



27 August 2019

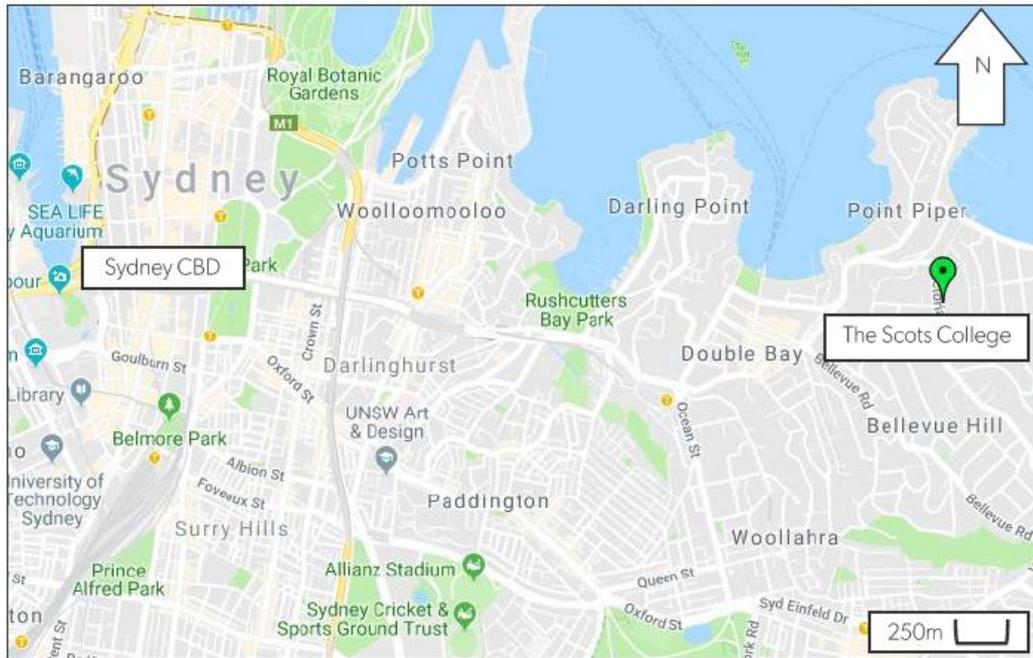
Stevenson Library Building at The Scots College, SSD 8922

1 INTRODUCTION

1. On 8 May 2019, the NSW Independent Planning Commission (**Commission**) received from the NSW Department of Planning and Environment (now the Department of Planning, Industry and Environment) (**Department**) State Significant Development application no. 8922 (**SSD**) from the Presbyterian Church (NSW) Property Trust (**Applicant**) to conduct major alterations and additions to the Stevenson Library Building at The Scots College (**Application**).
2. The Commission is the consent authority in respect of the Application under section 4.5(a) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
  - the Application constitutes State significant development under section 4.36 of the EP&A Act as the Application has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of schedule 1 of the SEPP SRD; and
  - the Department received more than 25 submissions from the public objecting to the Application.
3. Professor Mary O’Kane AC, Chair of the Commission, nominated Peter Williams (Chair), Carol Austin, and Soo-Tee Cheong to constitute the Commission determining the Application.

1.1 Site and locality

4. The site is located at The Scots College, 29-53 Victoria Road, Bellevue Hill (**the Site**) within the Woollahra local government area (**LGA**). The Site is located 4.3 kilometres from the Sydney Central Business District. The school campus covers a total area of 6.15 hectares. The Scots College is comprised of an East and West precinct and the Stevenson Library Building is located within the senior school campus which forms part of the East Precinct (see Figures 1 and 2).



**Figure 1: Site Context.** Source: Department's Assessment Report



**Figure 2: Site Context and Surrounding Development.** Source: Department's Assessment Report

## 1.2 Background to Development Application

5. As noted in the Department's Assessment Report (**Department's AR**) The Scots College has a maximum student cap of 1120 students as set out in the conditions of consent of Woollahra Municipal Council (**Council**) development applications DA545/2005, approved on 12 March 2007, and DA528/2004, approved on 22 May 2006.
6. The Applicant states in its Environmental Impact Statement (**EIS**), dated July 2018, that The Scots College currently has a total student population of 1504 students.

## 1.3 Summary of Development Application

7. The Application before the Commission proposes major alterations and additions to the existing Stevenson Library Building at The Scots College, Bellevue Hill. The EIS describes the proposed changes noting: *"The proposed development involves transforming the 5 storey, flat-roofed, neo-Brutalist, monolithic, and solid mass of the existing Stevenson Library building into a 6 storey, pitched-roof structure in the Scottish Baronial style"*.
8. The Department's AR states in more detail that these alterations include: *"partial demolition, extensions to existing floor slabs, creation of an atrium void, addition of a sixth storey, new pitched roof, complete interior refitting, recladding of the exterior in a Scottish Baronial architectural style and creation of new entrances from the existing quadrangle and oval"*.
9. Key components of the Application are set out below in Table 1:

**Table 1:** Main Components of the Project. Source: Department's Assessment Report

Aspect	Description
Project Summary	Major alterations and additions to the Stevenson library building
Demolition	Partial demolition of the existing library
Built Form	Six storey library building with a Scottish Baronial style facade
Site Area	61,500m <sup>2</sup>
Gross floor area (GFA)	724m <sup>2</sup>
Uses	Library, counselling and meeting rooms, terrace and canteen/cafe
Access	Pedestrian access from Victoria Road, construction vehicle access from Cranbrook Lane and Cranbrook Street
Student numbers/staff numbers	No change
Car Parking	No change
Bicycle Parking	No change
Public Domain and landscaping	No change
Hours of operation	School hours (6:30am-6:30pm Monday to Friday)

Jobs	418 construction jobs
CIV	\$28.8 million

#### 1.4 Stated need for proposal

10. In its meeting with the IPC the Applicant noted that the current Stevenson Library Building is not fit for purpose, with a key issue relating to accessibility. Specifically, the Applicant noted that there is no front door or level entry which creates a long queue as students file in and out. Additionally, the Applicant noted there are no female toilets or lifts and therefore stairs have to be used to gain entry to the building.
11. The Applicant also noted that it does not see the building fit for the next 15 to 25 years of use. The Application would therefore provide for a functional improvement for accessibility. Additionally, the Applicant notes in its EIS: *“The built form and urban design for the proposed alterations and additions are reasonable and appropriate in the circumstance of the case, reflecting the rich Scottish heritage of the College”*.
12. The Applicant states in its EIS that: *“The reasons justifying the carrying out of the proposed development are as follows:*
  - *improving, modernising, augmenting, supplementing, and further developing the College’s educational infrastructure so that it can better satisfy staff and students needs and deliver improved educational results without giving rise to unreasonable impacts is beneficial and appropriate;*
  - *the existing Stevenson Library building does not meet the current needs of the College and is deficient in various important respects, including its design, its accessibility, and its environmental efficiency; and*
  - *the proposal will result in a (sic) better educational, operational and design outcomes for the College”*.

## 2 THE DEPARTMENT’S CONSIDERATION OF THE APPLICATION

### 2.1 Key steps in Department’s consideration of the Application

13. The initial request for Secretary’s Environmental Assessment Requirements (**SEARs**) was made by the Applicant on 22 November 2017 and SEARs were issued by the Department on 11 December 2017.
14. The Applicant’s EIS was prepared by BBC Consulting Planners and was received by the Department on 25 July 2018.
15. The Department publicly exhibited the Application from 6 September 2018 to 3 October 2018. The Department received a total of sixty submissions which included six submissions from public authorities, one submission from Council, one submission from a community group and 52 submissions from the public (see Table 2).

**Table 2:** Summary of Submissions. Source: The Department’s Assessment Report

Submitters	Number	Position
<b>Public Authority</b>	<b>6</b>	
<ul style="list-style-type: none"> <li>• Roads and Maritime Services (RMS)</li> <li>• Transport for NSW (TfNSW)</li> <li>• NSW Office of Environment and Heritage (OEH)</li> </ul>	<p>1</p> <p>1</p> <p>1</p> <p>1</p>	<p></p> <p></p> <p></p> <p>Comment</p>

• Heritage Council NSW	1	
• NSW Environment Protection Authority (EPA)	1	
• Sydney Water		
<b>Woollahra Council (Council)</b>	<b>1</b>	Comment
<b>Concerned Scots Neighbours Community Action Group Community</b>	<b>1</b>	Object
	<b>52</b>	
	49	Object
	1	Support
	2	Comment
<b>TOTAL</b>	<b>60</b>	

16. A summary of the issues raised in public submissions during the Department's exhibition of the Application is provided below in Table 3:

**Table 3:** Summary of Public Submissions. Source: Department's Assessment Report

Issue	Proportion of submissions
Traffic and parking	96%
Increase in student numbers	63%
Noise impacts	6%
View loss	2%
<b>Support for the proposed development</b>	<b>2%</b>

17. The Applicant provided a Response to Submissions (**RtS**) to the Department in December 2018.

## 2.2 The Department's Assessment Report

18. The Department's AR, dated 30 April 2019, identified built form, traffic and parking and student numbers as the key issues associated with the Application.
19. The Department's AR states that: "*Conditions have been recommended to satisfactorily address any outstanding, residual or operational issues. The application is consistent with the objects of the EP&A Act and is consistent with the State's Strategic Planning Objectives for the site as set out in the Greater Sydney Commission (GSC) A Plan for Growing Sydney as it would improve education results through the provision of new and improved teaching facilities and meet the growing needs of Sydney...*

*The proposal is considered to be in the public interest as it would benefit the community by delivering contemporary teaching and learning facilities with adaptable and collaborative learning spaces to improve educational outcomes. The proposal would generate 418 construction jobs. The proposal would also address State priorities as it would improve education results through the provision of new and improved teaching and education facilities".*

20. The Department's AR concluded that: "*the proposal is in the public interest and is approvable subject to conditions*".

### **3 THE COMMISSION'S MEETINGS AND SITE INSPECTION**

21. As part of its determination of the Application, the Commission met with various persons as set out below. All meeting and site inspection notes were made available on the Commission's website.

#### **3.1 Meeting with the Department**

22. On 5 June 2019, the Department met with the Commission on its assessment of the Application. Key discussion points included the design of the building, traffic impacts and student numbers. A copy of the meeting notes was made available on the Commission's website on 6 June 2019.

#### **3.2 Meeting with the Applicant**

23. On 5 June 2019, the Commission met with the Applicant to discuss its Application. Key points of discussion included the need for the development, the proposed uses of the facility and existing issues around student numbers and traffic management. A copy of the meeting notes was made available on the Commission's website on 6 June 2019.

#### **3.3 Meeting with Council**

24. On 5 June 2019, the Commission met with Council to discuss the Application. The key points of discussion included existing operational issues around student numbers, traffic and parking. A copy of the meeting notes was made available on the Commission's website on 6 June 2019.

#### **3.4 Site inspection**

25. On 5 June 2019, the Commission conducted an inspection of the Site. Two representatives from The Scots College attended and showed the Commissioners around the existing Stevenson Library Building as well as the wider college grounds. A copy of the Site inspection notes was made available on the Commission's website.

#### **3.5 Public meeting**

26. The Commission held a public meeting at Church at the Marketplace, Joshua Hall, 400 Oxford Street, Bondi Junction on 17 June 2019. A list of the five speakers that presented to the Commission was provided on the Commission's website. A transcript of the public meeting was made available on the Commission's website on 18 June 2019. A copy of the material tendered at the public meeting was also available on the Commission's website. All persons were offered the opportunity to provide written comments to the Commission within 7 days after the public meeting. A summary of issues raised in written comments and by speakers is outlined below.
27. An opportunity to lodge any written comments was afforded until seven days following the public meeting. Eighteen comments were received. All comments were made available on the Commission's website on 26 June 2019.
28. In summary, the main issues raised at the public meeting included concerns regarding existing operational issues related to increased student numbers and traffic and parking.

### **4 THE COMMISSION'S CONSIDERATION**

#### 4.1 Material considered by the Commission

29. In this determination, the Commission has carefully considered the following material (**material**):
- the SEARs for SSD 8922 dated 11 December 2017;
  - the EIS dated July 2018 prepared by BBC Consulting Planning, and its accompanying appendices;
  - the RtS dated December 2018 prepared by BBC Consulting Planning, and its accompanying appendices;
  - the Department's AR for SSD 8922 dated 30 April 2019, and its accompanying appendices;
  - agency, Council and public submissions;
  - all material and information provided to the Commission at the public meeting, including verbal presentations and written presentations, and associated presentation documentation, images and other information; and
  - all comments submitted to the Commission both prior and following the public meeting (up to 25 June 2019).

#### 4.2 Mandatory considerations

30. In determining this Application, the Commission has taken into consideration the following relevant mandatory considerations, as provided in section 4.15 of the EP&A Act (**mandatory considerations**):
- the provisions of all:
    - relevant environmental planning instruments (**EPIs**); and
    - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved); and
    - development control plans; and
    - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4; and
    - the *Environmental Planning and Assessment Regulations 2000* (**Regulations**) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;that apply to the land to which the Application relates;
  - the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
  - the suitability of the site for development;
  - submissions made in accordance with the EP&A Act and Regulations; and
  - the public interest.

#### 4.3 Secretary's Environmental Assessment Requirements (SEARs)

31. On 11 December 2017, the Department notified the Applicant of the SEARs for the Application (SSD 8922).
32. The Department's AR states that: *"The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes"*.
33. The Commission accepts the findings of the Department's AR and finds the information provided enables the Commission to assess and determine the Application.

#### 4.4 Relevant Environmental Planning Instruments

34. The following EPIs are relevant to the Application:
- SEPP SRD;
  - State Environmental Planning Policy (Infrastructure) 2007;
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
  - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (**Education SEPP**);
  - State Environmental Planning Policy No. 55 - Remediation of Land;
  - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
  - Woollahra Local Environmental Plan 2014.

##### *Permissibility - Building Height*

35. The Department notes in its AR regarding the building height: *“The proposed development would have an overall building height of 20.47m above existing ground level, exceeding the building height control under the Woollahra Local Environment Plan (WLEP) by 10.97m (maximum height control 9.5m). The proposed roof form and floor space contained in the roof cavity contributes to just under half of the exceedance, being 4.6m”.*
36. The Commission notes that as per Part 4 Clause 42 of the Education SEPP *“development consent may be granted for development for the purpose of a school that is a State Significant Development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted”.*
37. The Department notes in its AR: *“The provisions of the Education SEPP apply to this proposal. Consequently, the building height development standard does not apply in this circumstance and the merit of the proposal should be considered in assessing whether the built form is appropriate for the site...”*

*The Department considers the non-compliance with the building height development standard is acceptable and appropriate for the following reasons:*

- *the proposed built form is setback from the street frontage.*
- *the proposed built form would not result in any significant off-site overshadowing impacts.*
- *the proposed built form would not result in an adverse impact on the environment or amenity of the surrounding area.*
- *a view loss assessment has been conducted in accordance with the planning principles established in Tenacity Consulting v Warringah [2004] NSWLEC 140*

*The Department considers that strict compliance with the building height development standard would be unreasonable and unnecessary in this instance. The height, bulk and scale of the proposal would provide for optimum use of the site and the best design outcome, as such the proposed maximum building height is considered appropriate for the site”.*

38. The Commission accepts the Department’s reasoning and conclusions regarding the proposed built form as set out in paragraph 37 above because the proposed building height is acceptable in the context of the site and will not result in any unacceptable amenity impacts. The Commission also notes that built form and building height was not raised as a key issue of concern in submissions, by speakers at the public meeting or in the comments received.

### *Compliance with relevant EPIs*

39. The Commission notes the Department has provided a detailed assessment against the relevant EPIs at Appendix B of its AR. The Commission is satisfied with the assessment conducted by the Department and the reasons it has identified in relation to the Application's compliance with the identified EPIs.

#### **4.5 Relevant Proposed Instruments**

40. The following draft EPIs are relevant to the Application:
- Draft State Environmental Planning Policy (Remediation of Land); and
  - Draft State Environmental Planning Policy (Environment).
41. The Commission notes that the Department has provided an assessment of the Application against the relevant draft EPIs at Appendix B of its AR. The Commission is satisfied with the assessment and conclusions in the Department's AR for the reasons set out in Appendix B regarding the Application's compliance with the identified draft EPIs.

#### **4.6 Relevant Development Control Plans**

42. As per clause 11 of the SEPP SRD, development control plans do not apply to SSD and therefore have not been considered in the assessment of this Application.

#### **4.7 Applicable Regulations**

43. The Department's AR states: "*The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS*". The Commission accepts this finding.

#### **4.8 Strategic Consideration**

44. The Greater Sydney Region Plan (**GSR Plan**) integrates land use, transport and infrastructure planning across Greater Sydney. It outlines how Greater Sydney will be transformed into a metropolis of three cities.
45. The GSR Plan sets ten directions, including a city supported by infrastructure, a collaborative city, a city of people, housing the city, a city of great places, a well-connected city, jobs and skills for the city, a city in its landscape, an efficient city and a resilient city.
46. The Site is located in the Eastern Harbour City as identified in GSR Plan. Key directions for the Eastern Harbour City are identified within the Eastern City District Plan (**District Plan**) which sets out a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.
47. The GSR Plan and District Plan include a number of directions and priorities relevant to the Application, including:
- Planning Priority E3: Providing services and social infrastructure to meet people's changing needs - Objective 6 Services and infrastructure meet communities' changing needs; and
  - Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage - Objective 12 Great places that bring people together.
48. The Applicant states in its EIS that: "*By delivering a much-improved existing facility to enable improved learning and performance outcomes for students of the College, the proposal is*

*consistent with Planning Priority E3”.*

49. Regarding the strategic merit of the Application the Department’s AR states that: *“The Department considers that the proposal is appropriate for the site given:*
- it is consistent with the Greater Sydney Regional Plan, A Metropolis of Three Cities, as it proposes new school facilities to meet the growing needs of Sydney.*
  - it is consistent with the NSW Future Transport Strategy 2056, as it would support the ongoing provision of a modern educational facility in an accessible location.*
  - it is consistent with the vision outlined in the Greater Sydney Commission’s Eastern City District Plan, as it would support the provision of services and social infrastructure to meet the changing needs of the College.*
  - it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes investment in the non-government school sector to provide modern learning environments for students and to continue to accommodate infrastructure and facilities sharing with communities.*
  - it would provide direct investment in the region of approximately \$28.8 million, which would support 418 construction jobs”.*
50. The Commission considers the Application is generally consistent with the planning priorities set out in the GSR and District Plans, specifically those relating to the provision of services and social infrastructure to meet changing needs (Priority E3) and renewing and creating great places (Priority E6), because the Application seeks to revitalise an existing learning facility, making it more accessible and functional whilst also reflecting The Scots College’s Scottish heritage as outlined in section 1.4. However, the Commission notes that the updated Stevenson Library Building is not proposed to be shared and/or used for community uses.

#### **4.9 Likely impacts of the development on both natural and built environments**

51. The Commission considers the key impacts associated with the Application include:
- student and staff numbers; and
  - traffic and parking.

##### **4.9.1 Student and staff numbers**

###### *Public and Council comments*

52. The Commission heard concerns from Council, speakers at the public meeting, and received written comments regarding the Application and the potential impacts associated with an increase in student numbers. These concerns included:
- a long history of new development at The Scots College in which no increase in student numbers has been proposed (or approved) yet student numbers have increased significantly over the years;
  - an increase in floor space is likely to result in an increase in student and/or staff numbers; and
  - The Scots College is already in breach of the approved student cap which is having flow on impacts on traffic, parking and safety in the locality.
53. In its submission on the Application, Council stated: *“Concerns are raised that the College is currently in breach of a condition of consent regarding student numbers. This has direct impacts on traffic and parking problems in the vicinity of Scots Collee [sic] including arrangements for the drop off and pick up of students during peak times”.*
54. Additionally, in its meeting with the Commission, Council discussed the history of The Scots College in relation to the issue of student numbers and the Applicant’s existing development

approvals. Council noted that the Applicant had previously sought to increase student numbers through modification applications however these were refused by Council and the Applicant then appealed to the Land and Environment Court. Council noted that: *“the appeal was dismissed by the Land and Environment Court, and what the commissioner found was that the condition was lawful and it did apply, and the commissioner didn’t feel it appropriate to remove the condition. Also, in the judgment, it established that the Council had put forward evidence that the unauthorised increase in student numbers resulted in traffic impacts on the surrounding networks, and then there was further evidence provided on behalf of a large number of the local residents also confirming that case, and the commissioner ultimately concluded that, even if they had the option to remove the condition, that they would not – prior to that occurring, issues in relation to the car parking would need to be addressed by the applicant”*.

#### *Applicant’s consideration*

55. Regarding student and staff numbers the Applicant states in its EIS: *“There are currently 320 full time equivalent permanent staff members and 300 casual staff members at the College. There are 1,504 students on the Victoria Road East and West Precincts combined...”*

*No increase is proposed to either the number of staff or the number of students as part of the proposed development”*.

56. Additionally, the Applicant states in its RtS that: *“The Woollahra Municipal Council submission states that the College is operating in breach of Condition 2 of DA consent No’s 545/2005 and 528/2005. The issue is to be addressed in the College’s separate Concept DA...”*

*A new Master Plan is currently being prepared. It will be the subject of a separate SSD Concept DA. The SSD DA to which this EIS relates has been separated from the new Master Plan because of funding and timing imperatives...*

*In the interim, and in order to deal with what appears to be a key concern of the Council and of residents, the College has decided to prepare and submit to Woollahra Municipal Council, as a priority (as soon as possible) two DAs: one for a carpark which will contain around 80 spaces in the location of the McIntyre tennis courts on the Victoria Road East Precinct, with the tennis courts to be reinstated above; and another for a pupil drop-off at Ginahgulla Road on the Victoria Road West Precinct. Consultation with Council in relation to these two DAs has commenced”*.

#### *Department’s consideration*

57. The Department states in its AR that: *“The Department considers that the issue of student numbers is a pre-existing condition separate from this SSD. The proposed redevelopment of the Stevenson Library Building would not increase existing staff and student numbers. The Department’s assessment relates only to alterations and additions to an existing library for school use (no community use is proposed). Accordingly, the Department considers that if consent were granted for the proposed redevelopment of the Stevenson library building, this would not constitute support for any increase in student numbers. A condition stating that this application does not provide approval to increase student numbers beyond that already approved is recommended”*.

58. The Department concludes in its AR that: *“the proposed development would have no impact on student numbers and notes that no increase in staff or student numbers is proposed”*.

### *Commission's consideration*

59. The Commission acknowledges that there is an issue regarding increased student numbers which has resulted in flow on effects in the locality, specifically traffic and parking impacts. Notwithstanding the need for the Applicant to address the associated operational traffic impacts, the Commission accepts the conclusions of the Department as outlined in paragraphs 57 - 58 above because the issue of student numbers is pre-existing and relates to different development consents and is therefore outside the scope of the assessment of this Application. Compliance with conditions of consent relating to student numbers contained in earlier development approvals is the responsibility of the relevant consent authority, being the Council.
60. Nonetheless, in order to ensure the Application does not result in an increase in student or staff numbers, the Commission has determined to strengthen proposed conditions relating to student numbers. Specifically, the Commission has determined to impose the following condition (Condition A26):
- *This consent does not approve any increase in student and staff numbers. There must not be any increase in student and staff numbers over and above the existing approved numbers.*  
*Advisory Note: Nothing in this consent authorises the contravention of any condition of any existing development consent that relates to the limiting of student and staff numbers that applies to any part of the school.*
61. In imposing Condition A26, the Commission accepts the concerns expressed in submissions and comments by the Council and the community regarding the unauthorised increase in student numbers and its consequential exacerbation of parking and traffic. The condition aims to ensure that no increase in staff and student numbers is permitted under the Application, and that this restriction is consistent with conditions relating to student numbers imposed in earlier consents by Council.
62. Based on the material, the Commission finds that the Application will not result in an increase in student or staff numbers because the proposed works to the Stevenson Library Building is not intended to cater for an increase in staff or students, as noted in paragraph 55, and the conditions of consent do not allow for any increases in staff or student numbers.

### **4.9.2 Traffic and Parking**

#### *Public and Council comments*

63. The Commission heard concerns from Council, speakers at the public meeting, and received written comments regarding the Application and impacts associated with traffic and parking. These concerns included:
- existing traffic and parking congestion and lack of on-site parking;
  - no improvement in on-site parking and no on-site drop off facilities despite increased student and staff numbers;
  - lack of traffic management resulting in safety concerns;
  - hazardous traffic and parking conditions including illegal parking causing inconvenience and amenity impacts to local residents; and
  - the Applicant's failure to act on previous commitments to improve operational traffic management and parking conditions.

#### *Applicant's consideration*

64. The Applicant provided a traffic and parking assessment as part of its EIS. The assessment concluded that: "*The project does not propose any increase in the staff or student population,*

or changes to the existing traffic, transport or parking arrangements currently in place at the college.

*With the measures described in the CCTMP in place, during construction, the vehicular activity is anticipated to have minimal disruption to the daily activities within the vicinity of the site.*

*Therefore the proposed development will have no effect on the external road network within the vicinity of the site”.*

65. The Applicant also included a concept construction traffic management plan (**CCTMP**) as part of its EIS which concluded: *“This concept CCTMP has been prepared to outline the construction traffic measures to improve site safety to the public and workers and the construction process.*

*With the measures described in the CCTMP in place, the construction activity is anticipated to have minimal disruption to the daily activities within the vicinity of the site.*

*It is envisaged that this document will be continually reviewed and amended if required, due to changes in design, RMS, Council’s or any other authority requirements”.*

66. As outlined in paragraph 56 above, the Applicant noted in its RtS that it intends to submit two development applications to Council for new car parking and drop-off/pick-up facilities in order to help address existing concerns regarding traffic and parking.

#### *Department’s consideration*

67. In relation to operational traffic the Department concludes in its AR: *“The Department considers that the existing operational traffic and parking situation would not be exacerbated by the proposed library redevelopment. Additionally, the existing operational traffic impacts associated with The Scots College are proposed to be reduced by the Applicant through two separate DAs. The Department considers that any operational traffic impacts generated by the proposed development would be unchanged from the existing situation.*

*The Department is satisfied that the operation of the proposed development would not have an unacceptable impact on the surrounding road network. Notwithstanding, and to better manage existing traffic and parking issues, the Department has recommended a condition requiring the Applicant to prepare a Green Travel Plan (GTP) to improve awareness and access to alternative modes of transport for staff and students to reduce any potential future traffic and parking impacts”.*

68. In relation to construction traffic the Department concludes in its AR: *“The Department is satisfied that construction vehicle movements could be accommodated within the existing road network and considers that subject to the implementation of recommended conditions, construction traffic impacts in the area can be appropriately managed”.*

#### *Commission’s consideration*

69. The Commission notes the existing operational traffic and parking issues however the Commission accepts the findings of the Department’s AR as outlined in paragraph 67 above because operational traffic and parking issues are pre-existing and the Application is unlikely to result in an increase in operational traffic and parking. Additionally, the Commission supports the Department’s recommendation to include a condition requiring the preparation of a Green Travel Plan because it may assist in easing existing traffic and parking issues through an increased uptake of alternate modes of transport such as walking and/or public

transport.

70. However, the Commission considers that impacts associated with construction traffic must be carefully managed in order to avoid exacerbating the existing traffic and parking issues in the locality.
71. The Commission has decided to strengthen a number of the recommended conditions of consent relating to traffic and parking to ensure traffic impacts associated with the construction of the Stevenson Library Building are minimised and/or mitigated. Specifically, the Commission will apply conditions requiring the Applicant to:
- provide sufficient parking facilities on-site, including for heavy vehicles and construction workforce vehicles, to ensure that construction traffic associated with the development does not utilise public or residential streets or public parking facilities (Condition C21);
  - prepare a Construction Worker Transportation Strategy in consultation with Council to be submitted to the Planning Secretary for approval. The Strategy must detail the provision of sufficient on-site parking facilities or other travel arrangements for construction workers in order to negate the need for parking in nearby public or residential streets or public parking facilities. The strategy must include evidence of consultation with Council including Council comments and must be to the satisfaction of the Planning Secretary (Condition C22); and
  - ensure all construction vehicles (including worker vehicles) are contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site before stopping (Condition D10).
72. Based on the material, the Commission finds that impacts associated with construction traffic can be mitigated and/or managed to an acceptable level with the implementation of conditions of consent.

#### **4.10 Social and economic impacts in the locality**

##### **4.10.1 Accessibility and improved educational facility**

###### *Applicant's consideration*

73. The Applicant states in its EIS: "*The proposed major alterations and additions to the Stevenson Library have the potential to generate a number of positive social impacts for The Scots College, its staff and its students through the provision of a modern library and educational facility*".
74. Additionally, the Applicant has provided a social impact assessment as part of its EIS which states: "*The proposed Stevenson Library development will result in an improved situation in terms of access. The proposed library includes lift access to all floors, and each floor has an accessible bathroom*".

###### *Commission's consideration*

75. The Commission accepts the Applicant's findings that the Application has the potential to generate positive social impacts for the staff and students of The Scots College because the Application will provide for increased accessibility, i.e. lift access and accessible bathroom facilities, and improved library and learning facilities for the students of The Scots College.

##### **4.10.2 Employment**

###### *Applicant's consideration*

76. The Applicant states in its EIS that: *“the proposal is expected to result in 418 (full-time equivalent) construction employment opportunities, which will have a positive economic impact”*.

#### *Department’s consideration*

77. The Department states in its AR that: *“The proposal would result in alterations and additions to an existing school on urban zoned land within an established suburb and would provide for the future needs of the school community. The proposed development would generate 418 construction jobs”*.

#### *Commission’s consideration*

78. The Commission accepts the consideration of the Applicant and Department outlined in paragraphs 76 and 77 above. Based on the details provided in the Applicant’s EIS, the Commission finds that the Application will have a positive economic impact through the provision of up to 418 full time equivalent jobs during the construction phase.

### **4.11 Suitability of the site for the development**

79. The Commission is generally satisfied that the Application is suitable for the Site as:
- it will provide for improved and accessible educational facilities within an existing school campus, as outlined in section 4.10;
  - the likely environmental impacts, outlined in section 4.9, associated with the Application can be adequately addressed through management and/or mitigation measures; and
  - the Application is generally consistent with the planning priorities set out in the GSR Plan and District Plan, as outlined in section 4.8.

### **4.12 The public interest**

#### *Applicant Consideration*

80. The Applicant states in its EIS: *“The public interest is best satisfied by well-designed, high quality development which meets a perceived need in general compliance with the relevant controls, policies and guidelines applying to the land to which the application relates. In this regard, the proposal is in the public interest”*.
81. The Applicant included an Ecologically Sustainable Development (**ESD**) report as part of its EIS. The report concludes: *“Ecologically Sustainable Design [sic] is a driving consideration in the redevelopment of the Stevenson Library project. As described within the report above, the building will incorporate a number of ESD initiatives in order to reduce energy demand & associated greenhouse gas emissions, potable water consumption and material resources of the College. All of the initiatives proposed, have been developed with consideration to the Secretary’s Environmental Assessment Requirements by Department of Planning and Environment”*.

#### *Department’s Consideration*

82. The Department states in its AR that: *“The proposal is considered to be in the public interest as it would benefit the community by delivering contemporary teaching and learning facilities with adaptable and collaborative learning spaces to improve educational outcomes”*.
83. Additionally, regarding ESD the Department concludes: *“Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act”*.

### Commission's consideration

84. In considering whether the Application is in the public interest the Commission has had regard to the objects of the EP&A Act. Under section 1.3, the objects of the Act relevant to the proposal are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

85. The Commission notes that the Applicant has sought to achieve ESD initiatives through careful building design as noted in paragraph 81 above, consistent with section 1.3 object (b) of the EP&A Act.

86. The Commission finds that the Application is generally consistent with the ESD principles, the Objects of the Act, and is in the public interest because:

- it will allow for the provision of improved learning facilities, as noted in paragraph 75;
- it will update an existing educational facility allowing it to become more accessible and inclusive through the provision of a lift and female toilets, as discussed in paragraph 74; and
- it will generate up to 418 construction jobs, as set out in paragraph 78.

#### 4.13 Other relevant issues

87. Section 6.4, Table 9 of the Department's AR identified the following 'other issues' relevant to the Application, including:

- aboriginal and cultural heritage;
- biodiversity;
- construction impacts;
- noise;
- historic heritage;
- overshadowing;
- social impacts; and
- waste management and recycling.

88. The Commission is satisfied with the Department's assessment of other issues as set out in section 6.4 of its AR because it considers the identified issues can be mitigated and/or managed to an acceptable level through the recommended conditions of consent. View loss and noise are considered further in sections 4.13.1 and 4.13.2 respectively.

#### 4.13.1 View Loss

89. The Commission notes the Department received a submission regarding the visual impacts of the Application specifically relating to view loss.

##### *Applicant's consideration*

90. According to the Applicant's EIS, JCA Architects undertook a Views Analysis on behalf of the Applicant which formed part of its EIS. The analysis concluded:
- *"There is no meaningful impact on high value views from public vantage points. Limited access has been provided to private properties which sit at a higher elevation & have views over the campus. Generally there is no meaningful impact upon high value views & vistas.*
  - *There is a minor impact on one viewpoint.*
  - *Given that the proposal sits within stated height limit & that when considering the whole of the site the impact of the proposal is consider (sic) reasonable.*
  - *High value view vistas are retained & enjoyed across both adjoining properties, the gardens & residences.*
  - *The minor view impact is created by a compliant proposal.*
  - *A good deal of care and attention has been taken in developing the design to ensure that it is compatible with and compliments the campus.*
  - *The roof form has been extensively modelled and articulated so that views to it will be improved.*
  - *Vistas & views enjoyed from adjoining residential properties have been respected.*
  - *In this context and given the impact to views in its totality is minor, the proposal is considered to be reasonable".*

##### *Department's consideration*

91. The Department states in its AR that: *"The Department finds that the conclusions made by JCA Architects in their design report view analysis are satisfactory and that the view loss analysis undertaken is acceptable. It has been adequately demonstrated that view loss impacts would be minor overall".*
92. Regarding view loss, the Department concludes: *"The view loss would be minor for most affected neighbouring properties. The Department is satisfied that the impacts of the proposal have been addressed in the EIS and Response to Submissions (RtS) and can be adequately managed through the recommended conditions".*

##### *Commission's consideration*

93. The Commission accepts the conclusions of the Department outlined in paragraphs 91 - 92 above because the Applicant has demonstrated that the Application will not result in significant or unacceptable impacts on existing views based on the View Analysis provided with the EIS.

#### 4.13.2 Noise

94. The Commission notes the Department received submissions regarding construction and operational noise impacts associated with the Application.

##### *Applicant's consideration*

95. The Applicant has included an acoustic report as part of its EIS which states: *"Construction noise and vibration criteria have been determined in accordance with relevant guidance such*

as the ICNG and Vibration Guideline. It is likely that construction works may have some noise and vibration impact on the nearby residential receivers and the surrounding classrooms. It is anticipated that these impacts will be able to be managed through works being carried out during standard working hours and with the implementation of reasonable and feasible work practices”.

#### *Department’s consideration*

96. The Department noted in its AR that: “the construction of the proposed development within an existing urban environment would likely result in noise impacts. Accordingly, appropriate construction noise and vibration management conditions would be required to ensure best practice management is applied and to minimise impacts where practical”.
97. The Department has recommended a number of conditions of consent in order to manage and mitigate operational and construction noise impacts, including:
  - the preparation and implementation of an overarching Construction Noise and Vibration Management Plan;
  - all construction-related works comply with best practice vibration management criteria to ensure no adverse impacts to existing buildings or structures; and
  - a condition restricting construction hours to standard construction hours as defined under Interim Construction Noise Guidelines given the proximity to nearby sensitive receivers (residential).
98. The Department’s AR concludes that: “the noise and vibration impacts generated during construction of the development can be appropriately managed and mitigated subject to recommended conditions”.

#### *Commission’s consideration*

99. The Commission accepts the conclusions of the Department outlined in paragraphs 96 - 98 above because noise impacts can be mitigated and/or managed to an acceptable level through the implementation of the recommended conditions of consent.

## **5 HOW THE COMMISSION TOOK COMMUNITY VIEWS INTO ACCOUNT IN MAKING DECISION**

100. The views of the community were expressed through:
  - public submissions and comments received (as part of exhibition and as part of the Commission’s determination process); and
  - members of the public who spoke at the public meeting or sent written submissions during or after the meeting.
101. In summary, views expressed by the community raised significant concerns about the Application in relation to potential impacts on student numbers and existing operational traffic and parking issues.
102. The Commission carefully considered all of these views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in section 4 above.

## **6 CONCLUSION: THE COMMISSION’S FINDINGS AND DETERMINATION**

103. The Commission has carefully considered the material before it.
104. The Commission finds that:

- whilst there are existing issues associated with operational traffic and parking, the Application is unlikely to result in an increase in operational traffic or parking;
- the construction traffic impacts associated with the Application can be managed and/or mitigated to an acceptable level with the implementation of the recommended conditions of consent;
- the Application does not seek or allow for an increase in student or staff numbers;
- the Application will provide for a more accessible and improved learning facilities within The Scots College;
- the Application will provide for up to 418 construction jobs; and
- the Application is generally consistent with the planning priorities set out in the GSR Plan and District Plan.

105. For the reasons outlined in paragraph 104 above, the Commission has determined that consent should be granted subject to conditions. The conditions are designed to:

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

106. The reasons for the Decision are given in this Statement of Reasons for Decision dated 27 August 2019.



**Peter Williams (Chair)**  
Member of the Commission



**Carol Austin**  
Member of the Commission



**Soo-Tee Cheong**  
Member of the Commission