



Darlington Public School Redevelopment

State Significant Development Assessment (SSD-9914)

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Cover image: Artist's Impression of the school (Source: Applicant's Response to Submissions 2020)

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
COLA	Covered outdoor learning area
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LoS	Level of Service
Minister	Minister for Planning and Public Spaces
OOSH	Out of School Hours
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PCMP	Preliminary Construction Management Plan
SEPP	State Environmental Planning Policy
SHI	Statement of Heritage Impact
SLEP	Sydney Local Environmental Plan 2012
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Transport Impact Assessment

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the redevelopment and expansion of the Darlington Public School and the co-located Darlington Preschool (SSD 9414). The Applicant is the NSW Department of Education and the proposal is located within the City of Sydney local government area (LGA). The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library. The new school would accommodate a maximum of 437 primary school students (an increase of 207 students). The preschool is proposed to maintain its existing capacity of 60 children.

The Department of Planning, Industry and Environment (the Department) considers the key issues raised by the proposal include traffic and parking, tree removal, and built form and heritage. The Department has considered these issues in its assessment, along with other issues including biodiversity, Aboriginal cultural heritage, utilities capacity, and contamination. The Department has considered the merits of the proposal in accordance with section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), principles of ecologically sustainable development, and issues raised in submissions as well as the Applicant's response to these.

The Department considers that the proposed built form provides for a sensitive and appropriate response to the surrounding heritage items and conservation areas. The proposed building height is considered acceptable in the context of the site's immediate surroundings, which are generally of a similar or greater height.

The proposal would have only minor impacts on the performance of the local road network due to its location in a highly walkable area.

While it is considered that greater weight could have been given by the Applicant to tree retention in the proposed building layout and landscape planning, conditions of consent have been recommended to mitigate tree loss through further investigations to retain five additional trees, landscape plan amendments and minimum planting requirements.

The proposal has a capital investment value (CIV) of \$41.3 million and would generate 127 jobs during the construction phase and an additional 12 operational jobs. The proposal is SSD under section 4.36 EP&A Act as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 Schedule 1 State Environmental Planning Policy (State and Regional Development) 2011.

The application was publicly exhibited on the Department's website between 16 June 2020 and 13 July 2020 (28 days). The Department received a total of 11 submissions, seven of those submissions being from public authorities and four submissions from the public. Of the four public submissions, one was an objection. An additional five submissions from public authorities were received in response to the Applicant's Response to Submissions.

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1 Introduction

This report provides an assessment of a State significant development (SSD) application for the redevelopment of Darlington Public School and Darlington Preschool, located on the corner of Golden Grove Street and Abercrombie Street in Darlington (the site) (SSD-9914).

The proposal seeks to expand the capacity of the existing school to accommodate a maximum of 437 primary school students (an increase of 207 students). The preschool is proposed to maintain its existing capacity of 60 children.

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library.

The application has been lodged by NSW Department of Education (the Applicant). The site is located within the City of Sydney local government area (LGA).

1.1 Site description

The subject site is located on the north-eastern corner of the intersection of Golden Grove Street and Abercrombie Street in Darlington, approximately three kilometres (km) south-west of the Sydney central business district. The site location is shown in its regional context in **Figure 1** and its local context in **Figure 2**.

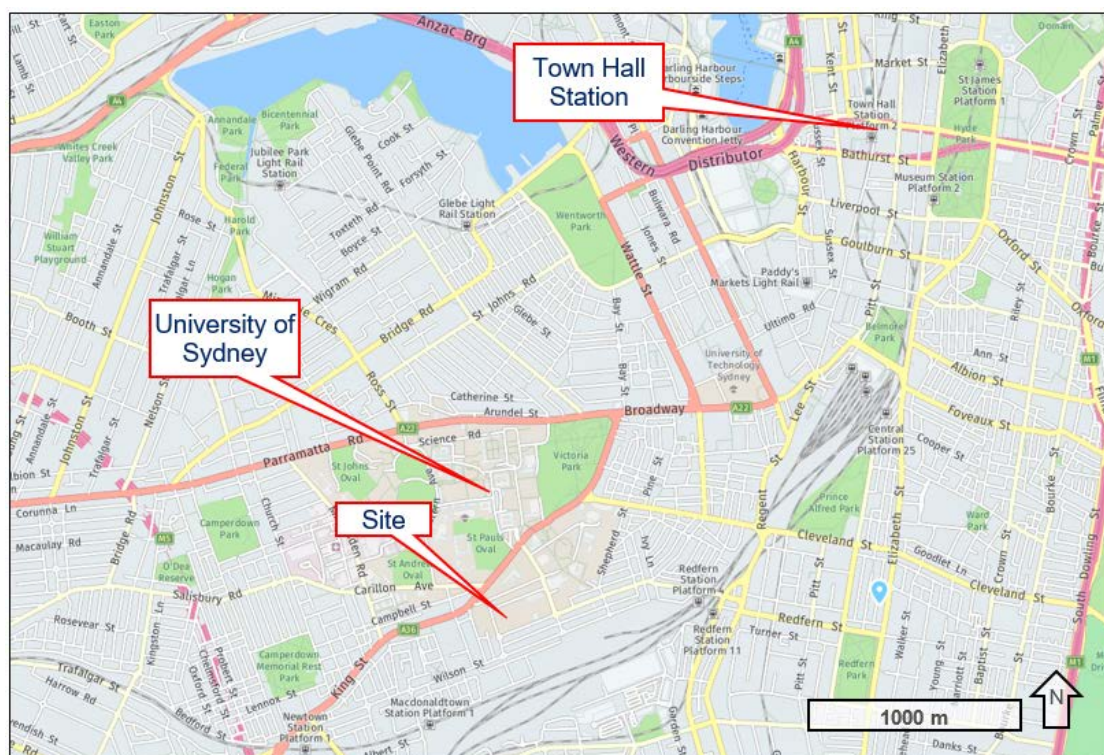


Figure 1 | Regional Context Map (Source: Nearnmap 2020)

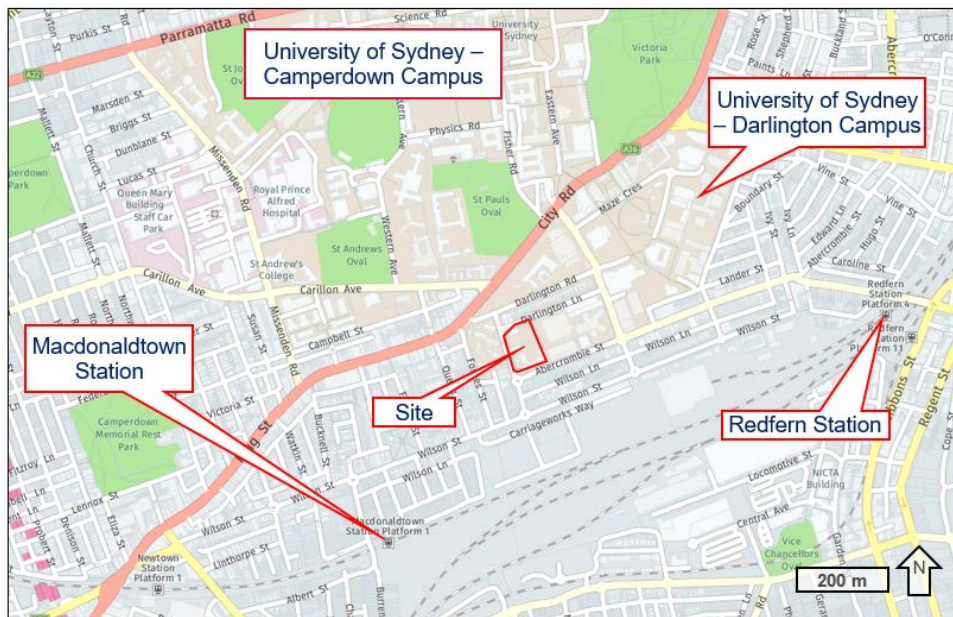


Figure 2 | Local Context Map (Source: Nearmap 2020)

It is situated on a roughly rectangular 7,253 square metre (sqm) allotment, bounded by Darlingford Lane to the north, Golden Grove Street to the west and Abercrombie Street to the south. The site is legally described as Lot 100 in DP 623500 and Lot 592 in DP 7523049.

The site comprises a series of one and two storey brick buildings arranged roughly in a U-shape, fronting Golden Grove Street and Abercrombie Street. The buildings were constructed in the 1970s and have a capacity of up to 230 school students (currently 183 enrolments) and 60 preschool students. The buildings are staggered along the street frontages, with free-standing brick walls continuing the street frontage definition along both primary frontages. A site plan is shown in **Figure 3** and an aerial photo of the site is shown in **Figure 4**.

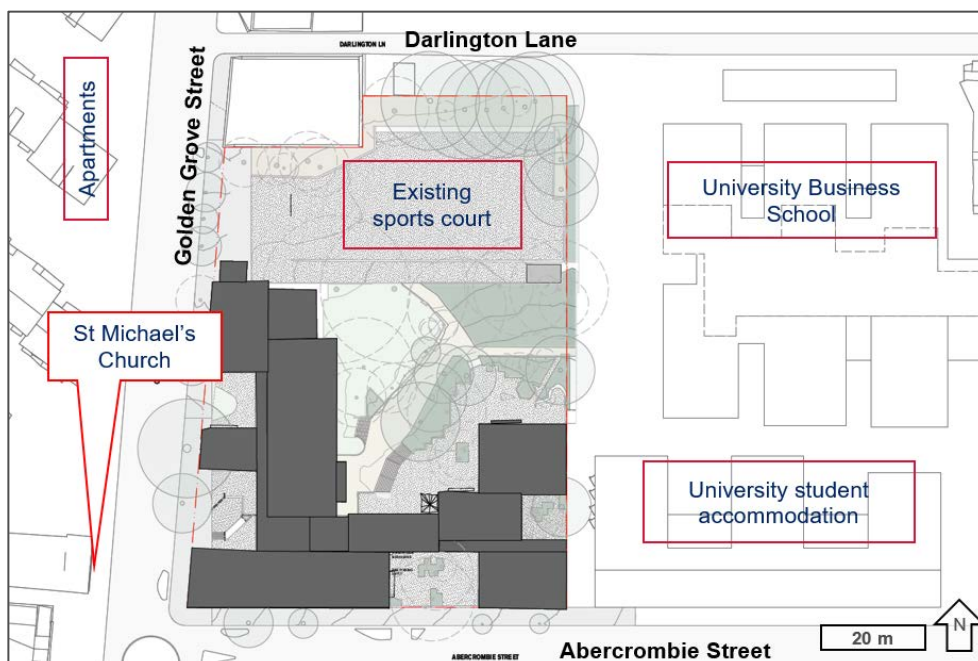


Figure 3 | Existing site layout (Source: Applicant's EIS 2020)



Figure 4 | Existing site conditions (Source: Nearmap 2020)

1.2 Surrounding development

To its north, the site adjoins the two-storey former IXL factory garage (a local heritage item under the Sydney Local Environmental Plan (SLEP) 2012) and University of Sydney service vehicle parking bays along Darlington Lane. Opposite Darlington Lane is University of Sydney-owned residential housing including a five-storey apartment building and two-storey terrace housing. The terrace housing is currently subject to a separate SSD application under assessment by the Department (SSD-7539). That application seeks to construct three-storey additions to the rear of the terraces and convert Darlington Lane into a one-way shared zone with a zebra crossing at its intersection with Golden Grove Street.

To the site's south, on the opposite side of Abercrombie Street, is a row of two-storey terraces located in the Golden Grove heritage conservation area identified in the SLEP. Further south is a major rail corridor and the Carriageworks creative space.

Adjoining the site along its eastern boundary is the recently constructed University of Sydney Business School, and student accommodation. Both buildings are three to five stories in height.

To the site's west, opposite Golden Grove Street, is St Michael's Church, an item of local heritage significance in the SLEP. Residential apartments ranging in height from two to four storeys are located to the north of the church. Further west is City Road/King Street, the main street of Newtown and a major transport corridor to the south of Sydney.

2 Project

The key components and features of the proposal are provided in **Table 1** and are shown in **Figure 5** to **Figure 12**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	The redevelopment of Darlington Public School to accommodate a maximum of 437 primary school students (an increase of 207 students), an associated preschool for up to 60 children (no increase on current capacity) and associated works including the consolidation of two lots.
Demolition	Demolition of Block A, Block B and the southern portion of Block C. The northern portion of Block C is intended to be demolished under a separate assessment pathway, prior to works commencing under this application (see Section 2.6 and Figure 6).
Built form	Construction of a part two, part three storey building comprising 19 school home bases and preschool facilities.
Heritage	<p>The site itself does not contain any items of heritage significance under any Environmental Planning Instrument (EPI). However, it is located adjacent to the Golden Grove Conservation Area and adjacent/opposite the following local heritage items listed in the SLEP:</p> <ul style="list-style-type: none"> • Former Jones IXL factory garage building. • St Michael's Church. • Terrace group of 19-23 Golden Grove Street, Newtown. • Terrace group 'University Terrace' of 124-131 Darlington Road, Darlington.
Site area	7,253sqm.
Gross Floor Area (GFA)	5,650sqm.
Uses	Primary school, Out of School Hours (OOSH) care, centre-based childcare facility (preschool) and community use of hall.
Vehicular access	<ul style="list-style-type: none"> • No vehicle access proposed for staff or parents. • Existing access on Golden Grove Street to be removed. • Realignment of the Abercrombie Street entrance and use for emergency access.
Pedestrian access	<ul style="list-style-type: none"> • Primary entrance from Golden Grove Street. • Secondary entrance from Abercrombie Street. • Dedicated separate preschool entrance from Golden Grove Street.
Car parking	<p>No on site car parking is proposed.</p> <p>On street drop-off and pick-up spaces during peak morning and afternoon times are proposed as follows:</p>

- Golden Grove Street:
 - eight 'Kiss and Ride' spaces (parents remain in car).
 - one accessible 15-minute space.
 - three 15-minute spaces.
 - one loading bay to serve the needs of service vehicles and/or excursion buses.
- Abercrombie Street:
 - two 15-minute spaces.
 - one accessible 15-minute space.

Bicycle parking	A dedicated storage area for up to 63 bicycles and 82 scooters.
Public domain and landscaping	Fencing, pathways, play spaces, assembly area and covered outdoor learning area (COLA), public domain improvements to Golden Grove Street and Abercrombie Street.
Vegetation removal	<ul style="list-style-type: none"> • Within the SSD project area, there are 31 existing trees. The proposal, as amended by the recommended conditions of consent, would involve: <ul style="list-style-type: none"> ○ removal of 18 trees. ○ retention of eight trees. ○ possible retention of five trees (subject to further investigation in accordance with recommended conditions). • Removal of 0.16 hectares of previously planted PCT 1281 vegetation (Turpentine - Grey Ironbark open forest on shale). • Planting of 36 replacement trees.
Hours of operation	<ul style="list-style-type: none"> • School and preschool: 9am to 3pm. • OOSH care: 8am to 9am and 3pm to 5pm. • Community uses: 3pm to 8pm on school days and 6am to 10pm on non-school days (indicative only).
Signage	<ul style="list-style-type: none"> • Three mounted wall signs, including: <ul style="list-style-type: none"> ○ one preschool identification sign to be located on the façade by the preschool entrance (not illuminated). ○ one school identification sign located at the main entrance on Golden Grove Street (illuminated). ○ one school identification sign located at the secondary entrance on Abercrombie Street (not illuminated). • One digital signage board to face Abercrombie Street.
Jobs	<ul style="list-style-type: none"> • 29 full time equivalent operational jobs (net increase of 12 staff). • 127 construction jobs.
CIV	\$41.3 million.

2.1 Project area

The project area encompasses the school site except for the north-west corner which is intended to be a sports court. The sports court is to be delivered under a separate assessment process (**Section 2.6**). The SSD project disturbance area is shown in **Figure 5**.

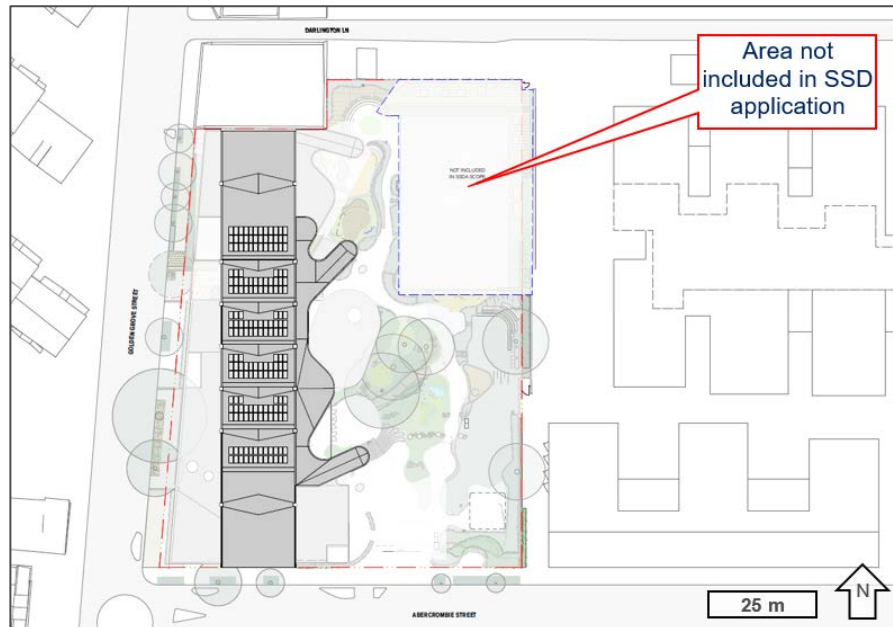


Figure 5 | Project area (Source: Applicant's EIS 2020)

2.2 Demolition

The proposal involves the demolition of most of the existing structures on site and the construction of new school facilities including teaching spaces (home base units), communal hall, special programs room, canteen, sports store, administrative spaces and a library.

The remaining structures on site would be demolished under a separate assessment process (see **Section 2.6**) prior to the SSD works.

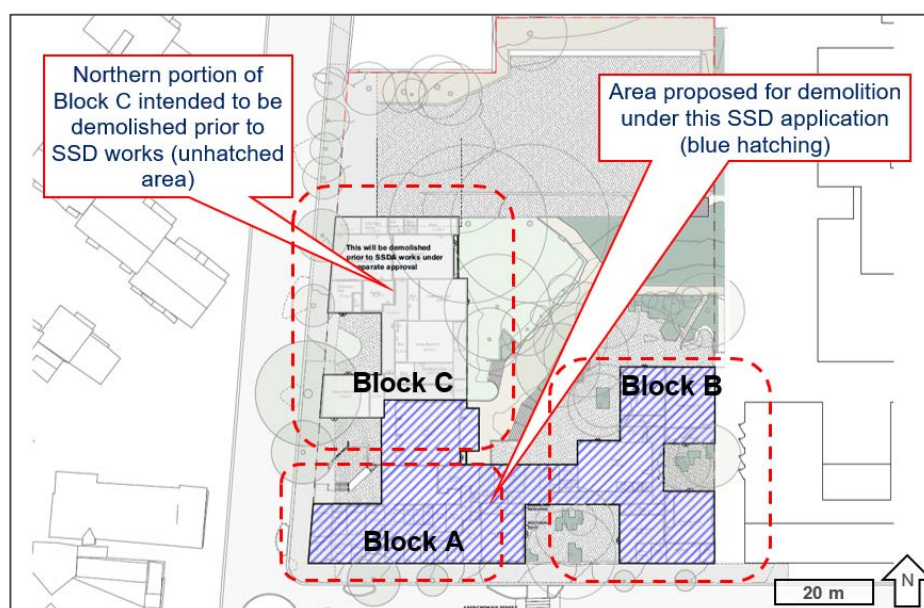


Figure 6 | Demolition plan (Source: Applicant's EIS 2020)

2.3 Physical layout and design

The proposed layout consists of a new part two, part three storey school building running along the length of the western boundary of the site (**Figure 7**).

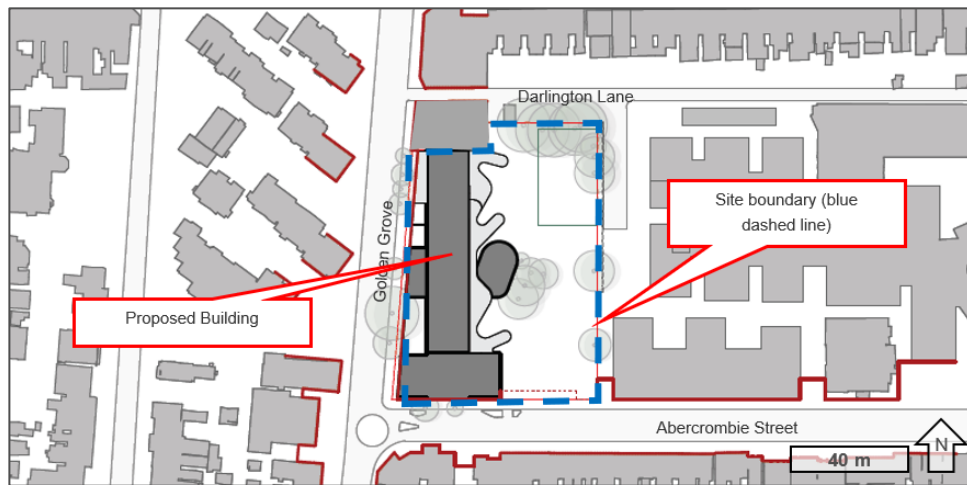


Figure 7 | Proposed layout (Base source: Applicant's EIS 2020)

At upper ground level, the building would comprise north, middle and south wings separated by site entrances and COLAs. The remainder of the site would be landscaped as outdoor play space (**Figure 8**). A sports court is intended for the north-east corner of the site, which is being pursued under a separate assessment process (**Section 2.6**).

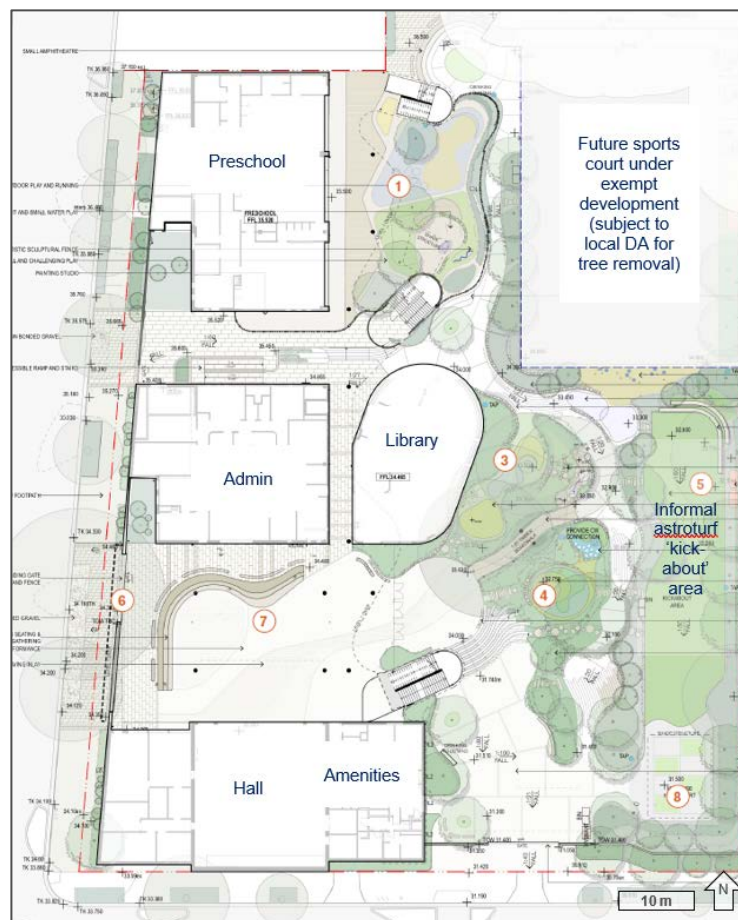


Figure 8 | Site Layout (Source: Applicant's EIS 2020)

The proposed building would accommodate 19 home bases and a preschool for up to 60 children. The preschool would be located in the northern wing on the upper ground level. On the same level, the school administration area, library and hall would be located in the middle and southern wings. The home bases would occupy all of level one.

The proposed upper ground floor and level one floor layouts are shown in **Figure 9**.

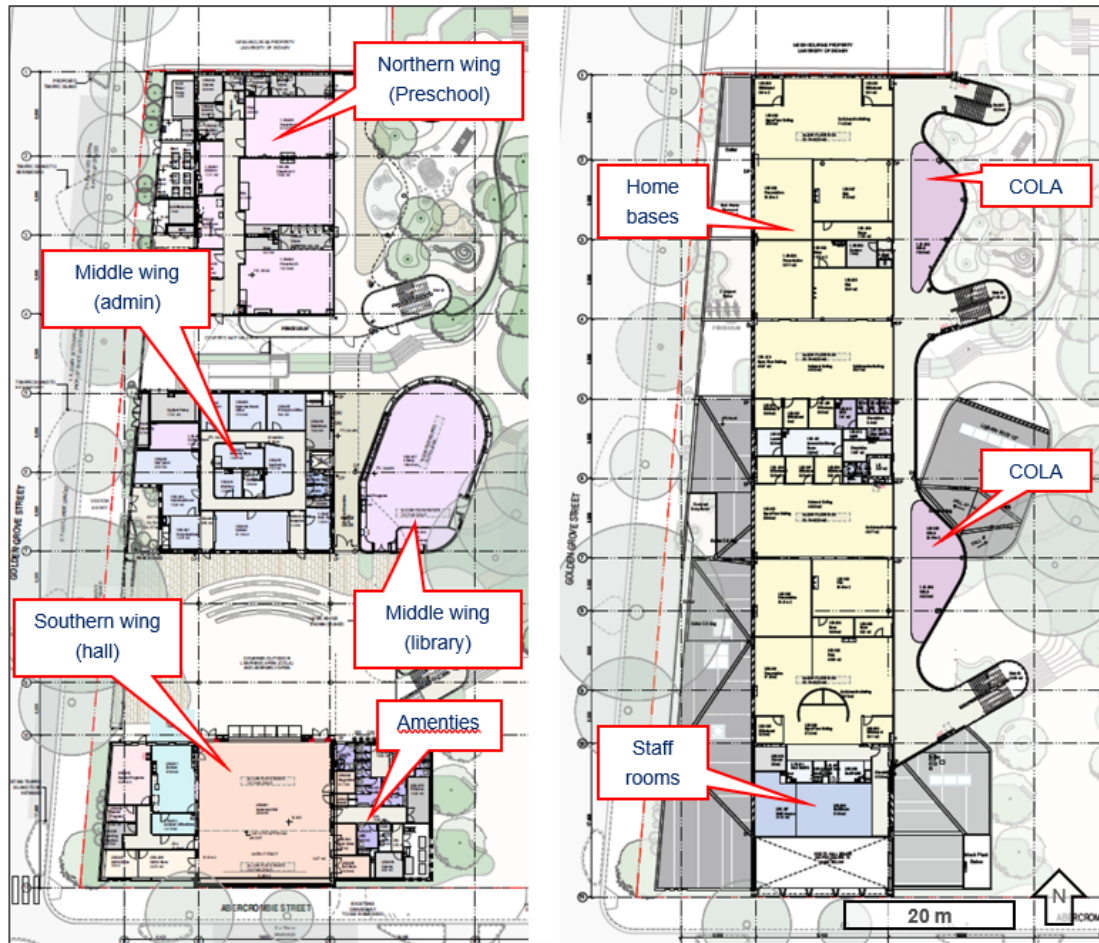


Figure 9 | Site layout Upper Ground Floor (left) and First Floor (right) (Source: Applicant's RtS 2020)

The two storey portions of the building would front the northern and southern boundaries along Golden Grove Street, while the three-storey portion would be set centrally along the Golden Grove Street frontage and setback from the lower levels. The Golden Grove/Abercrombie Street corner would be marked by a sawtooth form that extends to 14.64m above existing ground level to accommodate the hall. Artist's impressions are shown in **Figure 10**, **Figure 11** and **Figure 12**.



Figure 10 | Artist impression of proposal – main entrance on Golden Grove Street (Source: Applicant's RtS 2020)



Figure 11 | Artist impression of proposal – secondary entrance on Abercrombie Street (Source: Applicant's RtS 2020)



Figure 12 | Artist impression of proposal – aerial view (Source: Applicant’s RtS 2020)

2.4 Uses and activities

The existing primary uses of the site remain as an educational establishment and a centre-based childcare centre. In addition to standard school and preschool activities, the proposal includes OOSH care and community use of school facilities. The existing school hall is currently used by the community for activities including dance classes. These activities generally take place during the hours of 3pm to 8pm Wednesday to Friday, and 9am-5pm on Saturdays. These activities would continue in the new school hall.

2.5 Timing

Early works would be undertaken under a separate assessment process (**Section 2.6**) to facilitate the temporary relocation of the preschool into the north-eastern corner of the site and the subsequent demolition of the northern portion of Block C.

The proposed SSD works would be undertaken in two stages shown in **Figure 13** and **Figure 14**:

- Stage 1 – Upper Site Works: Construction of the north-western portion of the new school building. The school would continue to operate in the existing southern buildings along Abercrombie Street (Blocks A and B) (**Figure 13**).
- Stage 2 – Lower Site Works: Moving of students to the newly constructed north-western portion of the new school building. Construction of the southern portion of the site (**Figure 14**).

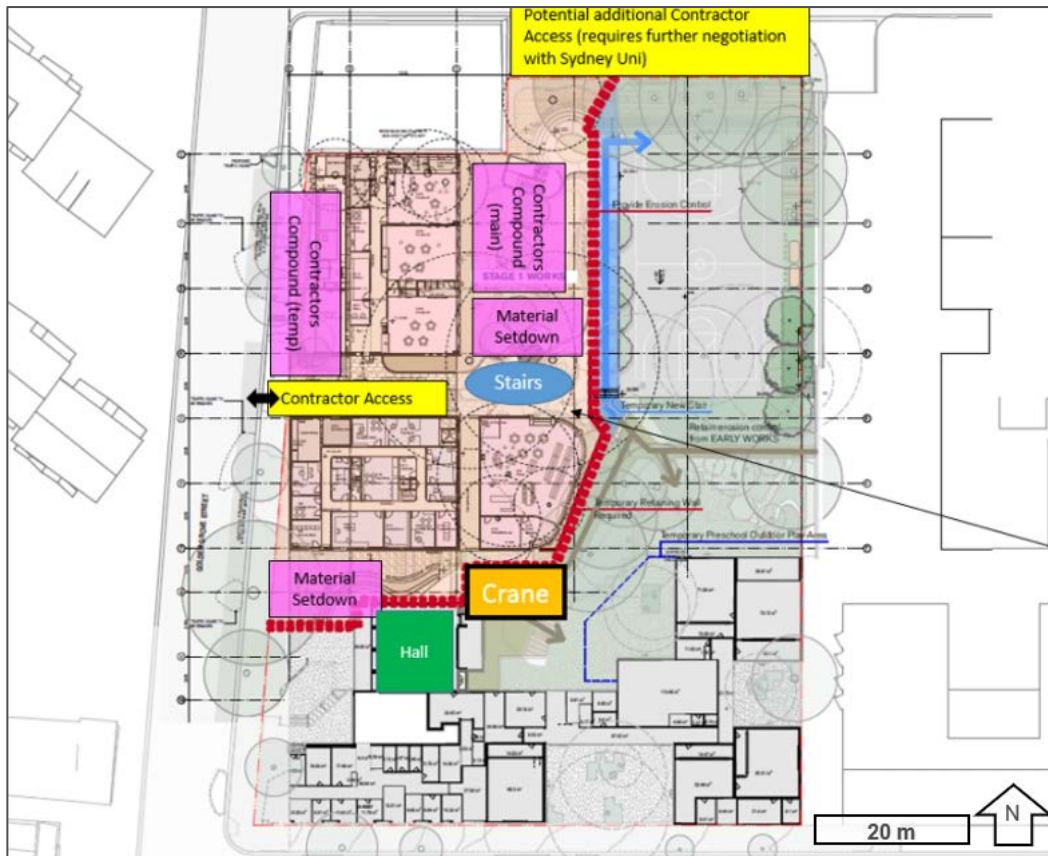


Figure 13 | Stage 1 Construction Plan (Source: Applicant's EIS 2020)

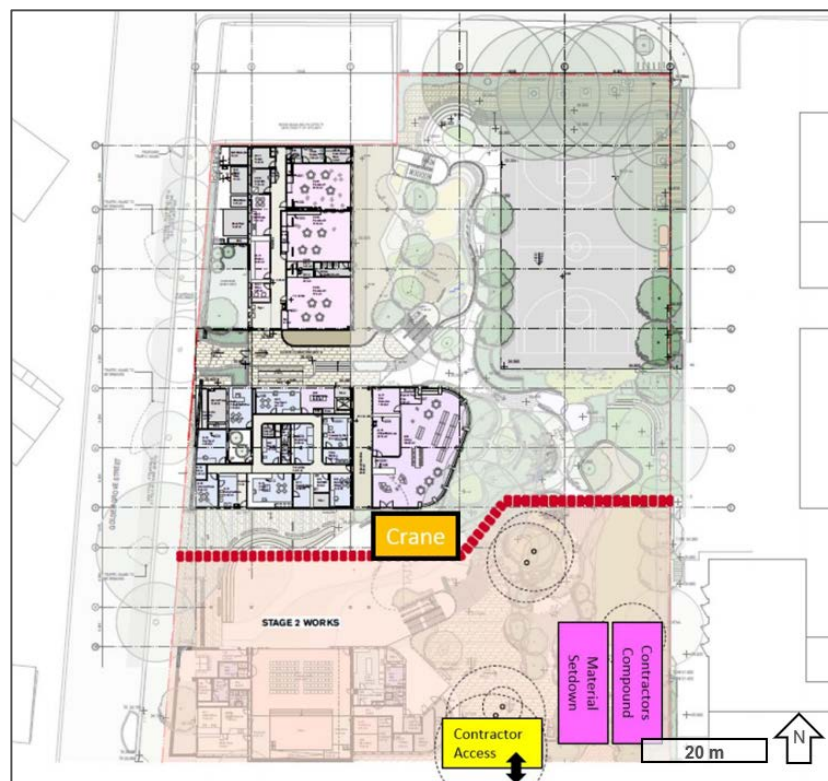


Figure 14 | Stage 2 Construction Plan (Source: Applicant's EIS 2020)

2.6 Related development

A local development consent (Council ref. D/2020/609) was granted on 9 November 2020 for the temporary re-location of the existing preschool (on site) and removal of 15 trees in the north-east corner of the site. The approximate location of these works on the school site is shown at **Figure 15**.

Subsequent works are intended to be undertaken under alternative assessment pathways including:

- construction of a new sports court and associated earthworks/landscaping (exempt development).
- demolition of the northern portion of Block C (**Figure 6**) (pathway not specified).
- minor internal alterations to facilitate occupation of the undemolished portions of the buildings during the remainder of the construction works (pathway not specified).



Figure 15 | Proposed location of temporary preschool (Source: Applicant's EIS 2020)

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers by 2031. This means NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is investing \$6.7 billion over the next four years to deliver new schools and upgrade existing schools.

Darlington Public School is within the Newtown Primary Cluster. Department of Education analysis has found the cluster is anticipated to grow by 350 students between 2021 and 2036, resulting in a shortfall of 13 teaching spaces across the cluster. Almost half of this growth will occur in the catchment of Darlington Public School. An enrolment of 415 students is forecast at Darlington Public School for the year 2036.

In this context, the Department considers that the proposal is appropriate for the site given it is consistent with the:

- Greater Sydney Region Plan and the Eastern City District Plan, as it provides new and expanded school facilities to meet the growing needs of the district.
- *NSW Future Transport Strategy 2056*, by delivering increased educational capacity in inner Sydney in a highly accessible location.
- *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it would integrate school and community facilities and:
 - deliver school infrastructure to keep pace with the growth in student numbers.
 - provide modern, digitally enabled learning environments.
 - upgrade existing learning spaces.

It would also provide direct investment in the area of \$41.3 million which would support 127 construction jobs and support 29 full time equivalent operational jobs (an increase of 12).

4 Statutory Context

4.1 State significance

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

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

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are fewer than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

Pursuant to the Sydney Local Environmental Plan 2012 (SLEP), the site is located in the SP2 - Special Infrastructure zone. An Educational Establishment is permissible with consent in the zone.

Under clause 35(10) of the Education SEPP, development for the purposes of a centre-based childcare centre is permissible with consent within the boundaries of an existing school.

4.3 Other approvals

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.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

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

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI that is of relevance to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the proposal and that have been considered in the assessment of the proposal.

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

4.4.2 Objects of the EP&A Act

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

Table 2 | Response to the objects of 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 would ensure the proper management and development of suitably zoned land and promote the social welfare of the community. In addition, the proposal would provide increased employment opportunities close to public transport.
(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) principles (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of the land, as it is consistent with the site's land use zoning and historical use as an educational establishment.
(d) to promote the delivery and maintenance of affordable housing,	Not Applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal appropriately mitigates environmental impacts. A Biodiversity Development Assessment Report (BDAR) was submitted with the application. The Department's consideration is outlined in Section 6.2 .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would promote the sustainable management of built and cultural heritage (Section 6.4 and 6.5).
(g) to promote good design and amenity of the built environment,	Subject to conditions, the proposal promotes good design and amenity (Section 6).
(h) to promote the proper construction and maintenance of buildings, including the	The proposal would promote proper construction and maintenance of buildings

protection of the health and safety of their occupants,	subject to 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 (Section 5.1), and consulted Council and other public authorities and considered their responses (Sections 5.3 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period.

4.4.3 Ecologically sustainable development

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

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

The EIS included an ESD Statement that detailed how the principles of ESD would be incorporated into the development. The proposal will align with the Green Building Council of Australia's 'Green Star' framework by achieving an equivalency to 4-Star Green Star Rating, in accordance with the Educational Facilities Standards and Guidelines (EFSG).

The development proposes ESD initiatives and sustainability measures to meet the EFSG, including:

- a minimum 80% of the construction and demolition waste to be recycled.
- a 52 kilowatt solar system to be installed on site, the performance of which would be amplified by orientating the saw tooth roof design to the north to increase the efficiency of the solar panels.
- stormwater design to ensure post-development peak event discharge rates do not exceed pre-development rates and design development to explore the feasibility of all rainwater from the new upper site roofing being captured and re-used on site for irrigation.

In addition, the following measures are being investigated and would be implemented where possible:

- on site biodigesters, to create a compost stream for the landscape areas from compostable waste on site.
- material use for building adhesives, sealants, flooring and paint products to be selected to contain low or no volatile organic compounds, and all engineered wood products used in

exposed or concealed applications specified to contain low or no formaldehyde to avoid harmful emissions that can cause illness and discomfort for occupants.

- use of reused steel or steel that contains a post-consumer recycled content.
- sustainable timber to be specified for at least half of the timber products used on the proposal.
- recycled concrete to be specified using recycled aggregate or manufactured sand and reduced quantities of Portland cement to reduce environmental impacts of concrete production and embodied energy.
- use of low carbon concrete such as ground granulated blast furnace slag for any in-situ concrete on site to reduce embodied carbon.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via an assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in section 5.12 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

It is noted that the Applicant does not intend to seek formal certification of its 4-star rating by the Green Building Council of Australia. In order to ensure that ESD is appropriately incorporated into the proposed development, the Department has recommended a condition that the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process agreed by the Planning Secretary, prior to the commencement of building works.

4.5 Biodiversity Conservation Act 2016

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

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6.2**. The Department acknowledges the proposal would require the removal of 0.16ha of native vegetation. However, it is considered that the direct biodiversity impacts of the proposal can be appropriately offset through the retirement of two ecosystem credits as set out in the BDAR. The Department has recommended conditions to ensure this is achieved.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 16 June 2020 to 13 July 2020 (28 days). The application was exhibited on the Department's website and adjoining landholders and relevant state and local government authorities were notified in writing. Department representatives visited the site to provide an informed assessment of the development.

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

The Department has considered the comments raised in the public authority submissions during the assessment of the application (**Section 5** and **6**). Recommended conditions in the instrument of consent at **Appendix C** reflect these comments.

5.2 Summary of submissions

The Department received a total of 11 submissions, comprising seven submissions from public authorities, including Council, and four submissions from the public. Of the four public submissions, one was an objection. A summary of the issues raised in the submissions is provided at **Section 5.3** and **Section 5.4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided in **Table 3**.

Table 3 | Summary of public authority submissions

City of Sydney Council (Council)

Council stated that it did not wish to comment on the proposal. Council subsequently provided comments on the RtS and Supplementary RtS (SRtS), where it raised concerns around the extent of, and justification for, tree loss (**Section 5.5**).

Environment Protection Authority (EPA)

EPA provided recommendations to manage:

- noise impacts from construction, hazardous waste removal, operational waste collection and mechanical plant equipment.
- remediation of the site, in consideration of the contaminants of concern identified in the preliminary and detailed site investigations.
- removal of asbestos waste and the importation of fill.

Transport for New South Wales (TfNSW)

TfNSW provided recommendations including that:

- the number of bicycle parking spaces be increased.
- a Green Travel Plan (GTP) be prepared in consultation with TfNSW prior to occupation and be updated annually throughout the ongoing operation of the school.

- a detailed Construction and Traffic Management Plan be prepared and approved by Council prior to commencement of construction.
- a Traffic and Parking Management Plan be prepared to address drop-off/pick-up management, bus accessibility, safety and behaviour during drop-off/pick-up and pedestrian safety.
- the preparation of a Road Safety Audit for each stage of the development with road safety measures to be implemented based on its findings.
- the preparation of a detailed Signage and Line Marking Plan.

Sydney Water

Sydney Water advised that an existing water supply and wastewater main are available to service the proposed development. The requisite approvals would be required prior to commencement of works.

Environment, Energy Science Group, Department of Planning, Industry and Environment (EESG)

EESG requested that the proposed mitigation measures contained within the BDAR be revised to consider the possibility that microbats might be encountered within the roof structures of buildings proposed for demolition.

Heritage NSW, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW noted the recommendations contained within the Historical Archaeological Assessment which, while referenced in the Heritage Impact Statement, were not reflected in its recommendations. Heritage NSW recommended conditions of consent relating to historical archaeology, as contained in the Historical Archaeological Assessment.

Ausgrid

No concerns were raised regarding electricity supply infrastructure.

5.4 Public submissions

The one public submission of objection raised concerns including the:

- proposal has not been well justified. No report has been provided to justify the claim in the EIS that the existing building has reached the end of its serviceable life and no consideration has been given to adaption of the existing building. Further, no consideration has been given to what will happen in 2036 when the proposed buildings are expected to reach capacity.
- overall plan for the school has been split into different development applications, reducing transparency as to cumulative impacts.
- high number of trees proposed for removal and the lack of:
 - alignment with the Premier's priority of increasing the tree canopy in Greater Sydney.
 - consideration of cumulative impacts on the Grey-headed Flying-fox of tree loss in the BDAR.
- increased overshadowing of the playground and insufficient bicycle parking spaces.

The other three public submissions recommended:

- photographic documentation of the existing school prior to demolition.
- provision of an Indigenous food garden.

- additional bicycle and scooter parking spaces.

5.5 Response to submissions and supplementary information

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant respond to the submissions.

On 2 September 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS included an amended Design Report and Architectural Plans, an amended Remediation Action Plan (RAP) and Interim Site Audit Advice.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional five submissions from public authorities in response to the RtS.

A summary of the issues raised in the public authority submissions to the RtS is provided at **Table 4**.

Table 4 | Summary of public authority submissions to the RtS

Council
<p>Council raised concerns around the extent of the proposed tree clearing and noted that it does not support tree removal to facilitate landscaping.</p> <p>Council recommended conditions to mitigate the tree loss and ensure appropriate conditions are in place to support new plantings which would attain a comparable size and canopy cover at maturity.</p>
EPA
<p>EPA noted the additional information and reiterated previously recommended conditions.</p>
TfNSW
<p>TfNSW reiterated its earlier recommended conditions regarding the preparation of a GTP and a Construction and Traffic Management Plan in consultation with TfNSW.</p>
Heritage NSW
<p>Heritage NSW reiterated its earlier recommendations regarding the inclusion of conditions of consent relating to historical archaeology.</p>
EESG
<p>EESG noted the information contained in the RtS and provided no further comment.</p>

On 16 October 2020, the Applicant provided further information in relation to tree removal and retention in response to the Council comments and queries from the Department.

6 Assessment

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

- traffic, parking and active transport.
- biodiversity, tree removal and landscaping.
- built form.
- heritage.

These issues are discussed in the following sections of this report. Other issues considered during assessment of the application are at **Section 6.5**.

6.1 Traffic, parking and active transport

6.1.1 Operational traffic

A Transport Impact Assessment (TIA) was submitted with the EIS. The TIA predicted new trips generated by the proposal based on a travel mode survey of the existing school population and an anticipated school population of 415 in 2036. As the preschool capacity is not proposed to change, it was not considered in the TIA.

The travel mode survey found over 70% of the existing school population either walk or bicycle/scooter to school. Based on these findings, the school's traffic generation was estimated to be 0.27 vehicle movements per student in the morning peak and 0.21 vehicle movements per student in the afternoon peak.

The traffic generation predicted for the proposal is provided in **Table 5**, which estimates the development would generate an additional 57 vehicle trips during the morning peak hour and 47 additional vehicle trips during the afternoon peak hour.

Table 5 | Traffic generation outcome

	Existing trips	Proposed trips	Increase
Morning	55	112	57
Afternoon	40	87	47

The TIA included a SIDRA analysis of the operation of nearby intersections likely to be impacted by the proposal, including King Street / Darlington Road and Golden Grove Street / Abercrombie Street. The location of the intersections is shown in **Figure 16**. The analysis found that, despite minor additional delays at the King St / Darlington Rd intersection, the existing Level of Service (LoS) of A (good operation) would remain unchanged post-development.

No additional delays were projected for the Golden Grove Street / Abercrombie Street intersection (**Table 6** and **Table 7**). As such, it was found that the existing road network can accommodate the anticipated additional traffic demand with no undue capacity issues. Therefore, no additional road/traffic upgrades were found to be necessary to accommodate the development.

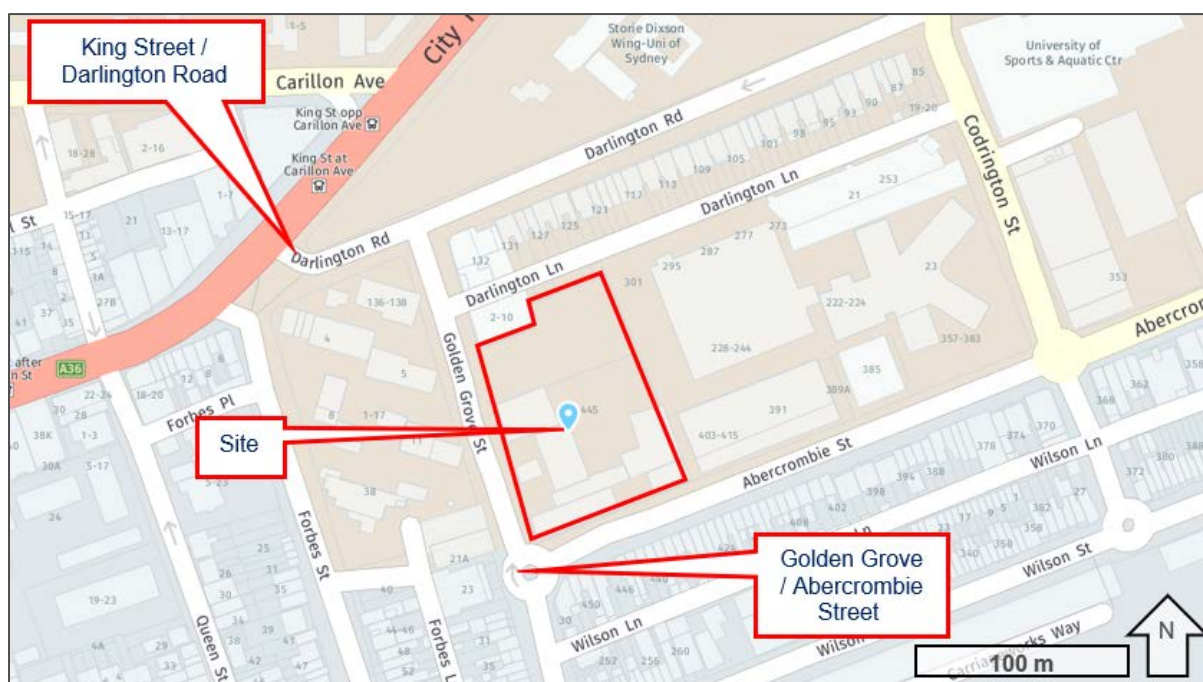


Figure 16 | Intersections analysed in SIDRA analysis (Base source: Nearmap 2020)

Table 6 | Existing Level of Service (LoS) and Average Vehicle Delay (AVD)

Intersection	LoS (AM)	AVD	LoS (PM)	AVD
King St / Darlington Rd	A	9.5s	A	11.5s
Golden Gr / Abercrombie St	A	8.6s	A	8.5s

Table 7 | Post-development Level of Service (LoS) and Average Vehicle Delay (AVD)

Intersection	LoS (AM)	AVD	LoS (PM)	AVD
King St / Darlington Rd	A	11.6s	A	13.0s
Golden Gr / Abercrombie St	A	8.6s	A	8.4s

The TIA included discussion of measures to continue to encourage sustainable travel to the school and minimise car-based trips. Measures included:

- suggested mode share targets including:
 - walk - 45%.
 - bicycle/scooter - 35%.
 - car - 10%.
 - bus - 10%.
- potential contextual incentive schemes for using active transport, including:
 - event based measures such as a ride to work/school day, pedometer-based walking programs, a walk/bike buddy scheme.
 - awareness raising measures.

- the monitoring and evaluation of targets.

Council raised no concerns about traffic impacts associated with the proposal. TfNSW did not raise any specific concerns regarding operational traffic. However, it did recommend that consideration be given to increasing the number of bicycle parking spaces and the finalisation of sustainable transport measures in consultation with TfNSW.

The Department has reviewed the information provided and comments made in the submissions. Based on the findings of the TIA, the Department considers that the additional traffic generated by the proposal would not have a significant impact on the operation of the road network and intersections surrounding the site.

The Department supports the implementation of sustainable transport measures and has recommended conditions requiring the preparation and implementation of a School Transport Plan that includes appropriate sustainable transport measures. Recommended conditions include a requirement for this to be done in consultation with TfNSW and include annual reviews of its effectiveness.

6.1.2 Construction traffic and parking

A Preliminary Construction Management Plan (PCMP) was submitted with the EIS. It proposes the following access arrangements for construction vehicles:

- Stage 1: access via Golden Grove Street.
- Stage 2: access via Abercrombie Street.

The construction vehicle entrances, shown in **Figure 17**, would be provided solely for the use of the contractors to avoid conflicts with the regular school vehicular traffic.

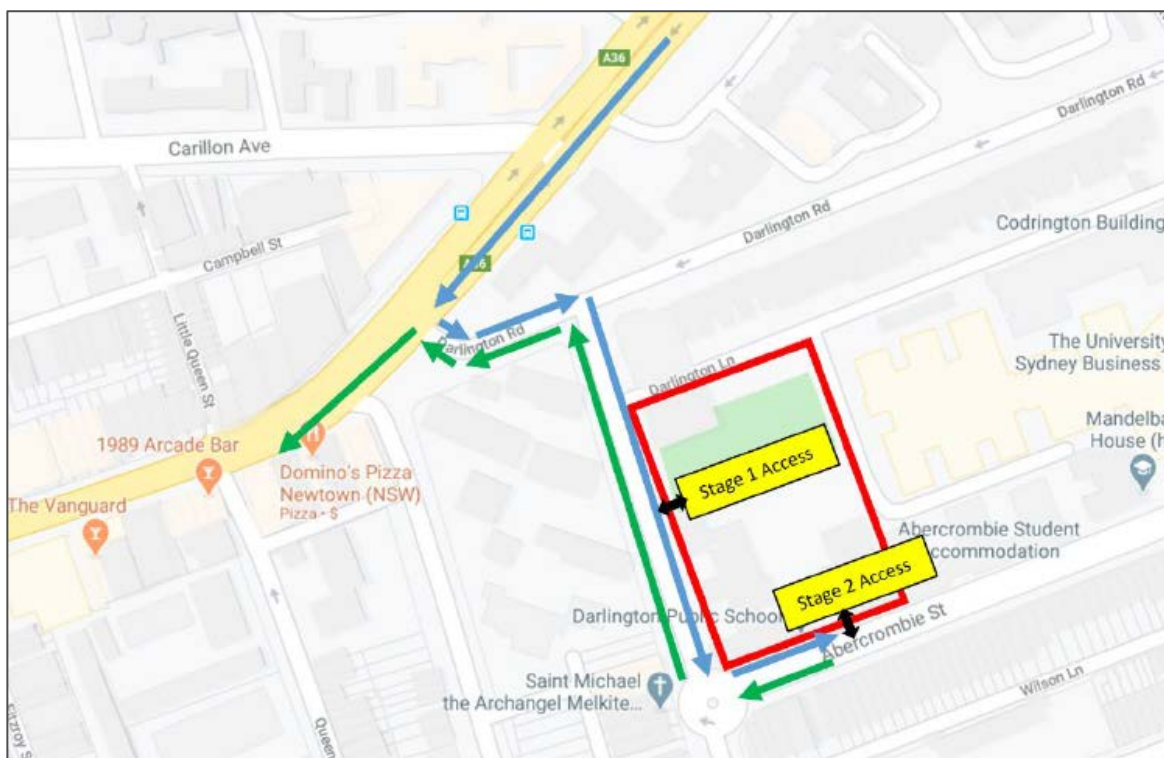


Figure 17 | Construction vehicle routes and entrances (source: Applicant's EIS 2020)

The PCMP confirmed that construction personnel would be encouraged to use public transport and no parking would be provided for their use. It is proposed to provide an on-site tool storage facility to make it easier for workers to travel to and from the site by public transport without carrying their tools. The PCMP also recommended that the contractor be required to schedule the main deliveries outside of the peak school drop-off and pick-up times.

The Department has reviewed the PCMP and is satisfied that construction traffic would be appropriately managed during construction. As advised by TfNSW, a condition has been recommended to require the preparation of a detailed Construction Traffic and Pedestrian Management Plan in consultation with TfNSW and Council, that would finalise the proposed arrangements prior to commencement of construction.

6.1.3 Operational car parking and drop-off/pick-up

The proposal would result in 29 full time equivalent operational jobs (a net increase of 12 staff), 437 school students and 60 preschool students.

There is a total of five drop-off/pick-up spaces on the streets adjoining the school, including two on the Abercrombie Street frontage and three on the Golden Grove Street frontage. The TIA notes the surveyed peak movements of 55 trips would indicate a 'service rate' of these spaces of 11 cars per hour per space. As the proposed expansion is expected to result in an addition of up to 57 vehicles per hour, application of the calculated service rate would indicate an additional requirement of five or six spaces, thus a potential total demand of 11 drop-off/pick-up spaces.

No on-site parking spaces are proposed, and all drop-off/pick-up is intended to occur using on-street spaces. On-street drop-off/pick-up spaces are shown in **Figure 18** and **Figure 19** and described below:

- Golden Grove Street:
 - eight pick-up/drop-off spaces (parents remain in car).
 - one accessible 15-minute space.
 - three 15-minute spaces.
 - one loading bay to serve the needs of service vehicles and excursion buses.
- Abercrombie Street:
 - three 15-minute spaces.
 - one accessible 15-minute space.

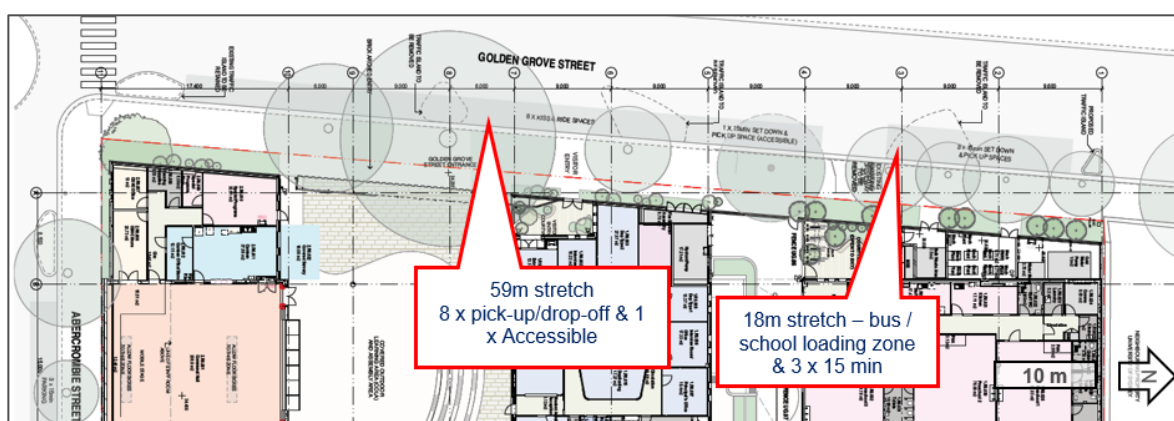


Figure 18 | Site layout showing parking details for Golden Grove Street (Source: Applicant's EIS 2020)

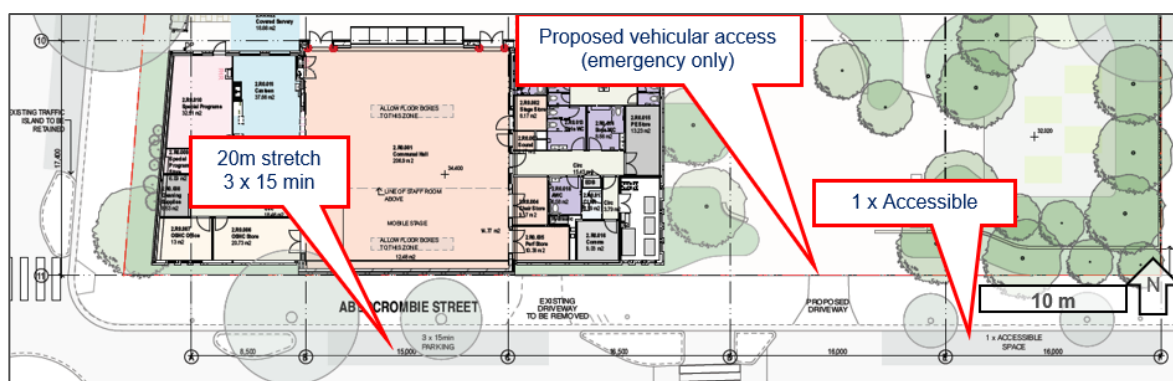


Figure 19 | Artist impression of proposal (Source: Applicant's EIS 2020)

Clause 7.9 (2) of the SLEP specifies the maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is one space plus one space for every 100sqm of the gross floor area of the building used for those purposes. As the SLEP sets a maximum number of spaces, and no on-site spaces are proposed, the application complies with these provisions. The City of Sydney Child Care Centres Development Control Plan 2005 does not contain any requirements for parking spaces.

In its response to the RtS, Council raised concerns relating to:

- the proposed increase in parking spaces, noting that these would serve to encourage driving and discourage green travel initiatives.
- the proposed 15-minute accessible parking, noting this is inconsistent with road rules which allow people with a mobility parking permit to park for two hours in a 15-minute space.

The Department considers that the proposed car parking provisions would adequately and practicably service the needs of the school. The Department notes that any changes to parking restrictions or on street infrastructure is subject to Council approval. The Department has recommended a condition that the proposed changes be finalised in consultation with Council and be submitted to Council's Traffic Committee and Area Planning Manager for approval. It is considered that the above-mentioned issues raised by Council can be resolved at this time.

6.1.4 Active transport

If the existing rates of active transport are maintained after the proposed redevelopment, the following additional bicycle and walking trips would be generated:

- bicycle/scooter: 50 additional students (to total 122).
- walking: 74 additional students (to total 185).

Amended plans provided with the RtS increased the proposed number of bicycle and scooter spaces from 67 to 145 (63 bicycle spaces and 82 scooter spaces). The new bicycle parking facilities proposed on site would be sufficient to accommodate the above increase.

The TIA considers there are excellent footpath and cycle facilities available in the surrounding road network. The additional trips, either in the form of pedestrians or bicycles/scooters, would be readily accommodated by the existing road traffic/crossing devices surrounding the site.

The main pedestrian entrance is proposed to be located on Golden Grove Street, in a similar location to the existing entrance. A covered forecourt would provide a zone for waiting / gathering as well as a spill out zone for the school hall. The main entrance to the preschool would be located a short

distance further north of the main school entrance. A second entrance is proposed off Abercrombie Street. The proposed entrances are shown in **Figure 20**.

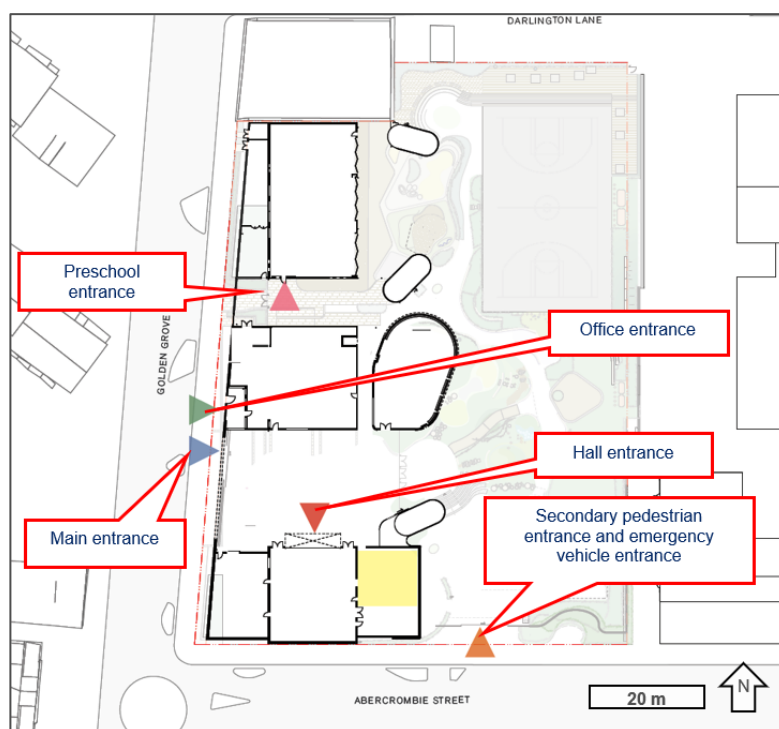


Figure 20 | Location of pedestrian entrances (source: Applicant's EIS 2020)

No issues were raised regarding pedestrian safety or access during the exhibition period. In its response to the RtS, TfNSW did not raise any concerns with the amended bicycle and scooter storage facilities.

The Department is satisfied that appropriate arrangements are proposed to facilitate active travel to the school.

6.1.5 Public transport

The site is located within 200m of a bus stop on City Road which is served by several bus routes past the adjoining university. Redfern and Macdonaldtown railway stations are located 980m and 800m from the site, respectively.

As the proposal is for a primary school and preschool to cater to the local population, it is not anticipated the above services would be regularly used by students. Regardless, the Department considers that the site is well served by public transport and that there is capacity to accommodate increased demand as a result of the proposed development.

6.2 Biodiversity, tree removal and landscaping

6.2.1 Biodiversity

A Biodiversity Development Assessment Report (BDAR) was submitted with the EIS which assessed the potential impacts of the proposal on biodiversity. The BDAR was prepared in accordance with the requirements of the BC Act.

Having regard to flora, the BDAR identified that the proposal would result in the removal of 0.16 ha of planted vegetation native to NSW as shown in **Figure 21**. As the vegetation has been planted, it does

not clearly conform to any Plant Community Type (PCT). Therefore, the BDAR determined a 'best-fit' PCT of PCT 1281 Turpentine – Grey Ironbark open forest on shale in the Lower Blue Mountains, Sydney Basin Bioregion. This PCT, while native to NSW, is not Indigenous to the local area.

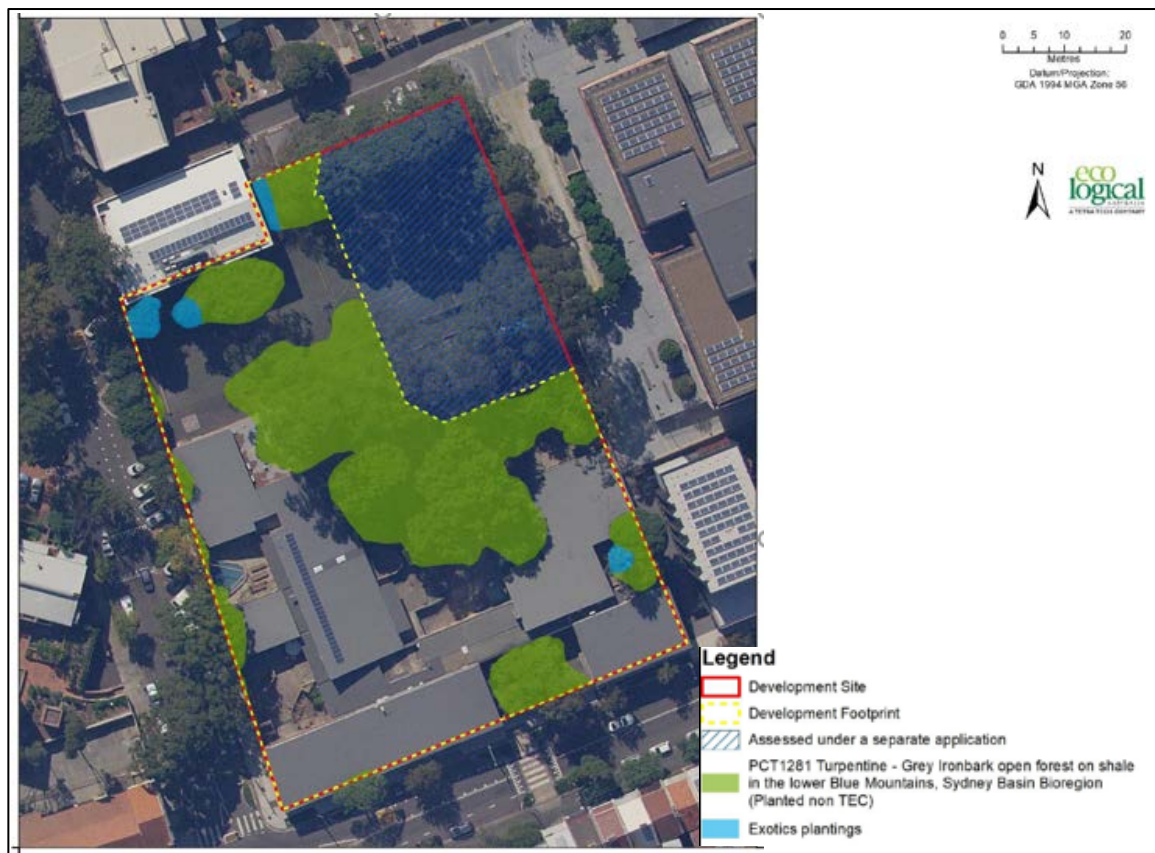


Figure 21 | Native vegetation extent (shaded in green) (Base source: Applicant's EIS 2020)

The vegetation was assigned a vegetation integrity score of 17.1 based on condition scores for composition, structure, and function. A total of two ecosystem credits would be required to offset the impacts to the vegetation.

Two threatened flora species listed under the BC Act and *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act), the Wallangarra White Gum and Narrow-leaved Black Peppermint, were recorded at the site. However, these species occur in a restricted geographic area in the NSW Northern Tableland which does not include the site. Therefore, they do not represent the listed entities under the BC Act. Both species were assessed in the BDAR as unlikely to be significantly impacted upon by the proposal.

Regarding fauna, one matter of national environmental significance was identified as having potential to be adversely affected by the proposed works. The Grey-headed Flying-fox (*Pteropus poliocephalus*) is listed as vulnerable under the EPBC Act and is likely to use some of the development site for foraging. Assessment of the Commonwealth Significant Impact Criteria was undertaken and it was concluded that the project would not have a significant impact on this species.

In its submission to the EIS, EESG accepted the findings and recommendation of the BDAR. However, it requested that mitigation measures be revised to consider the possibility that microbats might be encountered in existing structures as well as trees. It recommended measures be implemented during the demolition of structures as well as tree clearing, including pre-clearing

surveys, daily surveys, staged clearing, and the presence of a trained ecological or licensed microbat wildlife handler during clearing events.

In response to these concerns, the Applicant included a supplementary letter from its Ecologist in its RtS which included additional mitigation measures relating to microbats. EESG accepted these additional measures and recommended a condition of consent ensuring they are adopted during demolition.

The Department acknowledges the proposal would result in direct impacts to 0.16ha of planted native vegetation. However, it is satisfied that the direct biodiversity impacts of the proposal would be appropriately offset through the retirement of two ecosystem credits as set out in the BDAR. The Department is also satisfied that mitigation measures in the BDAR and RtS would appropriately manage the risks associated with encountering microbats during clearing and demolition. The Department has recommended conditions requiring the retirement of two ecosystem credits prior to the commencement of vegetation removal and mitigation measures be implemented in accordance with the BDAR and RtS.

6.2.2 Tree removal and landscaping

The site contains 31 trees within the SSD project area and 23 trees outside the SSD project area in the north-east corner of the site (**Section 2.1** and **Figure 22**). A separate local development consent was granted by Council on 9 November 2020 for the removal of 15 of the 23 trees outside of the SSD project area (**Section 2.6**). 12 street trees located along the frontage of the site are proposed for retention.

Initially, the SSD application sought permission to remove 29 of the 31 trees within the SSD project area. No justification was provided in the EIS or the accompanying arborist report for their removal. The extent of the proposed tree removal to accommodate playground areas was noted in the Statement of Heritage Impact, which found that this would have a visual impact on the surrounding heritage streets.

One public submission raised concerns regarding the extent and impact of the proposed tree removal, noting that this was not in accordance with the Premier's priority of increasing the tree canopy across Greater Sydney. Following exhibition, the Department requested the Applicant to provide justification for tree removal, particularly for the 19 trees to be removed that were not within the proposed building footprint. The Department also requested the Applicant to consider opportunities to maximise retention of existing trees.

The Applicant's RtS did not include additional justification for the proposed tree removal or include the retention of additional trees on site. On 8 September 2020, the Department requested the Applicant provide additional information including justification for proposed tree removal and consider opportunities to retain additional trees.

The Applicant provided additional information on 22 September 2020, which was considered by the Department and referred to Council. It was considered by both the Department and Council that the justification lacked sufficient detail to warrant the removal of many of the trees, particularly those located outside the proposed building footprint. Council further stated that:

- medium and high retention value trees within the future landscaped area should be retained.
- the Arboricultural Report provided with the EIS does not constitute an Arboricultural Impact Assessment.

A further request for additional information was issued on 2 October 2020, requesting:

- a complete Arboricultural Impact Assessment Report prepared by a qualified AQF Level 5 Arborist.
- amended landscaped plans which retain as many trees as possible and consider tree retention in the determination of finished ground levels.

A meeting was held on 8 October 2020 with the Applicant and Council staff to discuss concerns around the extent of the tree loss and options for greater retention. On 16 October, the Applicant provided additional information including:

- a tree retention study, which provided additional details to justify the removal of each tree.
- amended landscape plans which altered the proposed removal/retention status of eight trees:
 - tree 12 (River She-Oak) and trees 13-15 (Tallowwoods) changed from 'retain if possible, subject to further assessment' to 'retain'.
 - trees 17 and 19 (Illawarra Flame Tree and Bangalow Palm respectively) changed from 'remove' to 'retain'.
 - trees 10 and 11 (River She-Oaks) changed from 'remove' to 'retain if possible, subject to further assessment'.
- amended tree removal and retention plan to reflect the above changes (**Figure 22**).

Overall, as a result of these changes the revised proposal includes:

- removal of 21 trees.
- retention of eight trees.
- retention of two trees, subject to further assessment.

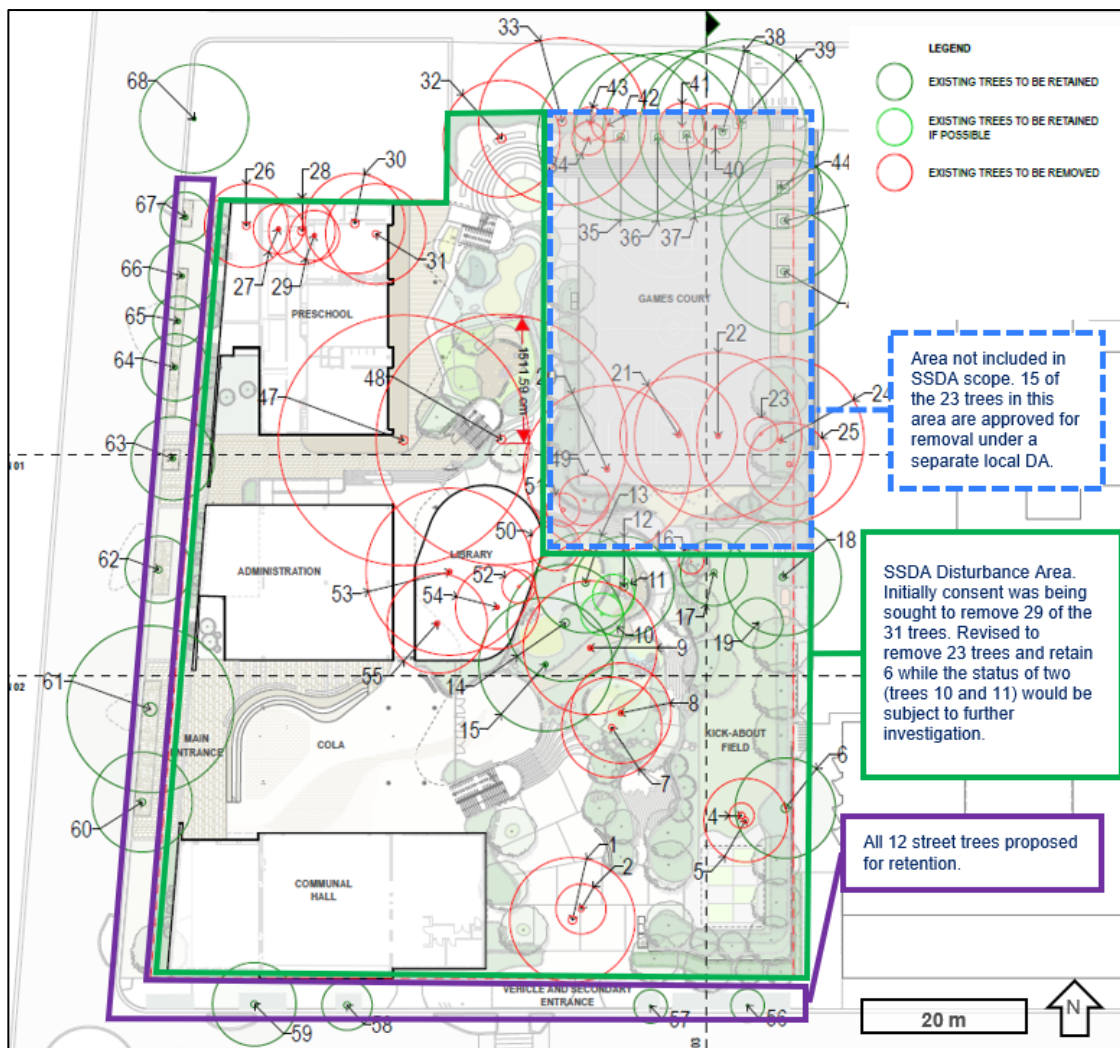


Figure 22 | Tree removal and retention plan (Source: Applicant's response to RFI #2, 2020)

Council reviewed the additional information and stated that it was disappointed with the extent of tree removal still proposed. Council recommended conditions of consent to require:

- the preparation of an Arboricultural Impact Assessment Report in accordance with S 4970-2009 Protection of Trees on Development Sites (AS4970).
- the undertaking of exploratory root investigations, using non-destructive methods, where structures or a level change (excavation, demolition) is proposed within the tree protection zone of trees to be 'retained' or 'retained subject to further assessment'.
- amended landscape plans to ensure appropriate replacement plantings.
- appropriate protection of retained trees.
- the transplantation of tree 4 (Cabbage-tree Palm) within the site.
- amendments to the Remediation Action Plan to provide an appropriate soil depth to support the growth of large trees.

The Department has assessed the additional information and Council's comments. It is considered that, in developing site layout options, insufficient weight has been given to tree retention. It is noted that, in discussing the masterplan options, the design report makes no reference to tree retention or loss. This has resulted in a site layout which requires the removal of the vast majority of significant trees to accommodate the built form, including a Sydney blue gum, a Spotted gum and a Tallowwood

(all 21m in height) and a Willow gum of 16m. No trees over 20m are proposed for retention. The proposed arrangement of buildings means the existing sports court is required to be reoriented, requiring the removal of a further 15 trees in the north-west corner of the site (subject to local development consent), including five healthy eucalyptus trees over 20m in height. It should be noted that in this corner seven large eucalypts are proposed for retention.

Given the extensive tree clearing required to accommodate the built form and resultant reorientation of the sports court, the Department considers that further removal of trees to accommodate landscaping objectives should be minimised.

The Department considers that the landscape plan amendments made by the Applicant in response to the Department's second request for further information are minor. The two additional trees proposed for retention do not address concerns about canopy loss due their small size. Further, several additional trees could be retained with some additional minor amendments to the proposed landscaping treatment.

The Applicant's justification for removal of trees within the proposed landscape areas and the Department's consideration of this justification is provided at **Table 8**.

Table 8 | Tree removal justification (landscaped area only) and Department consideration

Tree No.	Species	Height	Removal justification	Department's consideration
1	Broad leaved paperbark (<i>Melaleuca quinquenervia</i>)	14m	Proposed for removal Changes to existing levels to meet overland flow requirements due to existing flooding on site and provision of a new accessible pedestrian entry, and vehicular entry including emergency vehicle access.	The Applicant has provided limited information to explain and justify the Applicant's statements in relation to the need to remove the trees. However, the Department accepts that the site is constrained and that levels would need to be changed to accommodate overland flow, equitable access and a functional emergency access into the school. On this basis, the Department accepts the need to remove these two trees.
2				
4	Cabbage tree palm (<i>Livistona australis</i>)	15m	Proposed for removal Changes to existing levels to create a level astroturf 'kick about' zone. Retention would mean that a raised planter bed would be required and result in a loss of play space. Trees could be retained if required.	Existing and proposed levels shown on the plans indicate that the levels could be adapted to accommodate the trees without the need for a raised planter.
5	Swamp mahogany (<i>Eucalyptus robusta</i>)	14m		The trees are conveniently located at the far southern end of the proposed kickabout area and would have negligible impact on the use of the space. In addition, there is space for the expansion of the kickabout area to the west, should additional play space be required as a result of tree retention. In consideration of the minor change in levels and the tree locations, the Department has recommended a condition requiring these trees be retained subject to further investigations.

Tree No.	Species	Height	Removal justification	Department's consideration
7	Coastal banksia (<i>Banksia integrifolia</i>)	8m	Proposed for removal Changes to levels to create new accessible entry path, as well as grading to deliver the overland flow path, result in 2m difference in height between the adjacent COLA and the existing soil level for these trees. A retaining wall to retain 2m of soil would be required and the trees would be approximately 2m below the COLA level and 1m below the eastern foot path level.	The Department accepts that the lower existing position of the trees as compared to trees 9, 10 and 11 make retention of the trees challenging while providing accessible access and usable play space.
8	Swamp mahogany (<i>Eucalyptus robusta</i>)	8m	Proposed for removal Tree is located in a new accessible path / raised boardwalk. The length of the path is critical as it delivers the compliant grades for wheelchair access. Moving the boardwalk is undesirable as it would either be too close to the nature play area, creating a low narrow and unusable space or create an overly circuitous connection. Pine needles from the tree can cause a slip hazard on the boardwalk. Use of non-slip material will not resolve this as the needles build up on the boardwalk's surface.	The Department accepts that the trees are required to be removed and notes that their removal would provide greater space for changes to the proposed landscaping to retain tree 9, 10 and 11.
9	River She Oak (<i>Casuarina cunninghamiana</i>)	8m	Proposed for removal Tree is located in a new accessible path / raised boardwalk. The length of the path is critical as it delivers the compliant grades for wheelchair access. Moving the boardwalk is undesirable as it would either be too close to the nature play area, creating a low narrow and unusable space or create an overly circuitous connection. Pine needles from the tree can cause a slip hazard on the boardwalk. Use of non-slip material will not resolve this as the needles build up on the boardwalk's surface.	The Department notes that shifting the boardwalk slightly to the south east, or adjusting its contours, would allow the retention of the tree. Tree 12 (proposed for retention) and trees 10 and 11 (proposed for retention subject to further investigation) are also River She Oaks, the canopies of which would overhang the boardwalk. Therefore, pine needles would need to be swept off the boardwalk regularly, regardless of the retention of tree 9. However, this is considered a reasonable part of the maintenance of the grounds. Further, River She Oaks have been acknowledged in the arborist report as an important feature of the Blackwattle Creek riparian zone which originally ran through the site. In consideration of the significance of this species to the local area, and the tree's location in a proposed garden area, conditions have been recommended to require the retention of this tree subject to further investigations.
10		9m		

Tree No.	Species	Height	Removal justification	Department's consideration
11	River She Oak (<i>Casuarina cunninghamiana</i>)	9m	Proposed for retention subject to further investigation Located on the edge of a brick retaining wall and pavement which are to be removed in the design.	Tree 12 (proposed for retention) is also a River She Oak, located next to the same retaining wall. Sandstone steps and boulders are proposed to be utilised to maintain existing levels of tree 12. It is considered that a similar approach could be adopted for trees 10 and 11. The Department has recommended conditions that these trees be retained subject to investigations to confirm the measures required to retain the trees.
16	Firewheel tree	5m	Proposed for removal The level of the proposed adjacent footpath is 1m higher than the existing levels at the base of the tree. Retention of this tree would require construction of a 1m retaining wall to support the footpath and keep the existing levels. A balustrade would be required for safety, given the extent of the drop.	The small size of this tree does not warrant amendments to the landscape plans and the Applicant has demonstrated that removal of the tree is necessary.
48	Sydney Blue Gum	21m	Proposed for removal The existing tree is approximately 600mm above the design level. The design level allows for an equitable accessible connection from the preschool to the playground. Due to the occurrence of limb shedding, the students are not allowed in the play grounds on windy days. The central stair cannot be relocated to avoid this tree. Moving the stair 9 to 10m north would result in non-compliant egress distances.	The tree's proximity to the proposed fire stairs, and the limited options to relocate the stairs, necessitate the removal of this tree. It is considered that the removal of this tree has been adequately justified.

Tree No.	Species	Height	Removal justification	Department's consideration
			The stair cannot be moved south of the library as it would impede access to the library and sight lines from the COLA, and result in non-compliant egress distances.	
32	Mulberry (<i>Morus nigra</i>)	6m	<p>Proposed for removal</p> <p>The tree has co-dominant stems with partial decay occurring between the two main stems.</p> <p>The angle of both stems will increase with weight placing tension within the main union. Decay is already present in this union.</p> <p>For the life expectancy of the school project in relation to the life expectancy of this tree, it is a chance to replace with a native species.</p>	This tree is not considered a significant species and is showing signs of structural issues. It is considered that its removal has been adequately justified.

The Department acknowledges the proposal would remove the majority of existing trees on the site but accepts that this is unavoidable given the constraints of the site and the need to provide improved and expanded educational facilities. However, the Department is not satisfied that sufficient justification has been provided to warrant the removal of some of the trees in the proposed landscape area as set out in **Table 8**.

Accordingly, the Department has recommended conditions that five additional trees be retained subject to further investigations to determine the measures required to retain the trees. To mitigate the extensive tree and canopy loss, replacement tree planting and landscaping is proposed on the site. The proposed landscape design seeks to create opportunities for learning spaces, outdoor rooms and areas of active, imaginative and quiet play through the use of connected paths and changing landforms (**Figure 8**).

While the Department considers that the landscape design would provide appropriate active and passive play space for students, the Department has recommended a condition requiring an amended landscape plan to be prepared. This is required to accommodate the additional tree retention recommended by the Department and ensure that the landscaping appropriately compensates for the tree removal proposed. The amended landscape plan is to:

- include changes to the landscaping design to allow retention of the additional trees required by the Department.

- achieve a minimum 62% canopy cover across the site as proposed in the Applicant's RtS.
- include compensatory tree planting of at least 36 trees with 30% of the tree species having a mature height of at least 6m, 30% with mature heights of at least 10m and 40% mature heights of at least 20m, as recommended by Council.
- include native species appropriate to the Sydney region including at least one Sydney Blue Gum (*Eucalyptus saligna*) to replace tree 48.
- include mature plantings of specified pot sizes.
- provide sufficient soil depths to allow for plantings to reach maturity.

Subject to the above recommended conditions, the Department is satisfied the proposal tree loss and landscaping scheme would provide an acceptable outcome on the site.

6.3 Built form

The proposed development would have a maximum height of 16.05m and a gross floor area of 5,650sqm. The floor space ratio (FSR) would be 0.78:1, which complies with the maximum permissible FSR for the site of 1.25:1 under the SLEP. The proposed maximum height represents an exceedance of the 9m height limit under the SLEP. The proposed height is considered in **Section 6.3.1**.

6.3.1 Building Height

The extent of the proposal's non-compliance with the maximum height limit in the SLEP is shown in **Figure 23** and **Figure 24**.



Figure 23 | Western elevation from Golden Grove Street (Source: Applicant's EIS 2020)



Figure 24 | Southern elevation from Abercrombie Street (Source: Applicant's EIS 2020)

Clause 4.6 of the SLEP provides flexibility in the application of development standards, if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient planning justification to contravene the standard.

Clause 42 of the Education SEPP states that "development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted." As the provisions of the Education SEPP apply to this proposal,

the merit of the proposal should be considered in assessing whether the built form is appropriate for the site.

Irrespective of Clause 42 of the Education SEPP, the Applicant provided a Clause 4.6 variation request with the EIS to justify the variation. In accordance with the requirements of Clause 4.6, the request sought to demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the application by arguing that:

- the objectives of the standard are achieved regardless of the non-compliance with the standard. The Applicant's comment on how each objective is achieved is provided in **Table 9**.
- there are sufficient environmental planning grounds to justify contravening the development standard, set out in **Table 10**.

Table 9 | Applicant's assessment of objectives of the height standard (Source: Applicant's EIS 2020)

Objective	Applicant's Response
To ensure the height of development is appropriate to the condition of the site and its context	The proposed height responds to the immediate surrounding development which is approximately three storeys in height.
To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas	The proposed height transitions appropriately from the former IXL Garage (to the north of the site and of local heritage significance) down the slope of Golden Grove Street to the corner of Golden Grove Street and Abercrombie Street.
To promote the sharing of views	The proposal would be low-scale and commensurate with surrounding buildings. Therefore, there will not be any significant loss of views. Further, the proposal does not interact with any desirable features in the landscape and does not impact on view sharing.
To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas	Not applicable.
in respect of Green Square— (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces	Not applicable.

Table 10 | Environmental planning grounds (Source: Applicant's EIS 2020)

Ground	Applicant's Response
Ground 1: Height of Existing Surrounding Buildings	The additional height would not result in a built form that would be inconsistent with that of surrounding buildings. The building remains lower than some surrounding buildings in the immediate area.

Ground 2: Visual Impact	The visual impacts would be positive and the additional height would not result in any significant adverse visual impacts.
Ground 3: Defining the Street Corner	The intersection of Golden Grove Street and Abercrombie Street at the south-western corner of the site is locally prominent. The proposal concentrates much of the built form at this corner, where the school hall is located. The additional building height creates a neighbourhood landmark commensurate with the school's standing in the community.
Ground 4: Greater Setback to the East	By concentrating the built form along the Golden Grove Street frontage, the development provides a 30-50m setback from the eastern site boundary, allowing for: <ul style="list-style-type: none"> • safety, by defining the street wall and providing safe enclosure of the school grounds without extensive fencing. • surveillance as the proposed height, combined with the carefully framed views into and within the school, allows for surveillance of children by each other and by teachers from many locations within the school. • playground area with a large, uninterrupted portion of the site provided as outdoor and landscaped play area for students within the setback area with good solar access.
Ground 5: Overshadowing	Minimal overshadowing is created by the height limit exceedance.

No concerns were raised in any of the submissions relating to the proposed building height.

The Department has considered the information provided by the Applicant, including its justification for the height non-compliance. The Department concludes the height and scale of the proposed building would be acceptable because the:

- relevant objectives of the height standard are achieved. In particular, the proposed height:
 - responds appropriately to the immediate surrounding developments, which are approximately three storeys in height.
 - transitions sensitively from the former IXL Garage down the slope of Golden Grove Street to the corner of Golden Grove and Abercrombie Streets.
- constraints of the site warrant concentrating the required floor space in one area in order to allow for sufficient play areas and landscaping.
- height exceedance would not create significant overshadowing or other amenity impacts.

6.3.2 Building design and layout

The proposed layout consists of a new part two, part three storey school building located along the western boundary of the site fronting onto Golden Grove Street and Abercrombie Street frontages. It locates the main bulk of the building along the edge of the site following the roads, resulting in the enclosure of the school without reliance on extensive fencing. A site plan and depiction of the proposed layout of uses are shown in **Figure 25** and **Figure 26**.

The two-storey portion of the building would be located at the northern end of the site and would face onto Golden Grove Street. The building would transition to three storeys toward the centre and southern portions of the site.

The Golden Grove/Abercrombie Street corner is marked by a sawtooth form that rises to 14.64m above existing ground level to accommodate the hall.

The proposed building has minimal setbacks from the boundary edge, allowing continuation of the surrounding streetscape frontage and pattern, and providing more generous play space and landscaping for the school at the site's rear.

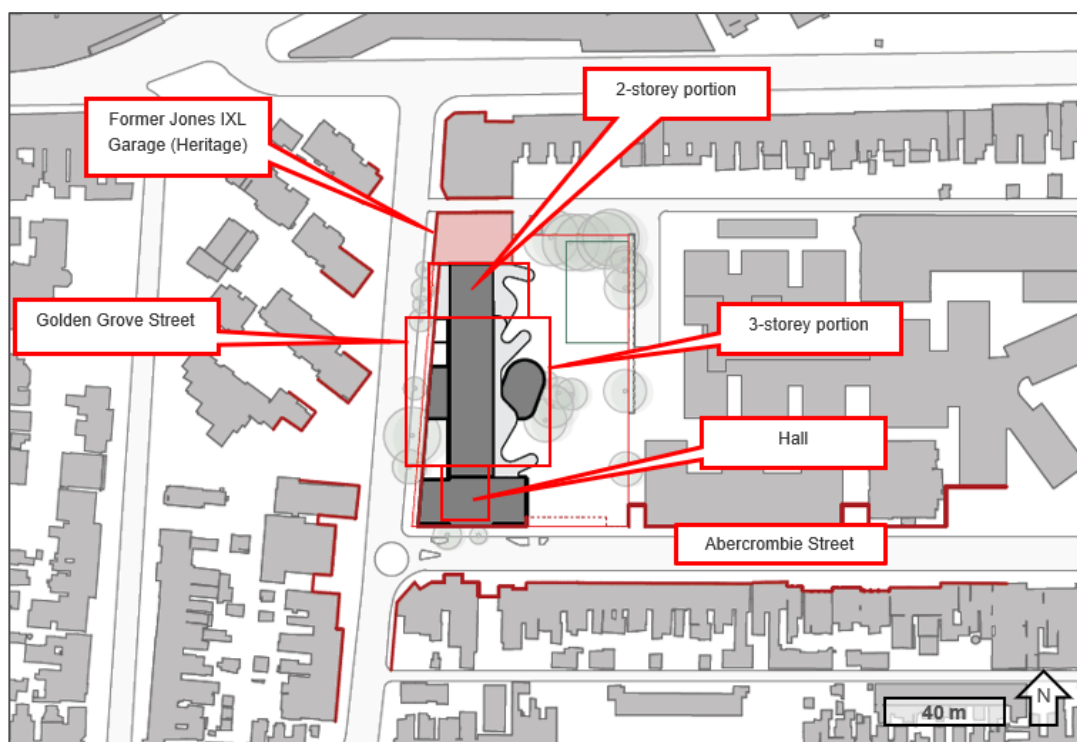


Figure 25 | Site layout (Source: Applicant's EIS 2020)

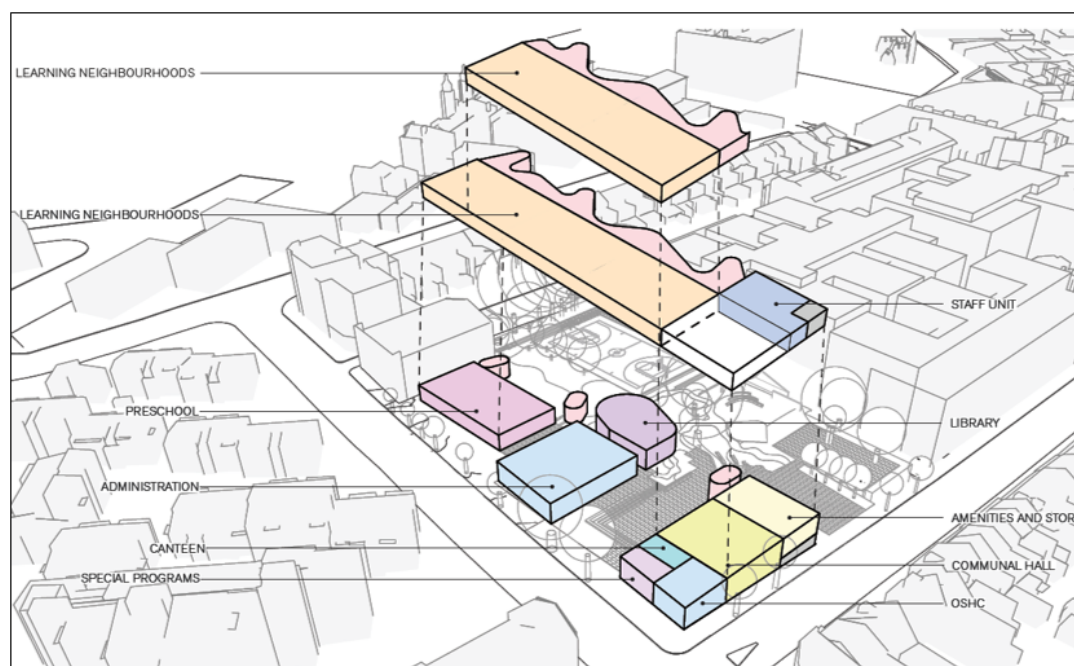


Figure 26 | Layout of uses (Source: Applicant's EIS 2020)

No concerns were raised during the exhibition period in relation the proposed design or layout.

The Department considers the proposed building siting, layout and setbacks would provide an appropriate and sensitive response to the surrounding built form and context. The Department is satisfied the proposal would make a positive contribution to the character of the surrounding area.

6.3.3 Materials and façade expression

It is proposed that the facades would be constructed of brick to reflect the character of the area. The bricks would be laid in varying patterns to create texture and transparency where required.

Following exhibition of the EIS, the Government Architect NSW (GANSW) raised the concerns around large blank facades which lack articulation presenting to Golden Grove and Abercrombie Streets. It recommended further openings in the street walls and amendments to address the public domain. In the RtS, the Applicant made design amendments to the window treatment, street wall articulation and public domain landscaping. The initial façade rendering and amended rendering are provided as **Figure 27** and **Figure 28**.



Figure 27 | Façade as initially proposed (Source: Applicant's EIS 2020)



Figure 28 | Façade as revised in the RtS (Source: Applicant's RtS 2020)

While GANSW considered that these amendments went some way to improving the public domain presentation, concerns remained around the size and relative blankness of the façade, particularly at the Abercrombie / Golden Grove Street corner.

The Applicant is preparing an art strategy, which includes consideration of this corner. GANSW considers that the incorporation of a context specific artwork into the street facades of the building would address their remaining concerns by providing additional public amenity and an improved identity for the school. GANSW recommended a condition be imposed requiring amended drawings be provided which detail the location of the intended artwork prior to the commencement of construction.

Subject to the above condition, the Department is satisfied that the proposed façade materials and treatment would provide a high quality and contextual addition to the Darlington area.

6.4 Heritage

The site is not listed as an item of heritage significance under any Environmental Planning Instruments, however, items of local heritage significance are near the site as detailed in **Section 1.2** and **Figure 29**.

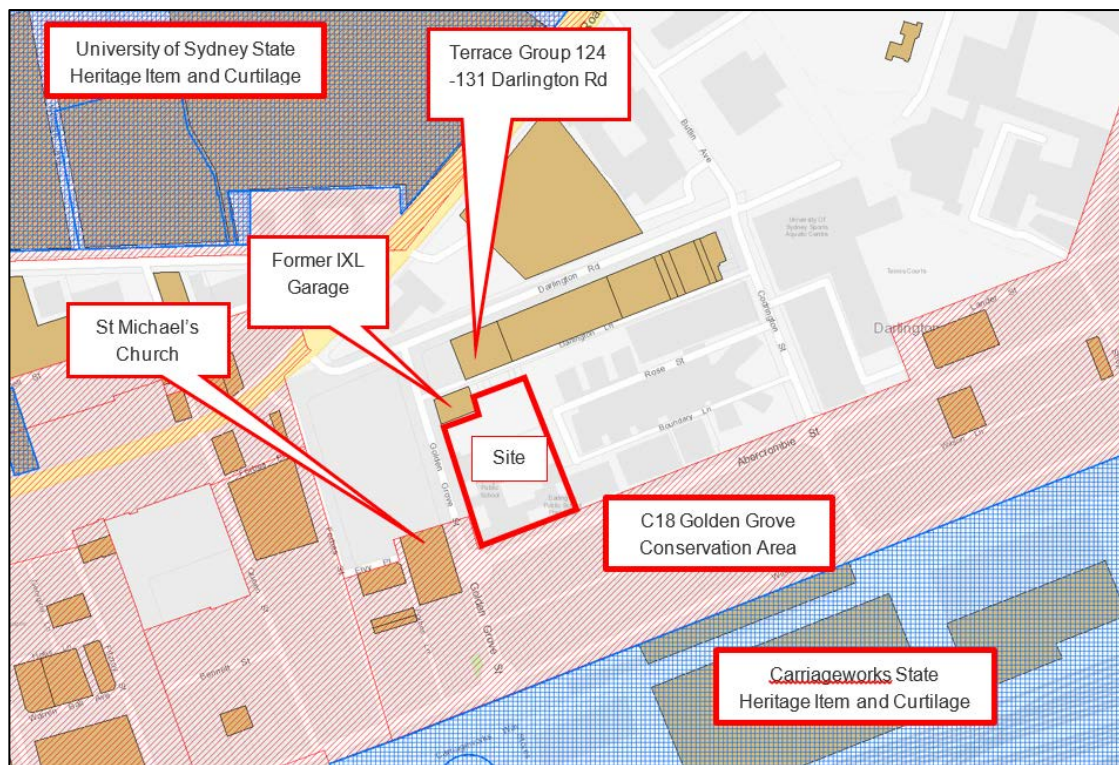


Figure 29 | Location of heritage items / conservation areas (Base source: NSW Planning Portal 2020)

A Statement of Heritage Impact (SHI) accompanied the EIS and assessed the proposal's impact on the heritage significance of the area and surrounding heritage items:

- the proposal's public domain presentation has formal qualities which are of a lower scale of built form on the Golden Grove Street building line, with taller built form generally setback from the boundary line. This placement of form and the sawtooth roof design would enable the new school buildings to be compatible in scale and rhythm with the row housing of the conservation area opposite. It would also contribute to the formal corner defined by the other heritage items and the former shop of the Golden Grove Heritage Conservation Area opposite. The tallest proposed school building element (fronting Abercrombie Street) would not exceed the height of the St Michael's Church group.
- the stepped scale of the proposed school would also act as a transition to the larger, more recent institutional buildings in the vicinity, as well as the 1980s public housing opposite to the west.
- the proposal would not be taller and would not dominate the former Jones IXL factory garage building that immediately adjoins the northern boundary of the site. The facing wall would be a secondary façade of face brick and there would be no windows.
- the proposal would not visually impact the heritage items (terrace housing) at 104–123 Darling Road, Darlington, given the positioning of the new buildings 'behind' the former Jones IXL factory garage building and the fall of the land. The rear of these heritage items faces the school site.
- character, scale, form, siting, materials and colours and details of the proposal respect the local context and minimise impact on its significance by:
 - placing the main mass (stepped in form to reduce the overall scale) along Golden Grove Street and at the corner, thereby reinforcing historic corner in a contemporary way.

- contemporary use of forms (sawtooth roof shape), materials (brickwork) and colours which interpret the existing school.
- contemporary use of traditional materials and details which reflect the existing school and the diversity of the local context, as well as responding to the former industrial character of the area, including the former Jones IXL factory garage building adjacent.

The SHI recommended mitigation measures including the:

- preparation of a construction methodology to ensure against damage to nearby heritage items, relevant trees, retained fixed art and salvaged fabric to be reinstated.
- photographic archival recording of the school.
- preparation of an art management strategy to manage existing fixed and movable artwork to be reinstated in the new school.
- preparation of an interpretation plan in accordance with the NSW Heritage Office *Interpreting Heritage Places and Items Guidelines*.

The SHI also noted the large number of mature trees at the site and the visual prominence of the resulting tree canopy from the surrounding streets. It stated that tree removal was likely to impact the visual qualities of the area. However, no mitigation measures were recommended in relation to tree loss.

Council provided no comments on heritage impacts in its submission.

In its submission, Heritage NSW supported the assessment and recommendations made in the SHI. Regarding archaeology, it recommended the:

- implementation of an unexpected finds protocol, noting the potential research value of any remains associated with the former shop on the corner of Golden Grove Street and Abercrombie Street.
- site be inspected and tested by an archaeologist after demolition occurs and, if relics are found, a program of archaeological recording be implemented by the Applicant.

The above recommendations are in accordance with the Historical Archaeology Assessment referenced in the SHI.

The Department considers that the proposal provides a sensitive and appropriate response to the surrounding heritage items and conservation areas. Conditions have been recommended to reflect advice from Heritage NSW and the mitigation measures proposed in the SHI. Subject to these conditions, the Department is satisfied that the proposal would not result in significant detrimental impacts to the surrounding built heritage.

6.5 Other issues

The Department's consideration of other issues is provided at **Table 11**.

Table 11 | Department's assessment of other issues

Issue	Discussion	Findings and Recommendations
Social	<p>The EIS considered the social impacts of the proposal and concluded that it would have an overall positive benefit as it would:</p> <ul style="list-style-type: none"> • meet the growing demand for high quality public education in an area of significant population growth near public and active transport networks. • provide improved local amenity. <p>The key challenges identified related to temporary disruption and amenity impacts associated with construction.</p>	<p>The Department is satisfied that the proposal would have a positive social benefit. The proposal would meet the needs of the growing population of the region and not displace any community or other facilities.</p> <p>To mitigate the impacts of construction, the Department has recommended conditions requiring the preparation of a construction environmental management plan and community consultation strategy with a communication plan to ensure all neighbours are informed about the development.</p>
Aboriginal Heritage	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the EIS. The ACHAR concluded that the site would have low potential for Aboriginal archaeological artefacts due to the long history of site disturbance.</p> <p>Despite this, the school was assessed as having substantial historical and social significance due to its social connection to the community.</p> <p>The ACHAR found Aboriginal heritage has been considered in the design of the proposal through the:</p> <ul style="list-style-type: none"> • integration of artwork, murals and objects which are integral to the school's identity. • placement of key artworks, including the existing jarjum jugs, year six artworks and totems, murals, the burnt door and carved sandstone blocks. • retention of existing 'fabric' from school murals which cannot be retained, and incorporation of these into the landscaping. <p>The ACHAR proposed a number of mitigation measures to ensure appropriate consideration and management of Aboriginal heritage, including:</p>	<p>The Department is satisfied that the proposal would not result in any adverse impacts to Aboriginal cultural heritage, subject to the implementation of the recommended mitigation measures including unexpected finds procedures.</p> <p>Conditions have been recommended to ensure that the mitigation measures as contained in the ACHAR are appropriately implemented.</p>

	<ul style="list-style-type: none"> • continuing Aboriginal community engagement for internal design. • archival recording of the existing school prior to demolition. • transferring the existing movable art collection to the new school. • murals which cannot be retained should be photographed and printed on large canvasses. • incorporation of spaces in the new school for the creation of new art. 	
Construction management, noise and vibration	<p>Construction activities can temporarily impact upon the surrounding area from dust, noise, erosion, sedimentation and an increase in waste generation.</p> <p>The following documents were lodged with the EIS:</p> <ul style="list-style-type: none"> • preliminary Construction and Site Management Plan, which outlined the key principles and considerations for minimising construction impacts. • Sediment and Erosion Control Plan. • Acoustic Assessment. • Construction Waste Management Plan. <p>The documents were reviewed by the EPA which provided the following comments and recommendations relating to noise:</p> <ul style="list-style-type: none"> • construction hours should be limited to the standard hours of work described in the Interim Construction Noise Guideline 2009 unless in specific circumstances. • noise mitigation measures described in Section 11.8 of the Acoustic Assessment should be adopted. <p>Standard conditions were recommended in relation to asbestos waste and fill. No further concerns were raised relating to construction management.</p>	<p>The Department has considered the information provided by the Applicant and the advice of EPA.</p> <p>The Department considers that construction impacts can be appropriately managed to minimise impacts on the community. The Department has recommended conditions requiring the:</p> <ul style="list-style-type: none"> • preparation and implementation of a Construction Environmental Management Plan prior to commencement of works at the site. • implementation of mitigation measures contained within the Acoustic Assessment and Construction Waste Management Plan. • imposition of standard hours of construction.
Contamination	<p>A Detailed Site Investigation was included with the EIS and confirmed:</p> <ul style="list-style-type: none"> • the presence of total recoverable hydrocarbon, polycyclic aromatic hydrocarbons and lead impacted fill across the site at concentrations exceeding both adopted health investigation levels and ecological investigation levels. • contaminated fill would require remediation to make the site suitable for the proposed redevelopment and 	<p>The Department is satisfied that the site can be made suitable for the redevelopment and ongoing use as a school and childcare centre subject to the RAP and recommendations of the EPA.</p> <p>The Department has recommended conditions to ensure the implementation of the RAP and the preparation of Hazardous Materials and Asbestos Management Plans prior to demolition, in</p>

ongoing use as a school and childcare centre.

accordance with the recommendations of the EPA.

In accordance with the findings of the Detailed Site Investigation, a Remediation Action Plan (RAP) was included with the EIS which detailed the preferred remediation strategy.

The RAP advised that on site management of contaminated soils (capping and containment) would be suitable for all fill soils across the site. This would be subject to a general capping layer of at least 0.3m of clean soil and a physical barrier such as asphalt, concrete or “soft fall” surface being placed over the impacted fill to minimise potential for exposure. Any materials unsuitable to remain on site would be excavated and disposed off-site.

The RAP detailed guidelines and requirements for site establishment, off-site disposal of soils, containment and capping, and validation reporting. It concluded that, subject to the implementation of the RAP, the site would be suitable for ongoing use as a school and childcare centre.

Following exhibition of the EIS, EPA recommended that the Applicant:

- be required to submit, as part of the RtS, interim audit advice from an accredited site auditor on the nature of the contamination and what further works are required.
- engage a NSW EPA-accredited site auditor throughout the duration of works to ensure appropriate management of remediation works.
- develop a Hazardous Materials Management Plan and Asbestos Management Plan prior to the commencement of any demolition or construction works on site.

No further issues relating to contamination were raised during the exhibition period.

In its RtS, the Applicant provided the interim advice requested by the EPA. The accredited auditor found the RAP to be sufficiently robust for the proposal, with appropriate contingencies. The EPA reviewed the interim advice and provided no further comment, except to reiterate its previous recommendation to engage an accredited site auditor throughout the duration of works.

Operational noise	<p>The Acoustic Assessment considered the impacts of the proposal as a result of operational noise. This found that:</p> <ul style="list-style-type: none"> • noise from internal areas including the classrooms, hall and COLA would not exceed the background +5dB noise emissions criteria. • residential receivers to the north would experience noise levels of up to 69dB during recess and lunch, which is above the background +5dB criteria. However, the Applicant argued in the EIS that this is acceptable in consideration of the fact the school already exists and it is a common scenario for residences near schools. This noise would also occur over short time periods. • traffic noise would be comparable to the existing noise levels. <p>The following noise mitigation measures were proposed in the assessment:</p> <ul style="list-style-type: none"> • restrictions on the use of the hall, the COLA and basketball courts after school hours. • restriction on the hours of waste removal. • speaker selection and positioning. • minimum glass widths of 10.38mm on the north, south and east facing windows and a minimum of 6.385mm glass on the remaining facades. • noise from mechanical plant be designed to achieve no greater than background noise +5dB. <p>In its submission, the EPA noted that mechanical plant noise was not reviewed in the Acoustic Assessment. However, it accepted that this could be undertaken at detailed design stage as proposed in the Acoustic Assessment.</p> <p>The EPA recommended conditions requiring:</p> <ul style="list-style-type: none"> • mechanical plant equipment to be designed to achieve no greater than background noise +5dB. • noise mitigation measures proposed in Section 8 of the Acoustic Assessment be implemented. <p>No other concerns were raised during the exhibition period relating to operational noise.</p>	<p>The Department is satisfied that the proposal would not result in any unacceptable noise impacts.</p> <p>Conditions have been recommended in accordance with the advice from the EPA and the proposed mitigation measures contained in the Acoustic Assessment.</p>
Signage	<p>The proposal includes the installation of:</p> <ul style="list-style-type: none"> • three mounted wall signs including: 	<p>The Department is satisfied that the proposed signs are</p>

	<ul style="list-style-type: none"> ○ one non-illuminated preschool identification sign to be located on the façade by the preschool entrance. ○ one illuminated school identification sign located at the main entrance on Golden Grove Street. ○ one non-illuminated school identification sign located at the secondary entrance on Abercrombie Street. • one digital signage board to face Abercrombie Street. 	<p>appropriate, subject to a condition requiring the intensity of the illumination of the digital signage board be adjustable and to restrict the hours of illumination. Further consideration is given to the proposed signs in Appendix B.</p>
Stormwater and drainage	<p>A two-tank on site stormwater detention system is proposed to reduce stormwater discharge to the existing network. The proposed combined capacity of the tanks is 190 cubic metres which exceeds the Sydney Development Control Plan 2012 requirements.</p> <p>The Civil Design Report included with the EIS confirmed that the proposed civil works comply with City of Sydney Technical Specifications A4 Stormwater Drainage Design, Sydney Water on site detention guideline, Australian Standards and best-practice principles.</p> <p>Council did not provide comment on the proposed stormwater design. However, it did recommend standard stormwater drainage conditions.</p>	<p>The Department is satisfied that the Applicant would satisfactorily manage stormwater on the site.</p> <p>The Department has recommended a condition requiring the preparation of a detailed stormwater management plan, in accordance with the relevant standards and guidelines, for approval by Council.</p>
Flooding	<p>The Civil Design Report provided with the EIS found that most of the site is not subject to inundation during the 100 Average Recurrence Interval event or Probable Maximum Flood, with the exception of a very small area near the main school entrance off Golden Grove Street during the Probable Maximum Flood.</p> <p>The report found that this issue would be removed as the proposed level around the entrance would be higher than existing level. In addition, an overland flow path would be provided to Abercrombie Street from the entrance to avoid any trapped low point.</p> <p>No concerns were raised regarding flooding during the exhibition period.</p>	<p>The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour.</p>
Utilities	<p>The EIS included an Electrical and Telecommunications Statement which confirmed that:</p>	<p>The Department has recommended conditions to ensure the Applicant lodges the</p>

- site communications would be fed from the existing NBN and other fibre infrastructure along Golden Grove Street.
 - the incoming power supply would be from the existing Ausgrid substation on Darlington Lane.
- appropriate requests for the supply of these services and all utilities are available prior to operation.

The EIS also included a Hydraulic Infrastructure Management Plan which:

- proposed connecting to the Sydney Water DN150 water main in Golden Grove Street.
- proposed connecting to the Sydney Water DN300 sewer main which reticulates through the site.
- supplied evidence that Sydney Water had confirmed sufficient capacity in the water and sewer network to accommodate the proposal.

No objections were received from Sydney Water or Ausgrid in response to exhibition of the EIS.

Childcare centre

The Education SEPP defines the existing preschool as a centre-based child care facility. This is to be retained on the site as part of the redeveloped school.

Clause 22 Part 3 Education SEPP states that concurrence of the regulatory authority is not required for a 'centre-based child care facility' if the floor area of the building or place complies with the relevant regulations regarding outdoor and indoor play areas.

The proposed preschool would have a capacity of 60 children, requiring a total of 195sqm of unencumbered indoor play space and 420sqm of unencumbered outdoor play space under the Education SEPP. The proposal satisfies these play space requirements. Therefore the separate concurrence of the regulatory authority is not required.

The Department has reviewed the design of the preschool and is satisfied that it includes appropriate amenities and play space for children, while being visually integrated with the school design.

The compliance of the proposal with the Department's Child Care Planning is provided in **Appendix B** and is assessed as satisfactory by the Department.

7 Evaluation

The Department has reviewed the EIS and RtS and assessed the merits of the proposal, taking into consideration comments by submitters and advice from the public authorities, including Council. All environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through conditions of consent. Consequently, the Department considers the proposal is in the public interest and should be approved.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and with the State's strategic objectives as it would improve education results through the provision of an improved and expanded education facility in an area that is undergoing population growth. The proposal is in the public interest as it would provide benefits including:

- delivering improved and enlarged education facilities to cater to the City of Sydney LGA.
- providing education facilities in an accessible area for the community.
- providing an improved facility for community use outside of standard operational hours.
- delivery of 127 jobs during the construction phase and an additional 12 operational jobs.

The proposal provides for a sensitive and appropriate response to the surrounding heritage items and conservation areas. The Department considers the proposed height is acceptable in the context of the site's immediate surroundings which are generally of a similar or greater height.

The proposal would have only minor impacts on the performance of the local road network due to its location in a highly walkable area.

The Department has recommended conditions to manage the potential construction and operational impacts on the surrounding land uses.

While it is considered that greater weight could have been given to tree retention in the proposed building layout and landscape planning, conditions of consent have been recommended to mitigate tree loss through further investigations to retain five additional trees, landscape plan amendments and minimum planting requirements.

Overall, the proposal is suitable for the site and the identified impacts are considered satisfactory on balance and in the context of the benefit the proposal would provide for the local community.

8 Recommendation

This section provides a formal recommendation to the decision maker to approve or refuse the project. The recommendation section is only applicable to projects where the Minister (or his delegate) is the decision maker.

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

- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD-9914, subject to the conditions in the attached development consent.
- **signs** the attached development consent.

Prepared by:

Nicholas Gunn
Planning Officer
Social and Infrastructure Assessment

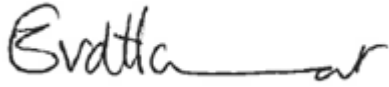
Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', with a long horizontal flourish extending to the right.

30 November 2020

Erica van den Honert
A/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/9671>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

3. Applicant's Response to Submissions and supplementary information

<https://www.planningportal.nsw.gov.au/major-projects/project/9671>

Appendix B – Statutory Considerations

To satisfy the requirements of section 4.15(a)(i) *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Sydney Local Environmental Plan 2012 (SLEP).

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 confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **Table B1**.

Table B1 | SRD SEPP Compliance Table

Relevant Sections	Department's consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: 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: 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 development is specified in Schedule 1 or 2.	The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development is for the purpose of alterations and additions to a school with a value over \$20 million under clause 15(1) of Schedule 1 of the SRD SEPP.	Yes

Infrastructure SEPP

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

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. However, the application was referred to Transport for NSW (TfNSW).

The development was referred to the relevant electricity supply authority for comment. The application was referred to Ausgrid, which did not raise any concerns with the proposal.

The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP. The Department has included suitable conditions in the recommended conditions of consent (**Appendix C**).

Education SEPP

The Education SEPP aims to simplify and standardise the approval process for childcare centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and 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 State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school has provided justification for contravening the development standards. The Department's consideration of the variations to the development standards is addressed in **Section 6**.

Clause 57 of the Education SEPP requires traffic generating development that involves the addition of 50 or more students to be referred to the TfNSW. The Application was referred in accordance with this clause.

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

Table B2 | Consideration of the design quality principles

Design principles	Department's consideration
Context, built form and landscape	<p>The configuration, siting and materials of the proposed building has regard to the existing school campus and surrounding streetscape, particularly nearby terrace housing and heritage items.</p> <p>The proposal includes extensive new landscaping (including tree planting/replacement), which would provide a high level of amenity to the school and surrounds.</p>

	The design responds appropriately to its context and would result in a positive impact on the streetscape.
Sustainable, efficient and durable	The proposal includes ecologically sustainable development measures (Section 4.4.3).
Accessible and inclusive	The EIS included an Access Report that assessed the proposal against the requirements of the National Construction Code (Volume 1, 2019), Disability (Access to Premises) Standards 2010 and the applicable Australian Standards for access and mobility. The Applicant concluded that the proposal can achieve compliance with the relevant statutory requirements.
Health and safety	The proposal considered Crime Prevention through Environmental Design Principles in its design, using a mixture of built form and fencing. The proposal implements the principles of crime prevention through environmental design and would provide appropriate natural surveillance, territorial reinforcement and space management, as set out in the Design Report which accompanied the EIS.
Amenity	<p>The proposal would not unreasonably impact upon the amenity of adjoining residents by way of overshadowing and/or overlooking, and subject to conditions would not result in unreasonable noise impacts (Section 6.5). The Department has recommended conditions regarding the operation of the school.</p> <p>The proposal would create a variety of diverse play spaces, learning opportunities in the landscape and space for the students to run around and play sports.</p>
Whole of life, flexible and adaptive	The proposed school facilities are flexible and provide open plan and a variety of spaces that can be adapted to suit a wide range of uses and changing needs. The Design Report which accompanied the EIS states that the proposal would be capable of accommodating a future increase in population up to 510 students.
Aesthetics	The development achieves a high standard of design. The local character has been considered and is reflected in the massing, scale, materiality and landscaping of the proposal. It would make a positive contribution to the neighbourhood of Darlington.

The Education SEPP defines the preschool as a centre-based child care facility. Clause 22 states that concurrence is required for a 'centre-based child care facility' (i.e. preschool) if the:

- a) floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
- b) outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.

Indoor and outdoor unencumbered space has been provided in accordance with the National Regulations. Therefore, concurrence is not required. The consent authority is also required to consider the relevant provisions of the Department's Child Care Planning Guideline prior to

determining an application for a centre-based child care centre. Consideration of the relevant planning provisions of the Guidelines is provided below in **Table B3**.

Table B3 | Consideration of the Child Care Planning Guideline

Matter	Consideration/Comment
Design quality principles	
Context	The proposed preschool is located within the school site. The design is responsive to the surrounding character, built form and heritage significance. The location is highly walkable.
Built form	The proposal achieves a scale, bulk and height appropriate to the existing character of the surrounding area.
Adaptive learning spaces	The internal layout and playground have been designed to align with the Child Care Guidelines.
Sustainability	<p>The proposal responds appropriately to sustainability principles, with sustainable measures to be incorporated into the overall design and operation of the school.</p> <p>Outdoor play space areas have been assessed as having access to satisfactory levels of natural daylight, while similarly providing areas for shade and weather protection.</p>
Landscape	The landscape design has been integrated into the proposed layout of the facility to provide a diverse and functional environment.
Amenity	<p>The preschool has been designed to ensure suitable indoor and outdoor play spaces are provided that have suitable access to daylight and natural ventilation.</p> <p>The siting of the preschool in the north of the site minimises its exposure to public places and would ensure that occupants are not exposed to adverse amenity or privacy impacts.</p> <p>Potential for overlooking into the outdoor play space is minimal.</p>
Safety	The proposal provides a secure boundary through the placement of buildings and fences. The proposal ensures that safety outdoor play space areas is maintained.
Matters for consideration	
Site selection and location	The proposal forms part of the larger school development on a site that contains an existing school and preschool.
Local character, streetscape and the public domain interface	The design is responsive to the surrounding character, built form and heritage significance.
Building orientation, envelope, building design and accessibility	The Applicant has demonstrated that the design and location of the preschool would not result in any adverse environmental or amenity impacts.

Landscaping	The proposed landscape design incorporates several passive and active landscape elements to help create a diverse and interesting learning environment.
Visual and acoustic privacy	<p>The preschool would be orientated towards the playground area of the school. Accordingly, privacy impacts are minimised by reducing the exposure of the preschool.</p> <p>The predicted noise impacts associated with the operation of the preschool are generally satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent (Section 6.5).</p>
Noise and air pollution	The location of the development is not near any noise or odour generating sources that could cause adverse emissions.
Hours of operation	<p>The preschool is proposed to operate Monday to Friday 8.30am-3.30pm (staff), 9am-3pm (children) during school days, excluding public holidays.</p> <p>The proposed hours are unchanged from the approved operational hours of the existing preschool on site.</p>
Traffic, parking and pedestrian circulation	No on-site parking spaces are proposed, which complies with the provisions of the relevant Development Control Plan.
National Regulations	
Indoor space requirements	A minimum 195sqm of unencumbered indoor space is proposed based on the proposed 60 spaces which meets the minimum requirements.
Laundry and hygiene facilities	Laundry facilities are proposed to be provided on site.
Toilet and hygiene facilities	Suitable toilet facilities are proposed in accordance with the guidelines.
Ventilation and natural light	The Applicant has demonstrated that the outdoor play space would receive sufficient natural daylight and ventilation throughout the day.
Administrative space	The internal layout of the proposed administrative functions of the preschool has considered the interaction of staff, parents and children and visitors to ensure interactions are appropriately managed.
Nappy change facilities	Not applicable – the children are aged between three to five years.
Premises designed to facilitate supervision	The internal layout of the preschool, including staff rooms and toilet facilities, has been designed to facilitate supervision between educators and children.
Emergency and evacuation procedures	An emergency evacuation plan has been provided outlining the procedures in an event of an emergency and evacuation of the children from the preschool area.

Outdoor space requirements	A minimum 420sqm of unencumbered outdoor space is required based on the proposed 60 spaces. The total preschool playground area totals 470sqm with unencumbered outdoor space of 420sqm.
Natural environmental	The landscape design incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.
Shade	The outdoor play space includes a large covered outdoor learning area as well as a shade structure in the outdoor play area.
Fencing	A 1200mm high fence is proposed to the outdoor play area, which would be enclosed within the school grounds and would not adjoin a public space.
Soil assessment	<p>The detailed site investigation accompanying the EIS confirmed the presence of total recoverable hydrocarbon, polycyclic aromatic hydrocarbons and lead impacted fill across the site at concentrations exceeding both adopted health investigation levels and ecological investigation levels.</p> <p>The Department is satisfied that, subject to the Remediation Action Plan and the recommendations of the EPA, the site can be made suitable for the ongoing use as a school and preschool. Conditions of consent have been recommended accordingly (Section 6.5).</p>

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 exhibited Explanation of Intended Effects (EIE) also proposes changes to the requirements that need to be met for an application to be SSD.

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

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 ensures potential contamination issues are considered in the determination of a development application.

As detailed in **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated the site is suitable, subject to remediation, for the continued use as an educational establishment as required by SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has

published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- 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.
- require environmental management plans relating to post-remediation management or ongoing management on site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under section 117 EP&A Act.

As detailed in **Section 6.5**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the continued use as an educational establishment as required by SEPP 55.

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

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

The application includes the installation of four signs:

- three mounted wall signs:
 - one preschool identification sign to be located on the façade by the preschool entrance (not illuminated).
 - one school identification sign located at the main entrance on Golden Grove Street (illuminated).
 - one school identification sign located at the secondary entrance on Abercrombie Street (not illuminated).
- one digital signage board to face Abercrombie Street.

The EIS included an assessment of the proposed signage against provisions of Schedule 1 of SEPP 64. The Department's assessment of the signs against Schedule 1 of SEPP 64 is provided in **Table B4**.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Proposal comprises three simple identification signs and one digital sign of modest size that would be appropriately placed at the school entry points.	Yes.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area or locality.	Yes.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of surrounding residential area or its heritage significance.	Yes.
3 Views and vistas		
Does the proposal obscure or compromise important views?	No.	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.	Yes.
Does the proposal respect the viewing rights of other advertisers?	Not applicable.	Yes.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes.	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	Yes.
Does the proposal screen unsightliness?	Not applicable.	Yes.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	Yes.
Does the proposal require ongoing vegetation management?	No.	Yes.
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site	Yes.	Yes.

or building, or both, on which the proposed signage is to be located?

Does the proposal respect important features of the site or building, or both?

Yes.

Yes.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage is appropriately located to fit in with the design of the proposed buildings.

Yes.

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

No.

Yes.

7 Illumination

Would illumination result in unacceptable glare?

Would illumination affect safety for pedestrians, vehicles or aircraft?

No details have been provided in relation to intensity of the illumination of the main entrance sign and the digital signage board. However, the location of two illuminated signs is unlikely to result in glare or safety issues.

Yes.

Would illumination detract from the amenity of any residence or other form of accommodation?

It is possible that light from the digital signage board on Abercrombie Street could impact the amenity of the residences directly opposite. Conditions have been recommended to require the intensity of the illumination to be adjustable and to restrict the hours of illumination.

Yes.

Can the intensity of the illumination be adjusted, if necessary?

Is the illumination subject to a curfew?

Conditions have been recommended to require the intensity of the illumination to be adjustable and to restrict the hours of illumination.

Yes.

8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?

No. The proposed signs would be attached the building façade or the fencing and would not protrude outwards or upwards.

Yes.

Would the proposal reduce safety for any public road?

No.

Yes.

Sydney Local Environment Plan 2012 (SLEP)

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

The Department has consulted with City of Sydney Council (Council) throughout the assessment process and considered all relevant provisions of the SLEP and matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with relevant provisions of the SLEP. Consideration of the relevant clauses is provided in **Table B5**.

Table B5 | Consideration of the SLEP

RLEP 2010	Department Comment/Assessment
Clause 2.3 Zone objectives	<p>The site is zoned SP2 Educational Establishment. Educational establishments are permissible within the zone and consistent with the zone objectives. The Department has considered the proposal against the objectives of the zone.</p> <p>Under clause 35(10) of the Education SEPP, development for the purposes of a centre-based child care centre is permissible with consent within the boundaries of an existing school.</p>
Clause 4.3 Building height	<p>The proposal has a maximum building height of 17.54m which exceeds the 9m height limit.</p> <p>Under clause 42 of the Education SEPP proposed schools that are SSD may be granted development consent even though they contravene a development standard. Despite this, a clause 4.6 variation request was submitted with the EIS justifying the contravention of the building height standard.</p> <p>The Department has assessed the variation and concludes that the proposal would be appropriate in its context, provides an appropriate interface with the surrounding development, would result in minimal environmental and amenity impacts and would provide benefits to the community. See Section 6.3.</p>
Clause 4.4 Floor space ratio	<p>The proposed development has a maximum floor space ratio (FSR) of 0.78:1 which complies with the development standard of 1.25:1.</p>
Clause 4.6 Exception to development standards	<p>The proposal includes a variation to the building height development standard (see Section 6.3).</p>

The Department considers there would be minimal public benefit in maintaining the development standard, noting that strict compliance would not reduce the amenity impacts of the proposal. Therefore, the Department considers the variation to be acceptable.

Clause 5.10 Heritage conservation	The site is not mapped or described as an item of heritage significance under the SLEP. The proposed development responds appropriately to surrounding items of local heritage significance. See Section 6.4 .
Clause 7.3 Car parking	No on site parking is proposed and the development therefore complies with the maximum rates set out in the SLEP.
Clause 7.15 Flood Planning	A small portion of the site is flood affected, fronting Golden Grove Street in the south-western corner. The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour. See Section 6.5 .

Development control plan

In accordance with Clause 11 of the SRD SEPP, development control plans do not apply to SSD. Despite this, the objectives of relevant controls under the Sydney Development Control Plan 2012, where relevant, have been considered in **Section 6**.

Appendix C – Recommended Instrument of Consent