



Roseville College Sport and Wellbeing Centre

State Significant Development Assessment SSD-9912

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Cover image: Illustrative perspective of the proposed development (Source: Applicant's EIS)

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Glossary

Abbreviation	Definition
Applicant	The Anglican Schools Corporation
CIV	Capital Investment Value
Commission	Independent Planning Commission NSW
Council	Ku-ring-gai Council
Department	Department of Planning, Industry and Environment
DOAR	Design Options Analysis Report
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically sustainable development
RFI	Request for Information
HCA	Heritage Conservation Area
HIS	Heritage Impact Statement
KLEP 2015	Ku-ring-gai Local Environmental Plan 2015
KLEP (LC) 2012	Ku-ring-gai Local Environmental Plan (Local Centres) 2012
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning, Industry and Environment
SoHI	Statement of Heritage Impact
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Executive Summary

This report provides an assessment of a State significant development (SSD) application (SSD-9912) lodged by DFP Planning Pty Ltd on behalf of The Anglican Schools Corporation (the Applicant) for the development of a new Sport and Wellbeing Centre and expansion of the existing school campus at Roseville College in Roseville.

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

The application is referred to the Independent Planning Commission NSW for determination as Kuring-gai Council (Council) has made an objection to the proposal and more than 50 public submissions were received by way of objection.

Assessment summary and conclusions

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

The Department identified built form and urban design, impacts on residential amenity, heritage impacts, as well as traffic and parking as the key issues for assessment. The Department's assessment concludes that the:

- proposed built form is of an appropriate height and scale and would not result in an unacceptable impact on the character of the surrounding locality.
- demolition of the dwelling at 37 Bancroft Avenue is acceptable from a heritage perspective as it is not a listed heritage item and would enable the retention of existing school buildings fronting Bancroft Avenue, which are considered better quality examples of Federation and Interwar styles and are more prominent features of the heritage streetscape.
- impact of the proposal on the surrounding heritage conservation areas and the Bancroft Avenue streetscape is acceptable and would be appropriately mitigated through the recommended conditions of consent.
- siting and orientation of the proposed building would ensure the privacy of the surrounding residential properties is maintained and that adequate solar access would be provided to the adjoining residential and recreational land uses.
- noise impacts from the operation of mechanical plant and use of the rooftop sports courts would be mitigated through the inclusion of acoustic treatments and site operational measures.
- there would be a negligible impact on existing traffic conditions as the proposal does not seek to increase the approved student population.
- number of car parking spaces proposed as part of the development is appropriate.

The Department is satisfied that the impacts of the proposal and the issues raised in the submissions have been addressed in the Applicant's Environmental Impact Statement (EIS) and Response to Submissions (RtS).

The Department considers that the proposal would benefit the community as it would replace ageing school infrastructure with contemporary facilities to accommodate the needs of the school's student population and provide opportunities to share the proposed facilities with the community.

Conditions of consent are recommended to ensure the identified impacts are managed appropriately during construction and operation of the proposed development.

The proposal

The proposal involves the construction and operation of a three level Sport and Wellbeing Centre. The new facility is proposed to include the following:

- 48 basement car parking spaces.
- eight-lane indoor swimming pool, associated concourse and grandstand.
- strength and conditioning gymnasium.
- nutrition and food technology space.
- general learning areas.
- storage and amenities.
- chemical store, mechanical plant, filtration plant and on-site stormwater detention.
- rooftop outdoor sports courts.

Consent is also sought for the removal of 25 trees, demolition of the school's existing outdoor sports courts, demolition of a single-storey dwelling and ancillary structures, excavation, signage and landscaping.

There is no increase sought to the approved student capacity as part of the application.

The site

The site is located at 27-29 and 37 Bancroft Avenue, Roseville in the Ku-ring-gai local government area. The site comprises the existing Roseville College school campus and an adjoining residential property purchased by the school in 2016.

The site is located approximately nine kilometres north of the Sydney central business district and is bordered by Bancroft Avenue to the north, Victoria Street to the south, Recreation Avenue and Roseville Lawn Tennis Club to the east. Low density residential development comprising one to two-storey dwellings is located to the east and west. Medium density residential development comprising four to five-storey residential flat buildings is located to the south along Victoria Street.

Roseville College caters for students in Kindergarten to Year 12 and has a current student population of approximately 973 and a maximum capacity of 1250 students to the year 2030, under an existing development consent.

Engagement

The EIS was publicly exhibited from 15 November 2019 to 12 December 2019 (28 days). The Department received a total of 74 submissions, comprising six from public authorities (including an objection from Council), 67 individual public submissions (including 56 objections) and one submission from a special interest group (an objection).

Key issues raised in the submissions were in response to the built form and design of the proposal, impacts on residential amenity including noise, privacy and solar access, impacts on local character and heritage, increased traffic generation and car parking.

On 2 February 2021, the Applicant submitted its Response to Submissions (RtS) which provided a response to the issues raised in the submissions and matters raised by the Department. The RtS also amended the proposal, including:

- a minor reduction of the maximum building height.
- increased side boundary setback and landscape buffer to 39 Bancroft Avenue.
- re-design of Level 3 to concentrate the built form more centrally within the site.
- removal of the skillion roof awning (covered outdoor area) on Level 3.
- reduction in the number of basement car parking spaces from 56 to 48 spaces.
- retention of the mature tree within the Bancroft Avenue frontage.

The RtS also included a supplementary Statement of Heritage Impact that assessed the heritage impacts of the amended proposal and addressed the recommendations of a peer review undertaken by the Department's independent heritage consultant.

The RtS and amended proposal were made publicly available on the Department's website and were referred to Council and the relevant public authorities for comment in February 2021. The Department received three submissions from public authorities in response to the RtS and amended proposal, including a submission from Council maintaining its objection to the proposal.

The Department considers the matters raised by Council, public authorities and the community could be appropriately managed and mitigated by the recommended conditions of consent.

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1 Introduction

- 1.1.1 This report provides an assessment of a State significant development (SSD) application (SSD-9912) lodged by DFP Planning Pty Ltd on behalf of The Anglican Schools Corporation (the Applicant) for the development of a new Sport and Wellbeing Centre and expansion of the existing school campus at Roseville College in Roseville.
- 1.1.2 The new facility is proposed to incorporate an indoor swimming pool with associated concourse and grandstand, strength and conditioning gymnasium, food technology space, general learning areas (GLAs), amenities and storage, rooftop sports courts, basement car parking, signage and landscaping. Consent is also sought for tree removal, demolition and excavation works to enable the construction of the proposed facility.
- 1.1.3 No increase to the school's approved student and staff population is sought as part of the application.

1.2 Site description

- 1.2.1 The site is located at 27-29 and 37 Bancroft Avenue, Roseville in the Ku-ring-gai local government area (LGA) and is legally described as Lot 2003 in DP 1084428 and Lot 18 in DP 5035.
- 1.2.2 The site is located approximately nine kilometres (km) north of the Sydney central business district (CBD) and 1.2km north of Chatswood. The site in its regional context is shown in Figure 1.

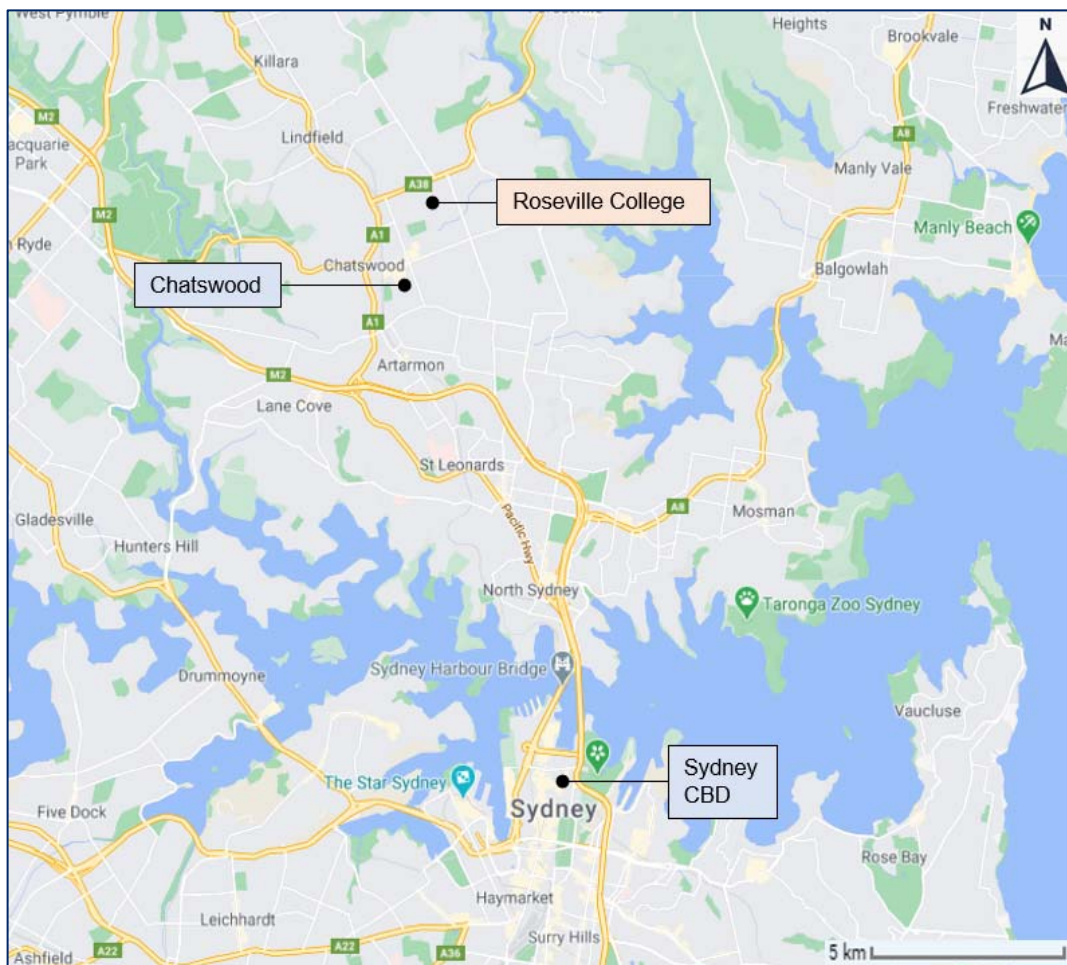


Figure 1 | Site location – regional context (Base source: Google Maps)

- 1.2.3 The site comprises an area of approximately 20,621 square metres (sqm) and includes the existing Roseville College campus (19,300sqm) and an adjacent residential property purchased by the school in 2016 (1321sqm).
- 1.2.4 The site is bound by Bancroft Avenue to the north, Recreation Avenue and Roseville Lawn Tennis Club to the east. Low density residential development comprising one to two-storey dwellings is located to the east and west. Medium density residential development comprising four to five-storey residential flat buildings is located to the south along Victoria Street. The site in its local context is shown in Figure 2.



Figure 2 | Site location – local context (Base source: Applicant's EIS)

Existing development

27-29 Bancroft Avenue, Roseville

- 1.2.5 The Roseville College school campus is located at 27-29 Bancroft Avenue. The existing campus buildings are primarily concentrated toward the central and southern parts of the site and are sited around a main central courtyard. The northern part of the site includes three former dwellings fronting Bancroft Avenue, comprising the school's main reception, administration and student services. The campus layout is shown in Figure 3.
- 1.2.6 The school has two existing multi-purpose outdoor sports courts located at the north-eastern part of the site and an outdoor swimming pool located beneath the Isobel Davies Building. On-site car parking is provided in the basement level of the Joy Yeo Centre and is accessed from Recreation Avenue, via Victoria Street. Views of the site from the north and south are provided in Figure 5 and **Figure Figure 6**.

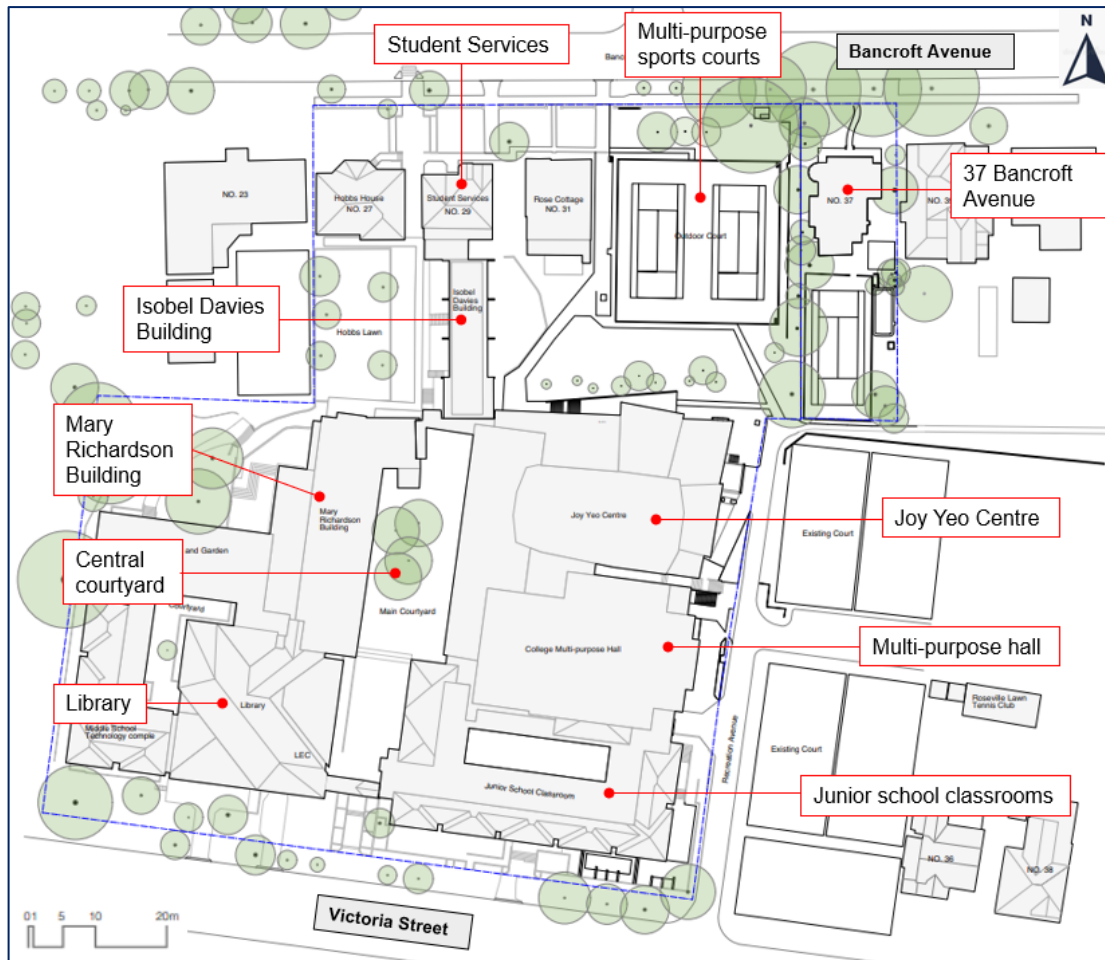


Figure 3 | Existing Roseville College campus layout (Base source: Applicant's EIS)



Figure 4 | Main entry to Roseville College from Bancroft Avenue (Source: Google Maps)



Figure 5 | View looking south from Bancroft Avenue (Source: Applicant's EIS)



Figure 6 | View looking north on Recreation Avenue (Source: Applicant's EIS)

37 Bancroft Avenue

- 1.2.7 37 Bancroft Avenue comprises the north-eastern part of the site and contains a single-storey dwelling with a detached garage, swimming pool and tennis court. The property was purchased by the school in 2016 with the intention to expand the school campus. The location of 37 Bancroft Avenue is shown in **Figure 2** and the existing dwelling on the site is shown in Figure 7.



Figure 7 | Dwelling at 37 Bancroft Avenue, Roseville (Source: Applicant's EIS)

Access and parking

- 1.2.8 Pedestrian access to the campus is provided from both Bancroft Avenue and Victoria Street. The school's main pedestrian access is from Bancroft Avenue.
- 1.2.9 The primary vehicle access point to the site is from Bancroft Avenue and Victoria Street. On-site car parking is provided in the basement levels of the Joy Yeo Centre and multi-purpose school hall which are accessed from Recreation Avenue (via Victoria Street). Recreation Avenue also provides access to the school's loading dock. Waste collection and emergency services access is provided from Bancroft Avenue.
- 1.2.10 There are 129 on-site car parking spaces allocated to staff and Year 12 students. A dedicated school drop-off and pick-up (DOPU) area is located along the northern side of Victoria Street with capacity for approximately 13 vehicles.

Heritage

- 1.2.11 The existing school campus is not located within a Heritage Conservation Area (HCA).
- 1.2.12 The north-eastern part of the site, which is proposed to form part of the new school boundary (37 Bancroft Avenue, discussed in paragraph **1.2.7**) is located in the Clanville HCA (C32), which is listed under Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015).
- 1.2.13 The site is located adjacent to the Lord Street/Bancroft Avenue HCA (C36) to the north and west of the existing school campus, which is listed under Schedule 5 of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (LC) 2012).

- 1.2.14 The single-storey dwelling at 37 Bancroft Avenue (Figure 7), which forms part of the proposed new school boundary, is identified as a contributory item to the Clanville HCA.
- 1.2.15 The site location in context to the boundaries of both the Clanville HCA and the Lord Street/Bancroft Avenue HCA is shown in Figure 8.

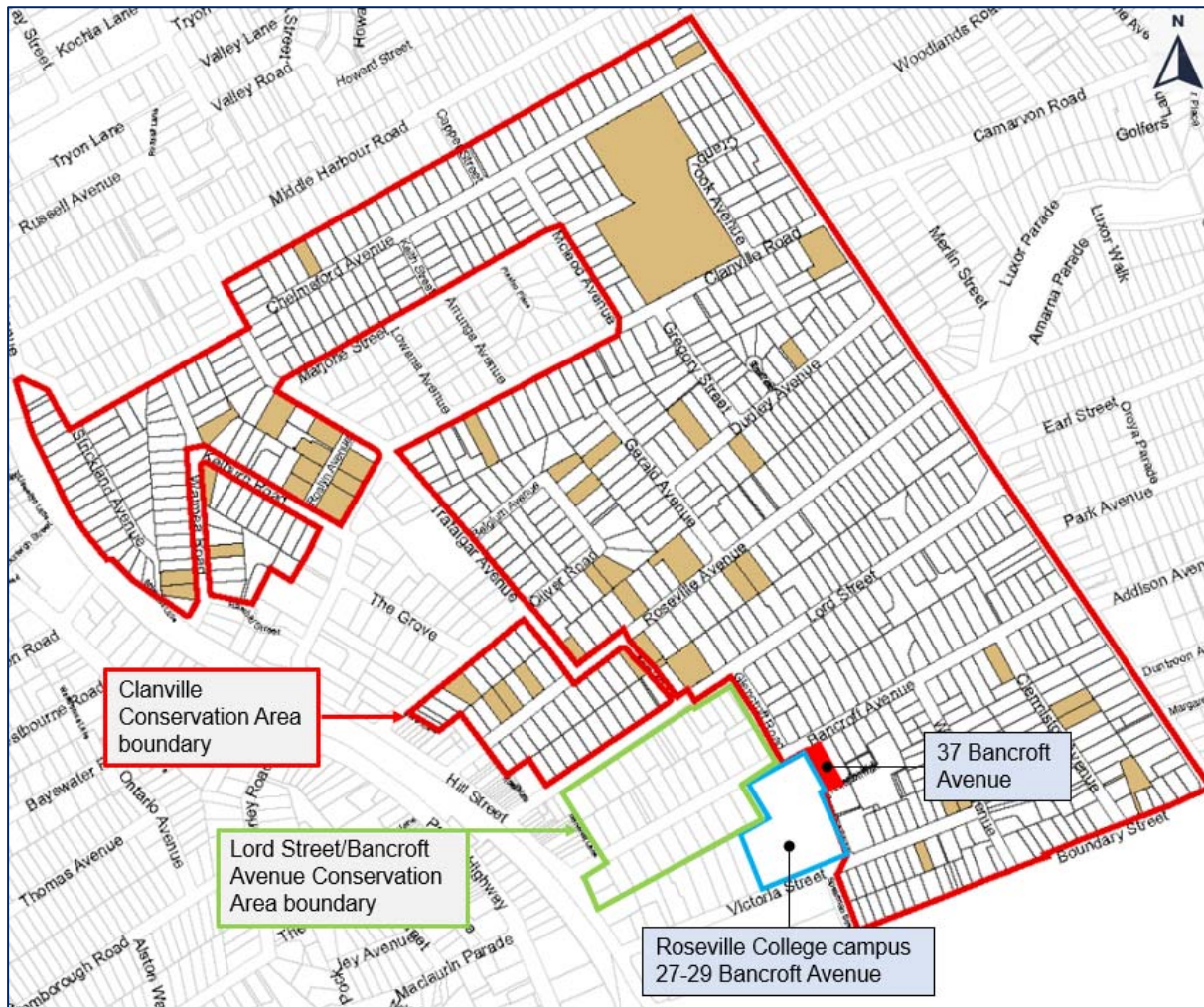


Figure 8 | Site location in context to the surrounding HCAs (Base source: Applicant's RtS)

- 1.2.16 There are no listed heritage items on the site. However, the site is in proximity to various items of local heritage significance listed under both the KLEP 2015 and the KLEP (LC) 2012, which include several heritage dwellings located along Bancroft Avenue.

Public transport

- 1.2.17 The school is highly accessible due to its location close to public transport. Roseville train station is located approximately 400 metres (m) west of the site and is serviced by the T1 North Shore line connecting the northern, southern and western suburbs of Sydney.
- 1.2.18 The nearest bus stop is located approximately 120m to the south of the site, at the corner of Boundary Street and Spearman Street, and is serviced by public bus services connecting to Chatswood and Macquarie Park.

1.3 Surrounding development

- 1.3.1 The site is in an established residential area characterised by one and two storey residential dwellings to the north, east and west. Medium density residential development comprising four to five-storey residential flat buildings is located to the south along Victoria Street and Boundary Street. The Roseville Lawn Tennis Club and Ku-ring-gai Art Centre are located east of the site and are accessed from Recreation Avenue.
- 1.3.2 Higher density residential development, including residential flat buildings of up to five storeys in height, is located to the south along Victoria Street and Boundary Street.
- 1.3.3 The Roseville local centre is located approximately 400m west of the site, close to Roseville train station. The surrounding development is shown in Figure 9.



Figure 9 | Surrounding development (Base source: Nearmap)

1.4 Site history and existing operations

- 1.4.1 The site was originally developed as detached residential dwellings and formed part of the Roseville Park Estate and the Clanville Estate from the late nineteenth and early twentieth centuries.
- 1.4.2 The site has been used for educational purposes since 1908 and originally consisted of a single school building and small playing field. The school has expanded since its initial establishment to accommodate a growing student population reflective of the increased population throughout the upper north shore and surrounding locality.
- 1.4.3 Previous development consents that relate to the site are summarised in **Table 1**.

Table 1 | Previous development consents

DA number	Development description	Consent authority	Determination date
DA0262/16	Demolition of existing multi-purpose hardcourts, construction of a building with one level basement parking, one level semi-basement parking, roof level multi-purpose hardcourts, access and driveways and associated landscaping.	Sydney North Planning Panel	25 January 2017
DA0261/16	Progressive increase in the number of students from 830 to a maximum of 1250 from the year 2016 to 2030.	Ku-ring-gai Council	6 April 2017

Existing capacity and site operations

- 1.4.4 Roseville College is an independent school for girls catering to students from Kindergarten to Year 12. At the time the application was lodged (October 2019) the school had a population of 973 students and employed 135 full-time permanent staff and 160 casual staff.
- 1.4.5 The school has an approved maximum capacity of 1250 students to the year 2030. The maximum student capacity is subject to conditions applied by Ku-ring-gai Council (Council) under DA0262/16 in response to on-site car parking provisions and the capacity of the Victoria Street DOPU area (discussed further in **Section 6.5**).
- 1.4.6 Core operating hours are between 8:30am and 3:15pm Monday to Friday during school term. Before and after-school activities are carried between 7am and 8:30am and 3:15pm and 6pm Monday to Friday during school term.
- 1.4.7 Out-of-hours events include an after-school learn-to-swim program that operates from the school's existing outdoor swimming pool during the spring and summer school terms and Christmas school holidays.

2 Project

2.1.1 The key components and features of the proposal (as amended in the Response to Submissions (RtS)) are provided in **Table 2** and are shown in Figure 10 to Figure 21.

Table 2 | Main components of the proposal

Aspect	Description
Project summary	<ul style="list-style-type: none"> Construction and operation of a new Sport and Wellbeing Centre and expansion of the existing school campus.
Site area	<ul style="list-style-type: none"> 20,621sqm.
Site establishment works	<ul style="list-style-type: none"> Demolition of outdoor sports courts. Demolition of the dwelling, ancillary structures and hardstand areas at 37 Bancroft Avenue. Removal of 25 trees. Excavation works.
Built form and uses	<p>Construction of a three level building incorporating the following:</p> <ul style="list-style-type: none"> Level 1: <ul style="list-style-type: none"> basement carpark. eight-lane indoor swimming pool, associated concourse and grandstand. change facilities and amenities. chemical store, filtration and mechanical plant rooms. Level 2: <ul style="list-style-type: none"> basement carpark. gym. GLAs. plant room and on-site stormwater detention (OSD). Level 3: <ul style="list-style-type: none"> nutrition and food technology space. GLAs. rooftop multi-purpose sports courts and enclosed verandah. sports equipment storage.
Building height	<ul style="list-style-type: none"> 9.05m (maximum).
Gross floor area	<ul style="list-style-type: none"> 2689sqm.
Floor space ratio	<ul style="list-style-type: none"> 0.72:1.

Aspect	Description
Car parking	<ul style="list-style-type: none"> 48 additional car parking spaces, including: <ul style="list-style-type: none"> 25 basement spaces at Level 1. 23 basement spaces at Level 2.
Vehicle access	<ul style="list-style-type: none"> Level 1: via a new connection from the existing basement carpark in the Joy Yeo Centre. Level 2: via a new access driveway from Recreation Avenue.
Landscaping	<ul style="list-style-type: none"> Landscape master plan including: <ul style="list-style-type: none"> tree plantings and hedges along Bancroft Avenue. rooftop sports courts surrounded by trellis to accommodate plantings with soft and hard ground covers. mid-storey columnar screen trees, rooftop planter and trellis screening along the eastern elevation.
Signage	<ul style="list-style-type: none"> Business identification sign fronting Bancroft Avenue.
Hours of operation	<ul style="list-style-type: none"> 7am to 6pm Monday to Friday (school use). 7am to 2pm Saturday (community use).
CIV	<ul style="list-style-type: none"> \$29,546,952.
Jobs	<ul style="list-style-type: none"> 69 construction jobs and three operational jobs.

2.2 Site establishment

2.2.1 Site establishment works would include the following:

- demolition of the school's existing outdoor sports courts and associated fencing, retaining walls, hardstand areas and landscaping.
- demolition of structures at 37 Bancroft Avenue including a single-storey dwelling, outbuilding, tennis court, swimming pool, hardstand areas and landscaping.
- removal of 25 trees.
- excavation works to a depth of approximately 8.2m.

2.2.2 The extent of demolition is shown in Figure 10. The trees proposed to be retained and removed as part of the proposal is shown in Figure 11.

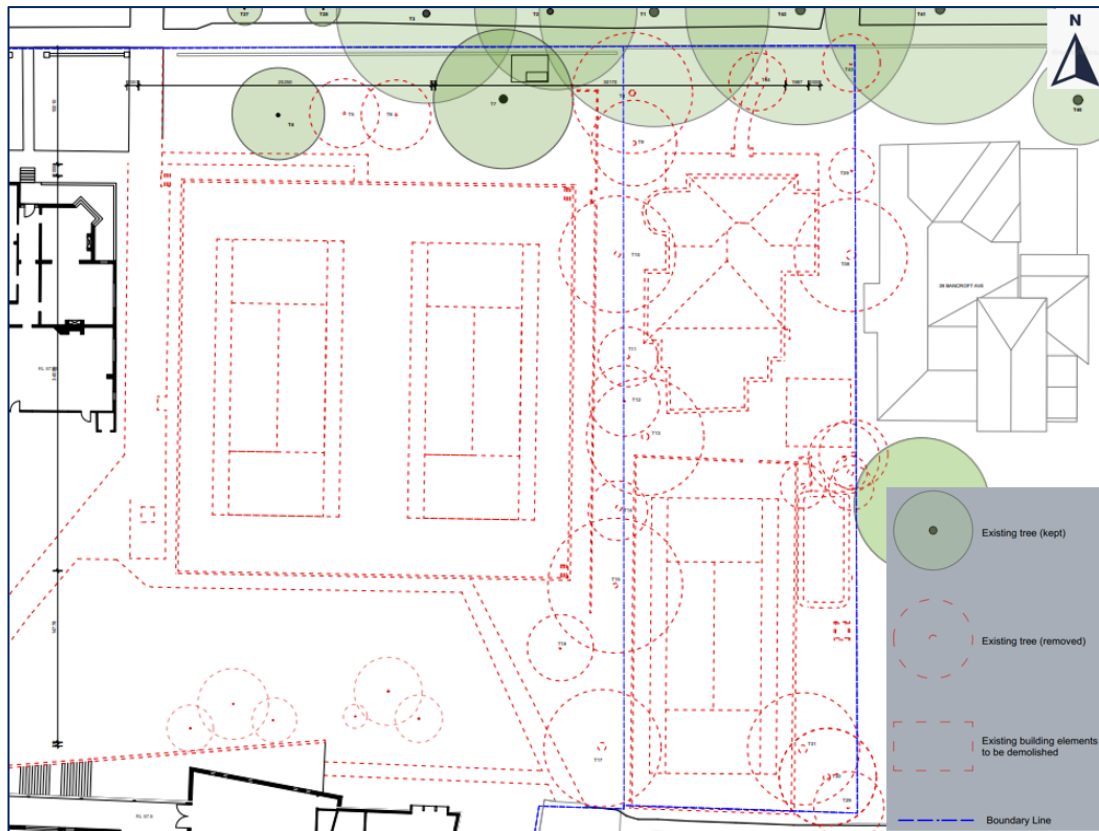


Figure 10 | Demolition plan (Source: Applicant's RtS)

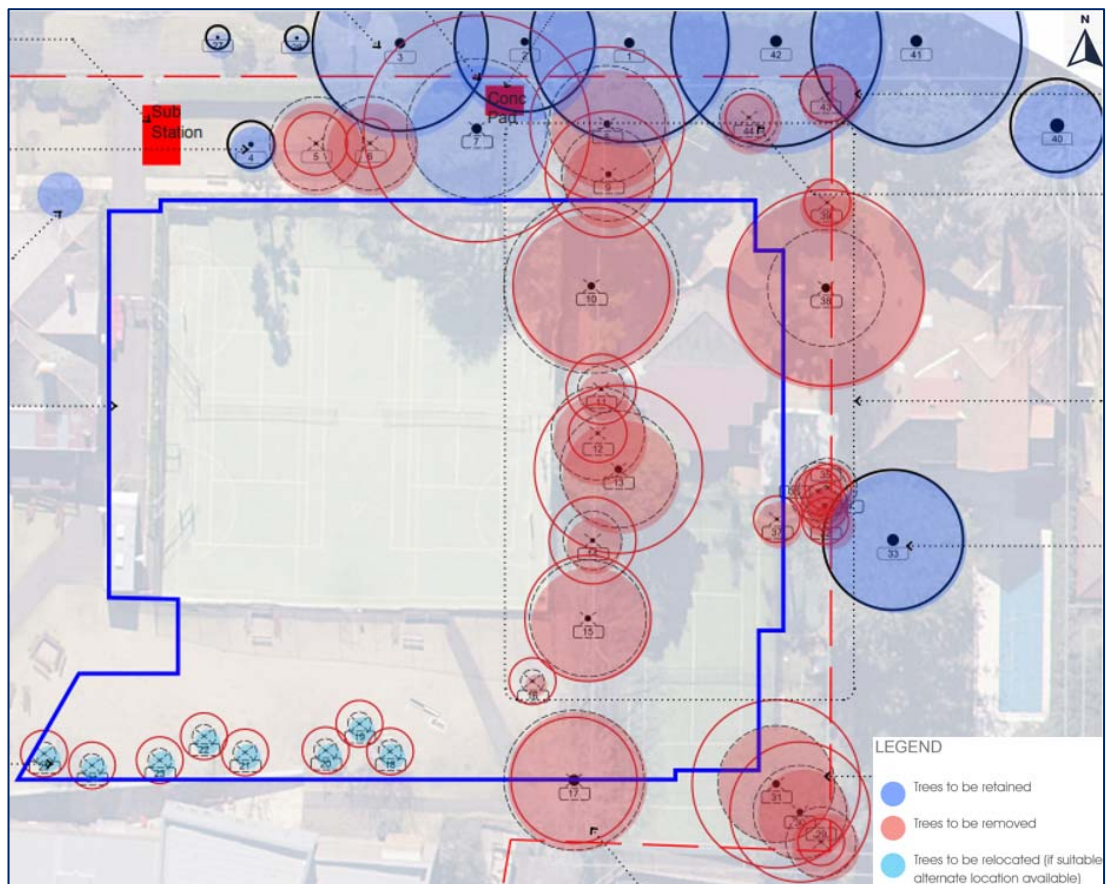


Figure 11 | Tree retention and removal plan (Source: Applicant's RtS)

2.3 Built form

- 2.3.1 The proposed Sport and Wellbeing Centre would be constructed to a maximum height of 9.05m from natural ground level (RL 91.5) and comprise a total gross floor area (GFA) of approximately 2689sqm.
- 2.3.2 The three level building would be sited parallel to Bancroft Avenue at the north-eastern part of the site and would present as a two level structure given that Level 1 and part of Level 2 would be located below ground.
- 2.3.3 The key components and uses within the proposed building would include:
- basement carpark across two levels.
 - eight-lane indoor swimming pool (25m in length), associated concourse and grandstand.
 - strength and conditioning gymnasium.
 - nutrition and food technology space.
 - GLAs across two levels.
 - storage and amenities.
 - chemical store, mechanical plant, filtration plant and OSD.
 - rooftop (outdoor) multi-purpose sports courts.
- 2.3.4 The site layout at the completion of construction is shown in Figure 12. The building elevations are shown in Figure 16 to Figure 19.

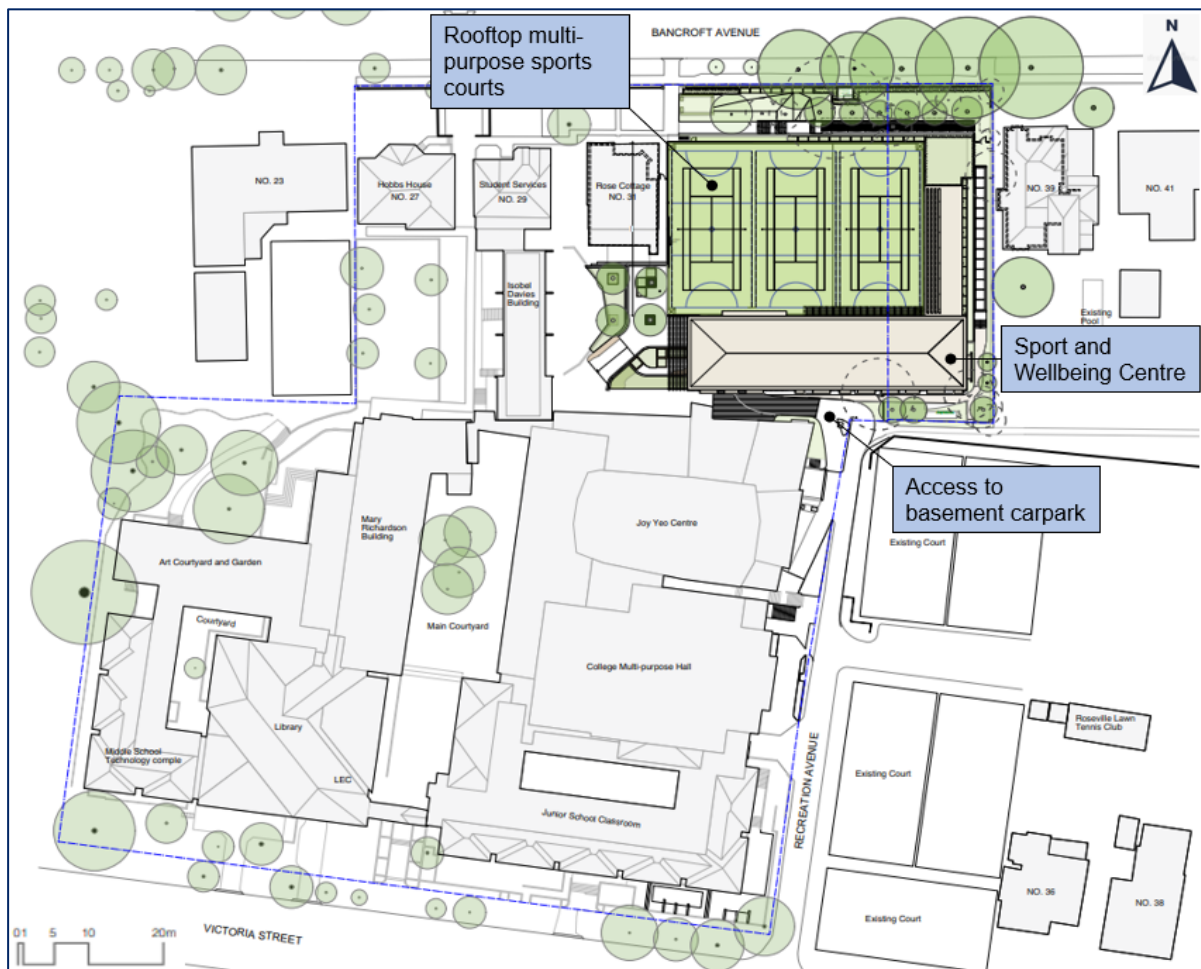


Figure 12 | Site layout (Base source: Applicant's RtS)

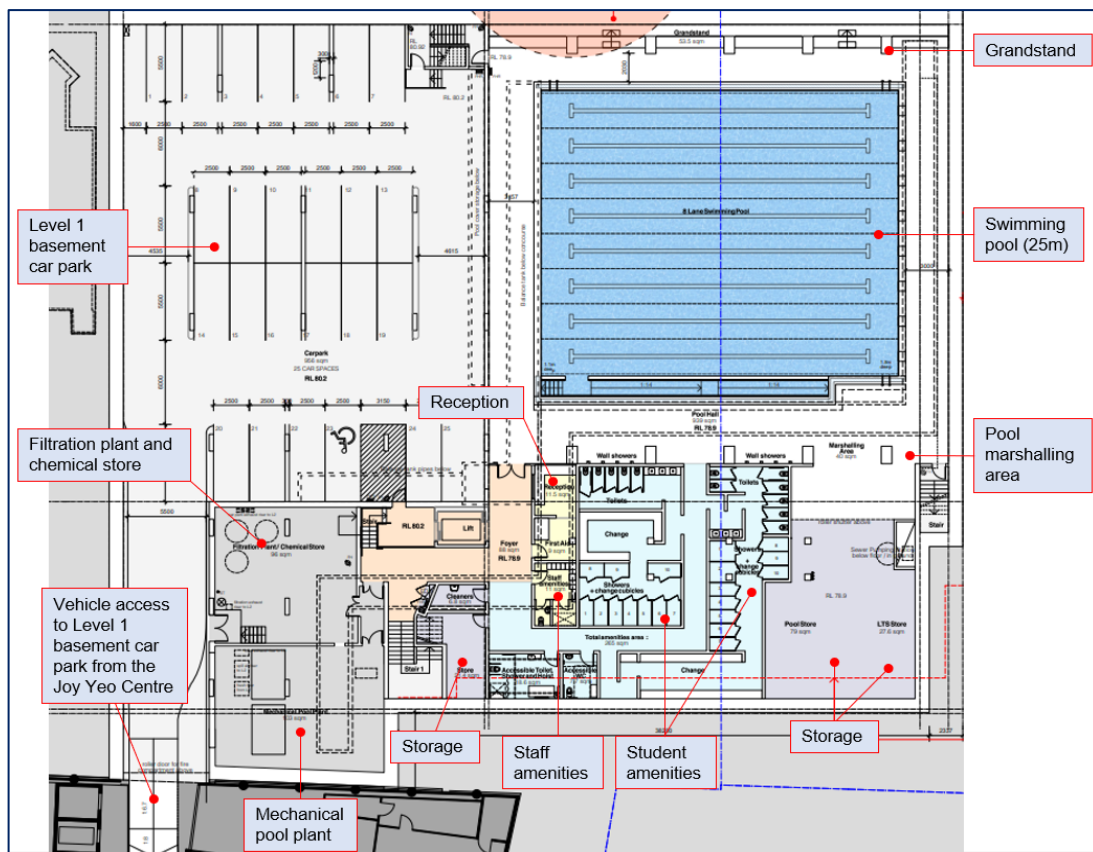


Figure 13 | Level 1 layout (Base source: Applicant's RtS)

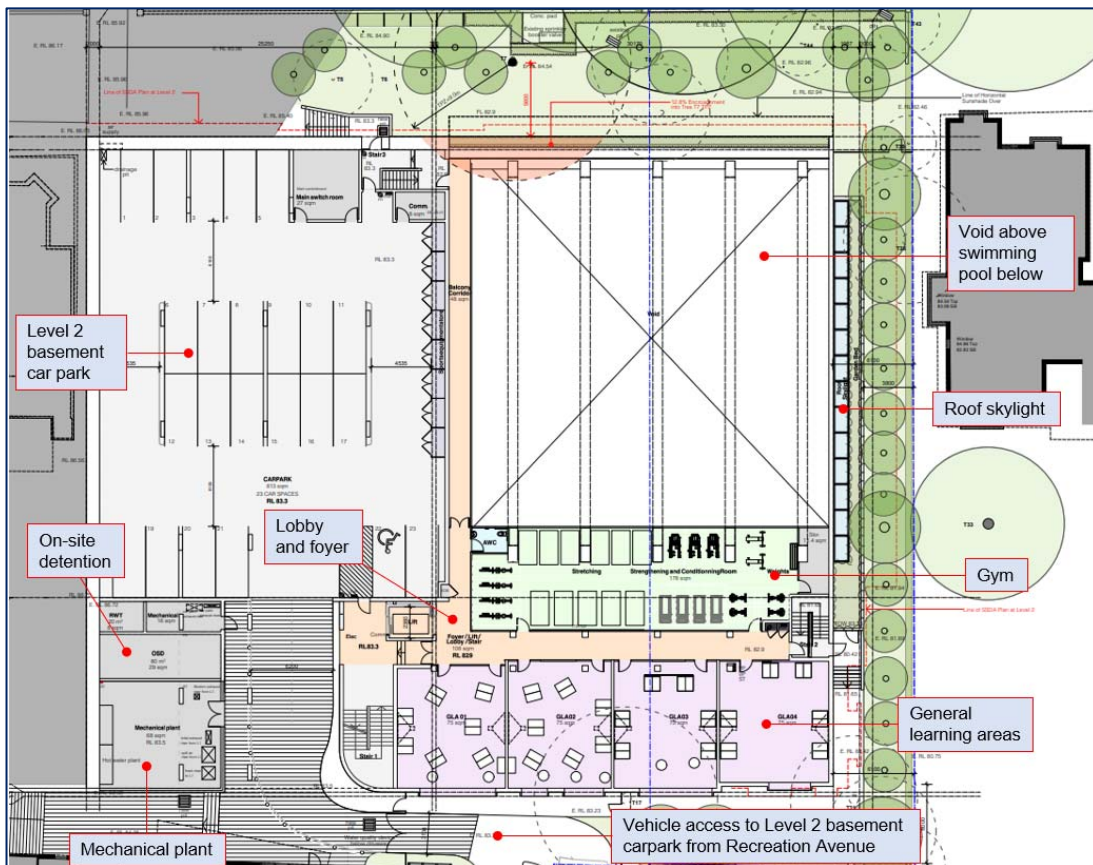


Figure 14 | Level 2 layout (Base source: Applicant's RtS)

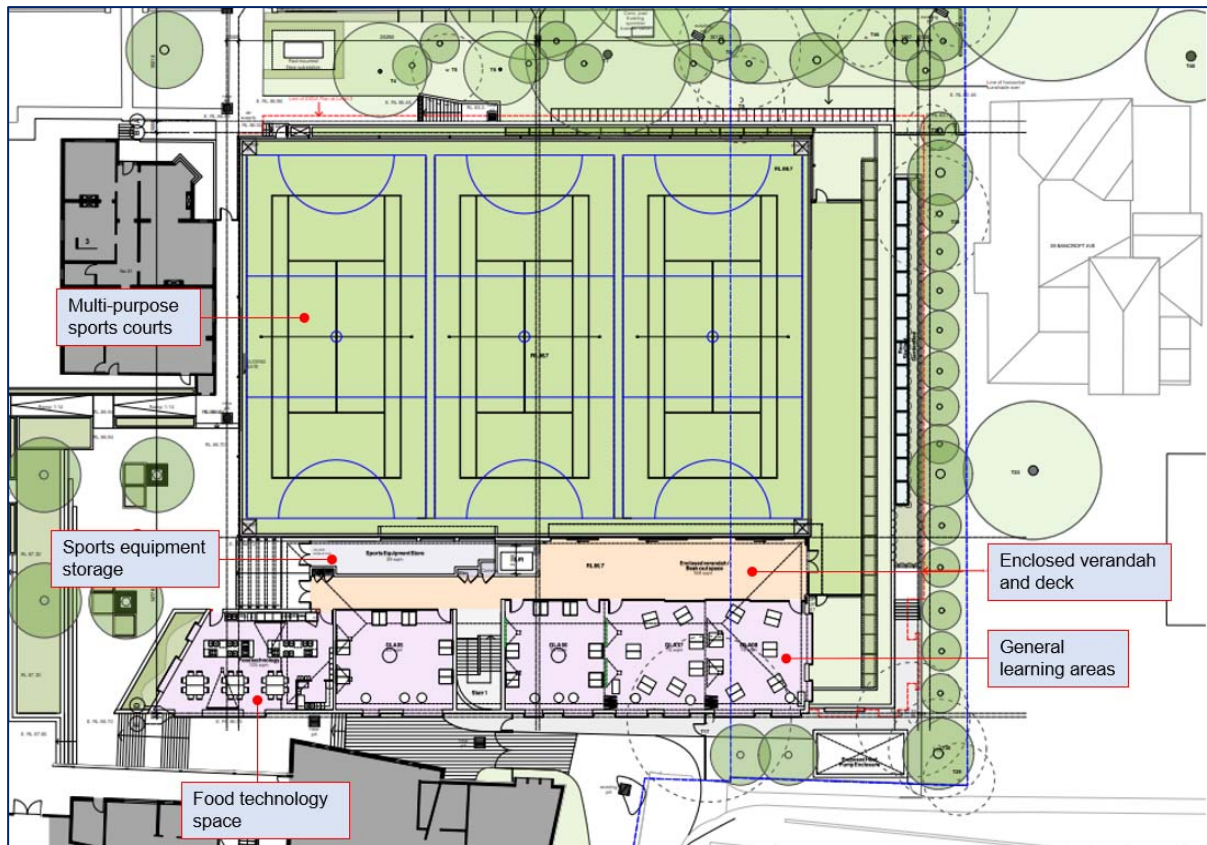


Figure 15 | Level 3 layout (Base source: Applicant's RtS)

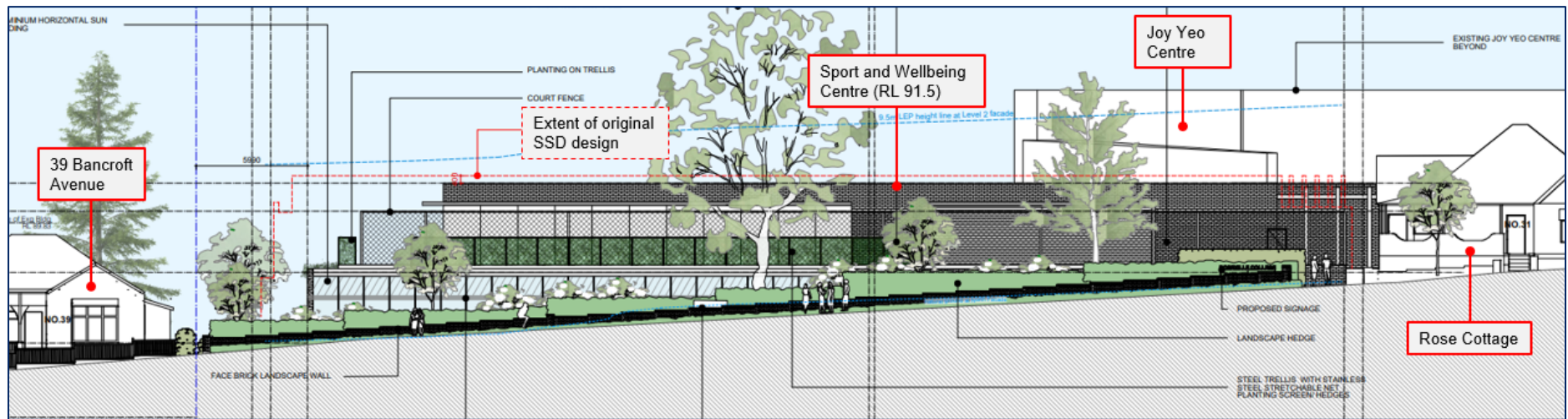


Figure 16 | Northern elevation (Base source: Applicant's RtS)

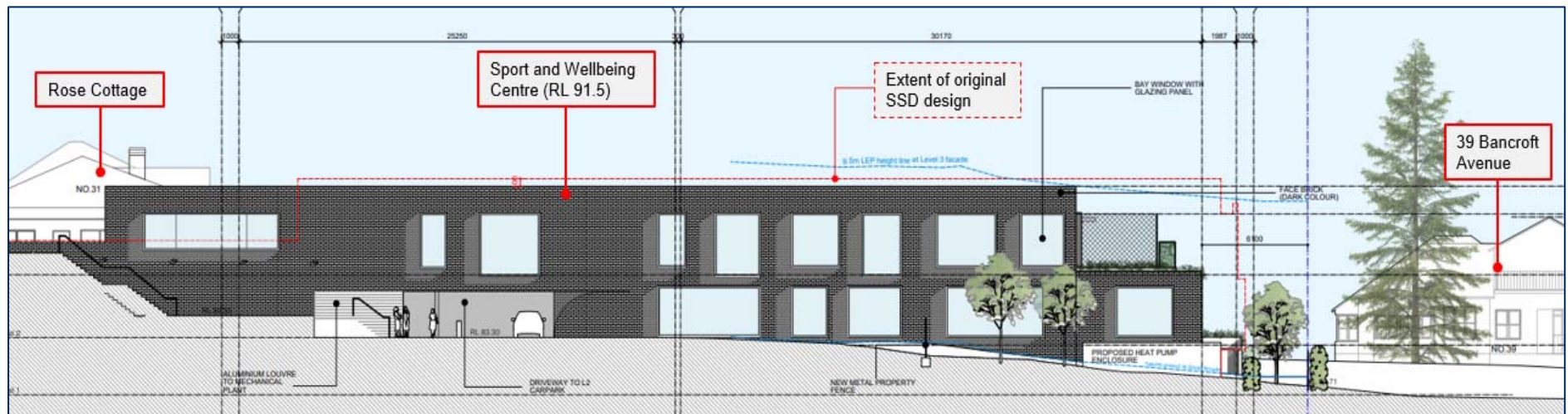


Figure 17 | Southern elevation (Base source: Applicant's RtS)

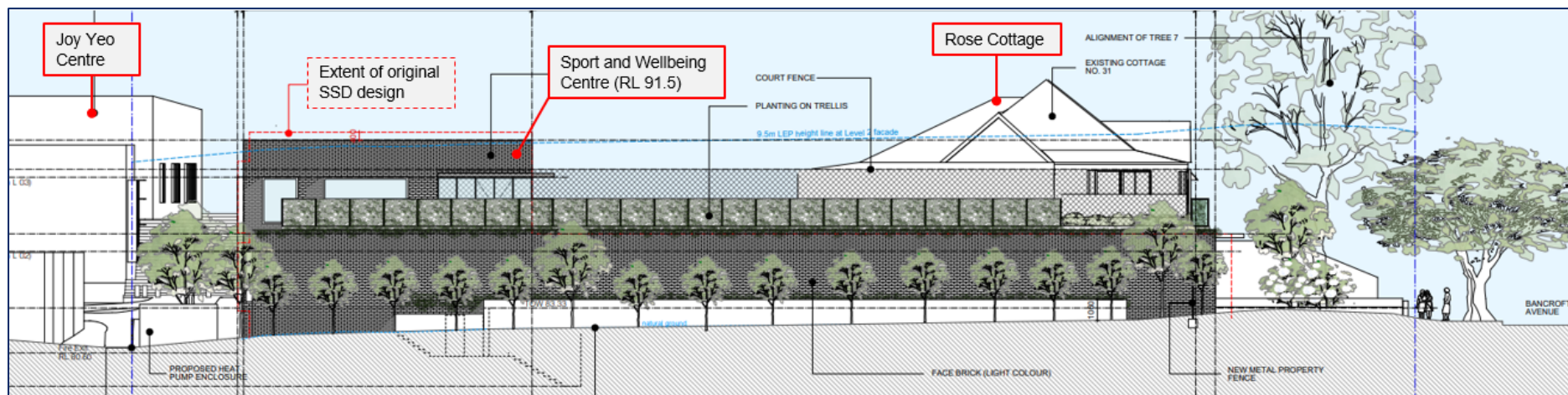


Figure 18 | Eastern elevation (Base source: Applicant's RtS)

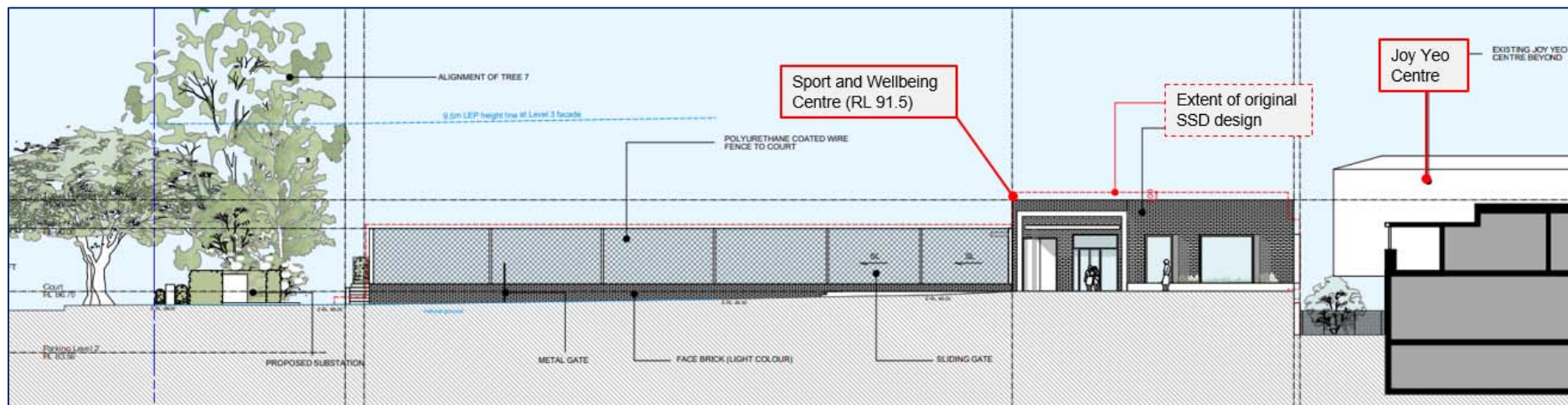


Figure 19 | Western elevation (Base source: Applicant's RtS)

2.4 Signage

- 2.4.1 The proposal includes a new business identification sign at the Bancroft Avenue frontage. The sign would be approximately 3m long and positioned at a maximum height of approximately 1.2m from ground level. The indicative sign is shown in Figure 20.

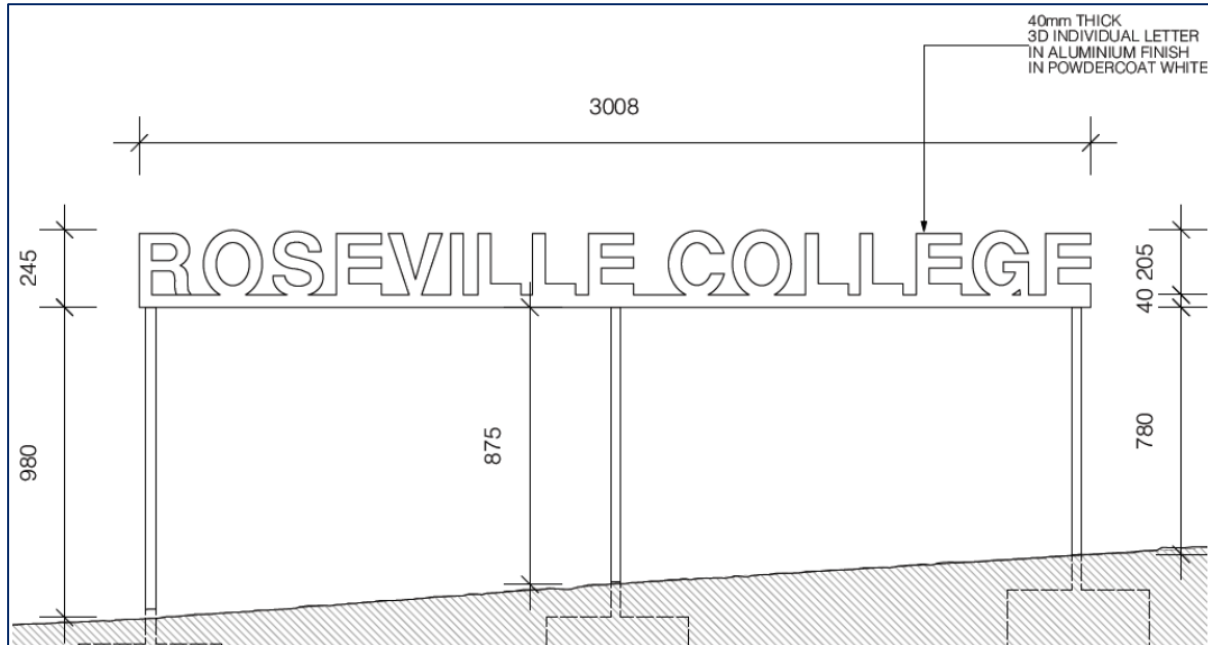


Figure 20 | Proposed signage (Base source: Applicant's EIS)

2.5 Landscaping

- 2.5.1 The proposal includes a comprehensive landscape master plan comprising both hard and soft landscaping, including planting of trees, shrubs, and groundcovers.
- 2.5.2 The two primary landscaped areas include the Bancroft Avenue street frontage and the area between the eastern facade of the proposed new building (within the new expanded school campus), and the boundary to the adjoining residential property at 39 Bancroft Avenue.
- 2.5.3 All street trees located outside the boundary of the site and along Bancroft Avenue frontage would be retained and would form key features of the site's overall landscape design.
- 2.5.4 The outdoor sports courts would be surrounded with a trellis that would accommodate plantings to provide a 'green' screen and soften any visual impact. Soft and hard ground covers are proposed to provide an overall 'green' presentation of the school campus when viewed from Bancroft Avenue.
- 2.5.5 The landscape master plan for the site is shown in Figure 21.



Figure 21 | Landscape master plan (Base source: Applicant's RTs)

3 Strategic context

- 3.1.1 The Environmental Impact Statement (EIS) states that the proposed development would support the needs of the school's growing student population and replace ageing school infrastructure and facilities.
- 3.1.2 The Department notes that the SSD application does not seek to increase the approved student population. However, it is acknowledged that the approved maximum student capacity of the school is yet to be reached, and therefore, the proposed facility would support the growing student population that has previously been approved by Council as part of a separate development application (DA).
- 3.1.3 The school's existing outdoor swimming pool, which has operated since 1973, has reached the end of its useful life and is unable to be used during the cooler months of the year. The Applicant is considering options for the future removal of the existing swimming pool, which would be subject to a separate DA following the completion of the proposal.
- 3.1.4 The Department considers that the proposal is appropriate for the site and is consistent with the:
- NSW Premier's Priorities, as it would provide new and improved teaching and education facilities.
 - Greater Sydney Region Plan, A Metropolis of Three Cities, as it proposes the development of new educational infrastructure and provides for the shared use of facilities with the community to meet the growing needs of Sydney.
 - North District Plan, as it would provide additional and contemporary school infrastructure with opportunities to co-share the new facilities with the local community.
 - NSW Future Transport Strategy 2056, as it supports the ongoing provision of an existing education facility in a highly accessible location that is close to public transport.
 - State Infrastructure Strategy 2018 – 2038, as it would provide new facilities to support the demand for increased student enrolments in the non-government school's sector.
- 3.1.5 The proposal would generate a direct investment of approximately \$29.5 million, which would support 72 jobs, including 69 construction jobs and three operational jobs.

4 Statutory context

4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purpose of alterations and additions to an existing school with a CIV of more than \$20 million under clause 15(2) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- 4.1.2 In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission NSW (Commission) is the consent authority as Ku-ring-gai Council has made an objection to the proposal and more than 50 public submissions were received by way of objection.

4.2 Permissibility

- 4.2.1 The site is located within the SP2 Infrastructure zone under the KLEP (LC) 2012 and the R2 Low Density Residential zone under the KLEP 2015.
- 4.2.2 'Educational establishments' (schools) are permissible with consent in the SP2 zone. The R2 zone is a prescribed zone under clause 33 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Clause 35(1) of the Education SEPP allows for development for the purpose of a school to be carried out with development consent on land in a prescribed zone. The Commission may therefore determine the carrying out of the development.

4.3 Other approvals

- 4.3.1 Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.
- 4.3.2 Under section 4.42 of the EP&A Act, a number of further approvals are required, and must be substantially consistent with any development consent for the application (e.g. approvals for any works under the *Roads Act 1993*).
- 4.3.3 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the application, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for consideration

Environmental planning instruments

- 4.4.1 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the 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 considered in the assessment of the proposal.

- 4.4.2 The Department has undertaken a detailed assessed of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.
- 4.4.3 The Department notes that the proposal would exceed the maximum floor space ratio (FSR) development standard under clause 4.4 of the KLEP 2015 for part of the site (37 Bancroft Avenue). However, clause 42 of the Education SEPP provides for consent to be granted to development for the purpose of a school that is SSD, even though the development would contravene a development standard imposed by any other EPI. This matter is discussed further in **Section 6.2** and in **Appendix B**.

Objects of the EP&A Act

- 4.4.4 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) 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 in **Table 3**.

Table 3 | 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,	The proposal promotes the social and economic welfare of the community by replacing ageing school infrastructure and providing purpose-built and modern learning spaces to accommodate the needs of an increasing school population.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD), as detailed in paragraph 4.4.6 .
(c) to promote the orderly and economic use and development of land,	The development promotes the orderly and economic use of the land as it would replace ageing school infrastructure and provide additional fit-for-purpose education facilities on land that is zoned for educational uses. The merits of the proposal are considered in Section 6 .
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other	The site is largely cleared of significant vegetation and has subsequently been

Objects of the EP&A Act	Consideration
species of native animals and plants, ecological communities and their habitats,	<p>developed for the purposes of an educational establishment.</p> <p>The proposed development would not impact on the natural environment or the conservation of threatened species or habitats.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal is considered to have an acceptable heritage impact and would not result in any impacts on Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	<p>The proposal promotes good design and amenity of the built environment and would not result in unacceptable impacts on the character of the surrounding locality.</p> <p>Consideration of the proposal against the design quality principles set out in the Education SEPP is provided in Appendix B.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal promotes the proper construction and maintenance of buildings, subject to the recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal which included consultation with Council and other public authorities and consideration of the responses received (Section 5 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the proposal which included notifying adjoining and surrounding landowners and placing a notice in the local newspapers.</p> <p>The EIS was made available at Ku-ring-gai Council's office, Willoughby City Council's office and at the NSW Service Centre during the exhibition period. The EIS was also made available on the Department's website.</p>

Ecologically sustainable development

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

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

4.4.6 The proposal includes the following ESD initiatives and sustainability measures to achieve a minimum 4-Star Green Star rating or equivalent, which can be achieved through the implementation of:

- natural ventilation where possible to minimise energy consumption from mechanical systems.
- capturing of rainwater to be re-used for irrigation and building services.
- energy-efficient building services, lighting and equipment using best practice approaches and products.
- a high degree of thermal efficiency and optimisation of mechanical ventilation systems.
- heat recovery ventilation to reduce the swimming pool's air heating load throughout the year.
- external shading.

4.4.7 The Department has considered the proposal 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 development.

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

Environmental Planning and Assessment Regulation 2000

4.4.9 Subject to any other references to compliance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Planning Secretary's Environmental Assessment Requirements

4.4.10 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.

Section 4.15(1) matters for consideration

4.4.11 The matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act are addressed in **Table 4**.

Table 4 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	Complies. The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, the objectives of the Ku-ring-gai Local Centres Development Control Plan (KLCDCP) and the Ku-ring-gai Development Control Plan (KDCP) are considered in Section 6 .
(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that a developer has offered to enter into	Not applicable.
(a)(iv) the regulations	The application meets the relevant requirements of the EP&A Regulation including the procedures and requirements relating to DAs, public participation procedures for SSD and the preparation of an EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The likely impacts of the development have been appropriately mitigated or conditioned as discussed in Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 3, 4 and 6 .
(d) any submissions	The Department considered submissions received during the exhibition period as discussed in Section 5 and 6 .
(e) the public interest	The proposal is in the public interest as discussed in Section 6.7 .

4.5 Biodiversity Conservation Act 2016

- 4.5.1 Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
- 4.5.2 The Applicant submitted a BDAR waiver request as part of the EIS which concluded that the proposal is not likely to have significant impact on biodiversity and would not have a serious and irreversible impact that would require biodiversity offsets.
- 4.5.3 On 28 October 2019, the Environment, Energy and Science Group (EESG) of the Department determined that the proposal would not be likely to have a significant impact on biodiversity values and that a BDAR is not required to accompany the application.
- 4.5.4 The Department supported EESG's decision and it was determined that the application is not required to be accompanied by a BDAR under section 7.9(2) of the BC Act.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act and Part 6, Division 6 of the EP&A Regulation, the Department publicly exhibited the application from 15 November 2019 until 12 December 2019 (28 days). The application was made publicly available on the Department's website, the NSW Service Centre and at the offices of Ku-ring-gai Council and Willoughby City Council.
- 5.1.2 The Department placed a public exhibition notice in the North Shore Times on 14 November 2019 and notified landholders and relevant public authorities in writing. Representatives of the Department visited the site in June 2020 to provide an informed assessment of the proposal.
- 5.1.3 The Department has considered the comments raised in the public authority and public submissions during the assessment of the application. The submissions received are summarised in the following sections of this report.

5.2 Summary of submissions

- 5.2.1 A summary of the submissions received is provided in **Table 5**. Copies of the submissions may be viewed at **Appendix A**.

Table 5 | Summary of submissions

Submitters	Number	Position
Public Authorities	6	
Ku-ring-gai Council	1	Object
Transport for NSW	1	
Environment, Energy and Science Group	1	
Environment Protection Authority	1	Comment
Department of Primary Industries	1	
Ausgrid	1	
Special Interest Groups	1	
Friends of Ku-ring-gai Environment Inc.	1	Object
Community	67	
	56	Object
	9	Support
	2	Comment

5.3 Public authority submissions

- 5.3.1 A summary of the issues raised in the submissions received from public authorities is provided in **Table 6**. Copies of the submissions may be viewed at **Appendix A**.

Table 6 | Summary of public authority submissions to the EIS exhibition

Ku-ring-gai Council

Council objected to the proposal due to the following:

- demolition of the dwelling at 37 Bancroft Avenue is not supported as it is a contributory item to the Clanville HCA.
- the bulk and scale of the development within a HCA is inconsistent with the existing character of the surrounding area and is out of scale with the prevailing streetscape.
- the development exceeds the KLEP 2015 maximum height of buildings development standard by 700 millimetres (mm) at the south-eastern corner of the site.
- the proposal exceeds the maximum FSR of 0.3:1 for the site under the KLEP 2015.
- the mature Himalayan Cedar tree (Tree 7) on Bancroft Avenue should be retained due to its significance from a streetscape, landscape and heritage perspective.
- the eastern boundary setback to the adjoining property at 39 Bancroft Avenue provides insufficient separation for deep soil landscaping for appropriate vegetation screening.
- the location of the proposed substation within the Bancroft Avenue frontage is not in keeping with the established streetscape character and reduces the amount of deep soil landscaping along the street frontage.

Transport for NSW (TfNSW)

TfNSW provided the following comments and recommendations:

- an assessment of potential impacts on existing bus operations along Victoria Street should be undertaken if additional weekend sporting activities are proposed.
- bicycle parking and end-of-trip facilities (EOTFs) for staff, students and visitors should be provided as part of the development.
- amendments to the Green Travel Plan (GTP) should be undertaken to further encourage the use of sustainable transport and discourage the use of single vehicle trips.
- a Preliminary Construction Traffic Management Plan should be prepared in consultation with Council, prior to the commencement of works.

Environment, Energy and Science Group (EESG)

EESG provided the following comments:

- a BDAR waiver was granted for the application on 28 October 2019.
- the recommendations in the Aboriginal Cultural Heritage Assessment Report (ACHAR) should be included as conditions of consent.
- the Applicant should consult with Council regarding the flood study currently being prepared to determine any flood related controls.

- a Flood Risk Management Plan and a Flood Emergency Management Plan should be prepared for the site in consultation with Council.

Environment Protection Authority (EPA)

The EPA advised that the proposal does not require an Environment Protection Licence or proposed any activities for which the EPA is the regulatory authority.

Department of Primary Industries (DPI)

The DPI provided no comment on the proposal.

Ausgrid

Ausgrid provided no comment on the proposal.

5.4 Public submissions

- 5.4.1 A summary of the issues raised in the submissions received from by public in objection to the proposal is provided in **Table 7**. Those matters raised by the public in support of the proposal is summarised in paragraph **5.4.3**. Copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of public submissions to the EIS in objection to the proposal

Issue	Proportion of objections (%)
Heritage impacts including the demolition of a contributory item to the Clanville HCA	67%
Impacts on the existing low density residential character	59%
Excessive height, bulk and scale of the new building	58%
Increased traffic on the surrounding local road network	53%
Construction impacts including noise and construction vehicle traffic	38%
Impacts on residential amenity including noise, loss of privacy and overshadowing	31%
Insufficient on-site car parking and impacts on the availability of on-street car parking	18%
Tree removal and impacts on the riparian zone	11%
Need for the development given there are already adequate facilities	9%
No student pick-up and drop-off area and safety impacts for pedestrians and cyclists	8%
Out-of-hours use and associated impacts on residential amenity	6%

5.4.2 Other issues raised in the public submissions in objection to the proposal (5 per cent or less) included:

- demolition of existing school sporting facilities.
- lack of community consultation.
- the appointment of a private certifier.
- construction of a new access to the carpark from Recreation Avenue.

5.4.3 Of the nine submissions received in support of the proposal, the following key matters were raised:

- new facilities would provide benefits to both the school and the local community.
- sporting facilities would provide physical and mental health benefits for students.
- the new facility is of an appropriate built form and design.
- there would be additional on-site car parking.

5.5 Response to submissions

5.5.1 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. The Department also identified additional issues and sought clarification from the Applicant in relation to the following:

- confirmation of the scope of the works included in the application having regard to the proposed upgrade works to Recreation Avenue and the proposed surrender of existing development consents that apply to the site.
- confirmation of the proposed out-of-hours activities.
- information regarding the options analysis considered as part of the design of the proposal.
- additional information relating to the traffic impacts of out-of-hours activities.
- details of bicycle parking and EOTFs.
- justification for the removal of Tree 7.
- confirmation regarding the future useability of soils within the site.

5.5.2 On 2 February 2021, the Applicant provided a RtS which included an amended proposal (**Appendix A**). The RtS and amended proposal addressed the issues raised during the exhibition to the EIS and proposed the following amendments:

- a minor reduction of the maximum building height from 9.57m to 9.05m .
- increased side boundary setback and landscape buffer to 39 Bancroft Avenue.
- re-design of Level 3 to concentrate the built form more centrally within the site.
- removal of the skillion roof awning (covered outdoor area) on Level 3.
- reduction in the number of basement car parking spaces from 56 spaces to 48 spaces.
- retention of the mature Himalayan cedar tree (Tree 7) within the Bancroft Avenue frontage of the existing school campus.

5.6 Submissions to RtS

5.6.1 The RtS was notified to Council and relevant public authorities who made a submission on the EIS and was made publicly available on the Department's website. Three submissions on the RtS were received from public authorities. A summary of the issues raised is provided in **Table 8** and copies may be viewed at **Appendix A**.

Table 8 | Summary of public authority submissions to the RtS

Ku-ring-gai Council

Council re-iterated its primary concerns raised in response to the EIS, which related to the demolition of the dwelling at 37 Bancroft Avenue, which is a contributory item to the Clanville HCA, and the potential impacts of the proposed development on the local character of the surrounding locality and HCAs.

Council advised that many of the other issues raised in response to the EIS were addressed in the amended proposal, including the increased setback to 39 Bancroft Avenue to allow for deep soil plantings, an overall reduction of the building height, bulk and scale and the retention of Tree 7.

TfNSW

TfNSW re-iterated its recommendation for bicycle parking and EOTFs to be provided as part of the development and for a GTP to be prepared in consultation with TfNSW, prior to the issue of an occupation certificate.

EESG

EESG provided no further comments on the RtS and noted that the Applicant had agreed the recommended conditions of consent outlined in its submission on the EIS.

5.7 Request for Information

5.7.1 On 12 April 2021, the Department issued a Request for Information (RFI) requesting the Applicant to:

- provide a consolidated description of amendments made to the proposal following exhibition of the EIS.
- confirm the total number of existing on-site car parking spaces, including the location of existing basement car parks and at-grade car parking areas across the site.
- confirm if conditions (2) and (3) of DA0261/16 in relation to on-site car parking numbers and the DOPU capacity at Victoria Street had been addressed, to Council's satisfaction.

5.7.2 On 21 April 2021, the Applicant responded to the Department's RFI which included:

- a comprehensive description of the amendments made to the proposal, including amendments to the built form and design of the proposed building, amendments to car parking arrangements, tree removal and retention and landscaping.
- confirmation that there is a total of 129 existing on-site car parking spaces, including plans showing the location of existing basement and at-grade parking spaces on the site.
- confirmation that condition (2) under DA0261/16 relating to the total number of on-site car parking spaces has been addressed to Council's satisfaction.
- confirmation that condition (3) under DA0261/16 relating to the obtainment of an occupation certificate for the carpark approved under DA0262/16 and increased capacity of the Victoria Street DOPU area is yet to be addressed.

6 Assessment

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

- built form and urban design.
- heritage.
- residential amenity.
- traffic and car parking.

6.1.2 The key issues are discussed in **Sections 6.2 to 6.5**. Other issues considered during the assessment are discussed in **Section 6.6**.

6.2 Built form and urban design

6.2.1 The north-eastern part of the site (37 Bancroft Avenue) is subject to a maximum height of buildings control of 9.5m under clause 4.3 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015), as shown in Figure 22.

6.2.2 The existing Roseville College campus (27-29 Bancroft Avenue) is not subject to a maximum height of buildings control under the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (LC) 2012).



Figure 22 | KLEP 2015 Maximum height of buildings map (Source: Applicant's EIS)

- 6.2.3 The proposed Sport and Wellbeing Centre (as amended in the RtS) would comprise a three-level structure, built to a maximum height of 9.05m above natural ground level. Indicative perspectives of the proposal, shown in context to the existing built form on the school campus, are provided in Figure 23 and Figure 24.



Figure 23 | Indicative perspective – view looking south-east (Source: Applicant's RtS)



Figure 24 | Indicative perspective – view looking north-west (Source: Applicant's RtS)

- 6.2.4 The Architectural Report submitted with the EIS stated that the site slopes away from Bancroft Avenue and that there is a natural crossfall of approximately five metres from the north-western corner to south-eastern corner of the site. The Applicant's design of the building responds to the sloping topography across the site and it is acknowledged that, while the building would comprise three levels, it would present as a one to two level building fronting Bancroft Avenue given part of the building would be located below the natural ground level.
- 6.2.5 The overall height of the building was reduced as part of the amended proposal, including a reduction to the maximum building height from 9.57m (RL 92.4) to 9.05m (RL 91.5). In addition, the upper level

of the building (Level 3) was re-designed so that the south-eastern corner of the building 'pulls away' from the eastern site boundary by introducing a step in height to reduce the perception of bulk and scale.

- 6.2.6 The reduced building height proposed in the RtS ensured that the proposal would comply with the maximum height of buildings control of 9.5m under the KLEP 2015. Amendments made to the proposed building at its south-eastern corner are compared in Figure 25 and Figure 26.

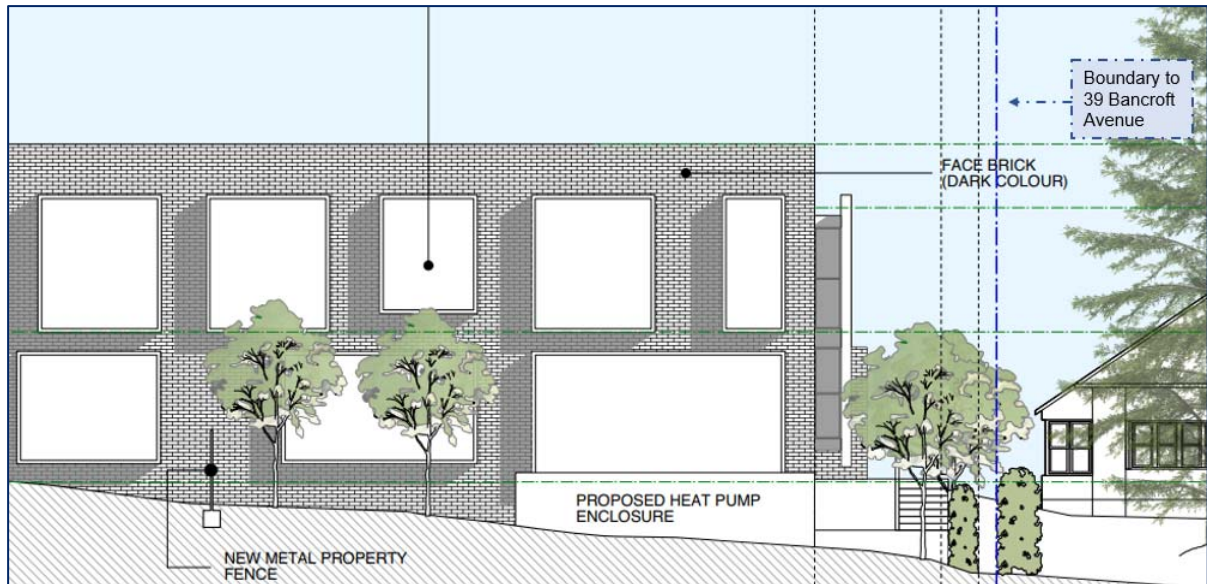


Figure 25 | Southern elevation (south-eastern corner of the building) as proposed in the EIS (Source: Applicant's EIS)

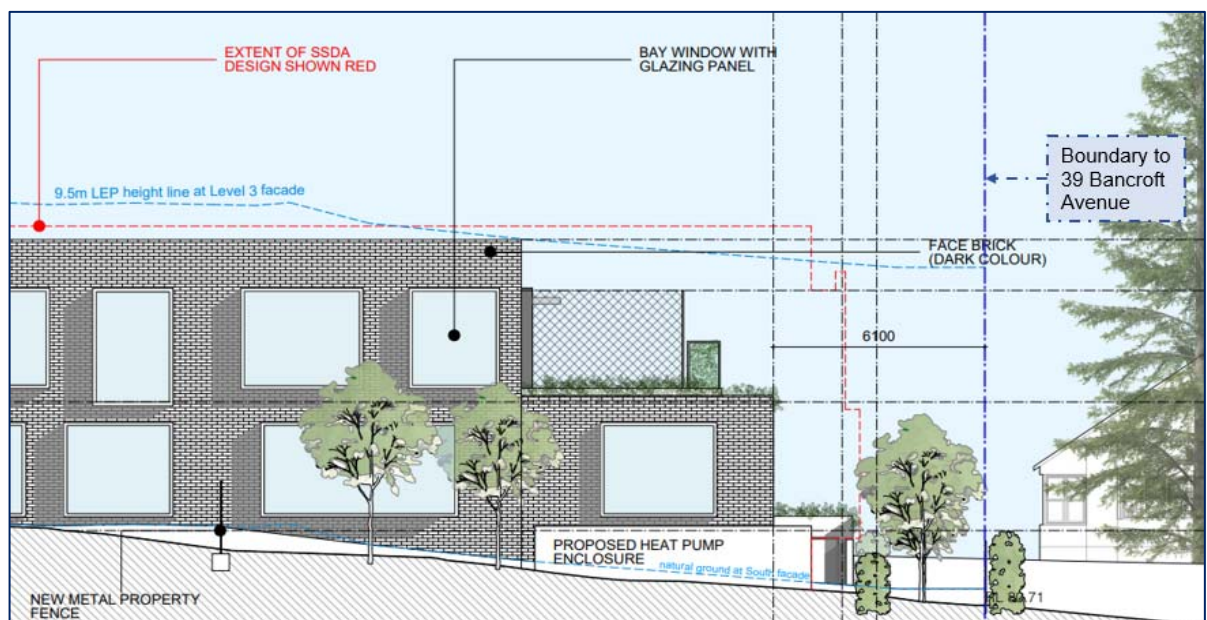


Figure 26 | Southern elevation (south-eastern corner of the building) as proposed in the RtS (Source: Applicant's RtS)

- 6.2.7 The Architectural Report indicates that the design of the proposed building ensures it would have minimal impact on the adjacent residential property at 39 Bancroft Avenue. This is achieved by incorporating a stepped facade along the eastern site boundary to minimise the apparent height and

bulk of the building. The amended proposal submitted with the RtS also increased the side boundary setback to 39 Bancroft Avenue to further reduce the perception of bulk and scale and allow for deep soil plantings. A comparative view from 39 Bancroft Avenue of the original design in the EIS, compared to the amended proposal in the RtS, is shown in Figure 27.



Figure 27 | Comparative view from 39 Bancroft Avenue (Source: Applicant's RtS)

- 6.2.8 The north-eastern part of the site (37 Bancroft Avenue) is subject to a maximum FSR control of 0.3:1 under clause 4.4 of the KLEP 2015. The amended proposal included a total GFA of 2689sqm, of which 1073sqm would be located on 37 Bancroft Avenue. Accordingly, the FSR for this part of the site would be 0.81:1 and therefore exceeds the development standard.
- 6.2.9 The remainder of the Roseville College campus (27-29 Bancroft Avenue) is not subject to a maximum FSR control under the KLEP (LC) 2012.
- 6.2.10 The objectives under clause 4.4 of the KLEP 2015 are to:
- enable development with a built form and density that is compatible with the size of the land to be developed, its environmental constraints and its contextual relationship.
 - provide for FSRs compatible with a range of uses.
- 6.2.11 The EIS stated that the design of the proposal would result in most of the building's GFA being located below the existing ground level and would result in a development that is of minimal bulk and scale and with an acceptable environmental impact.
- 6.2.12 Additionally, land comprising 37 Bancroft Avenue is owned by the school and would eventually form part of the broader school campus. The Applicant considered the resultant FSR of 0.72:1 for the combined school site (comprising approximately 2.06 hectares in total) to be acceptable considering the scale of the school's existing built form, in context to the proposed development.
- 6.2.13 In response to the objectives listed in paragraph **6.2.10**, the Applicant's EIS stated that the design is a low-scale built form that would be compatible with the adjoining residential character. The proposal was considered acceptable for the campus in terms of its size and that the design responded appropriately to the minimal environmental constraints of the site. An FSR control of 0.3:1 was not considered compatible with the objectives of the R2 zone, as it does not provide for enough GFA to enable other land uses to provide facilities or services to meet the day to day needs of residents.

- 6.2.14 On balance, the Applicant considered that achieving compliance with the FSR development standard for only the north-eastern part of the site (37 Bancroft Avenue) would not result in a better planning outcome for the site, and there are sufficient environmental planning grounds to justify contravening the FSR development standard under the KLEP 2015.
- 6.2.15 The amended proposal submitted with the RtS removed a skillion roof awning (covered outdoor area) located along the eastern side of the rooftop sports courts. The Applicant considered removal of this element would reduce the perception of bulk and scale of the proposed development. Indicative perspectives of the proposal, with and without the skillion roof awning, is shown in Figure 28 and Figure 29.



Figure 28 | Covered outdoor area proposed in the EIS (Source: Applicant's EIS)



Figure 29 | Proposed covered outdoor area removed as part of the RtS (Source: Applicant's RtS)

6.2.16 The Applicant advised in the RtS that the development design had been refined to address the issues raised in the submissions, particularly in response to impacts on the established low density residential character of the locality. The key built form amendments made to the proposal as part of the RtS included:

- an increased side boundary setback to 39 Bancroft Avenue, to enable a greater landscaped buffer zone and provision of deep soil plantings.
- a redesign of the Level 3 built form, which substantially 'pulls back' the south-eastern corner of the building away from the eastern side boundary, to reduce the perception of bulk and scale.
- a reduction to the building height at its south-eastern corner to ensure that only a small portion of Level 3 would be located on 37 Bancroft Avenue, with the majority of the building bulk being located centrally on the site and within the boundary of the existing school campus.
- removal of the skillion roof awning (covered outdoor area) at the eastern side of the rooftop sports courts, to further reduce the perception of bulk and scale.

6.2.17 In relation to the external design of the building, the Architectural Report stated that the building facade would be articulated through the varied use of materials including glazing, brickwork, timber and articulated panels for sun-shading to ensure the appearance of the building fits within the surrounding context.

Submissions

6.2.18 Council's submission on the EIS objected to the bulk and scale of the development and considered it to be inconsistent with the existing character of the surrounding area. Council's submission also noted that the development exceeded the maximum height of buildings and FSR controls under the KLEP 2015, which apply to 37 Bancroft Avenue.

6.2.19 Council's submission on the RtS stated many of the original issues raised in response to the built form had been addressed. However, the amended proposal was still considerable in terms of its scale and would not be in keeping with the local character of the surrounding area, which is generally comprised of single and two-storey dwellings with established garden settings.

6.2.20 Issues raised in the public submissions relate to the excessive height, bulk and scale of the development and its impact on the established low density residential character of the surrounding area. The public submissions also raised concerns that the proposed built form would impact on the established heritage and landscape setting along Bancroft Avenue.

Department's consideration

6.2.21 The Department acknowledges that the Applicant has attempted to address the issues raised by Council and the public in response to the built form and design of the proposal by increasing the side boundary setback, reducing the overall height of the structure and removing built form elements at Level 3 to reduce the perceived bulk and scale of the development.

6.2.22 The Department considers the maximum height of the proposed development to be acceptable for the site, on the basis that:

- it would comply with the maximum height of buildings control under clause 4.3 of the KLEP.

- it would be constructed to a maximum height that is lower than several of the existing school buildings, including the adjacent Joy Yeo Centre and multi-purpose school hall.
- it responds appropriately to the sloping site topography and would present as a one to two-level development from Bancroft Avenue, with Level 1 located below the natural ground level.
- a significant portion of the new built form would be located below ground and would be substantially setback from the Bancroft Avenue street frontage and adjacent residential development.

6.2.23 The Department acknowledges that the proposal would exceed the maximum FSR control under clause 4.4 of the KLEP 2015. However, clause 42 of the Education SEPP allows for consent to be granted to development for the purpose of a school that is SSD, even though the development would contravene a development standard imposed by any other EPI.

6.2.24 The Department considered the Applicant's justification for contravening the FSR development standard under the KLEP 2015, as set out in paragraph **6.2.13**. The Department's assessment concludes that the exceedance of the FSR development standard can be supported, on the basis that the:

- GFA of the building would be largely located below ground level, including all of Level 1 which would account for approximately 53 per cent (1422sqm) of the building's total GFA.
- development standard applies only to the north-eastern part of the site, or approximately six per cent of the total site area, noting that the majority of the site including the existing school campus, is not subject to a maximum FSR control under the KLEP (LC) 2012.
- proposal is consistent with the objectives of clause 4.4 of the KLEP 2015 and would result in a building that is compatible with the size of the land to be developed, when considering the school site in its entirety.
- proposed development is consistent with the bulk, scale and density of existing buildings across the broader school campus.

6.2.25 Accordingly, the Department considers that strict compliance with the maximum FSR control under the KLEP 2015 is unnecessary and unreasonable in this circumstance and finds there are sufficient environmental planning grounds to justify contravening the development standard.

6.2.26 For the reasons set out in paragraphs **6.2.22** and **6.2.24**, the Department considers that the proposal would not have a significant impact on the established low density residential character of the surrounding area.

6.2.27 The Department considers the external materials and finishes of the proposed building are appropriate in their context and have regard to the existing school campus and surrounding streetscape. The external design of the proposed building is, therefore, considered appropriate for the site. An assessment of the proposal against the design quality principles set out in Schedule 4 of the Education SEPP is provided at **Appendix B**.

6.2.28 In summary, the Department has considered the merits of the proposal and concludes that the built form and design would not result in an unacceptable impact on the character of the surrounding locality. The Department recognises the need to upgrade the existing school facilities, while providing adequate on-site open space provisions and recreational areas for students. On balance, the proposed height and scale of the proposal is considered appropriate, having regard to the surrounding development and site constraints.

6.3 Heritage

- 6.3.1 Impacts of the proposal on local heritage was an issue raised in the submissions received from Council and the public. In particular, concerns were raised in response to the proposed demolition of the existing dwelling at 37 Bancroft Avenue which has been identified as a contributory item to the Clanville HCA in the Ku-ring-gai South Conservation Areas Review (Architectural Projects Pty Ltd) commissioned by Council in 2010.
- 6.3.2 In undertaking its assessment, the Department considered the findings and recommendations provided in the Applicant's Heritage Impact Statement (HIS) submitted with the EIS (Urbis, November 2019), the Statement of Heritage Impact (SoHI) submitted with the RtS (GBA Heritage, January 2021) and the Design Options Analysis Report (DOAR) submitted with the RtS (DFP, January 2021).
- 6.3.3 The Department also procured an independent heritage consultant (NBRS Architecture) to peer review the Applicant's HIS submitted with the EIS. The Applicant's subsequent SoHI, submitted with the RtS, provided further consideration of the potential heritage impacts of the proposal and addressed the findings and recommendations of the peer review undertaken by the Department's independent heritage consultant.

Heritage framework

- 6.3.4 The existing school campus at 27-29 Bancroft Avenue does not contain any listed heritage items and is not located within a HCA. However, it is located adjacent to the Lord Street/Bancroft Avenue HCA which is listed under Schedule 5 of the KLEP (LC) 2012. The site location in context to the boundary of the HCA is shown in Figure 30.

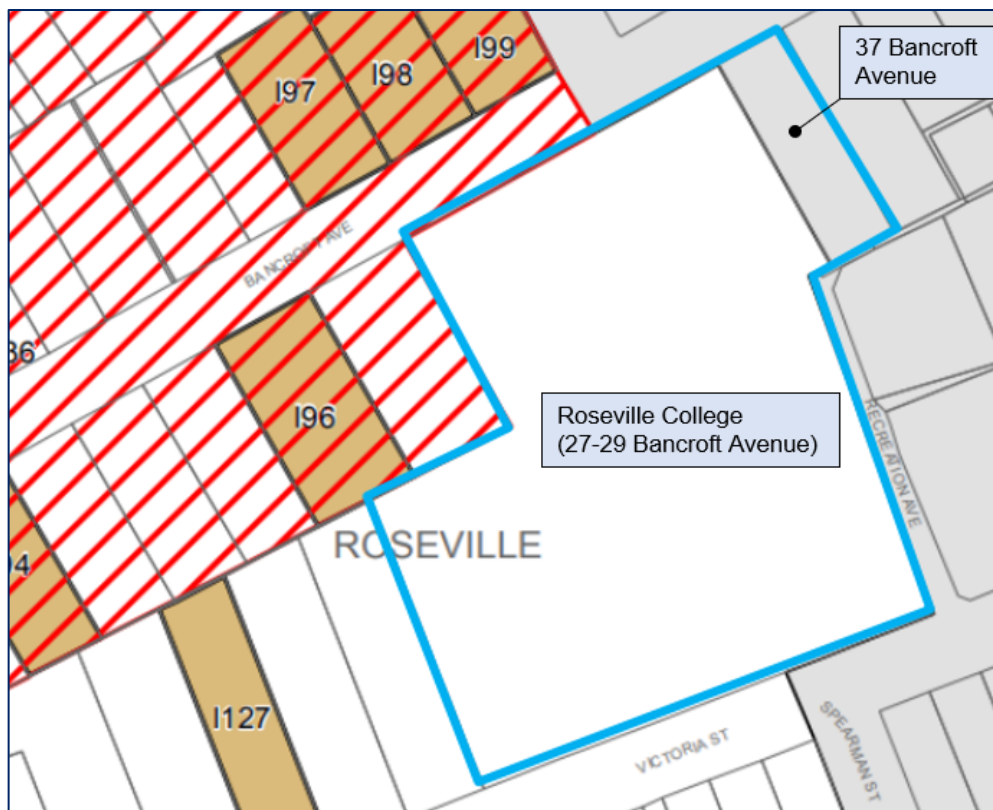


Figure 30 | Site location in context to the Lord Street/Bancroft Avenue HCA (red hatching) under the KLEP (LC) 2012 (Source: Applicant's EIS)

6.3.5 The north-eastern part of the site, which is proposed to form part of the new school boundary at 37 Bancroft Avenue, is located within the Clanville HCA, which is listed under Schedule 5 of the KLEP 2015. The extent of the site within the boundary of the Clanville HCA is shown in Figure 31.



Figure 31 | Site location in context to the Clanville HCA (red hatching) under the KLEP 2015 (Source: Applicant's EIS)

6.3.6 The nearest local heritage items, listed under the KLEP (LC) 2012 (shown in Figure 30) include:

- Dwelling house – 19 Bancroft Avenue (I96).
- Dwelling house – 24 Bancroft Avenue (I97).
- Dwelling house – 26 Bancroft Avenue (I98).
- Dwelling house – 28 Bancroft Avenue (I99).
- “Walthamstow” dwelling house – 16 Victoria Street (I127).

6.3.7 The nearest local heritage items, listed under the KLEP 2015 (shown in Figure 31) include:

- Dwelling house – 49 Victoria Street (I713).
- Dwelling house – 50 Victoria Street (I714).
- Dwelling house – 52 Victoria Street (I715).

6.3.8 The dwelling at 37 Bancroft Avenue is located on the edge and south-western extremity of the Clanville HCA (shown in Figure 8 at **Section 1.2**) and was identified as a contributory item to the HCA in the Ku-ring-gai South Conservation Areas Review.

- 6.3.9 In the judgement of *Helou v Strathfield Municipal Council* [2006] NSWLEC 66, a contributory item in a conservation area is described as a building that is not individually listed as a heritage item, but by virtue of age, scale, materials, details, design style or intactness is consistent with the conservation area and, therefore, reinforces its heritage significance.
- 6.3.10 The dwelling at 37 Bancroft Avenue is described in the SoHI as a single-storey Federation bungalow (built c.1911) constructed of masonry with sandstone footings. It features a hipped roof clad in Terracotta tiles that extends over a wrap-around verandah to the front with a small gable feature over the main entry. Despite various alterations and additions over time and its presentation as a restrained bungalow, the dwelling still retains some characteristic features of the style and overall architectural composition. The dwelling is shown in Figure 32 and Figure 33.



Figure 32 | Front facade of 37 Bancroft Avenue (Source: Applicant's RtS)



Figure 33 | Rear of 37 Bancroft Avenue showing alterations and additions (Source: Applicant's RtS)

Heritage reports and peer review

Heritage Impact Statement, Urbis (November 2019)

- 6.3.11 The HIS submitted with the EIS assessed the proposal against the relevant heritage requirements of the KLEP 2015, KLEP (LC) 2012 and the KDCP. The HIS found that the proposed development would have an acceptable heritage impact on the proximate HCAs and heritage items.
- 6.3.12 In response to the demolition of the dwelling at 37 Bancroft Avenue, the HIS considered this to be acceptable from a heritage impact on the basis that:

- the dwelling is a simple, unrefined example of a Federation dwelling that has undergone a series of unsympathetic modifications, including additions and the painting of brick work which has diminished its aesthetic contribution.
- the dwelling is located just inside the boundary of the Clanville HCA and is adjacent to the school's existing outdoor sports courts.
- expansion of the school campus would not detract from the identified heritage significance of the Clanville HCA as it would result in the ongoing historic use of the site, which has operated as a school since 1908.
- the proposed development responds sympathetically to its location and the extensive landscaping and additional plantings would provide a positive contribution to the 'green' character of the locality.

6.3.13 The HIS concluded that the proposed height, scale, form and finishes of the proposed development responds sympathetically to its location and the established character of the locality and would not detract from the heritage significance of the proximate HCAs or heritage items. Further, the proposed landscaping would provide a positive contribution to the 'green' character of the locality.

6.3.14 The HIS recommended a Photographic Archival Recording of 37 Bancroft Avenue be undertaken prior to any works on the site and for a copy of this to be provided to Council for inclusion in its local studies collection.

Heritage Impact Statement Peer Review, NBRS Architecture (August 2020)

6.3.15 The Department procured the services of an independent heritage consultant to peer review the findings of the Applicant's HIS and to identify any heritage matters for consideration to inform the Department's assessment.

6.3.16 The peer review assessed the heritage framework relevant to the application and the significance of the local heritage items and HCAs in the vicinity of the site.

6.3.17 The peer review considered that the Applicant's HIS required further analysis and discussion to demonstrate that the demolition of the dwelling at 37 Bancroft Avenue would be acceptable from a heritage perspective, including options to retain and adaptively re-use the subject dwelling and why this is not considered feasible.

6.3.18 The peer review recommended the Applicant provide a revised or supplementary HIS, should it be demonstrated that the retention and adaptive re-use of the dwelling was not considered feasible. The supplementary HIS was recommended to include the following information:

- details of modifications made to the dwelling since its initial construction.
- further analysis of the dwelling's contribution to the Clanville HCA.
- discussion on the options that were considered for a development that retains and adaptively re-uses the dwelling, including why this would not be feasible.
- evaluation of the impact of the proposed tree removal within and adjacent to the HCAs.
- discussion on the impact of the site consolidation.
- recommended measures to mitigate the impact the proposed development would have on the significance of the Clanville HCA.

6.3.19 The peer review further recommended that the following conditions be included to reduce the heritage impact of the proposal, should the application be approved (as proposed in the EIS):

- increased building setbacks and appropriate screen planting along the eastern site boundary.
- articulation of the building's eastern façade.
- retention of the domestic garden layout and existing trees at 37 Bancroft Avenue.
- a less formal structure for the layout and planting of the proposed landscape area at the street frontage adjacent to the sports courts.

Statement of Heritage Impact, GBA Heritage (January 2021)

6.3.20 The Applicant provided a supplementary SoHI as part of the RtS. The SoHI provided further detailed analysis of the potential heritage impacts of the amended proposal and addressed the findings and recommendations of the Department's independent heritage consultant and peer review of the HIS.

6.3.21 The SoHI addressed the relevant heritage framework in greater detail, including the heritage objectives under the KLEP 2015, KLEP (LC) 2012, Council's DCPs and the Heritage NSW Guidelines.

6.3.22 The SoHI considered the potential impacts of the proposal on the:

- Clanville HCA and the Lord Street/Bancroft Avenue HCA.
- local heritage items located opposite the site at 24, 26 and 28 Bancroft Avenue.
- school expanding its presence along Bancroft Avenue.

6.3.23 The SoHI provided discussion on the options analysis presented in the Applicant's DOAR (discussed in paragraphs 6.3.27 to 6.3.32 below) and found that the demolition of 37 Bancroft Avenue would result in the protection and retention of 27, 29 and 31 Bancroft Avenue (Hobbs House, the Student Services building and Rose Cottage), which were considered better quality examples of Federation and Interwar buildings, and are more prominent buildings within the streetscape compared to the dwelling at 37 Bancroft Avenue. It would also enable the bulk of the proposed new building to be located away from the Lord Street/Bancroft Avenue HCA and nearby heritage items.

6.3.24 The SoHI considered that the amended proposal would result in a reduced impact on the streetscape and historic character of the surrounding HCAs and would have no physical impact on the heritage items in the vicinity of the site. Further, the proposal would not generate any unacceptable or adverse impacts on existing views.

6.3.25 In response to the recommendations of the Department's independent heritage consultant (listed in paragraph 6.3.18), the SoHI confirmed that each of the recommendations set out in the peer review have been addressed as part of the amended proposal, including:

- the setback from the eastern boundary is increased and the building's eastern facade is further articulated.
- additional planting is provided in a deep soil zone to screen the proposed building.
- the domestic garden setting to 37 Bancroft Avenue is simple in form and would suitably shield the development from the street.
- the proposed landscaping in front of the proposed sports courts are informally re-arranged to better respond to the landscaped character of the street.

6.3.26 The SoHI also provided further recommendations that expanded on those provided in the HIS, including:

- the requirement for photographic recording before, during and after construction.

- adoption of an interpretation strategy to evidence the former Federation subdivision pattern of the area and the school's evolution and growth over the past century.
- a works methodology outlining protective measures for the adjacent Rose Cottage during construction.
- the retention of street trees and other domestic trees to the front boundary of 37 Bancroft Avenue. If the trees cannot be retained, they should be replaced with similar or suitable trees to achieve a medium to long-term landscape character presentation to Bancroft Avenue.

Design Options Analysis Report, DFP (January 2021)

6.3.27 In response to the recommendations of the Department's independent heritage consultant, the Applicant assessed six development design and massing options that included the retention and adaptive re-use of the dwelling at 37 Bancroft Avenue. The design options were presented in the DOAR, submitted with the RtS, and are shown in Figure 34 to Figure 39.



Figure 34 | Development design option 1 (Source: Applicant's RtS)



Figure 35 | Development design option 2 (Source: Applicant's RtS)

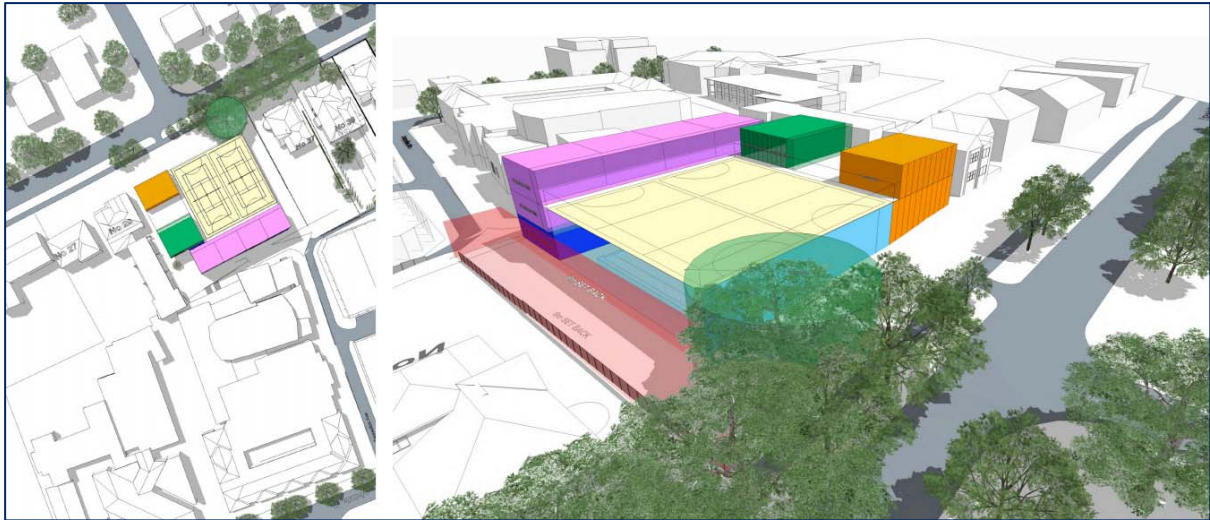


Figure 36 | Development design option 3 (Source: Applicant's RtS)



Figure 37 | Development design option 4 (Source: Applicant's RtS)

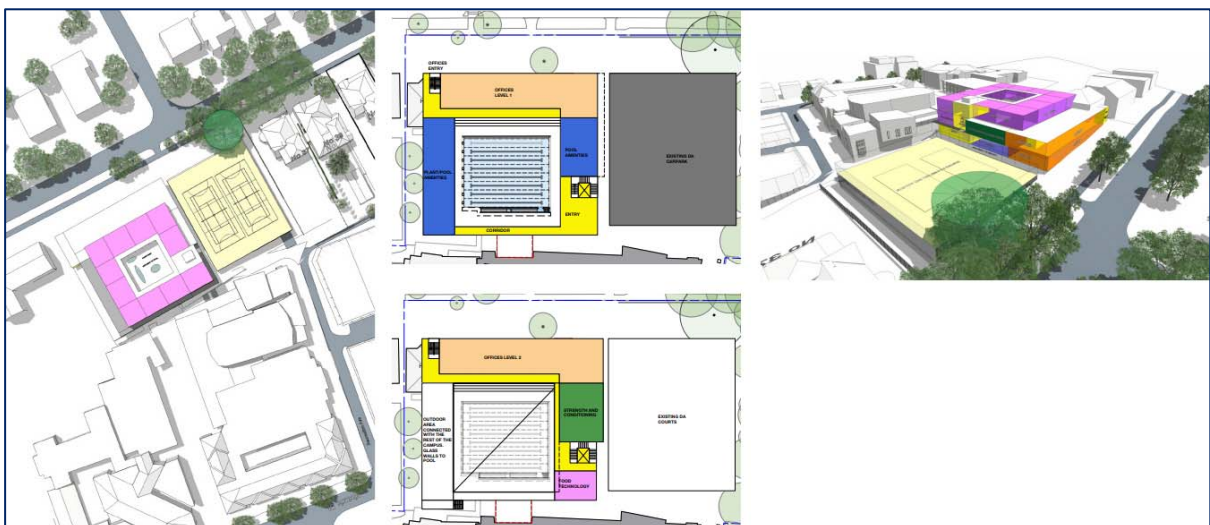


Figure 38 | Development design option 5 (Source: Applicant's RtS)

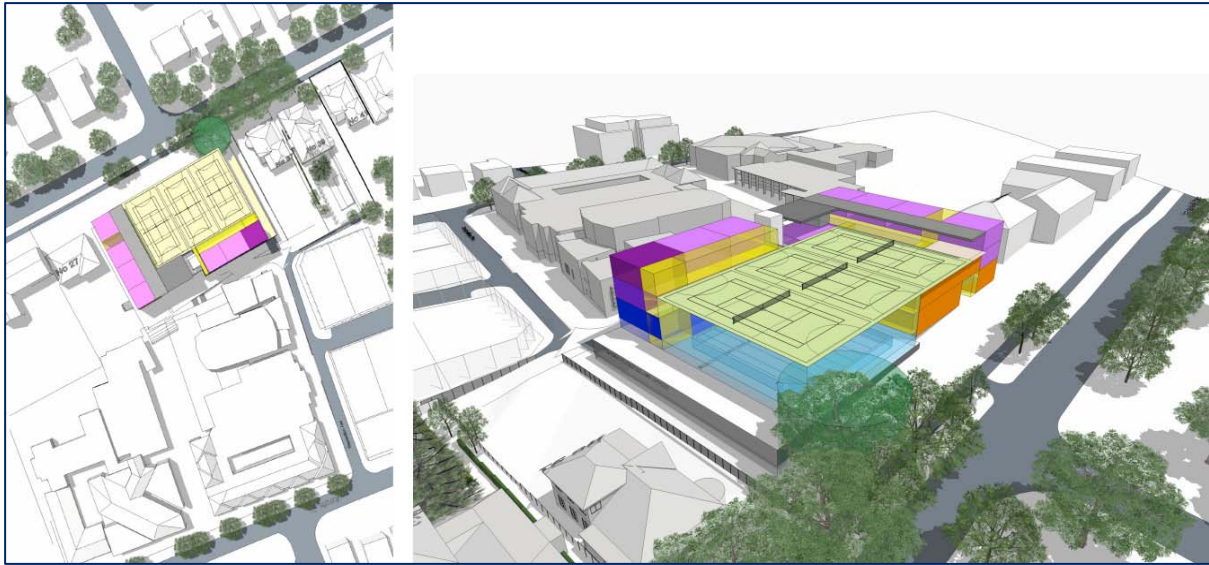


Figure 39 | Development design option 6 (Source: Applicant's RtS)

- 6.3.28 The massing options assessed both the environmental planning and school operational impacts. In each of the six design options considered, at least one of the school's existing Federation cottages fronting Bancroft Avenue would need to be demolished, in order to accommodate a development of a similar GFA. Three of the options considered would require the demolition of multiple Federation and/or Interwar buildings along Bancroft Avenue.
- 6.3.29 It was acknowledged in the SoHI that the school's existing Federation and Interwar buildings at 27, 29 and 31 Bancroft Avenue are not located in a defined HCA, however they undoubtedly contribute to the heritage character of the streetscape through their presentation and architectural expression.
- 6.3.30 The SoHI described 29 Bancroft Avenue (the Student Services building) as the oldest purpose-built structure remaining on the campus, which holds historic significance to the school and the locality through its Interwar style and contribution to the streetscape. The Student Services building is shown in Figure 40.
- 6.3.31 The SoHI described 31 Bancroft Avenue (Rose Cottage) as an excellent example of a Federation bungalow that has retained many of its original features including face brick, street facing gable, stand stone base and wrap around verandah, and was considered to contribute strongly to the heritage character of the Bancroft Avenue streetscape. Rose Cottage is shown in Figure 41.



Figure 40 | Student Services building – 29 Bancroft Avenue (Source: Applicant's RtS)



Figure 41 | Rose Cottage – 31 Bancroft Avenue (Source: Applicant's RtS)

6.3.32 The DOAR found that the amended design submitted with the RtS provided a more suitable development option for the site from both an environmental planning and school operational perspective. Each of the six options considered would require the demolition of existing school infrastructure and would impact on the visual amenity and character of the Bancroft Avenue streetscape. The DOAR concluded that the amended proposal would provide a significantly better built environment outcome for the Bancroft Avenue streetscape and the adjoining HCAs.

Submissions

6.3.33 Council advised in its submission on the EIS and the RtS that it did not support the demolition of the dwelling at 37 Bancroft Avenue, as it is a contributory item of the Clanville HCA due to its original Federation form and detailing. Council considered the dwelling to be of high aesthetic significance as a cohesive early twentieth century and Interwar development, and that its demolition would have an adverse heritage impact.

6.3.34 Council also advised in its submission on the EIS that the removal of the mature Himalayan cedar tree (Tree 7) from Bancroft Avenue is not supported as it provides a positive contribution to the established streetscape character and landscape setting of the HCA.

6.3.35 Concerns were raised in the public submissions received on the EIS that the proposal would have a detrimental impact on the surrounding HCAs and existing heritage character of the locality. In particular, concerns were raised in response to the demolition of the dwelling at 37 Bancroft Avenue due to its status as a contributory item to the Clanville HCA.

Department's consideration

6.3.36 The Department's assessment of heritage impacts considered both the demolition of the dwelling at 37 Bancroft Avenue and the potential impacts of the proposed new built form on the surrounding HCAs and local heritage items.

6.3.37 The Department notes that the dwelling at 37 Bancroft Avenue is not an individually listed heritage item under the KLEP 2015 and is located on the western extremity of the Clanville HCA border.

6.3.38 The Department is satisfied the proposal would result in the ongoing historic use of the school site, which has operated as a school since 1908 and that the impact of the new built form elements would be mitigated through the retention of the Bancroft Avenue street trees and front garden setting at 37 Bancroft Avenue to reduce the visual impact of the proposal.

6.3.39 The Applicant has undertaken design amendments to address the recommendations of the Department's independent heritage consultant that are aimed at minimising the heritage impact associated with the demolition of the dwelling at 37 Bancroft Avenue and on the surrounding HCAs. The Department is satisfied the design amendments that were made to the proposal as part of the RtS (outlined in paragraph **6.3.25**) would minimise the visual impact of the proposed built form on the Clanville HCA, the adjacent Lord Street/Bancroft Avenue HCA and surrounding listed heritage items.

6.3.40 The Department considers the school's existing Federation and Interwar buildings at 27, 29 and 31 Bancroft Avenue (Hobbs House, the Student Services building and Rose Cottage) provide a significant contribution to the heritage character of the Bancroft Avenue streetscape, despite these buildings not being located within a defined HCA. Further, the Department agrees with the findings of the SoHI which considered these buildings to be better quality examples of Federation and Interwar styles and are more prominent features of the streetscape, when considered in context to the dwelling at 37 Bancroft Avenue.

- 6.3.41 The Applicant's DOAR demonstrated that loss of either Hobbs House, the Student Services building and/or Rose Cottage would be required to enable the retention and adaptive re-use of the dwelling at 37 Bancroft Avenue. By comparison, the Department considers the loss of one or more of these buildings would result in a greater impact to the established heritage character of the surrounding area.
- 6.3.42 For the reasons set out in paragraphs **6.3.37** to **6.3.41**, the Department is satisfied that the demolition of the dwelling at 37 Bancroft Avenue can be supported and that the impact of the proposal on the proximate HCAs and locally listed heritage items would be acceptable.
- 6.3.43 The Department has recommended conditions of consent to mitigate the loss of the contributory item to the Clanville HCA, which are consistent with the recommendations of the Applicant's HIS and SoHI and the Department's independent heritage consultant. The recommended conditions require the Applicant to:
- undertake photographic archival recording of the external and internal areas of the dwelling at 37 Bancroft Avenue, prior to the commencement of construction and in accordance with the Photographic Recording of Heritage Items using Film or Digital Capture (NSW Heritage Office, 2006). A digital copy of the archival recording must be provided to Council.
 - engage a suitably qualified and experienced heritage expert to prepare a Heritage Interpretation Plan, in consultation with Council. The Plan must include provision for naming elements within the development that acknowledges the site's heritage, and interpretive information that evidences the school's evolution and growth over the past century.
- 6.3.44 The Department is satisfied that the concerns raised by Council and the community relating to the removal of Tree 7 and the subsequent impacts on the heritage streetscape and landscape setting have been adequately addressed by the Applicant as part of the amended proposal, which included retention of the subject tree. Tree removal is further discussed in **Section 6.6**.
- 6.3.45 In summary, the Department is satisfied the heritage impact of the proposal is acceptable and would be appropriately mitigated through the recommended conditions of consent.

6.4 Residential amenity

- 6.4.1 Impacts on the amenity of the surrounding residential areas in relation to noise, visual impact, privacy and overshadowing were key issues raised by Council and in the public submissions. The Department's consideration of each issue is discussed below.

Noise

- 6.4.2 The EIS was supported by an Acoustic Assessment Report (AAR) (amended as part of the RtS) that considered potential construction and operational noise impacts of the proposal and provided recommendations to minimise and mitigate any noise impacts. The location of the nearest residential receivers to the site are shown in Figure 42.

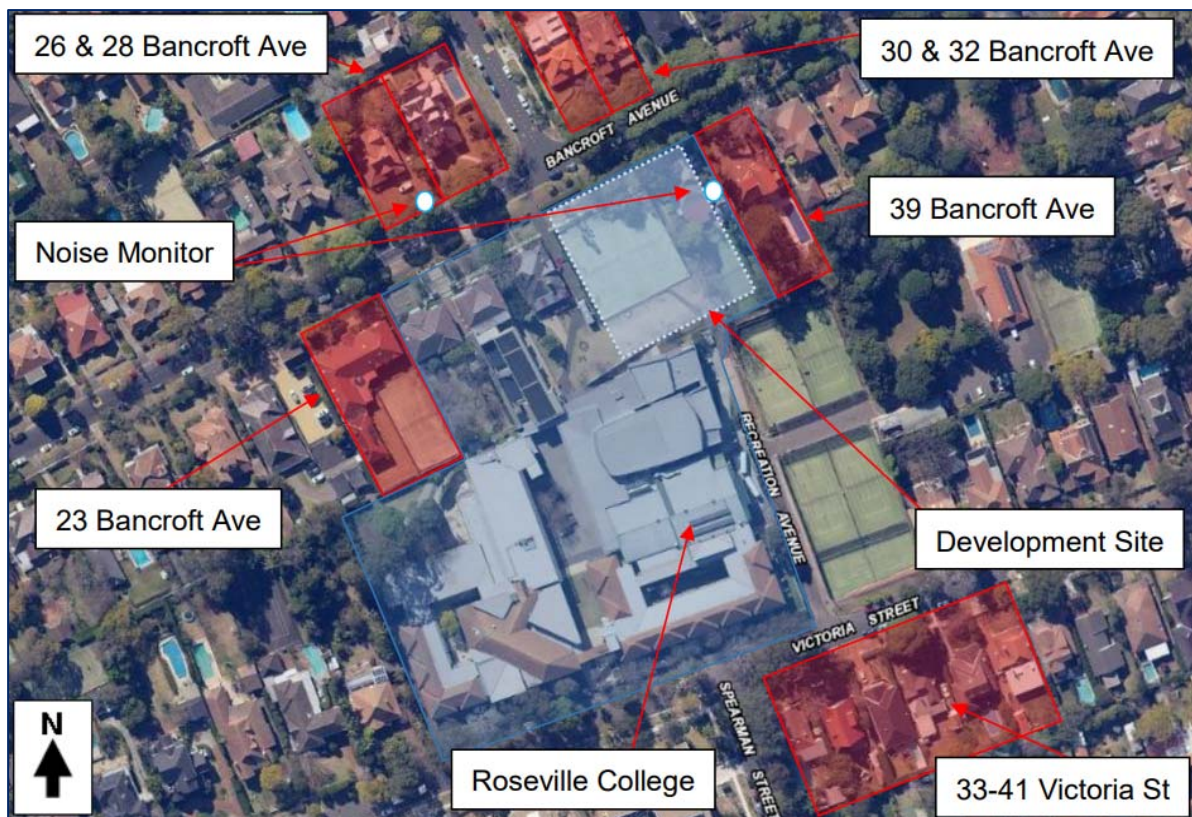


Figure 42 | Subject site in context to the nearest residential receivers (Source: Applicant's RtS)

Operational noise

- 6.4.3 Operational noise sources would primarily include the operation of mechanical plant and use of the rooftop sports courts.
- 6.4.4 The AAR detailed the results of noise monitoring carried out to determine the existing background and ambient noise levels and to establish the project noise trigger levels (PNTLs) at the two nearest residential receivers (26 and 39 Bancroft Avenue, shown in Figure 42). The PNTLs were established in accordance with the procedures set out in the Noise Policy for Industry (NPI).
- 6.4.5 The AAR considered that the noise impacts from all on-site activities, including the operation of mechanical plant and use of the rooftop sports courts, would comply with the NPI criteria at the nearest residential receivers subject to specific acoustic treatments being incorporated as part of the proposal.
- 6.4.6 Recommended measures to mitigate noise emissions associated with the use of mechanical plant included:
- the installation of silencers to achieve the sound level reductions at each mechanical vent.
 - orientating exhaust and supply vents to the west (away from residential receivers).
 - implementation of an appropriately sealed acoustic enclosure for the proposed pool pump.
- 6.4.7 Recommended measures to mitigate noise emissions associated with the use of the rooftop sports courts included provision of a two metre high noise barrier with one metre high cantilevered canopy along the northern and north-western boundary (to Bancroft Avenue) and the eastern boundary adjacent (to 39 Bancroft Avenue) of the courts to provide adequate shielding to the adjacent receivers, as shown in Figure 43.

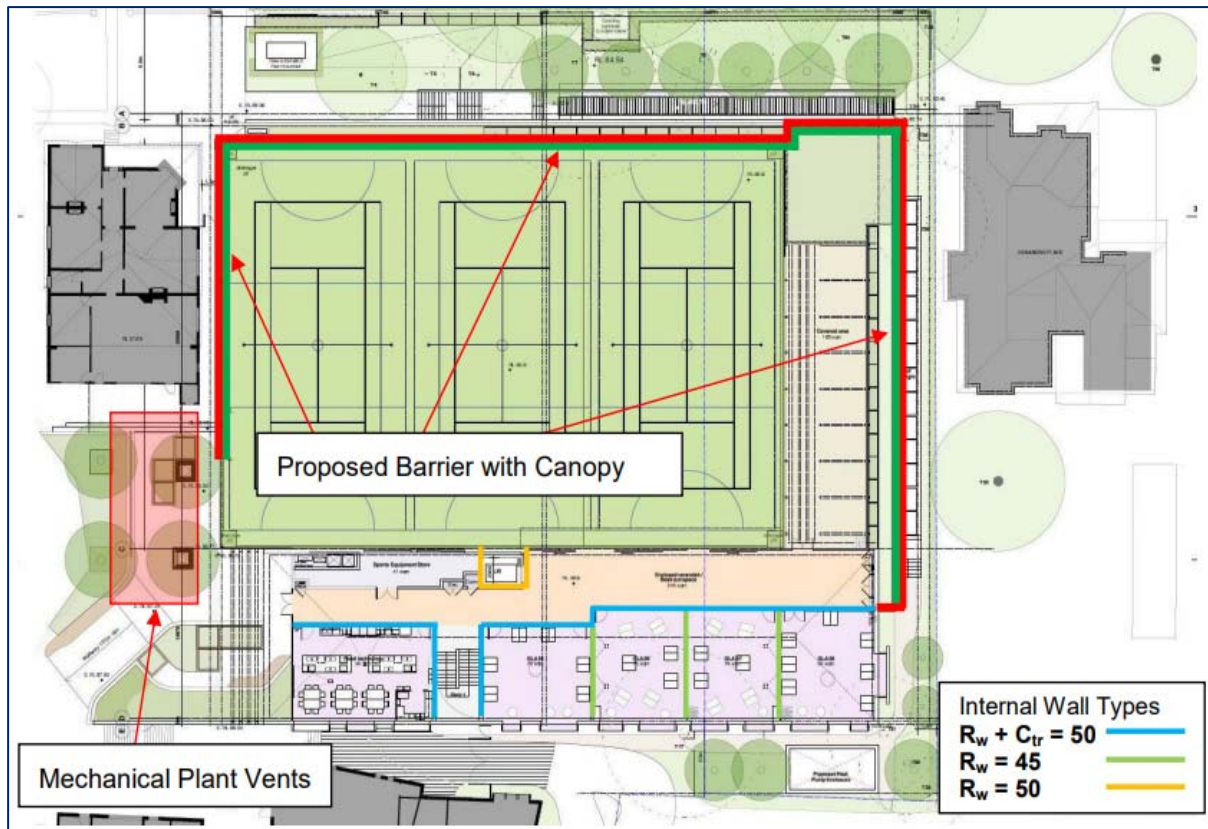


Figure 43 | Proposed acoustic shielding at the rooftop sports courts (Source: Applicant's RtS)

6.4.8 The AAR also recommended the implementation of a Plan of Management (PoM) for the ongoing use of the rooftop sports courts to include the following noise management measures:

- amplified instructions or music should be installed at a maximum height of 500mm below the top of the adjacent perimeter barrier and orientated away from adjacent receivers.
- sporting activities should cease at 9:45pm with no amplified music, instructions or warning signals to be broadcast after this time.
- installation of resilient lining material along the surface of the northern and eastern perimeter barrier to reduce noise associated with ball impacts on the barrier.
- all activities should be supervised by a member of staff to prevent noisy behaviour during the evening and night-time periods.

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

6.4.10 Council did not raise any concerns in relation to operational noise impacts.

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

- provide evidence to the certifier demonstrating that the AAR's noise mitigation recommendations for mechanical plant and acoustic shielding of the rooftop sports courts have been incorporated into the design of the development, prior to the commencement of construction.

- prepare a PoM for the rooftop sports courts that incorporates the specific noise management strategies recommended in the AAR, prior to the commencement of operation.
- engage a suitably qualified noise consultant to undertake short-term noise monitoring within two months of site occupation, to verify that the operational noise levels do not exceed the recommended PTNLs for mechanical plant and the rooftop outdoor sports courts.
- prepare an Out-of-Hours Event Management Plan for events that would involve 100 or more people, including measures to minimise noise impacts on surrounding sensitive receivers.

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

Construction noise and vibration

6.4.13 The AAR identified the likely noise and vibration generating equipment and activities that would occur on site during construction, including the demolition of existing structures, excavation works, the use of pneumatic drills and hammers, power tools and vehicles accessing and exiting the site.

6.4.14 The Department has recommended a condition of consent that requires construction be undertaken in accordance with the recommended construction noise management levels set out in the EPA's Interim Construction Noise Guideline (ICNG). In addition, works may only be carried out during the recommended standard construction hours outlined in the ICNG, including:

- 7am to 6pm on Monday to Friday, inclusive.
- 8am to 1pm on Saturday.
- No works to be carried out on Sundays or public holidays.

6.4.15 The Department has also recommended a condition of consent requiring the Applicant to prepare and implement a Construction Noise and Vibration Management Plan that sets out all reasonable and feasible noise mitigation measures to be implemented at the site, to minimise the impact of construction noise and vibration at the surrounding sensitive receiver locations.

6.4.16 The Department is satisfied the construction noise and vibration impacts would be appropriately managed and mitigated through the recommended conditions of consent.

Visual impact

6.4.17 The EIS considered the proposed development would result in minimal visual impact and would not obstruct any prominent views or vistas. The Applicant stated that the proposal has been designed to present as a one to two storey building from Bancroft Avenue that would result in a building that is not visually prominent within the streetscape.

6.4.18 The EIS further stated that proposal would maintain the front setback established by existing developments along the street and, when combined with the proposed landscaping elements, would be in harmony with the surrounding area and contributory to the established 'green' character of Bancroft Avenue.

6.4.19 The Department has undertaken a comprehensive assessment of the proposed built form at **Section 6.2**, which included consideration of the visual impact. It is found that that proposal would be viewed

predominately from Bancroft Avenue and would be largely obscured from view from Victoria Street due to the presence of existing school buildings, vegetation and its distance from the street.

6.4.20 The Department has carefully considered the visual impact of the proposal and finds the proposal to be acceptable, on the basis that the:

- height and scale of the development is appropriate for the site.
- built form would not obstruct any significant or important views.
- built form would not obstruct views from any surrounding residences.
- built form would be constructed to a scale that is lower than several of the adjacent school buildings including the Joy Yeo Centre and the multi-purpose school hall.
- retention of the established garden setting and additional tree plantings along Bancroft Avenue would provide a positive contribution to the landscaped streetscape.
- external materials and finishes of the proposed building are appropriate.

Privacy

6.4.21 The EIS stated that the proposal would not result in adverse privacy impacts due to its low-scale design, the arrangement of windows within the proposed building and its orientation on the site. Windows are proposed primarily along the southern elevation of the proposed building and would overlook the Roseville Lawn Tennis Club courts and internal grounds of the school campus. Siting of the proposed building, as revised in the RtS and in context to the adjacent residential property, is shown in Figure 44.



Figure 44 | Proposed development in context to 39 Bancroft Avenue (Source: Applicant's RtS)

- 6.4.22 The Department considers that the siting and orientation of the proposed development would ensure the privacy of adjacent residential properties would be maintained. There are no windows proposed along the eastern boundary wall and the few windows proposed at Level 3 are appropriately setback to ensure the GLAs do not overlook the private open open space area at the rear of 39 Bancroft Avenue.
- 6.4.23 Further, the proposed landscape master plan for the site provides deep soil plantings along the eastern site boundary and rooftop planter at Level 3 with trellis that would provide adequate screening and visual privacy to 39 Bancroft Avenue from the rooftop sports courts.
- 6.4.24 The Department has recommended a condition of consent requiring the Applicant to landscape the site prior to the commencement of operation and in accordance with the landscape master plan submitted with the RtS. This includes the provision of a minimum of 16 new mid-storey screen trees along the eastern site boundary. The location of the new screen tree plantings is shown in Figure 45.



Figure 45 | Proposed tree plantings along the eastern site boundary (Source: Applicant's RtS)

Overshadowing

- 6.4.25 The EIS stated that most of the built form is located at the south-western corner of the site, where it becomes a three level development above ground, and identified the properties most susceptible to overshadowing impacts as 39 Bancroft Avenue (located to the north-east of the site) and the Roseville Lawn Tennis Club courts (located to the south-east of the site). Shadow diagrams of the amended proposal during both the summer and winter months are shown in Figure 46.

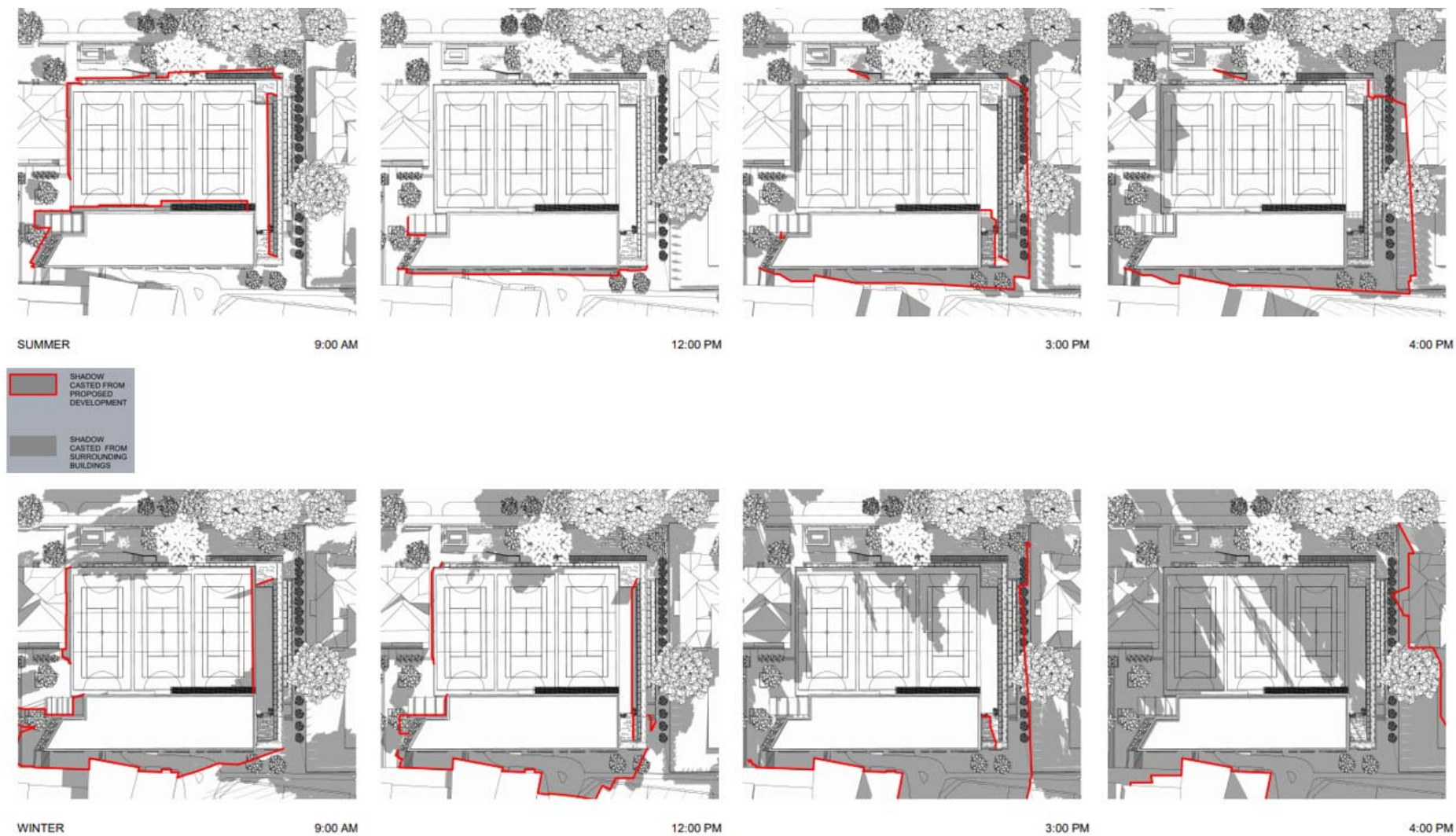


Figure 46 | Shadow diagrams (Source: Applicant's RtS)

- 6.4.26 During the winter solstice, 39 Bancroft Avenue would maintain a high degree of solar access throughout the day, with almost no shadow cast on the existing residential dwelling and only minor overshadowing to a small portion of the private open space area at the rear of the dwelling.
- 6.4.27 The Roseville Lawn Tennis Club courts would maintain a high degree of solar access throughout the year. During the winter solstice, overshadowing would occur to only a small portion of two of the club's five tennis courts. The Applicant considered the impact to be acceptable on the basis that tennis club is a non-residential land use and is an intermittently used recreational facility.
- 6.4.28 The Department is satisfied the proposal would not result in unacceptable overshadowing impacts, and that an appropriate degree of solar access would be maintained to both the dwelling and private open space area at 39 Bancroft Avenue and the Roseville Lawn Tennis Club courts.

6.5 Traffic and car parking

- 6.5.1 The EIS included a Traffic Impact Assessment (TIA) that considered the impacts of the proposal on the surrounding road network and performance of key intersections.
- 6.5.2 The EIS also included a Preliminary Construction Traffic Management Plan (CTMP) that considered the potential impacts of construction activities on existing traffic conditions, pedestrians and cyclists.

Existing conditions

- 6.5.3 Vehicle access to the site is provided from Bancroft Avenue, Victoria Street and Recreation Avenue, which are local collector roads.
- 6.5.4 The broader State and regional road network in proximity to the site includes the Pacific Highway, Boundary Street, Archer Street, Archbold Road and Penshurst Street. The State and regional road network is shown in Figure 47.

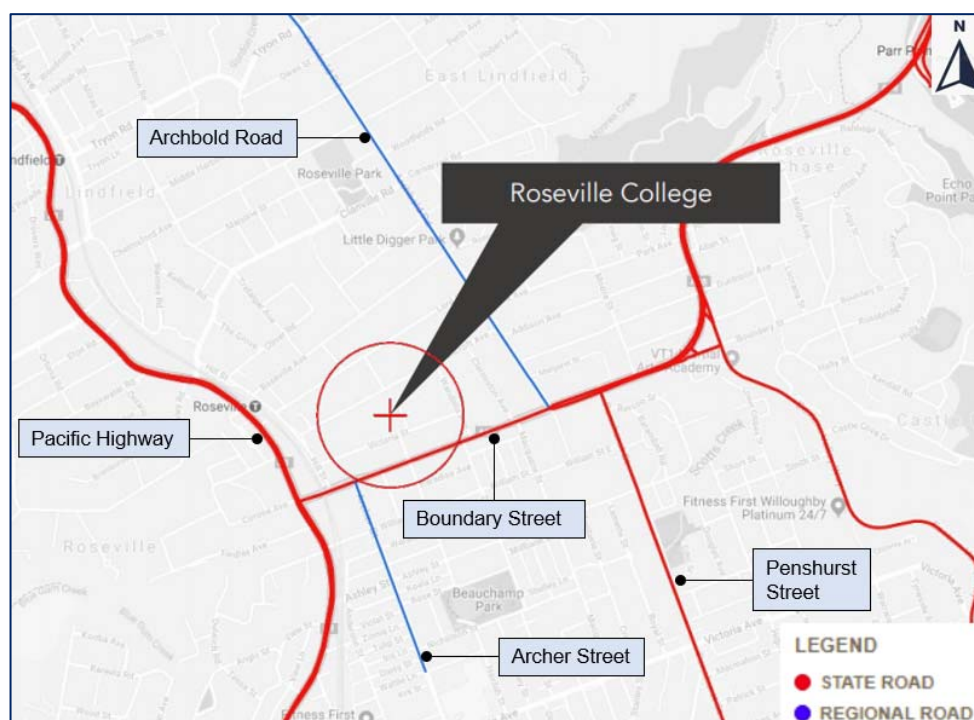


Figure 47 | Surrounding State and regional road network (Source: Applicant's RtS)

- 6.5.5 Existing travel modes to and from the school were determined based on a travel questionnaire that was completed by 136 staff and 657 students.
- 6.5.6 Of the staff that were surveyed, 92 per cent travel to and from school via private vehicle and seven per cent via public transport. Of the students that were surveyed, 43 per cent travel to school and 29 per cent travel from school via private vehicle, while 47 per cent travel to school and 60 per cent travelled from school via public transport.
- 6.5.7 The TIA submitted with the EIS (and revised with the RtS) was informed by traffic counts carried out during school term in March 2019 at the following key intersections during the school's peak DOPU periods between 7am to 9am (AM peak) and 2:30pm to 4:30pm (PM peak):
- Victoria Street / Spearman Street.
 - Victoria Street / Recreation Avenue.
 - Victoria Street / Wandella Avenue.
 - Bancroft Avenue / Glencroft Avenue.
- 6.5.8 The traffic modelling provided in the TIA indicated that each of the intersections listed in paragraph **6.5.7** currently operate at a Level of Service (LoS) A during the AM and PM peak periods, which indicates good operation with acceptable delays and spare capacity.

Construction traffic and parking

- 6.5.9 The Preliminary CTMP submitted with the EIS aimed to minimise the impact of the construction vehicle traffic on the overall operation of the road network and ensure the safe and efficient movement for both the public and construction workers.
- 6.5.10 The Preliminary CTMP anticipated a construction timeframe of 22 weeks. Major works, such as concrete pours and crane erection and dismantle, are proposed to take place during the school holiday periods.
- 6.5.11 Works are proposed to be carried out between the hours of 6:30am to 5:30pm Monday to Friday and 8:30am to 1:30pm on Saturday. Construction vehicles would access the site from both Bancroft Avenue and Recreation Avenue. Larger vehicles (i.e. 12.5m long heavy rigid vehicles) would access the site only from Bancroft Avenue. Pedestrian and cycle access would be maintained throughout construction and there would be no changes to existing public transport operations.
- 6.5.12 A swept path analysis was provided in the Preliminary CTMP which confirmed the key intersections in proximity to the site could accommodate a 12.5m long heavy rigid vehicle. The proposed construction vehicle arrival and departure routes are shown in Figure 48 and Figure 49.



Figure 48 | Construction vehicle routes – 19m truck and dog (Source: Applicant's EIS)

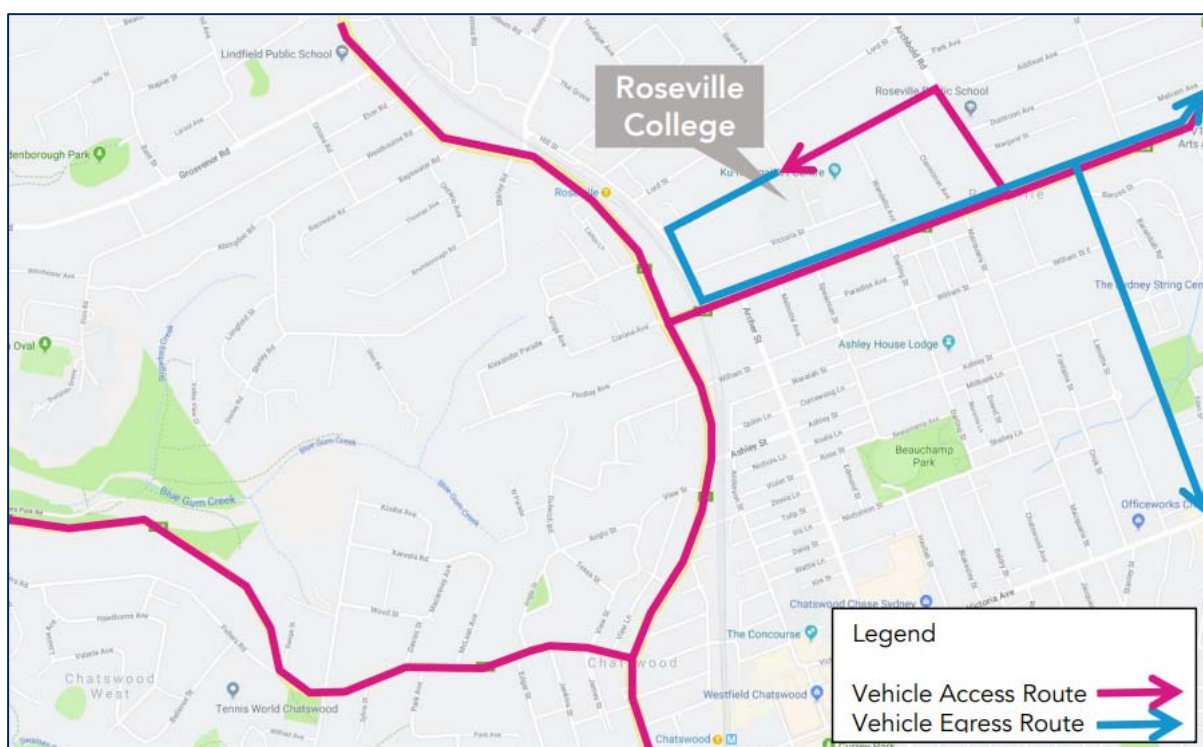


Figure 49 | Construction vehicle routes – 12.5m heavy rigid vehicles (Source: Applicant's EIS)

6.5.13 The Preliminary CTMP states that there would be an average of 35 workers on the site and a maximum of 85 workers at any given time. No on-site parking is proposed for construction workers and the use of on-street parking in the vicinity of the site would be discouraged. Workers would therefore be encouraged to make use of public transport and car-pool where practicable.

Submissions

- 6.5.14 The public submissions raised concerns in relation to construction vehicles using the surrounding residential road network and the impact of construction workers using the available on-street parking spaces.
- 6.5.15 Council and TfNSW did not raise any concerns in relation to construction traffic and parking.

Department's consideration

- 6.5.16 The Department accepts the findings of the Preliminary CTMP which considered the construction traffic volumes would have minimal disruption on the surrounding road network. The Department also notes that pedestrian and cyclist access would be maintained during construction and that there would be no significant impact on public transport operations.
- 6.5.17 The Department has recommended a condition requiring the Applicant to prepare a detailed CTMP in consultation with Council and TfNSW, prior to the commencement of construction. The CTMP is to ensure road safety and network efficiency is maintained throughout construction of the proposed development. The Department has also recommended a condition requiring the Applicant to prepare a Driver Code of Conduct to minimise road traffic noise and ensure drivers use only the approved construction traffic routes.
- 6.5.18 The Department acknowledges the concerns raised in the public submissions in relation to construction workers using available on-street parking in proximity to the site and has, therefore, recommended a condition requiring the Applicant to prepare a Construction Worker Transport Strategy (CWTS) prior to the commencement of construction. The CWTS is required to detail the provision of sufficient parking facilities or other travel arrangements for construction workers to minimise the demand for parking in nearby residential streets.
- 6.5.19 On balance, the Department is satisfied that the construction traffic and parking impacts can be appropriately managed and mitigated, subject to recommended conditions including the preparation of a detailed CTMP, CWTS and Driver Code of Conduct.

Operational traffic

- 6.5.20 The TIA assessed the impact of development traffic, including the increase in the school's maximum capacity to 1250 students to the year 2030 and out-of-hours use of the proposed swimming pool, on the surrounding road network and performance of key intersections.
- 6.5.21 SIDRA modelling was undertaken in the TIA to assess the operational traffic impacts at key intersections and found that all intersections located in proximity to the school (listed in paragraph **6.5.7**) would continue operate at LoS A during the school's AM and PM peak periods.
- 6.5.22 The TIA concluded that the proposed development would have a minor increase in traffic activity and that there would be minimal impacts to the surrounding road network, including on weekends (out-of-hours activities).

Submissions

- 6.5.23 A key issue raised in the public submissions included increased traffic impacts from the development.
- 6.5.24 TfNSW's submission on the EIS raised the need for the assessment of potential impacts on existing bus operations along Victoria Street as a result of weekend sporting activities, if proposed. Its

submission on the RtS raised no further issues regarding impact on traffic or bus operations from the proposed weekend sporting activities, as no additional activities on the weekend are proposed.

6.5.25 Council did not raise any concerns in relation to operational traffic.

Department's consideration

- 6.5.26 The Department notes that the proposal does not seek to increase the school's population and that the school's approved maximum population of 1250 students to the year 2030 was previously assessed and approved by Council as part of DA0261/16 in April 2017.
- 6.5.27 However, the proposed development does provide additional car parking that would support the maximum school capacity of 1250 students approved under DA0626/16. Accordingly, the traffic impacts associated with the school expansion have been previously assessed by Council and revisited as part of this application.
- 6.5.28 The Department accepts the findings of the TIA which stated that the proposal would have an acceptable impact on the surrounding local road network and that the intersections in proximity to the site would continue to operate at an acceptable LoS A.
- 6.5.29 However, the Department notes that single vehicle trips to the site form an unreasonably high proportion of the travel mode share for staff, given the site that is well serviced by public transport. In order to promote the use of sustainable transport modes and to discourage the use of single vehicle trips, the Department considers that the implementation of a GTP and the provision of on-site staff bicycle parking should be provided.
- 6.5.30 The Department has therefore recommended a condition requiring the Applicant to prepare a GTP for the school which is aimed at encouraging the use of sustainable travel modes and reducing the use of single vehicle trips for staff, students and visitors. In addition, the Department has recommended the provision of a minimum of eight on-site bicycle parking spaces for staff (discussed further in **Section 6.6**).
- 6.5.31 The Department has also recommended a condition of consent that requires the preparation of an Operational Transport and Access Management Plan. This is required given the need to manage DOPU zones, particularly during in the PM peak period where it is nearing capacity and there would potentially be additional use from the learn-to-swim classes that coincide with this peak.
- 6.5.32 On balance, the Department finds that the proposal would have a negligible impact on existing traffic conditions in proximity to the site.

Car Parking

- 6.5.33 The Applicant clarified in its response to the Department's RFI that the school currently provides 129 on-site car parking spaces (noting that the TIA submitted with the RtS stated that there are 127 on-site parking spaces).
- 6.5.34 The proposal includes an additional 48 basement car parking spaces and would require the removal of one existing parking space within the basement of the Joy Yeo Centre, to enable the construction of the proposed facility. Accordingly, the school would provide a total of 176 on-site parking spaces for staff and Year 12 students once the proposed development is operational.

6.5.35 In accordance with the car parking provisions under both the KLCDP and the KDCP, schools are required to provide a minimum of:

- 1 space per equivalent FTE employee.
- 1 space per eight Year 12 students.
- provision for on-site DOPU of students.

6.5.36 The school has an approved student population of a maximum of 1250 students and 152 staff under DA0261/16. The TIA estimated that there would be a total of 145 Year 12 students once the school reaches its maximum student capacity. The school is therefore expected to generate a minimum car parking requirement of 171 spaces in order to comply with Council's DCP provisions.

6.5.37 The student population increase (approved under DA0261/16) was permitted in stages, and was subject to the Applicant providing written confirmation to Council that:

- a total of 129 on-site car parking spaces were provided for staff and Year 12 students, which would enable the school population to increase from 830 to 1000 students (first stage increase); and
- an occupation certificate for carpark approved under DA0262/16 (comprising 68 car parking spaces) had been obtained and the storage capacity at the Victoria Street DOPU area had increased from 13 to 15 vehicles, which would enable the school population to increase from 1000 to 1250 students (second and final stage increase).

6.5.38 The Applicant confirmed in its response to the Department's RFI that written confirmation had previously been provided to Council confirming that there are 129 on-site car parking spaces provided for staff and Year 12 students, which subsequently permitted the first stage increase from 830 to 1000 students.

6.5.39 The second stage increase from 1000 to 1250 students is yet to be permitted, as the terms of that part of the approval were yet to be delivered by the Applicant.

Submissions

6.5.40 The public submissions raised concern that there would be insufficient on-site car parking to accommodate the additional traffic generated by the proposal. Further, the public submissions raised concern that the increase in student enrolments would impact on both on-site and on-street parking availability throughout the surrounding residential road network.

6.5.41 Council's submission on the EIS did not raise any concerns in relation to car parking and acknowledged that the proposal would comply with the provisions of Council's DCPs.

Department's consideration

6.5.42 The Department considers the car parking provisions proposed as part of the development to be acceptable. The additional 48 spaces proposed would result in a combined total of 176 on-site spaces, which would exceed the minimum 171 spaces required under Council's DCPs.

6.5.43 The Department has recommended a condition of consent requiring the Applicant to prepare a detailed GTP to encourage the use of sustainable transport modes and reduce private vehicle trips. The successful implementation of the GTP would decrease the demand for on-site and on-street parking spaces.

- 6.5.44 In response to the concerns raised by the public regarding increased student enrolments and the subsequent impacts on car parking availability, the Department notes that no further increase of the school's approved population is sought as part of the application.
- 6.5.45 The school's maximum capacity of 1250 students was approved by Council as part of DA0261/16 and was subject to the requirements listed at paragraph **6.5.37**. The Department has retained the existing car parking requirements as part of the recommended conditions of consent, however, it is acknowledged that the carpark originally approved under DA0262/16 comprised of 20 spaces more than what has been proposed as part of the SSD application. Despite this, the Department is satisfied the proposal would provide sufficient on-site car parking spaces as the requirements of Council's DCPs would be exceeded by a total of five spaces.
- 6.5.46 The retention of Council's existing requirements and the surrendering of existing development consents is further discussed in **Section 6.6**.

6.6 Other issues

- 6.6.1 The Department's consideration of other issues is provided at **Table 9**.

Table 9 | Department's assessment of other issues

Issue	Consideration	Recommend Condition
Surrender of existing development consents	<ul style="list-style-type: none"> The Applicant seeks to surrender the existing development consents DA0262/16 and DA0261/16 (outlined in Table 1 at Section 1.4) in accordance with section 4.63 of the EP&A Act. DA0262/16 was approved by the Sydney North Planning Panel and included the construction of a basement carpark comprised of 68 spaces with rooftop multi-purpose hardcourts. DA0261/16 was approved by Council and permitted the school population to increase from 830 to 1250 students (in stages), subject to the conditions outlined in paragraph 6.5.37 at Section 6.5. Surrendering of the existing development consents is sought by the Applicant in order to reduce the complexity of having numerous DAs that apply to the site. 	<ul style="list-style-type: none"> The Department has recommended a condition requiring the Applicant to surrender the existing development consents DA0262/16 and DA0261/16 within 12 months of the date of commencement of the SSD. To ensure the requirements of DA0261/16 relating to the staged increase of the student population continue to apply, the Department has recommended a condition requiring the Applicant to demonstrate the following, prior to the student population increasing from 1000 to 1250 students: <ul style="list-style-type: none"> an occupation certificate for the basement carpark has been obtained that provides a minimum of 48 additional on-site car parking spaces, and confirmation that the capacity of the DOPU area along Victoria Street has been

Issue	Consideration	Recommend Condition
		increased to accommodate a minimum of 15 vehicles.
Bicycle parking and EOTFs	<ul style="list-style-type: none"> TfNSW recommended that the Applicant be required to provide bicycle parking and EOTFs for staff, students and visitors. The Applicant advised in the RtS that the school has a 'no bicycle' policy for students for safety reasons, and therefore, no on-site bicycle parking facilities are provided. Notwithstanding, the Applicant advised that the school has sufficient space on the campus to provide a nominal amount of staff bicycle parking spaces and EOTFs for future staff use, noting that new amenities are proposed as part of the development. 	<ul style="list-style-type: none"> The Department accepts that the school has a 'no bicycle' policy for students and that this is enforced for safety reasons due to the school's proximity to busy roads. However, the Department considers the school should encourage staff to use sustainable travel modes by providing on-site staff bicycle parking and EOTFs. Council's DCPs do not specify a rate of bicycle parking spaces for school staff. The Department therefore reviewed the rates set out in DCPs of other metropolitan LGAs and finds that a rate of 1 space per 20 staff to be generally accepted. The school has an approved population of 152 staff. The Department has therefore recommended a condition requiring the Applicant provide a minimum of eight on-site bicycle parking spaces for existing staff. The Department considers that the new amenities proposed as part of the development would address TfNSW's request for EOTFs for students, staff and visitors.
Contamination	<ul style="list-style-type: none"> The EIS included a Preliminary Site Investigation (PSI) that reviewed the site's land use history and detailed the results of soil samples. Laboratory analysis indicated the presence of copper at one sample location (BH405) which exceeded the ecological assessment criteria. The PSI recommended further assessment be undertaken should 	<ul style="list-style-type: none"> The Department has recommended conditions requiring the Applicant to comply with the recommendations in the PSI, including: <ul style="list-style-type: none"> a data gap analysis be undertaken following the demolition of the dwelling at 37 Bancroft Avenue. implementation of an unexpected finds procedure

Issue	Consideration	Recommend Condition
	<p>soils in the vicinity of BH405 be re-used for landscaping the site.</p> <ul style="list-style-type: none"> The PSI concluded that the site is suitable for the proposed development in accordance with State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55), subject to conditions. 	<p>should contamination be uncovered during site works.</p> <ul style="list-style-type: none"> a detailed waste classification assessment be undertaken during construction to classify surplus soils (if required) for off-site disposal or reuse. The Department is satisfied the site would be suitable for its ongoing use as an educational establishment in accordance with SEPP 55, subject to compliance with the recommended conditions.
Groundwater	<ul style="list-style-type: none"> The PSI detailed the results of groundwater samples taken from two groundwater monitoring wells. Earthworks are proposed to a depth of approximately 8.2m in the vicinity of the new swimming pool. The monitoring wells encountered groundwater at depths of approximately 3.3m and 3.8m. Contaminants in the groundwater samples were found to be below the site assessment criteria, except for zinc which is typical of conditions in urban settings. Council considered that groundwater seepage could be controlled by perimeter and subfloor drainage connected to a sump-and-pump system. 	<ul style="list-style-type: none"> The Department has recommended a condition requiring the Applicant to comply with the recommendations in the PSI including groundwater testing and monitoring prior to the commencement of construction.
Aboriginal heritage	<ul style="list-style-type: none"> The EIS included an ACHAR which was prepared in consultation with Registered Aboriginal Parties (RAPs). The ACHAR categorised the archaeological potential and sensitivity of the site as 'low to nil' as there are no registered Aboriginal objects or 	<ul style="list-style-type: none"> The Department acknowledges that there are no registered Aboriginal objects or archaeological sites in the subject area and that the RAPs did not raise any concerns in response to impacts on Aboriginal heritage. The Department has recommended a condition requiring the Applicant

Issue	Consideration	Recommend Condition
	<p>archaeological sites identified in the subject area.</p> <ul style="list-style-type: none"> The ACHAR further noted that the site has been subject to high levels of disturbance and that no Aboriginal cultural heritage values were identified by the RAPs. 	<p>to comply with the recommendations in the ACHAR, including the implementation of an unexpected finds protocol for any Aboriginal objects or deposits during construction.</p>
Landscaping and tree removal	<ul style="list-style-type: none"> The EIS included a comprehensive landscape master plan. The landscaped areas would primarily include the Bancroft Avenue street frontage and along the eastern site boundary. The Arborist Report submitted with the EIS identified 26 trees for removal, many of which are not currently visible external to the site. All street trees located along the Bancroft Avenue frontage (outside the boundary of the campus) would be retained. The submissions received from Council and the public requested the mature Himalayan Cedar tree (Tree 7) on Bancroft Avenue be retained due to its contribution to the Bancroft Avenue streetscape. The Applicant advised in its RtS that, as a result of ongoing consultation with Council, Tree 7 would be retained as part of the amended proposal. 	<ul style="list-style-type: none"> The Department considers the retention of Tree 7 would result in positive outcome for the site due to its visual prominence and contribution to the heritage streetscape. The Department has recommended a condition requiring the Applicant to complete landscaping of the site in accordance with the landscape master plan and associated planting schedule.
Riparian lands	<ul style="list-style-type: none"> The public submissions raised concerns relating to impacts on the riparian land at the south-eastern corner of 37 Bancroft Avenue, identified as 'Category 3a' riparian land on the KLEP 2015 Riparian Lands and Watercourses Map. The impacted area is proposed to be re-established through soft landscaping. 	<ul style="list-style-type: none"> The Department accepts the findings in the EIS which described the riparian corridor as highly disturbed and not part of a formally mapped creek-line. Accordingly, a controlled activity approval under the <i>Water Management Act 2000</i> is not required.

Issue	Consideration	Recommend Condition
	<ul style="list-style-type: none"> EESG raised no concerns in response to the impacts on riparian lands and a BDAR waiver submitted with the application was supported. 	<ul style="list-style-type: none"> The Department is satisfied the proposed stormwater management system, including OSD and water sensitive urban design measures, would ensure there are no adverse impacts on the adjoining riparian land.
Signage	<ul style="list-style-type: none"> The EIS detailed the location and dimensions of a new business identification sign at the Bancroft Avenue frontage (refer Figure 20) and addressed the assessment criteria under Schedule 1 of State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64). 	<ul style="list-style-type: none"> The Department has considered the proposed signage against the SEPP 64 criteria (refer Appendix B) and is satisfied that the proposed sign would not impact on important views or vistas and is not out of context with the surrounding streetscape. The Department has recommended a condition that requires the sign to be non-illuminated.
Development Contributions	<ul style="list-style-type: none"> Section 7.12 of the EP&A Act provides for a consent authority to impose, as a condition of development consent, a requirement for the Applicant to pay a fixed levy. The proposal requires a development contribution at a rate of 1% of the cost of the development in accordance with the Ku-ring-gai s94A Contributions Plan 2015. 	<ul style="list-style-type: none"> The Department has recommended a condition requiring the Applicant pay a development contribution to Council, prior to the commencement of construction. The amount payable is to be levied in accordance with the Ku-ring-gai s94A Contributions Plan 2015.

6.7 Public interest

- 6.7.1 The Department considers that the proposal would benefit the community as it would replace ageing school infrastructure with contemporary facilities to accommodate the needs of the school's increasing student population and would provide opportunities to co-share the proposed facilities with the local community.
- 6.7.2 The proposal would also provide a direct investment of approximately \$29.5 million, which would support 72 jobs, including 69 construction jobs and three operational jobs.
- 6.7.3 The Department is satisfied the proposal would have an acceptable environmental impact, subject to recommended conditions of consent and is in the public interest.

6.8 Summary of Department's consideration of submissions

6.8.1 The Department's consideration of the issues raised in submissions is summarised in **Table 10**.

Table 10 | Department's consideration of key issues raised in submissions

Issue raised	Department's consideration
Built form	<p>The Department considers the height, bulk and scale of the proposed development to be acceptable.</p> <p>The building height would comply with the building height control under the KLEP 2015 and would present as a one to two-level development from Bancroft Avenue. Further, the building would be constructed to a maximum height that is lower than several of the existing buildings located on the school campus.</p> <p>The Department considers the Applicant's justification for contravening the FSR control under the KLEP 2015 can be supported as a large portion of the building's GFA would be located below the natural ground level and the proposal would result in a development that is consistent with the bulk, scale and density of existing buildings across the broader school campus.</p> <p>The Department concludes that the built form and design is appropriate for the site and would not have an unacceptable impact on the established low density residential character of the surrounding area.</p>
Residential amenity	<p>The Department considers the impacts on surrounding residences would be acceptable in relation to noise, visual impacts, privacy and overshadowing.</p> <p>The height and scale of the proposed development is considered appropriate for the site and the built form would not obstruct any significant or important views or impact on views from the surrounding residences.</p> <p>The siting and orientation of the proposed building would ensure the privacy of the surrounding residential properties is maintained and that adequate solar access would be provided to the adjoining residential and recreational land uses throughout the year.</p> <p>Noise impacts from the operation of mechanical plant and use of the rooftop sports courts would be mitigated through the inclusion of acoustic treatments and site operational measures that are required to be complied with as conditions of consent.</p>
Heritage	<p>The Department considers the retention of the school's existing Federation and Interwar buildings at 27, 29 and 31 Bancroft Avenue (Hobbs House, the Student Services building and Rose Cottage) provide a significant contribution to the heritage character of the Bancroft Avenue streetscape and that the Applicant has demonstrated the retention of these buildings would not be viable if the dwelling at 37 Bancroft Avenue were to be retained and adaptively re-used.</p>

Issue raised	Department's consideration
	<p>The Department considers that the demolition of the dwelling at 37 Bancroft Avenue can be supported, subject to conditions requiring the Applicant to undertake photographic archival recording of the dwelling prior to its demolition.</p> <p>The Department is satisfied the proposal would result in the ongoing historic use of the school site, which has operated as a school since 1908 and that the impact of the new built form elements would be mitigated through the retention of the Bancroft Avenue street trees and front garden setting at 37 Bancroft Avenue to reduce the visual impact of the proposal.</p>
Traffic and car parking	<p>The proposed construction traffic volumes would have minimal disruption on the surrounding road network and any construction traffic impacts would be managed and mitigated through the recommended conditions, including the preparation of a detailed CTMP, CWTS and Driver Code of Conduct.</p> <p>The proposed operation traffic volumes would have an acceptable impact on the surrounding local road network and would have a negligible impact on the continued operation of key intersections in proximity to the site, which would continue to operate at a LoS A. To promote the use of sustainable transport modes and reduce the use of single vehicle trips for staff, the Applicant would be required to implement a GTP for the school and provide a minimum of eight on-site bicycle parking spaces for staff.</p> <p>The proposed car parking provisions, including an additional 48 on-site parking spaces, is considered acceptable as no increase to the approved student population is sought as part of the application. The proposal would result in a combined total of 176 spaces on-site car parking spaces which would exceed the minimum number of spaces required under Council's DCPs.</p>

7 Evaluation

- 7.1.1 The Department has reviewed the Environmental Impact Statement (EIS), Response to Submissions (RtS), and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Ku-ring-gai Council and concerns raised in the community submissions. The issues raised have been considered and the environmental impacts associated with the proposal have been addressed.
- 7.1.2 The Department concludes that any impacts of the proposal could be appropriately managed and mitigated through the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.
- 7.1.3 The proposed Sport and Wellbeing Centre would support the needs of Roseville College's growing student population and would replace ageing school infrastructure with contemporary facilities and provide opportunities to co-share the proposed facilities with the local community.
- 7.1.4 The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the vision of the North District Plan, as it would provide additional and contemporary school infrastructure to meet the growing needs of Sydney.
- 7.1.5 The EIS was publicly exhibited for 28 days between 15 November 2019 to 12 December 2019. The Department received a total of 74 submissions, comprising five from public authorities (including an objection from Ku-ring-gai Council), 67 individual public submissions (including 56 objections) and one submission from a special interest group (an objection).
- 7.1.6 The Applicant submitted a RtS including an amended proposal on 2 February 2021, which included a minor reduction of the maximum building height, increased setbacks to an adjacent residential property, redesign of the built form at Level 3 and removal of the skillion roof (covered outdoor area), reduced car parking and the retention of Tree 7.
- 7.1.7 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ecologically sustainable development, and issues raised in submissions.
- 7.1.8 The Department identified the key issues to be built form and urban design, heritage impacts, impacts on residential amenity and traffic and parking. The Department has concluded that the:
- proposed built form is of an appropriate height and scale and would not result in an unacceptable impact on the character of the surrounding locality.
 - demolition of the dwelling at 37 Bancroft Avenue is acceptable from a heritage perspective as it is not a listed heritage item and would enable the retention of existing school buildings fronting Bancroft Avenue, which are considered better quality examples of Federation and Interwar styles and are more prominent features in the heritage streetscape.
 - impact of the proposal on the surrounding heritage conservation areas and the Bancroft Avenue streetscape is acceptable and would be appropriately mitigated through the recommended conditions of consent.
 - siting and orientation of the proposed building would ensure the privacy of the surrounding residential properties are maintained and that adequate solar access would be provided to the adjoining residential and recreational land uses.
 - noise impacts from the operation of mechanical plant and use of the rooftop sports courts would be mitigated through the inclusion of acoustic treatments and site operational measures.

- there would be a negligible impact on existing traffic conditions as the proposal does not seek to increase the approved student population.
- number of car parking spaces proposed as part of the development is appropriate.

7.1.9 The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

7.1.10 The application is referred to the Independent Planning Commission NSW as Ku-ring-gai Council objected to the proposal and more than 50 public submissions by way of objection were received in response to exhibition of the application.

7.1.11 This assessment report is hereby presented to the Independent Planning Commission NSW to determine the application.

Prepared by:



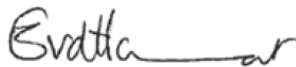
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School Infrastructure Assessments

Prepared by:



Karen Harragon
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Social and Infrastructure Assessments

Recommended by:



Erica van den Horst
Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of Referenced Documents

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

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/9441>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/9441>
3. Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/9441>
4. Department's Independent Heritage Peer Review
<https://www.planningportal.nsw.gov.au/major-projects/project/9441>

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.

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities)
- Draft State Environmental Planning Policy (Remediation SEPP)
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012
- Ku-ring-gai Local Environmental Plan 2015.

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

The aims of the SRD SEPP are to identify State significant development (SSD), State significant infrastructure (SSI), critical SSI and to identify development that is regionally significant development.

The proposal meets the criteria of SSD as summarised at **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent and is development that is specified under Schedule 1.	Yes

Relevant sections	Consideration and Comments	Complies
(b) the development is specified in Schedule 1 or 2.		
Schedule 1 State significant development – general (clause 8 (1)).	The proposal comprises development that has a CIV of more than \$20 million for the purpose of alterations or additions to an existing school.	Yes
15 Educational establishments (2) Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.		

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

The Education SEPP aims to simplify and standardise the approval process for schools, TAFEs, universities and childcare centres, while minimising impacts on surrounding areas and improving the quality of facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and construction 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 SSD, even though the development would contravene a development standard imposed by this or another EPI under which consent is granted. The proposed development would exceed the maximum floor space ratio (FSR) control under the Ku-ring-gai Local Environmental Plan 2015 (KLEP) at the north-eastern extent of the site. The Department notes that the FSR exceedance is permitted under clause 42 and that the Applicant has provided justification for contravening the development standard. The Department's consideration of the variation to the development standard is provided at **Section 6.2** of this report and in the consideration of the KLEP 2015 in **Table B5** below.

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 of the Education SEPP. An assessment of the development against the design principles is provided at **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	<p>The siting, design and materials proposed as part of the development have regard to the existing school campus and the surrounding streetscape.</p> <p>The proposal includes extensive new landscaping, including new tree planting and replacement plantings, along the Bancroft Avenue frontage</p>

Design Principles	Response
	and along the eastern side setback (to 39 Bancroft Avenue) which would provide a high level of amenity to the school campus and the surrounding locality.
Sustainable, efficient and durable	<p>The proposal has been designed to incorporate ESD measures including rainwater harvesting and re-use for irrigation and building services, energy-efficient building services and lighting, and heat recovery ventilation to reduce the swimming pool's air heating load throughout the year and extensive external shading.</p> <p>Further, the Applicant is targeting ESD measures that would achieve a 4-Star Green Star rating or equivalent.</p>
Accessible and inclusive	<p>The Access Review submitted with the EIS demonstrated that the proposal is capable of complying with the relevant accessibility standards and provisions required by the Building Code of Australia (BCA) and the Disability (Access to Premises) Standards 2010.</p> <p>The Department has recommended a condition requiring the proposed development be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA.</p>
Health and safety	The proposal has incorporated Crime Prevention Through Environmental Design Principles as part of the design, operation and management of the school to ensure a high level of safety and security for students, staff and visitors.
Amenity	<p>The proposal has been designed to provide spaces that are engaging, accessible and have access to sunlight, natural ventilation and provide visual and acoustic privacy.</p> <p>The proposal would not have a significant or unacceptable impact on the amenity of surrounding residences by way of reduced solar access, visual privacy, view loss and light spill. Further, recommended conditions would ensure noise and vibration impacts during construction and operation are appropriately managed and mitigated.</p>
Whole of life, flexible, adaptable	The general learning areas within the proposed building would be flexible and able to provide a variety of spaces (such as open plan) that could be adapted to suit a wide range of uses and changing needs.
Aesthetics	The material palette for the building design includes glazing, brickwork, timber and articulated panels. Modern materials have been selected that would require minimal maintenance, are cost-effective, vandal resistant

Design Principles	Response
	and are a neutral colour palette that would work in harmony with the adjacent existing college buildings and surrounding residences.

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.

As detailed at **Section 6.6**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable for its continued use as an educational establishment in accordance with SEPP 55, subject to compliance with the recommendations set out in the Preliminary Site Investigation and submitted as part of the Environmental Impact Statement.

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

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

The proposal includes the provision of two business identification signs. Under clause 8 of SEPP 64, development consent must not be granted to an application to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of SEPP 64 and with the assessment criteria specified in Schedule 1 of the SEPP. Consistency of the proposed signage against the SEPP 64 assessment criteria is demonstrated in **Table B3**.

Table B3 | SEPP 64 compliance

Relevant sections	Department's consideration	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the surrounding locality and is considered representative of signage characteristic of an educational establishment. The scale, location and colours of the signage are not expected to detract from the character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no established signage theme within this locality.	
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas,	The proposed signage would not detract from the amenity or visual quality of any listed areas.	Yes

Relevant sections	Department's consideration	Compliance
heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?		
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage would not obscure or compromise important views, dominate the skyline or impact on the viewing rights of other advertisers.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?		
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is considered appropriate and in context with the surrounding streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
Does the proposal require ongoing vegetation management?		
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or		Yes

Relevant sections	Department's consideration	Compliance
both, on which the proposed signage is to be located?	The proposed signage is considered to be compatible with the scale and proportion of the existing site buildings.	
Does the proposal respect important features of the site or building, or both?		
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage does not comprise advertisements or advertising structures.	Yes
7 Illumination		
Would illumination result in unacceptable glare?	The proposed signage would not be illuminated. Therefore, the proposal would not result in unacceptable glare or affect the safety for pedestrians, vehicles or aircraft.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8 Safety		
Would the proposal reduce the safety for any public road?	The proposed design and location of signage is not expected to have an adverse impact on the safety of any public road, reduce the safety for pedestrians or bicyclists?	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?		

Relevant sections	Department's consideration	Compliance
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	pedestrians or bicyclists or obscure sightlines from any public area.	

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

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

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The Explanation of Intended Effects (EIE) was exhibited from 20 November 2020 to 17 December 2020 and proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

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

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)

The Draft Remediation SEPP would 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 would require all remediation work that is to be 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 to be provided to Council.

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

Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (LC) 2012)

The KLEP (LC) 2012 aims to establish a hierarchy of centres for the Ku-ring-gai LGA, guide the future development of land and the management of environmental, social, economic, heritage and cultural resources in the Ku-ring-gai LGA for the benefit of present and future generations. The Department considers the proposed development is consistent with the relevant provisions of the KLEP (LC) 2012, as outlined in **Table B4**.

Table B4 | Consideration of the KLEP (LC) 2012

KLEP (LC) 2012	Department's consideration
Clause 2.3 Zone objectives and Land Use Table	<p>The existing school campus (27-29 Bancroft Avenue) is zoned SP2 Infrastructure (Educational Establishment). Development for the purpose of an educational establishment is permissible with consent in the SP2 zone.</p> <p>The proposal is consistent with the objectives of the SP2 zone as it would provide for infrastructure and related uses associated with an existing educational establishment.</p>
Clause 4.3 Height of buildings	The existing school campus (27-29 Bancroft Avenue) is not subject to a maximum height of buildings control.
Clause 4.4 Floor space ratio	The existing school campus (27-29 Bancroft Avenue) is not subject to a maximum floor space ratio control.
Clause 5.10 Heritage conservation	<p>The Department has considered the development having regard to the requirements of clause 5.10. In particular the requirements of subclause (4) <i>Effect of proposed development on heritage significance</i> whereby the consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>These matters are addressed in detail in Section 6.3 of this report for the Commission's consideration.</p>
Clause 6.1 Earthworks	<p>Excavation would be required to a depth of approximately 8.2m in the vicinity of the new swimming pool.</p> <p>The Department is satisfied the extent of proposed earthworks would not have a detrimental impact on drainage patterns and soil stability at the site or adjoining properties, subject to the recommended conditions.</p>

Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)

The KLEP 2015 aims to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within the Ku-ring-gai LGA. The Department considers the proposed development is consistent with the relevant provisions of the KLEP 2015, as outlined in **Table B5**.

Table B5 | Consideration of the KLEP 2015

KLEP 2015	Department's consideration
Clause 2.3 Zone objectives and Land Use Table	<p>Part of the site (37 Bancroft Avenue) is zoned R2 Low Density Residential.</p> <p>The R2 zone is a prescribed zone under clause 33 of the Education SEPP. Clause 35(1) of the Education SEPP allows for development for the purpose of a school to be carried out by any person with development consent on land in a prescribed zone.</p> <p>The proposal is consistent with the objectives of the R2 zone as it would provide for additional educational facilities to meet the needs of residents.</p>
Clause 4.3 Height of buildings	<p>Part of the site (37 Bancroft Avenue) is subject to a maximum height of buildings control of 9.5m. The proposal has a maximum building height of 9.05m and therefore complies with the development standard.</p>
Clause 4.4 Floor space ratio	<p>Part of the site (37 Bancroft Avenue) is subject to a maximum FSR control of 0.3:1. The proposal would exceed the FSR control at this part of the site.</p> <p>The Department notes that exceedance of the FSR control is permitted under clause 42 of the Education SEPP and that the Applicant has provided justification for contravening the development standard.</p> <p>The Department's consideration of the variation to the development standard is provided in detail at Section 6.2 of this report.</p>
Clause 5.10 Heritage conservation	<p>The Department has considered the development having regard to the requirements of clause 5.10. In particular the requirements of subclause (4) <i>Effect of proposed development on heritage significance</i> whereby the consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>These matters are addressed in detail in Section 6.3 of this report for the Commission's consideration.</p>
Clause 6.2 Earthworks	<p>Excavation would be required to a depth of approximately 8.2m in the vicinity of the new swimming pool.</p>

The Department is satisfied the extent of proposed earthworks would not have a detrimental impact on drainage patterns and soil stability at the site or adjoining properties, subject to the recommended conditions.

Clause 6.4 Riparian land and adjoining waterways

The south-eastern corner of 37 Bancroft Avenue is mapped as Category 3a riparian land. The riparian corridor is highly disturbed, being located within an established urban setting, and does not part of a formally mapped creek-line.

The Department is satisfied the proposed stormwater management system would ensure there would be no adverse impacts on the adjoining riparian land.

Clause 6.5 Stormwater and water sensitive urban design

The application includes details relating to the proposed stormwater management system, including on-site detention and water sensitive urban design measures that are designed to improve the quality of stormwater runoff from the site.

The Department is satisfied the proposal would minimise any adverse impacts of urban stormwater on the site and the adjoining properties.

Other policies

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. Notwithstanding, the objectives of relevant controls under the Ku-ring-gai Local Centres Development Control Plan and the Ku-ring-gai Development Control Plan, where relevant, have been considered in **Section 6** of this report.

Appendix C – Recommended Instrument of Consent

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

<https://www.planningportal.nsw.gov.au/major-projects/project/9441>

Appendix D – Independent Heritage Peer Review

The Department's Independent Heritage Peer Review can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/9441>