



Planning &
Environment

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
*New Education Building at Wenona School
255-265 Miller Street and 6 Elliott Street,
North Sydney
(SSD 6952)***



Secretary's Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

December 2015

ABBREVIATIONS

Applicant	JBA Urban Planning Consultants Pty Ltd (on behalf of Wenona School North Sydney)
CIV	Capital Investment Value
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecological Sustainable Development
LEP	Local Environmental Plan
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PDHPE	Personal Development, Health and Physical Education
Wenona School	Wenona School Ltd North Sydney
Regulation	Environmental Planning and Assessment Regulation 2000
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment, or her delegate/nominee
SEPP	State Environmental Planning Policy
SEARs	Secretary's Environmental Assessment Requirements
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
STEM	Science, Technology, Engineering and Mathematics

Cover Photograph: New Teaching and Learning Building fronting Miller Street (Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report is an assessment of a State significant development (SSD) application lodged by JBA Urban Planning Consultants Pty Ltd (the applicant) on behalf of Wenona School seeking approval for redevelopment and extension of the Wenona School campus at 255-265 Miller Street and 6 Elliott Street, North Sydney.

Known as Project Archimedes, the development involves the demolition of existing buildings and replacing them with a new part six-storey building (three storeys above Miller Street) and new pedestrian bridge crossing Elliott Street. The works also include minor alterations and additions to the existing Miller Street campus building to improve and update the current learning environment and replace obsolete facilities within the school. The redevelopment of the school does not involve any increase in the number of students or staff on the campus. The project has a capital investment value (CIV) of approximately \$35 million.

The proposal is SSD under clause 14 of Schedule 1 to the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is development for the purpose of an educational establishment with a CIV of more than \$30 million. The Minister for Planning is the consent authority. In accordance with the Minister's delegation dated 16 February 2015, the Executive Director, Priority Projects Assessment, can determine the subject application as Council has not objected to the proposal, no political disclosure statement has been made and less than 25 public submissions have been received objecting to the proposal.

The subject site is zoned B4 Mixed Use under North Sydney Local Environmental Plan 2013 (LEP 2013) and educational establishments are permissible in the zone.

The Department publicly exhibited the application from 30 July 2015 until 28 August 2015, and received six submissions from public authorities and four public submissions. Key issues raised in submissions relate to built form including visual amenity and construction impacts.

The applicant submitted a Response to Submissions (RtS) providing additional information in relation to visual amenity, landscaping, car parking arrangements, after hours use of the school facilities, residential impacts and building height.

The Department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the *Environmental Planning and Assessment Act 1979* (the Act) and Ecologically Sustainable Development. The Department has also considered the issues raised in the submissions.

The Department considers the key issues associated with the project to include built form, environmental and residential amenity impacts, noise and vibration, parking and traffic.

The proposal has a maximum height of 13.4 metres, which exceeds the LEP 2013 height control by 3.4 metres. However, the proposed height of the new buildings is comparable to the height of existing buildings on the school site. Furthermore, the interface with adjoining residential development has been adequately addressed in the design of the new built form to minimise amenity impacts on neighbours. The proposal is a high quality development that would have a positive visual relationship to the adjoining streets and locality.

The proposed development will deliver new teaching and learning facilities to replace the existing outdated building stock and create more adaptable classrooms and collaborative learning spaces, with better amenity for students and teachers to improve educational outcomes. The proposal is therefore in the public interest, and is recommended for approval subject to conditions.

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1 BACKGROUND AND PROPOSED DEVELOPMENT

1.1 Background

JBA Urban Planning Consultants Pty Ltd, on behalf of Wenona School, proposes the redevelopment and extension of part of the Wenona School campus at 255-265 Miller Street and 6 Elliott Street, North Sydney.

Wenona School is an all-girls school day and boarding school that caters for students from Kindergarten to Year 12.

1.2 Site Description

The Wenona School is located within the suburb of North Sydney and is comprised of two campuses extending over a number of sites with a total area of 1.7 hectares and (refer to **Figure 1**).

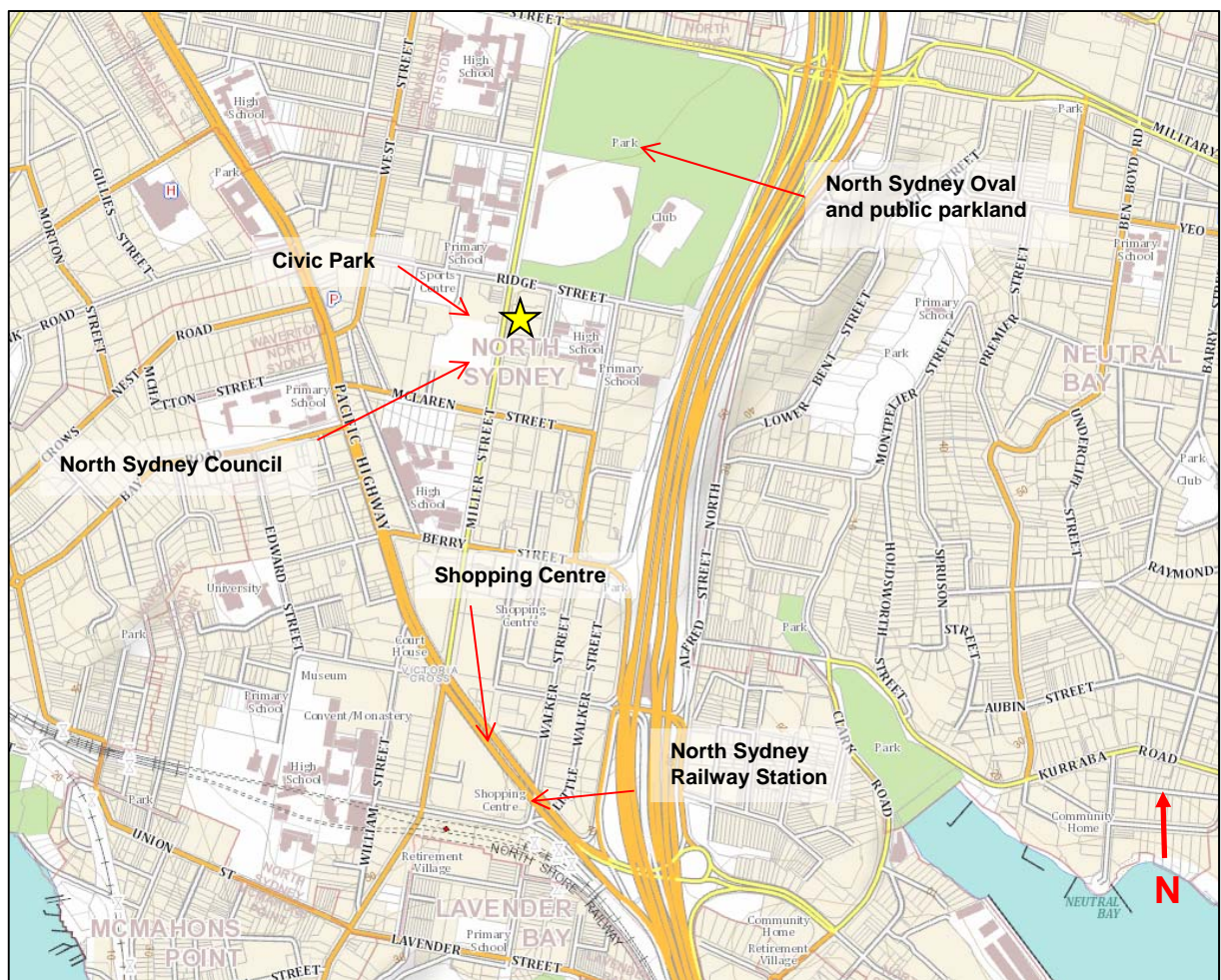


Figure 1: Project Location (Yellow Star)
(Source: SIX Viewer)

The Miller Street campus and the Walker Street campus are shown in **Figure 2**. The majority of development would occur within 255-265 Miller Street and 6 Elliott Street, forming part of an enlarged Miller Street campus located on the western side of Elliot Street running through to Miller Street. An upgraded pedestrian overpass crossing Elliot Street will provide an improved link to the main Walker Street campus which is located east of Elliot Street and is bound by Ridge, Elliot and Walker Streets.

The works to the remainder of the School also include minor works to 176 Walker Street to facilitate a new pedestrian bridge link. The Wenona School buildings affected by this development are illustrated in **Figure 2**.



Figure 2: Wenona School Campus Existing Site Layout and Development Site

(Source: EIS)

The school campus contains older style buildings consisting of various learning spaces and classrooms and infill open space between buildings. The development site is currently occupied by three buildings, referred to as Buildings 1, 2 and 3:

- Building 1 (255 Miller Street): Wenona's existing Miller Street campus, which comprises a combination of several buildings which have been amalgamated and connected internally over time, including a two storey locally heritage listed Federation Arts and Craft House. Building 1 is connected by an air bridge over Elliott Street to the Walker Street Campus to the west.
- Building 2 (263 Miller Street): a former single storey residential building which fronts Miller Street currently being used as a child care facility, with capacity for 50 children; and
- Building 3 (265 Miller Street): three storey building which extends between Miller Street and Elliott Street. The building is currently used for office, administration and teaching purposes.

The building footprints are shown in **Figures 2 and 3**.

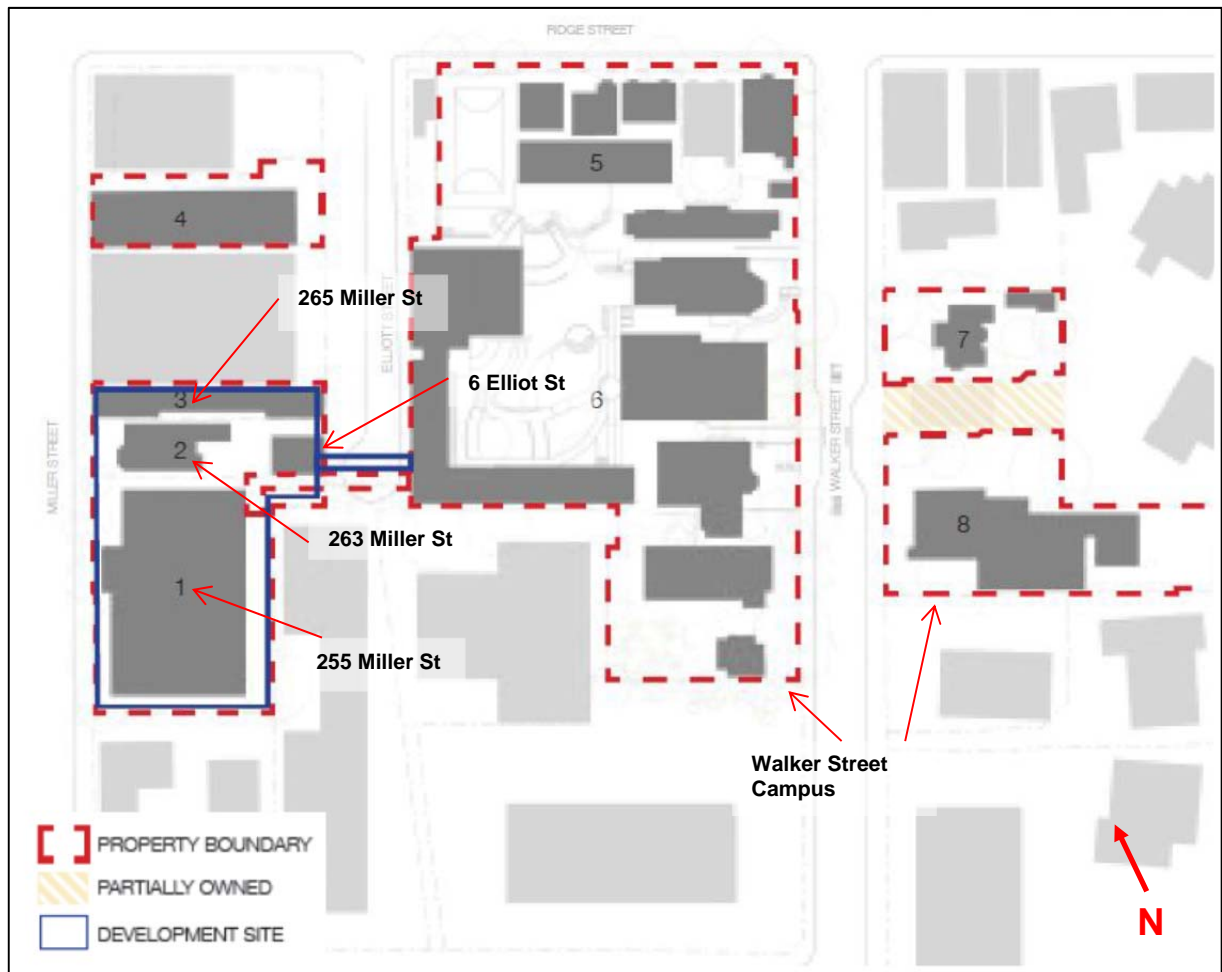


Figure 3: Shows the layout of the footprint of existing Buildings 1, 2 and 3 (numbered) (Source: EIS)

Figure 4 shows the existing buildings as they present to Miller Street.

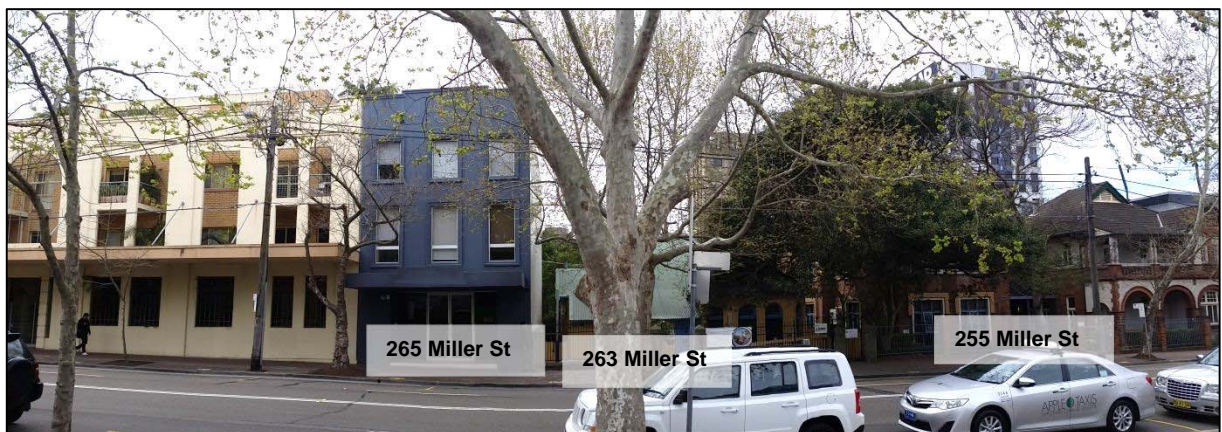


Figure 4: Photo of 265 Miller Street (blue building), 263 (single storey building) and 255 Miller Street (existing campus buildings) (Source: DPE)

There are currently 11 underground car parking spaces provided on the site for staff, with no parking provided for students or visitors (refer **Figure 5**). These spaces are accessed off the site's Elliott Street frontage. Further to the on-site car parking, the school has a number of existing car parking agreements in place with a number of private providers including Aqualand (SAP/Rydgges building) and North Sydney Council (Ridge Street car park).

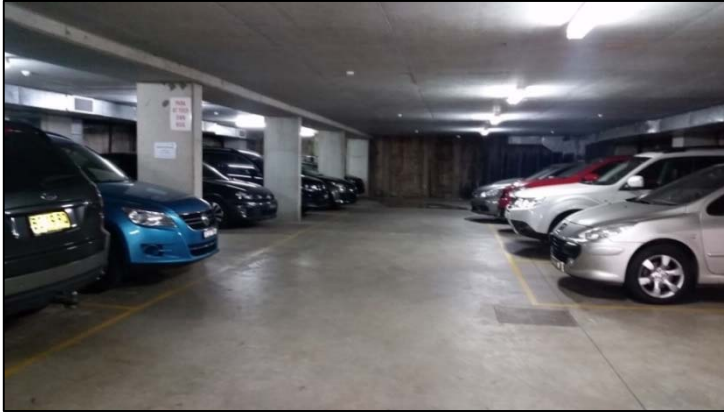


Figure 5: View of the existing Underground Car Park (11 spaces) access off Elliott Street (Source: DPE)

Land adjoining to the north of the subject site contains a seven storey residential apartment building which sits adjacent the northern boundary of Wenona's Building 3 and extends between Miller Street in the west and Elliott Street in the east, as shown in **Figure 6**. To the south-east of the site lies the UnitingCare aged care facility which is situated between Elliott Street and McLaren Street (refer **Figure 7**).



Figure 6: Rear view of the Residential Apartment Building (267 Miller Street) from Elliott Street (Source: EIS)



Figure 7: View of the UnitingCare aged care facility looking north on McLaren Street (Source: EIS)

To the east of the site, on the opposite side of Elliott Street is Wenona's Walker Street campus, as shown in **Figure 8**. Civic Park is located west of the site, on the opposite side of Miller Street, as shown in **Figure 9**. The Rydges Hotel is also located south-east of the site.

An existing pedestrian walkway bridge links the development site which connects both the Miller Street and Walker Street Campus, as shown in **Figure 10**.



Figure 8: View of Walker Street Campus looking east from Elliott Street (Source: EIS)



Figure 9: View of Civic Park looking west from Miller Street (Source: EIS)

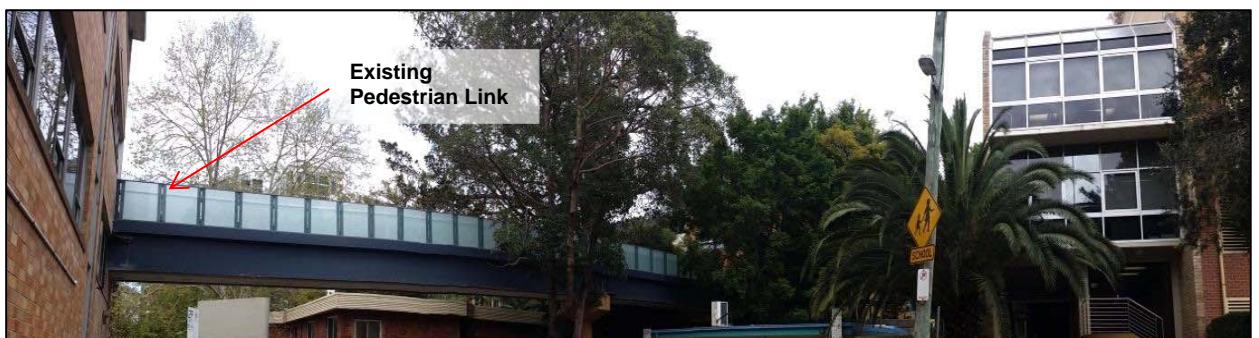


Figure 10: View of existing Pedestrian Bridge Linking Wenona's Miller and Walker Street Campus (Source: DPE)

1.3 Project Description

The proposed SSD application (SSD 6952) seeks approval for redevelopment of part of the Wenona School campus. To facilitate the proposed redevelopment, the proposal involves the demolition of the existing childcare centre at 263 Miller Street, the school administration and classroom building at 265 Miller Street and the existing pedestrian bridge over Elliott Street.

The development includes construction of a new part six storey building (three storeys above Miller Street) to improve and update the current learning environment and replace obsolete facilities within the school. The development includes minor alterations and additions to the existing Miller Street Campus cluster of buildings at 255 Miller Street, including new connections, change rooms, plant and a new lift. No work is proposed to the heritage listed building. The development also includes construction of a new pedestrian overpass linking Wenona's Miller and Walker Street campuses. Eleven basement car parking spaces are proposed to be removed from the Miller Street campus to facilitate the proposal.

Table 1 provides a summary of the development proposal's key components and features.

Table 1: Key Development Components

Development Summary	<ul style="list-style-type: none"> Demolition of: <ul style="list-style-type: none"> the existing childcare centre (former house) at 263 Miller Street; the existing office building at 265 Miller Street; and the existing pedestrian link over Elliott Street. construction of a new part six storey (three storeys above Miller Street) school building containing: <ul style="list-style-type: none"> a 25 metre swimming pool; a separate learn to swim pool; teaching spaces and staff areas for Science, Technology, Engineering and Mathematics (STEM); and teaching spaces for Personal Development, Health and Physical Education (PDHPE – i.e. sport). alterations and additions to the existing Miller Street Campus building at 255 Miller Street, including new connections, conversion of lower ground level car park to change rooms, storage and plant and a new lift; construction of a new pedestrian overpass crossing Elliott Street, replacing the existing bridge and providing an improved link into the main senior campus at 176 Walker Street: <ul style="list-style-type: none"> height of 9.7 metres above Elliott Street at the centre point of the bridge; will be enclosed to provide weather protection; underside of the bridge is a minimum of six metres above Elliott Street; consistent with the architectural features of the proposed building and will incorporate timber and glass elements; and roof to be designed to accommodate solar PV cells. landscaping including new tree plantings and terraces, and make-good works to Elliott Street; installation of the new substation on the site's Miller Street frontage; removal of eight trees; and retention and relocation of existing sandstone pillars and gateposts currently located at the entry of 263 Miller Street.
Site Area	3,337 sqm (representing 263 – 265 Miller Street)
Gross Floor Area	Proposed (additional) – 3,804 sqm
Floor Space Ratio	Existing – 2.07:1 (across all sites) Proposed – 2.75:1 (when calculated on 263-265 Miller Street only)
Height	<i>New Building</i> - 13.4m (Maximum RL 96.8) <i>Alterations to existing building</i> - 14.8m (Maximum RL 95.8)
CIV	\$35 million

The proposed development is not seeking endorsement for an increase in staff or student numbers and the proposed new facilities will not generate any additional external user groups during, before or after school or on the weekends. The school's existing pool (on the Walker Street campus) and gymnasium (at 255 Miller Street) are used during school hours, before and after school hours and on the weekends. The facilities are used for a range of activities including netball, volleyball, gymnastics, water polo and squad training. The proposed development will continue to accommodate this range of activities, however does not seek to change or expand the way the school's current pool and gym are used. In this regard, the existing pool will close when the new facilities are ready for use.

The proposed redevelopment will be delivered as a single project, but in a staged manner that allows for works to be undertaken in order to minimise impacts on the school's operation.

Figures 11 and 12 provide an indicative perspective of the proposed development, while **Figures 13 to 17** show the internal development layout.



Figure 11: Front façade of new building at 263 Miller Street viewing from Miller Street (Source: EIS)



Figure 12: Rear facade of development viewed from Elliott Street, incl. bridge (Source: EIS)

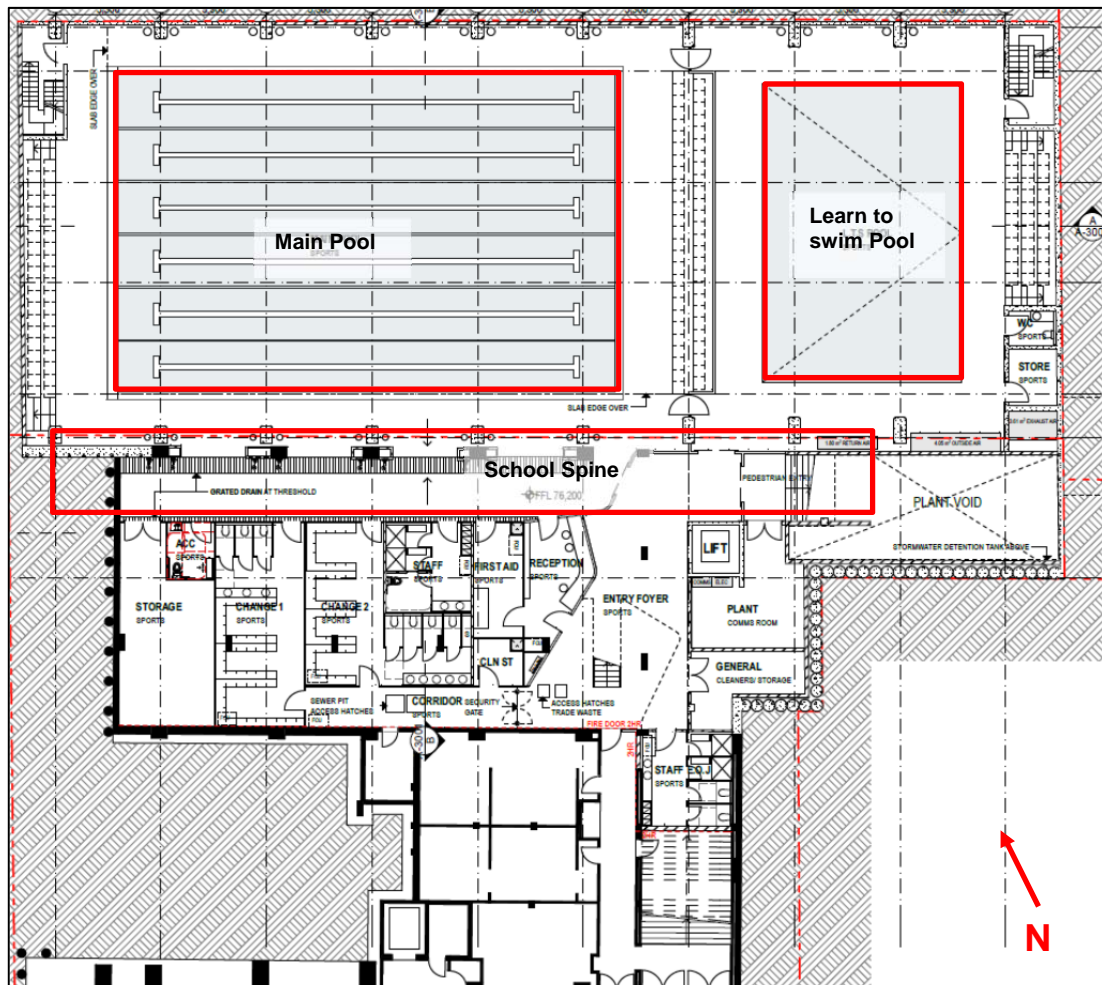


Figure 13: Lower Ground 2 Plan showing main pool and learn to swim pool in new building (Source: EIS)

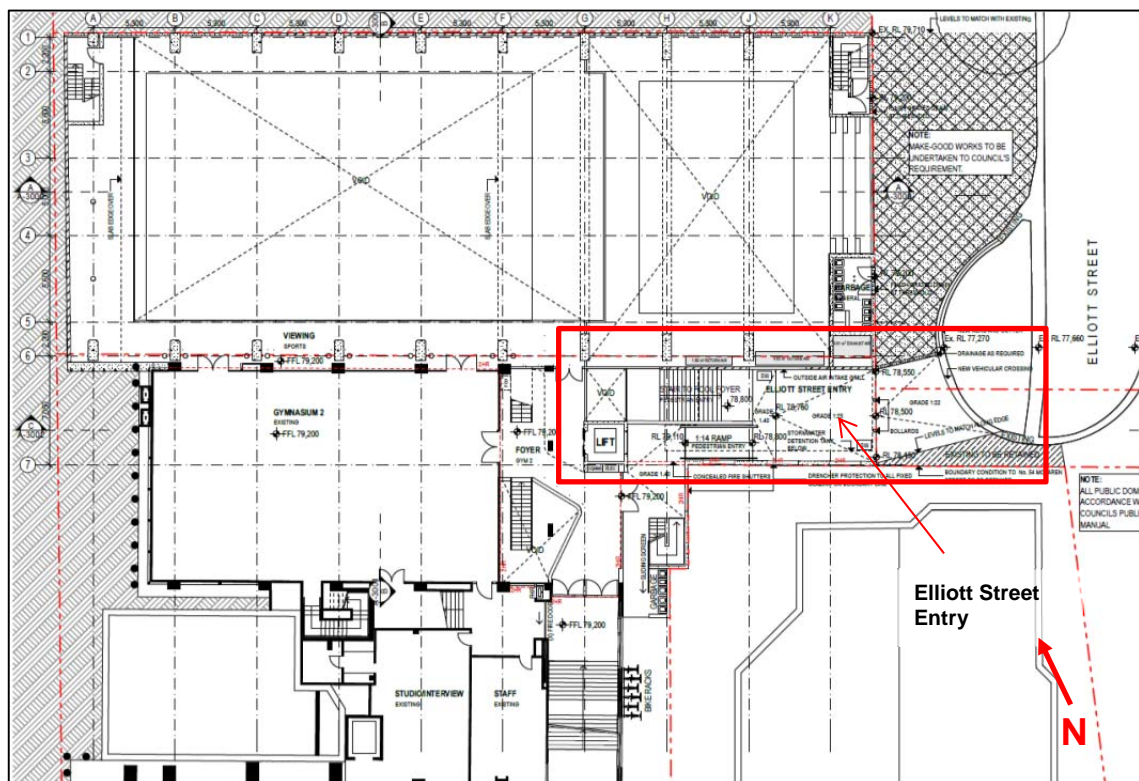


Figure 14: Lower Ground 2 Mezzanine Plan showing new Elliott Street entry

(Source: EIS)

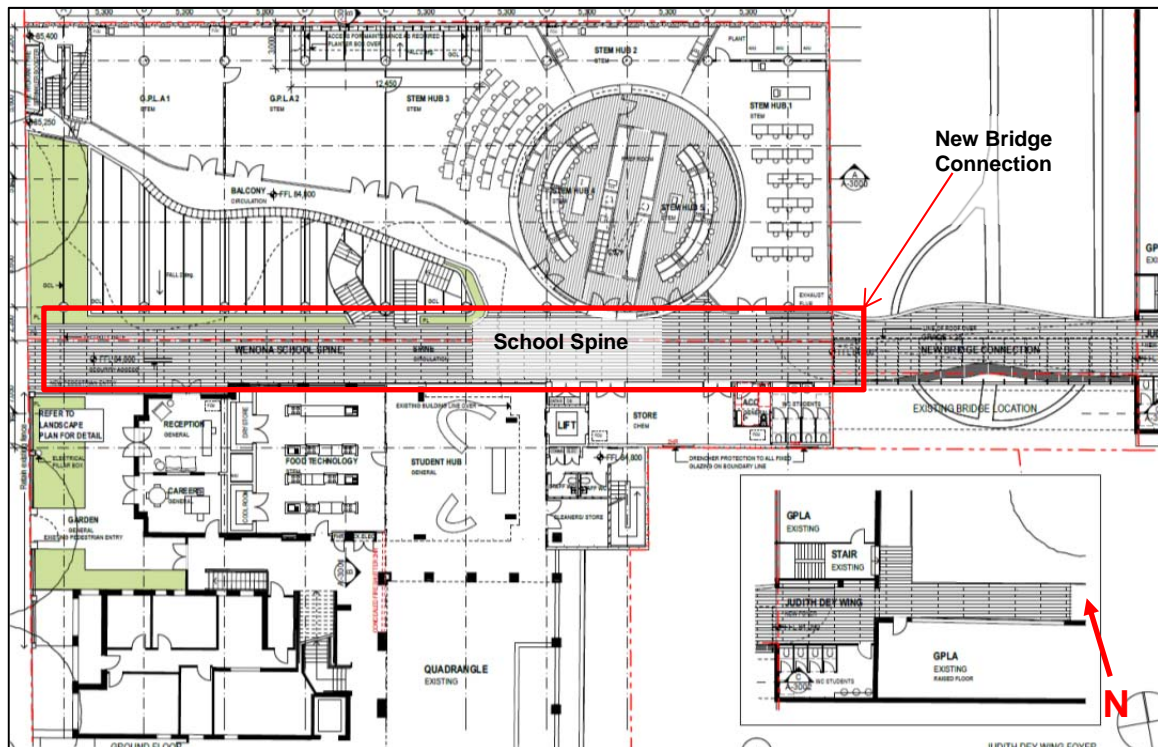


Figure 15: Ground Floor Plan showing new STEM hubs, school spine and new bridge connection
(Source: EIS)

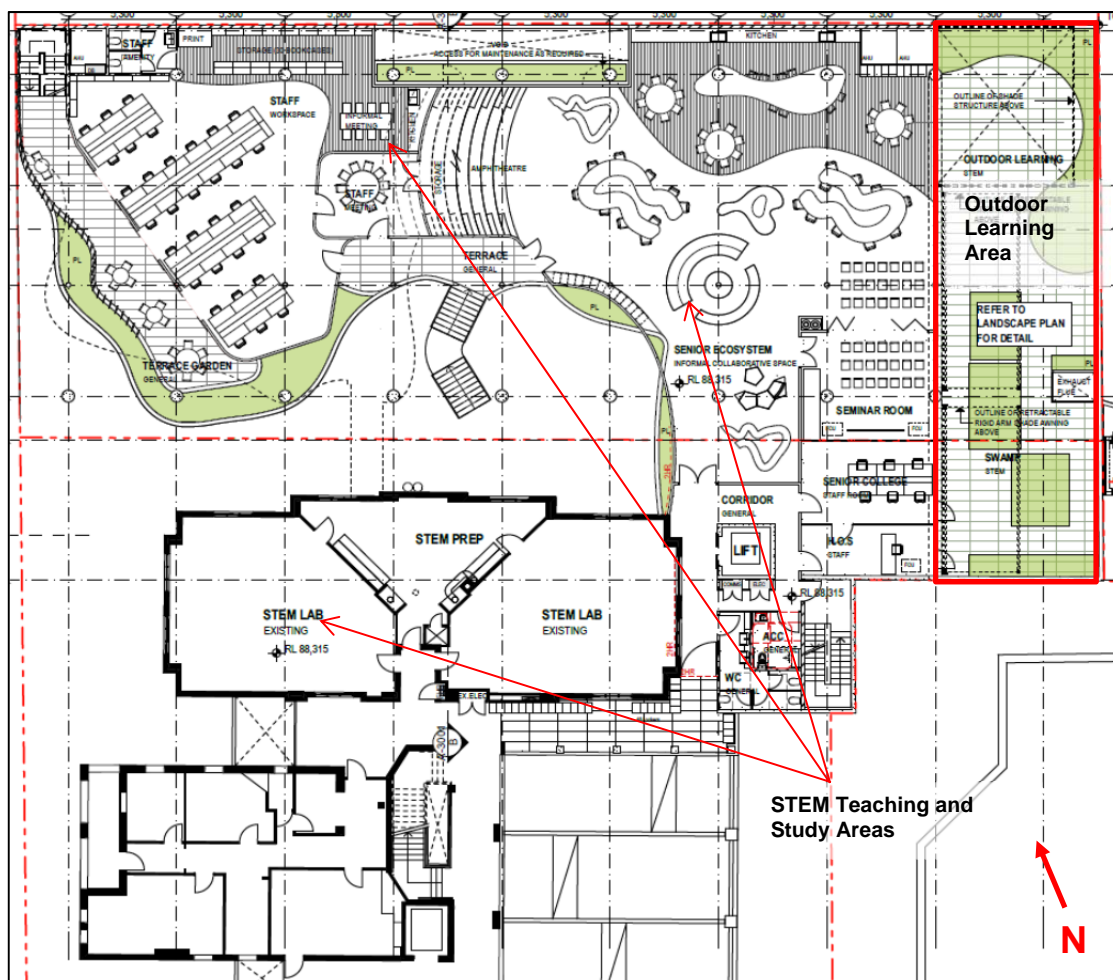


Figure 16: Level 1 Plan showing new senior study areas, staff areas and terrace and enclosed outdoor learning area
(Source: EIS)

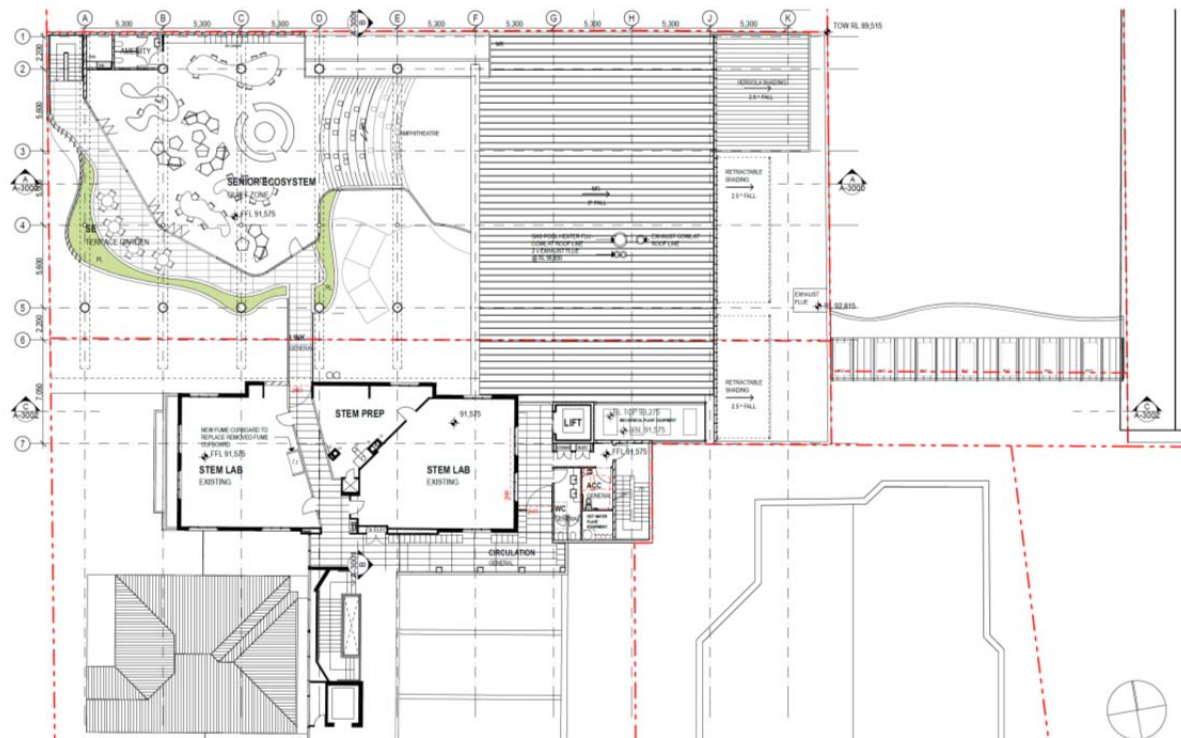


Figure 17: Ground Floor Plan showing new STEM hubs, school spine and new bridge connection
(Source: EIS)

2 STATUTORY AND STRATEGIC CONTEXT

2.1 SEPP (State and Regional Development) 2011

The proposal is classified as State significant development because it is development for the purpose of an educational establishment with a CIV in excess of \$30 million in accordance with Schedule 1 of SRD SEPP. Therefore the Minister for Planning is the consent authority.

2.2 Delegated Authority

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

2.3 Permissibility and Zoning

The site is zoned B4 Mixed Use under North Sydney Local Environmental Plan 2013 (LEP 2012). The proposed redevelopment is permissible with consent in the B4 zone.

2.4 Environmental Planning Instruments

The Department's consideration of relevant Environmental Planning Instruments (EPIs) (including SEPPs) is provided in **Appendix B**. The proposal is consistent with the relevant requirements of the EPIs.

2.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to its objects (refer to glossary at **Appendix C**), as set out in Section 5 of the EP&A Act. The proposal complies with the objects of the Act as it would deliver facilities for educational purposes in an ecologically

sustainable manner. The proposal promotes the social and economic welfare of the State through the orderly redevelopment of previously disturbed land for social infrastructure.

2.6 Ecologically Sustainable Development

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

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

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough assessment of the environmental impacts of the project. The school site has been modified substantially over time and the existing trees to be removed are to be replaced with additional landscaping to assist in maintaining the biodiversity of the area.

The applicant is committed to exceeding typical environmental performance by targeting initiatives in a number of areas, including:

- limiting carbon emissions when operational;
- reducing embodied carbon footprint during construction and refurbishment;
- providing construction and operational waste reduction; and
- facilitating social and wider community health and wellbeing.

The Department is satisfied that the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the Act and Regulation.

2.7 Environmental Planning and Assessment Regulation 2000

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

2.8 Strategic Context

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

- it is consistent with the State Priorities as it will provide improved access to high quality education, which provides the foundations for long term social and economic success;
- it is consistent with the priorities of the NSW Government's *A Plan for Growing Sydney* through the delivery of schools and tertiary education facilities that meet the needs of Sydney's growing and changing population, whilst supporting the need for adequate teaching facilities by providing ongoing delivery of essential school facilities in Sydney's north with North Sydney itself identified as an important strategic centre in the Plan;
- it will reduce reliance on private vehicles, given the proposed development is consistent with the *NSW Long Term Transport Master Plan 2012* as it supports the provision of education facilities in proximity of existing bus and rail infrastructure. Given the proposal does not provide any additional parking, the proposal encourages a reduced reliance on private vehicles, assisting in improving the modal split between cars and public transport; and
- it will support the use of bikes by students and staff by providing new bike racks at Elliott Street and given the proximity of the site to public transportation, is consistent with

student and staff walking access to these facilities as per the priorities outlined in *Sydney's Cycling Future 2013* and *Sydney's Walking Future 2013*.

2.9 Secretary's Environmental Assessment Requirements

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

3 EXHIBITION CONSULTATION AND SUBMISSIONS

3.1 Exhibition

In accordance with section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the application and accompanying information was made publicly available for at least 30 days following the date of first publication, in accordance with the Regulation. The Department publicly exhibited it:

- on the Department's website from 30 July 2015 until 28 August 2015; and
- at the Department's Bridge Street Sydney Information Centre and North Sydney Council from 30 July 2015 until 28 August 2015.

The Department advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and North Shore Times on 29 July 2015. The Department notified adjoining landholders and relevant State and local government authorities in writing.

The Department received submissions from North Sydney Council (Council) and five government agencies, comprising: the Office of Environment and Heritage (OEH); Roads and Maritime Services (RMS); Transport for NSW (TfNSW); Sydney Water; and the Environment Protection Authority (EPA).

The Department also received four submissions from the public expressing support for (one submission), and concerns with (three submissions), the proposed development.

A summary of the matters raised in Council, agency and public submissions is provided in the following sections.

3.2 Public Authority Submissions

North Sydney Council

Council advised that it did not object to the proposed development and requested that the following matters be addressed:

- consideration of the development standard non-compliances as set out in NSLEP 2013;
- consideration should be given to a voluntary contribution from the school for the delivery of infrastructure such as outdoor space embellishment and library services;
- the proposed street frontage activation should be improved;
- consideration of the possible site affectation of road realignment and road widening including supportive structures including an easement; and
- consideration of car parking impacts due to displacement of Wenona's on-site car parking spaces.

Office of Environment and Heritage (OEH)

OEH raised no objections to the proposed development.

Roads and Maritime Services (RMS)

RMS raised no objections to the proposed development and provided recommended conditions of approval.

Transport for NSW (TfNSW)

TfNSW raised no objections to the proposal and provided recommended conditions of approval.

Sydney Water

Sydney Water raised no objections to the proposed development and advised that water and wastewater requirements are to be met by the proposed development.

Environment Protection Authority (EPA)

EPA raised no objections to the proposal and provided recommended conditions of approval.

3.3 Public Submissions

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

Table 2: Summary of Public Issues

Issue	Issue Summary
Built Form	Inadequacy of building setbacks to residential building at 267 Miller Street, particularly given the location of balconies/ courtyards opening facing the proposed development site.
	Setbacks to be met in accordance with the Council's DCP controls whereby non-residential activities must be set back a minimum of three metres from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments located at the same level.
	Extending the setback zone to the entire length of the recessed area of 267 Miller Street (building alignment slightly further to the west, and beyond the eastern alignment of the balcony area to the building alignment to achieve the minimum visual privacy separation between facades, increase the efficacy of the proposed light well, reduce the potential for storm water deflection to private terraces in the south eastern corner.
	Consideration should be given to applying the boundary setback between the adjoining lands of Wenona School and Uniting Church and providing a satisfactory boundary interface between non-residential and residential uses.
Construction Impacts	Difficult to envision that the proposed development at or very close to parts of the southern boundary of 267 Miller Street, will not result in scaffolding, workers, and equipment encroaching the private terraces of ground floor units, during both the construction phase and maintenance purposes.
	Proposed construction hours are beyond the standard EPA hours will have an amenity impact on residents whereby expectation of respite to be considered.
Amenity	Close proximity of the walls of the proposed building is likely to present ongoing natural light, ventilation, and noise amplification issues for the entire recessed area of private terraces and balconies which is to be closed on all sides for the first time, particularly in the south eastern corner where the current proposal has the wall of the new building not set back. The boundary with the private terraces on the south eastern corner is likely to result in storm water deflection with significant drainage implications for the terrace of Unit 11.
	Noise management measures to be determined in detail and adopted by contractors to ensure noise levels exceed the management level for sensitive receivers.
	Concerns whether the treated glass façade on new school building provides sufficient privacy for both the school and adjoining residential complex. The new building will look directly into existing balconies and bedroom areas.
	Frosted window treatments or louvres to aid in mitigating overlooking impacts in either direction.
Traffic and Parking	Concerns about ability of trucks to enter and exit the site via Elliott Street.
Trees and	Tree on footpath of Elliott Street (identified as Tree No.1) is a very high priority for

Issue	Issue Summary
Landscaping	protection by residents of 267 Miller Street, particularly for units at the south eastern corner of the building looking onto Elliott Street where the tree provides a leafy outlook and privacy to and from the Wenona school buildings across the street. The tree appears to be in good health and good foliage condition and given the close proximity to anticipated truck movements, greater buffer protection be provided between the tree and construction impacts.
	Existing outlook of the North Sydney skyline, trees and sunsets will disappear.

3.4 Applicant's Response to Submissions

The applicant provided a Response to Submission report (RtS) to the Department on 23 October 2015, responding to issues and concerns raised by Council, agencies and the general public.

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

4 ASSESSMENT

4.1 Section 79C Evaluation

Table 3 identifies the matters for consideration under section 79C of the EP&A Act that apply to State significant development. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of Section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation. The table also represents a summary for which additional information and consideration is provided for in Section 4 (Key and Other Issues) and relevant appendices.

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

	Consideration
(a)(i) any environmental planning instrument	Consideration of relevant EPI's has been undertaken at Appendix B .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Refer to Appendix B *.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSDs and schedule 2 of the Regulation relating to environmental impact statements. Refer to Section 2.7 .
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	The Department's assessment has given consideration to the likely impacts of the proposed development. Refer to Section 4.2 .
(c) the suitability of the site for the development	The subject site is zoned B4 Mixed Use under NSLEP 2013. Schools are permissible with consent. Furthermore, the subject site is well established as Wenona School campus.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the application. Refer Sections 3 and 4 of the Department's assessment.
(e) the public interest	The proposed school redevelopment and extension will be in the public interest as it will provide sustainable development of the campus by considering the life cycle of existing and new structures, as well as future campus requirements. The

	Consideration
	development will also provide improved urban design and pedestrian outcomes for the site.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

*Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to SSD.

4.2 Key Issues

The Department considers the key environmental assessment issues for the application to be:

- built form and urban design;
- amenity impacts on the surrounding area;
- parking and traffic; and
- other matters.

4.3 Built Form and Urban Design

The proposal includes two new built form elements on the site, being the new six storey school building to Miller Street and new pedestrian bridge over Elliott Street to replace the existing bridge. The proposal also incorporates modifications to the existing school building at 255 Miller Street, including new pedestrian connections, change rooms, plant and a new lift.

The new school building is proposed to be constructed on the site of the existing childcare centre and administration building fronting Miller Street with secondary frontage to Elliott Street to the rear. The new building is a modern contemporary design and features a five-level atrium space, with an amphitheatre which acts as a circulation space, and functional gathering space. This covered open space is formed and framed by the existing school building and a series of new circulation and teaching balconies.

The new building includes 3,053 sqm of gross floor area (GFA) and has a maximum height of 13.4 metres. A new pedestrian bridge is proposed over Elliott Street to replace the existing bridge link and will provide connections to the adjoining floor levels of the adjoining Walker Street campus building. The new bridge is wider than the existing link and will be located slightly to the north of the existing bridge alignment, providing a continuous extension of the 'Wenona School Spine' from Miller Street, into the Walker Street Campus. The pedestrian link has a height of 9.7 metres above Elliott Street, and will be enclosed to provide weather protection. The underside of the bridge is a minimum of six metres above Elliott Street.

The proposal is comparable in height and scale with the existing educational buildings on the Wenona school campus and buildings within the immediate vicinity of the school in surrounding streets.

The proposed development's materials and finishes have been selected to complement the existing built form surrounding the site, and to respect the architectural features of the existing locally heritage listed building within the collection of buildings at 255 Miller Street (discussed further in **Section 4.6** of this report). To remain consistent with the proposed building façade, the bridge will incorporate timber and glass elements. The incorporation of moveable wall and open glass portioning on the ground floor level of the new building allows visual and physical connections between the different spaces including the 25 metre swimming pool and storage areas. **Figures 17** and **18** show the presentation of the new building and pedestrian bridge to Miller and Elliott Streets.



Figure 18: View of new school building looking North along Miller Street

(Source: EIS)



Figure 19: Rear view of new six storey building and pedestrian bridge looking South West along Elliott Street

(Source: EIS)

Refurbishment works proposed to be undertaken at the existing school campus at 255 Miller Street include the provision of a new entry and reception area off Miller Street, a café hub,

plant rooms, foyer areas, storage areas and change rooms, and a lift which will provide access to all levels of the new building. The proposed alterations and additions are limited to the north-eastern corner of the existing building. There are no significant changes proposed to the layout, uses and teaching areas. The refurbishment works result in minor increase in gross floor area of 751 sqm.

NSLEP 2013 contains the two principle development standards which apply to the site, namely a floor space ratio (FSR) control of 1:1 for non-residential developments and a height control of 10 metres. The proposal exceeds both these controls. The proposal has a maximum FSR of 2.06:1 when measured across the broader development site (i.e. 255-257 Miller Street, 263 and 265 Miller Street). However, due to the proposed new building being located solely on 263 and 265 Miller Street (which has a combined site area of 1,108 sqm), the proposed FSR is therefore 2.75:1, which exceeds the maximum allowable amount of floor space by 1,945 sqm.

The proposed new school building has a predominant height of 12 metres, however a maximum height of 13.4 metres is reached where roof elements project above this height. The overrun for a new lift contained within the refurbished school building on Miller Street will reach a maximum height of 14.8 metres, meaning the height limit of 10 metres is exceeded by 3.4 metres and 4.8 metres for the new and existing buildings respectively.

The Department has carefully considered the key development parameters relating to FSR and building height to assess the appropriateness of the proposed height and bulk of the development and the associated visual impacts. The Department's consideration of the proposed FSR and building height non-compliances is detailed below.

Floor Space Ratio

The existing and proposed GFA and resultant FSR is detailed in **Table 4** below.

Table 4: Existing and Proposed GFA and FSR

Site	GFA / FSR				
	Site Area (sqm)	Existing GFA	Additional/ Proposed GFA	Total GFA	Total FSR
Refurb. School Bldg 255-257 Miller Street	2,229 sqm	3,060 sqm	751 sqm	3,811 sqm	1.71:1
New School Bld. (263-265 Miller Street)	1,108 sqm	-	3,053 sqm (exclude works within existing building at 255 Miller St)	3,053 sqm	2.75:1
Sites Combined (255 to 265 Miller Street)	3,337 sqm	-	-	6,863 sqm	2.06:1

The Department notes that the relevant objectives of the FSR control are to ensure the intensity of development is compatible with the desired future character and zone objectives for the land, to limit the bulk and scale of development and to ensure the maximum FSR for a building on any land does not exceed the FSR permitted for the land.

Clause 4.6 of NSLEP 2013 provides flexibility in the application of the development standards if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient planning justification for contravention of the development standard. As held by the court in *Wehbe v Pittwater Council [2007] NSWLEC827*, development standards are not an end in themselves but a means of achieving environmental and planning objectives. Where the objectives of the FSR control are achieved, strict compliance with the

standard would be unnecessary (if the purpose is achieved anyway) and unreasonable (if no purpose would be served).

The applicant's justification is based on the context of the existing school campus and the neighbouring residential and non-residential uses. The applicant advises that the proposed development would achieve an appropriate built form consistent with the existing school and the character of the area. The applicant is of the view that the additional GFA would be largely indiscernible when compared with the existing built form on the site and is consistent with the site's context and the scale of development in the locality.

Further, the school's main Walker Street Campus is zoned SP2 Education Establishment, within which there is no FSR or non-residential FSR standard. As such, there is no overall FSR control that applies to the site under Clause 4.4 of the LEP, only the non-residential FSR range (0.5:1 to 1:1) for the subject lots under Clause 4.4A. Given this, a building with the FSR proposed could be accommodated on the site if it was a mixed use development.

The Department acknowledges that the proposed development is consistent with the existing built form along both Miller and Elliott Streets and the bulk and scale of the new building along Miller Street is of an appropriate scale in the context of existing school buildings. The development is not considered to be visually dominant when viewed from adjoining sites (refer **Figures 18 and 19**). The mix of materials (including concrete exterior structural wall and timber cladding on exterior curved balconies) would also provide sufficient articulation to break up the mass of the building.

When viewed from Miller Street, the visual impact is acceptable as it would result in the continuation of the existing built form including height, bulk and scale, which respects the adjoining heritage buildings on the site. Further, the proposed bulk and scale is appropriate in the context of the dense built form surrounding the development site given it has a significantly lower scale compared to existing and future development planned on adjoining sites such as the existing residential apartment building at No. 267 Miller Street and the Uniting Aged Care on No. 52 McLaren Street, which has development approval for a building of up to 15 storeys.

The Department's assessment concludes that compliance with the FSR development standard is unreasonable and unnecessary in this particular case as there are sufficient environmental planning grounds to justify the variation. In particular:

- the proposal is consistent with the general built form along Miller Street;
- the height, bulk and scale of the proposal is consistent with the future character of the locality; and
- the additional floor space would not result in any increase in student and staff population.

The variation to the development standard will not raise any matter of significance for State or regional environmental planning and the public benefit of the proposal will not be compromised.

Building Height

A maximum height of 10 metres applies to the site under Clause 4.3 of NSLEP 2013.

The proposed new building is predominantly 12 metres, with a maximum height of 13.4 metres (incorporating roof elements and plant) above ground level and therefore exceeds the height control by 3.4 metres.

The overrun for the new lift in the adjoining refurbished building at 255 Miller Street will reach a height of 14.8 metres. **Figures 19 and 20** provides section and elevation plans showing

maximum height of 13.4 metres in context with the adjoining residential apartment at No. 267 Miller Street.

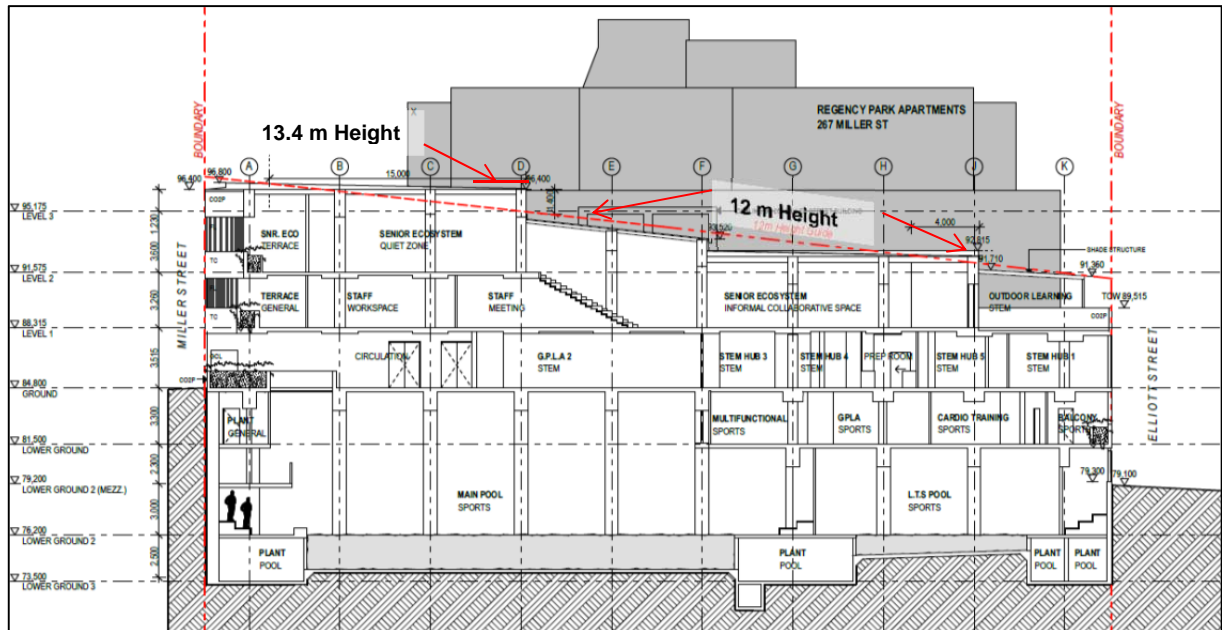


Figure 20: Section Plan showing the proposed maximum height of 13.4 m

(Source: EIS)

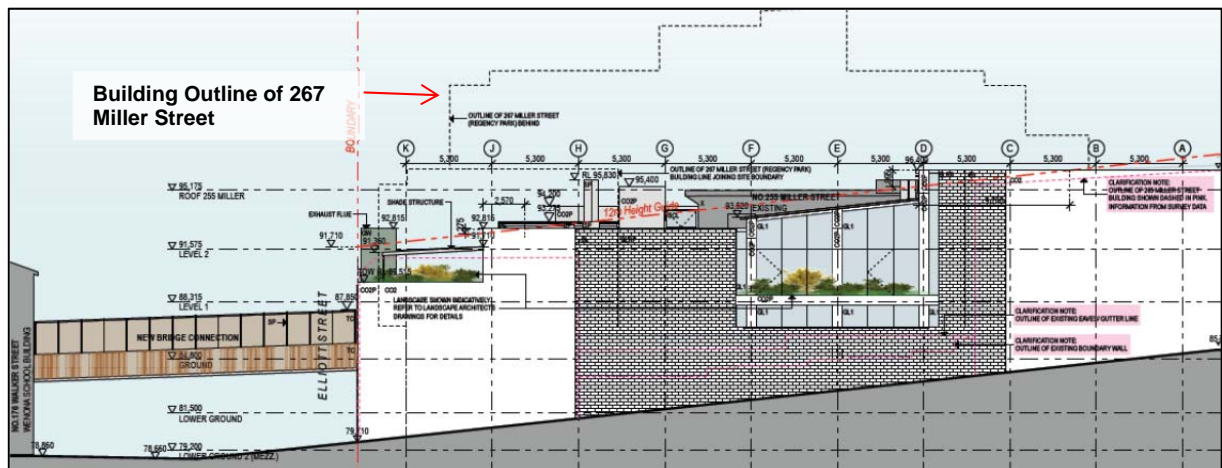


Figure 21: Northern Elevation showing step of building and bridge connection

(Source: EIS)

The Department notes the objectives of the height of buildings standard are:

- to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient;
- to promote the retention and, if appropriate, sharing of existing views;
- to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development;
- to maintain privacy for residents of existing dwellings and to promote privacy for residents of new dwellings;
- to ensure compatibility between development, particularly at zone boundaries; and
- to encourage an appropriate scale and density of development that is in accordance with, and promotes the character, of an area.

The applicant's justification for the variation to the height control is based on the height of existing buildings on the school site, which pre-date the LEP 2013 development standards and also exceed the height controls. The applicant details that the height of buildings across the school campus varies from 10 m to 14.8 m. The proposed new building fronting Miller

Street is similar in height to the existing adjoining school building and does not exceed the tallest building fronting Miller Street, being the adjoining residential apartments (267 Miller Street). The 14.8 metre lift overrun on the existing Miller Street building is situated approximately 34 metres from the Miller Street frontage behind existing building form. The overrun will therefore not be a prominent feature when the site is viewed from the public domain.

The Department agrees that whilst the proposed height of the new education building does not conform to the 10 metre height limit, the building is sited adjacent to an existing multi-storey building which is significantly taller than the proposed building in terms of maximum overall height (approx. 26 m), while both buildings will have a matching 11 to 12 metre parapet height as they present to Miller Street. The proposed new building also steps down the site from Miller Street to Elliot Street to match the slope of the land (refer **Figure 20**).

The Department considers the additional height of 3.4 metres above the control to be acceptable in the context of building height permitted and currently existing on the surrounding sites (up to 15 storeys). Whilst the new building would alter this relatively undeveloped part of the school campus fronting Miller Street, the Department considers the visual impact to be acceptable in the context of other similarly sized education buildings on the campus, and the high standard of architectural design, which includes a concrete exterior structural wall featuring timber cladding on exterior curved balconies.

Figure 22 shows the Miller Street elevation and height consistent with the existing built form adjacent to development site. **Figure 23** shows the built form from the rear of the development site off Elliott Street. The height of the development is comparable in size with the surrounding built form.

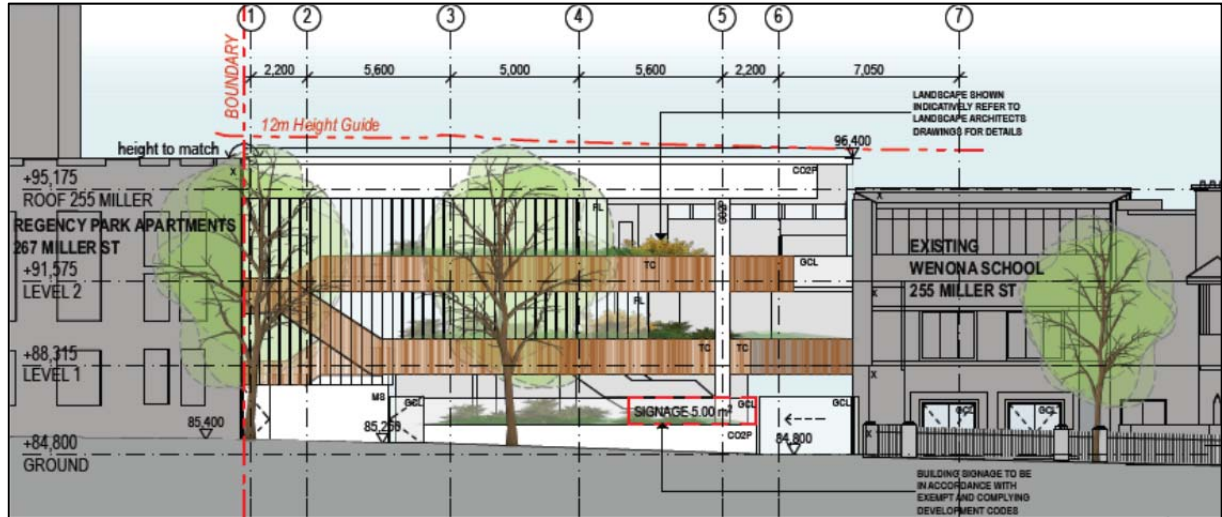


Figure 22: Miller Street Elevation showing the proposed height consistent with existing streetscape
(Source: EIS)

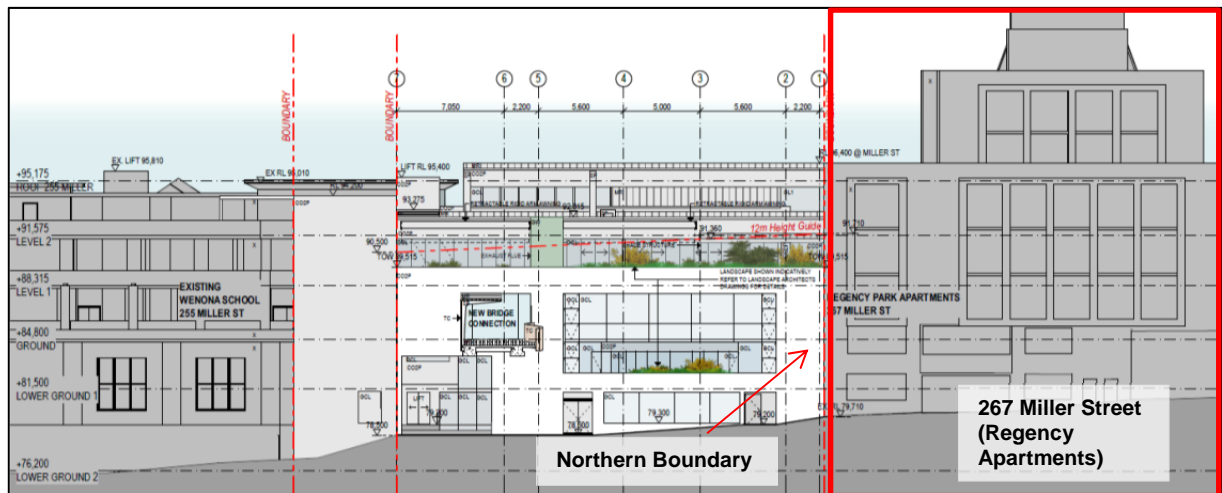


Figure 23: Elliott Street Elevation showing the proposed height consistent with existing streetscape
(Source: EIS)

The Department considers the proposed development along Miller Street is generally consistent with the height of the adjacent buildings and would sit comfortably within the streetscape. As the new building is proposed to step down from west to east to follow the existing ground level, the apparently bulk of the building as it presents to the adjoining residential unit complex will be reduced and will be consistent with the 12 metre parapet height on Miller Street.

The Department also notes the development is consistent with the mixed residential and commercial character along the street. The design integrates with the existing school architecture and aligns with the existing building's façade to create a continuous street frontage. The proposed development responds to the existing school materiality and the vertical elements such as the concrete structure and brick external work, which forms the basis of the façade, vertical elements which are consistent with the vertical openings and orientation of the existing school buildings. It is considered, that the design of the building to the Miller Street façade is well articulated to create a compatible form and scale to the adjacent heritage item, along with careful consideration of details, materials and associated landscaping.

The Department's assessment concludes that compliance with the development standard is unreasonable and unnecessary in this particular case, and that there are sufficient environmental planning grounds to justify the variation to the building height control. The development standard does not raise any matter of significance for State or regional environmental planning and the public benefit of the proposal would not be compromised. The Department is therefore satisfied that the building would be of an appropriate scale for the locality. The building will also have an acceptable impact on the amenity of adjoining residential properties, which is discussed in greater detail in **Section 4.4** of this report.

4.4 Amenity Impacts on the Surrounding Area

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

Northern Setback and Visual Privacy

The school currently owns and occupies the existing childcare centre (former dwelling house at No. 263 Miller Street) and existing office building at 265 Miller Street, which is to be demolished to make way for the new school building. Any potential privacy impacts from the new development are to the south facing units of residential apartment building to the north (267 Miller Street).

The proposed new building will be built on the common boundary with No. 267 Miller Street, apart from a 12.45 metre long section in the middle of the building, which will be setback three metres to provide relief to adjoining balconies and windows at the Regency Park apartments (refer **Figure 24**). This is consistent with North Sydney DCP 2013, which requires that buildings containing non-residential activities be setback a minimum of three metres from the property boundary where the adjoining site has balconies or windows to main living areas at the same level. The setback also allows for more natural light to penetrate the centre of the proposed school building.

To maintain privacy to the adjacent residential units and their balconies, the applicant has incorporated fritted glass to the walls of the light well, which itself has been lengthened to 12.45 metres to extend beyond the western alignment of the apartment's balcony zone to reduce the perceived mass of the new building at this interface (refer **Figure 24** and **25**). Planter boxes are also proposed at Level 1 of the setback zone in an effort to replicate the green outlook that is currently viewed from the residential balconies (see **Figure 26**).

Whilst an open outdoor learning area is proposed at the rear of Level 1 of the new building, this area is not adjacent to any residential balconies or windows. It is partially rooved, thereby reducing the potential for it to be overlooked from higher balconies at the rear of the Regency Park Apartments.

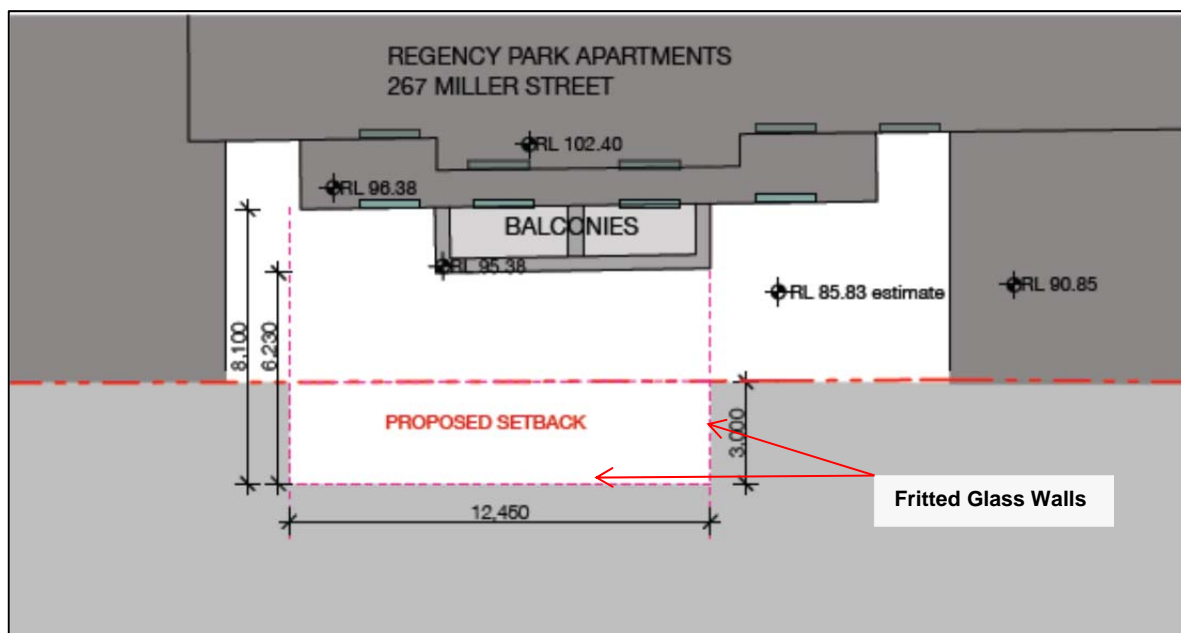


Figure 24: Proposed light well along northern elevation of new school building

(Source: EIS)

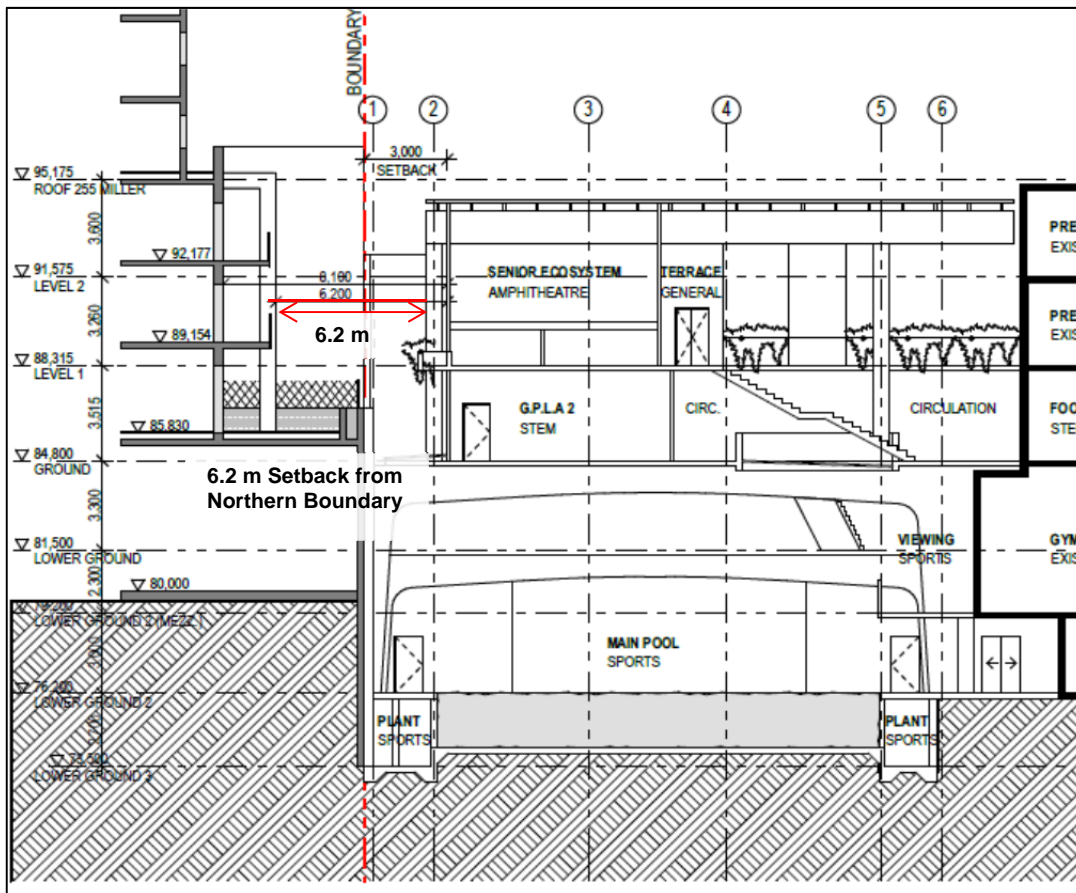


Figure 25: Section showing setback to adjoining residential apartment (267 Miller Street) (Source: EIS)

Loss of Outlook

The Department received submissions from the occupants of affected residential units at No. 267 Miller Street on the potential loss of outlook currently enjoyed from their respective south facing balconies and windows. These apartments currently enjoy skyline views toward Wenona School and Miller Street, partly over existing structures and trees.

The views from Ground Level and Level 1 of units within No. 264 Miller Street compose of foreground views of the canopies of trees with no significant access to views beyond. Notwithstanding the existing vegetation canopy, the views that are available from the apartment building towards the south are limited by tall buildings to the south-east, such as the Rydges Hotel, the SAP building, buildings south of McLaren Street and the uppermost parts of the other taller buildings toward North Sydney CBD. The views are less impacted by existing vegetation from living areas on Level 3, particularly with apartments toward the western side of the building.

The visual impact assessment (VIA) submitted as part of the EIS concluded that the proposed development would cause loss of outlook to some apartments on Level 2 and below. The outlook is not considered to be scenic, iconic or culturally significant and no views of water, land-water, whole or iconic items are lost. Considering that the current outlook originates across from the existing side boundary and from lower levels where view sharing is common, the proposal is reasonable in regards to potential view impacts.

Figures 26 and 27 show the existing foliage and outlook viewed from Elliott Street.



Figure 26: Current view looking into 267 Miller Street showing trees and foliage dominating the view
(Source: DPE)



Figure 27: Existing foliage with view above existing childcare centre looking north (Source: DPE)

The Department is satisfied that the proposed new building has been designed in consideration of the residential amenity of the apartment building at No. 267 Miller Street by incorporating a setback with landscaping to mitigate the amenity impact of loss of outlook. Whilst the current outlook enjoyed by the residents will be modified, the setback on the shared boundary minimises the bulk of the development when viewed from the apartment building at No. 267 Miller Street. Further, current height controls in NSLEP 2013 foresee a building being constructed on the subject site that would impact on the outlook of units up to Level 2 of the Regency Park Apartments. The areas of non-compliance of the proposed building with the 12 metre height plane do not of themselves result in significant view loss.

Whilst the use of glass enables more light to penetrate into the space, it also provides the adjoining residents a better outlook than a solid masonry wall. The extended setback zone and open light well will reduce the dominance and perceived mass of the building at the boundary. To further reduce any adverse amenity impacts, and in consultation with neighbouring residents, the applicant proposes planters at Level 1 of the setback zone in an effort to replicate the green outlook that is currently enjoyed (refer **Figures 27 and 28**).

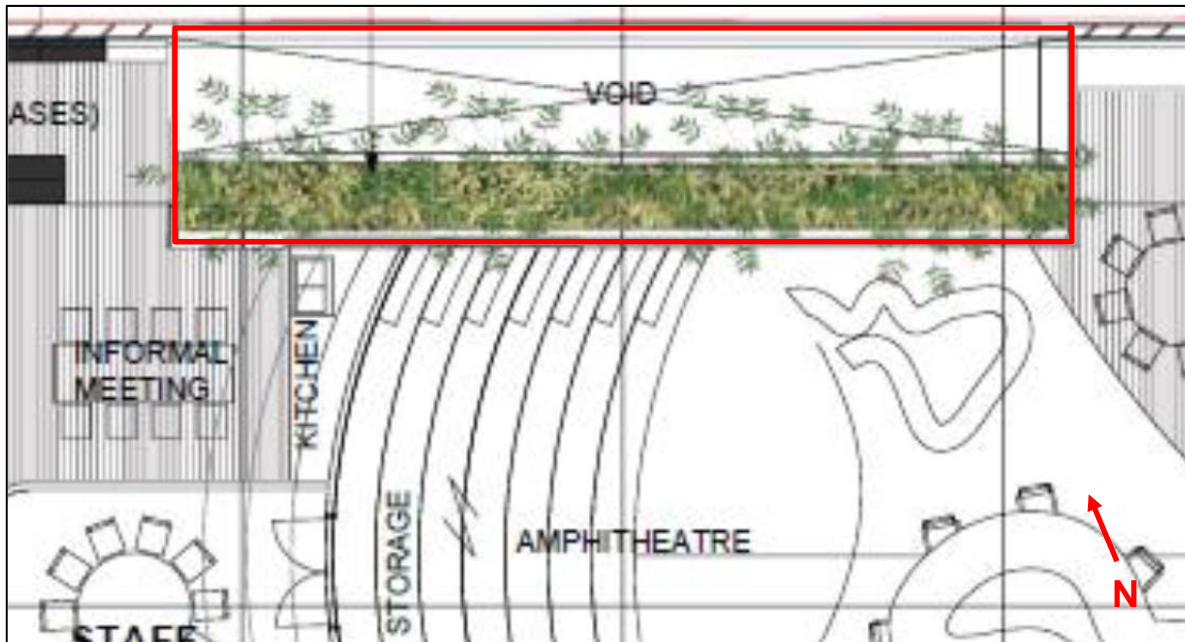


Figure 28: Proposed plantings within the setback void on northern boundary

(Source: EIS)

Acoustic Amenity

The proposal has the potential to affect the acoustic amenity of the surrounding area, in particular to sensitive uses such as the apartment building at No. 267 Miller Street and the UnitingCare aged care facility. The Noise Report submitted as part of the EIS concludes that operational noise from new classrooms and school areas is likely to be low and the acoustic amenity of surrounding residential properties would be adequately protected and contained within the envelope of the new facility. The new main entrance is located approximately 50 metres from the two receivers and will be well shielded. The Department notes that the outdoor learning area on Level 1 is expected to be used for group learning activities with no amplified speech or music and the terraces are not used for recreation or outdoor play. Based on a typical class number of 20 students, noise levels at both receivers would be 44 dBA or less, and so would be below the daytime criterion of 59 dBA.

An indicative review of the operation of the pool area, science hub, amphitheatre and senior ecosystem will be no greater than 50 dBA and will meet the required daytime criterion of 59 dBA. The light well in vicinity of these uses will be constructed using a minimum 6.38 mm laminated glass and will be either acoustically sealed or will provide acoustically treated ventilation openings.

A review of the major plant and other equipment indicates that noise levels comply with established noise criteria subject to appropriate selection and location of mechanical plant. Further assessment will be conducted against the *NSW Industrial Noise Policy (INP)* and will continue to meet the criteria at both the adjoining residential building and aged care facility.

The Department considers that noise would be minimised by the location of the swimming pool and gymnasium on the lower ground and ground levels, with teaching and study areas in the levels above for learning purposes and not recreation. There is no additional play areas being proposed and majority of noise generated from the use is contained within the vicinity of the building.

The terrace at the northern end of the main building would only be used by students when requiring sunlight for experiments, quiet study and for staff workspaces and during school hours of 8:20 am to 3:15 pm. The Department's assessment concludes that the proposed development would not result in any unacceptable impacts on noise amenity to the

surrounding area, subject to the imposition of standard noise conditions, including requirements for the management of the operation of the mechanical plant. Conditions to this effect are recommended in the instrument of approval.

Solar Access

Whilst overshadowing from the proposed new and refurbished school buildings do not impact on the adjoining residential apartment complex to the north, there are some minor additional overshadowing impacts to the south at No. 52 McLaren Street (UnitingCare aged care facility) and No. 243 Miller Street (commercial premises), and to the south east at No. 54 McLaren Street (Rydges Hotel).

To illustrate the potential overshadowing impact associated with the proposal, the applicant submitted shadow diagrams at 9 am, 12 pm and 3 pm, representing the worst case scenario at the winter solstice.

At 9 am the existing shadow cast affects both properties with minor additional overshadowing casting on UnitingCare building on the north western boundary as well as the south eastern corner of the commercial building. The southern half of the UnitingCare building would still receive sunlight at this time whilst the south eastern corner of the commercial building is shadow free (refer **Figure 29**).

By 12 pm, the overshadowing is alleviated at both properties. Therefore, the shadow cast is reduced at UnitingCare and the commercial building fronting Miller Street with the front half of the building and south eastern corner of the commercial building being shadow free. By 3 pm, the majority of the commercial building is not overshadowed with the exception of the north eastern corner. The UnitingCare building will at this stage of the day is in shadow. Given that the site is already predominantly affected by existing overshadowing impacts, the addition of minor overshadowing will therefore likely render the entire site in shadow by 3 pm (refer **Figures 30 and 31**).

Whilst the additional overshadowing to UnitingCare is not ideal, the site has the benefit of an active development consent for a concept proposal for an aged care facility within a building of up to 15 storeys and a maximum gross floor area of approximately 24,000 sqm. Whilst under the approved concept proposal the future building is anticipated to have non-residential uses on the lower ground and ground floors (i.e. shops, salon, offices, function room, meeting rooms etc.), the upper floors are approved for residential uses. Therefore, the worst of the overshadowing on the UnitingCare site will be on the lower levels where non-residential land uses are located. Further, under the NSLEP 2013, the UnitingCare site has an allowable building height of RL 90 to RL 110, which is significantly higher than the Wenona development site. Therefore, if fully developed, the majority of residential units within the UnitingCare proposal will still receive an acceptable level of solar access. The Department therefore considers that the expected increase in overshadowing from Wenona School development will not compromise the future development potential of the UnitingCare development.

Apart from the minor additional overshadowing to the commercial premises, the building currently achieves a minimum of three hours of solar access to over 50 per cent of open space areas during mid-winter between 9 am and 3 pm. Apart from the complete shadow cast over the UnitingCare building, the property retains a minimum of three hours of solar access to over 50 per cent of their open space areas during mid-winter between 9 am and 3 pm.

In addition to UnitingCare, there are some overshadowing impacts on the forecourt in front of Rydges Hotel and south eastern corner of the property. The additional shadow is minor, however, and while the site is already affected by existing overshadowing, it retains an

acceptable level of sunlight in mid-winter considering that it is a commercial land use. As the proposed new school building is located to the south of the neighbouring residential apartment building on Miller Street, there will be no additional shadow impacts on residential neighbours. The Department's assessment therefore concludes that the overshadowing impacts are acceptable.

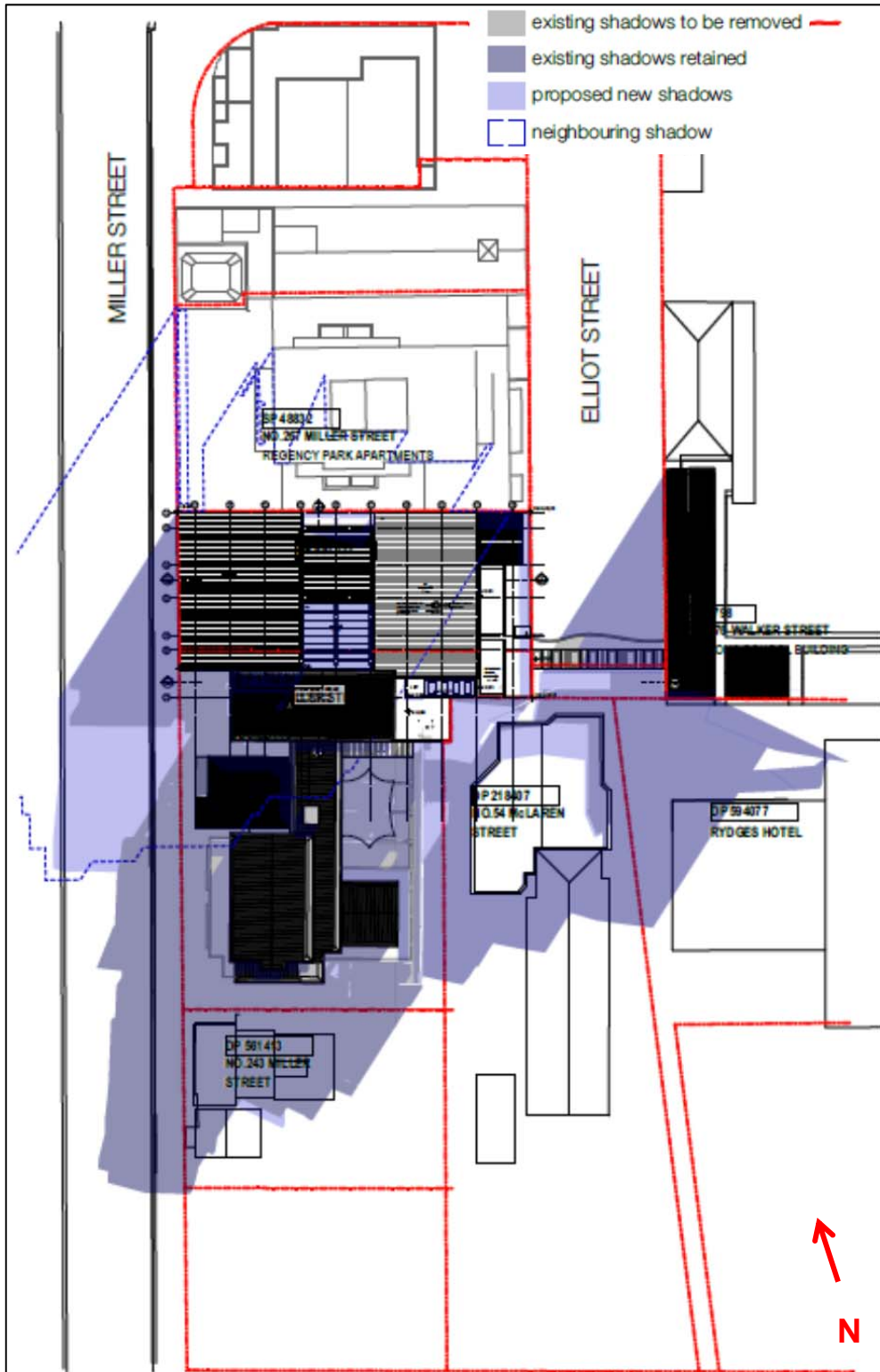


Figure 29: Proposed Shadow cast at 9 am at the Winter solstice

(Source: EIS)

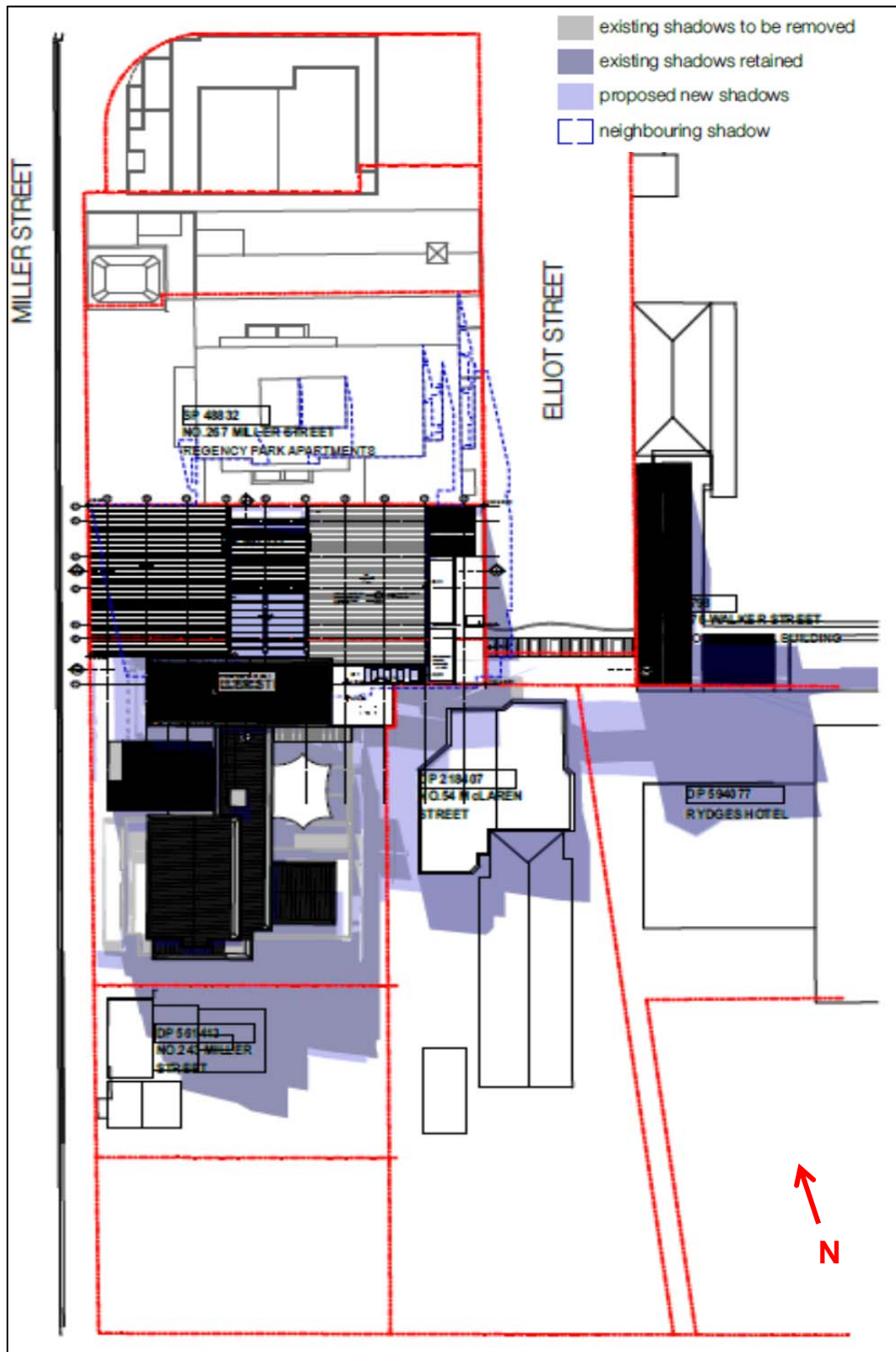


Figure 30: Proposed Shadow cast at 12 pm at the Winter solstice

(Source: EIS)

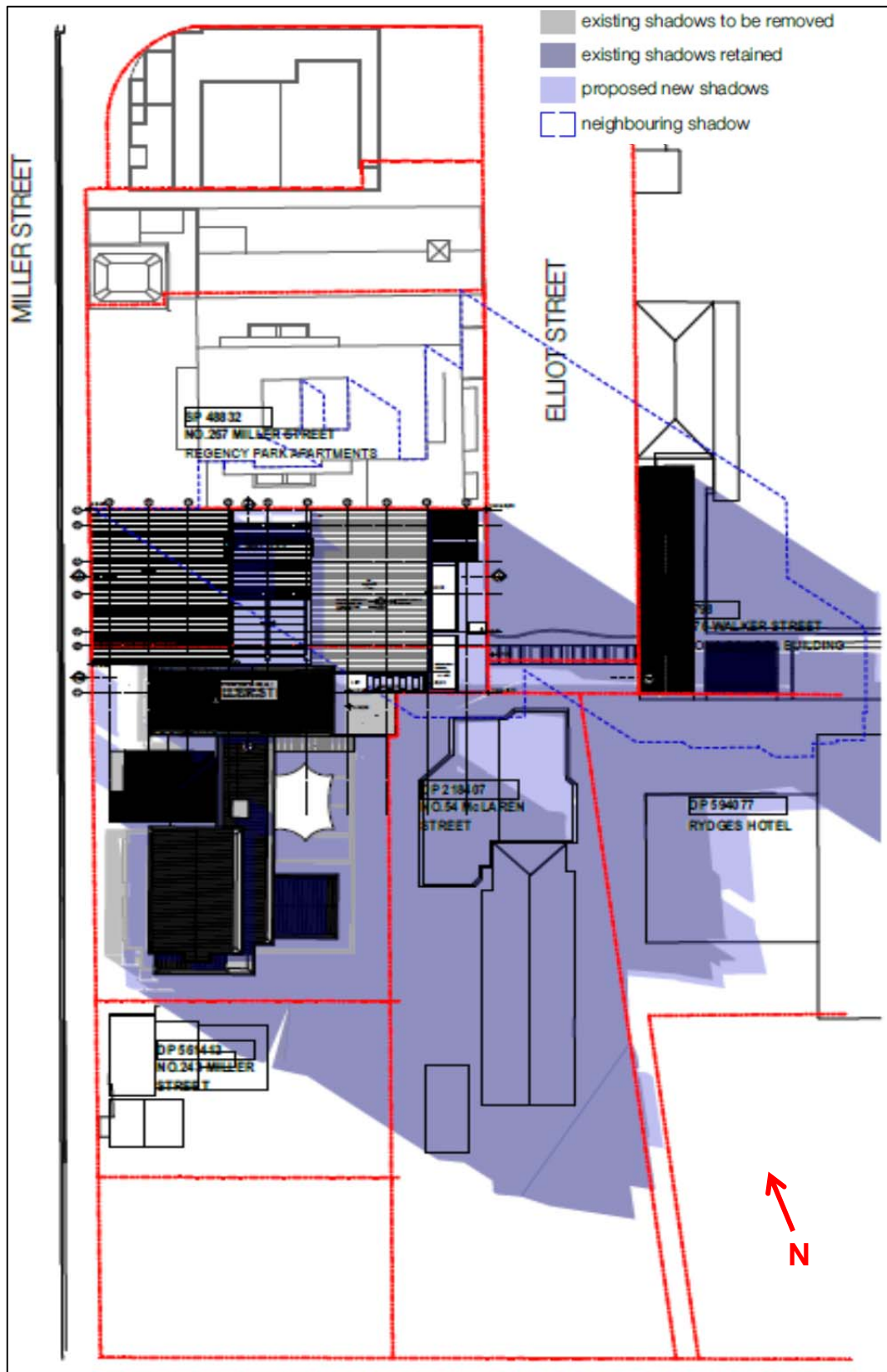


Figure 31: Proposed Shadow cast at 3 pm at the Winter solstice

(Source: EIS)

4.5 Parking and Traffic

The applicant submitted a Traffic Report (TR) as part of the EIS which reviewed the traffic and parking implications for the proposed development.

Parking

There are currently 11 basement car parking spaces provided on the Miller Street campus site for use by Wenona staff, with no parking available for students or visitors. These spaces are currently accessed off Elliott Street.

Council's DCP specifies the parking provision for educational establishments in B4 Mixed Use zone at one space per six staff. The applicant's parking assessment identified that given that no increase in staff and student numbers is proposed in the subject application, no additional parking is required as a result of the proposed development. However, to facilitate the proposed development, the 11 existing on-site car parking spaces located with the basement of the northernmost building at 255 Miller Street are required to be removed. This area is proposed to be converted into change rooms, sports reception area, plant and lift area.

Further to the current on-site car parking, the school has a number of existing car parking agreements in place with a number of private on-site providers including Aqualand (SAP/Rydges building) and North Sydney Council (Ridge Street car park). To offset the loss of existing on-site car parking, the applicant has committed to extending the existing car parking agreements with external providers and will provide evidence of a further dedication of 11 off-street parking spaces for the exclusive use by Wenona School.

As there is no proposed increase in student or staff numbers, the Department is satisfied that the school parking arrangements are capable of accommodating the existing and likely future demand generated by the school. The new swimming pool and learn to swim pool will replace the existing pool located within the junior school on the Walker Street campus. The use of the new pools for training and learn to swim will remain at a similar level of use to the existing pool. The existing numbers and size of training sessions and learn to swim classes will not change and the existing pool will cease operation when the new pools are opened.

The school is conveniently located, being only 1.1 km from North Sydney Railway Station (an average six minute bus ride and 16 minute walk), which encourages the use of public transport by staff and students. A condition of development consent is recommended whereby the school is to provide evidence to the Department prior to occupation of the new building that arrangements have been made for the provision of 11 additional off-site parking spaces for the exclusive use of Wenona School.

Traffic

Operation

Council raised concern that there is potential for traffic impacts to Miller Street and Elliott Street due to a potential increase in numbers of students at the school and/or external user groups using the new school facilities such as the new gymnasium and pool. The intersections which carry school vehicular traffic are Elliott Street/ Ridge Street intersection, Walker Street/Ridge Street intersection, Walker/ McLaren and Miller/McLaren Street intersection as shown in **Figure 32**.

The applicant confirmed in their RtS report that despite the construction of the new educational building, no additional staff and student numbers are proposed and the development will not generate any additional external user groups during, before or after school or on the weekends compared to what is currently accommodated by the existing pool and gymnasium.

Currently, the school operates additional curriculum and non-curriculum activities before and after classes, generally between the hours of 6 am and 9 pm, and on the weekends. Additional activities carried out in the existing gym and pool include learn to swim classes, lifesaving and first aid, gymnastics, basic sport skills, dancing and so forth. The gym is also used for various other non-sporting activities including career evenings and expos, community meetings, music events, orientation and other major services such as school anniversaries and the like. The current activities which take place in the existing pool on the Walker Street campus will be transferred to the new facility. No changes are proposed to the activities which currently take place in the gym.

The applicant's submitted Transport Report identifies that given the combination of the closure of the childcare centre at the site and that no increase in student or staff numbers are expected, the traffic at the site using Elliott Street will be reduced by 10-15 vehicles per hour during the peak, with further reduction in traffic from the reduction of 11 on-site car parking spaces. The assessment concludes that the reduction in traffic on Elliott Street will be offset by redistributed traffic from Walker Street associated with the relocation of the existing pool. The traffic assessment also concludes that traffic volumes on Elliott Street are expected to remain similar to existing traffic flows whilst traffic on Walker Street will experience a minor reduction and no traffic impacts are expected on Miller Street.

The Department considers that the proposed development would not adversely impact on the local road network. A restriction on the number of students and staff by condition is not considered necessary given the potential for only minor fluctuations in enrolments and teachers during the course of a school year, which would have a negligible impact on traffic. This is consistent with the approach adopted by the Department in relation to its assessment of other educational establishments proposing a comparable level of redevelopment.

The Department notes that no objection was raised by the RMS and Transport for NSW in relation to traffic matters.

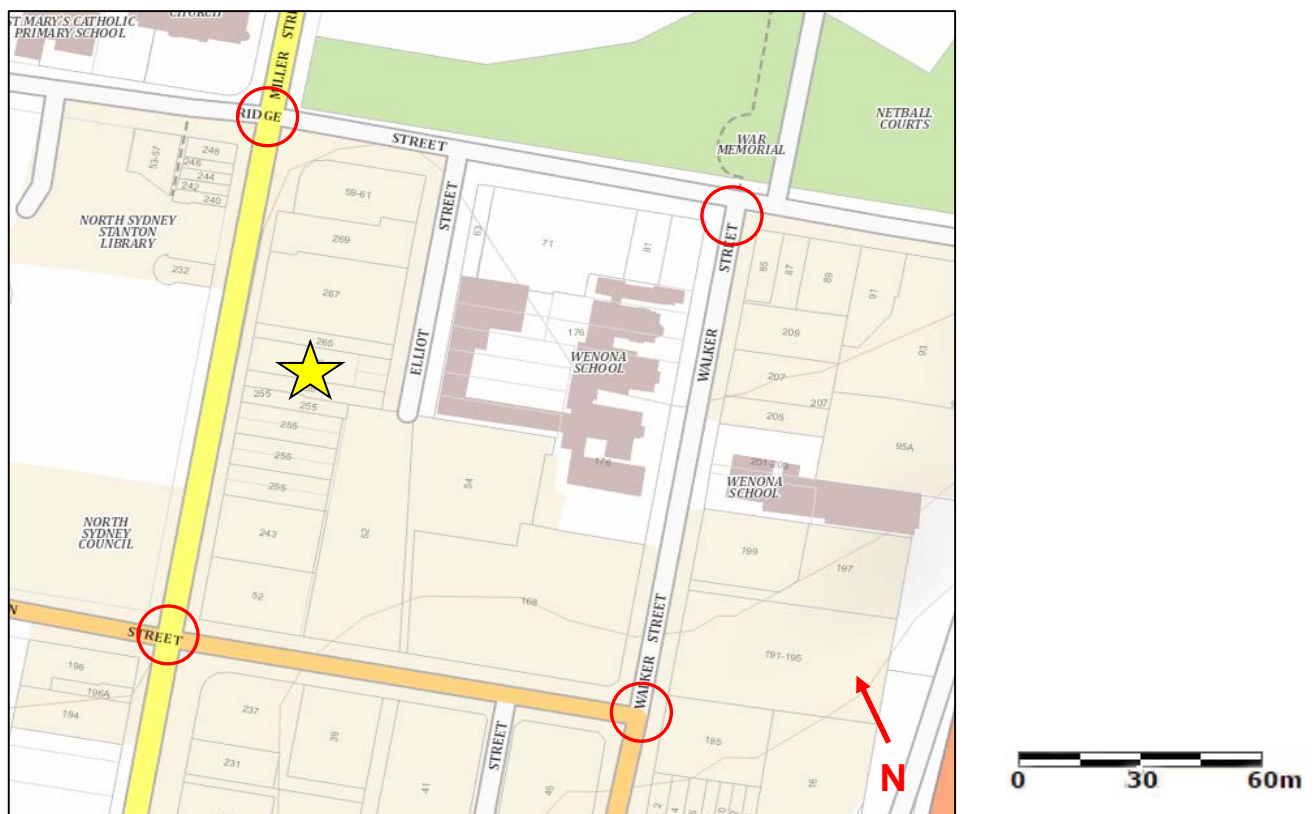


Figure 32: Road network surrounding the site with main traffic access points circled (Source: Six Viewer)

Construction

The applicant has advised that as a builder has not yet been appointed to carry out the proposed works, the construction methodology, process and staging cannot be precisely defined. The builder will be responsible for the lodgement of the construction traffic management plan, which will be prior to the commencement of construction.

Broadly, it is intended that during the construction of the development, an on-site work zone will be established within the western part of the campus, between Miller Street and Elliott Street. Access to the construction compound will be provided from Miller Street and Elliott Street. In order to minimise construction traffic on surrounding streets, trucks will approach and depart the site along designated truck routes. The loading and unloading of construction material from trucks will be carried out on-site and from an on-street Works Zone (to be identified). The location and operation of the on-street Works Zone will need to be agreed with and approved by North Sydney Council's Traffic Committee.

Vehicular access to adjacent properties in Elliott Street, Miller Street and Ridge Street will be maintained during the construction period. Pedestrian activity within the school campus and on adjacent streets will be protected with the provision of appropriate construction barriers and traffic controllers.

The Department is satisfied that construction impacts associated with the proposed development can be adequately managed.

4.6 Other Matters

Heritage

The site of the new building is not identified as a heritage item and not covered by any instruments under the NSW Heritage Act (1977) and is not classified by the National Trust of Australia (NSW). However, the existing former house at 255 Miller Street (which forms part of the collective known as Building 1) is identified as a local heritage item under North Sydney LEP 2013 (refer **Figure 33**), however no works are proposed to the listed item.



Figure 33: View looking South to No.255-257 Miller Street which is a two-storey Federation Arts and Crafts house listed as heritage item (Source: EIS)

Whilst the building currently located on the site proposed for demolition (263 Miller Street) is not a heritage item, the existing front sandstone pillars and gateposts, historic boundary markers, currently located at the entry of the former house (refer **Figure 34**) have some heritage value. The applicant has indicated that it is likely the pillars will be preserved and relocated into the landscaped frontage of the new building, however the ultimate location of the pillars will be resolved in consultation with the heritage consultant and landscape architect and details of their final location will be provided to the Department prior to commencement of work.



Figure 34: Former single-storey residence building at 263 Miller Street with remains of western boundary markers (sandstone pillars) at front facing Miller Street (Source: EIS)

An assessment of the potential heritage impacts has been undertaken in the applicant's Heritage Impact Statement (HIS) submitted with the application. The assessment concludes that the proposed development will not adversely affect the identified heritage significance of the locally listed building at 255 Miller Street given the following:

- the proposed works are not associated with works to the heritage item. The new school building retains and respects the existing heritage item adjacent to the development site by aligning with the height of the heritage item to prevent it from being dominated;
- the new building is set back from the alignment of the heritage item to ensure views to the item are retained. This setback respects the heritage significance of the item in close proximity by allowing the public to view and appreciate their cultural significance as stylistically similar from the Federation period; and
- the proposed new building is contemporary in design and offers a new landmark element within the Miller Street streetscape, without trying to mimic the appearance of the heritage listed Federation house.

The Department considers that the new building is appropriately scaled to respect and retain views to the historic features of the site. The proposed new building is also set back from heritage items in the vicinity of the site. Further, the proposed refurbishment works to building directly adjacent to the heritage listed house will not change in appearance and form as the works are to the lower ground level and the rear. In this regard, the front façade will not change and its relationship to the house in terms of visual appearance will not change.

The Department's assessment concludes that, provided that final details regarding the relocation of the pillars are provided to the Secretary prior to the issue of the relevant construction certificate, the heritage impacts of the proposal are acceptable.

Public Domain and Landscaping

The proposed six storey building seeks to create a new public interface for Wenona School, presenting a modern and visually striking building to the streetscape. The proposed access point at Miller Street will mark the start of the new 'Wenona School Spine' which seeks to link the various parts of the school campus, including the Walker Street Campus via the new pedestrian bridge. The development provides a visual outlook of the proposed school spine featuring internal landscaping to soften the built environment (refer **Figure 16** and **35**).



Figure 35: Proposed School Spine

(Source: EIS)

The proposed development will result in the loss of eight existing trees, however the proposal includes additional landscape elements to complement the proposed building and refurbishment works to existing buildings. These include:

- five trees (*Lophostemon confertus*) to be planted in the central courtyard of the Walker Street campus to offset the proposed removal of eight existing trees;
- new landscaping along the site's Miller Street frontage;
- landscaped planters at Level 1 within the setback on the northern façade;
- an outdoor learning terraces on the Lower Ground Level;
- an outdoor learning terrace on Level 1 incorporating paving, seating, and landscaped planters; and
- landscaped planters along the 'Wenona School Spine' and upper level balcony planters.

Figure 36 below shows the trees proposed to be removed (red dotted circle) and retained (black circle).

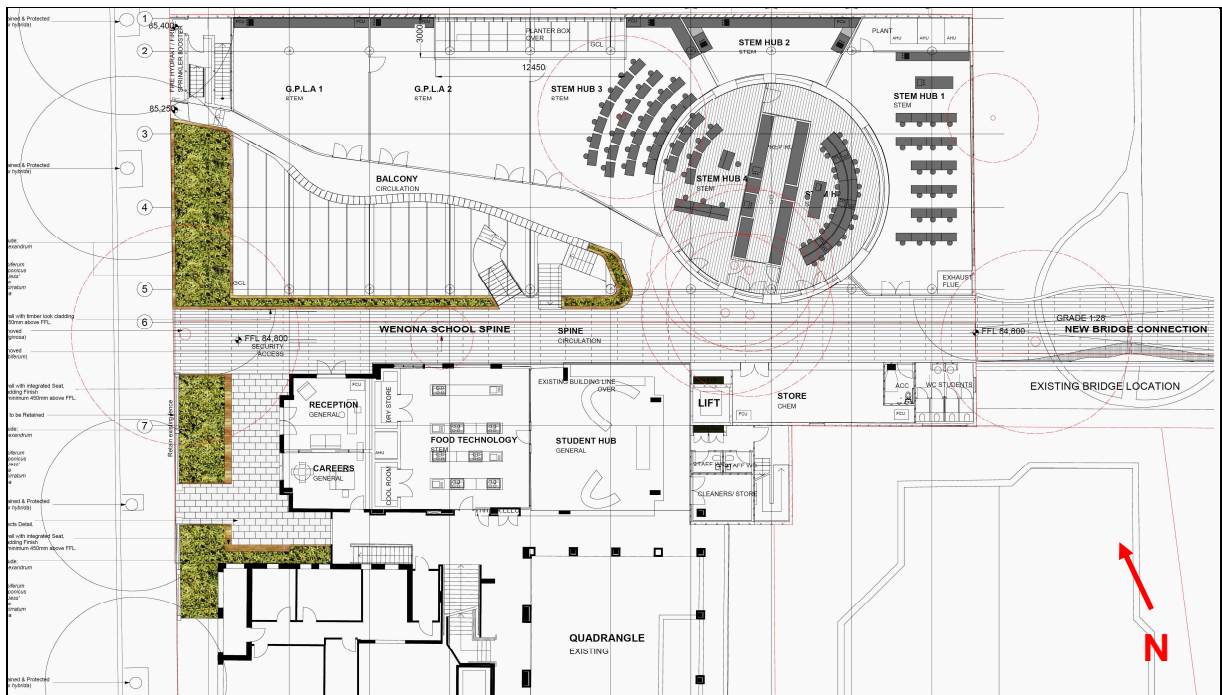


Figure 36: Proposed Tree Removal and Retention Plan

(Source: EIS)

An Arboriculture Impact Report has been provided by the applicant, which assesses the potential impact of the proposal on the subject existing 18 trees on the development site (52 significant trees total on campus). The 18 trees include a variety of planted Australian and exotic trees and shrubs. Of the 18 trees, one tree, a Brush Cherry, Magenta Lilly Pilly (*Syzygium paniculatum*), is listed as an endangered species of the NSW *Threatened Species Conservation Act 1995* and considered to be nationally vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The assessment identifies that the tree is a planted specimen and not remnant vegetation. Accordingly, any impact on the tree would not be considered a significant impact on the threatened species when applying the relevant test under Section 5A of the EP&A Act. Notwithstanding, the proposed works are located outside the identified tree protection zone of the tree and therefore the tree will not be impacted by the development.

The eight trees proposed to be removed are not considered to be of high landscape significance. To mitigate these tree removals, the applicant has committed to the planting of five additional trees (*Lophostemon confertus*) within the central courtyard of the school's Walker Street campus as there is limited scope to provide new trees within the development site. These trees are a local native, long lived, quick growing, evergreen tree which will provide a counterpoint to the predominance of deciduous species within the campus and balance the necessary removal of the existing noxious weed (Camphor laurel) due to poor health and safety. Further, whilst the replacement trees will still incur a deficit loss of existing trees, the proposed development also incorporates an indoor planting scheme to assist in offsetting the tree and vegetation loss. The Department is satisfied that the proposal satisfactorily mitigates for the proposed loss of trees required to construct the new building.

Section 94A Contributions

The relevant contributions plan for the site is the North Sydney Section 94A Contributions Plan for the North Sydney Local Government Area. The applicant has sought an exemption from any monetary contribution as the proposed development would not result in any additional demand on public services or local infrastructure.

Notwithstanding Council's consistent approach not to request schools to provide these contributions, Council encourages a voluntary contribution from the school for the delivery of infrastructure that it makes use of, such as outdoor space embellishment and library services. The applicant does not consider appropriate to enter into a formal agreement with Council for infrastructure upgrades, considering that the development is providing new swimming pools (to replace outdated facilities) and teaching spaces. The applicant has also committed to upgrading the site's Elliott and Miller Street frontages as part of the proposed development.

The Department is of the view that whilst the proposal is not specifically exempt from Council's s94 Contributions Plan, the school provides an education benefit for the community and sport facilities and recreation space on the school campus. The Department also considers that given there will be no increase in student or staff numbers as a result of this proposal, there would be no additional demand placed on Council services or infrastructure. The Department considers that there is not a sufficient nexus between the proposal and increased demand for public services or facilities, which is the approach adopted by the Department in its assessment of similar applications for educational establishments. The Department's assessment therefore concludes that the s94 monetary contribution should not be applied in this circumstance.

Road Widening

Council raised issues on the proposed re-alignment being an affectation on the development site based on historical records. Whilst it is understood that Council has identified this road widening based on historical legacy from when Miller Street was a major arterial to the Harbour Bridge, the site is not identified on Council's LEP Land Acquisition Map for future road widening. In discussions with RMS on the matter, the Department was informed that the road widening has since been abandoned and no longer applies to the site.

Construction Hours

The construction hours sought by the applicant are between 7 am to 6 pm on a weekday, and 8 am until 5 pm on a Saturday. Council's standard construction hours are limited to between the hours of 7 am until 5 pm on a weekday and 8 am until 1 pm on a Saturday to minimise impacts on the surrounding residential area. The Department notes the public's concern regarding excessive noise levels and impacts on health and wellbeing, but accepts that a 6 pm curfew on a weekday would not result in any significant additional impact to the surrounding area. However, the Department does not support an extension of construction hours beyond 1 pm on a Saturday afternoon when a higher proportion of residents are likely to be at home. A condition restricting construction hours is recommended in the development consent.

4.7 Suitability of the Site

The site is suitable for the proposed development because it is currently used for educational purposes and has adequate off-site formal parking arrangements in place and is well serviced by public transport and local streets, such as Miller Street and Elliott Street.

4.8 Public Interest

The proposed development would provide benefit for the community by delivering contemporary teaching and learning facilities with more adaptable and collaborative learning spaces to improve educational outcomes. The Department therefore concludes that the proposal is in the public interest.

5 CONCLUSION

The Department has undertaken a merit assessment of the proposal taking into consideration the issues raised in the public submission and by Council and is satisfied that the impacts have been addressed in the EIS and the RtS. The Department is of the view that the recommended conditions would adequately mitigate any environmental impacts of the proposal.

Despite the variation to the development standards, the proposal responds to the context of existing school buildings and is an appropriate built form, which meets the functional needs of the school. Furthermore, the building design addresses the interface with adjoining residential development to minimise amenity impacts to neighbours. The proposal is a high quality development that would have a positive visual relationship to the adjoining streets and locality.

Despite the departure to the height and FSR development standards, the Department is satisfied that the height, bulk and scale of the proposed development is appropriate in the context of the existing dense built form along Miller Street.

There are currently adequate off-street parking arrangements available to satisfy the demand for parking generated by the existing school and traffic management measures are in place to minimise any delays at peak times. As there would be no increase in staff or student numbers, the proposal would not generate any additional demand for parking or increase traffic delays on surrounding streets.

The proposed development would deliver new teaching and learning facilities to replace existing outdated building stock and create more adaptable classrooms and collaborative learning spaces with better amenity for students and teachers to improve educational outcomes.

The proposal is therefore in the public interest. Accordingly, the Department recommends that the application be approved, subject to conditions.

6 RECOMMENDATION

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

- (a) **considers** the findings and recommendations of this report;
- (b) **approves** the State significant development application for the Wenona School Burwood (SSD 6952), subject to conditions of consent set out in the attached instrument at **Appendix D**; and
- (c) **signs** the attached development consent at **Appendix D**.

Prepared by: May Banh, Planner

Endorsed by:



Karen Harragon
Director
Social and Other Infrastructure

Approved by:

David Gainsford
Executive Director
Priority Projects Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Assessment
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6952
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6952
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6952

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) (INCLUDING DRAFT) AND DCP(S)

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

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

The proposed development is SSD in accordance with s. 89C of the Environmental Planning and Assessment Act 1979 (EP&A Act) because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million in accordance with Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore the Minister for Planning is the consent authority.

State Environmental Planning Policy (Infrastructure) 2007

Clause 32 of State Environmental Planning Policy (Infrastructure) 2007 requires proposals for new school buildings to address the School Facilities Standard State government publications to ensure school facilities provide safe and robust school learning environments. The applicant has advised that the relevant standards were considered in the design and planning of the development and that the project satisfies the objectives of the standards.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

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

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

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

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose. The applicant submitted a Phase 1 site contamination investigation with the application. The assessment concludes the site is suitable for the use subject to the implementation of a Construction Environmental Management Plan for the duration of the construction works, including an Unexpected Finds Protocol. A condition to that effect is recommended in the instrument of approval. The Department is satisfied that no further investigation is required for the site.

North Sydney Local Environmental Plan 2013 (NSLEP)

The development is consistent with the NSLEP aims to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment. Consideration of the relevant clauses of the NSLEP is provided in **Table 1**.

Table 1: Consideration of NSLEP

Clause	Complies	Department Comment / Assessment
2.1 Land Use Zones	Yes	The proposed development site is associated with a school and is a permissible use in the B4 Mixed Use zone.
2.3 Zone Objectives	Yes	The proposed development is consistent with the zone objectives as it will provide for an educational establishment in an accessible location, and will add to the vibrancy of the mixed use centre.
4.3 Height of Buildings	No	The development exceeds the maximum allowable height of 10 m in the LEP. The proposed new building has a maximum height of 13.4 m and the existing school building subject to refurbishments has a height of 14.8 m to incorporate the lift overrun. The exceedances are acceptable given the existing built form along Miller Street and in the locality.
4.4 Floor Space Ratio	No	There is a maximum non-residential FSR of 1:1. The proposed development comprises entirely of non-residential floor space, with an FSR of 2.75:1. The variation is acceptable as: the proposal is consistent with the general built form along Miller Street; the height, bulk and scale of the proposal is consistent with the future character of the locality; and the additional floor space would not result in any increase in student or staff numbers.
5.9 Preservation of Trees or Vegetation	Yes	A total of eight trees are required to be removed to facilitate the development. The trees do not have heritage significance and are generally of low moderate retention value. Replacement tree planting is proposed as part of the project.
5.10 Heritage Conservation	Yes	The proposed development does not adversely impact on any heritage items.
6.4 Miller Street Setback	Yes	Part 6, Division 1 – North Sydney Centre does not pertain to the proposal as the development site is outside of the area identified on the North Sydney Centre Map.

Development Control Plans

It is noted that clause 11 of the State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to SSD. Notwithstanding, consideration of relevant controls has been given in **Table 2**.

Table 2: Consideration of North Sydney Development Control Plan 2013

DCP Control	Department Comment / Assessment
2.3.7 Solar access	No solar impact on adjoining residential apartment at No. 267 Miller Street, some minor additional overshadowing to commercial properties south of the development site. Minimum solar access of 3 hours between 9 am and 3 pm is met. Proposed development on UnitingCare site will not be impacted by the proposed development at Wenona school as additional overshadowing caused by Wenona

DCP Control	Department Comment / Assessment
	is minor and impacts are predominately to the proposed lower ground floors with non-residential uses proposed. The expected increase in overshadowing from Wenona School development will not compromise the future development potential of the UnitingCare development.
2.3.11 Visual privacy	The proposed light well on the northern boundary is proposed to be fritted glass design to minimise overlooking whilst maintaining light penetration to teaching areas and incorporates landscaping elements to provide adjoining apartment occupiers visual interest.
2.4.3 Setbacks	The DCP control requires a minimum side setback of 3 m from the property boundary where the adjoining site has balconies or windows to main living areas of dwellings or serviced apartments at the same level. The proposal meets the minimum setback requirement with a setback of 3 m from the northern property boundary proposed (adjacent to neighbouring balconies) and a setback of 6.23 m from the development to the adjoining apartment balconies.
2.4.5 Building design	The proposed development is designed to be consistent with the surrounding built form, streetscape and locality. The proposed building is articulated in terms of scale and form and integrates well in the locality in terms of external materials and finishes. The development also respects the setting and curtilage of heritage items.
2.4.10 Streetscape	The proposed new school building is consistent in height, form and scale with the existing streetscape of Miller Street. The proposed materials and finishes to the façade of the new building contributes to a consistent streetscape and provides visually interesting elements which are complimentary to the existing school buildings across the campus.
2.4.11 Entrances and exits	The proposed development incorporates a new school pedestrian spine, which provides a clearly visible entrance from the street and conveys a sense of address.
2.5.8 Car parking	The relevant rate for educational establishments is 1 space per 6 staff. Given there are no proposed increases in staff or student numbers, the proposed development does not generate an additional demand for car parking. However, as a consequence of the proposed development, 11 spaces will be lost. The applicant has committed to providing these 11 spaces external to the campus, in an existing Council car park located within walking distance of the school campus (under an exclusive use agreement with Council).

APPENDIX C GLOSSARY

Delegated Authority

On 16 February 2015, the Minister for Planning delegated his functions under section 89E of the *Environmental Planning and Assessment Act 1979* to the Executive Director, Priority Projects Assessments to determine applications where:

- (a) the relevant council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 25 public submissions in the nature of objections.

Ecologically Sustainable Development

Can be achieved through the following:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.(Cl.7(4) Schedule 2 of the Regulation)*

Objects of the Act

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

- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Relevant Environmental Planning Instruments

These are EPIs that are required to be taken into consideration in the assessment of the project under s. 79C. A detailed evaluation of each is provided at Appendix B.

Section 79C Evaluation

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

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

(a) *the provisions of:*

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

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

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

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

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

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

APPENDIX D RECOMMENDED CONDITIONS OF CONSENT
