>The buildings achieve a good standard of design, appearance and materiality. The built form would not result in adverse heritage or visual impacts and would not obscure the WDCP identified significant view along Alma Street.</p> <p>The Department has assessed the details of built form and view loss impacts along with recommended amendments in Sections 6.3 and 6.4.</p>
Loss of trees	<p>The proposal would result in the removal of 20 existing trees. However, none of these trees are identified as highly significant. In addition, the proposal includes 42 replacement trees, which would increase the site's tree canopy cover from 28% to 31.7%.</p>

Issue Raised	Department's Consideration
	<p>The Department has recommended the Applicant explore options to retain three existing trees located along Neild Avenue and protect all trees identified for retention during the construction phase (Section 6.5).</p>
<p>Landscaping and Paddington Greenway Open space</p>	<p>The proposal includes extensive hard and soft landscaping around the proposed buildings. The Department considers the landscaping form an integral part of the overall design of the development and achieves a high standard of design.</p> <p>The proposal would result in the loss of 1600m² of existing open/grassed space. However, this reduction is acceptable as it is limited to informal grassed areas and the proposal includes new sporting school facilities.</p> <p>At its closest point the development would be 120m away from the location Paddington Greenway project. The Department concludes the development would not have an adverse impact on or jeopardise the future delivery of that project (Section 6.7).</p>
<p>Community benefit</p>	<p>The proposed pool facilities would be made available for limited use by local groups, schools and organisations, which represents some public benefit. The Department considers limiting access to organisations is acceptable as access is at the discretion of the Applicant, four existing public pools are within 1.5km to 2km from the site and allowing public access could result in additional adverse amenity impacts from increased movements (Section 6.7).</p>

7 Evaluation

- 7.1.1 The Department has reviewed the EIS, RtS and SRtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Councils. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.
- 7.1.2 The Department, considers that subject to appropriate mitigation of the identified impacts and revisions to Building 1 through recommended conditions to reduce view loss, the proposal can be approved.
- 7.1.3 The development would provide new/upgraded sporting facilities to meet school demand, future growth, and reduce the school's reliance on external facilities. The pools within the complex would be available for use by local groups and organisations.
- 7.1.4 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of Ecological Sustainable Development, and issues raised in submissions. The Department identified traffic and parking, building location, amenity, built form, and trees as key issues for assessment. The Department concludes that:
- in its current form, the siting of Building 1 in its current location would result in unacceptable impacts on the views currently enjoyed by apartments within 8 Vialoux Avenue. Additionally, the Applicant has not satisfactorily explored another potentially viable location of Building 1 within the site.
 - if approved in its current form, the development would have unacceptable impacts on the neighbouring properties at 8 Vialoux, to an extent, that the development's public benefits would be outweighed.
 - the Department has therefore recommended conditions of consent, in consultation with the Applicant, requiring design amendments to the eastern portion of Building 1 (program pool wing) with an intention to improve the overall view loss impacts for the affected apartments.
 - if the recommended design amendments are implemented, it would improve the view impacts as well as the overall amenity that is provided to the apartments within this neighbouring building, without undermining the functionality of the development.
 - while the proposed buildings would not result in unacceptable overshadowing, overlooking, light spill or operational impacts, these amenity impacts would be improved by the recommended amendment of Building 1 in relation to view loss.
 - the proposed variation of the height and floor space ratio controls in the Woollahra Local Environmental Plan 2014 in relation to Building 1 can be accepted, subject to the implementation of the recommended design amendments to Building 1.
 - the development would not result in adverse heritage or visual impacts, and would not obscure a significant view along Alma Street.
 - the majority of the proposed tree removal is considered acceptable subject to the retention of additional trees along the Neild Avenue frontage.
 - the new landscaping works would provide a high standard of design, including satisfactory replacement planting, as well as maintaining and improving the overall existing tree canopy of the site

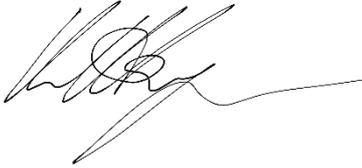
- the road network can accommodate the development, subject to the preparation and implementation of a Green Travel Plan, Operational Plan of Management (OPM), Operational Traffic Management Plan and Local Area Traffic Management Plan.
- sufficient on-site pick-up/drop-off facilities and car parking spaces would be provided to accommodate predicted vehicle queuing demand.
- internalisation of SGS Edgecliff on-street pick-up/drop-off vehicle queuing into the car park building would address existing traffic issues on Alma Street.
- construction traffic can be managed via implementation of a Construction Traffic Management Plan and additional investigations regarding vehicle manoeuvring within Vialoux Avenue.
- operational and construction noise emissions from the site would not have significant amenity impacts, subject to implementation of mitigation and management measures.

- 7.1.5 Subject to the implementation of the recommended condition regarding the design amendment to Building 1, the proposal is assessed as being consistent with the objects of the Environmental Planning & Assessment Act 1979 and consistent with the vision of the Eastern District, as it would provide additional and contemporary school infrastructure on the site of an existing educational establishment to meet the growing needs of Sydney.
- 7.1.6 The application was publicly exhibited between 12 November and 10 December 2020 and extended by an additional eight days until 18 December 2020. The Department received a total of 102 submissions, including 10 submissions from public authorities including comments from Woollahra Council (Council), 88 submissions from the public (including 72 objections) and four submissions from special interest groups (including three objections).
- 7.1.7 The Applicant submitted a RtS including amended proposal on 26 April 2021, which reduced the height of the Building 1 roof enclosure and clarified fencing and glazing details. The RtS and amended proposal were displayed on the Department's website and referred to government agencies following the lodgment. An additional nine submissions were received from public agencies including Council, and two public submissions.
- 7.1.8 On 10 May 2021, the Department held a community engagement meeting with residents of 25-27 and 29-33 Lawson Street. During the meeting Department representatives provided an overview of the proposal and listened to the concerns raised by residents.
- 7.1.9 The Applicant submitted multiple SRtS between June and September, which provided further responses to issues raised in submissions. The SRtS did not amend the proposal.
- 7.1.10 The application is referred to the Independent Planning Commission to determine the application, as more than 50 unique public objections were received during the exhibition of the application.

Prepared by

Aditi Coomar (Team Leader) and Prity Cleary (Senior Planning Officer)

Recommended by:



Karen Harragon
Director
Social and Infrastructure Assessments

Endorsed by:



Erica van den Honert
Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment website as follows:

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/26741>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/26741>
3. Applicant's Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/26741>
4. Applicant's Supplementary Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/26741>
5. Additional submissions from public authorities and all correspondence received after close of exhibition.
[Provided under separate cover.](#)

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- Draft Education SEPP
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Woollahra Local Environmental Plan 2014 (WLEP).

COMPLIANCE WITH CONTROLS

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

The aims of this SEPP are to identify State significant development (SSD) and State significant infrastructure. An assessment of the development against relevant considerations of the SRD SEPP is in **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and b) the development is specified in Schedule 1 or 2.	The proposal is for alterations and additions to an existing school with a CIV in excess of \$20 million, under clause 15(2) of Schedule 1 of the SRD SEPP.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is in **Table B2**.

Table B2 | Consideration of the relevant provisions of the Infrastructure SEPP

Clause(s)	Consideration and comment
84 to 88 Development in or adjacent to rail corridors and interim rail corridors	<p>The Weigall sports grounds northern site boundary adjoins a railway corridor. However, the proposed sports complex and car park are located approximately 220m south and on the opposite side of the school site from the railway corridor. Clauses 84 to 88 of the Infrastructure SEPP are not applicable.</p> <p>Notwithstanding, the Department consulted TfNSW/Sydney Trains, being the relevant rail authority.</p> <p>The Department notes TfNSW did not recommend any conditions relating to the railway corridor.</p>
98 – 104 Development in or adjacent to road corridors and road reservations	<p>Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Notwithstanding, the application was referred to TfNSW.</p>

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

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

The permissibility of the development under clause 35(1)(2) and (3) of the Education SEPP is discussed in **Section 4**.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is SSD even though the development would contravene a development standard imposed by this or any other EPI under which the consent is granted. The application includes justification for contravening the building height and Floor Space Ratio (FSR) development standards. The Department's consideration of the variations to the development standards is addressed in **Section 6.4** and in the following consideration of the Woollahra Local Environmental Plan 2014 (WLEP).

Clause 57 of the Education SEPP requires developments for the enlargement of an existing educational establishment capable of accommodating 50 or more students to be referred to the TfNSW. The Application was referred to TfNSW in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is in **Table B3**.

Table B3 | Consideration of the design quality principles

Design Principles	Response
<p>Principle 1 - Context, built form and landscape</p>	<p>The configuration and siting of the new buildings has regard to the site constraints, particularly flooding, topography, existing trees and adjoining properties, with the exception of the eastern portion of Building 1 (program pool wing).</p> <p>As discussed in Section 6.2, the siting of the Building 1 does not entirely respond to its context. In its current form it would result in unacceptable impacts on the views currently accessed by the neighbours at 8 Vialoux Avenue. The Applicant has not satisfactorily pursued other options for siting the development due to reasons discussed in Section 6.2.</p> <p>Noting the adverse impacts of the Building 1 on the apartments within 8 Vialoux Avenue, the Department has recommended design amendments to the eastern portion of Building 1 (program pool wing). The Department considers that the design amendment, which increase the upper level setbacks of a section of the building immediately adjacent 8 Vialoux Avenue would reduce view impacts on the north facing apartments in 8 Vialoux Avenue. The increased setbacks will also provide increased landscaping opportunities along the southern elevation of this part of the building which will provide improved amenity impacts to additional adjoining buildings along this boundary.</p> <p>The Department notes that Building 1 exceeds the maximum height of buildings and FSR controls in the WLEP. However, subject to the recommended design amendments to Building 1, the Department accepts the non-compliance on merits of the proposal.</p> <p>The remainder of Building 1 (except the eastern portion) and Building 2 respond to their context appropriately and have an acceptable built form impact.</p> <p>The design of the development includes the provision of new landscaping (including 2:1 replacement tree planting), which would establish an appropriate landscaped setting for the new buildings and spaces (Section 6.5).</p>
<p>Principle 2 - Sustainable, efficient and durable</p>	<p>The proposal has been designed with consideration of ESD principles. The Applicant is targeting measures to achieve a 4-Star Green Star rating.</p> <p>Bicycle parking is provided to encourage sustainable modes of travel. Conditions are recommended requiring the preparation and implementation of a GTP prior to the operation of the facilities.</p>
<p>Principle 3 - Accessible and inclusive</p>	<p>The EIS includes an Access Design Assessment Report, which assessed the proposal against the relevant access regulations and concludes the development would comply with the relevant accessibility provisions of the BCA. The report</p>

Design Principles	Response
	<p>confirms that compliance can be achieved by meeting the deemed-to-comply requirements or via a performance-based approach at the detailed design stage.</p>
<p>Principle 4 - Health and Safety</p>	<p>The proposal has considered the Crime Prevention through Environmental Design principles in its design, including clear demarcation and separation of pedestrian and vehicle areas, maximising clear sightlines and lighting for improved surveillance to ensure a high level of safety and security of students, staff and visitors.</p> <p>Building 1 has maximised access to natural light and ventilation, and both buildings are surrounded by landscaping to benefit the health and well-being of students, staff and visitors.</p>
<p>Principle 5 - Amenity</p>	<p>The proposal would not unreasonably impact on the amenity of adjoining residents through operational noise, overshadowing or overlooking, but it would have an unreasonable impact on 8 Vialoux Avenue due to view loss. The impacts and the proposed mitigation are discussed under Principle 1 (Context).</p> <p>Other than the view loss impacts, the design of Building 1 has maximised access to natural light and ventilation and would not result in adverse overlooking of neighbouring properties. The development provides for extensive landscaped areas.</p> <p>The Department has recommended conditions to ensure construction noise and vibration impacts are appropriately managed and mitigated.</p>
<p>Principle 6 - Whole of life, flexible, adaptable</p>	<p>Building 1 includes the creation of multi-purpose courts and pools that are flexible in their design and can be adapted to suit a wide range of uses and changing needs over the long term.</p>
<p>Principle 7 - Aesthetics</p>	<p>Both buildings achieve a good standard of design and appearance, that represent their functionality. The proposed design amendments would result in changes to the appearance of Building 1, but would not undermine the overall appearance of the proposed building.</p> <p>The Department supports the use of materials and modern design of the development. The buildings provide a coherent overall architectural composition and would positively contribute to the surrounding streetscapes.</p> <p>The proposal includes tree retention and replacement planting and extensive hard and soft landscaping treatments. The proposed removal of trees is acceptable subject to investigation of amendments to retain additional trees.</p>

Draft Education SEPP

The Draft Education SEPP would retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and childcare facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the requirements that need to be met for an application to be SSD.

The Department is satisfied that the proposal is consistent with the objectives of the Draft Education SEPP and continues to meet the requirements for SSD in accordance with the EIE.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a contamination assessment and supporting remedial action plan for the site.

As detailed at **Section 6.6**, the Department is satisfied that the site can be made suitable for the proposed use subject to conditions requiring engagement of a site auditor, remediation and validation. In addition, a condition is recommended requiring the preparation of a detailed acid sulphate soils management plan to address any acid sulphate soils encountered within soils beneath the site. Subject to the implementation of conditions, the application is satisfactory with regard to SEPP 55.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

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

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

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes four business identification signs. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B4** demonstrates the consistency of the proposed signage with these assessment criteria.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are contemporary in design, have been integrated into the design of the buildings, are unobtrusive and compatible with the character of the area.	Yes

Assessment Criteria	Comments	Compliance
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline and would not impact the quality of any views or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	Proposed signs would not impact on existing views experienced by others or existing advertising rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs are simple in design, including the school crest and name. The unobtrusive design is appropriate for the development and site.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs is appropriate for the streetscape and setting within which it is proposed.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are of a simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would not protrude above buildings, structures or tree canopies.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required.	Yes
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are of an appropriate scale and proportion for the elevations on which they are located.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal respect important features of the site or building, or both?	The signs are located at the site entrances and at parapet level of the northern elevation of Building 1 and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signs are simple in design, including the school crest and name. The unobtrusive design is considered appropriate for the development and site.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the signs.	Yes
7 Illumination		
Would illumination result in unacceptable glare?	The proposed signage would be internally or externally lit, and not have an adverse impact on the nearby residential properties.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage would be internally or externally lit, and not have an adverse impact on the safety of pedestrians, vehicles or aircraft.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed signage would be internally or externally lit, and not have an adverse impact on the nearby residential properties.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The proposal signage would be subject to a curfew of 10pm. The Department has recommended a condition establishing a	Yes
Is the illumination subject to a curfew?	illumination curfew of 10pm.	
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not reduce pedestrian safety by obscuring sightlines.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. However, it is not located within the 'Foreshores and Waterways Area' and is not identified on the SREP zoning map.

Under clause 12, the planning principles for development within the Sydney Harbour catchment are to be considered in the preparation of EPIs, DCPs, environmental studies and masterplans. The principles are therefore not relevant to the current application.

Notwithstanding, the Department notes the principles relate to achieving development that achieves a high standard of design and has acceptable environmental, visual, heritage and flooding/drainage impacts. The Department considered these issues as part of its assessment (**Section 6**) and concludes the proposal is acceptable subject to conditions.

The Department is satisfied the proposal would not have any significant adverse impact on the Sydney Harbour catchment.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Woollahra Local Environmental Plan 2014 (WLEP)

The WLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Woollahra LGA. The WLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the WLEP and those matters raised by Council in its assessment of the development. Consideration of the relevant clauses of the WLEP is in **Table B5**.

Table B5 | Consideration of the WLEP

Clause	Department Comment/Assessment
Land Use Table – Zone R3 Medium Density – Zone RE2 Private Recreation	Educational establishments are not permissible with consent within either the R3 or RE2 zones. However, proposal is permissible with consent under clause 35(1)(2) and (3) of the Education SEPP (Section 4.2).
Clause 4.3 Building height	The maximum building height for that part of the development within the R3 zone is 10.5m. There are no height controls within the RE2 zone. The proposed maximum building height of Building 1 exceeds the WLEP height control. The Department's assessment of the building height is provided in Section 6.4.
Clause 4.4 Floor space ratio (FSR)	The maximum FSR for the part of the development within the R3 zone is 0.63:1. There are no FSR controls within the RE2 zone.

Clause	Department Comment/Assessment
	The FSR of the part of Building 1 located within the R3 zone is 0.78:1 exceeding the WLEP FSR control by 0.13:1. Notwithstanding, the proposed development achieves the objectives of this control and the proposed height is acceptable (Section 6.4).
Clause 5.10 Heritage conservation	The site is located within the Paddington Conservation Area and is nearby local listed heritage items. The Department considered heritage at Section 6.4 and concludes the proposal would not have an adverse heritage impact.
Clause 6.1 Acid sulfate soils	The site is on land classified as potentially containing acid sulfate soils classes 3 and 5. The application includes an ASSMP in accordance with the requirements of this clause.
Clause 6.2 Earthworks	Earthworks are proposed to facilitate the development. The Department has considered the earthworks and concludes they are acceptable subject to the implantation of the CEMP.
Clause 6.3 Flooding	The site is prone to inundation during flooding events. The Department considered flooding and drainage at Section 6.6 and concludes flooding impacts can be managed and/or mitigated subject to conditions.

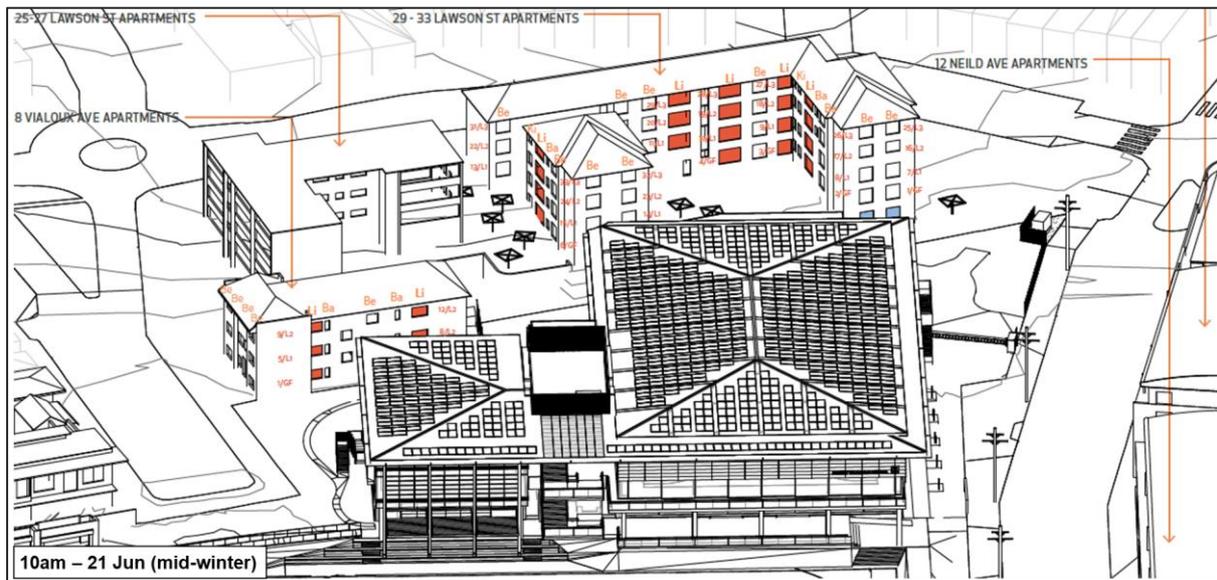
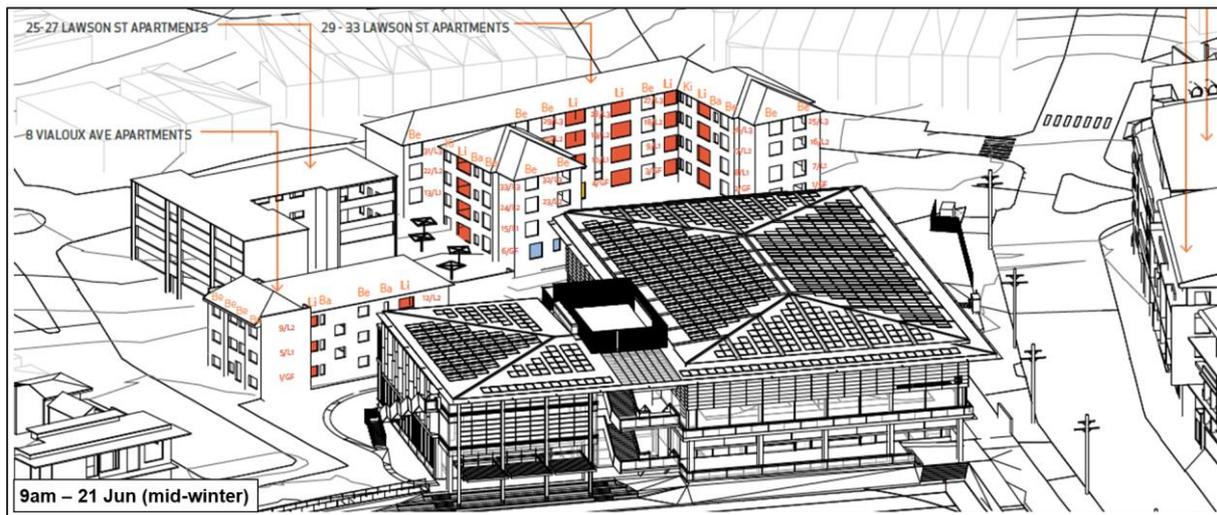
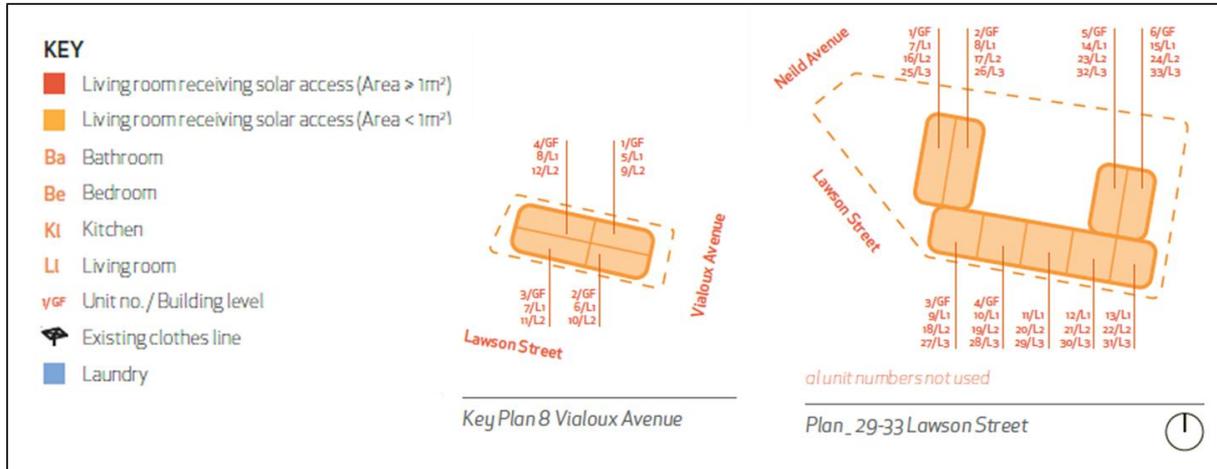
Other policies

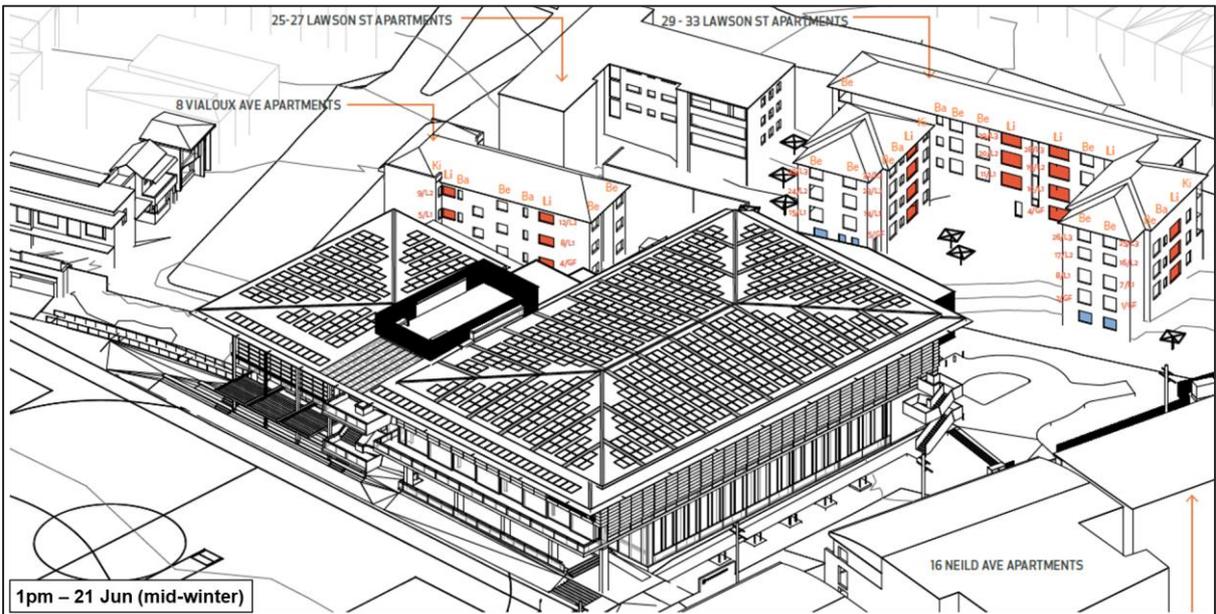
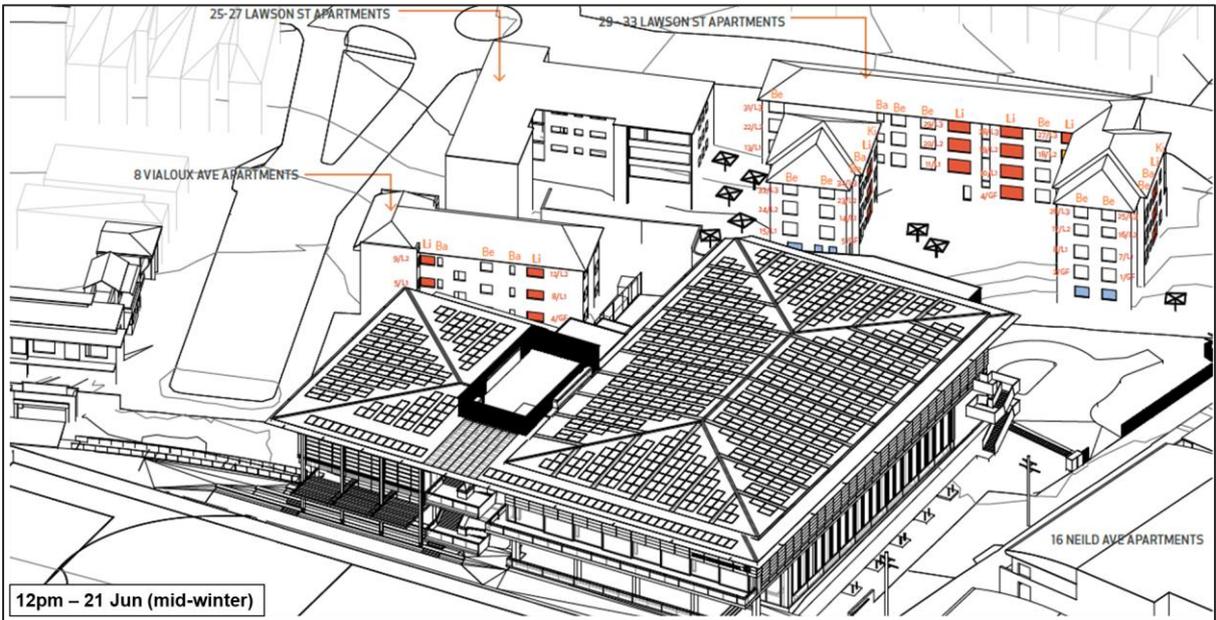
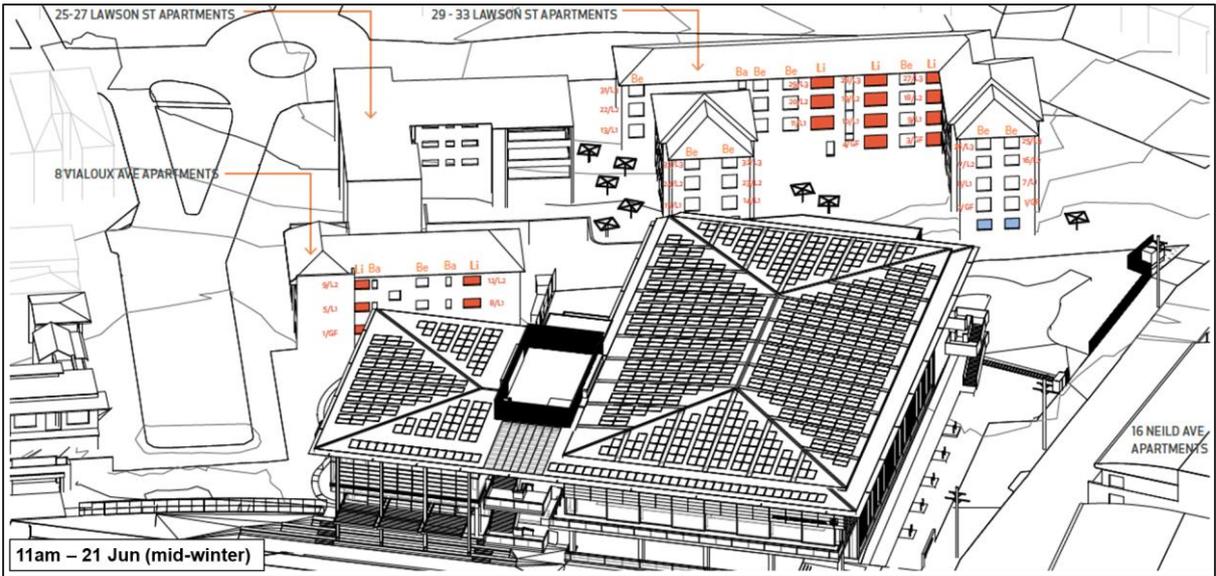
In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development.

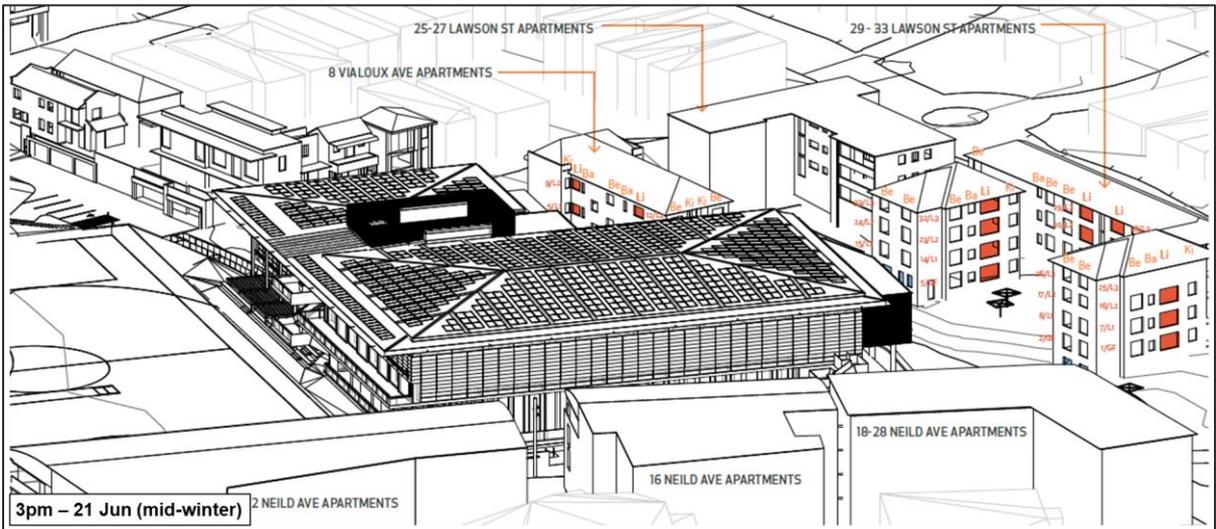
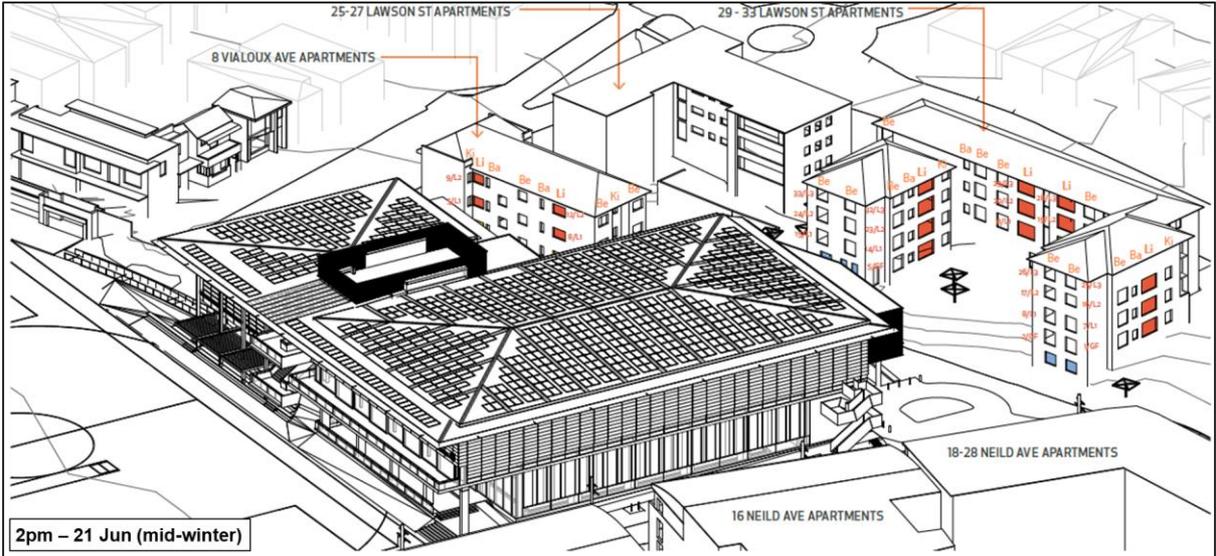
Appendix C – Overshadowing Analysis

The Applicant's overshadowing diagrams, which show the predicted overshadowing impact on the immediately surrounding area (Overshadowing Analysis), are provided below.

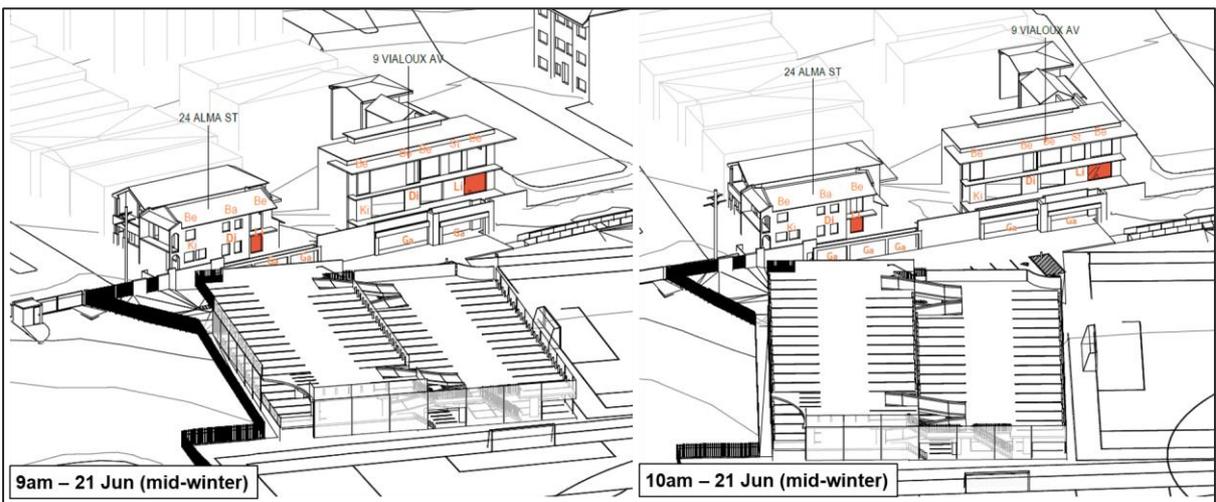
Overshadowing resulting from Building 1

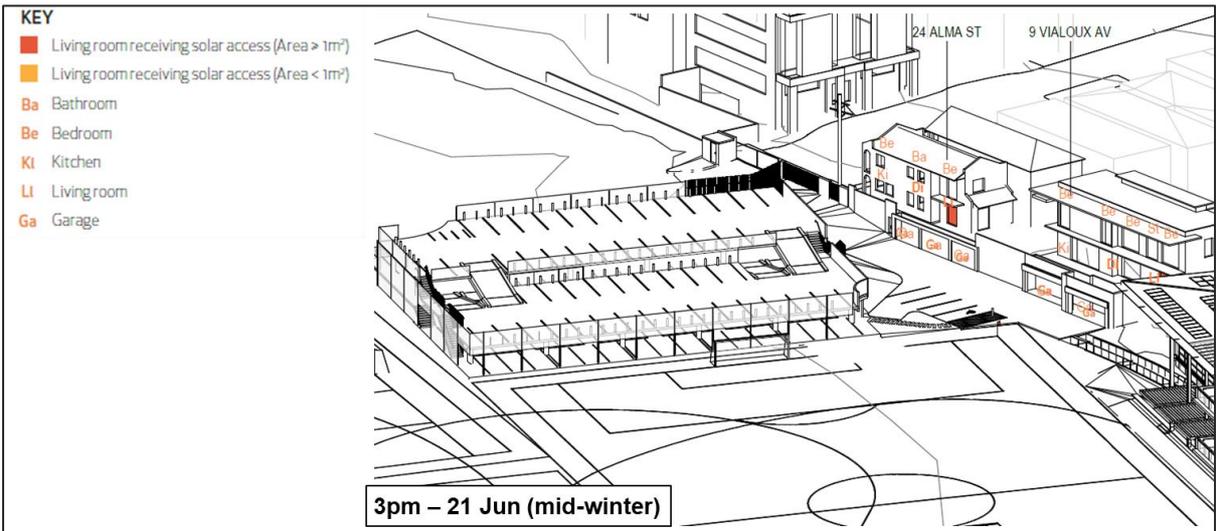
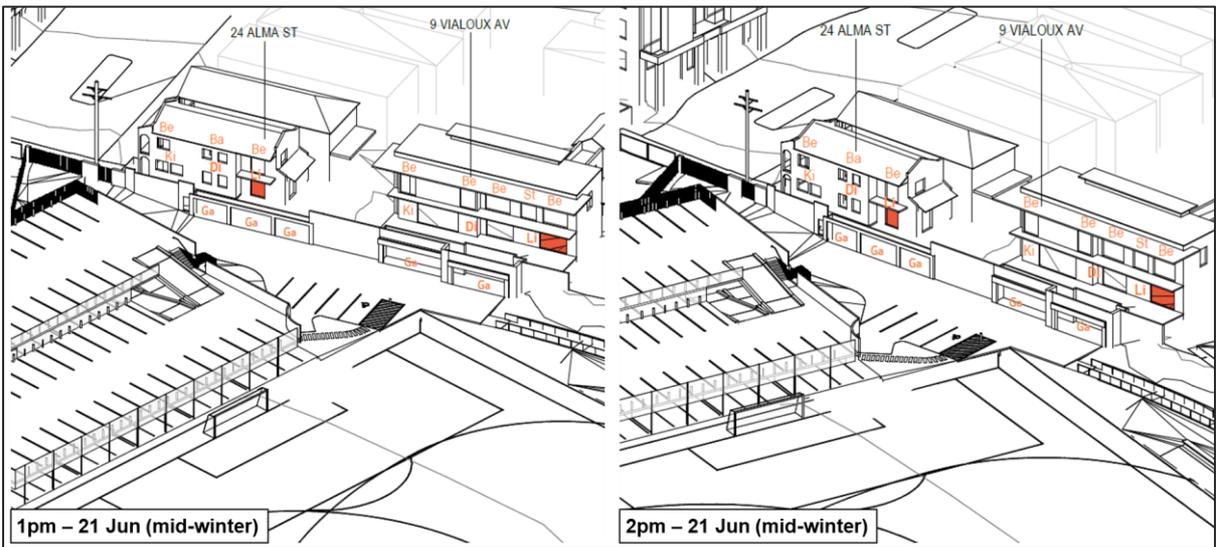






Overshadowing resulting from Building 2





Appendix D – Recommended Instrument of Consent

The recommended instrument of consent can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/project/26741>