



St Joseph's College Sports Facilities

*State Significant
Development Assessment
(SSD - 8970)
September 2019*



September 2019

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Cover photo

Entrance to proposed new Sports Hall (PESP Building) as viewed from within the school (source: Applicants RtS)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHD	Australian Height Datum
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CIV	Capital Investment Value
CNVMP	Construction Noise and Vibration Management Plan
Consent	Development Consent
Council	Hunters Hill Council
Department	Department of Planning, Industry and Environment
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GSC	Greater Sydney Commission
HHLEP	Hunters Hill Local Environmental Plan 2012
HHDCP	Hunters Hill Development Control Plan 2013
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
PESP	Physical Education and Sports Precinct
RL	Relative level
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011

SRTS	Supplementary Response to Submissions
SSD	State Significant Development
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)
TfNSW	Transport for NSW



Executive Summary

This report provides an assessment of a State significant development (SSD) application for new sports facilities at St Joseph's College (SSD 8970), a secondary school. The site is located at the corner of Gladesville Road and Mark Street, Hunters Hill. The Applicant is St Joseph's College and the proposal is located within the Hunters Hill local government area.

The Department of Planning, Industry and Environment (Department) considers the application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) including Ecologically Sustainable Development (ESD) and the Greater Sydney Commission's North District Plan. The Department is satisfied that the subject site is suitable for the proposal and would provide new and improved sporting facilities for the existing users of the site. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions. The Department is satisfied that the key issues (built form, historic heritage, landscaping and trees and operational noise impacts) were satisfactorily considered by the Applicant and found to be acceptable with the inclusion of environmental mitigation measures and recommended conditions of consent.

The proposal seeks approval for a new Physical Education and Sports Precinct including new indoor sports courts and a multipurpose learning facility (PESP building), a new gymnasium (New Healy Gym), and a substation. The proposal also seeks approval for the associated operation of the PESP building for sporting and other entertainment purposes in conjunction with the operation of the school.

The proposal has a Capital Investment Value (CIV) of \$38 million and would generate between 75 - 100 construction jobs. The proposal is SSD under clause 4.36 of the State and Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of alterations or additions to an existing school with a CIV of more than \$20 million. Therefore, the Minister for Planning and Public Spaces (the Minister) is the consent authority.

The application was publicly exhibited for 28 days between 18 October 2018 and 14 November 2018. The Department received a total of 14 submissions, including seven from public authorities, and seven public submissions in the form of objection (six individual and one from a community group). Two further objections from community groups were received after close of the exhibition period. Hunters Hill Council (Council) also objected to the development. The key issues raised in the submissions include the impacts of the scale of the PESP building, visual impacts of the development on the locality, heritage impacts, adverse impacts of tree removal, traffic and noise impacts due to the proposed operation.

In response to the submissions, the Applicant's Response to Submissions (RtS) included an amended design for the PESP Building comprising: a reduction in the height of the building; an increased setback from the western / Luke Street boundary; provision of setback tree planting; and retention of street trees that were previously proposed for removal. The Applicant also provided a supplementary RtS including a comprehensive assessment of Aboriginal cultural heritage. Council reviewed the RtS and subsequently withdrew their objection on the basis that majority of their concerns were addressed. The other public authorities raised no additional concerns and the recommended conditions of consent. Following submission of the RtS, the Minister received a correspondence from the Hon Anthony Roberts, MP on behalf of a community interest group (previous submitter). The correspondence reiterated the issues raised in the original submission from this group.



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1. Introduction

This report provides an assessment of a State significant development (SSD) application for new sports facilities at St Joseph's College, Hunters Hill (SSD-8970).

Marist Brothers St Joseph's College (the Applicant) seeks approval for: demolition of some existing structures; construction of a new building incorporating sports courts, associated facilities and basement parking (Physical Education and Sports Precinct); a new single storey gymnasium building (New Healy Gym); a new substation kiosk; associated landscaping; parking spaces; and use of the new buildings for sports activities as part of the school and other music / dance / community events.

1.1 Site description

St Joseph's College is a secondary boys' school accommodating both boarders and day students located at Mark Street, Hunters Hill, within the Hunters Hill local government area (LGA). The school is approximately five kilometres (km) north-west of the Sydney central business district (CBD) as shown in **Figure 1**.

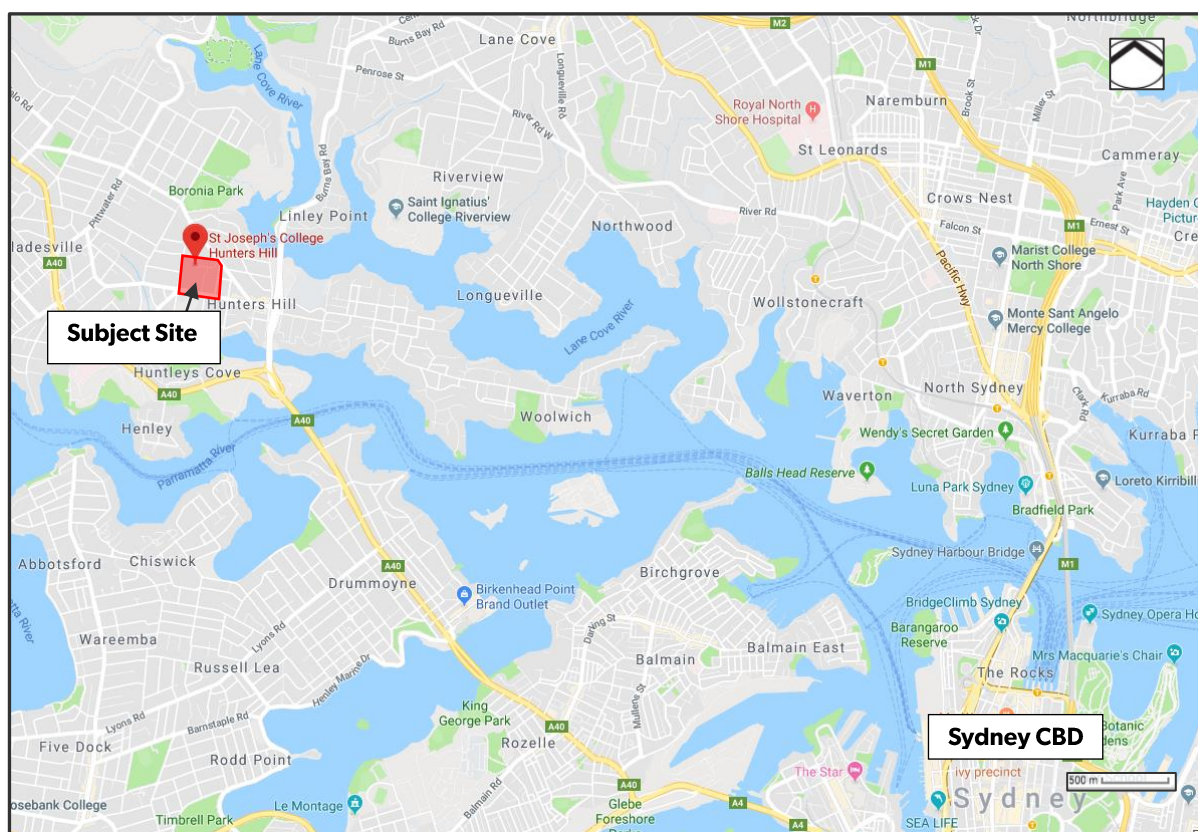


Figure 1 | Regional / Local Context Map (Source: Nearmap 2019)

The site comprises two allotments with a legal description of Lots 1 and 2 in DP 527024, covers an area of approximately 7.4 hectares (ha) and is bounded by Luke Street to the east, Gladesville Road to the south, Mary Street to the west and Mark Street to the north (**Figure 2**). The campus is characterised by three and four storey masonry buildings set within landscaped grounds. The site is listed as a heritage item of local significance under the Hunters Hill Local Environmental Plan 2012 (HHLEP). The four-storey sandstone main building, the stone chapel, the boundary stone walls and gates have the highest heritage significance (**Figure 3**).



Figure 2 | Aerial view of subject site identifying the main elements and the development areas (Source: Applicant's EIS)



Figure 3 | St Joseph's college four storey main building and stone chapel (Source: DPIE 2019)

1.2 Development areas of the site

The proposed buildings would be located in three areas of the site delineated as A, B and C in **Figure 2**.

Area A

The Area A, at the south-east corner of the site adjacent to Luke Street and Gladesville Road, would accommodate the bulk of the development. The area is currently occupied by an existing gymnasium (Healy Gym), four outdoor basketball courts, maintenance facilities, and carpark (**Figures 4 to 6**). This section of the site is moderately sloping with a fall of around 7.5 metres (m) from north to south. These existing buildings are not listed as heritage items individually or identified for heritage significance.



Figure 4 | Existing sports courts with Luke Street properties in the background (Source: DPIE 2019)



Figure 5 | Existing sports courts from Gladesville Road / Luke Street (Source: Google Maps)



Figure 6 | Existing buildings in Area A (Source: Applicant's EIS)

Area B

The Area B is located at the north-west corner of the site and adjacent to the main building and Brother's residences (**Figure 7**). The area is currently vacant and generally flat.



Figure 7 | Site of proposed Healy Gym (Area B) (Source: DPIE 2019)

Area C

Area C is located at the north-east corner of the site, which currently accommodates existing trees and landscaping (**Figure 8**).



Figure 8 | Site of proposed substation kiosk in Area C (Source: Applicant's EIS)

1.3 Existing capacity and parking provisions

The existing capacity of the school is as follows:

- 1094 students including 558 boarding students and 536 day students.
- 213 full time equivalent (FTE) staff including 96 teaching and 117 non-teaching staff.

There are 89 existing at-grade car parking spaces within the site. A 125m long pick-up / drop-off zone is located on the northern side of Mark Street and is used by students during the school peak hours.

1.4 Existing landscape and vegetation

The site includes a range of formal landscape areas that cater for the school's needs.

The grounds incorporate a diverse range of mature trees, palms, shrubs and ground covers interspersed with grassed areas that provide a developed and mature curtilage to the buildings across the site.

The landscape areas include an Olympic sized swimming pool, and three grassed playfields used for school sports (rugby union and cricket). The Luke Street boundary of the site accommodates a range of existing trees.

1.5 Surrounding developments

The site is generally surrounded by residential development characterised by one to two storey dwelling houses interspersed with some low rise residential flat buildings and multi-unit housing.

The Villa Maria Catholic Primary School is located to the north of the site on the opposite side of Mark Street. To the south of the site, opposite Gladesville Road, are playing fields and a retirement village known as 'The Heritage' (**Figure 2**). The site is within the Hunters Hill Conservation Area No 1 and adjoins a number of other heritage items of local significance.



2. Project

The key components and features of the proposal (as refined in the Response to Submissions (RtS)) are provided in **Table 1** and identified in **Figures 9** to **17**.

Table 1 | Main components of the project

Aspect	Description
Project Summary	Alterations and additions to St Joseph's College comprising: demolition of some structures; construction of a new indoor sports courts and a multipurpose learning facility known as the Physical Education and Sports Precinct (PESP); a new gymnasium (New Healy Gym); a kiosk substation; tree removal and landscaping.
Site area	<ul style="list-style-type: none">73,714 square metres (sqm).
Demolition	<ul style="list-style-type: none">Demolition of the following buildings and structures:<ul style="list-style-type: none">outdoor sports courts.college shop.the existing Healy gymnasium.maintenance workshop.workshop / storage and shed.exit stairs at the eastern end of the Year 10 Dormitory building.
Building works	<ul style="list-style-type: none">New two to four storey (equivalent) (6m – 12.4m in height) PESP building in Area A comprising:<ul style="list-style-type: none">three indoor basketball courts.seating areas.meeting rooms.change rooms and amenities.kitchen.basement car parking and workshop.Minor alterations to adjacent dormitory buildings including relocation of external exits / stairs in Area A.New single storey gymnasium (Healy Gym) building (3.5m – 4.5 m in height) in Area B.A new kiosk substation in Area C.
Gross floor area (GFA)	<ul style="list-style-type: none">Net additional GFA of 3327sqm comprising:<ul style="list-style-type: none">4478sqm for the PESP building.480sqm for the Healy Gym building.1633sqm reduction in GFA due to demolished buildings.

Uses	<ul style="list-style-type: none"> • Predominant use of new buildings for education purposes. • Additional use for recreational purposes by staff and students including borders outside of school hours. • A range of other community uses within the PESP building including charity events, other local school events, and community organisation events.
Access	<ul style="list-style-type: none"> • Access retained via the existing driveway off Gladesville Road. • Access to the basement carpark from a new internal driveway ramp.
Car parking	<ul style="list-style-type: none"> • Removal of 30 existing at grade parking spaces. • Provision of 84 new basement car parking spaces, resulting in a net increase in 54 car parking spaces and a total of 143 spaces across the entire site.
Bicycle parking	<ul style="list-style-type: none"> • 38 bicycle spaces across the school site including 12 spaces adjacent to the PESP building.
Public domain and landscaping	<ul style="list-style-type: none"> • Removal of 16 existing trees on the site and on Luke Street. • Replacement planting with 27 new trees including 21 along the street frontage. • New internal landscaping including new pedestrian walk to the PESP building, associated planting and fencing, and relocation of existing structures.
Hours of operation	<ul style="list-style-type: none"> • 6am - 9.15pm (with staff occupation until 10pm), seven days a week. • Occasional events and functions to 12am.
Signage	<ul style="list-style-type: none"> • Two new unilluminated business identification signs with the school emblem: <ul style="list-style-type: none"> ○ on PESP building at the corner of Luke Street and Gladesville Road. ○ at the pedestrian entry to the PESP building (west elevation).
Jobs	<ul style="list-style-type: none"> • No change to staff or student numbers. • 75 – 100 construction jobs.
CIV	<ul style="list-style-type: none"> • \$38 million.

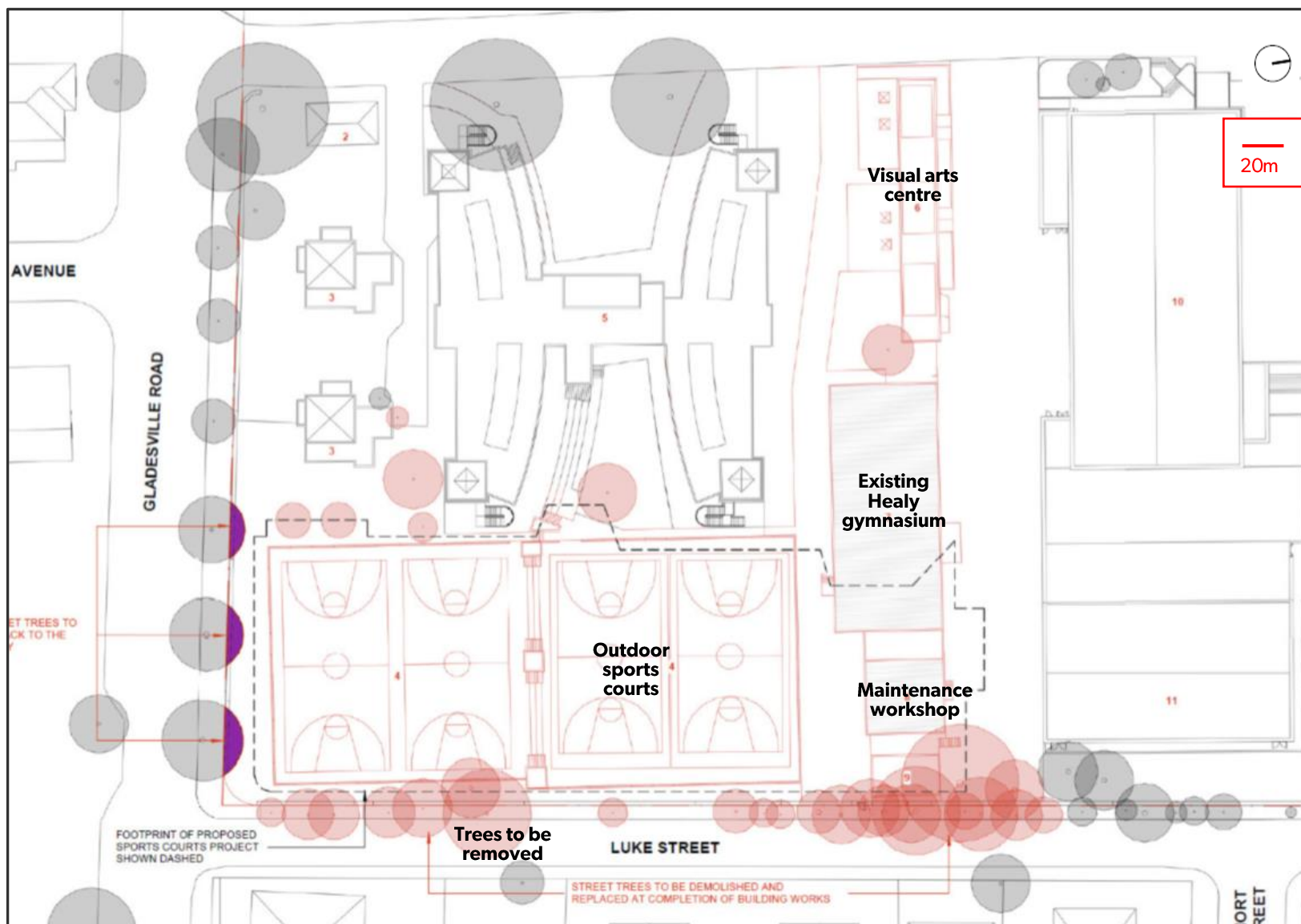


Figure 9 | Proposed buildings in Area A to be demolished (Source: Applicant's RtS)

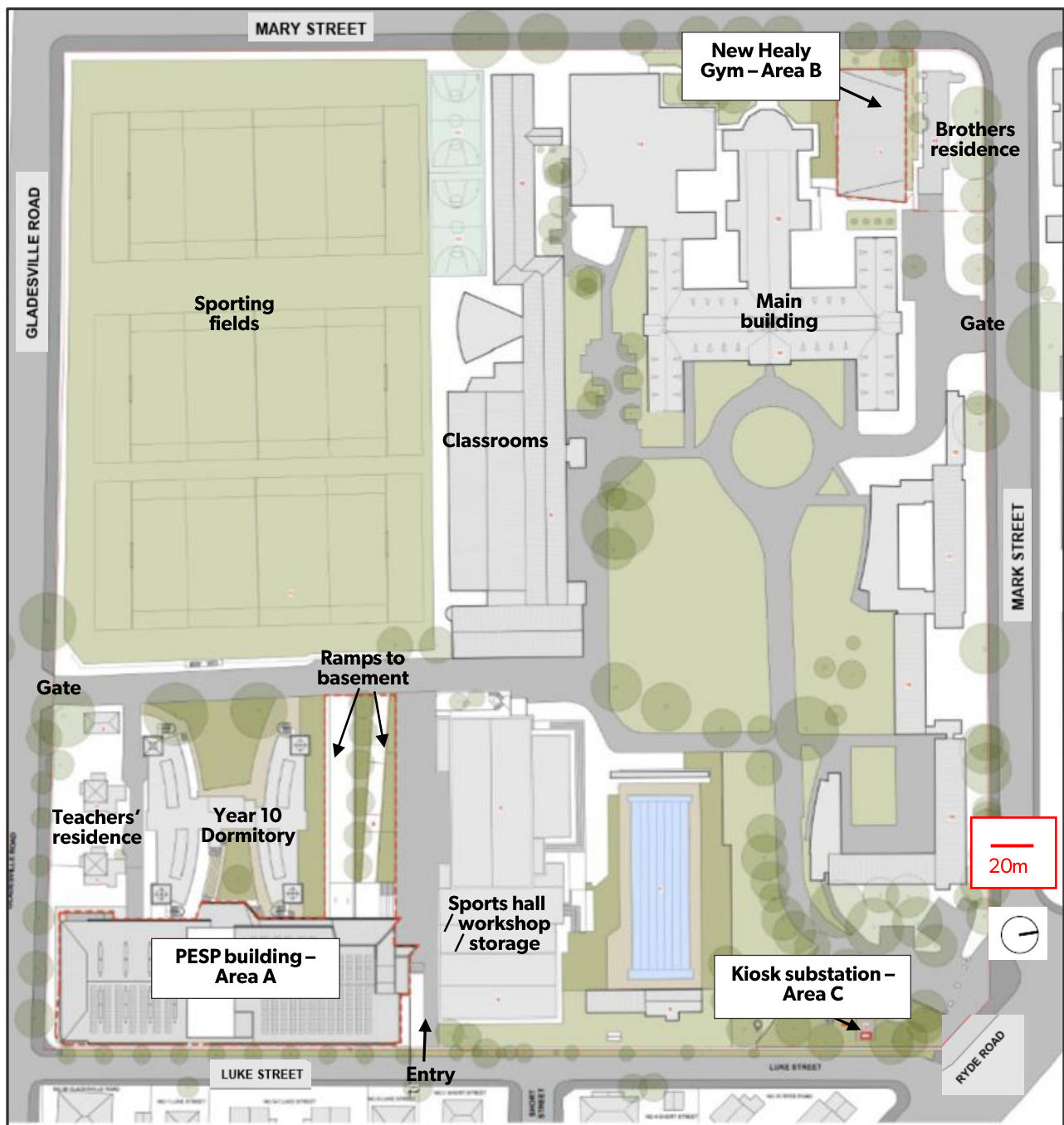


Figure 10 | Location of proposed buildings in the context of the site and existing buildings (Source: Applicant's RtS)

2.1 Physical layout and design

PESP Building

The proposed PESP building (as refined by the RtS) is proposed as a contemporary institutional building with four storeys (up to 12.4m) to Gladesville Road (south) and two storeys (6m) to the rear (north). The layout of the building is simply arranged with three indoor sports courts located over a basement car parking area and workshop. Associated facilities such as kitchen, seating and meeting rooms are also accommodated within the envelope (**Figures 11 – 14**).

The building is proposed to be set back 4.3m from the Luke Street and 3.5m from the Gladesville Road with a curved façade to the corner of the two streets complimenting the curve of the heritage boundary walls. External materials include fibre cement and sandstone cladding to the lower levels of the building, light weight cladding for the upper levels, vertical blades and awning, and soffits of timber grained laminated panels.

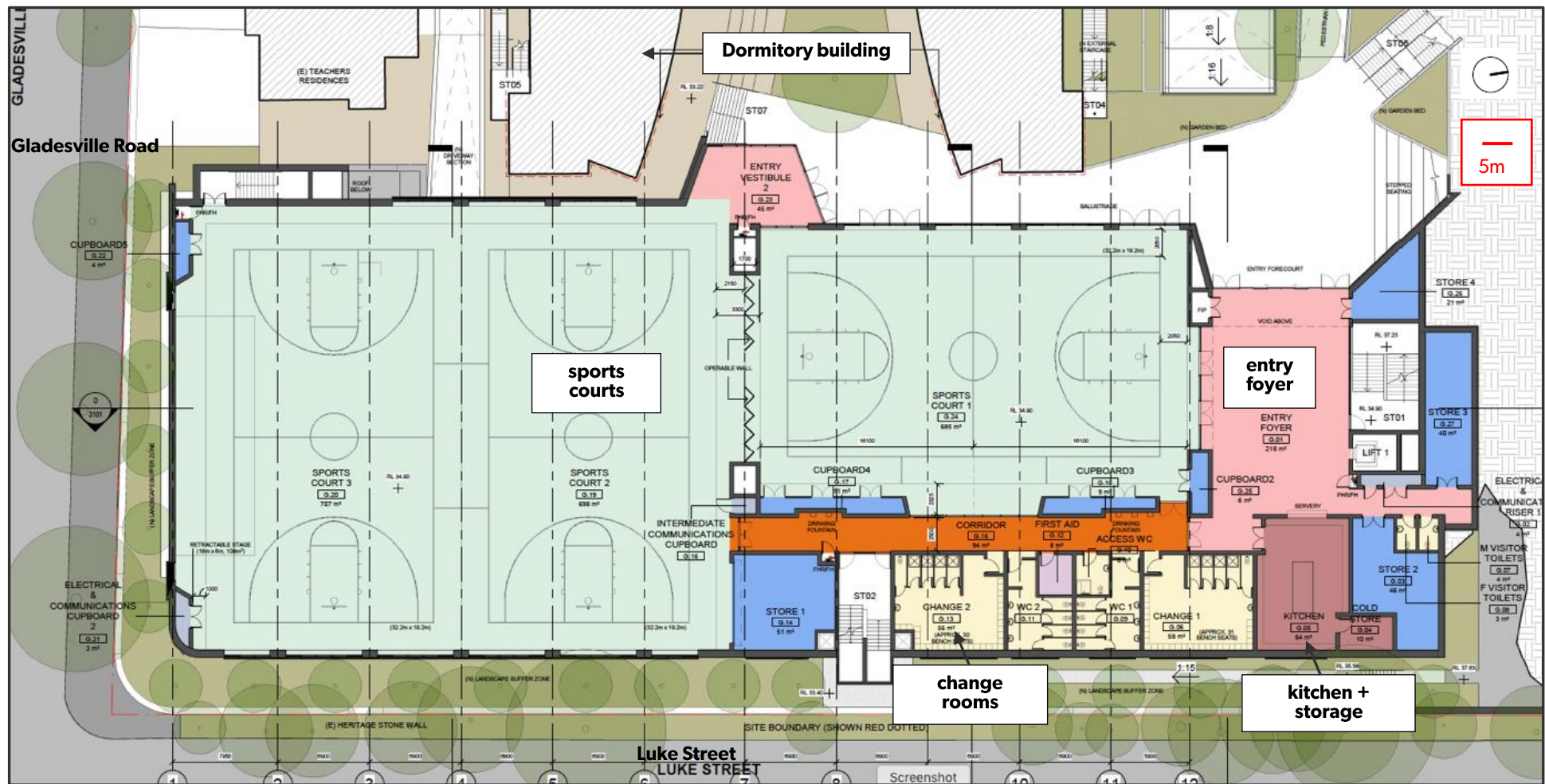


Figure 11 | Proposed ground floor layout PESP building (Source: Applicant's Rts)

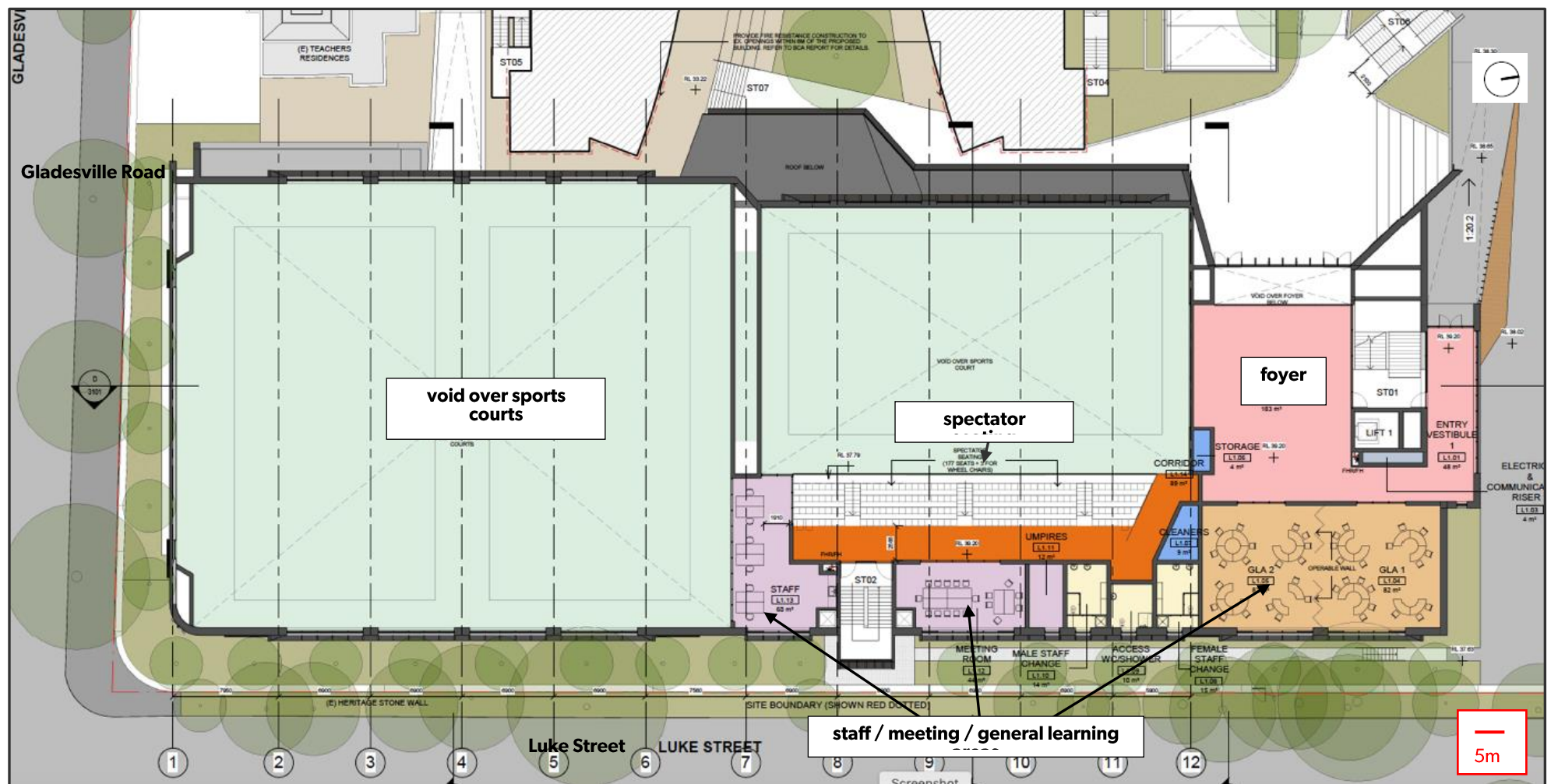


Figure 12 | Proposed first floor layout PESP building (Source: Applicant's RtS)



Figure 13 | Proposed PESP building at corner of Gladesville Road and Luke Street (Source: Applicant's RtS)

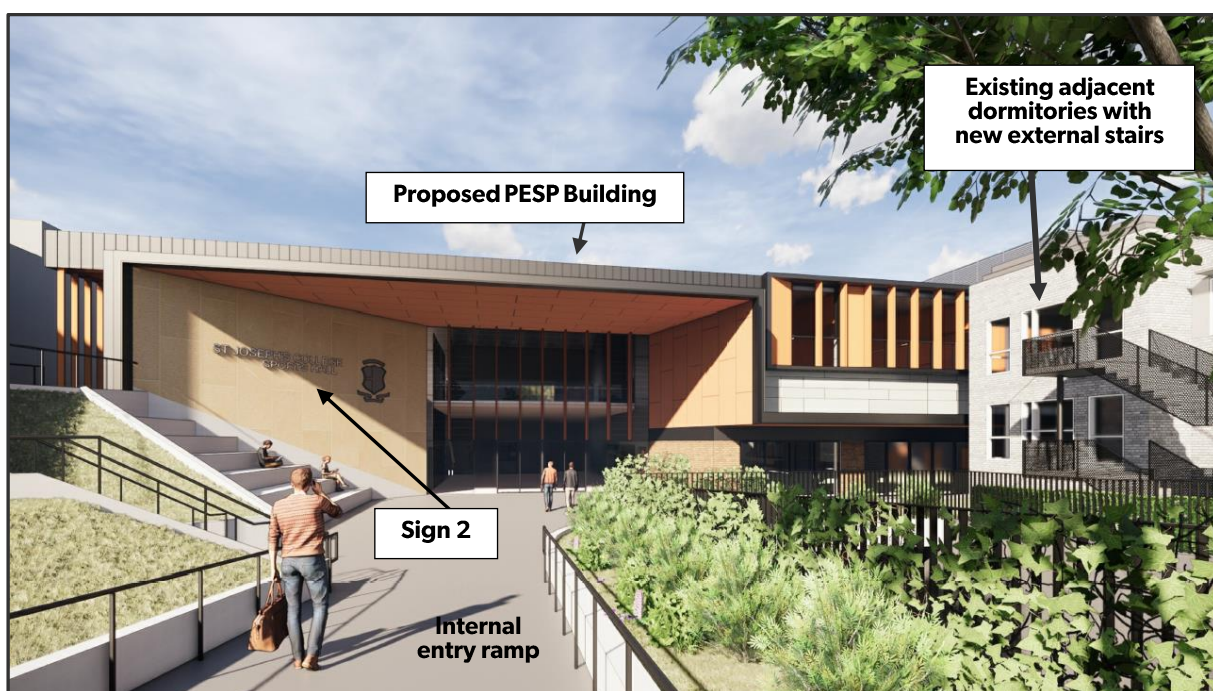


Figure 14 | Part of proposed western façade, walkway and entrance to PESP building (Source: Applicant's RtS)

New Healy Gym

The proposed new Healy Gym would be located in Area B and present as a single storey contemporary institutional building with a varying height of 3.5m – 4.5m in height. Proposed materials include fibre cement cladding in pale grey and charcoal and glass louvres. It would be setback approximately 6.1m from the Mary Street boundary.

The proposed building is depicted in **Figures 15 and 16**.



Figure 15 | Proposed Healy Gym looking northwest towards entry (Source: Applicant's EIS)

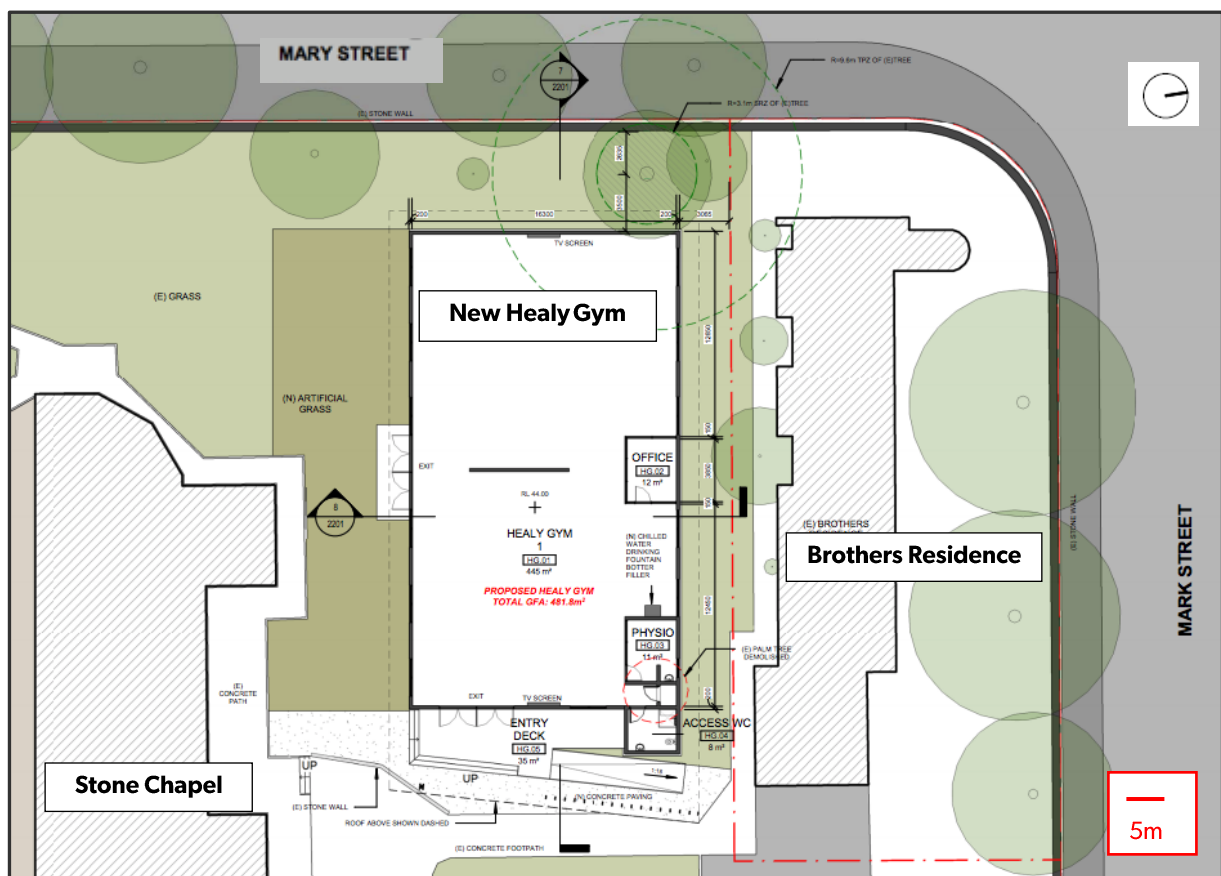


Figure 16 | Proposed floorplan of Healy Gym (Source: Applicant's EIS)

Kiosk Substation

A new substation is proposed in Area C adjacent to the main entrance off Ryde Road (**Figure 17**).

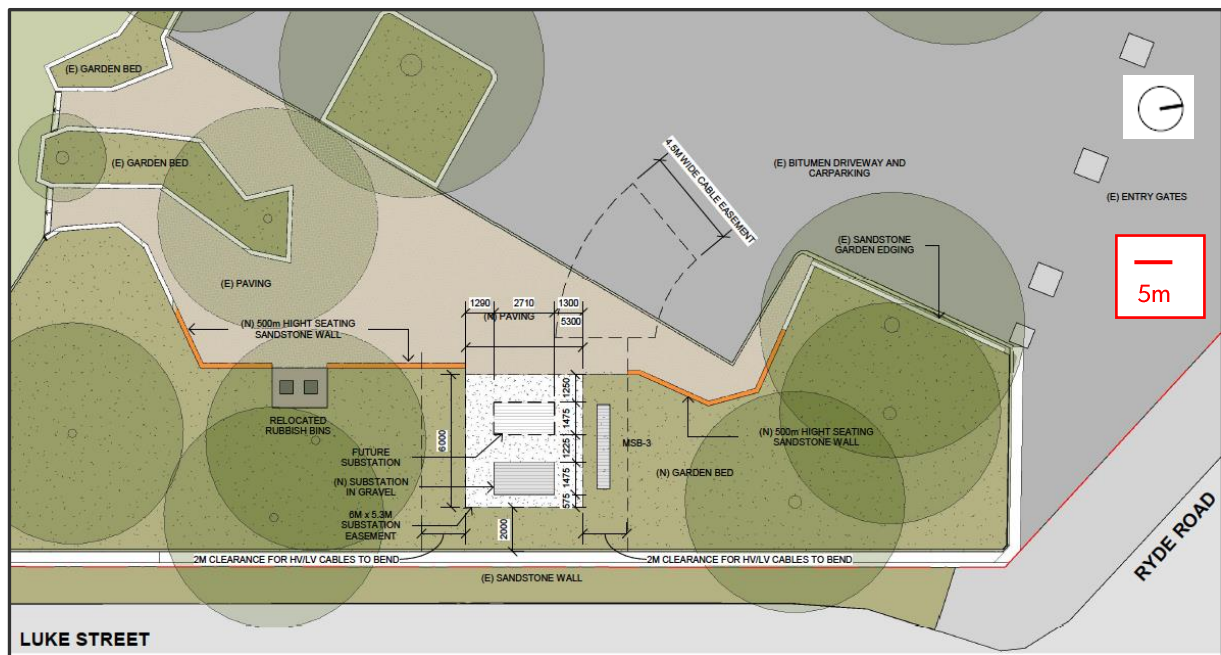


Figure 17 | New substation layout (Source: Applicant's RtS)

2.2 Uses and activities

The new buildings would predominantly be used for physical education purposes as part of the school operation. A number of existing uses within the site are to be relocated within the PESP building such as:

- recreational uses by staff and students including borders outside of school hours.
- assemblies, school examinations, and other educational uses during school hours.
- family masses, banquets, school dances, and other out of hours uses associated with the school.
- existing community uses including conferences, concerts, dinners and events by other schools, charity, church and community organisations (events proposed up to midnight).

2.3 Construction works

Construction works would be limited to Areas A, B and C only and would likely be facilitated in two stages. The major work phases include:

- site establishment (hoardings, signage, security, site office, and diversion / connection to services).
- construction of the new Healy Gym.
- demolition of outdoor sports courts, old Healy Gym, maintenance building, and others.
- excavation and construction of the basement of PESP building.
- construction of the remainder of the PESP building.
- construction of substation.
- landscaping works including replacement planting.



3. Strategic Context

The Applicant seeks approval to upgrade an existing education establishment, by replacing the existing outdoor basketball courts, which are in poor condition, with a new indoor sports facility. The Applicant states that the purpose of the proposed redevelopment is to deliver contemporary sports facilities to improve physical education and sports outcomes for students, noting that promotion of physical activity is a fundamental aspect of education outcomes at the school.

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

- the Greater Sydney Regional Plan, A Metropolis of Three Cities, as it proposes improved school infrastructure to meet the growing needs of Sydney.
- the relevant priorities of the North District Plan (District Plan) prepared by Greater Sydney Commission (GSC) as it would upgrade an existing educational facility to meet the educational needs of the community and opportunities to co-share facilities with the local community.
- the NSW Future Transport Strategy 2056, as it would improve an existing educational facility in an accessible location with access to public and school transport services.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes improved and enlarged facilities to support the growth in demand for secondary student enrollments and a design to accommodate facilities sharing with the community.
- Sydney's Cycling Future 2013, as it would promote and cater for bicycle use through the provision of end-of-trip facilities.
- it would provide direct investment in the region of approximately \$38 million and create up to 100 construction jobs.



4. Statutory Context

4.1 State Significant Development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a Capital Investment Value (CIV) in excess of \$20 million (\$38 million) and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Further consideration of the SRD SEPP is provided in **Appendix B**.

The Minister for Planning and Public Spaces is the consent authority under section 4.5 of the EP&A Act.

In accordance with the then Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection (objection withdrawn after lodgement of RtS).
- there are less than 25 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the SP2 Infrastructure zone pursuant to the HHLEP. Development that is 'ordinarily incidental or ancillary' to use of the site as an 'educational establishment' is permissible with consent within the zone.

Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Other Approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal involves the construction of new school facilities on land zoned for educational purposes and would provide for the current and future needs of the community.</p> <p>The development would not negatively impact on the economic welfare of the community, nor the natural environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes measures to deliver Ecologically Sustainable Development (ESD) as detailed in Section 4.4.3.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal is an orderly and economic use of the land as it provides for the redevelopment and upgrade of an existing school site to provide new fit-for purpose educational facilities.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>Subject to recommended conditions, the proposal would protect the environment and have negligible impacts on threatened and other species of native animals and plants as detailed in Section 6.2.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal responds appropriately to the heritage significance of the site and surroundings. The proposal would not impact on Aboriginal cultural heritage associated with the area. This matter is considered in Section 6.5.</p>
(g) to promote good design and amenity of the built environment,	<p>The proposal promotes good design that is consistent with the design principles associated with an educational establishment and does not result in adverse amenity impacts.</p>

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote good construction and maintenance of buildings, subject to recommended conditions.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal which included consultation with Council and other public authorities and consideration of their responses (Sections 5 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

4.4.3 Ecologically sustainable development

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

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

The Applicant is targeting a 4-Star Green Star rating. The proposed ESD initiatives include:

- passive design measures such as natural ventilation of the sports hall with louvres and roof vents, thermal insulation, natural light provision with windows and skylights, sunshade blades to reduce heat gain, and the use of durable, low maintenance and sustainable materials.
- energy efficiency measures including incorporation of photovoltaic panels, efficient lighting and smart control systems, energy efficient hot water systems, and mixed mode ventilation.
- water conservation measures including rainwater harvesting, water efficient fixtures and fittings, and water sensitive urban design measures as part of the proposed landscaping.

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 5.12 and Appendix G of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the construction certificate.

4.4.4 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.

4.4.5 Planning Secretary's Environmental Assessment Requirements

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.

4.4.6 Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

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

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The proposed works are not likely to have a significant impact on biodiversity values. The former Office of Environment and Heritage and the Department have determined that the application for a Physical Education and Sports Precinct at St Joseph’s College is not required to be accompanied by a BDAR in accordance with the BC Act.

Consequently, the requirement to lodge a BDAR with the application was waived formally on 25 September 2018 under section 7.9 of the BC Act. Notwithstanding, the Department’s assessment of the impacts of tree removal are set out in **Section 6.3** of this report.

5. Engagement

5.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the SSD application from 18 October until 14 November 2018 (28 days). The application was exhibited at the Department and on its website, at NSW Service Centres and at Hunters Hill Council's office.

The Department placed a public exhibition notice in the Northern District Times and the Weekly Times on Wednesday 17 October 2018 and notified adjoining landholders and relevant State and local government authorities in writing. Department representatives visited the site to provide an informed assessment of the development.

The Department received a total of fourteen submissions comprising:

- seven submissions from public authorities including one objection from Hunters Hill Council (Council).
- seven public submissions (six individual and one community group) objecting to the development.

A further two objections were received from two community interest groups after close of the exhibition period.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and /or by way of recommended conditions in the instrument of consent at **Appendix C**.

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

5.2 Summary of Submissions

Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of public authority submissions to the EIS exhibition

Council

Council objected to the proposal for the following reasons:

- The PESP building would:
 - be inconsistent with the objectives of the HHLEP.
 - be out of scale and character with the neighbourhood and not sympathetic to surrounding development.
 - result in detrimental streetscape impacts.
 - not promote a high standard of design.
 - preclude opportunity for setback landscaping in a form expected within the area.
 - have a detrimental effect on the heritage significance of the school premises, the conservation area and nearby heritage items.

Additionally, Council commented that:

- the proposed Healy Gym building should be redesigned to better account for its location, association with surrounding buildings, and heritage considerations.
- the proposal would result in additional traffic generation.
- height poles should be erected to allow residents to better assess the scale of the proposal.
- the Minister should hold a public meeting for the proposed development.

Transport for NSW (TfNSW)

TfNSW requested further information to demonstrate where the proposed bicycle parking is to be provided and recommended the following conditions of consent:

- a Construction Traffic Management Plan.
- a Traffic and Parking Management Plan.
- a Green Travel Plan.
- a road safety audit to ensure 38 bicycle parking spaces are provided on the site.

Transport for New South Wales (Roads and Maritime Services) (former Roads and Maritime Services) TfNSW (RMS)

TfNSW (RMS) raised no concerns regarding the proposal.

Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage) (EESG)

EESG requested the Applicant to prepare an Aboriginal cultural heritage assessment report (ACHAR) that documents the investigation of potential impacts to Aboriginal cultural heritage prior to further assessment of the application.

Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the OEH) (Heritage Division)

The Heritage Division did not raise any concerns regarding the impacts of the proposal on historic archaeology subject to the following recommended conditions:

- an unexpected finds procedure.
- appropriate research design and excavation methodology.
- protection of state significant items and appropriate reporting.

Environment Protection Authority (EPA)

The EPA raised no concerns and provided no additional comment in relation to the development.

Sydney Water

Sydney Water advised there is existing drinking water and waste water infrastructure with capacity to service the proposed development and provided standard requirements and advice in relation to approval of future connections.

Community submissions

Seven public submissions were received during the EIS exhibition including a submission from a community interest group. Following the close of the exhibition two further community groups lodged submissions. All submissions objected to the proposal. A summary of the issues raised in the public submissions are provided below and copies of the submissions may be viewed at **Appendix A**:

- adverse visual impacts of the proposal given its height, scale and lack of setback.
- lack of compatibility with the heritage character of the school (including heritage listed stone walls) and surrounding area.
- obstruction of views of buildings and landscape features with the site.
- overshadowing of adjoining properties.
- adverse impacts of tree removal and destruction of the landscaped setting along the street frontages.
- adverse operational noise impacts due to proposed extended use of the PSEP building in the evenings.
- traffic and parking impacts due to additional use of the premises and movements on Luke Street.
- stormwater impacts on downstream properties due to increase in impervious areas.
- adverse construction impacts due to truck movement, access to the site and construction noise.
- general non-compliance with the objectives of the HHLEP.
- non-compliances with the design quality principles in the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- unreasonable request by the Applicant seeking exemption to pay the developer contributions.
- lack of evidence of co-sharing facilities for community use and non-compliance with the SEARs.
- a public hearing be conducted by the Minister.

5.3 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 the submissions.

On 14 May 2019, the Applicant provided a Response to Submissions (RtS) on the issues raised during the exhibition of the proposal. The RtS included amendments to the design of the PESF building including:

- reduction in building height of the building by 2.7m (parapet RL 46.8 reduced to RL 44.1).
- increase in the setback to Luke Street (from 1.3m originally proposed to 4.3m).
- associated changes to landscaping, including retention of 20 existing street trees previously proposed for removal, and new planting of 21 trees within the widened setback areas.

Additional information also included an ACHAR and updates to other consultant reports, reflecting the revisions to the plans.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. An additional seven submissions were received from public authorities including Council. No community submissions were received after lodgement of the RtS. Following the lodgement of the RtS, Council withdrew their initial objection to the proposal and provided comments.

The Department has reviewed all submissions and requested the Applicant to respond to the additional matters raised in these submissions.

A summary of the issues raised in the submissions is provided at **Table 5**.

Table 5 | Summary of public authority submissions to the RtS

Council

Council withdrew their objection to the development and acknowledged that the amended proposal has adequately responded to the majority of the concerns raised by Council.

Additionally, Council raised the following concerns with regard to the amended proposal:

- traffic generation due to the proposed intensification of use.
- waste generation and spillage due to the development.
- the appropriateness of the proposed replacement species and incorporation of ornamental pear and native Frangipani in the replacement planting.
- adverse impacts of construction of the Healy Gym in the northwest area of the campus, between the chapel and the brothers' residence.
- the inappropriateness of the colour of the metal fascia / roof cladding of the PESP and the recommendation to use a lighter colour for the roof.

TfNSW

TfNSW reiterated that the previously suggested conditions should be incorporated in any consent granted.

EESG

EESG reviewed the ACHAR and provided the following comments:

- further information in the form of test excavation and updated landscape assessment were required to ensure that any archaeological deposits present on the site would not be impacted by the development.
- replacement tree planting (with advance species) to include local native species that once occurred in the locality to improve biodiversity impacts.

EPA

EPA did not provide any additional comments regarding the proposal.

Heritage Division

Heritage Division reiterated their original comments to the EIS and recommended conditions regarding unexpected archaeological finds.

TfNSW (RMS)

RMS did not provide any additional comments in response to the RtS.

Sydney Water

Sydney Water reiterated their earlier advice regarding the proposal.

5.4 Supplementary response to submissions

On 23 July 2019, the Applicant lodged a supplementary Response to Submissions (SRtS) including a revised ACHAR with results of test excavation and updated assessment of the landscape study area.

The Department requested additional information with regard to the “draft” format of the ACHAR and the incomplete information regarding consultation with the Registered Aboriginal parties.

On 29 August 2019, the Applicant lodged further SRtS comprising the final version of the ACHAR including results of all consultation.

The SRtS was referred to the EESG, who raised no further concerns with regard to Aboriginal cultural impact assessment, subject to the implementation of recommended conditions of consent.

5.5 Correspondence after lodgement of response to submissions

The Minister received a correspondence from the Hon Anthony Roberts, MP on behalf of a community interest group (previous submitter).

The correspondence from the community group raised the following concerns (including a copy of a letter sent to the Applicant by the submitter):

- impacts of construction noise, traffic and dust on the surrounding residents.
- devaluation of the surrounding properties during the construction works.
- adverse noise impacts of out of hours use of the PESP building.
- lack of communication with the affected residents.

The correspondence requested that the Minister takes into consideration, the submissions and Council’s initial objection.



6. Assessment

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

- built form and urban design.
- historic heritage.
- landscaping and trees.
- operational noise impacts.

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 6.5**.

6.1 Built form and urban design

St Joseph's college site and the surrounding developments are located within a locally listed heritage conservation area (**Figure 28**) that is generally characterised by low rise residential development one to two storeys in scale. The details of the design of the PESP building and Healy Gym, the public / public authority submissions, the Applicant's response and the Department's assessment are discussed below.

6.1.1 PESP Building

The PESP building would be located at the south-east corner the site with frontages to both Gladesville Road and Luke Street. Council objected to the initial design of the development on the basis of: adverse impact on the character of the area; lack of high standard of urban design; excessive bulk and scale of the building; and lack of setback to Luke Street with minimal landscaping. Public submissions to the EIS also raised concerns regarding the proposed building height, scale, design of the PESP building and the resultant visual impacts on the streetscape, overshadowing of the existing buildings within the site as well as adjoining buildings (in particular No. 35 Gladesville Road), and loss of views of the heritage significant building. The submissions also indicated that the PESP building had an industrial appearance and was not compatible with the character of the area.

The Government Architect NSW (GANSW) reviewed the EIS and generally supported the location of the PESP building. However, GANSW raised concerns regarding the minimal setback of the building to Luke Street and the excessive height of the parapet fronting Luke Street.

In response, the Applicant's RtS revised the proposal by reducing the height of the building by 2.7m and setting the roof back and increasing the setback from the Luke Street boundary by 3m. This resulted in:

- a wall height of 8.5m - 11.5m and a setback of 4.3m to Luke Street (**Figures 18, 20 and 21**).
- a wall height of 12m - 14m and a setback of 3.5m to Gladesville Road (**Figure 19**).

The amended design of the PESP proposes a contemporary façade design using durable and low maintenance modern material. The RtS indicates that the dark neutral colour of the upper level band, being recessive, would reduce the perceived height. A projecting element encompassing the circulation stairs is included to break up the length of the façade on Luke Street. The facades are generally articulated using a range of materials, fenestration, and grouped vertical blades.



Figure 18 | PESP building parapet heights on Luke Street elevation compared to the low-density dwellings (outlined) (Source: Applicant's RtS)



Figure 19 | PESP building parapet heights of elevation fronting Gladesville Road compared to the surrounding low-density dwellings (Source: Applicant's RtS)

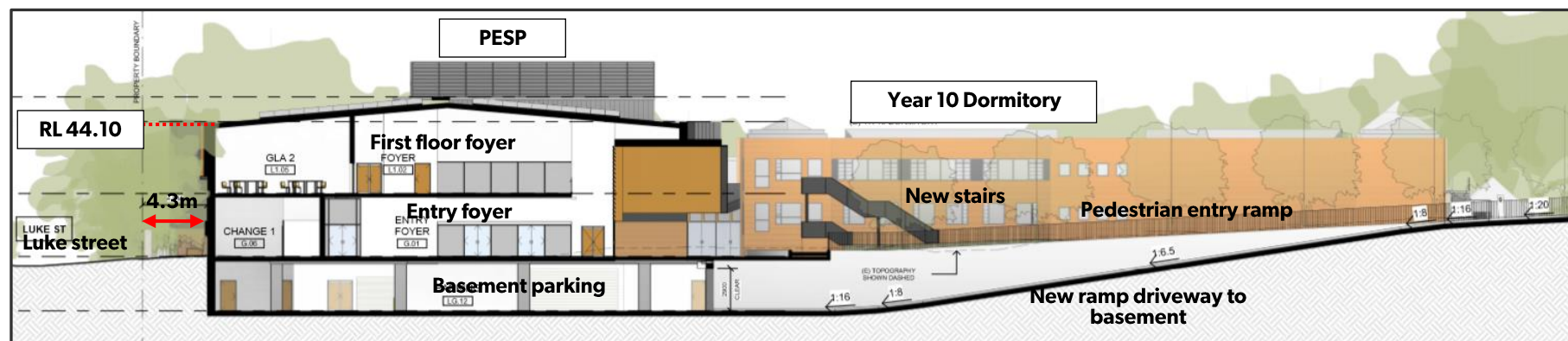


Figure 20 | Cross section through the PESP building and the Area A of the site showing the parapet height and setback to Luke Street (Source: Applicant's RtS)



Figure 21 | Section through the PESP building showing the parapet heights and location of double storey sports courts above basement parking (Source: Applicant's RtS)

Figure 22 provides a comparison between the original design and the reduced scale of the building envelope when viewed from the corner of Gladesville Road and Luke Street.



Figure 22 | Comparison of the amended building envelope with the initial design (Source: Applicant's RtS)

The RtS advises that the setback from Luke Street cannot be increased any further due to the location of the existing Year 10 Dormitory building, which is required to be altered to accommodate the increased setbacks. The RtS also indicates that further lowering of the PESP building would result in non-compliance with the maximum gradients of the basement car park entry ramp as well and the accessible entry ramp.

GANSW reviewed the RtS and raised no concerns regarding the building design, height or the resultant visual impacts. Council reviewed the revised design and withdrew their original objection about building height or the requirement to erect a height pole to enable assessment of the building height. Council advised that the proposed design responds to the constraints of the site, subject to a lighter colour for the roof cladding.

The Department's consideration of the submissions and assessment of the built form is provided below.

Building height

The Department acknowledges the concerns raised in submissions regarding the bulk and scale of the building and its non-compliance with the 8.5m height control in the HHLEP for residential developments. However, there are no height controls applicable to the site under the HHLEP, which is distinguished as an education establishment. The existing buildings within the site present heights of 11m to Luke Street, 13.7m to Mark Street, and 14.5m to Mary Street.

The Department therefore considers that it is not necessary or appropriate for the development to adopt the same scale or appearance as surrounding residential development. The proposed PESP building is appropriately scaled to suit its function and the institutional character of the site. It would be consistent with the character and range of existing building heights on the school site as shown in **Figure 23**.

In the context of surrounding developments on Luke Street, the building would only be 3m taller than the 8.5m height control under the HHLEP. The additional height would not have a detrimental visual impact on public domain, due to recessed top section, proposed screening of the setback with landscaping, and the width of the road reserve. Consequently, the Department is satisfied that the height or scale of the proposed built form would not result in detrimental visual impacts on the Luke Street streetscape.

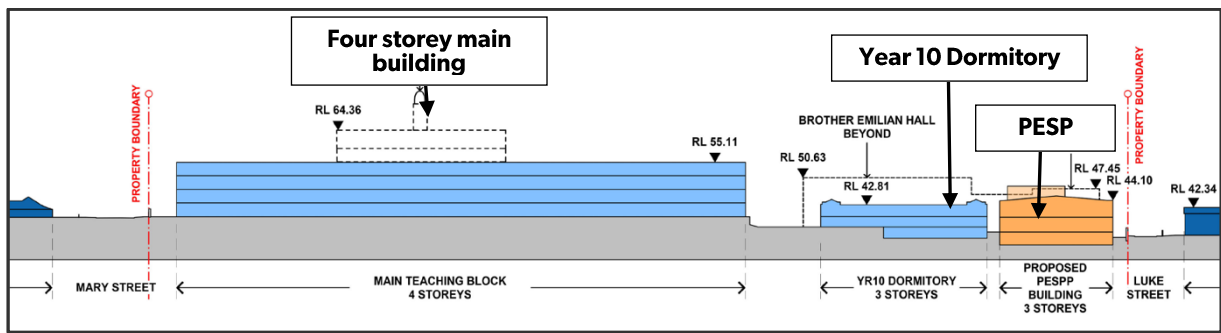


Figure 23 | Site section comparing the scale of the PESP building and other existing buildings (Source: Applicant's RtS)

The Department also notes that the generous width of the Gladesville Road reserve visually separates the site from residential development opposite. Consequently, the proposed height of the building would not result in unacceptable visual impacts.

The Department has considered the concerns raised in the submissions regarding loss of views of the existing buildings within the site due to the height of the proposed PESP building, and concludes that there are no views over the top of the site and existing outlooks are only to the interior of the site. The proposal would therefore not result in any loss of significant or district views.

Overall, the Department is satisfied that the design of the PESP building complies with the design quality principle 1 of the Education SEPP in terms of its response to the context of the building and its surrounds.

Street setbacks

The Department notes that the proposed setback of the PESP building to the street frontages (Luke Street and Gladesville Road) would be less than the other buildings on the site or the established large front setbacks of the lower density dwellings. However, the RtS demonstrates that the site is constrained and there is limited opportunity to further increase setbacks without compromising the function of the PESP or extensively altering the adjoining Year 10 Dormitory building. The Applicant has included screen planting within the setbacks to reduce the visual impact of the building and also to compensate for the lack of large setbacks to both street frontages. (Figures 24 and 25).

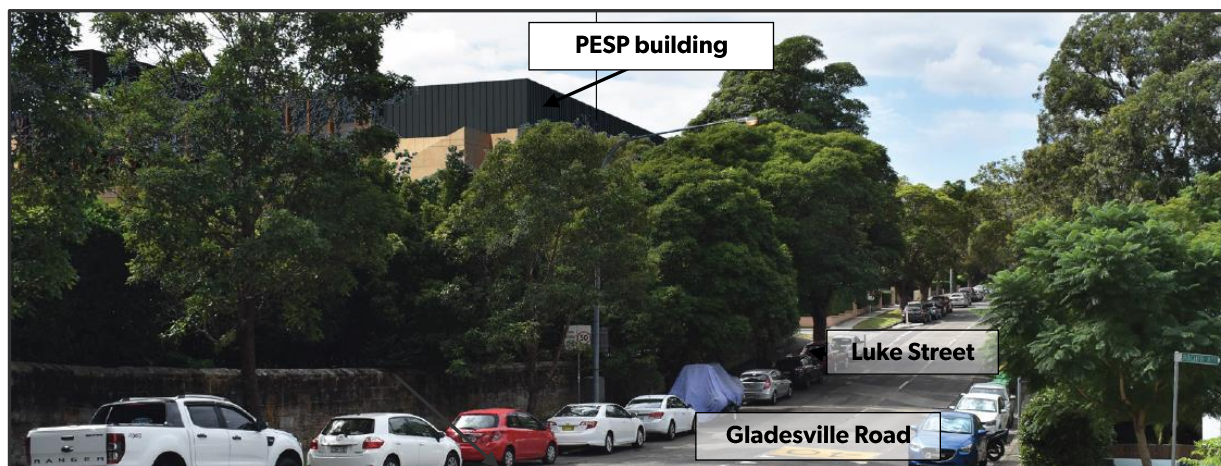


Figure 24 | View from Gladesville Road (Source: Applicant's RtS)



Figure 25 | Comparison of existing (left) and proposed (right) view of the PESP building from the intersection of Gladesville Road and Luke Street (Source: Applicant's Rts)

The Department has assessed the proposed street setbacks for the PESP building and agrees with the Applicant's reasons to justify the setbacks. The Department considers that locating the building elsewhere within the site may impact on the curtilage of the heritage listed buildings, which is not a desired outcome for the site. The PESP building would be sufficiently screened from the Gladesville Road frontage due to the existing and proposed planting. While the building would be more prominently visible from the Luke Street frontage of the site, the residual impacts of the built form to this frontage would be satisfactorily mitigated and softened by the proposed tree planting. The Department is satisfied that the reduced street setbacks would not have an unreasonable impact on the immediate neighbourhood subject to the implementation of the proposed planting.

Building design and materials / finishes

The Department is satisfied that the proposed PESP building incorporates a high standard of architectural design while responding to its function and location. It incorporates sufficient variation in materials and building elements to provide visual interest and make a positive architectural contribution to the streetscape. The natural palette of colours and finishes would complement the existing character of the area and heritage values of the school and the conservation area. The building also responds to its corner location with a curved boundary wall. However, as requested by Council, the Department recommended a condition requiring amendment to the colour of the roof cladding / metal fascia to ensure that a lighter colour is proposed and that the materials comply with the Building Code of Australia.

The Department is also satisfied that the two proposed business identification signs complement the elevations of the building and are assessed as satisfactory with regard to the design and siting. An assessment against the provisions of State Environmental Planning Policy No. 64 (SEPP 64) is provided in detail in **Appendix B**.

Overshadowing impacts

The revised design for the PESP building demonstrates that during mid-winter the windows and rear private open spaces of adjoining properties on Luke Street would receive in excess of 3 hours of solar access between 9am and 3pm (including No. 35 Gladesville Road).

The Department notes that two properties (2 Rocher Avenue to the west and 30 Gladesville Road to the south) would be marginally overshadowed during mid-winter, in the morning until 9:45am or late afternoon after 2:30pm. However, 3 hours of solar access would still be maintained to these properties.

The overshadowing impacts of the PESP building, between 9am and 3pm during winter solstice, are identified in **Figure 26**. The Department has assessed the submitted shadow diagrams and is satisfied that the surrounding residential properties would retain acceptable levels of solar access during winter solstice.

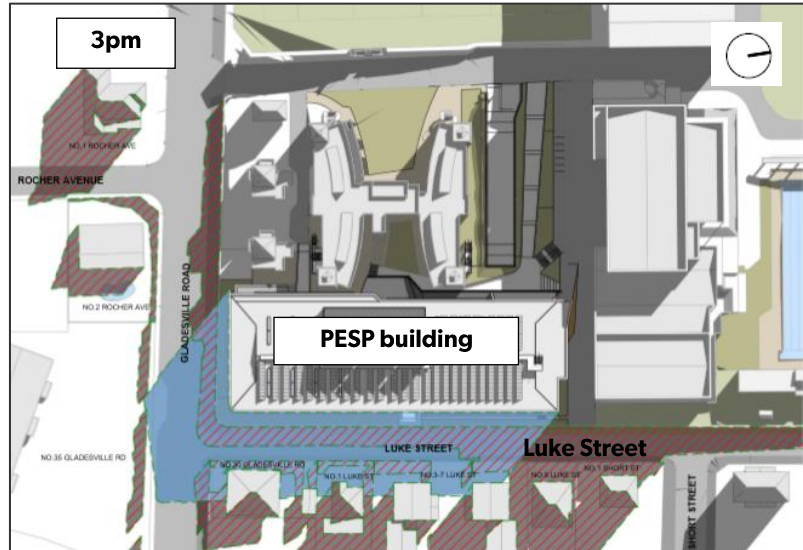
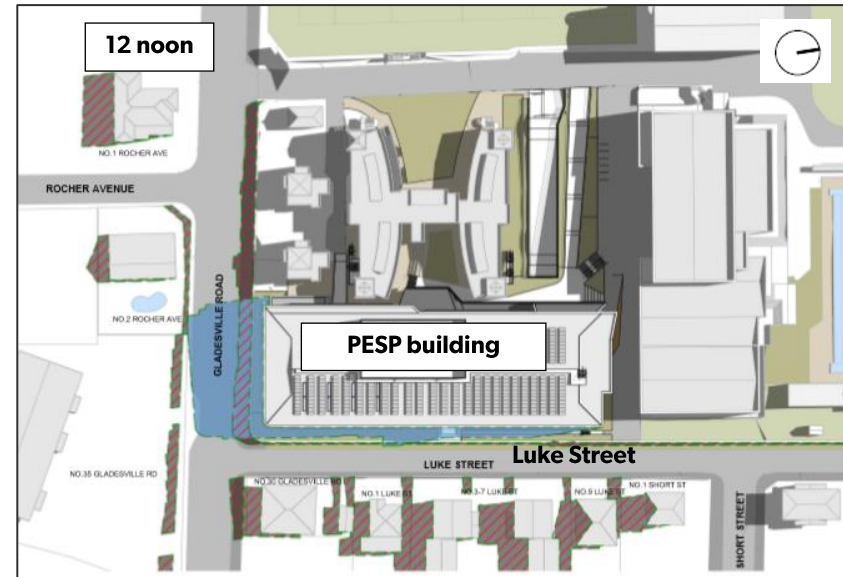
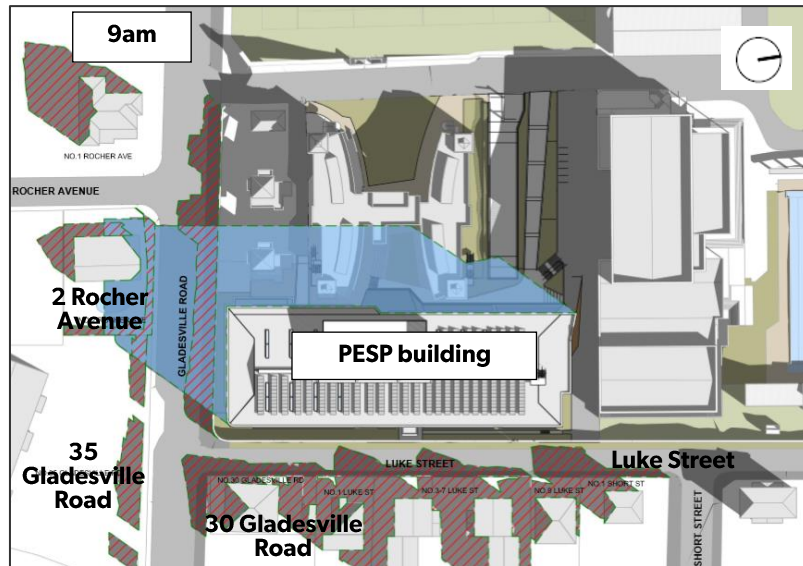


Figure 26 | Additional overshadowing due to the PESP building (shown in blue) during winter solstice (21 June) (Source: Applicant's RtS)

6.1.2 New Healy Gym

The proposed Healy Gym building would be located adjacent to the Mary Street frontage of the site with a setback of 6.1m (**Figure 27**). The single storey building is proposed to be contemporary in design. Proposed external materials include fibre cement cladding in pale grey and charcoal and glass louvres.

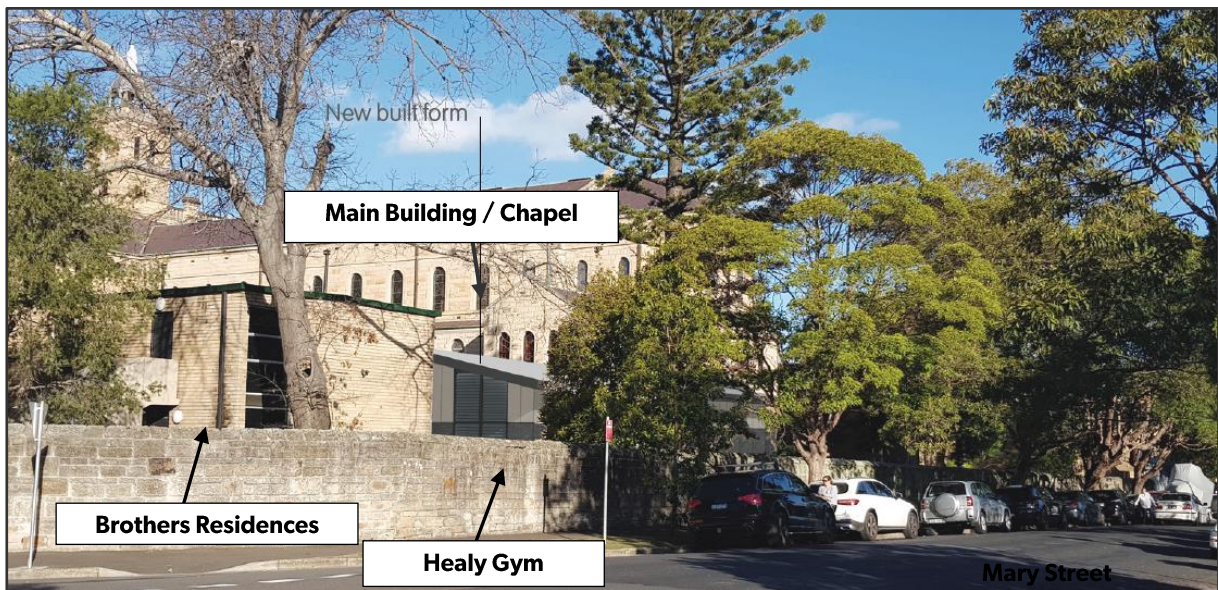


Figure 27 | View of proposed Healy Gym from Mary Street (Source: Applicant's RtS)

Council and other public submissions raised concerns about the visual impact of this development on the existing buildings within the school, particularly the main building and on Mary Street. The Applicant's RtS did not propose any amendments to the design of this building.

The Department has assessed the proposed design of the Healy Gym and considered the matters raised in the submissions. The Department is satisfied that the single storey scale of the building minimises any significant visual impact on the streetscape or the character of the area. Majority of the building façade would be obscured from view from the public domain by the stone boundary wall, the existing Brothers' Residences, street trees and existing trees that are proposed to be retained. Whilst being contemporary in design, it would fit within the wide range of building styles that exist on the site and within Mary Street. The neutral grey colours and materials would complement the existing range of colours and materials within the streetscape. Further consideration of the Healy Gym is provided in **Section 6.2**.

6.2 Historic Heritage

The site is identified as a heritage item of local significance under the HHLEP. The site is also within the Hunters Hill Conservation Area No 1 (The Peninsula) and adjoins several heritage items of local significance items including the sandstone walls on Gladesville Road and items at 42 to 46 Mary Street (**Figure 28**).

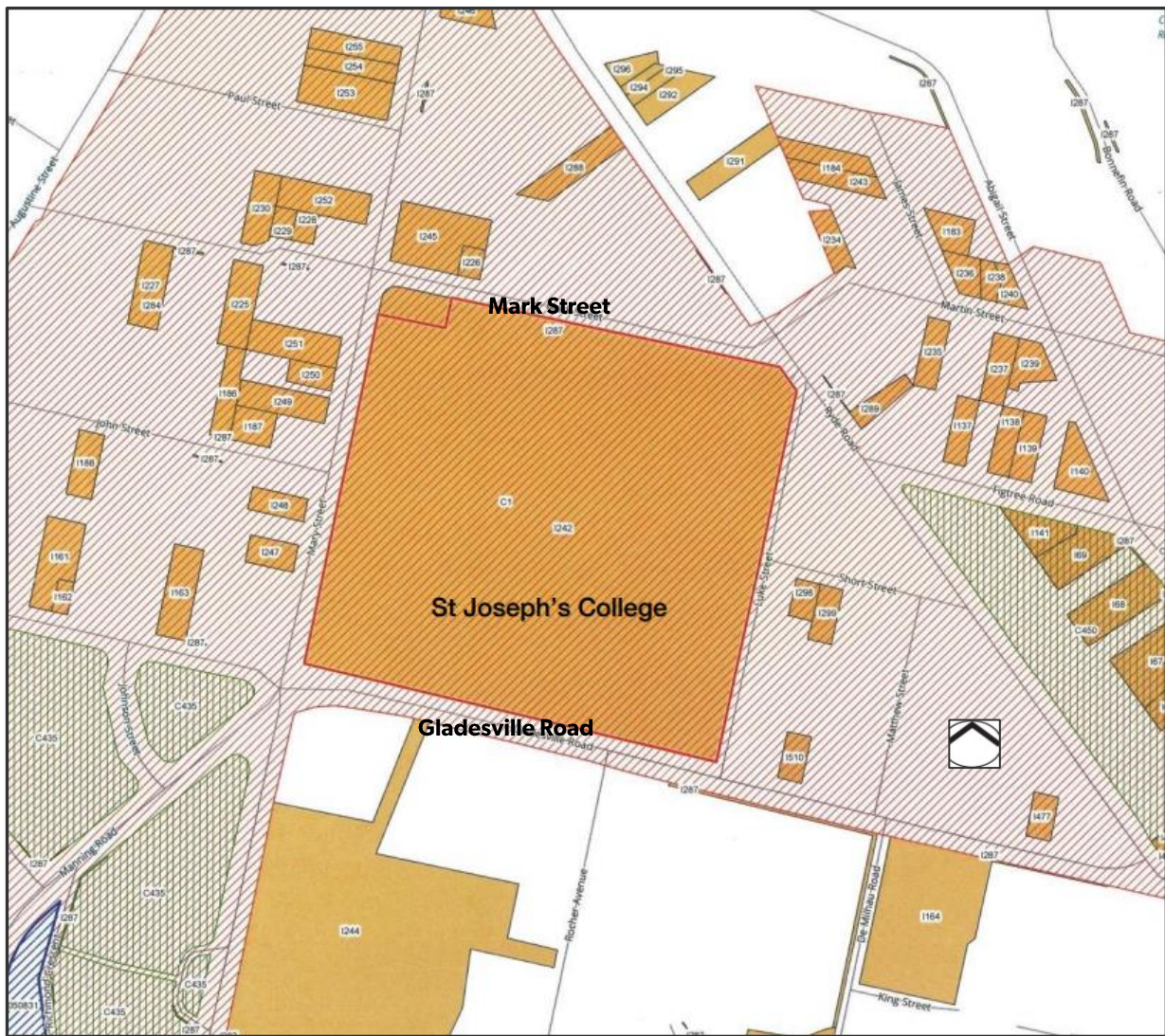


Figure 28 | The Hunters Hill Conservation Area No 1 (shown cross-hatched) including the site and other nearby heritage items (shown orange) (Source: Applicant's EIS)

The application is supported by a Statement of Heritage Impact (SOHI), which indicates that the site is a major Sydney landmark symbolising the expansion of Catholic Education in the late nineteenth century. The most significant buildings on the site are the main building / chapel constructed from 1882 to 1894 and the Gate Lodge (**Figure 29**). The sandstone wall and gates which enclose the school on all boundaries are also identified as highly significant.

GANSW recommended a reduction in the height and a larger setback between the PESP building and the heritage listed sandstone boundary walls to establish a better curtilage. The Heritage Division indicated that the proposed design is consistent with development that has taken place across the site since the 1950s. No concerns were raised regarding potential impacts on historic archaeology, subject to recommended conditions for an unexpected finds protocol.

In response to the submissions, the RtS amended the design of the PESP building by reducing the scale. Engineering advice was also provided to demonstrate the proposed works would not impact on the structural integrity of the stone walls.

The revised SOHI supporting the RtS concludes that:

- the proposed PESP would have no impact on the items of heritage significance within or outside the site and would enhance the current streetscape of Luke Street. It would have some impact on views to the site from the south and east but no impact on the identified significant views of the main building.
- the contemporary design is consistent with existing recent developments on the site. The building articulation and landscape screening would minimise any visual impacts from the streetscape.
- the proposed Healy Gym would have a minor impact on the setting of and views to the main building. However, the low scale of the Healy Gym and the distance with the main building would ensure a sufficient curtilage for the item is maintained. The development would have no impact on the adjoining heritage items.
- the proposed substation would be screened by existing landscaping and would have no adverse impacts on the heritage items within or outside the site.
- The site has limited historic archaeological potential. Therefore, the proposed bulk excavation works for the basement are unlikely to impact on any archaeological artefacts.

GANSW advised that the proposed changes improve the design and have addressed their previous concerns. Council reviewed the amended design and withdrew their objections. However, Council reiterated their concerns regarding the location of the Healy Gym.

The Department's assessment of the impacts of the design of the PESP building on Luke Street and Gladesville Road is provided in **Section 6.1**. The Department considers that the revised design of the PESP building and its location, complemented by the proposed landscape screening, is unlikely to result in an unacceptable visual impact on the heritage items within the school or surrounding conservation area. The proposed landscaped setback would ensure a visual separation between the building and the boundary stone wall allowing for an adequate curtilage to the wall. The scale and contemporary design of the building is consistent with other developments on the site and would not materially change the character of the site or the conservation area. The neutral palette of colours and finishes including sandstone and timber style elements has been chosen to respect the heritage values of the site and the surrounding conservation area.

The Department notes that the Healy Gym would be setback a minimum of 8m from the main building and is likely to have a moderate impact on the setting and curtilage of the item. However, the open space between the two buildings would still allow for a satisfactory interpretation of the main building. Further, the single-story scale of the Healy Gym ensures that it retains the main building as the dominant visual element of the site. The Department concludes that this building is needed to expand the sporting facilities within the school, and alternative locations for this building within the site would likely to result in greater encroachment on the identified significant views of the main building. In the context of the streetscape, the Healy Gym would be largely obscured by the stone wall, adjacent Brothers Residence and street trees. Thus, the Department is satisfied that it would not adversely affect the existing character of the heritage conservation area or the heritage

listed dwellings at 42 – 46 Mary Street. The proposed substation would not be visible from the street front and have no significant impacts on the heritage conservation area.

As advised by the Heritage Division, the Department is also satisfied the buildings proposed for demolition do not have any heritage significance and that the proposed excavation works are not likely to impact on historic archaeology, subject to recommended conditions of consent regarding the preparation and implementation of an unexpected finds procedure.

6.3 Landscaping and Trees

The EIS proposed the removal of 37 trees, including 22 trees on Luke Street and 15 trees within the site.

Public submissions to the EIS raised major concerns regarding tree loss, particularly the loss of some well-established native trees on Luke Street and substantial pruning of street trees on Gladesville Road. Concerns related to the visual impact of the tree loss as well as biodiversity and native fauna impacts. Council objected to the proposal on the basis that the PESP building precluded opportunity for setback landscaping, resulting in detrimental impacts on the streetscape due to lack of screening of the built form.

In response to the submissions, the design was revised to increase the setbacks to the street frontages, thereby retaining many trees within the site and the streets. The amended proposal (as refined by the RtS) results in the removal of 16 trees, including one street tree to enable construction of the PSEP building. The revised design also allows for 21 new replacement trees within the street setback areas and eight trees within other sections of the site. **Figure 30** identifies the trees proposed for removal / retention and replacement around the PESP building. The construction of the Healy Gym would only impact on one tree within the site.

The application is supported by an Arborist report which identifies that three street trees on Gladesville Road would require some pruning to facilitate construction works. However, this is unlikely to impact on the long-term health and longevity of the trees. The Arborist Report states that the trees identified for removal include a mixture of exotic and native species ranging in height between 8m – 30m. Three of the tallest trees, proposed to be removed, have high retention value. However, removal of the trees is unavoidable due to their location within the proposed building footprint and would not have a significant impact on the biodiversity values of the site.

The EESG raised no concerns regarding the proposed tree removal, subject to conditions of consent requiring replacement of the removed trees by advance plantings with native species indigenous to the local area. EESG advised that this would preserve biodiversity values, provide food and habitat for local native fauna and reduce maintenance requirements. Council reviewed the RtS and recommended that the proposed species of Lemon-scented Myrtle be replaced by native Frangipani, Narrow leaf-Lilly Pilly or ornamental pear.

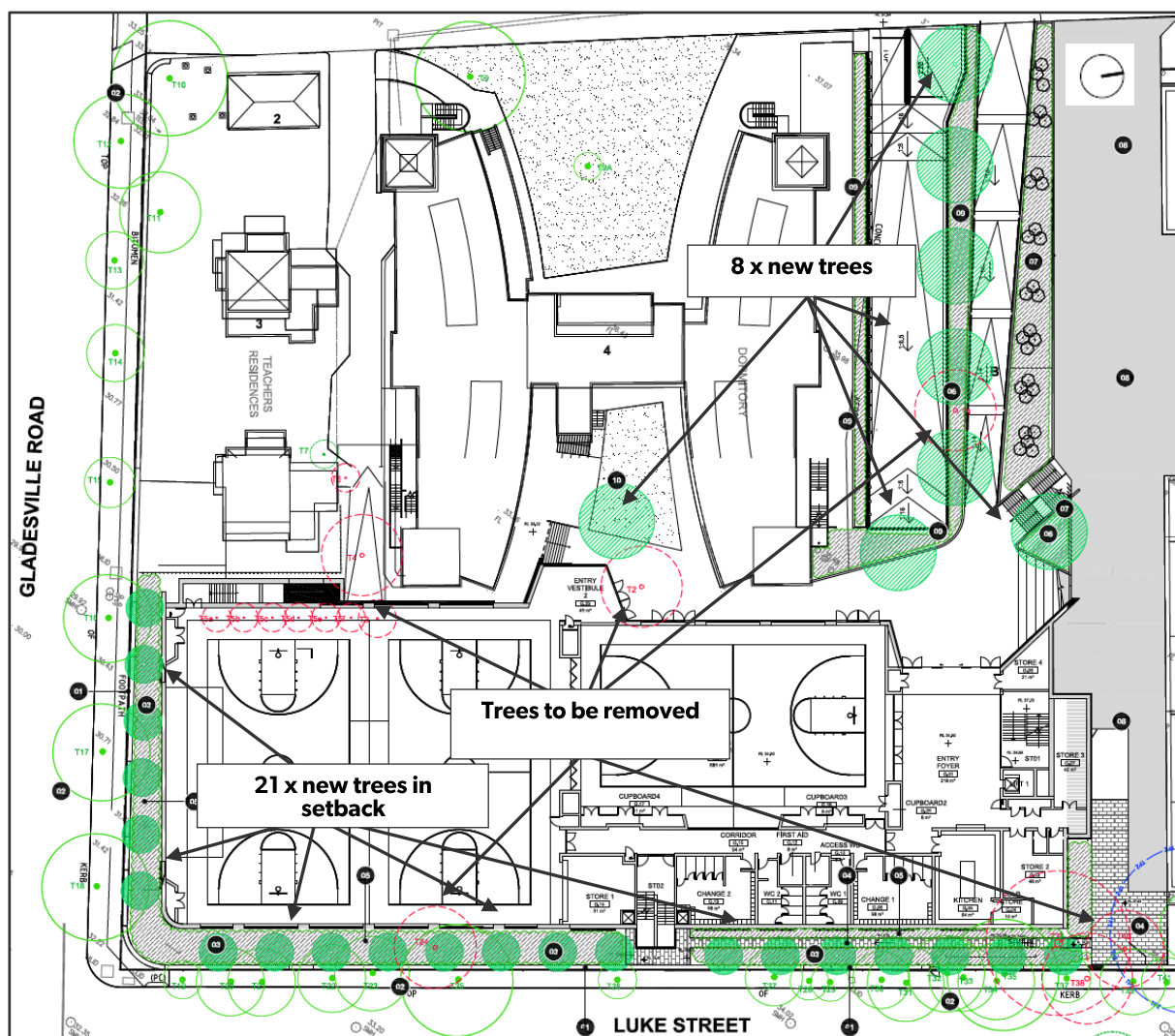


Figure 30 | Trees proposed to be removed, retained and replaced (Source: Applicant's RTs)

The Department has reviewed the proposal with regard to tree removal and considers that the amended proposal significantly improves the overall impact on the existing tree canopy within the site and the street frontages compared to the EIS scheme. The Department is satisfied that the residual impacts of removal of the trees can be suitably offset by appropriate replacement planting with canopy trees and ground cover. The Department does not agree with Council's comments regarding replacement of the removed trees with exotic species such as ornamental pear of medium height as it would not be consistent with the regrowth of the indigenous species to replace the lost canopy on the site.

In consideration of the comments from EESG, the Department has recommended that at least two of the replacement trees be a species with a minimum mature height of 25m. The Department has also recommended conditions regarding protection of the retained trees in accordance with the Arborist Report.

6.4 Noise impact

Operational noise

Operational noise generated from the proposal would be associated with the operation of mechanical plant, sporting activities and hall events at the PESp building. The indicative usage profile suggests that in addition to the usual sporting events there may be up to 14 school banquets and dance events until midnight every year as well as a number of other conferences, dinners and concerts until 11:30pm – 12am.

Public submissions to the application raised concerns regarding the operational noise impacts of this building.

The proposed development (as refined by the RtS) is supported by a Construction and Operational Noise Report (CONR) assessing the construction and operational noise impacts of the proposal on the surrounding noise sensitive receivers, including residential premises on the surrounding streets including Luke Street, Gladesville Road, Mary Street and Mark Street. The CONR considers the impacts of use of the PESP building for basketball, major events and school dances with amplified music. It concludes that the sports / basketball use would generally comply with the amenity noise levels (day time and evening) at the sensitive receivers of Luke Street, subject to noise ventilation louvres being closed in the evenings. Major events without amplified music would also comply, subject to the noise ventilation louvres being closed during events and the event running times being restricted to 10pm.

However, during school dance events with amplified music, the predicted noise would be 74 dB(A) (louvres open), being 30dB higher than the noise criteria for Luke Street residences in the evening / early night (44–48dB(A)). With louvres closed, the predicted noise would be 50dB(A), being 2–6dB higher than the evening / early night noise criteria for Luke Street. The CONR indicates that these events would be infrequent (4–8 times a year), and as such the predicted noise levels are external to the sensitive receivers. The predicted indoor noise levels for the residential occupants would be at least 10dB lower with windows closed. As such, the noise exceedance would be audible, but not considered to be loud (comparable to the speech of a person at a distance of 1m from the receiver).

Notwithstanding, to mitigate the adverse impacts of the noise exceedances due to the proposed after hours use of the PESP building, the CONR recommends the louvres on the eastern façade to be of high-performance acoustic glass or double glazing. Additionally, the control of the louvres and vents would have to be considered in a management strategy for the new PESP. The CONR recommends that noise generated by mechanical plant and equipment can be mitigated via acoustic design and screening to ensure that they meet the established noise guidelines.

The activities within the new Healy Gym include weights training and physical education classes with weights. Noise from activities in this area would be contained by the building fabric and not impact on the surrounding residences.

The Department considers that overall noise to neighbours would be reduced by the proposal by enclosing the outdoor sports courts within the PESP building. However, as a result of the additional use of this part of the site for dances or other events with amplified music or speakers and given the proximity of the building to the residences on Luke Street, there is the potential for adverse noise impacts on the surrounding premises in the evenings and night time when these events occur. To mitigate the identified impacts, the Department has recommended conditions for upgrading the ventilation louvres as per the CONR.

The Department has also recommended the following additional conditions:

- implementation of an Event Management Plan prior to commencement of the first use of the PESP building including measures such as: management of the closure of louvres in the evening; limiting the volume of the speaker system; limiting use to 10pm for events with no amplified music and open louvres.
- short term noise monitoring (for three months) after commencement of the use of the building to demonstrate that the established noise criteria are complied with, or additional amendments to the Event Management Plan to ensure compliance.

Subject to these conditions, the Department is satisfied that overall noise emissions from the PESP building would be reduced and can be managed appropriately to ensure amenity of the neighbours.

Construction noise

The CONR establishes Noise Management Levels (NMLs) for the site based on the Interim Construction Noise Guideline (ICNG) and indicates that during the demolition phase the predicted maximum construction noise would exceed the site NMLs at the Luke Street receivers, but not the 'highly affected noise level' of 75dB(A).

The CONR includes measures to mitigate the adverse impacts such as: preparation of a Construction Noise and Vibration Management Plan (CNVMP); installation hoardings and localised barriers; appropriate plant and equipment; noise monitoring; trial testing of vibration levels for equipment; relocating classrooms during busy construction periods; closing windows during class hours; and scheduling works during school holidays.

A correspondence to the Minister (outside the exhibition period) raised concerns regarding the impacts of construction noise on the surrounding residents.

The Department has reviewed the construction noise impacts due to the proposed development. The Department is satisfied that the proposed construction noise management and mitigation measures are appropriate and subject to the implementation of these measures, potential impacts on the amenity of surrounding sensitive receivers would be minimised as far as possible, and consistent with expected outcomes for a project of this scale.

The Department has recommended a condition requiring the preparation of a CNVMP incorporating mitigation measures identified in the CONR and ensuring that standard construction hours as per the ICNG are adhered to.

6.5 Other Issues

Table 6 | Department's assessment of other issues

Issue	Discussion	Department's consideration and recommended conditions
Operational traffic and parking	<ul style="list-style-type: none">• The proposal would result in a net increase of 54 on-site car parking spaces (89 existing and 143 proposed). No changes are proposed to the on-street pick-up / drop-off area on Mark Street.• A traffic Impact assessment (TIA) was submitted with the EIS. The TIA concludes that the proposal does not involve any increase to student or staff numbers, no changes to the day to day operation, or additional out of hours events. Consequently, there would be no change to existing traffic or transport demands. Additionally, the proposal includes additional parking spaces within the site to cater for additional future demand, if any.• The TIA includes recommendations to further reduce the traffic impacts of the school during peak periods including a Green Travel plan (GTP), measures to	<ul style="list-style-type: none">• The Department has reviewed the TIA and is satisfied that there would be no additional traffic or parking demands as the proposal does not involve any changes to the student / staff capacity.• The implementation of recommended measures in the TIA would result in reduced traffic impacts and the provision of additional off-street parking spaces.• Overall, the proposal would result in a net improvement to the surrounding streets in terms of both traffic and parking.• The Department is also satisfied that the provision of 38 bicycle parking spaces would meet the

stagger and monitor pick-up / drop-off times and measures to encourage other modes of travel.

- The TIA advises that 38 bicycle parking spaces would be provided across the school site and identifies 12 spaces adjacent to the new development. End of trip facilities are proposed in the PESB building in addition to those existing.
- Council and public submissions raised concerns that the proposal would result in increased traffic movements around the site and impact on available on-street parking on surrounding streets due to additional use of the buildings.
- TfNSW did not raise any concerns with parking or traffic impacts, subject to the implementation of the GTP, a road safety audit, Traffic Management Plan, and clear demarcation of 38 bicycle parking spaces within the site.

needs of students and teachers, would assist with encouraging the use of sustainable transport modes and is consistent with the relevant planning guidelines.

- Notwithstanding the fact that the proposal would not result in any increase in the student capacity, the Department has recommended conditions to improve the existing operation of the drop-off / pick-up zone on Mark Street (as referred to in the TIA and TfNSW comments), encourage alternate mode share and address concerns raised in the public and Council submissions. This is ensured via the submission of an Operational Transport and Access Management Plan.
- The recommended conditions also include the requirement for the implementation of the GTP and the provision of 38 bicycle parking spaces within the site.

Construction traffic impacts

- A Preliminary Construction Management Plan was submitted with the proposal including details of construction traffic.
- The proposal is expected to generate a maximum of 24 truck movements per day. Trucks are proposed to access the site via Gladesville Road and the arterial road network. The application demonstrates that even during the busiest construction periods there would be no adverse impacts to the operation of the road network.
- About 75 construction workers are expected to be on-site at any one time. The proposal includes limited provision of construction worker parking and encourages contractors to use public transport and / or carpooling.
- TfNSW recommended that a Construction Traffic Management Plan (CTMP) be
- The Department agrees with the Applicant's assessment of construction traffic and notes that public transport is available within 400m of the site. However, there is a potential for construction workers vehicles to use available on-street parking spaces due to limited provision of on-site parking.
- The Department has recommended a condition requiring the implementation of a Construction Traffic and Pedestrian Management Plan (CTPMP) to ensure the following are addressed: truck access routes; designated areas for construction workers parking within the site (at least 50%); measures to encourage alternate mode of transport for

	<p>prepared and implemented for the site.</p> <ul style="list-style-type: none"> One submission raised concerns regarding potential construction traffic impacts. 	<p>construction workers such as tool storage areas; and establishment of work zones if needed.</p>
Other construction impacts	<ul style="list-style-type: none"> The Applicant has submitted a Construction Management Plan (CMP) assessing the impacts of construction works on the surrounding residents and the school students including: construction phasing; student safety measures; waste management; protection of heritage items and trees; and dust control and stormwater management measures. The CMP identifies that blocking the school's evacuation paths would be a major concern during construction works. Mitigation measures in this regard have been proposed including appropriate placement of hoardings. Other safety measures include fencing the interfaces of the school and the construction site and maintaining the disabled access paths at all times. The CMP indicates that temporary basketball courts are proposed within the site to cater for students during the construction of the indoor sports courts. One correspondence to the Minister raised concerns regarding the impacts of the dust generated during construction works, on the amenity of the surrounding residents. 	<ul style="list-style-type: none"> The Department has reviewed the CMP and is satisfied that the Applicant has considered the likely impacts of the construction works on the users of the site and the surrounding residents. The Department has recommended a condition requiring the preparation of a final CMP prior to the commencement of the works including: soil and water management measures; dust management and waste management measures; hours of construction; protection of trees and infrastructure; additional community consultation as needed; and safety measures with appropriate signage within the site for students and staff.
Contamination	<ul style="list-style-type: none"> The EIS included a soil contamination assessment for the site which concludes that the site is suitable for the proposed development and that no remediation works are needed within the PESP development area. The assessment found elevated levels of contaminants (hydrocarbons) in only one part of the site (near the existing swimming pool) that is not related to the proposed development. It recommended removal of the contaminated material at this location, if excavated. The assessment has recommended the 	<ul style="list-style-type: none"> The Department is satisfied the soil in the proposed development area for the PESP is unlikely to be contaminated or impacted by Acid Sulfate soils. Thus, this area is suitable for the proposed development without the need for further remediation. The contaminated area within the site is not within the scope of this development. However, the Department notes that detailed soil investigation has not been conducted for the

preparation of an unexpected finds procedure prior to commencement of works for the PESP building.

- The site is also mapped as containing Class 5 Acid Sulphate soils in the HHLEP. Acid sulfate soils are natural sediments that contain iron sulphides. When disturbed or exposed to air these soils can release acid, damaging built structures and harming or killing animals and plants.
- Class 5 has the lowest risk of occurrence of Acid Sulfate soils. No works are proposed below the level of +5m AHD. The works would also not lower the water table of any adjacent class 1 – 4 Acid sulfate soils below +1m AHD.
- EPA raised no concerns with regard to soil contamination or Acid Sulfate soils.

location of the New Healy Gym and the kiosk substation. However, these buildings would not result in substantial excavation or soil disturbance.

- Notwithstanding, to ensure compliance with the requirements of State Environmental Planning Policy No 55 (SEPP 55), the Department recommends the following to be completed with prior to the commencement of works:
 - a detailed soil investigation for the location of the New Healy Gym and the kiosk.
 - the engagement of an EPA accredited Site Auditor to validate the results of the submitted contamination assessment and additional detailed soil investigations.
 - the submission of a Site Audit Report and a Site Audit Statement confirming that the site is suitable for the proposed works without the need for remediation.
 - preparation and implementation of an unexpected finds procedure.

Developer contributions

- The Applicant has requested an exemption to pay developer contributions in accordance with the Hunters Hill Section 94A Development Contributions Plan 2014 (Development Contributions Plan). Under the Development Contributions Plan the applicable contribution is 1% of the estimated cost of the development.
- Section 7 of the Development Contributions Plan indicates that “development application by not-for-profit charity (as defined by Australian Tax Office) will be assessed on an individual basis and may be exempt from
- The Department has reviewed the Applicant’s request and notes that St Joseph’s College is a registered charity organisation.
- The Department considers that while some additional floorspace is proposed, the proposed development would result in no change to the capacity of the school.
- Consequently, the Department does not consider that the

paying contributions". Council has previously exempted St Joseph's College from the payment of contributions as a registered not-for-profit charity organisation.

- Public submissions considered that contributions should be paid by the school to enable provision of local infrastructure and considering the fact that this is not a public facility and co-sharing of uses with the community is not encouraged.
- Council have not raised any concerns with the request for an exemption.

development would generate additional demand on Council's infrastructure. As such, the application demonstrates that existing community uses would continue within the PESP building.

- On this basis, and due to no concerns / comments from Council, the Department has not recommended a condition requiring payment of developer contributions.

Aboriginal cultural heritage

- The initial proposal did not include an ACHAR. However, as requested by EESG, an ACHAR was submitted as part of the RtS in accordance with the Guidelines published by the former Office of Environment and Heritage (OEH).
- The ACHAR concludes that: the study area is not identified to have Aboriginal cultural significance; there are no registered Aboriginal sites within the study area; the archaeological significance of the study area as low and unlikely to retain evidence of past Aboriginal use; and the test excavations did not recover any artefacts of Aboriginal cultural significance or intact natural clay profiles.
- The ACHAR recommends an unexpected finds protocol for the works.
- The EESG raised no concerns with regard to the ACHAR.

- The Department has reviewed the ACHAR and the comments from the EESG.
- The Department agrees with the conclusion of the ACHAR and considers that subject to the preparation and implementation of an appropriate unexpected finds procedure on the site, the proposal would not likely impact on the Aboriginal archaeology.
- Conditions to this effect have been recommended.

Stormwater management

- A Stormwater Management Strategy and Integrated Water Management Plan have been developed to manage stormwater quantity and quality runoff.
- The RtS indicates that the PESP site is already impervious and that the proposed development results in a net addition of pervious areas. A rainwater tank is proposed to capture and re-use runoff roof stormwater.

- The Department is satisfied the proposal (as refined by the RtS) incorporates appropriate stormwater management measures and would not adversely impact on stormwater quantities or quality flowing on to the downstream properties.
- Conditions are recommended to ensure that the stormwater management system for the site is

	<ul style="list-style-type: none"> One public submission raised concern that the proposal may result in adverse stormwater impacts on downstream properties. 	appropriately implemented.
Operational waste management	<ul style="list-style-type: none"> The application included an Operational Waste Management Plan, which details ongoing waste management measures as well as that for very large events. Council raised concerns regarding inappropriate management of waste leading to spillage and littering, during the use of the PESP for events and concerts. 	<ul style="list-style-type: none"> The Department is satisfied the proposal incorporates appropriate waste management arrangements and does not consider the proposal is likely to result in significant waste spillage, contamination or access issues.
Social and economic Impact	<ul style="list-style-type: none"> The proposal would result in alterations and additions to improve the facilities of an existing school on urban zoned land within an established suburb to provide for the future needs of the school community. The development would generate between 75 to 100 construction jobs. Public submissions raised concerns that the proposed development does not comply with the SEARs requirements as it does not demonstrate that the proposed facilities would be shared with the community. 	<ul style="list-style-type: none"> The Department notes that the proposed development involves upgrades to an existing sporting facility with the site which would contribute positive towards the wellbeing of the users at the school. The indicative usage profile identifies that the existing community uses within the site would be maintained and relocated to the PESP building. No additional community use is proposed as part of this development. The Department is satisfied that the development would have a positive social and economic impacts by improving the educational facilities, co-sharing with the local community and generating construction jobs.



7. Evaluation

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal would not have a significant detrimental impact on the surrounding residents or the built environment and can be appropriately managed through recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to recommended conditions of consent.

The proposed development is consistent with the objects of the EP&A Act and with the State's strategic planning objectives, in particular, the Greater Sydney Regional Plan - A Metropolis of Three Cities as it would improve education results through the provision of new and improve facilities to meet the growing needs of an existing school in Sydney.

The proposal would also be consistent with the vision outlined in the GSC's North District Plan as it would upgrade an existing educational facility, contributing to a social infrastructure that would meet the educational needs of the school community with potential opportunities to co-share facilities with the local community in the future.

The proposal is suitable for the site and the identified key issues in relation to built form and urban design, historic heritage, landscaping and trees, and operational noise are assessed as satisfactory. The development respects the character and heritage significance of the surrounding locality and proposes a built form that would not interfere with the heritage items within and around the site. The proposed retention of the trees complemented by landscaping and replacement planting would ensure that the proposed buildings are visually screened from the street frontages.

The residual impacts on the surrounding residents due to out of hours operation of the PESF building can be suitably mitigated via the implementation of recommended conditions regarding additional design measures and operational management during events on the site.

On balance and considering the above, the proposal is considered to be in the public interest as it would:

- deliver contemporary sports and educational facilities to improve educational outcomes.
- deliver a social infrastructure that can be utilised by other groups within the community.
- generate up to 100 construction jobs and direct investment in the region of approximately \$38 million.



8. Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of the St Joseph's College Sports facilities (SSD-8970).
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

Recommended by:

Aditi Coomar

Principal Planner

Social and Infrastructure Assessments

Recommended by:

Andrew Beattie

Team Leader

Social and Infrastructure Assessments



9. Determination

The recommendation is **Adopted** / **Not adopted** by:

David Gainsford

Executive Director

Infrastructure Assessments

19/9/19.



Appendices

Appendix A - List of Documents

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

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/10751>
2. Submissions during public exhibition period
<https://www.planningportal.nsw.gov.au/major-projects/project/10751>
3. Applicant's Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10751>
4. Applicant's supplementary Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10751>
5. Public Authority feedback to Response to Submissions
[Provided under separate cover \(electronic copy\)](#)

Appendix B - Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

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

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64).
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP).
- Hunters Hill Local Environmental Plan 2012 (HHLEP).

COMPLIANCE WITH CONTROLS

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

Table B1 | SRD SEPP compliance table

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

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

The Education SEPP commenced on 1 September 2017 and aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is 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. The proposed school does not contravene any development standards as discussed in the following consideration of the Hunters Hill Local Environmental Plan 2012 (HHLEP).

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the TfNSW (RMS). As the application would not result in additional students, it is not traffic generating development. Notwithstanding, the application was referred to TfNSW (RMS), who raised no concerns with regard to traffic generation or performance of nearby intersections.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	<p>The configuration and siting of the proposed buildings has been selected having regard to the constraints of the site, particularly the location of other heritage items, existing school facilities and the topography of the site.</p> <p>The design of the buildings (as refined by the RtS) enable retention of street trees and provide setback landscaping contributing to the landscaped setting of the locality.</p> <p>The design responds appropriately to its context and would result in a positive impact on the streetscape via the proposed materials / finishes and additional streetscape planting.</p>
Sustainable, efficient and durable	<p>The proposal incorporates a range of ESD measures including natural ventilation of the sports hall with louvres and roof vents, thermal insulation, natural light provision with windows and skylights, sunshade blades to reduce heat gain, durable low maintenance and sustainable materials, photovoltaic panels, efficient lighting and smart control systems, energy efficient hot water systems and mixed mode ventilation, rainwater harvesting, water efficient fixtures and fittings, and water sensitive urban design measures as part of the proposed landscaping.</p> <p>The Department has recommended conditions requiring a GTP and bicycle parking facilities to further encourage sustainable travel modes.</p>
Accessible and inclusive	<p>The buildings have been designed in accordance with applicable access standards including accessible travel paths provided to the buildings and lifts to provide equitable access throughout the PESP building.</p> <p>The PESP building would be utilised by other groups within the community after school and during the weekends.</p>
Amenity	<p>The PESP building provides a flexible learning and multi-purpose function</p>

space to cater for a much wider range of activities, sports, social and learning possibilities than the existing external courts and therefore would make a positive contribution to the amenity and function of the school.

Amenity of the neighbours has been considered and the proposal would not result in any unacceptable shadowing or view loss impacts. Acoustic amenity can be achieved, subject to recommended conditions as discussed in

Section 6.4.

Health and Safety	<p>The proposal has considered the Crime Prevention through Environmental Design principles in its design including clear demarcation and separation of pedestrian and vehicle areas, maximising clear sightlines within the campus, and external lighting for improved surveillance.</p> <p>The buildings maximise access to natural light and ventilation to benefit the health and well-being of occupants. These windows also enable natural surveillance of the public domain.</p>
Whole of life, flexible, adaptable	<p>The proposed buildings are flexible and provide open plan and a variety of spaces that can be adapted to suit a wide range of uses and changing needs over the long term.</p>
Aesthetics	<p>As discussed in Section 6.1, the proposed PESP building has been designed to minimise its scale and appearance within the streetscape as far as possible whilst meeting the functional needs of the space. Facades have been articulated through modulation and a varied palette of materials and finishes which complement the surrounding development. In conjunction with proposed setback landscaping that soften views of the building and provide a landscaped setting to the site, the proposal fits comfortably within the school site and the wider locality.</p>

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a contamination assessment for the site which concludes that the site for the PESP is suitable for the proposed development, without the need for further remediation of land. The assessment found elevated levels of contaminants in a section of the site which is not within the scope of this application and no ground disturbance in that section would be needed.

The Department notes that detailed soil investigation has not been undertaken at the location for the new Healy Gym and the kiosk substation. Consequently, conditions of consent are recommended to ensure that prior to commencement of any works, the additional investigation is undertaken, a Site Auditor is engaged to review and validate all the reports and a Site Audit Statement is issued validating the results and confirming that remediation is not required to undertake the development.

Subject to implementation of the above conditions, the Department is satisfied the site is unlikely to be contaminated and is suitable for the proposed development pursuant to the provisions of SEPP 55. The Department recommended conditions relating to developing an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during works.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

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

The development includes two small business identification signs which include the school logo. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent its objectives and with the assessment criteria which are contained in Schedule 1.

The proposed signs are compatible with the existing buildings within the site and comply with the objectives of SEPP 64. **Table B3** below demonstrates the consistency of the proposed signage with the assessment criteria in Schedule 1.

Table B3 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	One out of the two proposed signs would be visible from the public domain. The proposed sizes of both the signs are negligible compared to the scale of the development on the site and would not detract from the character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs are consistent with the established signage on the site.	Yes
2. Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Both signs are unobtrusive, compared to the scale of the development and the area of the site. The signs would not detract from the heritage character of the site or the area.	Yes
3. Views and vistas		
Does the proposal obscure or compromise important views?	The proposed flush wall signs would not impact on any views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed flush wall signs would not affect the skyline or any vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal would not affect any other advertising.	Yes

4. Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Both signs are modest for the size of the site and would not detract from the character of the streetscape or setting. As such, only one of the signs would be visible from within the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The sign that would be visible from the public domain, complements the design of the school buildings and therefore would increase the visual interest of the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign is simple in design and would not result in visual clutter.	Not applicable.
Does the proposal screen unsightliness?	Not applicable.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would not protrude above the building.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required.	Yes

5. Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are negligible in size when compared to the scale of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The sign is appropriately located at the corner of the site to provide identification of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the signs is to identify the site and provide wayfinding and it is not considered necessary to show innovation in this case.	Yes

6. Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to	There are no associated devices or lighting.	Yes
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be displayed?

7. Illumination

Would illumination result in unacceptable glare?	The signs are not proposed to be illuminated.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable.	
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable.	Not applicable.
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	Not applicable.
Is the illumination subject to a curfew?	Not applicable.	Not applicable.

8. Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The flush wall signs would have no impact on existing sightlines from public areas.	Yes
Would the proposal reduce safety for any public road?	The flush wall signs would have no impact on road safety.	Yes

Draft State Environmental Planning Policy (Remediation of Land)

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

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

The Department is satisfied that the proposal is consistent with the objectives of the Draft Remediation SEPP, subject to recommended conditions of consent.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. The proposal is consistent with the relevant Planning Principles of the SHC SREP and would not result in any significant adverse impact on the Sydney Harbour Catchment, subject to implementation of recommended conditions regarding stormwater management on the site and implementation of Water Sensitive Urban Design Principles.

Hunters Hill Local Environmental Plan 2012 (HHLEP)

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

The Department has consulted with Hunters Hill Council throughout the assessment process and has considered all relevant provisions of the HHLEP as well as matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes that the development is consistent with the relevant provisions of the HHLEP. Notwithstanding, consideration of the relevant clauses of the HHLEP is provided in **Table B4**.

Table B4 | Consideration of the HHLEP

HHLEP provision	Department's Comment / Consideration
Clause 2.3 Zoning	The site is identified as being located within the SP2 Infrastructure zone. Development that is ordinarily incidental or ancillary to use of the site as an educational establishment is permissible with consent within the zone.
Clause 4.3 Building height	There are no building height standards which apply to the site.
Clause 4.4 Floor Space Ratio	There are no floor space ratio standards which apply to the site.
Clause 5.9 Preservation of trees or vegetation	Development consent is required for tree removal. The application seeks consent for removal of 16 trees. The proposed removal of the trees would not significantly impact on the biodiversity values of the site and would be appropriately replaced by canopy trees, shrubs and groundcover. Refer to discussion in Section 6.3 .
Clause 5.10 Heritage conservation	The site is a heritage item, is located within a heritage conservation area (the Peninsula) and is adjacent to other heritage items of local significance listed under the HHLEP. The application was accompanied by a Statement of Heritage Impact, as well as historic archaeology and Aboriginal cultural heritage assessment reports. Heritage issues in relation to the proposed development have been considered in detail in the Department's assessment (refer to Section 6.2). The Department concludes that subject to conditions regarding a lighter colour on the roof of the PESP building, the proposal is not likely to result in unacceptable heritage impacts on the existing items within the site and the surrounding area.
Clause 6.1 Acid Sulfate Soils	The site is within Class 5 Acid Sulfate soils land. However, as no works are proposed below 5 metres AHD and as works would not lower the water table on any adjoining class 1- 4 land. Consequently, no further consideration of acid sulfate soils is required.
Clause 6.2 Earthworks	The application seeks consent for earthworks on the site required to establish the building platforms, construct the basement and the footings of the proposed structures.

Hunters Hill Development Control Plan 2013 (HHDCP)

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

Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the SEARs and are considered below.

Table B5 | Consideration of the HHDCP

HHDCP	Department Comment/Assessment
2.2.3 Existing Character	The proposed development appropriately responds to the existing character of the school site and its context. Refer to discussion in Section 6.1 .
2.2.4 Desired Character	The proposal is consistent with the objectives of the SP2 Infrastructure zone and does not contravene any development standards. The proposal is also considered appropriate in the context of the heritage values of the site and surrounding area.
2.3 Trees and Vegetation	Tree removal and replacement planting with appropriate species have been considered and assessed as satisfactory, subject to conditions.
2.4 Heritage Conservation	The site is a heritage item, is located within a conservation area and is adjacent to other heritage items pursuant to the HHLEP. The Department's assessment concludes that the heritage issues have been appropriately addressed and that the proposal would not result in unacceptable heritage impacts.
5.2 Access and Mobility	The proposal has been designed to allow access for all persons in accordance with the requirements of the Disability Discrimination Act.
5.3 Car Parking	The proposal includes an additional 54 car parking spaces within the site as discussed in Section 6.5 .
5.4 Sediment / Erosion Control	The EIS includes a sediment and erosion control measures. In addition, conditions of consent are recommended to ensure adequate sediment and erosion management during construction.
5.5 Signage and Advertising Structures	The proposal includes two small business identification signs. The signage has been considered in accordance with the relevant considerations of SEPP 64 and assessed as satisfactory.
5.6 Stormwater Management	The EIS includes a stormwater management plan which addresses the requirements of the HHDCP. In addition, conditions of consent are recommended to ensure appropriate management of stormwater.
5.7 Waste Management	The EIS includes Waste Management Plans addressing the future water management provisions on the site. In addition, conditions of consent are recommended to ensure appropriate waste management.

Appendix C - Recommended Instrument of Consent / Approval