



Planning &  
Environment

**STATE SIGNIFICANT DEVELOPMENT  
ASSESSMENT REPORT:  
Inner Sydney High School  
242A and 244 Cleveland St, Surry Hills  
(SSD 7610)**



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

February 2018

## ABBREVIATIONS

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Applicant	NSW Department of Education
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney
CMP	Conservation Management Plan
DA	Development Application
Department	Department of Planning and Environment
DIP	Design Integrity Panel
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
Minister	Minister for Planning
OEH	Office of Environment and Heritage
GA NSW	Office of the Government Architect NSW
RMS	Roads and Maritime Services
RTS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SLEP	Sydney Local Environmental Plan 2012
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
Supplementary RtS	Supplementary Response to Submissions
TfNSW	Transport for NSW

Cover Photograph: Artists' impression of the north-western aspect of the proposed development (*Source: Response to Submissions*)

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## EXECUTIVE SUMMARY

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This report is an assessment of a State significant development (SSD) application lodged by the Department of Education (the Applicant) seeking approval for a new high school at 242A and 244 Cleveland Street, Surry Hills.

The application seeks approval for the demolition of existing 1960s building and bridge links, internal reconfiguration and refurbishment of existing heritage listed buildings and construction of a new 13 storey building to accommodate up to 1200 students, associated landscaping and public domain works, and ancillary works.

The proposed development has a capital investment value (CIV) of approximately \$60 million and would generate approximately 80 construction jobs and 100 operational jobs. At the time of lodgement, the proposed development was SSD under clause 13 of Schedule 1 to the *State Environmental Planning Policy (State and Regional Development) 2011*, as it was development for the purpose of an educational establishment with a CIV greater than \$30 million. Therefore, the Minister for Planning is the consent authority.

The Environmental Impact Statement (EIS) was exhibited between 22 June 2017 and 7 August 2017 (46 days). The Department of Planning and Environment (the Department) received a total of 15 submissions during the exhibition of the application, including seven submissions from Government agencies which provided advice on the proposed development, and eight submissions from the public, four of which objected to the proposed development. The matters raised in the submissions included built form, impacts on Prince Alfred Park, safety, heritage, traffic and access, overshadowing and flooding/stormwater.

The Applicant provided a Response to Submissions (RTS), which updated the proposed development to include demolition of the 1960s building, and included additional information and responses to the key issues raised in submissions. The Applicant's RTS also proposed design amendments including alterations to the podium and tower form, main entry and courtyard beneath, interface treatments, revised stair configurations and improved setbacks to heritage buildings.

Due to the additional demolition elements included, as well as the changes to the design of the proposed development, the RTS was exhibited between 11 October 2017 and 10 November 2017. The Department received a total of 11 submissions, including seven from public authorities and four from the public, three of which objected to the proposed changes. Outstanding issues raised in submissions included built form and urban design, flooding, traffic and access, and the interface with Prince Alfred Park.

The Applicant responded to the outstanding issues raised in submissions in a Supplementary RTS, providing further clarification and justification including updates to the built form and urban design, details of overshadowing and updated advice on flooding, wind, traffic, archaeology and noise.

The Department identified the following key issues for assessment: built form, urban design and public domain; environmental and residential amenity; traffic, transport and accessibility; flooding and stormwater; and heritage.

The Department has considered the concerns raised in submissions and concludes that some proposed mitigation and management measures require further refinement. As such a number of conditions have been recommended such as including façade detailing of the tower, interface landscaping with Prince Alfred Park, flooding/stormwater management and operational pedestrian and traffic management (including pick-up/drop-off zone). The Department is satisfied that existing public transport and pedestrian and bicycle networks can accommodate the increased demand generated by the proposed development.

The Department is also satisfied that the recommended operational conditions would ensure the residential amenity of the surrounding sensitive receivers is satisfactorily maintained. Other matters were considered and found to be acceptable.

The Department considers the application is consistent with the objects of the *Environment Planning and Assessment Act 1979* (EP&A Act), including ecologically sustainable development, State priorities, A Plan for Growing Sydney and the Greater Sydney Commission's revised draft Eastern City District Plan. The Department is satisfied that the subject site is suitable for the proposal and would provide additional employment opportunities. The Department therefore considers the development would be in the public interest and recommends that the State significant development application be approved, subject to conditions.

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## 1. BACKGROUND

### 1.1. Introduction

This report provides an assessment of a State Significant Development (SSD) application lodged under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), for a new high school at 242A and 244 Cleveland Street, Surry Hills.

The Department of Education (the Applicant) proposes to develop a new high school with a capacity of up to 1,200 students.

### 1.2. The site and surroundings

#### 1.2.1. Site Description

The site is located at 242A and 244 Cleveland Street, Surry Hills and is legally described as Lot 8 DP 821649, Lot 1 DP 797483 and Lot 1 DP 797484 within the City of Sydney Local Government Area (LGA). The site is currently occupied by the Cleveland Street Intensive English High School which is located at the south-eastern corner of Prince Alfred Park immediately south of Central Railway Station. The three existing buildings fronting Chalmers Street are locally listed heritage items, and the three storey building on the western side of the site was built in 1969 and is not heritage listed.

The site is 5,695 square metres (m<sup>2</sup>) in area and has two frontages, Chalmers Street and Cleveland Street. The existing staff carpark and service vehicle driveway is located on the Cleveland Street frontage which is 61.2 metres (m) in length. The main entrance to the existing school is currently on the Chalmers Street frontage which is 100.8 m in length.

The proposed development location is shown in **Figures 1 and 2**.

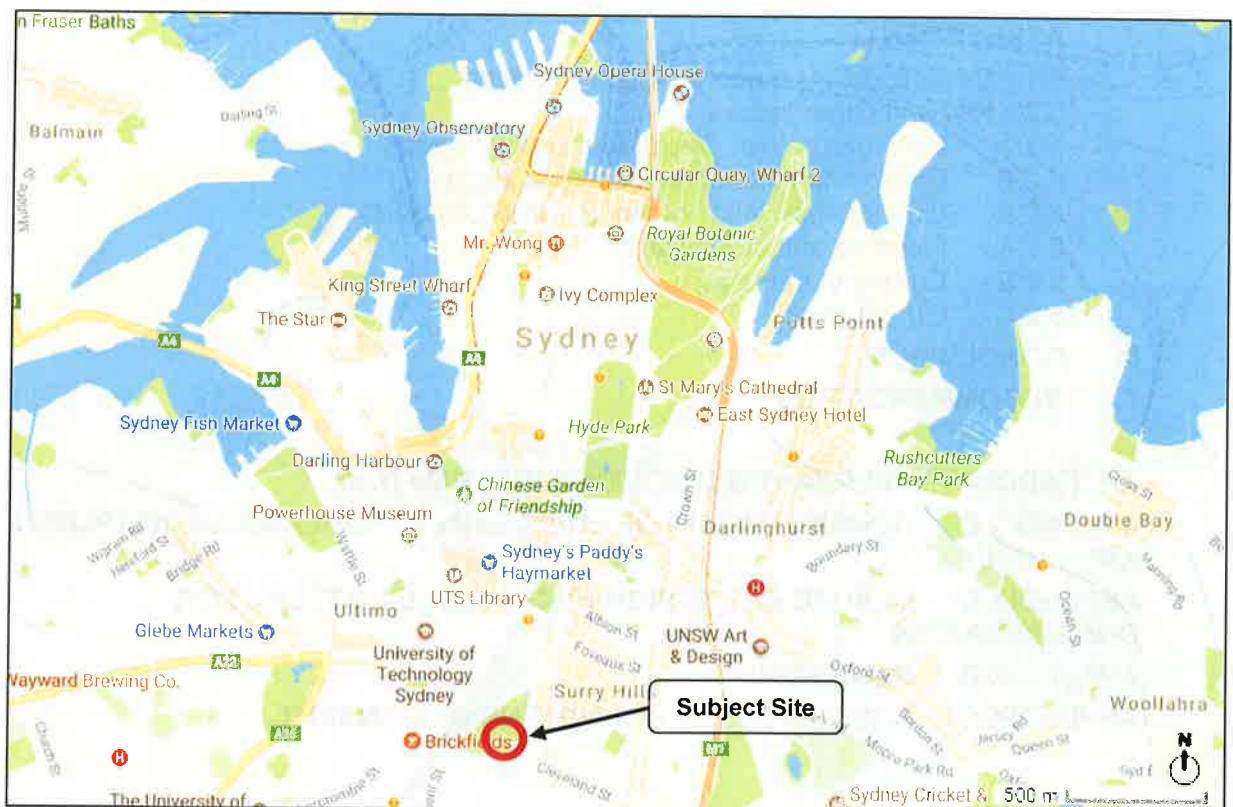


Figure 1: Site location in context with the Sydney CBD (Source: Google Maps 2017)





Figure 2: Existing development (Source: Nearmap 2017)

### 1.2.2. Surrounding Development

The site is located within an established urban area, which is characterised by a variety of building forms, heights, ages and architectural styles. Prince Alfred Park, which contains Prince Alfred Park Public Pool, Basketball Courts and City Community Tennis Courts adjoins the site to the north and west. A large six storey commercial building is located to the south, on the opposite site of Cleveland Street, accommodating the Australia Post and Star Track Head Office, a three storey building is located to the south east and a series of five to seven storey mixed use residential, retail and commercial buildings are located to the east.





Figure 3: Surrounding development (Source: Nearmap 2017)

The subject site is located in close proximity (200 m) to the Central Station Precinct (Figure 4) which forms part of the Urban Transformation Strategy. This strategy was released in 2016 by UrbanGrowth NSW and covers approximately 50 hectares (ha) of government-owned land between Central and Erskineville Stations. The strategy provides guidance for development including a range of private and affordable housing within this corridor over a 20-30 year period.

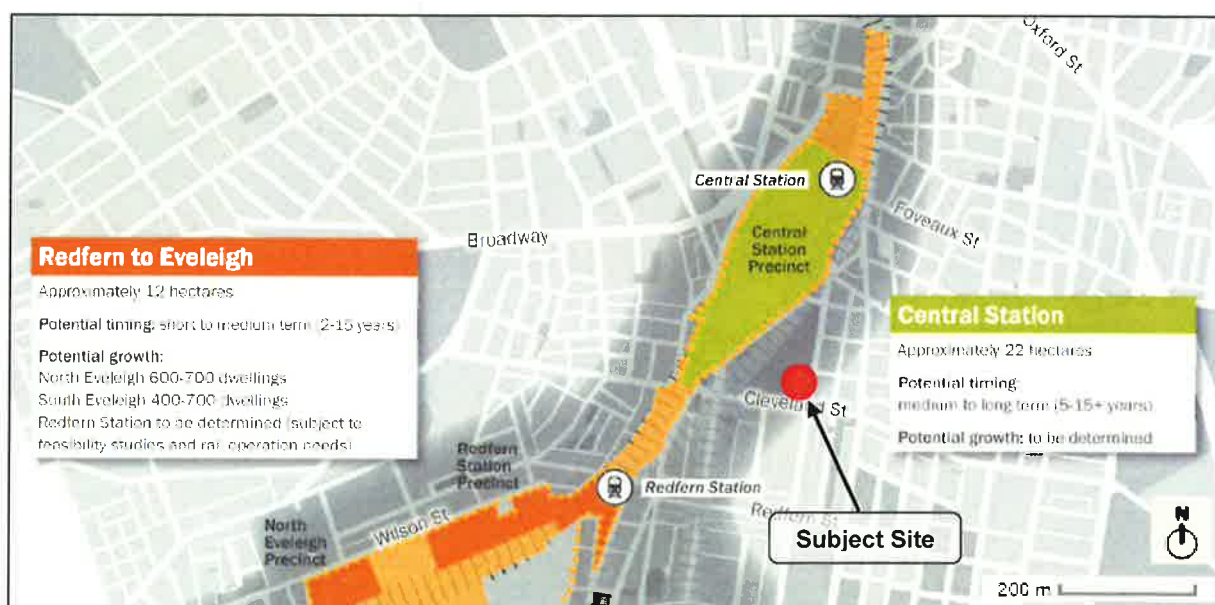


Figure 4: Central to Eveleigh Precinct Map (Source: UrbanGrowth NSW 2016)



## 2. DESCRIPTION OF PROJECT

### 2.1. Project Description

The key components and features of the proposed development (as refined in the Response to Submissions (RTS) and Supplementary RTS) are provided in **Table 1** and shown in **Figure 6 - Figure 10**.

**Table 1: Key components of the SSD application**

Aspect	Description
<b>Development Summary</b>	<b>Development of the new Inner Sydney High School comprising demolition of existing 1960s building and covered walkways, internal reconfiguration and refurbishment of existing heritage listed buildings and construction of a new 13 storey building to accommodate up to 1200 students, associated landscaping and public domain works, and ancillary works</b>
<b>Site area</b>	<ul style="list-style-type: none"> <li>• 5,622 m<sup>2</sup></li> </ul>
<b>Gross floor area (GFA)</b>	<ul style="list-style-type: none"> <li>• 18,153 m<sup>2</sup></li> </ul>
<b>Demolition</b>	<ul style="list-style-type: none"> <li>• Demolition of the existing 1969 three storey school building including covered walkways (approximately 6 months)</li> </ul>
<b>Earthworks</b>	<ul style="list-style-type: none"> <li>• Excavation for basement level.</li> </ul>
<b>Built form</b>	<ul style="list-style-type: none"> <li>• Construction of a 13 storey (58.1 m) school building comprising: <ul style="list-style-type: none"> <li>○ collaborative general and specialist learning hubs with a combination of enclosed and open spaces</li> <li>○ library and resource hubs</li> <li>○ staff workplaces</li> <li>○ student cafe</li> <li>○ indoor movement complex and indoor performance spaces</li> <li>○ outdoor learning and recreational areas (approximately 20 months)</li> </ul> </li> </ul>
<b>Heritage</b>	<ul style="list-style-type: none"> <li>• Internal reconfiguration and refurbishment the existing locally listed heritage listed buildings to create: <ul style="list-style-type: none"> <li>○ general amenities and specialist learning areas</li> <li>○ amenities</li> <li>○ staff workplaces for teachers and administrative staff</li> </ul> </li> </ul>
<b>Uses</b>	<ul style="list-style-type: none"> <li>• Educational establishment for years 7-12.</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Existing driveway off Cleveland Street for staff parking and service/emergency vehicles</li> <li>• Main pedestrian entrance to Chalmers Street, with additional egress points provided to Prince Alfred Park via the north and western boundaries</li> </ul>
<b>Car parking</b>	<ul style="list-style-type: none"> <li>• 7 spaces including 1 accessible space.</li> </ul>
<b>Bicycle parking</b>	<ul style="list-style-type: none"> <li>• 114 spaces</li> </ul>
<b>Public domain and landscaping</b>	<ul style="list-style-type: none"> <li>• Removal of 10 trees</li> <li>• Creation of nine Landscape Character Zones</li> <li>• Western and northern interface (and access) to Prince Alfred Park including realignment of existing footpath, paving and seating</li> <li>• Quiet recreation space</li> <li>• Amphitheatre</li> <li>• New main entrance forecourt to Chalmers Street</li> <li>• Outdoor games court on Level 4</li> <li>• Roof garden on Level 12</li> </ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>• 8:30 am - 5:00 pm (cleaning to 9:00 pm)</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>• 80 construction jobs.</li> <li>• 100 operational jobs</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>• \$60 million</li> </ul>

The Department notes the proposal did not originally seek approval for the demolition of the existing 1969 three storey school building (Building 4) as the Applicant was pursuing a Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (the Act). However, with the recent gazettal of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the REF was unable to be determined as demolition was only included as development without consent if not a state or local heritage item. While demolition of a heritage item is not included as part of the proposed development (but may affect heritage items), the Applicant opted to incorporate demolition of the building into the Response to Submissions (RtS).

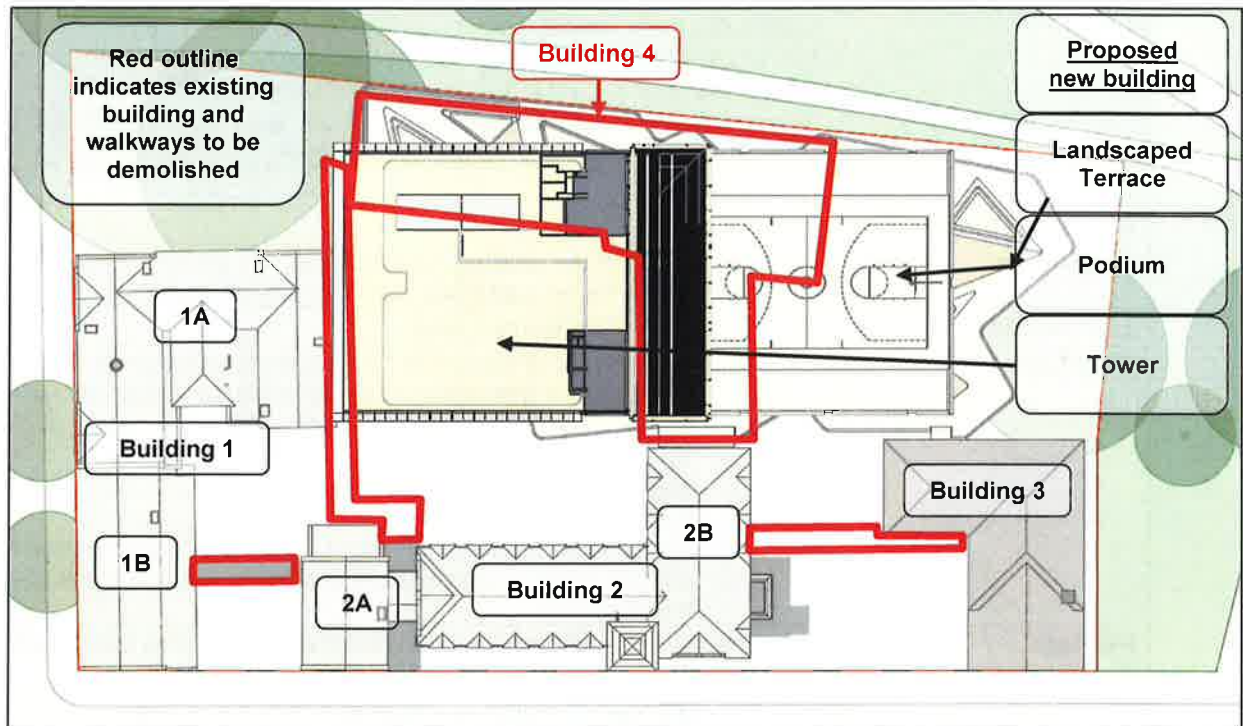


Figure 5: Proposed site layout and location of main demolition work (Source: RTS 2017)

#### Demolition and Refurbishment of Existing Buildings

Demolition of the existing three storey 1960's building, including all walkways connecting the existing buildings is included as part of the proposal (Building 4). Additionally, demolition and refurbishment works are proposed to each heritage building proposed to be retained on site. **Table 2** and **Figure 5** describes the detailed works proposed to existing Buildings 1, 2 and 3.

**Table 2: Refurbishments to existing buildings**

<b>Building 1 (1A, 1B)</b>	<p><b>External – Northern Elevation</b></p> <ul style="list-style-type: none"> <li>• Removal of existing walkway between Building 1A and 1B</li> <li>• Creation of two new openings at ground and first floor level to facilitate construction of new walkways</li> <li>• Enlarge existing opening at first floor level and installation of new steel framed window</li> <li>• Installation of new steel framed window in location of former walkway</li> <li>• Replace three windows at lower ground floor with new doors</li> <li>• 'close in' from behind one window at lower ground floor level for substation blast requirements.</li> </ul> <p><b>External – Western Elevation</b></p> <ul style="list-style-type: none"> <li>• 'close in' from behind one window at lower ground floor level for substation blast requirements.</li> </ul> <p><b>Internal – Lower Ground Floor</b></p>
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	<ul style="list-style-type: none"> <li>• Creation of new openings in walls and removal of doors</li> <li>• Removal of concrete bubblers in Building 1B</li> <li>• Installation of lift</li> <li>• Installation of full height partitions</li> <li>• Installation of plant equipment</li> </ul> <p><b>Internal – Ground Floor</b></p> <ul style="list-style-type: none"> <li>• Creation of new openings and removal of doors/windows</li> <li>• Installation of lift</li> <li>• Installation of full height partitions</li> <li>• Installation of display space</li> </ul> <p><b>Internal – Mezzanine</b></p> <ul style="list-style-type: none"> <li>• Removal of mezzanine floor from Building 1B</li> </ul> <p><b>Internal – First Floor</b></p> <ul style="list-style-type: none"> <li>• Creation of new openings in walls and removal of doors</li> <li>• Installation of lift</li> <li>• Installation of full height partitions</li> <li>• Installation of display space</li> </ul>
<b>Building 2 (2A, 2B)</b>	<p><b>External – Northern Elevation</b></p> <ul style="list-style-type: none"> <li>• Removal of existing walkway</li> <li>• Modification to existing opening created by removal of existing walkway at ground floor to create new entrance with new steel framed doors</li> <li>• Reinstate original opening beneath stairs</li> </ul> <p><b>External – Southern Elevation</b></p> <ul style="list-style-type: none"> <li>• Removal of walkway connecting Building 1A and installation of new timber framed window at first floor level</li> </ul> <p><b>External – Western Elevation</b></p> <ul style="list-style-type: none"> <li>• Installation of new doors and windows at lower ground floor, ground floor and first floor levels at the location of the existing connection to Building 4 (to be demolished) to connect to new building</li> <li>• Installation of a new steel framed window in an opening created by the removal of the existing walkway to Building 1B</li> <li>• Construction of a Juliette balcony to an existing opening on first floor level</li> </ul> <p><b>Internal – Lower Ground Floor</b></p> <ul style="list-style-type: none"> <li>• Removal of doors and creation of a new doorway</li> <li>• Installation of full height partitions</li> <li>• Installation of bathroom amenities</li> </ul> <p><b>Internal – Ground Floor</b></p> <ul style="list-style-type: none"> <li>• Enlarge existing door opening and creation of two new door openings</li> <li>• Installation of full height partitions and 'boxed' partitions</li> <li>• Installation of bathroom amenities</li> <li>• Installation of services plant and equipment</li> </ul> <p><b>Internal – First Floor</b></p> <ul style="list-style-type: none"> <li>• Installation of new 'boxed' partitions</li> </ul>
<b>Building 3</b>	<p><b>External – Northern Elevation</b></p> <ul style="list-style-type: none"> <li>• Removal of window and enlarge opening to allow for the installation of a fire door mounted in a steel frame.</li> </ul> <p><b>External – Southern Elevation</b></p> <ul style="list-style-type: none"> <li>• Enlarge opening created by the removal of the existing walkway and install a steel framed structure with door in a glazed partition wall</li> <li>• Removal of stairs leading from main entrance on ground floor level to courtyard at lower ground floor level, retention of existing door and installation of Juliette balcony</li> </ul> <p><b>External – Western Elevation</b></p> <ul style="list-style-type: none"> <li>• Creation of new openings at lower ground floor level and first floor levels to provide connections to proposed new building</li> <li>• Replacement of existing door at lower ground floor level with a fire door</li> </ul> <p><b>Internal – Lower Ground Floor</b></p> <ul style="list-style-type: none"> <li>• Removal of door to store room</li> </ul> <p><b>Internal – Ground Floor</b></p>



	<ul style="list-style-type: none"> <li>• Creation of new opening in hallway wall</li> <li>• Installation of new full height partitions</li> <li>• Installation of new amenities</li> </ul> <p><b>Internal – First Floor</b></p> <ul style="list-style-type: none"> <li>• Creation of new opening in hallway wall</li> <li>• Installation of new full height partitions</li> <li>• Installation of new amenities</li> </ul>
<b>General works to all buildings</b>	<ul style="list-style-type: none"> <li>• Acoustic treatment</li> <li>• Fire safety upgrades</li> <li>• New services and existing services upgrade</li> <li>• General maintenance and repair works</li> </ul>

### Proposed New Building

The proposed new building would provide distinct built form elements within the school campus. The Studio is a three storey podium above a landscaped terrace and the Learning Community Hub is the tower form located at the southern end of the podium (**Figure 5 to Figure 11**).

### *Learning Community Hub*

- Basement Learning Complex – sports courts, movement studio, change rooms and storage
- Lower Ground General Learning and Fitness – outdoor learning area, fitness lab, learning studios, band room, music practice room and fitness rooms.

### *Welcome Hub*

- Ground Floor Student and Community Hub – library, main access off Chalmers St, staff facilities, administration and reception area, learning spaces and studios, outdoor learning and assembly quadrangle
- Level 1 Welcome Hub and Recreation Area – staff facilities, learning spaces and studios, covered outdoor learning and café.

### *The Studio*

- Level 2 Design and Technology – practical activity areas, open learning areas, learning studios, storage and outdoor learning areas
- Level 3 Visual Arts – learning studios, workshops, open learning areas and senior's studios, outdoor learning
- Level 4 – Games – courts and games area (roof level of podium).

### *Learning Community Hub*

- Level 5 – Food Technology - commercial kitchens, learning studios, laundry and storage, and open learning areas
- Levels 6-8 Learning – general Science, Technology, Engineering and Mathematics (STEaM) spaces, games terrace, senior's learning areas, outdoor learning areas, open learning areas and resource nodes
- Level 9 Senior Studio and Future Laboratory – indoor and outdoor learning spaces, practical activities areas and seminar room
- Levels 10-11 Learning – specialist STEAM and senior's learning areas, science labs, outdoor learning areas, open learning areas and resource nodes
- Rooftop area– outdoor learning and plant.

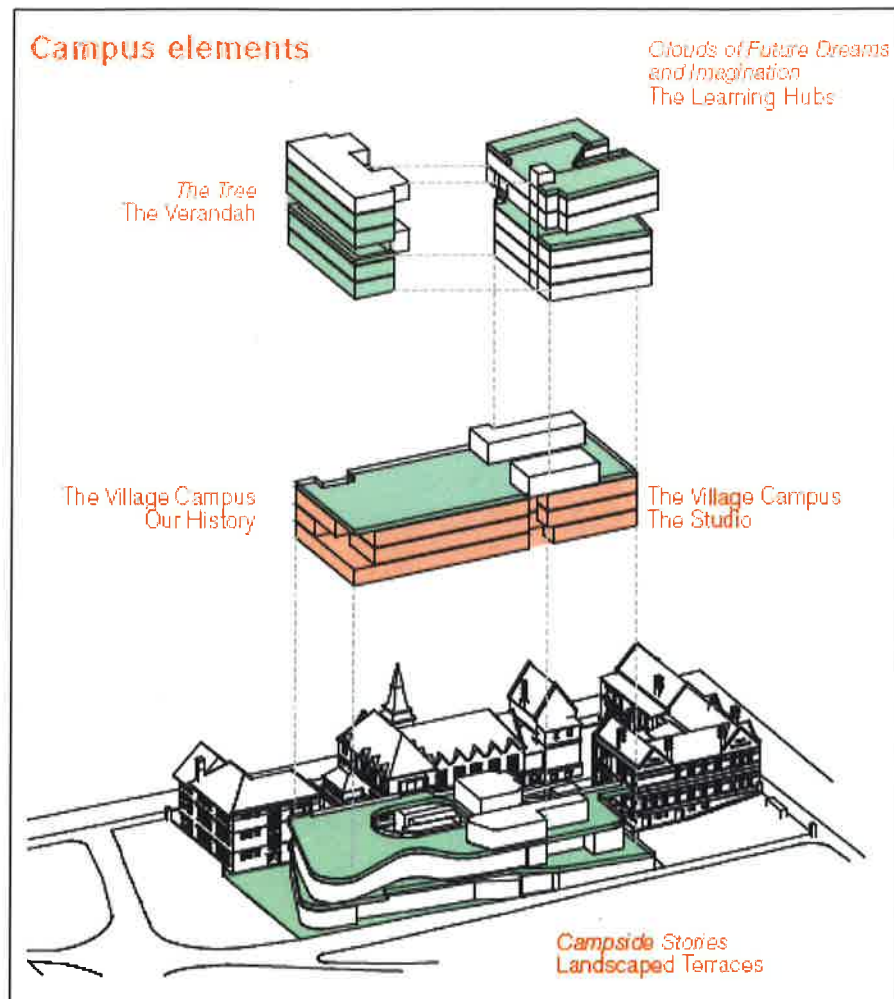


Figure 6: Main campus elements (Source: EIS 2017)

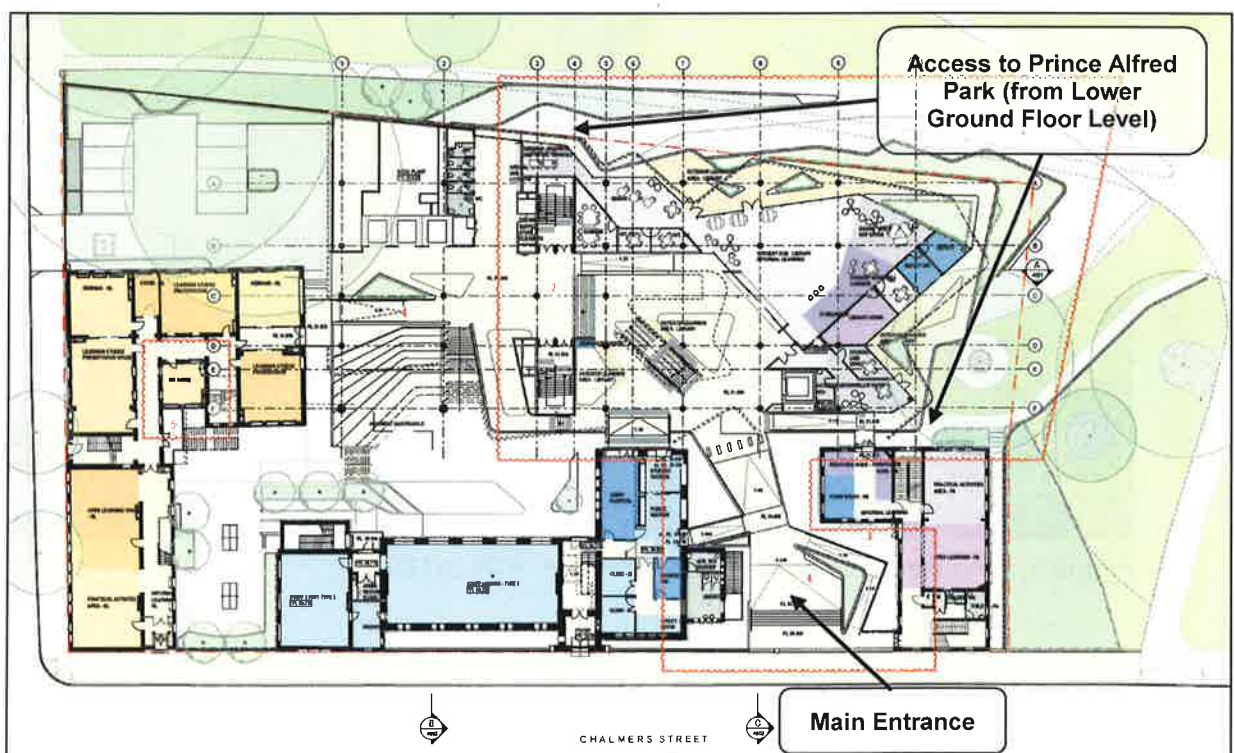


Figure 7: Proposed Ground Floor plan (main entrance level) (Source: RTS 2017)



Figure 8: Proposed Eastern Elevation (Source: RTS 2017)

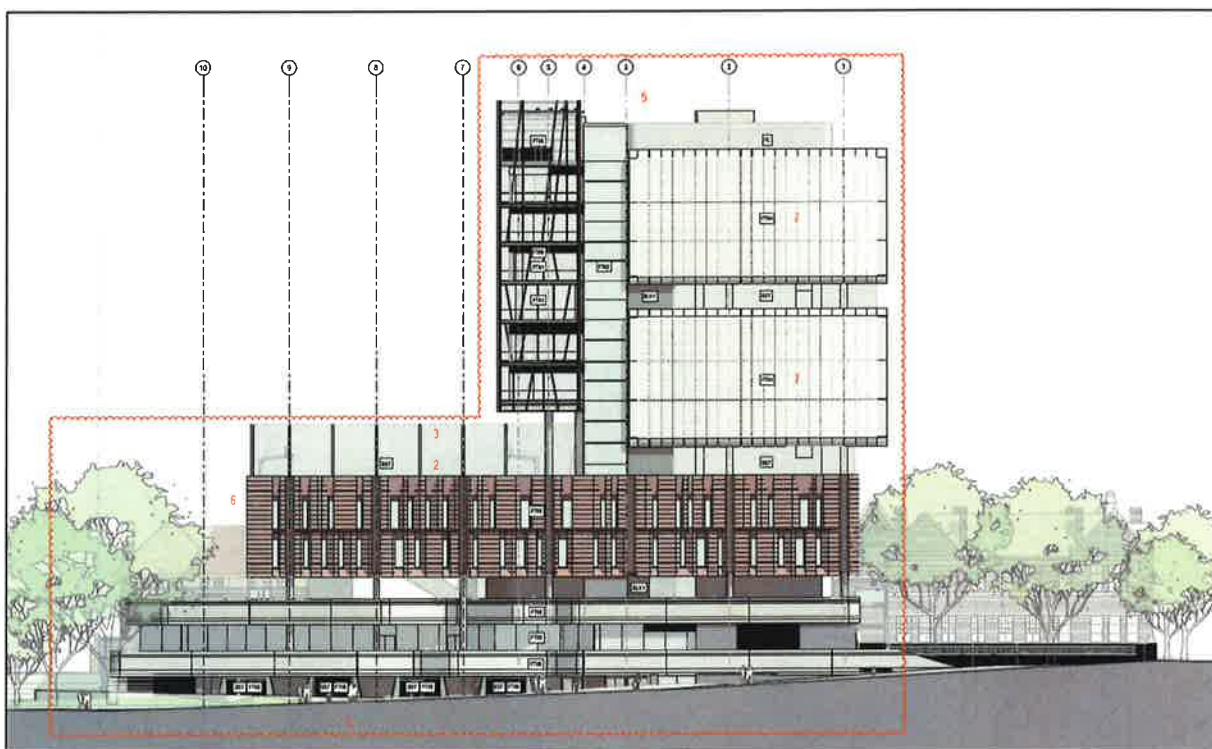


Figure 9: Proposed Western Elevation (Source: RTS 2017)





Figure 10: Proposed Northern Elevation (Source: RTS 2017)

## 2.2. Project Need and Justification

Public school enrolments across NSW are anticipated to be 40,000 students higher in 2019-2020 than they were in 2015-16. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is delivering new schools and upgrading existing schools to meet this demand through the Government's \$1 billion *Rebuilding NSW Schools* fund.

The Applicant states the proposed development is located in an area where population growth has placed significant demand on existing public schools, creating overcrowding beyond capacity. The new school would alleviate some of the strain on other public schools in the area with an additional 1200 student places being created. The existing 360 students and 40 staff of Cleveland Street Intensive English High School will be relocated to the vacated Alexandria Park Community School and will move into a new school to be developed on Mitchell Road, Alexandria. The Applicant notes the proposed development will be a contemporary and comprehensive high school with an emphasis on innovative ways of teaching and learning, which includes practical and specialist learning spaces.

## 2.3. Strategic Context

The Department considers that the proposal is justified given:

- it is consistent with Premiers Priorities to improve education results through the provision of new and improved teaching and education facilities;

- it is consistent with A Plan for Growing Sydney, as it proposes new school facilities to meet the growing needs of Sydney;
- it is consistent with the State Infrastructure Strategy Update 2014, as it proposes:
  - a large school in an inner-city area on existing public land minimising land acquisition;
  - facilities to support the growth in demand for primary and secondary student enrolments for inner Sydney; and
  - a school design to accommodate infrastructure and facilities sharing with communities.
- it is consistent with the NSW Long Term Transport Masterplan 2012 as it would provide a new educational facility in a highly accessible location and provide access to additional new employment opportunities close to public transport;
- it is consistent with the vision outlined in the Greater Sydney Commission's revised draft Eastern City District Plan, as it will provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community; and
- it would provide direct investment in the region of approximately \$60 million, which would support 80 construction jobs and 100 new operational jobs.

### 3. STATUTORY CONTEXT

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#### 3.1. State Significant Development

The proposal is SSD under Section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for an educational facility, with a CIV in excess of \$30 million, as defined under clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as in force at the time of lodgement. Therefore, the Minister for Planning is the consent authority.

#### 3.2. Consent Authority

In accordance with the Minister's delegation dated 11 October 2017, the Executive Director, Priority Projects Assessments can determine the subject application as the City of Sydney Council (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.

#### 3.3. Permissibility

The subject site is zoned B4 – Mixed Use under the Sydney Local Environmental Plan 2012 (SLEP). The objectives of the zone include integrating a mixture of compatible land uses in accessible locations to maximise public transport patronage and encourage walking and cycling. The proposed development is permissible with consent and is consistent with the objectives of the zone.

Further consideration of the SLEP is provided in **Appendix B**.

#### 3.4. Environmental Planning Instruments

Under section 79C of the EP&A Act, the Secretary's report is required to include a copy of, or reference to, the provisions of any environmental planning instruments (EPIs) that substantially govern the carrying out of a development and that have been taken into account in the assessment of the proposed development. The following EPI's apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017
- State Environmental Planning Policy No.55 - Remediation of Land
- State Regional Environmental Plan (Sydney Harbour Catchment) 2005 and
- Sydney Local Environmental Plan 2012.

The Department's consideration of relevant EPIs is provided in **Appendix B**. In summary, the Department is satisfied that the application is consistent with, or satisfactorily responds to, the requirements of the EPIs.

### **3.5. Objects of the EP&A Act**

Decisions made under the EP&A Act must have regard to the objects as set out in section 5 of that Act (see glossary at **Appendix D**). The proposal complies with the Objects of the EP&A Act as it supports the orderly and economic use of land identified for the purpose of an educational establishment. The proposal also promotes the social and economic welfare of the State through the orderly redevelopment of an existing school for social infrastructure.

### **3.6. Ecologically Sustainable Development**

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (see glossary at **Appendix D**). 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 proposed development in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Section 6.3 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation.

The Applicant is targeting a 5-Star Green Star (Australian Best Practice) rating which exceeds the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (EFSG) design guide. The proposed ESD initiatives include highly efficient façade system, low impact materials, use of highly efficient water fixtures and fittings and waterless heat rejection system, optimised air conditioning system and the implementation of a system to educate occupants about the building performance and how it is influenced by occupant behaviour. The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the satisfaction of the Certifying Authority prior to commencement of works

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

### **3.7. Environmental Planning and Assessment Regulation 2000**

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

### **3.8. 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.



## 4. CONSULTATION AND SUBMISSIONS

### 4.1. 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. The Department publicly exhibited it from 22 June 2017 until 7 August 2017 (46 days):

- on the Department's website and
- at the offices of the City of Sydney Council.

The Department placed a public exhibition in the Sydney Morning Herald and The Daily Telegraph on 21 June 2017 and the Inner West Courier on 20 June 2017 and notified adjoining landholders, and relevant State and local government agencies in writing.

The Department received a total of 15 submissions, comprising seven submissions from Government agencies (including Council) and eight submissions from the public, four of which objected to the proposed development. A summary of the issues raised in the submissions is provided in **Table 3** and **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

The Department has considered the comments raised in the submissions from Government agencies and public in its assessment of the application (**Section 5**) and/or by way of recommended conditions in the instrument of consent at **Appendix E**.

#### 4.1.1. Public Authority submissions

**Table 3: Summary of Government agency submissions to the EIS exhibition**

<b>City of Sydney Council (Council)</b>
<p>Council did not object to the proposal, however, raised strong concerns with the following aspects of the development and provided the following comments:</p> <p><i>Heritage</i></p> <ul style="list-style-type: none"> <li>• noted that the significance assessment and Conservation Management Plan (CMP) is generally appropriate and supportable</li> <li>• considered the greatest degree of visual impact on Prince Alfred Park will be immediately to the west and north of the site</li> <li>• no visual analysis was provided to assess any impacts of the proposed new building on the existing heritage buildings on site</li> <li>• suggested design amendments to avoid obscuring part of the northern façade of Building 1B, and to improve some of the connections between the existing buildings and the new building</li> <li>• noted the proposal would have an acceptable impact on the two adjacent conservation areas</li> <li>• supported the new entry off Chalmers Street however the proposed lower level rooms beneath the entry (within the courtyard) would have an adverse impact on the intactness of the courtyard</li> <li>• did not support the retention of the openings created by the removal of the existing walkways</li> <li>• recommended retention of the existing palisade fence on the southern boundary.</li> </ul> <p><i>Urban Design and Design Excellence</i></p> <ul style="list-style-type: none"> <li>• considered minor overshadowing would occur to Prince Alfred Park between 9:00 am to 11:00 am and the west facing openings of the buildings to the east would be impacted, however insufficient detail has been provided to accurately consider impacts to these buildings</li> <li>• buildings to the east would suffer loss of views across the school to Prince Alfred Park and broader district</li> <li>• recommended additional view loss analysis should be undertaken including obtaining access to affected properties</li> <li>• considered there was a lack of detail concerning materials and finishes. A physical materials board should be provided</li> <li>• the façade system addressing Prince Alfred Park should be highly durable and robust given its exposure to the public domain</li> <li>• the proposal would not meet the Department of Education's guidelines for natural ventilation</li> </ul>

- the wind report should be updated to include wind tunnel testing
- an additional lift waiting time test case should be undertaken to demonstrate the effect of one lift being out of service
- identified Building Code of Australia (BCA) compliance issues in relation to egress in the event of an emergency, specifically the lack of detail
- additional information should be provided to demonstrate the method of weather protection to the Level 1 terrace (cafe/eating area)
- recommended design amendments to improve the relationship between the existing heritage buildings and the proposed new building.

#### *Public Domain*

- the school would generate a high volume of pedestrian traffic requiring the public domain to be upgraded
- the proposal does not comply with Council's Interim Floodplain Management Policy. The lower floor level and basement would be below the Flood Planning Level. The basement would allow flood waters to enter and fill with water presenting an unacceptable risk to any occupants
- a flood report should be prepared to address impacts on Prince Alfred Park and its users
- the northern side of the school building would be at increased risk of inundation from diverted overland flow / increased flow to Prince Alfred Park
- consideration should be given to minimising impacts of overland flows through Prince Alfred Park and implementing methods to protect the site and surroundings from increased or altered overland flows.

#### *Landscaping*

- accepted the internal works in principle
- the proposal incorporates substantial sections of Prince Alfred Park into the interface design which should be addressed
- negotiations should be entered into with Council to establish formal use agreements regarding Prince Alfred Park
- it is unclear whether the use of Prince Alfred Park by students is required to supplement any shortfalls in meeting the Department of Education's standards for open play space
- details of pedestrian amenity and pedestrian upgrades should be provided.

#### *Traffic*

- requested details demonstrating how the proposal could reduce the 10% prediction of students arriving by car to zero
- raised concern over the loss of loading zones and advised there is no guarantee of the Local Pedestrian, Cycling and Traffic Calming Committee would approve any request to vary kerb side parking
- the layout of the carpark should be designed to meet the relevant Australian Standard and the Sydney Development Control Plan 2012 to Council's satisfaction
- details of bus and coach parking (for excursions or sport days) should be provided
- high quality end of trip facilities should be provided
- a Green Travel Plan and Transport Access Guide should be provided.

#### *ESD*

- sought assurances that the proposed development can be designed to meet a 5 Star Green Star rating
- raised concern over the minimal commitment to reuse rainwater
- advised that the proposed displays and interpretive signage would do little to reduce water and energy demand, and that investment should be directed towards implementing more practical measures.

#### **Heritage Council, Office of Environment and Heritage (Heritage Council)**

The Heritage Council provided the following comments:

- considered the proposed internal works to be generally appropriate
- cannot support the proposed development in its current form due to the height, design and adverse visual impacts
- Raised concern in relation to the following:
  - the rankings used for heritage significance and possible nomination for State Heritage Register listing
  - the statement of significance within the CMP should be updated
  - additional justification is required for departures from the CMP's recommendations
  - the archaeological assessment should be revised to support the argument that there is

- limited research potential
- the proposed mitigation strategy should include a procedure for anticipating and dealing with unexpected finds
- the Archaeological research design should be revised to include the response to the assessment of significance.
- recommended conditions relating to historic heritage including the need for a heritage consultant to be involved in the design and construction phases, the need for archival recording and record of proposal works, store and reuse of original fabric, preparation of a Schedule of Conservation Works and Interpretation Strategy, implementation of arborist recommendations, minimisation of paving around root zones, and requiring the submission of a State Heritage Register nomination
- recommended conditions relating to historical archaeology including an Excavation Director to be nominated, appropriate induction for contractors, archaeological excavation/recording, final excavation reports to be prepared and used to inform an Interpretation Plan.

#### Office of Environment and Heritage (OEH)

OEH provided the following comment on flooding for consideration:

- identified an oversight in the Civil SSDA Report by Northrop, that the flood certificate provided by WMAWater on 4 May 2017 is not based on the Blackwattle Bay Flood Study 2014. The correct document reference should be the Blackwattle Bay Floodplain Risk Management Study 2015.

#### Environment Protection Authority (EPA)

The EPA raised concerns in relation to the following:

##### *Construction*

- the need for a detailed assessment of potential site contamination, including groundwater
- noise and vibration impacts, including the need for standard construction hours and intra-day respite periods for highly noise intrusive generating work
- the need for dust, erosion and sediment control and management measures

##### *Operation*

- noise impacts on sensitive receivers during operational activities such as public address systems, school bells, community use of the school, waste collection, ground maintenance and mechanical services (such as air conditioning plant)
- consideration of feasible and reasonable noise mitigation and management measures
- implementation of water sensitive urban design principles including stormwater re-use, and opportunities to minimise energy consumption generated from non-renewable sources.

The EPA also provided a number of recommendations including: a hazardous material survey, an unexpected finds protocol, compliance with the Protection of the Environment Operations (Waste) Regulation 2014 in relation to asbestos waste, consultation with Safework NSW, compliance with State Environmental Planning Policy 55 Remediation of Land and use of a site auditor to assess the suitability of the land for the proposed use, construction vehicle arrival and departure times, consideration of the use of non-tonal reversing alarms, consideration of waste handling guidelines, waste collection, prescribed times for community uses and operational noise monitoring.

#### Transport for NSW (TfNSW)

TfNSW provided the following comments for consideration:

##### *Proposed School Operation*

- raised no objection to the use of Chalmers Street to transport students by bus to sporting facilities which will generally occur between 10:00 am and 3:00 pm, however any school buses using Chalmers Street during the bus lane hours may impact on existing bus operations. Requested details of locations where school buses could pick up and drop off students during the hours of bus lane operation
- any queuing of vehicles using the proposed 'no parking zone' on the eastern side of Chalmers Street for pick-up and drop-off may impact on general traffic and bus operation on Chalmers and Cleveland Streets. Requested surveys be undertaken at similar sites to justify the appropriateness of the proposed 'no parking zone'
- requested a detailed pedestrian analysis be undertaken to determine whether measures such as staggered start and finishing times are required to ensure students and staff access and leave the site in a safe and efficient manner
- recommended that a Green Travel Plan be prepared in consultation with the Sydney Coordination Office (SCO) within TfNSW as a condition of approval.

#### *Travel Survey Results*

- highlighted an error in the Traffic Report which indicates that students in Year 7-9 at JJ Cahill Memorial High School, Mascot drive either a motor vehicle or a motorcycle to school. Given these students cannot legally drive, TfNSW requests the travel survey results and Traffic Report be amended accordingly.

#### *Construction*

- recommended that a Construction Pedestrian and Traffic Management Plan be prepared in consultation with the SCO due to the number of construction projects (such as the CBD and South East Light Rail project and the Sydney Metro) being undertaken in the vicinity of the site.

### **Roads and Maritime Services (RMS)**

RMS raised the following issues:

#### *Traffic Impact Assessment*

- requested the following:
  - an assessment of pedestrian impacts
  - a copy of the Sidra intersection modelling undertaken for the Cleveland Street / Chalmers Street intersection for review and verification
  - an updated Traffic Report correcting the error which assumes that students in Year 7-9 at JJ Cahill Memorial High School, Mascot drive either a motor vehicle or a motorcycle to school. Further, the Traffic Report should include a more conservative assessment of the assumed modal split, as the current report significantly underestimates the likely total private vehicle trips to the site
  - modelling of the additional pedestrian demand at the Cleveland Street / Chalmers Street intersection due to the location of the proposed pick-up / drop-off area in the existing 'Loading Zone' / 'No Parking Zone' on the eastern side of Chalmers Street
  - infrastructure upgrades to pedestrian facilities to maintain pedestrian safety should be identified
  - The proposed use of Chalmers Street for school bus pick-up / drop-off for school sport may impact on existing bus operations. Consultation should be undertaken with TfNSW
  - Clause 101 and 102 of the State Environmental Planning Policy Infrastructure 2007 should be addressed
  - details of service vehicle movements
  - amended swept path analysis including details of the crossover.

#### *Pick-up / Drop-off Zone*

- Raised concerns with the proposed pick-up / drop-off area for the following reasons:
  - the kerbside drop-off would be on the driver's side of vehicles. This would present a safety concern as students on the passenger side of vehicles would enter/exit vehicles adjacent to the traffic lanes
  - it is located directly opposite the main entrance to the school which may encourage students to cross Chalmers Street mid-block rather than walking south to the signalised intersection with Cleveland Street
  - it is located on the departure side of the Cleveland Street / Chalmers Street intersection where queuing vehicles may impact on existing bus operations and intersection efficiency. States that once the mode share assumptions have been verified, the capacity of the proposed pick-up / drop-off zone should be assessed to demonstrate it can cater for predicted demand
  - suggested that nearby business should be consulted on the proposed changes to the existing 'Loading Zone' on Chalmers Street.

#### *General*

RMS recommended the following:

- the location of any security gate should be located to ensure all vehicles can be accommodated on site before being required to stop
- pedestrian facilities should be incorporated in the carpark
- parking should be in accordance with the relevant Australian Standard
- consideration as to whether the single accessible carparking space is appropriate given the proposed student numbers
- landscaping and fencing not obscure sight lines
- a Construction Traffic Management Plan be prepared
- all buildings and structures should be within the property boundary along the Cleveland Street frontage.



### Sydney Water

Sydney Water identified the likely requirements of the proposed development and raised the following:

#### Water

- the proposed development requires connection to a 200 millimetre (mm) reticulation water main, however the existing main along Chalmers Street is 100-150 mm in diameter and connection to the existing 750 mm main in Cleveland Street is not possible
- an upgrade to the existing 150 mm main on the southern side of Cleveland Street between Pitt Street and Chalmers Street would be required.

#### Wastewater

- noted there may be the potential for wastewater surcharge and a pumped wastewater arrangement with appropriately sized storage would be required
- stated that a Section 73 Certificate under the Sydney Water Act 1994 would be required and if commercial operations were proposed, additional trade wastewater requirements would also apply.

### 4.1.2. Public submissions

**Table 4: Summary of issues raised in public submissions to the EIS exhibition**

Issue	Proportion of submissions (%)
Built form, height and density	75
The proposal is out of character with the area	63
The proposal will adversely impact Prince Alfred Park by way of overshadowing, increased pressure on facilities and safety concerns	63
Student safety	25
The proposal will have an adverse impact on the existing heritage buildings	25
The proposal will result in additional traffic	25
Overshadowing impacts on surrounding developments	25

Additionally, the Department notes that a number of other issues were raised including loss of trees, limited public access to school facilities, impacts on public transport, view loss, construction impacts, Aboriginal heritage, student numbers, student mix, loss of amenity, insufficient play space, parking (on-site and in surrounding streets), and the drop-off / pick-up zone. These matters have been addressed in **Section 5, Appendix B** and in the recommended conditions of approval.

### 4.2. Applicant's Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in those submissions.

On 9 October 2017, the Applicant provided a RTS on the issues raised during the exhibition of the proposed development. The Applicant's RTS amended the proposal to include demolition of the existing three storey 1960's school building and the following design refinements:

#### Heritage Buildings

- Building 1A – removal of proposed lift

#### Learning community

- Basement Learning Complex – structural changes to provide clearer spaces over a smaller footprint, revised stair configuration
- Lower Ground General Learning and Fitness – design refinements to the podium form and the interface with Prince Alfred Park, revised stair configuration, revision to infill of courtyard beneath ground floor entrance by increasing setbacks to heritage fabric

### *Welcome Hub*

- Ground Floor Student and Community Hub – design refinements to the podium, revised stair configuration, revised main entry forecourt and bridge to increase setbacks to heritage fabric and improve wayfinding
- Level 1 Welcome Hub and Recreation Area – refined and reduced bridge links to heritage buildings.

### *The Studio*

- Levels 2-3 – reduction of northern building line by 2 m, rationalisation of column placement to provide columns to edge of spaces learning studios, revised stair configuration, revised façade materials
- Levels 4-5 – reduction of northern building line by 2 m, relocation of one studio floor level into the tower resulting in a height reduction of the Studio of 3 m, reduction in height of the Games Court fence by 1 m.

### *Learning Community Hub*

- Levels 6-11 – improved function by removing the twisted form of the tower, enlarged floor plate to accommodate a full year group
- Level 12 – roof top plant relocated to the south to improve amenity of roof top terrace.

### *Carpark*

- refinements to carpark in response to flood mitigation.

The RTS also included responses to the matters raised by Council and government agencies, and key issues raised by the general public including built form, overshadowing, view loss, traffic impacts, loss of amenity to Prince Alfred Park and tree removal.

Due to the nature and extent of the changes proposed in the RTS, the Department publicly exhibited this document from 11 October 2017 to 10 November 2017 (30 Days) on the Department's website and at the offices of the City of Sydney Council. The Department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 11 October 2017 and the Inner West Courier on 10 October 2017 and notified adjoining landholders (including those that made a submission on the EIS), and relevant State and local government agencies in writing.

Additional submissions were received from Council, EPA, TfNSW, RMS, the Heritage Council in addition to four submissions from the general public. A summary of the issues raised in agency submissions is provided at **Table 5** and copies of the submissions may be viewed at **Appendix A**.

**Table 5: Summary of Government agency submission on the RTS**

<b>Council</b>
<p>Council supported the continued utilisation of the site and the reuse of heritage buildings for education purposes.</p> <p>Council had key areas of concern in relation to flooding and the design interface with Prince Alfred Park as follows:</p> <p><i>Flooding</i></p> <ul style="list-style-type: none"> <li>• the construction of diversion walls around the site would impact flood levels around the site, particularly along Chalmers Street, Pembroke Street and within Prince Alfred Park</li> <li>• the proposed development fails to comply with Council's <i>Interim Floodplain Management Policy</i></li> <li>• modelling should be considered by Council prior to any determination</li> </ul> <p><i>Prince Alfred Park interface</i></p> <ul style="list-style-type: none"> <li>• the design of the proposed development should respond to the Victorian sensibility of Prince Alfred Park</li> <li>• considered works as presented within the RTS would not tie in with the existing park and are</li> </ul>

<p>outside of the development footprint of the school site</p> <p>Other issues raised by Council included:</p> <ul style="list-style-type: none"> <li>• the adequacy of tree retention and protection</li> <li>• options for natural ventilation were not clear</li> <li>• recommendation that dual reticulation pumping be utilised</li> <li>• recommendation solar hot water be utilised</li> <li>• overshadowing of 204-214 Chalmers Street should be considered further by the Department</li> <li>• recommended physical structures to ameliorate wind be considered holistically as part of the proposed development rather than as ad hoc additions</li> <li>• egress should be considered in accordance with the BCA</li> <li>• indicated that additional information is required in relation to materiality and facades and the full commercial kitchen.</li> </ul>
<p><b>EPA</b></p> <p>Issues raised by the EPA within the submission in response to the RTS were as follows:</p> <ul style="list-style-type: none"> <li>• requested demolition be undertaken in a manner consistent with the EPA's recommendations concerning subsequent stages of construction</li> <li>• re-iterated previous concerns in relation to potentially hazardous and asbestos containing materials, lead-based paint and polychlorinated biphenyls that may be present</li> <li>• indicated that productivity was not considered an adequate justification for undertaking construction works outside of standard hours</li> <li>• noted the addition of air-conditioning, rather than natural ventilation and this would increase noise impacts that have not been considered</li> <li>• re-emphasised that the EPA is the relevant regulatory authority, not Council</li> <li>• no additional information was provided in relation to stormwater harvesting and re-use following EPA's initial request and previous advice and recommendations still apply.</li> </ul>
<p><b>TfNSW</b></p> <p>TfNSW noted that a number of matters in relation to transport management and parking had not been resolved. As such, TfNSW recommended conditions of consent in relation to transport and parking management and recommended preparation of a green travel plan.</p>
<p><b>RMS</b></p> <p>Issues raised by the RMS within the submission in response to the RTS were as follows:</p> <ul style="list-style-type: none"> <li>• provided concurrence to the driveway adjustment works on Cleveland Street under Section 138 of the <i>Roads Act 1993</i> was provided, subject to a number of recommended conditions</li> <li>• recommended a pedestrian assessment be provided prior to determination</li> <li>• concerns remained regarding the proposed pick-up/drop-off with passengers exiting into traffic lanes</li> <li>• recommended an Access Strategy and a Pedestrian Safety Management Plan be developed</li> <li>• recommended car parking arrangements be in accordance with relevant standards including AS 2890.1-2004, AS2890.6-2009 and AS 2890.2 – 2002 and in accordance with Council's requirements</li> <li>• recommended the proposed development be designed such that road traffic noise from Cleveland Street is mitigated by durable materials to satisfy the requirements for habitable rooms under Clause 102 (3) of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</li> </ul>
<p><b>Heritage Council</b></p> <ul style="list-style-type: none"> <li>• re-stated that the Archaeological Assessment by Casey and Lowe Pty Ltd be updated to include more information.</li> <li>• despite the revised design, considered the towers height and design were still over-dominant and visually intrusive upon the historic buildings and Prince Alfred Park</li> <li>• recommended further simplification of the building to ensure the proposed development does not upstage the historic buildings</li> <li>• acknowledged the retention and protection of the historically significant trees</li> <li>• noted the amendments to the courtyard noting the reduction in impacts</li> <li>• recommended a number of conditions relating to archival recording, management of original fabric, interpretation strategy, trees, and archaeological excavation and excavation reports.</li> </ul>

In response to the submissions to the RTS, the Applicant provided a Supplementary RTS, which included an updated design report, and updated flood, overshadowing, wind, traffic,

acoustic and archaeological advice. The Department referred the Supplementary RTS to agencies and received responses some further comments from Council and the Heritage Council. Additional matters raised by these agencies, in addition to the Department's consideration of key issues is presented within **Section 5**.

## 5. ASSESSMENT

### 5.1. Section 79C(1) matters for consideration

**Table 6** identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD in accordance with section 89H of the EP&A Act. The EIS has been prepared by the Applicant to consider these matters and also those required to be considered in the SEARs, section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

**Table 6: Section 79C(1) Matters for Consideration**

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Consideration of relevant EPIs has been undertaken in <b>Appendix B</b> . The proposed development satisfactorily complies.
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	Refer to <b>Appendix B</b>
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations	The SSD application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 6 of the EP&A Regulation), public participation procedures for SSD's and schedule 2 of the EP&A Regulation relating to environmental impact statements. Refer to discussion at <b>Section 4</b> .
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	The Department's assessment has given appropriate consideration to the likely impacts of the proposed development and is satisfied it can be appropriately mitigated or conditioned (refer to <b>Section 5.2</b> ).
(c) the suitability of the site for the development	The site currently contains an existing educational establishment and is considered suitable for the proposed high-density redevelopment given its inner-city location.
(d) any submissions	Consideration has been given to the submissions received for the proposed development during the exhibition in <b>Section 4</b> of this report. Key issues raised in submissions have been considered further in <b>Section 5.2</b> of this report.
(e) the public interest	The proposed development is considered to be in the public interest as it would provide a new education facility in a highly accessible central location (refer to <b>Section 4.2.5</b> ).
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

### 5.2. Key and Other Issues

The Department has considered the Applicant's EIS, the issues raised in submissions and the Applicant's RTS and Supplementary RTS in its assessment of the proposed development. The Department considers the key issues associated with the proposed development to be:

- built form, urban design and public domain
- environmental and residential amenity
- traffic, transport and accessibility



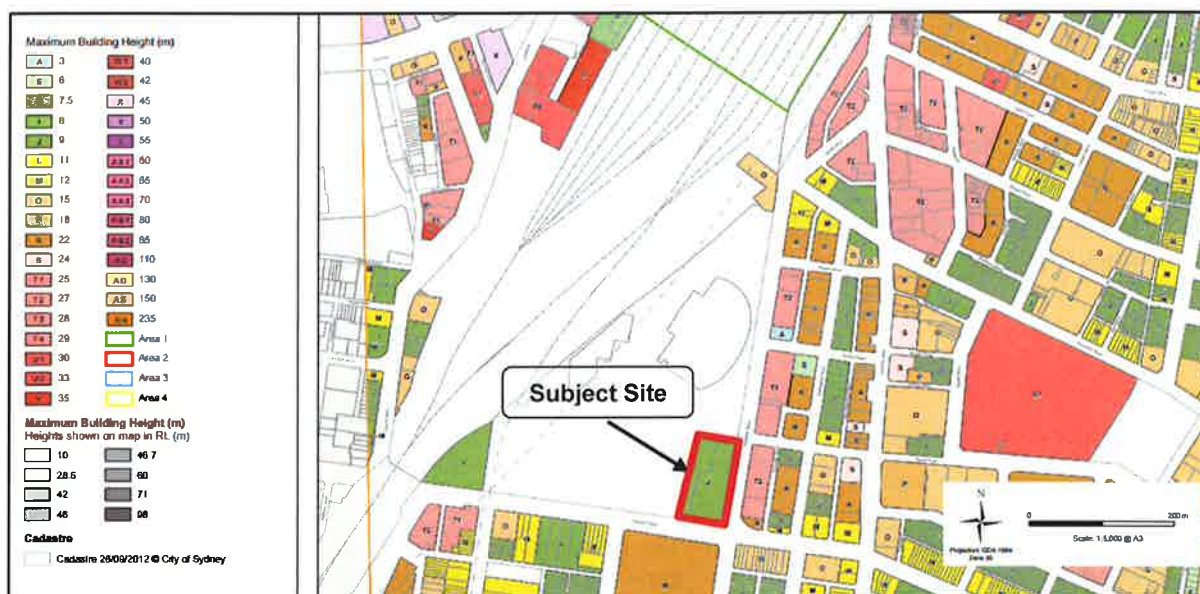
- flooding and stormwater
- heritage.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 5.2.7** of this report.

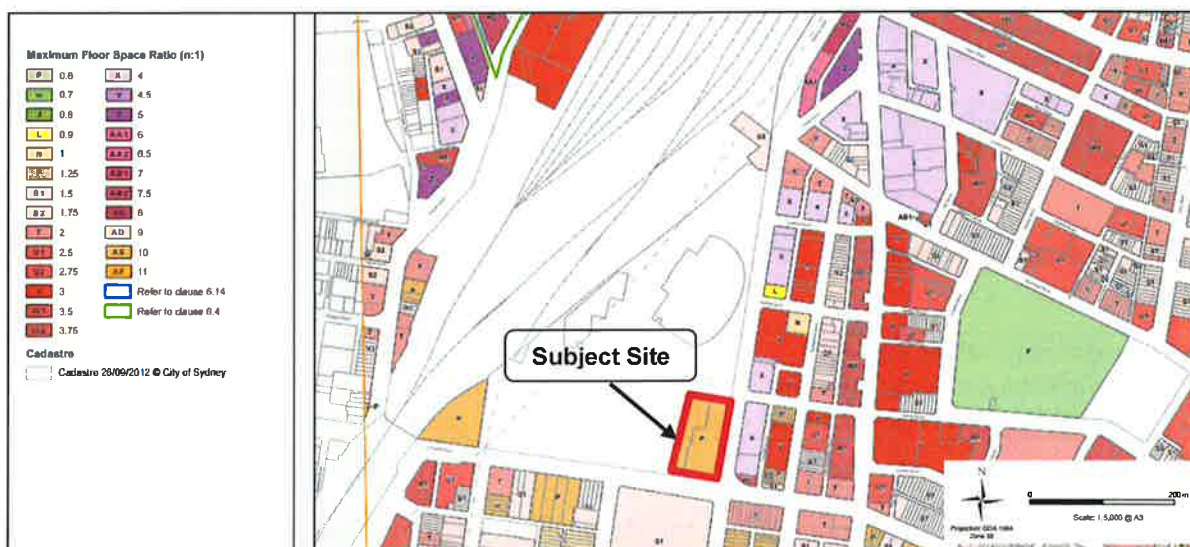
### 5.2.1. Built form, urban design and public domain

#### **Bulk and Scale**

The site is subject to floor space ratio (FSR) and height controls under the SLEP (Figure 11 and Figure 12), with the ability for a further 10 per cent (%) height and FSR bonus for developments that exhibit design excellence (**Table 6**).



**Figure 11: SLEP Height Control Map (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) 2017)**



**Figure 12: SLEP FSR Control Map (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) 2017)**

**Table 6: SLEP Building Height and FSR Development Controls**

Building Height			FSR		
Control	10 % Bonus*	Proposed	Control	10 % Bonus*	Proposed
9 m	9.9 m	58.1	1.25:1	1.35:1	3.19:1

\* For proposals exhibiting design excellence, a bonus of up to 10% may be applied

The proposed development exceeds both these controls. The proposed development has a maximum height of 58.1 m and FSR of 3.19:1. Clause 4.6 of the SLEP 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 has provided justification for exceeding the height and FSR development standards and argues why strict compliance is unreasonable or unnecessary with the following:

- the State Government has announced enrolment numbers at government schools will grow by 21% over the next 15 years. Inner Sydney school sites are constrained and require multi-storey school buildings to meet this growing demand
- the constrained nature of the site and the need to accommodate the predicted student capacity requirements on the site
- the intention of the development standards are to maintain an appropriate interface with Prince Alfred Park. One of the key features of the selected scheme from the competitive design process was the interface with Prince Alfred Park, as it proposes new physical connections and visually connects the school to the park. This results in an innovative and appropriate interface
- the site is able to accommodate the scale of the tower without having significant unreasonable impacts on the amenity of Prince Alfred Park and surrounding properties
- the site is able to accommodate the proposed density as there would be a negligible impact of traffic and parking given the highly accessible location of the site close to a number of modes of public and active transport options
- the proposed development reduces the bulk of the tower compared to the Design Competition Brief building envelope parameters, as it includes two articulated building elements and locates the sports courts to the basement level. Further, the overall built form is under the height envelope of the brief
- the bulk and scale has been minimised through the design of the layout being a 'campus' style school, combining a variety of forms, scales and materiality. This includes the retention and use of the existing heritage buildings which ensures the streetscape along Cleveland Street and Chalmers Street is maintained. The podium is of a similar scale to the heritage buildings and the tower element has been broken up by different building forms and materials.

Additionally, the Applicant has provided an assessment of the proposed development against the objectives of Clause 4.3 Height of Buildings and Clause 4.4 FSR of the SLEP. The Applicant has argued that for the height objectives, the amenity of the surrounding occupiers would not be adversely affected; the heritage buildings are the most prominent due to the new building being set back behind the heritage buildings; and view loss impacts would be negligible. For the FSR objectives, the Applicant has argued that: the proposed floor space reflects the accommodation requirements of the school to meet the future needs of the area as student enrolments are predicted to grow by 21 % over the next 15 years; traffic and

parking impacts would be negligible; sufficient capacity exists with existing public transport and utilities; and the proposal reflects the desired character of the locality and minimises adverse impacts on the amenity of that locality.

The Department notes the justification provided by the Applicant and its consideration of the objectives of the height and FSR controls. While it is acknowledged that the proposed development represents critical social infrastructure which would contribute to meeting the increased demand for school enrolments, this should not be at the detriment of the surrounding locality. The Department's consideration of the SLEP FSR and building height objectives are provided in **Table 7** and **Table 8** respectively.

**Table 7: SLEP FSR Objectives**

Objective	Response
(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,	The State Government has announced enrolment numbers at government schools will grow by 21 % over the next 15 years. The floor space requirements were established in the Design Brief to meet these projected targets. The Brief was reviewed and accepted by Council and Government Architect NSW. The proposed FSR reflects the accommodation requirements of the school to meet the future needs of the area.
(b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,	The additional FSR does not generate high levels of traffic, and the Traffic Impact Assessment assessed traffic impacts as negligible due to the site being highly accessible and limited parking opportunities for staff and students.
(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,	Significant capacity exists within existing public transport infrastructure to accommodate the proposal. Existing utilities and services would be upgraded as necessary.
(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.	<p>The proposed layout and built form has been identified as the most appropriate development response which minimises impacts on the amenity of the locality. Specifically:</p> <ul style="list-style-type: none"> <li>• the streetscape character is maintained through the retention of the heritage buildings and set back from the tower</li> <li>• the proposal has a positive relationship with Prince Alfred Park at the pedestrian scale, and the landscape terraces integrate with the open spaces in the park. This results in a tower component that is a secondary feature</li> <li>• the proposed tower component is more than 40 m from the nearest residential buildings to the east across Chalmers Street, minimising privacy impacts</li> <li>• the proposal complies with the SLEP in relation to overshadowing of Prince Alfred Park, maintaining the amenity of the park</li> <li>• view impacts are considered negligible and reasonable</li> <li>• Due to the highly accessible location of the site and subject to compliance with recommended conditions, any impact on the surrounding road network could be managed.</li> </ul>

**Table 8: SLEP Building Height Objectives**

Objective	Response
(a) to ensure the height of development is appropriate to the condition of the site and its context	The proposed development is taller than other development in the area however its position on a corner adjacent to two main roads and Prince Alfred Park ensures the proposal would not unreasonable impact on the amenity of neighbours.
(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,	The heritage buildings are the most prominent in the streetscape and would be retained. The proposed new building would be contemporary in design and set back behind these existing buildings from Cleveland Street and Chalmers Street. The new building would be visible from within Prince Alfred Park, however the proposal exhibits design excellence, appropriate interface landscaping, and includes potential community use of school facilities. Subject to the implementation of recommended conditions relating to the façade detail of the tower, the proposal would result in an appropriate development given the context of the site.
(c) to promote the sharing of views,	The proposed development would result in view impacts to some apartments of the residential flat buildings to the east on Chalmers Street. The Department's consideration of view impacts below concludes that view loss impacts would be negligible to minor and the proposed built form is considered to be reasonable and appropriate in its context, consistent with established Planning Principles.

The Department has assessed the proposed FSR and height variation and has considered the Clause 4.6 variation submitted by the Applicant, in conjunction with the established principle in the case of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, by the Land and Environment Court.

The judgement established that to accept a departure from the development standard, the context of the site should be considered and it should be demonstrated that the development promotes *"the proper and orderly development of land as contemplated by the controls applicable"*, being the zone of the land, *"which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the 'environmental planning grounds' referred to in cl 4.6(4)(a)(i) of the LEP"*.

In accordance with the views expressed in this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant for a Clause 4.6 variation request to be upheld. In this context, the Department considers the Applicant's arguments to be well founded for the following reasons: the retention and refurbishment of the locally listed heritage items rather than their demolition; the need for greater height and density to accommodate the predicted student numbers given the constraints of the site; the successful interface transitions with Prince Alfred Park; and traffic impacts that can be managed (see **Section 5.2.3**).

The Department notes that Council and residents raised concern over the built form, height and density, stating that the proposal was an overdevelopment of the site that would result in adverse impacts on the surrounding environment. The Department acknowledges these views and considers the site's unique location warrants the need to assess the bulk and



scale of the proposal not only against the objectives of the height and FSR objectives, but also on its merits and project need.

The site is unusual as it is located on the corner of a main intersection, but also on the corner of Prince Alfred park with no immediate adjacent neighbours. The closest residential neighbours are located on the opposite side of Cleveland Street and Chalmers Street.

The retention of the heritage buildings ensures the streetscapes of Cleveland Street and Chalmers Street are largely unaffected with the exception of a new larger main entrance on Chalmers Street. While the new building would be visible from both streets, it would not impact upon the prominence of the heritage buildings with the location of the new building situated to the rear of the site.

Currently, when viewing the site from the west at close range within Prince Alfred Park, the existing building (to be demolished) obscures much of views of the heritage buildings on site. When viewed from longer range, existing mature trees obscure much of the site. Both the northern elevation of the existing building and the north side of Building 3 can be seen from the north west within Prince Alfred Park (**Figure 13**).

The Department considers the proposed development would improve views of the site, particularly from the north west, as the new building has been designed to address both the school site and Prince Alfred Park. This has been achieved through the design of the podium which comprises direct northern and western access points, and also landscaping which is influenced by the existing landscape palette of the park. Refer to 'Landscaping and Public Domain' for further discussion.



**Figure 13: Existing view of the site from Prince Alfred Park facing south east (Source: DP&E 2017)**

The Department concludes that the bulk and scale of the proposal is appropriate in its context. The site is located in an area of central Sydney that is currently undergoing considerable change and will continue to do so with Council's Central Sydney Planning Strategy that aims to expand the geographic boundaries of Central Sydney, and Urban Growth's Urban Transformation Strategy (see **Section 1.2.2**) that aims to develop 50 ha of land between Central and Erskineville Stations. The Department acknowledges the substantial public benefits associated with a new school and considers the proposed height and FSR have been well justified in terms of the objectives of both development standards and can be supported.

### **Design excellence**

In accordance with Clause 6.21(1)-(4) of the SLEP, the proposed development must demonstrate design excellence to ensure that the highest standard of architectural, urban and landscape design is achieved. In addition to the proposed form, appearance and mass, consideration is also required to be given to potential environmental amenity impacts (view loss, privacy, overshadowing etc.) and impacts on the public domain. An assessment against the design excellence matters is provided in **Appendix C**.

Clause 6.21(5) of the SLEP states that consent must not be granted for development that will be higher than 55 m above existing ground level or has a CIV of greater than \$100 million unless an architectural design competition has been held. Further, Clause 6.21(7) permits additional height and floor space (10 %) for buildings that satisfactorily demonstrate design excellence. As the proposed development has a maximum height of 58.1 m with an FSR of 3.19:1, a design competition was held to ensure that design excellence would be achieved.

The proposed development was subject to a competitive design process between June 2016 and December 2016 comprising four competitors. The design jury panel included representatives from Council and the Government Architect NSW. One of the recommendations from the jury required the Design Integrity Panel (DIP) be consulted during design development prior to the lodgement of the EIS. The DIP was consulted on 5 April 2017 and subsequently provided its endorsement of the refined design prior to lodgement of the EIS.

The Department acknowledges that a competitive design process was held for the proposed development and notes the advice provided by the Government Architect NSW (GA NSW), who, as delegate for the Secretary and in consultation with Council, endorsed the design competition process undertaken by the Applicant, including the establishment of a Design Integrity Panel (DIP).

The GA NSW reviewed the proposed development and commented that the EIS had not addressed some of the DIP recommendations, and recommended these be addressed in the RTS. The GA NSW also raised concern about the potential for the design being undermined by progressive cost cutting, requested further detailing of fencing and a materials sample board. These comments were addressed by the Applicant in its RTS and Supplementary RTS. The GA NSW, in responding to these documents commended the proposed development for its use of building lines rather than security fencing wherever possible, however remain concerned about the lack of fencing and gate design detail.

Additional comments acknowledged the Heritage Council's ongoing concern regarding the visual impact of the tower. The GA NSW supported the *"continued design development towards a 'simpler, quieter' and more refined tower expression."* The GA NSW also supported Council's continuing concerns regarding the interface with Prince Alfred Park and supported ongoing consultation with Council.

In light of the GA NSW comments, the Department has recommended a number of conditions relating to the interface with Prince Alfred Park, the façade detail of the tower, the ongoing involvement of the DIP and the requirement that the design architect be involved in the detailed design and construction of the proposed development.

The Department is satisfied that design excellence has been incorporated into the proposed development and that the external appearance would improve the quality, amenity and accessibility of the public domain and not detract from any established heritage significant character of the site. Further the continuing involvement of the DIP would ensure that design excellence is realised.

### ***Landscaping and public domain***

The Landscape Design Statement submitted with the EIS states that the landscape design elements meet the key design objectives and educational principles in the project brief. These objectives and principles include: a provision of flexible, diverse, active and passive indoor and outdoor spaces; support physical and emotional health; facilitate access to Prince Alfred Park including northern access and enhanced connections to nature; explore options for open space at ground floor level and within the building; enable spaces to be learning tools; and retain vehicular parking/access in the south-western corner of the site.

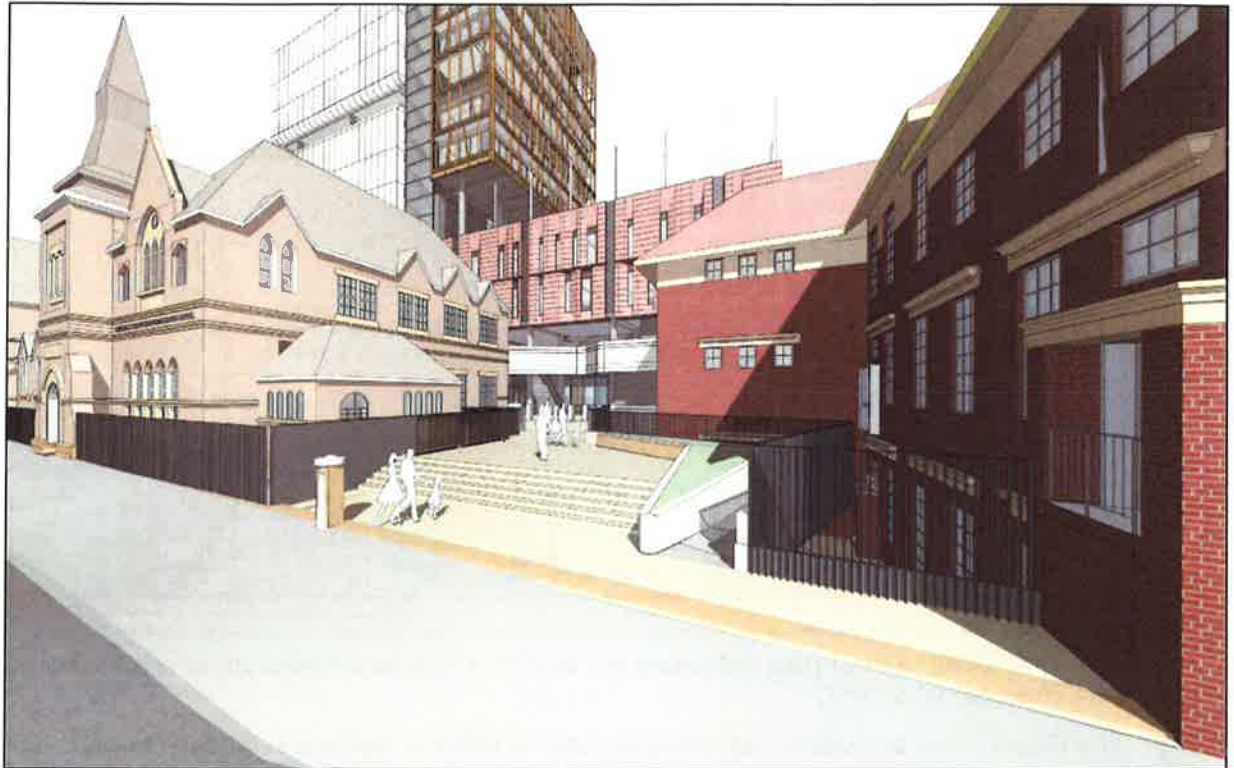
The site has been divided up into 10 main character zones being the Hollow (lower ground floor level between heritage Building 1 and 2), the Amphitheatre (centrally located at the main entrance to the podium), the Northern Park Interface and the Western Park Interface, the Library Terrace and Podium Planting, the Entrance Forecourt, the Community Hub, the Basketball Terrace, Podium Plant/Roof Garden.

In relation to the interface with the public domain, the proposal includes a new main entrance off Chalmers Street (**Figure 14**), and access to Prince Alfred Park from the northern and western boundaries. These interfaces serve a number of roles: they incorporate flood mitigation measures such as overland flow paths; address level changes; they reduce the bulk and scale of the proposal by 'blurring' the lines between the site and the park as the landscape palette has been designed to mirror that of the park with buildings and landscape features forming the 'fence', particularly in the north eastern corner of the site; and lastly the additional access points create options for the Applicant in permitting controlled public access to school facilities outside of school hours (**Figure 15**).

To facilitate the proposed development, demolition works would include the removal of 10 trees and the protection of 8 mature trees during construction, three of which are located within the boundary of the site, and the remainder located in close proximity to the site on Council and RMS land.

Council has provided comments on the interface with the public domain, and raised concern about the extent of the proposed landscaping within the park (outside the site boundary) creating the impression that the proposed school environment occupies a greater area than the site itself. Concern was also raised about the proposed palette being inconsistent with the park palette. The Applicant suggested these detailed design matters form a condition of consent.



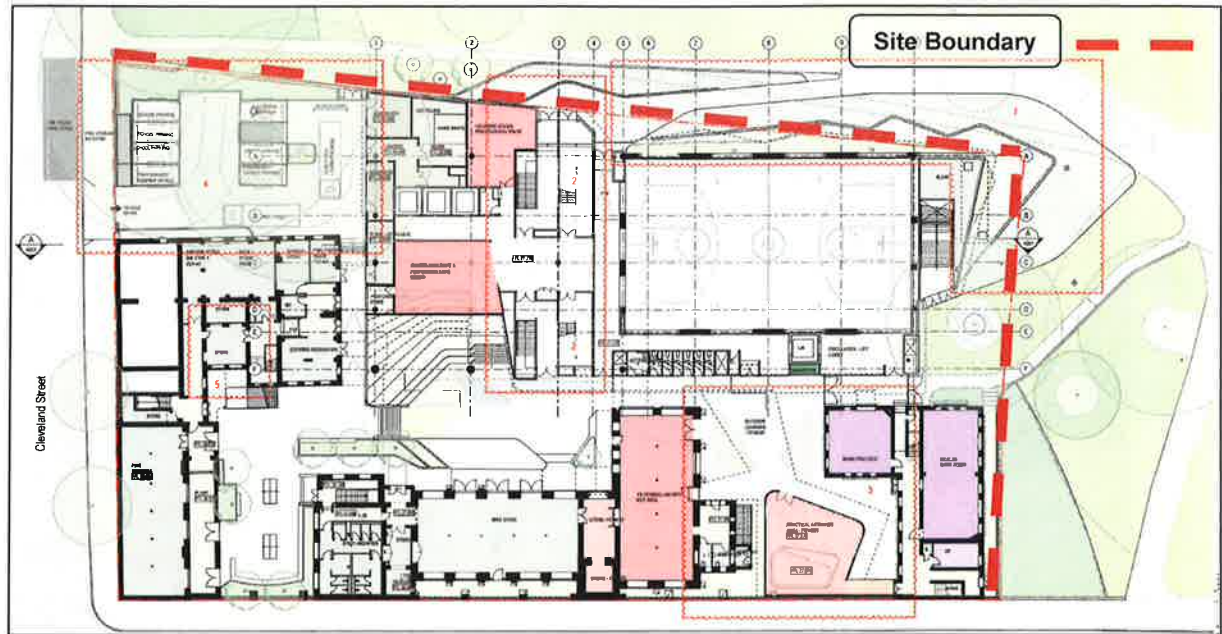


**Figure 14: Main entrance off Chalmers Street (Source: RTS 2017)**



**Figure 15: Artist impression of the interface with Prince Alfred Park (Source: EIS 2017)**





**Figure 16: Ground floor plan indicating the extent of interface landscaping with Prince Alfred Park (Source: RTS 2017)**

The Department considers that the proposed removal of trees and landscaping including new access points to Prince Alfred Park is acceptable, in principle. The decision not to erect traditional fencing in the north-eastern corner of the site results in a good outcome for the public domain as the proposed landscape features including planting would result in a better integration of the proposal with the park thus reducing bulk and scale impacts. The Department has recommended conditions to ensure consultation between the Applicant and Council continues so that a mutually acceptable landscape palette and plant schedule is achieved.

### ***Materials and finishes***

The Applicant proposes the external materials to be a mixture of reinforced concrete, perforated and non-perforated aluminium powdercoated finishes (tower), terracotta panelling (Studio), glazing, rendered blockwork and tensile façade mesh (games court).

The Department's assessment concludes the proposed external colours and materials are appropriate in their context. The external materials selected are of a non-combustible material in accordance with the National Construction Code (NCC). Notwithstanding, in light of concerns evident in the broader community regarding building cladding, the Department has recommended a standard condition requiring the Certifying Authority to be satisfied that the proposed external materials comply with the NCC prior to operation.

## **5.2.2. Environmental and residential amenity**

### ***Private View Impacts***

The Applicant has undertaken a view impact assessment for each of the west facing apartments in each of the three mixed-use retail, commercial and residential buildings on the eastern side of Chalmers Street (184, 188 and 204 Chalmers Street). While access to each apartment was not possible, view modelling was prepared using Computer-generated Imagery (CGI) technology, set at a height of 1.6 m from each floor level. While the EIS assessed a selection of views, the RTS provided a comprehensive assessment of all west-facing apartments. A total of 120 views were assessed from living rooms and balconies.

Views to the west overlook the existing school and heritage buildings, and partial views of Moreton Bay Fig trees in Prince Alfred Park. These properties also enjoy oblique views to the

north west towards the Sydney Central Business District (CBD). There are no water or iconic views enjoyed by these properties (**Figure 17**).



**Figure 17: Views currently enjoyed by Chalmers Street residents (Source: EIS 2017)**

A detailed view assessment was carried out by the Applicant taking into account the established Planning Principles at the Land and Environment Court, in the judgement for *Tenacity Consulting v Warringah* [2004] NSWLEC 140 (*Principles of view sharing: the impact on neighbours*). The principles adopt a four-step approach to analysing the impact of view loss including the following:

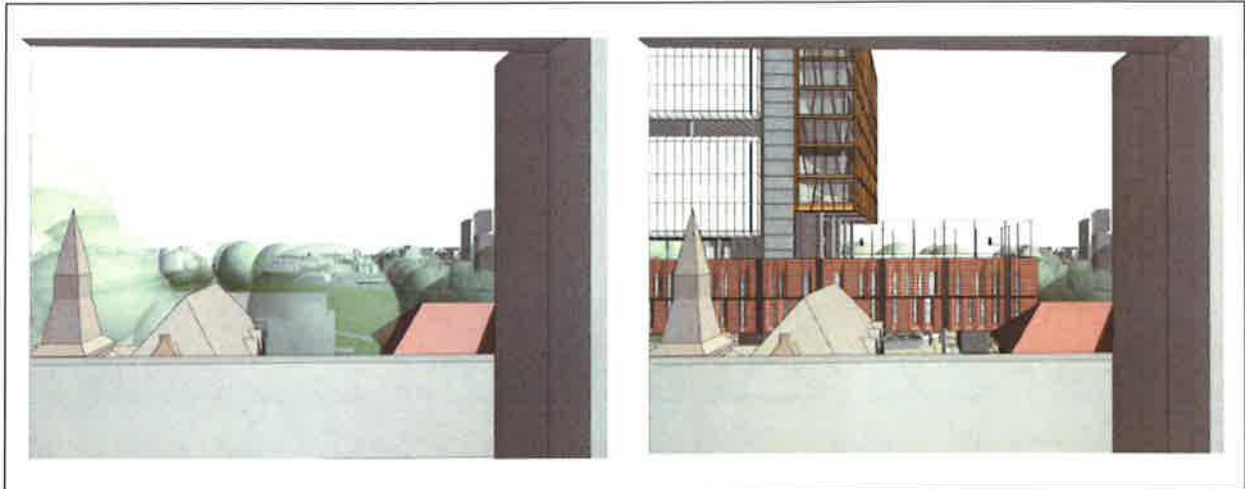
- Step 1: Assessment of the views to be affected (Water views/Iconic Views/Whole views)
- Step 2: From which part of the property are the views obtained (The expectation to retain side views and sitting views is often unrealistic)
- Step 3: Extent of the impact (impact on living areas is more significant than bedrooms and view loss should be expressed quantitatively as negligible, minor, moderate, severe or devastating)
- Step 4: Reasonableness of the proposal that is causing the impact (compliance with development controls is considered more reasonable and alternate proposal should be considered)

Six categories were used to define the impacts including nil (no impact), negligible (barely perceivable), minor (minor loss of tree, sky and distant cityscape view), moderate (some loss of tree, sky and distant cityscape view), severe (high impact on tree, sky and distant cityscape view) and devastating (total loss of view). Approximately 68 % of view impacts would be nil to minor, 15 % as moderate and 17 % as severe (**Table 9** and **Figure 18**). Applying the Tenacity principle, the total impact has been described as negligible to minor.

**Table 9: Summary of view impacts (Source: RTS 2017)**

Chalmers St No.	Nil	Negligible	Minor	Moderate	Severe	Devastating	Total Views Considered *
<b>184</b>	10	10	38	7	0	0	65
<b>188</b>	0	0	0	3	19	0	22
<b>204</b>	0	12	13	8	1	0	34
<b>Total Impact (%)</b>	8	18	42	15	17	0	<b>121</b>

\* Multiple views have been considered from some apartments



**Figure 18: Example view impact using CGI from Chalmers St apartments (Source: RTS 2017)**

The Department has carefully considered the Applicant's justification in relation to view loss impacts, assessed the views currently enjoyed by surrounding residents having regard to the established Planning Principles, and undertaken a site visit to better understand potential impacts and considered public submissions raising view loss as a key issue.

The Department has included in **Table 10** its consideration of the first three Tenacity steps for the Chalmers Street properties to the east of the subject site.

**Table 10: Private property view impacts**

Property	View	View Type	Department's View Impact Assessment
184 Chalmers St	Heritage buildings, Moreton Bay Fig trees, Prince Alfred Park, distant cityscape and oblique city views	Front and oblique – standing (1.6 m from floor level)	<p>Some loss of cityscape, Moreton Bay Fig trees and Prince Alfred Park views to some apartments, however heritage views and oblique city views would be maintained (Nil impact).</p> <p><u>Level 3</u> – The proposed development would have a split of 'nil' and 'negligible' impacts (~40%) and 'minor' and 'moderate' impacts (~60%).</p> <p><u>Level 4</u> - The proposed development would have a split of 'nil' and 'negligible' impacts (~40%) and 'moderate' impacts (~60%).</p> <p><u>Level 5</u> - The proposed development would have a split of 'nil' and 'negligible' impacts (~25%) and 'minor' and 'moderate' impacts (~75%).</p> <p><u>Level 6</u> - The proposed development</p>



Property	View	View Type	Department's View Impact Assessment
			<p>would have a split of 'nil' and 'negligible' impacts (~30%) and 'minor' and 'moderate' impacts (~70%).</p> <p><u>Level 7</u> - The proposed development would have a split of 'negligible impact' (~25%) and 'minor' and 'moderate' impacts (~75%).</p> <p>Of the 65 views sampled, 15% a 'nil impact', 15% would have a 'negligible impact', 58% a 'minor impact', 11 % a 'moderate impact'. No severe or devastating impacts are anticipated at 184 Chalmers Street.</p> <p>Overall, view impacts range from Nil to Moderate.</p>
188 Chalmers St	Heritage buildings, Moreton Bay Fig trees, Prince Alfred Park, distant cityscape and oblique city views	Front and oblique – standing (1.6 m from floor level)	<p>Some loss of cityscape, Moreton Bay Fig trees and Prince Alfred Park views to some apartments, however heritage views and oblique city views would be maintained (Nil impact).</p> <p><u>Level 4</u> – The proposed development would have a predominantly 'severe impact' with two occurrences of 'moderate impact'.</p> <p><u>Level 5</u> – The proposed development would have a 'severe impact' with one occurrence of a 'moderate' view loss impact.</p> <p><u>Level 6</u> – The proposed development would have a 'severe impact'.</p> <p>Of the 22 views sampled, 14% would have a 'moderate impact' and 86% would have a 'severe impact'. No negligible, minor or devastating impacts anticipated at 188 Chalmers Street.</p> <p>Overall, view impacts range from Moderate to Severe. It should be noted that 42% of views sampled at 188 Chalmers Street were from bedrooms and as indicated within <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i>, the impact on views from bedrooms is less significant than from living areas.</p>
204 Chalmers St	Heritage buildings, Moreton Bay Fig trees, Prince Alfred Park, distant cityscape and oblique city views	Front and oblique – standing (1.6 m from floor level)	<p>Some loss of cityscape, Moreton Bay Fig trees and Prince Alfred Park views to some apartments, however heritage views and oblique city views would be maintained (Nil impact).</p> <p><u>Level 1</u> – The proposed development would have 'negligible impact' to 'minor impact'.</p> <p><u>Level 2</u> – The proposed development would have 'negligible', 'minor' and</p>

Property	View	View Type	Department's View Impact Assessment
			<p>'moderate' impacts.</p> <p><u>Level 3</u> - The proposed development would have 'negligible', 'minor' and 'moderate' impacts with one occurrence of a 'severe' view loss impact.</p> <p><u>Level 4</u> - The proposed development would have 'negligible', 'minor' and 'moderate' impacts.</p> <p><u>Level 5</u> - The proposed development would have 'negligible', 'minor' and 'moderate' impacts.</p> <p>Of the 34 views sampled, 34% would have a 'negligible impact', 38% a 'minor impact', 24% a moderate impact and 3% a 'severe impact'. No devastating view losses at 204 Chalmers Street are anticipated.</p> <p>Overall, view impacts ranged from Negligible to Severe.</p>

The Department acknowledges that the views obtained by the CGI are set at 1.6 m from floor level, representing standing views from living areas, bedrooms and balconies/terraces. The Department also notes that the degree of impact increases for the lower level apartments. While some residents would experience some loss in distant cityscape, Moreton Bay Fig or Prince Alfred Park views, views of the existing heritage buildings and oblique views towards the CBD would not be impacted by the proposed development. It is further noted that these views do not contain water/ocean or iconic views and oblique views would be maintained.

The fourth Tenacity step in considering the view impacts relate to the reasonableness of the impact with consideration of compliance with the development controls. While the height and FSR of the proposed development exceed the development standards, the proposed new building would have a generous separation (approximately 40 m) from the mixed use buildings opposite. Further, the strict application of the height and FSR control is not considered necessary in this instance given the constraints of the site, improved interface with Prince Alfred Park, retained heritage items and significant public benefits associated with a new school. Refer to 'Bulk and Scale' above for more discussion.

The Department concurs with the conclusions made by the Applicant and concludes that the view loss analysis undertaken is acceptable as it has been adequately demonstrated that view loss impacts would be negligible to minor. The Department also concludes the proposed built form is considered to be reasonable and appropriate in its context, consistent with Step 4 of the established Planning Principles.

### **Overshadowing**

The proposed development has been designed to ensure the bulk and scale of the tower is located towards the rear (western part) of the site which would assist in minimising overshadowing impacts on surrounding land uses, in particular the residential apartment buildings to the east and Prince Alfred Park to the west.

The Department acknowledges the proposed development would cast additional shadows during winter months to the south-eastern corner of Prince Alfred Park along Cleveland Street until 10:00 am. The commercial building to the south on Cleveland Street would also experience some overshadowing between 9:00 am and 10:00 am. The residential building to



the east at 204-214 Chalmers St would experience overshadowing from 3:00 pm however 188 Chalmers Street would not experience any additional overshadowing to west facing windows.

Council's submission on the EIS raised concern with the potential impacts on residents at 204-214 Chalmers Street and 188 Chalmers Street. The Applicant responded with a greater level of detail including elevational shadow diagrams for these properties to demonstrate occupiers of these properties would continue to receive a minimum of three hours of sunlight during winter.

The Department considers that the scale of the proposed development responds to the functionality requirements of the proposed development to maximise the provision for increased student enrolments within a constrained inner-city site. Overshadowing as a result of the proposed development would not result in any unreasonable amenity impacts on adjoining land uses and adequate solar access to the residential properties to the east at 188 and 204-214 Chalmers Street would be maintained. Further, the Department also notes the proposed development complies with Clause 6.19 of the SLEP in relation to impacts on Prince Alfred Park, as no additional overshadowing beyond that 'cast by a wall with a 20 metre frontage height on the boundary between the park and the railway land' would occur as a result of the proposed development.

#### ***Privacy, Wind and Reflectivity Impacts***

In relation to privacy impacts, the Department notes the proposed development would maintain the current use of the site as an educational establishment and operate standard school hours, and the proposed new building would be located approximately 40 m from the nearest sensitive receivers. As such, the Department considers that any privacy impacts on sensitive receivers would be negligible.

In relation to wind impacts, the Applicant engaged a wind engineer to provide advice on potential conditions that may be experienced by future occupiers as well as members of the general public. The Department notes that for the private domain, conditions would be relatively calm in the courtyard areas and lower levels. Open areas at Levels 1, 4 and 8 may experience strong cross flow winds due to the design of the façade, however may be mitigated with vertical obstructions distributed across the level or a more solid mesh screening. For the upper level terraces, a wall or awning would reduce the severity of cross winds. The Department also notes that conditions external to the site are expected to remain similar to the existing situation with no need for mitigation measures.

The Department notes the Applicant has stated that the selection of colours and materials have been selected to result in minimal reflectivity. The Department recommends that a condition be imposed requiring materials and finishes to avoid reflective surfaces.

The Department considers that privacy, wind and reflectivity has been adequately addressed and no unreasonable impacts would result for future occupiers, surrounding receivers or the public domain.

#### **5.2.3. Operational traffic, transport and accessibility**

The existing Cleveland Street Intensive English School which is to be relocated to Alexandria (See **Section 2.2**) has capacity for 360 students and 40 staff members, which is proposed to increase to 1,200 students and 100 staff. The Department considers traffic, parking and access are key considerations for the development of the site. The Applicant has prepared a Transport and Accessibility Report (TAR) that considers the existing and predicted traffic volumes associated with the construction and operation of the proposed development. The TAR also considers accessibility of the site and alternative modes of transport.

## Operational Traffic

### Existing

The subject site is located on the corner of a signalised intersection between Cleveland Street, which is an arterial road, and Chalmers Street, which is a sub-arterial road. Both streets are limited to 50 km/h and 40 km/h during peak school periods. Chalmers Street is one-way northbound and functions as a major bus corridor to the CBD with a timed bus lane which operates along the western kerb.

A peak hour traffic count was undertaken at the Cleveland Street/Chalmers Street intersection in February 2016, between 8:00 am - 9:00 am and 3:00 pm - 4:00 pm to understand the current traffic environment in peak school periods. The Applicant states that the count demonstrates traffic flows are generally consistent with their respective road classifications.

In relation to the existing intersection performance, the Level of Service (LoS) in the AM peak is currently C with an average delay of 36.4 seconds, and in the PM peak is currently B with an average delay of 27.1 seconds. This illustrates the intersection is currently operating efficiently with spare capacity.

### Proposed

The Applicant states that the RMS *Guide to Traffic Generating Development* does not include any recommended peak hour traffic generation rates for schools. As such, survey data was collected from a number of existing schools in the CBD and surrounding areas to provide guidance on modal split and traffic generation rates. Schools surveyed include Sydney Secondary College, Leichhardt (years 7-10), JJ Cahill Memorial High School, Mascot (years 7-10) and South Sydney High School, Maroubra (years 7-12) (Table 11).

**Table 11: Transport by car survey results**

		<b>Sydney Secondary College Average (%)</b>	<b>JJ Cahill Memorial School Average (%)</b>	<b>South Sydney High School Average (%)</b>
<b>Students AM</b>	<b>Self drive</b>	0	0	Combined student/staff average: 10% self drive 29% car drop off
	<b>Car drop off</b>	9	25	
<b>Students PM</b>	<b>Self drive</b>	0	0	
	<b>Car drop off</b>	4	17	
<b>Staff AM</b>	<b>Self drive</b>	85	0	
	<b>Car drop off</b>	0	16	
<b>Staff PM</b>	<b>Self drive</b>	85	0	
	<b>Car drop off</b>	0	13	

The variation in figures relates to the accessibility of each school to public transport and availability of all-day parking. For example, at the Sydney Secondary College, 92 % of students use either public transport or walk to school, however 85% of staff drive due to the availability of all-day parking.

The Applicant has assumed that for the proposed development, given its high accessibility and limited on-site car parking, an additional 53 peak hour trips by students travelling as passengers. This figure excludes drop-off/pick-ups that would be linked with existing commuter trips.

The Department considers that the three schools surveyed provide useful information in terms of transport choices depending on locations and proximity/access to public and active transport. The Department concurs with the Applicant's assumptions on additional vehicle trips, particularly in light of the Sydney Secondary College survey results. The additional

vehicle trips are considered to have a negligible impact on the existing network compared to the high volumes of existing traffic and the efficient performance of the Cleveland Street / Chalmers Street intersection which has spare capacity.

For staff, the limited on-site car parking would require 90-95 % of staff to travel to the site either as a passenger or via public/active transport. Therefore, the additional traffic generated by staff trips is also expected to be negligible. Given the highly accessible location of the site with a number of available alternative transport options, the Department considers that traffic generation for the proposed development would not result in any adverse impacts on the operation of the surrounding traffic network.

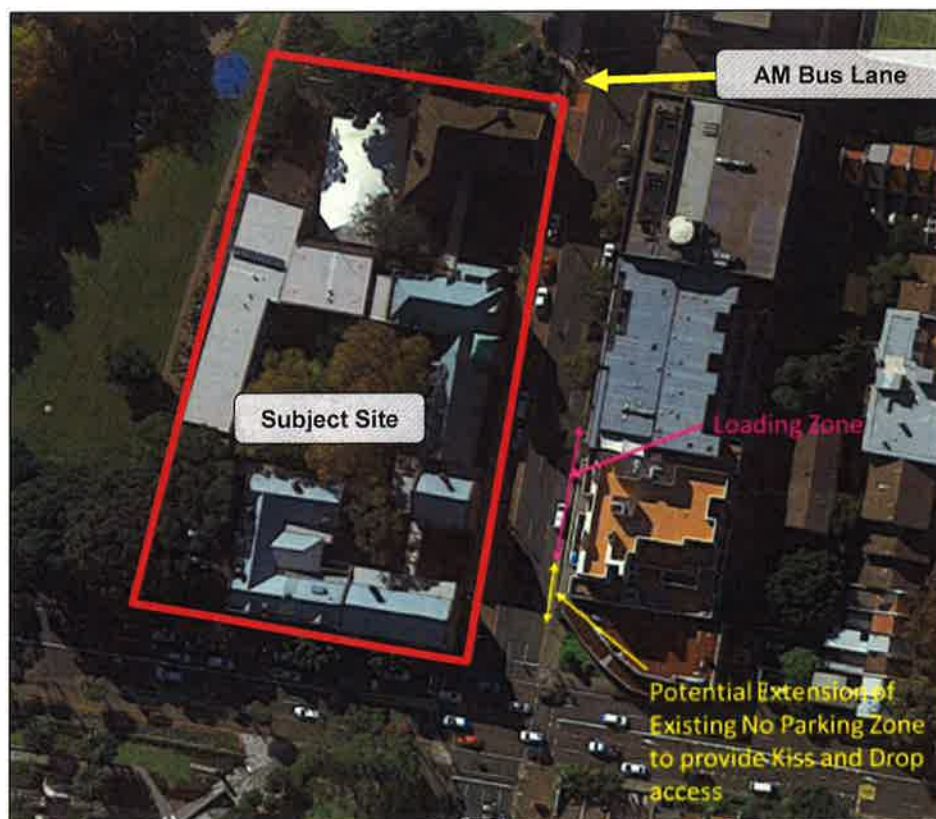
#### **Drop-off/pick-up and bus zones**

The EIS states there is no opportunity to provide drop-off/pick-up facilities and none are proposed for the proposed development. However, the TAR provides some consideration of the surrounding road network and explores one possible option.

The Cleveland Street frontage includes clearway restrictions in the AM peak between 6:00 am and 10:00 am and in the PM peak between 3:00 pm and 7:00 pm. The Chalmers Street frontage includes a dedicated bus lane northbound (Lane 1) in the AM peak between 6:00 am and 10:00 am and in the PM peak between 3:00 pm and 7:00 pm.

The eastern side of Chalmers Street (Lane 3) immediately north of Cleveland Street includes an existing 'No Parking' zone approximately 2 vehicles in length. These spaces were identified as a potential drop-off/pick-up zone.

However, the Applicant noted using the drivers' side rear passenger seat would be the safest way to alight from vehicles (to avoid alighting directly onto the road). It was further noted that any extension of the existing 'No Parking' zone would impact on either the existing 'Loading Zone' or general parking spaces.



**Figure 19: Existing parking zones (Source: EIS 2017)**

Council stated that any loss of loading zones should be avoided given the limited loading options in the area, however any changes to kerbside parking arrangements would require approval from Council's Local Pedestrian, Cycling and Traffic Calming Committee and there is no guarantee that parking zones would be changed or remain for the duration of the development. Council also requested that details be provided of how parking for buses/coaches would be accommodated for excursions or sport days.

TfNSW noted that the proposed extension to the 'No Parking' zone would have the potential to impact upon the existing 'Loading Zone' that services a number of nearby businesses. TfNSW stated that an alternative location for the loading zone should be identified in consultation with the Sydney Coordination Office, and that other locations for the drop-off/pick-up of students be identified to reduce the demand on the 'No Parking' zone in Chalmers Street. Further, conditions were recommended relating to drop-off/pick-up of students, the operation and pick-up/drop-off locations of coaches for school sports and excursions, and the need to further consider pedestrian impacts and staggered school start/finish times.

The Department notes that 2 vehicles at a time could be accommodated for drop-off at the existing 'No Standing' zone on the eastern side of Chalmers Street in the AM peak. The Department also understands the Applicant has assumed an additional 53 vehicle movements may be generated as a result of the proposed development, in addition to the existing 52 vehicles assumed to already be on the network (105 vehicles total), in the AM and PM peak. To apply the Applicant's assumption of drop-off/pick-ups occurring over a 60 minute period with drop-off taking between 30-60 seconds and pick-ups taking between 60-120 seconds, the existing two spaces could turn-over between 120-240 vehicles in the AM peak and 60-120 vehicles in the PM peak. This demonstrates that while the existing parking zones would accommodate the AM peak, there may be capacity issues in the PM peak assuming a worst-case scenario.

It is understood the Applicant would rely on approval from Council to expand the existing 'No Parking' zone to accommodate 5 vehicles, increasing capacity to between 300-600 vehicles in the AM peak and 150-300 vehicles in the PM peak therefore satisfying the potential drop-off/pick-up demands generated by the proposed development.

The Department raised concern that the existing kerbside parking arrangements would present capacity issues for pick up in the PM peak and that Council provide no guarantees that parking zones would be varied by Council's Local Pedestrian, Cycling and Traffic Calming Committee. In this regard, the Department has recommended a condition the Applicant obtain approval from Council to extend the existing 'No Parking' zone on the eastern side of Chalmers street to accommodate 5 vehicles prior to the commencement of operation. Recommended conditions also require validation monitoring over a six-month period to determine whether the operation of the drop-off/pick-up zone is efficient and sufficient. If monitoring concludes that this zone is operating at, or exceeding capacity, consultation must be undertaken with Council to determine alternative arrangements.

In relation to coach parking for school excursions and sport days, the Department acknowledges between 10:00 am and 3:00 pm, Lane 1 of Chalmers Street reverts from bus lane to 4h time limited parking. As such, the Applicant has stated that no changes to kerbside parking arrangements are required as coaches would be able to pick-up/drop-off students and teachers in this zone. The Department raises concern that there are no guarantees sufficient space would be available as kerbside parking in the vicinity of the site may be occupied by other vehicles. TfNSW and the Applicant agree that a suitable condition could be imposed requiring the preparation and implementation of an Operational Transport and Pedestrian Management Plan in consultation with TfNSW, RMS and Council including details



of where locations available for coaches to pick-up/drop off students/staff. The Department concurs and has recommended this matter be further detailed within a condition of consent prior to occupation.

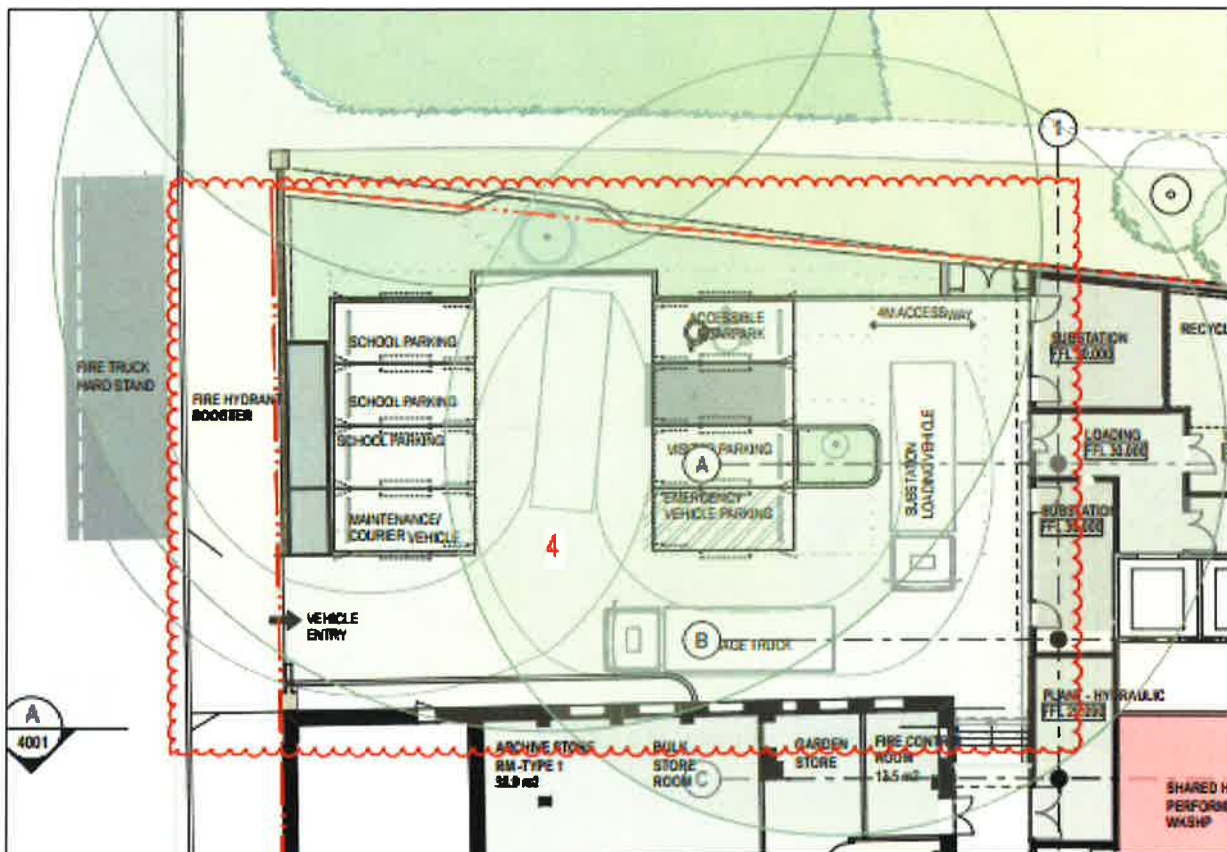
### **Operational car parking and servicing**

The existing at-grade school car park is accessed via a combined ingress/egress driveway from Cleveland Street, at the south-western corner of the site. Parking comprises a poorly marked out arrangement that results in vehicles being stacked.

The proposed development would retain this existing car park which would be line marked in accordance with the specifications of the relevant Australian Standard to accommodate eight vehicles including visitors and service vehicles. Due to site constraints and accessible location, no additional car parking is proposed (**Figure 20**).

In relation to service vehicle access, a swept path analysis was undertaken to demonstrate that a 8.8 m long service vehicle can enter and leave the site in a forward direction.

The Department notes that no car parking rates for educational establishments are contained within Council's LEP and DCP and the site constraints preventing any extension to the existing car parking provision. The Department raises no objection to the proposed car parking provision given the accessible location of the site being in close proximity to a wide range of high frequency public transport options therefore promoting sustainable forms of transport.



**Figure 20: Proposed carparking layout including swept path analysis (Source: RTS 2017)**



### Public Transport

The site is well connected to several high frequency bus, rail and light rail public transport options (**Figure 21**), and falls within the SLEP highest rating for accessibility. Public transport options within close proximity to the site include:

- Central Station, approximately 400 m to the north for all lines on the Sydney rail network
- Central Station Light Rail Stop, approximately 750 m to the north for services to the inner west
- bus routes 305, 308, 309, 310, 343, 372, 373, 393 to the inner west and eastern suburbs from stops adjacent the site on Cleveland Street and Chalmers Street or from Railway Square bus interchange adjacent to Central Station
- bus route M20 connection to Artarmon and M50 connection to Drummoyne

Additionally, the CBD and South Eastern Light Rail project is currently under construction. This service will run between Circular Quay and Randwick / Kingsford, with the nearest stop proposed 400 m to the north adjacent to Central Station (Central Station Stop). The project is due to be operational by 2019. (**Figure 22**).

Lastly, the NSW Government is also proposing to construct the Sydney Metro, a high frequency driverless metro style service connecting Chatswood to Bankstown via Central, and ultimately connecting into the Northwest Rail Link project (currently under construction).

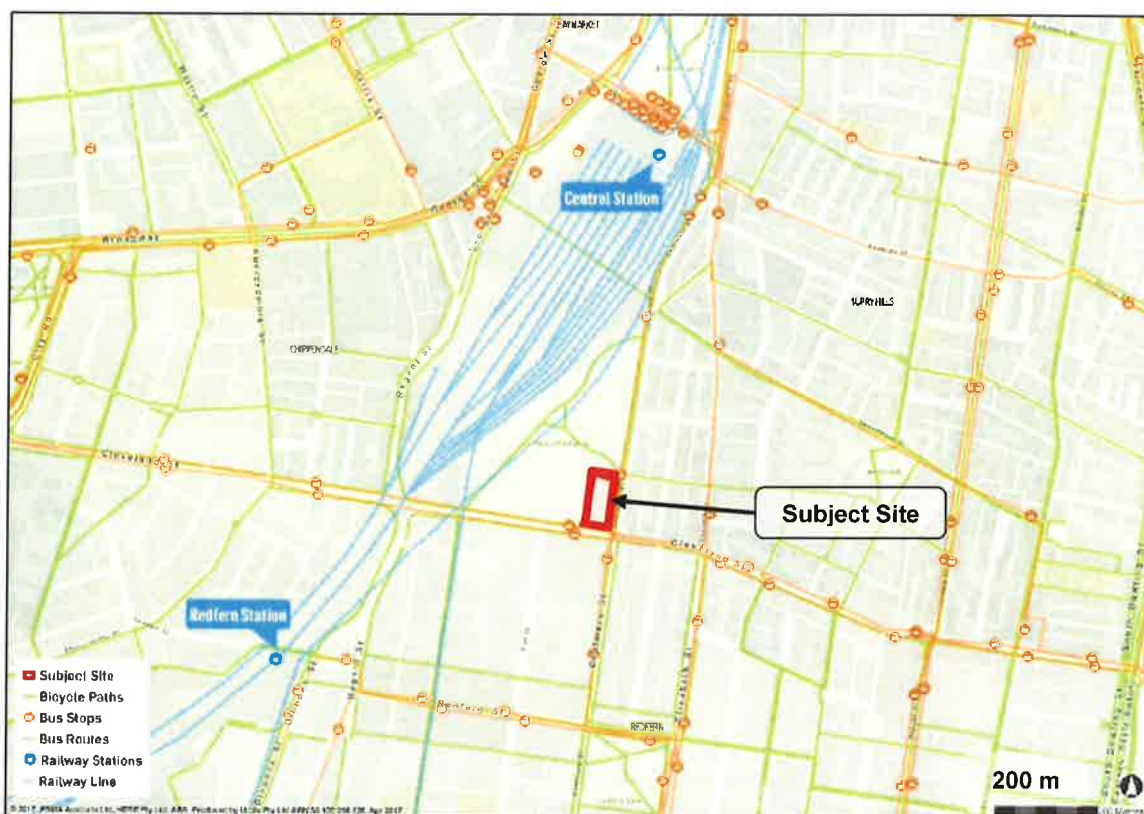


Figure 21: Public transport (Source: EIS 2017)

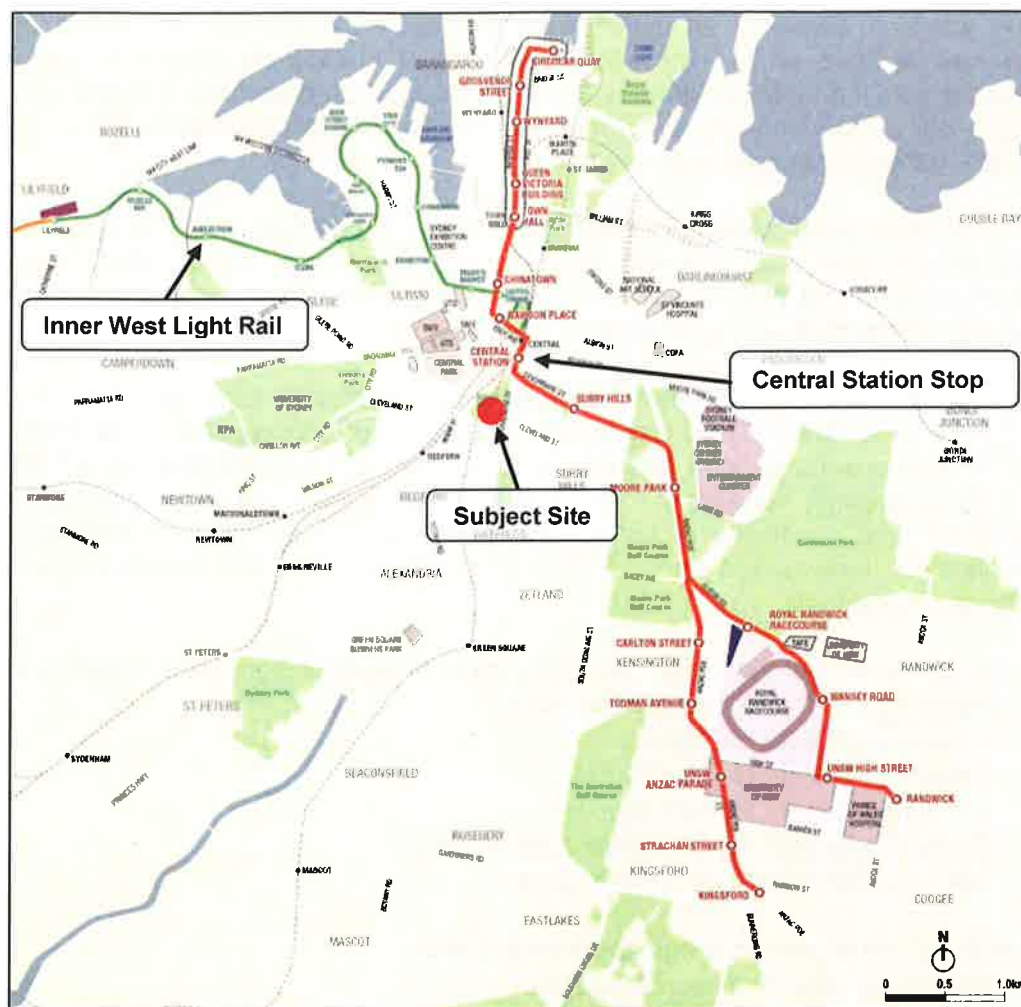


Figure 22: CBD and South East Light Rail route (Source: TfNSW 2015)

The Department considers that the ease of access to a wide range of high frequency public transport options is an advantage for the site as it would promote the use of sustainable modes of transport. Given there are multiple modes of transport available and multiple services for some modes, any potential impacts would be dispersed and are considered negligible. The frequency and number of modes of public transport would ensure access to and from the school by students and staff would be safe, efficient and convenient.

### Active transport

The site is surrounded by an extensive pedestrian and cycling network that connects the site to surrounding areas including the Sydney CBD. There are footpaths on both sides of all streets in the vicinity of the site and signalised pedestrian crossings at regular intervals. A pedestrian subway is located between Chalmers Street and Railway Square via Central Railway Station and a separated dedicated cycleway is located on George Street to the west which links to the network of shared pathways in Prince Alfred Park to Redfern and Waterloo to the South. Other designated bicycle friendly routes are located on number of quieter roads in the vicinity of the site.

The Department notes that the existing signalised pedestrian crossing at the Cleveland Street / Chalmers Street intersection provides a green pedestrian light during each cycle, regardless of whether the crossing request button has been pressed. Therefore, it is not considered that an increase in pedestrian use of this intersection would result in adverse impacts on the performance of this intersection.

The Applicant provided an assessment of bicycle parking demand based on survey data obtained at three similar high schools. A total of 114 bicycle parking spaces are proposed, which is less than that required by Council's DCP which prescribes 1 space per 10 staff and 1 space per 10 students. Applying this rate, the Department calculates that a minimum of 130 bicycle parking spaces should be provided.

Council has argued that an increased rate is more appropriate given the need for a modal shift, and recommends that 1 space per 5 students and staff should apply. Council has also recommended that high quality end of trip facilities be provided given the need to encourage modal shift towards active transport.

The Department has considered Council's argument and assessed the number of spaces required under the DCP. Using Council's suggested increased rate, the Applicant would be required to provide parking for 260 bicycles. The Department's position is that the DCP rate should be applied, but agrees to the need for high quality end of trip facilities. As such, it has recommended conditions requiring 130 bicycle parking spaces and high-quality end of trip facilities for students and staff including, as a minimum, lockers, showers, tyre inflation, water, and communal tools.

In relation to pedestrian traffic, the Department notes that signalised crossings are provided at all approaches at the following intersections:

- Cleveland Street / Pitt Street
- Cleveland Street / George Street
- Cleveland Street / Regent Street
- Cleveland Street / Walker Street / Wilton Street
- Cleveland Street / Marlborough Street.

Additional signalised crossings are provided over:

- Chalmers Street at Devonshire Street
- Chalmers Street to the South of Eddy Avenue
- Eddy Avenue west of Chalmers Street
- Chalmers Street / Devonshire Street.

The Department is satisfied that adequate and safe pedestrian and cycling infrastructure exists to accommodate future student numbers travelling to/from school on foot and by bicycle. The proposal would not result in any adverse impacts on intersection performance as a result of increased pedestrian traffic. Further, subject to the implementation of recommended conditions relating to bicycle parking and end of trip facilities, the Department is satisfied that appropriate bicycle facilities would promote cycling take advantage of the site's central location and existing cycling infrastructure.

### **Green Travel Plan**

A preliminary draft Green Travel Plan (GTP) was submitted as part of the EIS noting that once a student catchment for the school had been finalised in consultation with the school principal, the GTP would be finalised. The GTP includes upfront and ongoing management requirements for the implementation of the plan.

The key objectives of the GTP are to reduce the reliance on private vehicles by encouraging walking, cycling and public transport; raise awareness of travel alternatives; and to reduce the overall vehicle trips for journeys to and from the site.

Council described the GTP being a 'live' document that needs to be closely monitored and reviewed, and provided a list of inclusions in the GTP. These include providing mode share targets promoting sustainable travel behaviour, means of minimising travel demand by

private car, and means of maximising the share of travel by other modes including public transport, cycling, walking, carpooling or car share.

TfNSW noted the draft plan contained inconsistencies with the EIS in terms of the car passenger mode share, however acknowledged High Range Analytics has been engaged to prepare the final plan. TfNSW recommended a condition requiring a GTP be prepared in consultation with the Sydney Coordination Office within TfNSW.

The Department considers the GTP would play a critical role in promoting a greater share of travel modes, provided it is appropriately drafted, implemented and monitored. The preliminary GTP submitted as part of the EIS a two-page cartoon type brochure explaining all available travel modes. While this is not considered a traditional GTP, it should form part of a GTP. It is noted the Applicant engaged a consultant to prepare a more detailed draft GTP, including discussion around existing and future transport conditions, targets, actions and plan mechanics. The Department is satisfied the draft GTP would be successful in achieving travel mode targets and has recommended a condition requiring the plan to be finalised in consultation with Council and the Sydney Coordination Office (within TfNSW), prior to the commencement of operation.

#### **5.2.4. Flooding and stormwater**

The subject site is located within the Blackwattle Bay Stormwater Catchment area, within a designated flood hazard area. The site is partially inundated with overland flows from 100 year Average Recurrence Interval (ARI) and Probable Maximum Flood events (PMF). Two overland flow paths cross the site; one resulting from stormwater ponding at the Chalmers Street low point in front of the existing school's main entrance, which overflows to the school courtyard; and the second entering the site from Cleveland Street through the car park entrance. The site is also subject to some overland flow paths from Prince Alfred Park along the western boundary, following recent works undertaken within the park.

In simple terms, the site may be inundated in the north-eastern corner (from Chalmers Street), south-western corner (from Cleveland Street) and along the north-western portion of the site (from Prince Alfred Park) during a one in one hundred year flood event.





Figure 23: Flood depth and level contours for 1% AEP flooding event (Source: Applicant's EIS)

### Construction

Demolition and construction activities may have the potential to impact upon existing overland flow paths and flooding around the site. Northrop Consulting Engineers, on behalf of the Applicant, prepared details of the concept sediment and erosion control measures in accordance with the 'Blue Book'. The Department notes that the 'Blue Book' requires that flood prone lands be considered and assessments identify the 2-year ARI flood level, particularly in areas that may be subject to high velocity flows during the land disturbance process to enable the identification of adequate controls.

The Applicant has committed to the implementation of these erosion and sediment control measures prior to the commencement of demolition or earthworks at the site. These measures would include, but are not limited to:

- temporary construction access
- sediment fencing
- diversion swales



- a sediment basin in the location of the future retention basin would be located.

Noting that the Applicant has not yet engaged a contractor to undertake the construction works nor finalised detailed design and subsequent construction management procedures. As such, the Department has recommended a condition that a Construction Soil and Water Plan be submitted to the satisfaction of the Secretary prior to the commencement of any works at the site. This plan must detail erosion and sediment controls in accordance with relevant guidelines, in addition to stormwater control and discharge management throughout the demolition, earthworks and construction phases of the proposed development. Further, detail of off-site flows must be presented, and the impacts upon the surrounding environment of these flows is to be negligible.

#### Operation

The Applicant in its EIS proposed the following measures to address the potential impact of the flooding to and from the proposed development:

- design and construct building floor levels to be no lower than existing adjoining buildings to provide an equal level of protection to new and existing buildings
- provide passage for overland flows from Cleveland Street through the site, noting floor levels for a 1 in 100 ARI event would not be achieved due to existing building constraints
- design and construct walls and ramps along the western boundary of the site, with a minimum of 100 mm freeboard, to minimise flows from Prince Alfred Park entering the site
- divert main flows from Chalmers Street to the north-eastern corner of the site and into Prince Alfred Park by designing the entry to be of a sufficient height.

The stormwater drainage works for the proposed development were designed having regard to Council's and Sydney Water's guidelines and includes roof and surface drainage, overland flow routes, onsite stormwater detention and water quality treatment measures as follows:

- in-ground drainage to capture/convey up to a 20 year ARI critical storm event
- provision of overland flow paths generated by storm events above the 20 year ARI critical storm event and up to the 100 year ARI critical storm event
- for areas where overland flows cannot be provided, alternate drainage would be provided which would include design of an in ground drainage system to capture and convey up to the 100 year ARI critical storm event.

While minimising flood risks upon the site and proposing measures to address flood impacts, Council considered that the Applicant's EIS failed to adequately assess the flood impacts of the proposed development, with limited consideration of on-site flood management and the off-site impacts of the diversion of overland flows, particularly for the increase in flows to Prince Alfred Park. Further, the floor and basement levels proposed within the EIS were below the required Flood Planning Levels (FPL) of Council. Within the submission on the EIS, Sydney Water did not raise any issues in relation to the conveyance of water from the site.

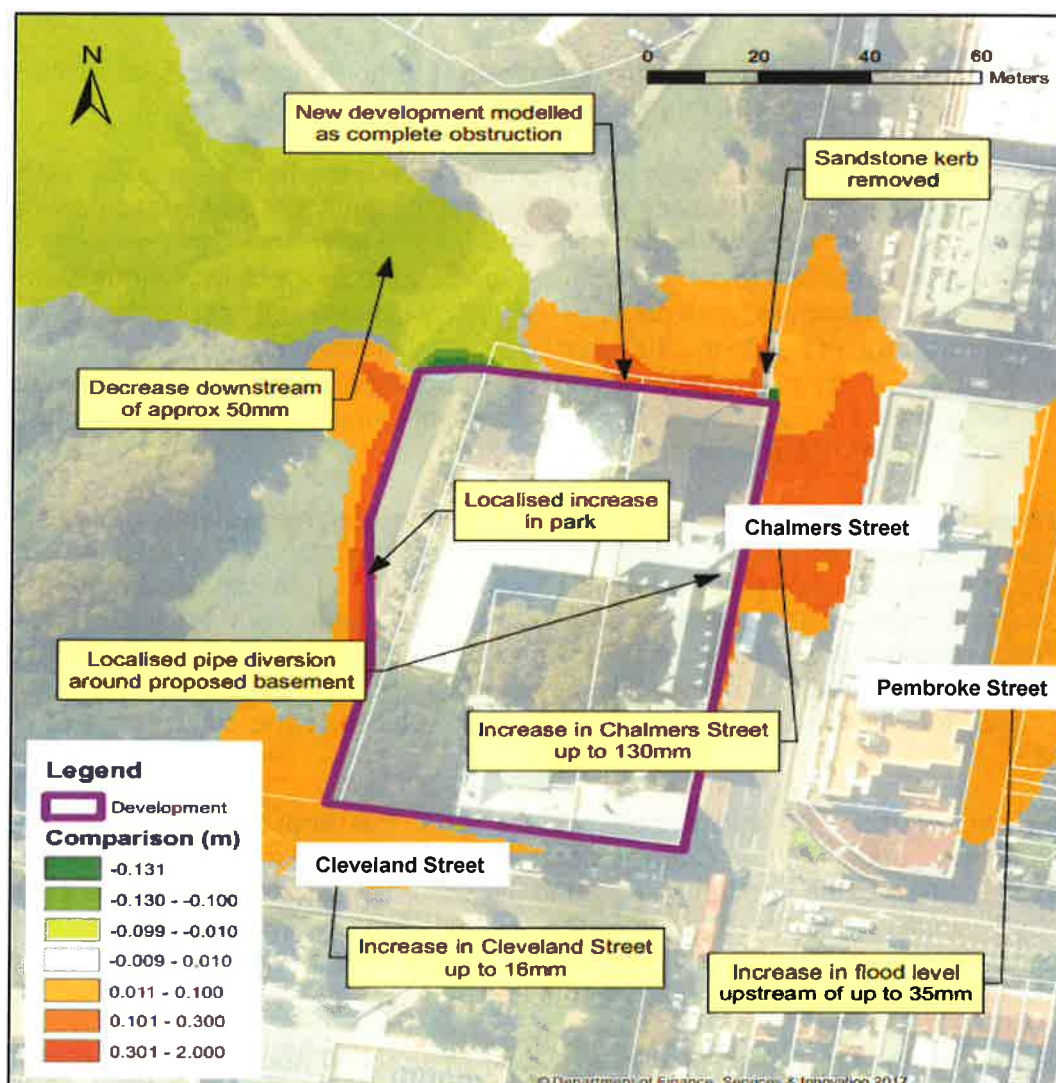
As part of the RTS and Supplementary RTS, the Applicant undertook additional flood modelling, updating the Council flood model to more accurately illustrate the existing overland flow paths through and around the site and included detail of the existing walls and obstructions along the northern and southern boundaries of the site. These updates demonstrated lower than anticipated flood levels at the low point of Chalmers Street and more accurately reflected the flows onto and across the site.

Subsequently, the Applicant utilised Council's updated flood model to identify worst case flood extents as a result of the proposed development. The modelling demonstrated the proposed development would reduce overland flows across the site and would continue to utilise the Sydney Water culvert through the site, representing similar conveyance capacity to

the existing development. The Applicant's modelling proposed the removal of the low height heritage sandstone plinth wall located to the north of the site to remove an obstruction to the flood flow path entering Prince Alfred Park.

The results of the modelling indicated that flood levels on the boundary of the site were generally consistent with existing levels, with the exception of the 1% AEP event (1 in 100 year ARI) where increased flooding would be anticipated at the new entrance forecourt to Chalmers Street. A 130 mm increase was calculated locally along Chalmers Street where water previously spilled through the site. This flood level would be approximately 20 mm below the floor level of the most affected property to the east, at 184 Chalmers Street.

Additionally, an increase in flood levels of up to 35 mm was calculated in Pembroke Street. The Applicant indicates that in meetings held with Council during the preparation and finalisation of the modelling, Council indicated that flooding along Pembroke Street was an existing condition, not resultant from the proposed development. As such, the Applicant has assumed that the increase along Pembroke Street would be acceptable. Modelling also indicated there would be an increase in flood levels, for various sized events, entering Prince Alfred Park. The Applicant indicated that the risk to park users would not be in major events (1% AEP event) as people would be unlikely to use the park at this time, rather, it would be during minor and more frequent storm events where risks to park users might change.



**Figure 24: Flood elevation – Sandstone plinth removed and site modelled as an obstruction (Source: Applicant's Supplementary RTS)**

Council has accepted the minor changes to flood levels along Chalmers Street and upstream in Pembroke Avenue. **Figure 24** illustrates the proposed development would result in an increase in flows to Prince Alfred Park from the north-western corner of the site. Detailed modelling has indicated that while flows were not as significant as initially expected, there is still an increase in this area. Further, the Applicant acknowledges that it is a potential risk to park users in minor, more frequent storm events.

The Department has considered the Applicant's assessment of stormwater and flooding impacts during operation and notes that while impacts on Cleveland Street, Chalmers Street, and Pembroke Street are acceptable, as confirmed by Council and can be managed, concern remains over the impacts on Prince Alfred Park. It is noted that Council's final endorsement of impacts and mitigation measures on the park has not been received. Given Prince Alfred Park is an asset of Council, the Department has recommended a condition requiring that construction (other than demolition) at the site cannot commence until Council's endorsement is provided on the final drainage plans and flood analysis, addressing issues relating to the increase in flood waters entering Prince Alfred Park.

Subject to the implementation of the recommended condition, the Department's assessment concludes that the impacts resulting from the proposed development can be appropriately managed and mitigated.

#### 5.2.5. European heritage

The EIS included a Heritage Impact Statement (HIS) and Conservation Management Plan (CMP). The HIS was prepared in accordance with the Heritage Division Guidelines Statements of Heritage Impact (2002) and with regard to the CMP for the site.

The site is listed under the SLEP comprising the *"former Cleveland Street Public School buildings including interiors, grounds and fence plinth."* The HIS includes a consideration of significance for each of the buildings, courtyards, walkways, stone walls, fencing and signage. Building 1A (1891) and 1B (1909), Building 2A (1867) and Building 2B (1891) and the main courtyard are considered to have **exceptional** significance. Building 3 (1924), stone retaining walls, steps, piers, and wrought iron palisade fencing, Moreton Bay Fig trees and Queensland Kauri pine tree, north east courtyard, south east courtyard and south west courtyard are considered to have **high** significance. All other aspects of the site have either moderate significance or little significance. The covered walkways and Building 4 (1968), both proposed to be demolished, are considered to have **intrusive** and **little** significance respectively.



Figure 25: Gradings of significance of buildings and courtyards (Source: EIS 2017)



Figure 26: Presentation of existing heritage buildings to Chalmers Street (Source: DP&E 2017)





**Figure 27: Intrusive alterations (covered walkways) to be demolished (Source: DP&E 2017)**

A number of other local and state heritage items are located in the vicinity of the site including:

- Prince Alfred Park (SLEP);
- Greek Orthodox Church, 242 Cleveland Street (SLEP);
- Central Railway Station group (State Heritage Register (SHR), SLEP);
- Former Railway Institute Building, 101 Chalmers Street (SHR, SLEP);
- Former Mortuary Railway Station, 50 Regent Street (SHR, SLEP);
- Former Co-Masonic Temple, 54 Regent Street (SLEP);
- House, 201 Cleveland Street (SLEP);
- Cottages, 203, 205 Cleveland Street (SLEP);
- Park Hotel, 207 Cleveland Street (SLEP);
- Terrace Group, 209-213 Cleveland Street (SLEP);
- Terrace House, 166 Chalmers Street (SLEP);
- Welsh Presbyterian Church, 142-144 Chalmers Street (SLEP);
- "Australian Metalworkers", 126-128 Chalmers Street (SLEP);
- Royal Exhibition Hotel, 86-92 Chalmers Street (SLEP);
- Redfern Estate Heritage Conservation Area, Redfern (SHR, SLEP); and
- Cleveland Gardens Conservation Area, Surry Hills (SHR, SLEP).

The subject site is located on the south-eastern corner of Prince Alfred Park. Accordingly, it is that listed item that has the greatest potential to be impacted by the proposed development. The HIS states that the proposed works would acknowledge the social significance of the Prince Alfred Park and not impact on the ability to understand the historic significance of the park. The proposed development considers the significant social, historic and visual relationships between the School and Prince Alfred Park, and enhances connections through terraced landscaping. Other mitigation measures include locating the



tower element to the southern part of the site, presenting fully resolved forms and detailing to the elevations to the park, and retaining existing mature trees within the immediate vicinity of the site. Additionally, the HIS does not consider any significant view corridors would be impacted by the proposal, as views in this area are already obscured by the existing school buildings.

The HIS concluded that impacts on heritage items in the vicinity of the subject site would not be adversely impacted or their heritage significance compromised as a result of the proposed development.

In responding to the EIS, Council provided detailed comments regarding heritage impacts of the proposed development on Prince Alfred Park, on the existing heritage buildings on the site and also archaeological potential. Council stated that the Prince Alfred Park Masterplan and Heritage Inventory do not include development constraints on adjacent sites and instead rely on planning controls. Notwithstanding, Council believes the proposed tower would impact on the setting of the park due to height and bulk, particularly immediately surrounding the subject site between the pool to the north and existing mature trees immediately to the west. Council recognises that impacts on the main north-south thoroughfare would be acceptable but relies on the existing mature trees in the park.

Council also raised concern that the site is too small for such a large building, as greater separation should be provided to heritage buildings for the bulk to be acceptable. The proposed connections into heritage buildings could be improved by providing gaps and weakening connections between the old and new. The infilling of the north-eastern courtyard (beneath the proposed new entry), and glazing to replace former walkway connections is also not supported.

In respect of nearby heritage items on the southern side of Cleveland Street and eastern side of Chalmers Street, and the two adjacent conservation areas, Council considers the proposed development would have an acceptable impact on these items and areas.

Council's submission on the RTS did not specifically discuss heritage matters however maintained concerns over the interface with Prince Alfred Park and the need for any treatment to respond to the Victorian sensibility of the park.

The Heritage Council raised concern over the design of the tower element, as revised in the RTS, being *"over scaled and overly complex and will visually overwhelm the historic buildings."* However, commended the design of the pre-cast terracotta panels on the podium being *"simpler and quieter, but no less contemporary than the tower."*

The Heritage Council requested the Archaeological Assessment to be updated to address a number of comments relating to further historical research, consideration of the site against NSW Historical Themes, questions to be addressed during archaeological works, limited research potential, when an archaeologist is required for monitoring and/or the discovery of unexpected finds, and management strategy. A response to these comments was provided in the Supplementary RTS. The Heritage Council were satisfied with the additional information provided however maintained that conditions recommended previously should still apply relating to façade detailing of the tower, archival recording, management of original fabric, interpretation strategy, trees, and archaeological excavation and excavation reports.

The Department considers the relationship between the proposed development and Prince Alfred Park, the streetscape along the Chalmers Street frontage, and the impacts on existing heritage items on site to be the most important from a heritage perspective.

The Department notes Council have indicated that the Prince Alfred Park Masterplan does not provide any guidance for development on adjacent sites, therefore development must be assessed against planning controls and on merit on a case by case basis. Planning controls are considered and assessed within 'Built form, urban design and public domain' earlier in and also in **Appendix B**. The proposed development is considered acceptable in this regard. The Department also notes Council's view on impacts being limited to the area within the park immediately surrounding the site, as a result of bulk, scale and façade detailing of the tower. No further comment was made on the RTS.

The Heritage Council maintained its concerns about the façade detailing of the tower in responding to the RTS and Supplementary RTS. The NSW GA agreed that a 'simpler, quieter and more refined tower expression' would be appropriate in addressing concerns relating to the relationship between the heritage buildings and new building.

The Department concurs with the comments made by Council and the Heritage Council in relation to the impact of the tower element on Prince Alfred Park and believes a condition requiring any façade detailing to be revised in consultation with the GA NSW and be submitted to the satisfaction of the Design Integrity Panel prior to the commencement of construction. This will ensure any adverse visual impacts on Prince Alfred Park are reduced but also improve the relationship between the tower and heritage buildings on site, striking a balance by allowing the heritage buildings and new built form to have a better relationship but also allowing them to be read independently.

In relation to Council's comment on the gaps between new buildings and heritage buildings, the Department notes that a number of changes were made in the RTS, particularly in the area of the north-eastern courtyard and main entrance. On the lower ground floor, the infill of this courtyard has been reduced, by significantly increasing the separation to Building 3. The main entry at ground floor level has been redesigned to provide greater separation to both Building 2 and Building 3. The main podium has also been setback from the western elevation of Building 2. The Department considers these changes would minimise adverse impacts on both Building 1 and Building 2 and allow the heritage buildings to be read independently of the new built form.

A number of other conditions provided by Council and the Heritage Council have also been suggested and these have been incorporated into the Department's recommended conditions, where relevant. Overall, the Department considers the design and materiality of the proposed development would make a positive contribution to the heritage values of the site and adjacent Prince Alfred Park. The interface with prince Alfred Park would improve the existing relationship by incorporating new entries and the proposed landscaping would serve as boundary identification. The existing buildings would be sensitively refurbished, and the new built form would sit comfortably within the heritage context of the site and surrounding areas. Additionally, the recommended conditions would ensure that the finer architectural detailing is refined to further improve the park interface and tower façade.

## 5.2.6. Other issues

The Department's consideration of other issues is provided at **Table 7**.

**Table 7: Department's assessment of other issues**

Issue	Consideration	Recommendation
Noise	<ul style="list-style-type: none"> <li>The site is located within an urban environment that is characterised by high noise levels throughout the day and medium to high noise levels during the evening and night.</li> <li>The site is surrounded by Prince Alfred Park and pool to the north and west, the offices of the Presbyterian Church of Australia to the north-east, residential buildings to the east and south-east and commercial properties across Cleveland Street to the south.</li> <li>The Applicant identifies the Presbyterian Church of Australia as a place of worship, however, the location on Chalmers Street is the offices of the Presbyterian Church. As such, this is considered by the Department as a commercial premises.</li> <li>Attended background monitoring was undertaken at eleven locations on and around the site and unattended monitoring was carried out from 31 March 2017 to 11 April 2017 and from 25 May 2017 to 1 June 2017 at three locations at the site and at the closest affected residential property (188 Chalmers Street). The existing acoustic environment is dominated by traffic noise.</li> </ul> <p><u>Construction</u></p> <ul style="list-style-type: none"> <li>The <i>Interim Construction Noise Guideline</i> (DECCW, 2009) (ICNG) outlines the process of establishing noise management levels (NMLs) to minimise construction noise impacts on sensitive receivers.</li> <li>The NML (Noise Affected) during standard construction hours at the nearest residential receivers, based on background noise levels, is 65 dB <math>L_{Aeq(15min)}</math> (Rating Background Level (RBL) (55) + 10dB = 65 dB <math>L_{Aeq(15min)}</math>) during the day and 63 dB <math>L_{Aeq(15min)}</math> (Rating Background Level (RBL) (53) + 10dB = 63 dB <math>L_{Aeq(15min)}</math>) from 8am to 1pm on Saturday.</li> <li>Within the Applicant's EIS, construction hours were proposed as follows: <ul style="list-style-type: none"> <li>7:30 am to 5:30 pm Monday to Friday</li> <li>7:30 am to 3:30 pm Saturday</li> <li>No construction works on Sunday or NSW Public Holidays.</li> </ul> </li> <li>The Applicant provided an indication of the main activities associated with each phase of construction and considered the sound power levels, based on typical plant and machinery, for each stage as well as demolition of Building 4 and the covered walkways.</li> <li>Noise generated by construction activities at the nearest sensitive receiver are predicted to exceed the Noise Affected NML by up to 41dB, and would exceed the Highly Affected level (75 dB <math>L_{Aeq(15min)}</math>) at certain times at receptors.</li> </ul>	<p>The Department has recommended a condition of consent requiring the Applicant:</p> <ul style="list-style-type: none"> <li>undertake construction between 7 am to 6 pm Monday to Friday and 7:30 am to 3:30 pm Saturday consistent with Council's standard construction hours</li> <li>restrict noisy works to the following times: <ul style="list-style-type: none"> <li>9 am to 12 pm, Monday to Friday</li> <li>2 pm to 5 pm Monday to Friday</li> <li>9 am to 12 pm, Saturday</li> </ul> </li> <li>restrict arrival times of construction vehicles to construction hours</li> <li>implement 'respite periods' for works that generate noise with particularly annoying or intrusive characteristics</li> <li>to ensure that the final mechanical plant and machinery selection complies with the operational noise</li> <li>undertake noise compliance monitoring once the proposed development is operational</li> <li>consider out of hours use of rooftop basketball court in Operational Management Plan</li> <li>develop an 'Out of Hours Event</li> </ul>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> <li>Given the distance to surrounding buildings, construction vibration is not expected to be significant for the proposed works.</li> <li>To address noise impacts, the Applicant proposes to strategically locate stationary plant, utilise the natural screening and site sheds and other temporary structures/screens as noise barriers, install operational noise barriers as early as possible to provide screening from construction activities, choose low noise construction equipment and methods, and modify construction equipment/methods where practicable.</li> <li>Noise was raised by the EPA and in public submissions as an issue.</li> <li>In its submission, the EPA made the following recommendations: <ul style="list-style-type: none"> <li>construction-related works likely to be audible be undertaken during standard construction hours within the ICNG</li> <li>intra-day respite periods be implemented for works identified in the ICNG as particularly annoying and intrusive</li> <li>construction vehicles should not arrive outside of the approved construction hours</li> <li>undertake a risk assessment of construction-related works to determine whether it is practicable to use audible movement alarms of a type that would minimise noise on surrounding receivers without compromising safety.</li> </ul> </li> <li>The Department considered the construction hours requested by the Applicant and the comments received from EPA and has condition construction hours in accordance with the ICNG on Monday to Friday. However, the Department has restricted the times of noisy works as follows: <ul style="list-style-type: none"> <li>9 am to 12 pm, Monday to Friday;</li> <li>2 pm to 5 pm Monday to Friday; and</li> <li>9 am to 12 pm, Saturday.</li> </ul> </li> <li>In addition, the Department has recommended 'respite periods', where construction works generate particularly annoying or intrusive noise (as per the ICNG) and recommended that construction vehicles only arrive to the site within the permitted construction hours.</li> <li>The Department supports the proposed mitigation measures and as such, has supported the adoption of Council's standard construction hours on weekends, pending noisy works being undertaken only in the times specified.</li> <li>The Department acknowledges that a development within an established urban environment will likely result in some noise impacts and as such, has recommended conditions to ensure noise is minimised where practicable.</li> </ul>	<p>Management Plan' prior to the commencement of out of hours events.</p>



Issue	Consideration	Recommendation
	<p><u>Operation</u></p> <ul style="list-style-type: none"> <li>• Typical hours of operation of the proposed development are anticipated as follows: <ul style="list-style-type: none"> <li>○ School hours: 8:30 am to 4 pm on school term weekdays</li> <li>○ Cleaning: 3 pm to 9 pm on weekdays</li> <li>○ Maintenance: During and school hours until 5 pm weekdays.</li> </ul> </li> </ul> <p><i>Internal Noise</i></p> <ul style="list-style-type: none"> <li>• An assessment of the noise impact of external noise sources on the acoustic environment within the proposed development was undertaken.</li> <li>• Criteria for internal noise levels are presently only provided within the <i>State Environmental Planning Policy (Infrastructure) 2007</i> for residential developments, however reference is made to other relevant guidelines including <i>Development Near Busy Roads and Rail Corridors</i> and Australian Standard AS2107: <i>Acoustics – Recommended design sound levels for reverberation times for building interiors</i> with the criteria presented within NSW Department of Education and Communities <i>Educational Facilities and Standards Guidelines DG11 Acoustics</i> (DG11) being adopted for the proposed development.</li> <li>• The acoustic environment surrounding the site is dominated by significant traffic noise. In order to achieve the required limits within DG11 inside the proposed development, the noise assessment indicated that windows are required to be kept closed and repaired whenever damaged. Additionally, the windows of existing buildings on Cleveland and Chalmers are required to be double glazed and the windows of the new tower designed to control traffic noise intrusion.</li> <li>• The Applicant has committed to engaging with an appropriately qualified specialist to review future design of the treatments and windows to ensure that the limits within DG11 are achieved.</li> <li>• The Department considers that with continued input from a suitably qualified acoustic specialist, the proposed development will be designed to achieve the limits of DG11.</li> </ul> <p><i>Operational mechanical plant</i></p> <ul style="list-style-type: none"> <li>• An assessment of noise generated from mechanical plant as part of the proposed development was provided within the RTS.</li> <li>• The primary sources of operational noise were considered to be fans, condenser units, air cooled chillers, pumps and other specialist equipment (fume and dust extraction). The equipment is anticipated to operate during the day time period (7 am to 6pm) with some use in the evening period (6 pm to 10 pm).</li> <li>• For the purposes of the operational noise</li> </ul>	

Issue	Consideration	Recommendation
	<p>assessment, the closest noise sensitive receivers were considered to be Prince Alfred Park (Passive Recreation) and residential and commercial premises on Chalmers Street.</p> <ul style="list-style-type: none"> <li>Based on the anticipated noise levels from manufacturer's specifications (where selections have been made and information available), the current mechanical design of the proposed development is anticipated to meet the requirements of the NSW <i>Industrial Noise Policy</i> (EPA, 2000) (INP).</li> <li>Noting that final mechanical design is ongoing, the Applicant has committed to engaging a noise consultant to review further designs to ensure that equivalent selections are made and/or noise controls are incorporated into the final design as required to ensure required limits within the INP are met.</li> <li>The assessment of anticipated additional traffic noise generated by the proposed development was considered to be negligible (less than 2 dB).</li> <li>In its submission on the EIS, the EPA considered there would be potential operational noise impacts upon sensitive receivers resulting from standard operations (mechanical plant and equipment, public address and school bell system, ground maintenance) and recommended conditions in relation to these operational aspects.</li> <li>Additionally, the EPA raised the potential for noise generation from the community use of the site outside of standard hours, particularly the use of the rooftop basketball court. As such, the EPA recommended noise compliance monitoring be undertaken in addition to recommending operational hours for the rooftop basketball court.</li> <li>The Department considers that the proposed development will likely be used out-of-hours and for community purposes. Given that these activities are not yet known, the Department has recommended a management plan be developed for these events and has supported the views of the EPA and recommended conditions to ensure impacts are considered and mitigated. Additionally, the Department supports the proposal of the Applicant to ensure that future design of mechanical plant be reviewed by an appropriately qualified noise consultant.</li> <li>The Department has recommended conditions of consent requiring the Applicant ensure that the final mechanical plant and machinery selection complies with the operational noise limits for the site. The Department has also recommended a number of conditions in relation to the utilisation of the site out of hours.</li> </ul> <p>The Department concludes that noise impacts of the proposed development would be appropriately managed through the implementation of the commitments made by the Applicant and the</p>	

Issue	Consideration	Recommendation
	recommended conditions of consent.	
Aboriginal Heritage	<ul style="list-style-type: none"> <li>The Aboriginal Archaeological Assessment, as refined as part of the RTS, was undertaken in accordance with OEH's <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</i> (OEH, 2011) and consultation undertaken in accordance with <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i>.</li> <li>The assessment established that the site was an important camping and ceremonial meeting place for Aboriginal people until at least 1850.</li> <li>As a result, the site was considered to have high archaeological potential and is of State heritage significance due to its social, historic and rarity values in addition to being located between two second order streams in an area of abundant resources.</li> <li>Significant assets anticipated may include artefact scatters, isolated finds and shell middens.</li> <li>The demolition of Building 4, removal of trees and temporary excavations have the potential to impact items of Aboriginal heritage significance.</li> <li>To minimise the impacts upon potentially significant items the Applicant has proposed that an archaeologist be present on site for ground disturbance and excavation works and any works relating to the removal of the slab beneath Building 4 to ensure that the natural ground surface (below the anticipated 1.5 metre layer of fill) is not disturbed.</li> <li>Additionally, if the footings of the slab are to be removed, the Applicant has committed to obtaining an Aboriginal Heritage Impact Permit.</li> <li>Further recommendations of the Aboriginal Archaeological Assessment include that: <ul style="list-style-type: none"> <li>trees identified for removal will be cut and stumps ground to the existing ground level</li> <li>if previously undetected items are uncovered, works are to cease and advice sought from an appropriately qualified archaeologist and OEH</li> <li>employees, contractors and subcontractors undertake an induction outlining responsibilities under the <i>National Parks and Wildlife Act 1974</i></li> </ul> </li> <li>No agencies raised concern with the Aboriginal Archaeological Assessment, however one member of the public raised issues with the level of detail provided within the Aboriginal Archaeological Assessment as presented within the EIS. No further comments were received by agencies or members of the public in relation to the additional documentation submitted with the RTS.</li> <li>The Department considered the findings of the assessment and has concluded that the recommendations outlined by the Applicant including engaging an archaeologist to supervise works; grounding trees to ground level only; consulting with OEH in the event of an unexpected find; and training all personnel on site, are supported by the Department.</li> <li>The Department has recommended conditions</li> </ul>	<p>The Department has recommended conditions of consent requiring the Applicant:</p> <ul style="list-style-type: none"> <li>engage a suitably qualified archaeologist to supervise all demolition and earthworks where the ground surface may be disturbed</li> <li>ground trees to surface level only</li> <li>consult with OEH in the event of an unexpected find</li> <li>train all personnel on site regarding their responsibilities under the <i>National Parks and Wildlife Act 1974</i></li> </ul>

Issue	Consideration	Recommendation
	<p>specifying the requirements of the archaeologist in addition to recommending conditions that the Applicant implement all recommendations within the Aboriginal Archaeological Assessment to ensure all potential impacts are identified and appropriately managed/mitigated.</p>	
Contamination	<ul style="list-style-type: none"> <li>Results of soil investigations of the development site were presented within a Combined Stage 1 and 2 Environmental Site Assessment as part of the EIS.</li> <li>Based on desktop studies of the previous uses of the site, the site was considered to have a moderate risk of soil and/or groundwater contamination, likely limited to near surface soils and potentially localised areas of fill.</li> <li>The risk of contamination to future land users, i.e students and teachers, was considered low, however there was considered to be a potential risk to site workers and existing users where ground disturbance works occur during the existing occupation of the site.</li> <li>Soil samples indicated that there were no exceedances of the adopted site assessment criteria with the exception of benzo(a)pyrene, a polycyclic aromatic hydrocarbon (PAH). The high benzo(a)pyrene results were anticipated to be the result of ash and suspected slag observed at all soil sample locations.</li> <li>Results also indicated that the PAHs were immobilised, and as the soils were sealed with bitumen hardstand, the underlying soils would not pose a risk to human health.</li> <li>Based on the results, the Applicant considered the site suitable for the proposed school and it was recommended that the Construction Environmental Management Plan (CEMP) include details to mitigate potential exposure to PAHs and include an unexpected finds protocol to identify controls and procedures where previously unidentified contamination is encountered.</li> <li>In its submission on the EIS, the EPA raised the age of the structures identified for demolition and as a result, lead-based paints and asbestos containing materials may be encountered. Further, the EPA note the potential for polychlorinated biphenyls (PCBs) from old light fittings.</li> <li>EPA recommended the Applicant expand the unexpected finds protocol to include consideration of unidentified asbestos, lead-based paint, PCBs and any other potential contamination sources, the Applicant satisfy the requirements of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> regarding asbestos waste, where required and SafeWork NSW be consulted if any asbestos waste is to be handled.</li> <li>As the proposed site is anticipated to be fully capped and developed, the Department considers that the site is suitable for its continued use as a</li> </ul>	<p>The Department has recommended a condition of consent requiring the Applicant:</p> <ul style="list-style-type: none"> <li>include details to mitigate potential exposure to PAHs as well as unidentified asbestos, lead-based paint, PCBs and any other potential contamination sources to identify controls and procedures to manage such finds within the Construction Environmental Management Plan.</li> <li>undertake works in accordance with <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and consult with SafeWork NSW if any asbestos waste is to be handled and/or disposed of.</li> </ul>



Issue	Consideration	Recommendation
	<p>school. Whilst this is the case, demolition and construction at the site have the potential to expose various sources of contamination.</p> <ul style="list-style-type: none"> <li>• The Department supports the recommendations and mitigation measures of the Applicant, and has recommended a condition of consent requiring the CEMP include details to mitigate potential exposure to PAHs as well as unidentified asbestos, lead-based paint, PCBs and any other potential contamination sources to identify controls and procedures to manage such finds.</li> <li>• The Department has also recommended a condition requiring the Applicant undertake works in accordance with <i>Protection of the Environment Operations (Waste) Regulation 2014</i> and consult with SafeWork NSW if any asbestos waste is to be handled and/or disposed of.</li> <li>• With the implementation of the commitments of the Applicant in addition to compliance with the recommended conditions, the Department considers that contamination risks of the site can be managed and mitigated.</li> </ul>	
Trees	<ul style="list-style-type: none"> <li>• The Arboricultural Assessment stated that 25 trees were identified within close proximity to the proposed development, with a detailed survey undertaken of the twenty trees that were over five metres in height.</li> <li>• Of the 20 surveyed trees, two were not within the proposed development footprint, and hence unaffected by the proposed development, eight were identified for retention and ten were identified for removal.</li> <li>• The Applicant's assessment recommends protecting the ten trees that are to be retained (including the two outside of the development footprint) in accordance with Australian Standard AS4970 2009 <i>Protection of trees on development sites</i> in addition to specific measures as presented in the assessment. Additionally, the Arboricultural Assessment recommends tree protection works be signed off by an appropriately qualified arborist.</li> <li>• Of the ten trees identified for removal, four trees (numbers 5, 11, 13 and 15) were considered to have high retention value. None of the trees of high retention value are specifically identified on Council's significant tree register.</li> <li>• Trees 11, 13, and 15, three London Plane trees located within the central quadrangle, whilst fairly typical of inter-war plantings, were not visible on 1943 aerial imagery and were likely planted circa. 1968-69. Tree 5, a lemon scented gum and tree 15 are located within the proposed building footprint.</li> <li>• The Department acknowledges trees will be required to be removed to enable the proposed development to proceed and considers the landscaping works proposed would generally be sufficient to offset the impacts of the removal of the trees identified within the site.</li> </ul>	<p>The Department has recommended a condition of consent requiring the Applicant:</p> <ul style="list-style-type: none"> <li>• engage an appropriately qualified arborist to undertake an evaluation of the potential to retain trees 11 and 13</li> <li>• install tree protection measures in accordance with AS4970 2009 <i>Protection of trees on development sites</i> and the recommendations presented within Section 4 of the Arboricultural Assessment.</li> </ul>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> <li>Notwithstanding, the Department considers that additional consideration should be given to retention of the two London Plane trees (11 and 13) that are not within the new building footprint and has recommended a condition that the Applicant engage an appropriately qualified arborist to undertake an evaluation of the potential to retain these trees. Where design changes are considered necessary by the arborist, justification is to be provided to the Secretary for approval.</li> <li>The Department supports the recommendations of the Arboricultural Assessment and has recommended conditions relating to the tree protection works to be installed as presented within Section 4 of the Arboricultural Assessment.</li> <li>The Department concludes that the impacts of the proposed development can be mitigated by implementing the recommendations of the arborist and complying with the Department's recommended conditions of consent.</li> </ul>	
Construction Traffic	<ul style="list-style-type: none"> <li>The EIS included a review of the potential traffic impacts of the proposed works associated with demolition of Building 4 and the associated bridges.</li> <li>To facilitate the works, the assessment indicates that there would be two access points to the site; via the existing entry/exit driveway on Cleveland Street; and via Chalmers Street, utilising the emergency vehicle access to Prince Alfred Park public pool.</li> <li>Two access points have been proposed to provide flexibility in managing the necessary truck movements into and out of the site.</li> <li>At this stage of the assessment, the volume of material to be removed from the site had not yet been established nor the corresponding number of vehicle movements. Notwithstanding, an assessment was undertaken of the area available for truck turning for a rigid truck/trailer that indicated sufficient area available at the site.</li> <li>Noting the high pedestrian activity in the vicinity of the site, the assessment has recommended that a traffic controller be present at the entry points to halt pedestrian movements during truck entering/exiting. Additionally, it is recommended that signage be installed in accordance with the requirements of the RMS Traffic Control at Worksites Manual.</li> <li>The assessment notes the existing traffic flows along both Chalmers and Cleveland Streets and recommends that heavy vehicles do not access the site between the hours of 6 am – 10 am and 3 pm to 7 pm.</li> <li>TfNSW noted that all details regarding construction were not yet available. Notwithstanding, TfNSW recommended a number of conditions to ensure that construction traffic and pedestrian movements would be adequately managed and incorporated into a Construction Pedestrian and Traffic</li> </ul>	<p>The Department has recommended a condition of consent requiring the Applicant:</p> <ul style="list-style-type: none"> <li>engage a suitably qualified traffic controller for the duration of demolition and construction</li> <li>develop a Construction Pedestrian and Traffic Management Plan in consultation with TfNSW Sydney Coordination Office, Council and RMS that includes location of proposed works, haulage routes, access arrangements, vehicle arrival and departure times (in accordance with permitted construction hours), number of construction movements, consultation strategy for surrounding stakeholders, detail of any cumulative impacts with any other construction projects, including Sydney Light Rail</li> </ul>

Issue	Consideration	Recommendation
	<p>Management Plan (CPTMP). TfNSW also raised that due to the location of the site, construction vehicles would not be permitted during morning and afternoon peak without prior approval of the Sydney Coordination Office.</p> <ul style="list-style-type: none"> <li>• RMS raised design issues in relation to the gutter crossing on Cleveland Street and excavation and recommended a number of conditions regarding demolition/construction vehicles, road occupancy requirements, signage and also requested a detailed Construction Traffic Management Plan be developed in consultation with RMS, Council and TfNSW Sydney Coordination Office.</li> <li>• The increased traffic disturbance during construction and potential resultant impact on public transport services was raised in a submission received from a member of the public.</li> <li>• The Department has considered the conclusions of the Applicant's assessment in conjunction with the comments received from TfNSW, RMS and the public.</li> <li>• The Department supports the recommendations of the Applicant and has recommended a condition of consent requiring the Applicant engage a suitably qualified traffic controller for the duration of demolition and construction.</li> <li>• The Department also recommends heavy vehicles do not access the site between the hours of 6 am – 10 am and 3 pm to 7 pm until such time as approval has been granted by the TfNSW Sydney Coordination Office.</li> <li>• The Department agrees with both RMS and TfNSW and requests a Construction Pedestrian and Traffic Management Plan be developed in consultation with TfNSW Sydney Coordination Office, Council and RMS, detailing management of pedestrians and traffic throughout all construction phases.</li> <li>• The Department considers that with the implementation of the recommendations of the Applicant, in addition to ongoing consultation with key stakeholders and implementation of the recommended conditions of consent, construction traffic can be adequately managed.</li> </ul>	<p>Project and Sydney Metro City &amp; Southwest Project.</p>
Public Interest	<ul style="list-style-type: none"> <li>• The proposed development would provide benefit for the community by delivering state of the art contemporary teaching and learning facilities with more adaptable and collaborative learning spaces to improve educational outcomes.</li> <li>• The Department concludes that the proposed development is in the public interest.</li> </ul>	<p>The Department considers no further action is required on this matter.</p>

## 6. CONCLUSION

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The Department has reviewed the EIS, RtS and Supplementary RtS and considered advice from the public authorities including Council. Concerns raised in submissions have been considered and all environmental issues associated with the proposal have been addressed.

The Department considers the key issues associated with the assessment of the project relate to built form, environmental and residential amenity, traffic, transport and accessibility, flooding and stormwater and heritage. Conditions of consent have been recommended to satisfactorily address any outstanding, residual or operational issues.

The application is consistent with the objects of the EP&A Act (including ecologically sustainable development) and is consistent with the State's strategic planning objectives for the site as set out in the NSW Premiers Priorities and *A Plan for Growing Sydney* as it will improve education results through the provision of new and improved teaching facilities and meet the growing needs of Sydney.

The proposal is also considered to be consistent with the vision outlined in the Greater Sydney Commission's revised draft *Eastern City District Plan*, as it will provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community. It will also generate approximately 80 new construction jobs, 100 new operational jobs and \$60 million in economic benefit.

The Department concludes the impacts of the proposed development can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.



## 7. RECOMMENDATION

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It is recommended that the Executive Director, Priority Projects Assessments, as delegate for the Minister for Planning:

- a) **considers** the recommendations of this report; and
- b) **approves** the SSD application (SSD 7610), under section 89E of the EP&A Act, having considered matters in accordance with a) above; and
- c) **signs** the attached development consent at **Appendix E**.

Prepared by: Andrew Beattie  
Team Leader, Social and Other Infrastructure Assessments

Recommended by:



28/2/18

Karen Harragon  
**Director**  
**Social and Other Infrastructure Assessments**

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## Decision

Approved by:



David Gainsford  
**Executive Director**  
**Priority Projects Assessments**  
as delegate of the Minister for Planning.

28/2/18

## **APPENDIX A    RELEVANT SUPPORTING INFORMATION**

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

1. Environmental Impact Statement

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=7610](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7610)

2. Government and Agency Submissions

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=7610](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7610)

3. Applicant's Response to Submissions

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=7610](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7610)

4. Government and Agency Submissions

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=7610](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7610)

5. Supplementary Response to Submissions

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=7610](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=7610)

## **APPENDIX B      CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)**

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### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)**

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the proposed development and have been taken into consideration in the environmental assessment of the proposed development.

Controls considered as part of the assessment of the proposed development are:

- *State Environmental Planning Policy (State & Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; and*
- *Sydney Local Environmental Plan 2012.*

#### **State Environmental Planning Policy (State and Regional Development) 2011**

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

The proposal is for SSD in accordance with section 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, under clause 15 (educational establishments) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011, as in force at the time of lodgement

#### **State Environmental Planning Policy (Infrastructure) 2007**

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

The development constitutes traffic generating development in accordance with clause 104 of the ISEPP and therefore must be referred to RMS for comment. The application was referred to RMS and TfNSW their comments are summarised in **Section 4** of this report.

The proposal is considered to be consistent with the ISEPP given the consultation and consideration of the comments raised has been undertaken in the Department's assessment in **Section 5** of this report.

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

SEPP 55 aims to provide a state-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The EIS included a combined Stage 1 and 2 Environmental Site Assessment (ESA) in addition to a Hazardous Materials Risk Assessment. The ESA concluded that the site was considered suitable for its intended use and recommended that site soils be appropriately managed under a CEMP to mitigate the potential exposure of Polycyclic Aromatic Hydrocarbons to workers,

and an unexpected finds protocol be prepared where unidentified contamination is discovered on site.

### Sydney Local Environmental Plan (SLEP) 2012

Consideration of the relevant controls contained within SLEP 2012 is provided below in **Table 1**.

**Table 1: Consideration of SLEP 2012**

City of SLEP 2012	Department Comment/Assessment
Clause 2.3 Zone Objectives and land use table	The site is zoned B4 – Mixed Use. The proposed development being an educational establishment is permissible in the zone and consistent with the zone objectives. The Department considers this clause has been met.
Clause 2.7 Demolition requires development consent	Demolition of Building 4 and covered walkways is included as part of the proposed development and will therefore part of any consent granted. The Department considers this clause has been met.
Clause 4.3 Building height	The proposed development has a maximum height of 58.1 m which exceeds the development standard of 9 m. The Department has assessed the variation under Clause 4.6 of the SLEP and concludes that the proposal would be appropriate in its context, provides an appropriate interface with Prince Alfred Park, would result in minimal environmental and amenity impacts and provides public benefits to the community. Refer to <b>Section 5</b> for more detailed consideration.
Clause 4.4 Floor Space Ratio	The proposed development has a FSR of 3.19:1 which exceeds the development standard of 1.25:1. The Department has assessed the variation under Clause 4.6 of the SLEP and concludes that the proposal would be appropriate in its context, provides an appropriate interface with Prince Alfred Park, would result in minimal environmental and amenity impacts and provides public benefits to the community. Refer to <b>Section 5</b> for more detailed consideration.
Clause 5.10 Heritage conservation	The site is a local heritage item and adjoins a Heritage Conservation Area. The site also located in close proximity to a number of other local and state listed heritage items. The Department concludes that the proposal is acceptable on heritage grounds as any potential impacts can be managed. Refer to <b>Section 5</b> for detailed consideration. The Department considers this clause has been met.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The height and FSR development standards restrict the proposed development, however do not apply given the proposal is being carried out by a public authority that is permissible with consent. The Department considers this clause has been met.
Clause 6.19 Overshadowing of certain public places	The shadow diagrams demonstrate the proposal would not result in any additional overshadowing of Prince Alfred Park between 14 April and 31 August between 12:00 pm and 2:00 pm in accordance with this clause. The Department considers this clause has been met.
Clause 6.21 Design excellence	The proposal has been through a design competition in accordance with this clause. Additionally, the design has been reviewed by the Design Integrity Panel which is the competition Jury during the design development phase. The Department considers this clause has been met.
Clause 7.2 Earthworks	The earthworks associated with the proposed development include excavation for the basement level. A Soil and Water Management Plan would be prepared as part of CEMP documentation. The Department considers this clause has been met.
Clause 7.9 (3)	The proposal includes 8 car parking spaces, which is less than the maximum

Information and education facilities (Car parking)	number prescribed by this clause. The Department considers this clause has been met.
Clause 7.15 Flood Planning	Flood planning has been addressed in Section 5. The Department considers this clause has been met subject to the implementation of recommended conditions.
Clause 7.20 Development requiring or authorising preparation of a development control plan	A Development Control Plan (DCP) is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances. The proposed development includes the retention of three of the four existing buildings on established school site. These buildings define the extent to which the site can be developed. The Department is satisfied that environmental impacts have been addressed, and that a DCP is considered unreasonable and unnecessary in this case.

### Sydney Development Control Plan 2012

Consideration of the relevant development controls contained within Council's DCP is provided below.

**Table 2: DCP 2012 Compliance Table**

Sydney DCP 2012	Department Comment/ Assessment
2.11-12 Locality Statement – Prince Alfred Park	The proposed development would preserve the heritage significance of the existing buildings, improve the interface with Prince Alfred Park and maintain the streetscape along Chalmers Street. The development is consistent with the locality statement and associated principles applicable Prince Alfred Park. The Department considers this clause has been met.
3.2.2 Addressing the Street and Public Domain	The proposed development maintains the existing streetscape to Chalmers Street and includes a new main entrance along this frontage. Additionally, the proposal includes new access to the northern and western frontages to Prince Alfred Park providing increased access and activation. The Department considers this clause has been met.
3.2.7 Reflectivity	The Department's assessment concluded that subject to the implementation of a recommended condition in relation to reflectivity, compliance can be achieved to ensure potential adverse glare impacts are minimised. The Department considers this clause has been met.
3.2.8 External Lighting	The Department recommends the imposition of a standard condition requiring any external lighting comply with Australian Standards. The Department considers this clause has been met.
3.3.1 Competitive Design Process	The proposal has been through a design competition in accordance with the requirements of this clause. Additionally, the design has been reviewed by the Design Integrity Panel which is the competition Jury during the design development phase. The Department considers this clause has been met.
3.5.2 Urban Vegetation	A Landscape Plan was provided as part of the EIS which describes the plant schedule selected for the site. The Department has recommended a condition requiring ongoing consultation with Council to ensure landscaping along the interface with Prince Alfred Park is appropriate. The Department considers this clause has been met.
3.6 Ecologically Sustainable Development	The proposal meets the principles of ESD. Refer to <b>Section 3.6</b> of this report. The Department considers this clause has been met.
3.7 Water and Flood Management	Addressed in <b>Section 5</b> of this report. The Department considers this clause has been met.



3.9 Heritage	The site is a local heritage item and adjoins a Heritage Conservation Area. The site also located in close proximity to a number of other local and state listed heritage items. The Department concludes that the proposal is acceptable on heritage grounds as any potential impacts can be managed through conditions. Refer to <b>Section 5</b> for detailed consideration. The Department considers this clause has been met.
3.10.5 Public and Community Buildings older than 50 years	The proposal includes retention and refurbishment of the existing heritage listed school buildings, therefore permitting ongoing interpretation. The Department considers this clause has been met.
3.11 Managing Transport Demand	<p>A Traffic Assessment Report was included as part of the EIS. The proposal includes the retention of the existing carpark which would accommodate eight vehicles, less than the maximum prescribed by the SLEP.</p> <p>Bicycle parking is proposed and would comply with the minimum requirement through a recommended condition of consent.</p> <p>Vehicle access to the site would remain unchanged. A condition of consent would require all vehicles to enter and leave the site in a forward direction.</p> <p>Refer to <b>Section 5</b> for detailed consideration of traffic and access. The Department considers this clause has been met.</p>
3.12 Accessible Design	Disabled is provided to the development in accordance with Australian Standards and reinforced by recommended conditions of consent. The Department considers this clause has been met.
3.13.1 Crime prevention through environmental design (CPTED)	A 'Crime Prevention Through Environmental Design Report' prepared by FJMT was submitted as part of the EIS. The report demonstrates consistency with CPTED principles and Clause 3.13.1. The Department considers this clause has been met.
3.13.3 Social impacts	The proposed development provides an improved educational facility for the community, providing a positive social impact. The Department considers this clause has been met.
3.14 Waste	Construction and operational waste would be addressed in the CEMP and OMP for the proposal and is included in recommended conditions of consent. The Department considers this clause has been met.
3.17 Contamination	The assessment against SEPP 55 demonstrates the site is suitable for its intended use. Refer to <b>Section 5</b> and <b>SEPP 55</b> above. The Department considers this clause has been met.

## APPENDIX C CLAUSE 6.21 DESIGN EXCELLENCE MATTERS FOR CONSIDERATION

Evaluation	Consideration
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The Department notes the proposed materials and finishes include reinforced concrete, mesh, aluminium powder-coated finishes (perforated and non-perforated), terracotta panelised system, glazing, tensile façade mesh and render. These materials have been selected to respond to the character of the heritage buildings. The Applicant advises the neutral tones were selected to have a lightweight appearance and reduce the perception of bulk.
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	<p>The Department acknowledges the form and external appearance of the proposal would change the views of the site from the surrounding public domain, particularly from Prince Alfred Park. However, the proposed development proposes the use of neutral tones to reduce the perception of bulk and minimise the visual impact of the school's external appearance.</p> <p>The successful integration of the podium into Prince Alfred Park comprising two separate access points for students and integrated landscaping also contributes to improving the transition between the proposed school and the public domain. The Cleveland Street and Chalmers Street interfaces with the site would remain unchanged with the exception of the new school entrance, which would be more accessible for students.</p>
(c) whether the proposed development detrimentally impacts on view corridors,	<p>The Applicant's view loss analysis demonstrates that the proposed development would result in 69% of apartments in the three residential buildings to the east experiencing a nil to minor view loss impact. Some loss of park and distant city views would occur, however view of the heritage items, sky and some district skyline would be retained. Refer to the Departments detailed consideration of view loss below.</p> <p>The Department notes the proposal's siting, setbacks, and proposed external finishes would ensure that it does not detrimentally impact on views presently experienced by the majority of residential apartment buildings to the east.</p>
(d) how the proposed development addresses the following matters:	The site is appropriately zoned B4 – Mixed use under the Sydney LEP. The proposal is permissible with consent and considered a suitable, continued use of the site as an educational establishment.
(i) the suitability of the land for development,	
(ii) the existing and proposed uses and use mix,	The Department notes that the proposal would result in the continued occupation of the site as an educational facility and is considered an appropriate use of the site.
(iii) any heritage issues and streetscape constraints,	The site comprises locally listed heritage buildings that would be retained and refurbished as part of the proposal. These buildings are located along the Cleveland Street and Chalmers Street frontages and as such will maintain the existing presentation to the street at a pedestrian scale. The Department has provided a detailed consideration of heritage matters below and concludes the proposed development is acceptable on heritage grounds.

Evaluation	Consideration
(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed tower has been located to the rear of the site adjacent to Prince Alfred Park. Smaller buildings are located across Cleveland Street to the south and Chalmers Street to the east. The Department has undertaken a detailed assessment of built form above and environmental and residential amenity below.
(v) the bulk, massing and modulation of buildings,	The Department is satisfied that the proposal represents an appropriate development given the context of the site and changing nature of the surrounding environment. The proposal has been subject to a competitive design competition process and has been reviewed by the Government Architect NSW's office. The RTS included design refinements by simplifying some building elements and resolving circulation space issues apparent in the EIS. The Department concludes the bulk, massing and modulation provides a successful integration into the heritage context of the site, and Prince Alfred Park adjacent. Refer to the Department's consideration of 'Bulk and scale' above.
(vi) street frontage heights,	The Department notes that the proposal includes the retention and refurbishment of existing heritage buildings that front Cleveland Street and Chalmers Street. An improved main entrance is proposed on Chalmers Street between Building 2 and Building 3. The pedestrian scale of these street frontages remains unchanged with the exception of the main entrance.
(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	The Department has considered environmental impacts in Section 5 of this report, specifically in 'Environmental and residential amenity' and 'other matters' and is satisfied the proposal incorporates ESD measures and would not result in any unreasonable impacts on surrounding sensitive receivers.
(viii) the achievement of the principles of ecologically sustainable development,	As outlined in <b>Section 3.6</b> , the Department is satisfied that the proposed development satisfactorily achieves the principles of ESD.
(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	The Applicant has considered pedestrian, cyclist and vehicular access in the design of the proposed development, including the provision of pedestrian access that integrates with existing established Prince Alfred Park, and satisfactory service vehicle access and parking. The Department considers that subject to the implementation of conditions, considers access to be appropriate. Further discussion is provided below.
(x) the impact on, and any proposed improvements to, the public domain,	The proposed development would result in a noticeable change to the immediate public domain along the northern and western side boundaries with Prince Alfred Park due to its bulk and scale and integrated landscaping. The Department acknowledges that the Applicant has created well designed, integrated and practical interfaces with the park that would be further refined in consultation with Council.
(xi) the impact on any special character area,	The site is not located within a special character area, however the proposed development has been designed having regard to the heritage and parkland settings.
(xii) achieving appropriate	The Department has considered public domain interfaces

Evaluation	Consideration
interfaces at ground level between the building and the public domain,	above. The Department acknowledges that through consultation with Council, the Applicant has created well designed, integrated and practical interfaces with the park that would be further refined in consultation with Council.
(xiii) excellence and integration of landscape design.	Landscaping and public domain has been considered above.

## APPENDIX D GLOSSARY

**Ecologically Sustainable Development** can be achieved through the implementation of:

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

### **Objects of the Act**

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

### **Section 79C Evaluation**

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

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

- (a) *the provisions of:*
  - (i) *any environmental planning instrument, and*



- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),  
that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

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

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

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

## **APPENDIX E    RECOMMENDED CONDITIONS OF CONSENT**

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