



**Planning &
Infrastructure**

**STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:
*Pymble Ladies College Staged
Development Application – Concept
Proposal and Stage 1 Works
20 Avon Road, Pymble
(SSD 5314)***



Director-General's
Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

June 2013

ABBREVIATIONS

Applicant	Uniting Church in Australia (NSW & ACT Synod)
CIV	Capital Investment Value
Consent	Development Consent
Council	Ku-ring-gai Council
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EIS	Environmental Impact Statement
EPA	Environmental 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
KLEP	Ku-ring-gai Local Environmental Plan (Local Centres) 2012
Minister	Minister for Planning and Infrastructure
OEH	Office of Environment and Heritage
KPSO	Ku-ring-gai Planning Scheme Ordinance
RMS	Roads and Maritime Services
RtS	Response to Submissions
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SEPP	State Environmental Planning Policy
SSD	State Significant Development

HYPERLINKS

[Hyperlinks](#) (CTRL + click to access) are included in this document to allow quick navigation to explanations and interpretations of commonly used legal, scientific or industry terms / phrases used in this document. The explanations / interpretations appear in the glossary appendix. Be sure to print the relevant glossary appendix to enable interpretation of these terms or phrases when printing the main body of the report.

Cover Photograph: Photomontage of proposed new Aquatic + Fitness Centre.

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Published June 2013
NSW Department of Planning and Infrastructure
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EXECUTIVE SUMMARY

Uniting Church in Australia (NSW & ACT, Synod) (the applicant) has lodged a staged development application (SSD 5314) for the development of school facilities at Pymble Ladies College, Pymble. The proposal is State significant development because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million, under clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

The site is located at Pymble Ladies College, 20 Avon Road, Pymble, within the Ku-ring-gai Local Government Area.

The staged development application sets out a concept proposal with four stages for the development of three new school buildings on the school campus, including an Aquatic and Fitness Centre, a Dining and Function Centre, a Healthcare Centre, and car parking. The application also seeks approval for Stage 1 works, including demolition work, construction of an Aquatic and Fitness Centre Building and its use by the school and community, relocation of a sports field, minor upgrade of an existing building and landscaping and utilities. Future development applications would be required for the Stage 2, 3 and 4 components of the concept proposal.

The CIV of the concept proposal is \$39 million and 161 construction jobs would be created. The CIV of the Stage 1 works is \$20 million and 64 construction jobs would be created. No additional operational jobs would be created by the proposal.

The Ku-ring-gai Planning Scheme Ordinance (KPSO) applied to the site when the EIS was lodged. The site was zoned Special Uses 5(a) - School Zone under the KPSO, and the proposal was permissible with consent in the zone.

The application was exhibited from 14 February 2013 until 18 March 2013, and relevant public authorities and surrounding landowners were notified. The department received six submissions from public authorities and six submissions from the general public, including one submission which objected to the proposal. Issues raised in submissions included: car parking; traffic impacts; community use, operation and permissibility of the Aquatic and Fitness Centre and the Dining and Function Centre; stormwater run-off; and impact of higher density residential development in the vicinity of the site.

The applicant provided a Response to Submissions report (RtS) which addressed the issues raised in submissions. The RtS also included some minor changes relating additional tree removal in the Stage 1 works, and changes to construction management.

The department has assessed the merits of the proposal and considers the key issues associated with the proposal to be: built form and urban design; community use of facilities; traffic and car parking; noise and vibration; bushfire; heritage; ecology; developer contributions; suitability of the site; and the public interest. These issues have been assessed in detail and the department is satisfied that they can be adequately mitigated and managed to achieve an acceptable level of environmental performance. The department has recommended a range of conditions to ensure this occurs.

The department is satisfied that the site is suitable for the proposed use and that the proposal is consistent with the key objectives in NSW 2021, the draft Metropolitan Strategy for Sydney 2031 and the draft Sydney North Subregional Strategy.

The department therefore considers the proposal to be in the public interest and that the application should be approved, subject to conditions.

In accordance with the Ministerial delegations issued on 27 February 2013, as the council has not made an objection, a political disclosure statement has not been made, and there are less than 25 public submissions on the proposal in the nature of objections, the application can be determined by the Executive Director, Development Assessment Systems and Approvals.

1. PROPOSED DEVELOPMENT AND SITE DESCRIPTION

1.2 Site Description and Surrounding Development

Pymble Ladies College school campus is located at 20 Avon Road, Pymble, within the Ku-ring-gai Local Government Area (LGA). The school campus is bound by Avon Road in the north and west, low density residential development in the east and Avondale Golf Course in the south.

The school campus is irregular in shape and comprises an area of approximately 20 ha. The campus is characterised by school learning and recreation buildings, open lawn areas, and garden areas with exotic and native tress. The campus also contains some areas of remnant vegetation and areas of ecological significance, including some areas of Blue Gum High Forest (a critically endangered ecological community listed under the Threatened Species Conservation Act 1995 (TSC Act) and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). The site also contains some areas of Sydney Turpentine Iron Bark (an endangered ecological community listed in the TSC Act, and a critically endangered ecological community listed in the EPBC Act).

The topography of the site includes a fall from north to south with a cross fall from east to west, and there is a natural gully line running along the site's north-western boundary.

To the north of the school campus is Avon Road, beyond which is the North Shore Railway Corridor, Ku-ring-gai Town Hall and low to medium density residential development. To the east of the site is low to medium density residential development with access from Pymble Avenue. To the south of the site is Avondale Golf Course. To the west of the site is Avon Road, beyond which is low density residential development.

The school campus comprises 27 separate allotments and is legally described as Lot 1 in DP 69451 and Lots 1 - 26 in DP 7131. The school campus and the project location are shown in **Figure 1** below.

Figure 1: Pymble Ladies College Campus (shown red dotted line) and Project Location (shown in red hatching)



1.3 School Campus Development Background

The school was originally founded on the site in 1916 by the Presbyterian Church, and was originally known as Presbyterian Ladies College, Pymble. Following the establishment of the Uniting Church in

Australia in 1977, which combined the Methodist Church, the Presbyterian Church and the Congregational Church, the school became known as Pymble Ladies College.

The school is an independent, non-selective day and boarding school for girls from kindergarten to year 12, and has a current student population of 2,120 students.

The applicant has developed a Masterplan for the on-going development of school facilities on the campus into the future. The Masterplan aims to provide facilities that are available for school and community use, improve site access and parking arrangements, and continue management and conservation of the natural environmental features of campus.

Phase 1 of the Masterplan comprised the campus vision for 1998-2007 and included some preliminary external and internal road works, which have been approved by council as part of separate development applications.

Phase 2 of the Masterplan comprises the campus vision for 2008-2016 and includes the staged development of a number of school facilities. The subject application comprises the staged development of the remaining school facilities in Phase 2 of the Masterplan.

1.4 Key Development Components and Features

Table 1 provides a summary of the development proposal's key components and features and **Figure 2** details the proposed development layout. Separate development applications will be lodged with Kuring-gai Council for the future Stage 2, 3 and 4 components of the concept proposal.

Table 1: Key Development Components

Staged Development Application under Section 83B of the EP&A Act
Concept Proposal
<p>Redevelopment of school facilities over four stages, including:</p> <ul style="list-style-type: none"> • <u>Stage 1:</u> <ul style="list-style-type: none"> ○ demolition of an existing swimming pool; ○ construction of an Aquatic and Fitness Centre Building (GFA of 3,950 sqm) and its use by the school and community; ○ relocation of the existing Mollie Dive Field; ○ minor upgrade of existing Jeanette Buckham PE Centre Building; and ○ landscaping and tree removal. • <u>Stage 2:</u> <ul style="list-style-type: none"> ○ raising Mollie Dive Field and provision of car parking below for 232 vehicles; ○ reduce capacity of an existing car park from 57 spaces to 36 spaces (reduction of 21 spaces) to allow access to new car park; ○ landscaping and tree removal. • <u>Stage 3:</u> <ul style="list-style-type: none"> ○ removal of an existing 15 space car park; ○ construction of a new Dining and Function Centre Building (GFA of 1,270 sqm) and its use by the school and community; and ○ landscaping and tree removal. • <u>Stage 4:</u> <ul style="list-style-type: none"> ○ construction of a new two storey Healthcare Centre Building (GFA of 376 sqm); and ○ landscaping. <p>Note: the application does not seek approval for any increase in student or staff numbers.</p>
Stage 1 Works
<p>Stage 1 of the redevelopment of school facilities, including:</p> <ul style="list-style-type: none"> • demolition of an existing swimming pool; • earth works associated with the lower ground level of the Aquatic and Fitness Centre Building; • construction of a new two storey Aquatic and Fitness Centre Building (GFA of 3,950 sqm) and its use by the school and community, incorporating: <ul style="list-style-type: none"> ○ a new 52 metre pool with intermediate boom and diving boards; ○ learn to swim pool; ○ grandstand seating; and ○ administration and staff areas and fitness centre.

<ul style="list-style-type: none"> relocation of the existing Mollie Dive Field at grade 3.2 m to the west; minor upgrade of existing Jeanette Buckham PE Centre Building; removal of 48 trees; and landscaping and pavement works, utilities and service path. 	
Other Key Components	
<i>Value / Jobs</i>	<ul style="list-style-type: none"> Concept Proposal: <ul style="list-style-type: none"> CIV of \$39 million; and create 161 construction jobs (no additional operational jobs). Stage 1: <ul style="list-style-type: none"> CIV of \$20 million; and create 64 construction jobs (no additional operational jobs).
<i>Site Description</i>	<ul style="list-style-type: none"> Lot 1 in DP 69451 Lots 1 - 26 in DP 7131

Figure 2: Concept Proposal Layout (footprint of proposed new building envelopes shown in orange)

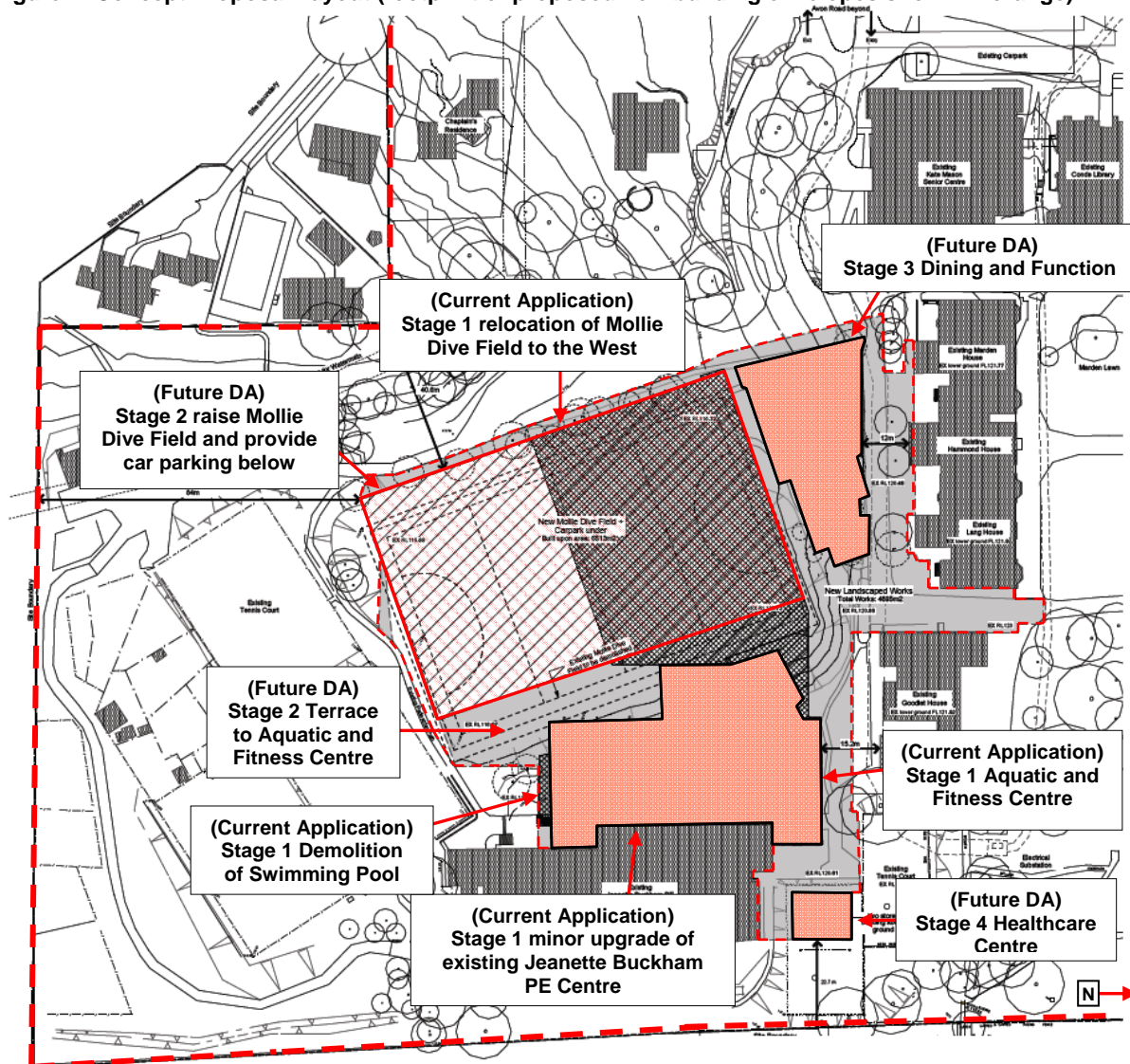
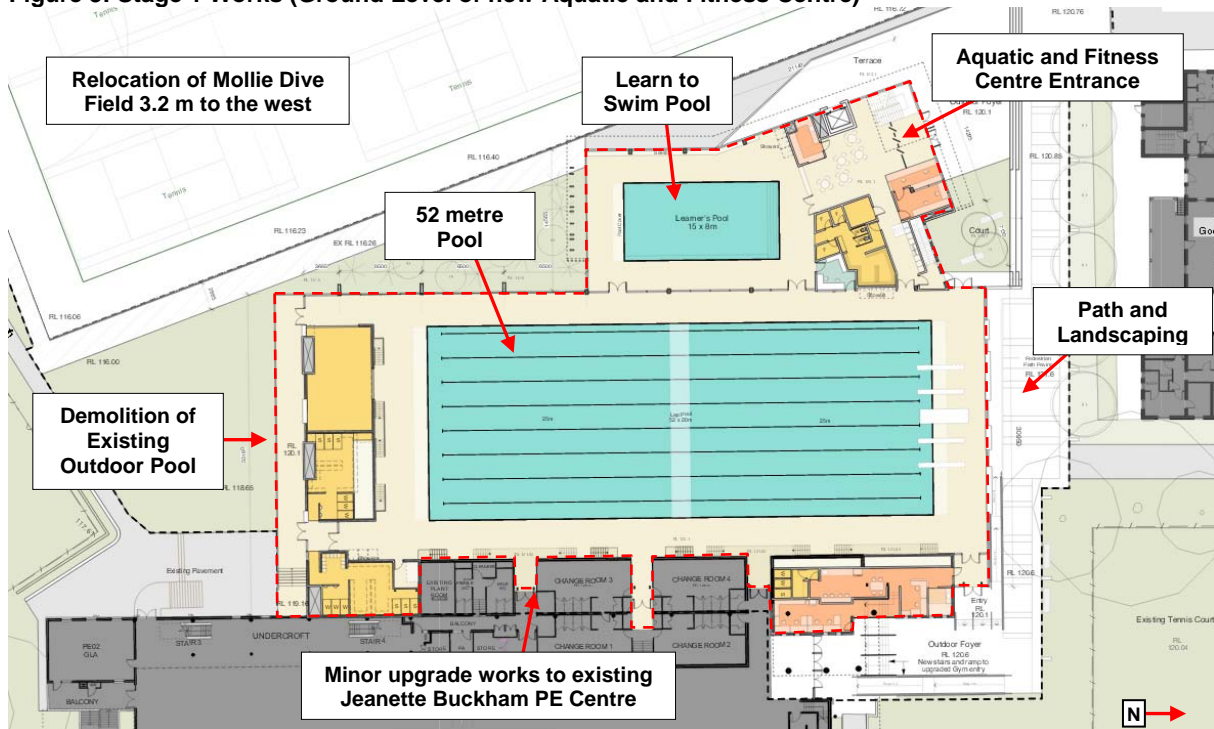


Figure 3: Stage 1 Works (Ground Level of new Aquatic and Fitness Centre)



2. STATUTORY AND STRATEGIC CONTEXT

2.1 SEPP (State and Regional Development) 2011

The proposal is State significant development because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million, under clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011. Therefore the Minister for Planning and Infrastructure is the consent authority.

2.2 Approval Authority

On 27 February 2013, the Minister for Planning and Infrastructure [delegated responsibility](#) for the determination of State significant development under Division 4.1 of Part 4 of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals. The proposal complies with the terms of that delegation as Ku-ring-gai Council has not made an objection, a political disclosure statement has not been made and there are less than 25 public submissions on the proposal in the nature of objections.

2.3 Permissibility and Zoning

The Ku-ring-gai Planning Scheme Ordinance (KPSO) was the primary EPI applicable to the site when the EIS was lodged. The site was zoned Special Uses 5(a) - School Zone under the KPSO, and the proposal was permissible with consent in the zone.

On 8 February 2013, the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP) took effect and became the primary EPI applicable to the site. The site is now zoned SP2 Educational Establishment under KLEP and the proposal is permissible with consent in the new zone.

Whilst the KLEP now applies to the site, pursuant to clause 1.8A Savings provision relating to development applications of the KLEP, the application must be determined as if the LEP had not commenced. Therefore, for the purposes of assessing the application, KLEP has the status of a Draft LEP, and the KPSO remains the primary EPI applicable to the site.

Detailed consideration of the proposal against the both the KPSO and the KLEP is provided in Appendix B. The proposal complies with all clauses of the KPSO and all clause of the KLEP.

2.4 Environmental Planning Instruments

The department's consideration of other relevant [EPIs](#) (including SEPPs) is provided in [Appendix B](#). Relevant SEPPs that apply to the proposal include:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No. 19 (Bushland in Urban Areas)

The proposal is generally consistent with the relevant requirements of the abovementioned EPIs.

2.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the [objects of the EP&A Act](#), as set out in Section 5 of the Act. The proposal complies with the objects because the proposal seeks to redevelop and expand the provision of school facilities on previously disturbed land within the school campus, and to locate facilities outside areas of ecological significance. The proposal also promotes the social and economic welfare of the community through including the community use of the facilities.

2.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of [Ecologically Sustainable Development](#) (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes.

The department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the proposal. The proposal is considered to be consistent with ESD principles as described in Section 5.5.7 of the applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation.

2.7 Environmental Planning and Assessment Regulation 2000

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

2.8 Strategic Context

The proposal is consistent with and/or supports local/state/regional strategies as:

- it is consistent with the key policy commitments and priorities of NSW 2021, the State's 10 year plan, to improve education and learning outcomes for all students and to enhance cultural, creative, sporting and recreation opportunities;
- it is consistent with the objectives of the draft Metropolitan Strategy for Sydney to 2031 (draft Strategy), including to promote social, cultural and recreational opportunities;
- it is consistent with the draft Sydney North Subregional Strategy, which seeks to further develop centres, including Pymble (which is identified as a small village in the strategy), and to protect Sydney's unique diversity of plants and animals through siting new buildings within previously disturbed areas of the campus, and not within areas of ecological significance; and
- it will provide direct investment in the region of \$39 million capital investment value for the concept proposal and \$20 million capital investment value for the Stage 1 works.

2.9 Director Generals Requirements

The EIS is compliant with the Director General's Requirements and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

3. EXHIBITION CONSULTATION AND SUBMISSIONS

3.1 Exhibition

In accordance with s. 89F of the EP&A Act, cl. 83 of the EP&A Regulation, the Director-General has made the application and accompanying information publicly available for at least 30 days following the date of first publication (see **Table 2**).

Table 2: Exhibition Details

Exhibition/Notification	Medium	Dates
Publicly exhibited	Department of Planning and Infrastructure Information Centre, Ku-ring-gai Council and on the department's website	14 February 2013 to 18 March 2013
Newspaper notice	Sydney Morning Herald (SMH), Daily Telegraph (DT) and North Shore Times (NST)	SMH, DT and NST published 13 February 2013
Written notices to	Landholders, public authorities, local community groups	Dated 8 February 2013

The department received six submissions from public authorities during the exhibition, including Ku-ring-gai Council, Environmental Protection Authority (EPA), Office of Environment and Heritage (OEH), Roads and Maritime Services (RMS), Rural Fire Service (RFS) and Sydney Water. Additionally, the department received six submissions from the general public during the exhibition (including one objection).

A summary of the issues raised in submissions is provided in Sections 3.2 and 3.3 below.

3.2 Public Authority Submissions

A summary of submissions received from public authorities is provided below:

Ku-ring-gai Council (council)

Council's submission comprised meeting minutes from a pre-DA meeting held between the applicant and council prior to lodgement of the application, which provided the following general comments and recommendations for the department's consideration:

- council recommended that the applicant provide a plan of management for the community use of school facilities (use of the Aquatic and Fitness Centre for the learn to swim program, and use of the Dining and Function Centre for wider school community events) which should address traffic, car parking management, operating hours, and associated noise impacts of the community use of the facilities;
- council recommended that the applicant provide a clear comparison between the existing and proposed car parking arrangements on site, as well as a breakdown of the student population to enable a comprehensive assessment of car parking to be undertaken for the school campus;
- council noted that, as part of the application, trees are proposed to be removed to the west of the Mollie Dive Field, and to preserve the existing landscape amenity along the western boundary of the campus, council recommended the applicant provide canopy tree planting along the western boundary of the site; and
- council recommended that the applicant provide details of the car parking arrangements during construction.

The department has given consideration to the comments provided by council and is satisfied the applicant's Response to Submissions report (RtS) and additional information has satisfactorily addressed the matters raised by council. Further consideration of issues raised by council is provided in Section 4.2 of this report.

Roads and Maritime Services

RMS provided the following general comments and recommendations for the department's consideration:

- prior to commencement of any works on site, a Construction Traffic Management Plan should be prepared by the applicant and approved by the RMS and council. The plan should address vehicle routes, number of trucks, hours of operation and access arrangements during construction;
- all proposed car parking areas should comply with relevant Australian Standards;
- the swept paths of the longest vehicles entering the site and manoeuvring within the site should be in accordance with AUSTROADS; and
- any proposed landscaping and/or fencing must not restrict sight distances to pedestrians and cyclists travelling along the footpaths and along roads fronting the site.

The department has given consideration to the comments provided by the RMS and is satisfied the applicant's RtS and additional information has satisfactorily addressed the matters raised by the RMS.

Further consideration of issues and recommendations made by the RMS is provided in Section 4.2 of this report.

Environmental Protection Authority

The EPA advised it has no comments on the proposal and identified that the application would not require an Environmental Protection Licence under Schedule 1 of the *Protection of the Environment Operations Act 1997*.

Office of Environment and Heritage

The OEH advised it has no comments on the proposal and identified that the applicant had incorporated relevant recommendations that OEH had previously provided the applicant prior to lodgement of the application.

Rural Fire Service

The RFS advised it has no comments on the proposal and identified that its submission is to be deemed a bush fire safety authority under Section 100B of the *Rural Fires Act 1997*.

Further consideration of bushfire issues is provided in Section 4.2 of this report.

Sydney Water

Sydney Water advised it has no comments on the proposal and identified that the applicant would need to apply for a Section 73 Certificate following obtaining development consent for the proposal.

The department has recommended appropriate conditions requiring the applicant to obtain a Section 73 Certificate from Sydney Water.

3.3 Public Submissions

A total of six public submissions were received during the exhibition, including one submission which objected to the proposal, one submission which supported the proposal, and four submissions which did not object, but raised concerns with the proposal. Key issues raised in public submissions are identified in **Table 3**.

Table 3: Summary of Issues Raised in Public Submissions

Issue	Proportion of Submissions (%)
Car Parking	63 %
Traffic Impacts (construction and operation)	63 %
Community Use and Operation of Dining and Function Centre	38 %
Permissibility of Dining and Function Centre	13 %
Capacity of Dining and Function Centre	13 %
Community Use and Operation of Aquatic and Fitness Centre	13 %
Stormwater Run-off	13 %
Impact of Higher Density Residential Development in Vicinity of Site	13 %

The department has given consideration to the comments provided in public submissions and is satisfied the applicant's RtS report and additional information has satisfactorily addressed the matters raised in submissions. Detailed consideration of car parking, traffic, community use and operation of Dining and Function Centre and the Aquatic and Fitness Centre is provided in Section 4.2 of this report. The department has also recommended a number of conditions to address issues raised in public submissions.

3.4 Applicant's Response to Submissions

The applicant provided a RtS which included a detailed response to each of the issues raised in submissions, including additional information relating to car parking, traffic, the community use and operation of Dining and Function Centre, and stormwater management.

The RtS also included some minor changes to the proposal, including:

- removing an additional 29 trees in the Stage 1 works, which were previously proposed to be removed in Stage 2. The additional tree removal is proposed to allow for site preparatory works associated with the relocation of the Mollie Dive Field.

- amending the draft Construction Management Plan to relocate the construction site compound to the east of the site, and leaving the Mollie Dive Field available for use during the Stage 1 works.

The department is satisfied that the RtS and minor changes to the proposal satisfactorily addressed the issues raised in submissions.

4. ASSESSMENT

4.1 Section 79C Evaluation

Table 4 identifies the matters for consideration under s. 79C that apply to State significant development, in accordance with s. 89H of the EP&A Act. The table also represents a summary for which additional information and consideration is provided for in Section 4 (Key and Other Issues), and relevant appendices or other sections of this report and the EIS are referenced in the table. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the DGRs and in accordance with the requirements of s. 78(8A) of the EP&A Act and Schedule 2 of the Regulation.

Table 4: s79C(1) Matters for Consideration

<u>s. 79C(1) Evaluation</u>	Consideration
(a)(i) any environmental planning instrument	Complies. Consideration of relevant EPI's has been undertaken in Appendix B.
(a)(ii) any proposed instrument	Consideration of KLEP has been undertaken in Appendix B (as it was in draft format at the time of lodgement of the EIS)
(a)(iii) any development control plan	Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to State significant development. Notwithstanding, consideration of relevant DCPs has been undertaken in Appendix B.
(a)(iiia) any planning agreement	Not applicable
(a)(iv) the Regulations	The development application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to development applications (Part 6 of the EP&A Regulations), public participation procedures for SSD's and Schedule 2 of the EP&A Regulation relating to environmental impact statements. Refer to Section 2.7 of this report.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Impacts of the development have been considered in Section 4.2 of this report.
(c) the suitability of the site for the development	The suitability of the site has been considered in Section 4.2.9 of this report.
(d) any submissions	Consideration has been given to submissions received during the exhibition of the application in Section 3. Key issues raised in submissions have been considered further in Section 4.2 of this report.
(e) the public interest.	The public interest of the development has been considered in Section 4.2.10 of this report
Biodiversity values exempt if: (a) On biodiversity certified land?	Not applicable.
(b) Biobanking Statement exists?	Not applicable.

4.2 Key and Other Issues

The department considers the key environmental assessment issues for the application to be:

- built form and urban design;
- community use of facilities;
- traffic and car parking;
- noise and vibration;
- bushfire;
- heritage;
- ecology;
- developer contributions;
- suitability of the site; and
- the public interest.

4.2.1 Built Form and Urban Design

The staged development application seeks approval for a concept proposal with four stages for the development of three new school buildings and additional car parking on the school campus, including:

- a new Aquatic and Fitness Centre (Stage 1);
- a new Dining and Function Centre (Stage 3);
- a new Healthcare Centre (Stage 4); and
- the relocation and raising of the Mollie Dive Field and provision of car parking below (Stage 1 and 2).

Whilst the endorsement of building envelopes for the Dining and Function Centre and Healthcare Centre is only sought in this application, the detailed approval of Stage 1 works, including the design and construction of the new Aquatic and Fitness Centre, is also requested.

No issues were raised by council or the general public during the exhibition period regarding the height, bulk, scale or setbacks of the proposed new buildings or changes to the Mollie Dive Field.

A breakdown of the storeys, maximum height and GFA of the proposed new building envelopes in the concept proposal is provided in **Table 5**.

Table 5: Breakdown of Proposed New Building Envelopes in Concept Proposal

Building	Storeys	Maximum Height	GFA
Aquatic and Fitness Centre	Two storeys with one basement level	RL 132.95 (12.85 m above ground level)	3,950 sqm
Dining and Function Centre	One storey	RL 126.10 (6 m above ground level)	1,270 sqm
Healthcare Centre	Two storeys	RL126.82 (6.72 m above ground level)	376 sqm

The layout of the proposed new building footprints and changes to the Mollie Dive Field in the concept proposal are shown in **Figure 4** and the northern and western elevations of the proposed new building envelopes in the concept proposal are shown in **Figure 5** and **6**.

Neither the KPSO nor the KLEP has specific building height, FSR, or setback controls applicable to the site. Accordingly, the department has considered each of these aspects on merit having regard to the appropriateness of the proposed new buildings and facilities in the context of existing surrounding development, and the potential impacts of the proposal on surrounding residential development.

Figure 4: Concept Proposal, Proposed Building Footprints (shown in orange) and Changes to Mollie Dive Field (shown hatched blue)

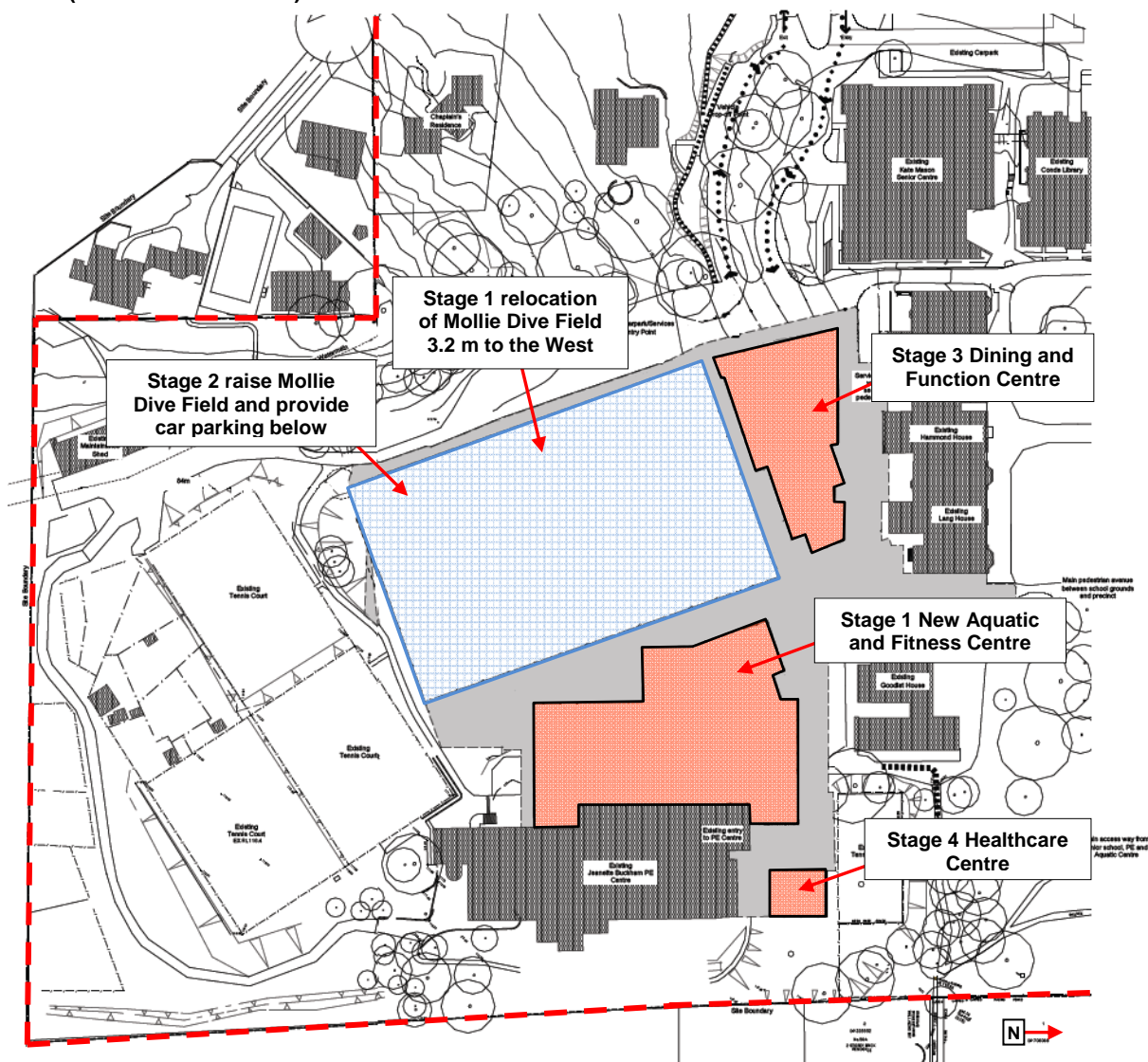
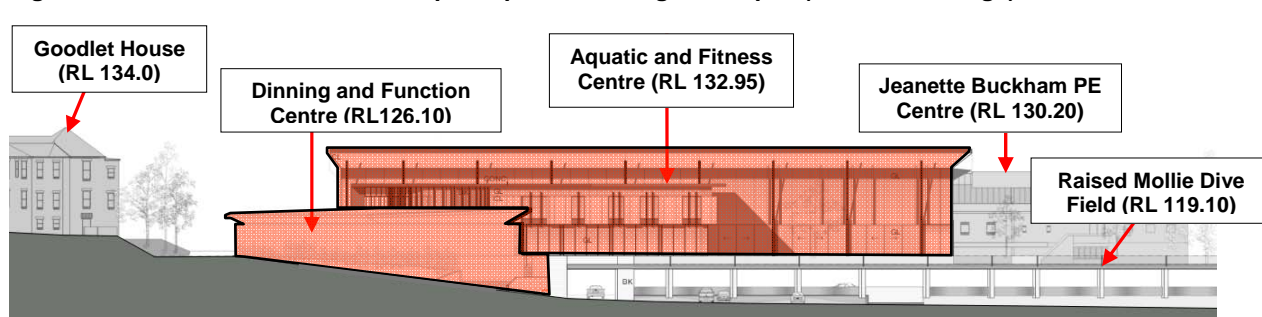


Figure 5: Northern Elevation of Concept Proposal Building Envelopes (shaded orange)



Figure 6: Western Elevation of Concept Proposal Building Envelopes (Shown in Orange)



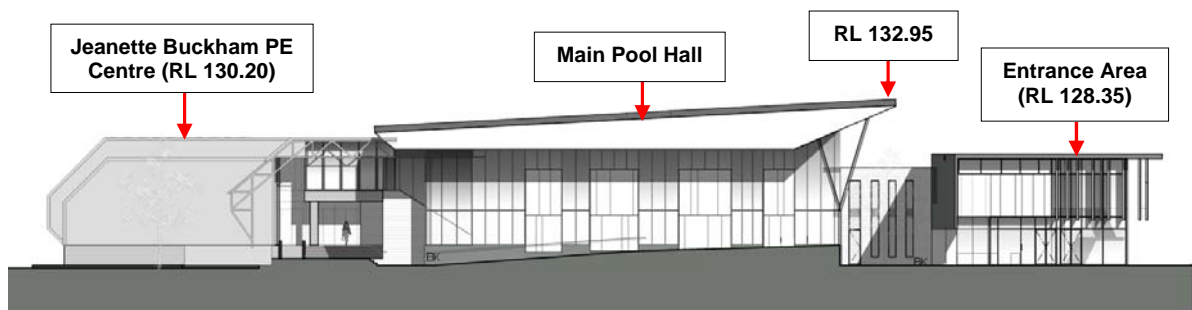
Consideration of the proposed location, size and form of each component of the concept proposal is provided below.

Aquatic and Fitness Centre (Stage 1)

The proposed new Aquatic and Fitness Centre is to be constructed as part of the Stage 1 works, and comprises two storeys with one basement level and has a GFA of 3,950 sqm. The building contains a new 52 metre pool with intermediate boom and diving boards, a learn to swim pool, grandstand seating, administration and staff areas and a fitness centre. The layout of the building includes two built form elements, including a main pool hall which connects with the existing Jeanette Buckham PE Centre Building to the east, and a smaller scaled learn to swim, fitness and entrance area to the west.

The maximum height of the building (as proposed) is RL 132.95 (12.85 m above existing ground level), which occurs on the western edge of the roof above the main pool hall. The building height falls from its highest point towards the east where it connects with the Jeanette Buckham PE Centre Building and falls towards the west to the smaller scaled entrance area. The northern elevation of the proposed new building, illustrating the two built form elements, connection with the Jeanette Buckham PE Centre Building, and fall in building height is shown in **Figure 7**.

Figure 7: Northern Elevation of Proposed New Aquatic and Fitness Centre



The proposed building is comparable in scale with a number of other existing buildings on the school campus, including the adjoining Jeanette Buckham PE Centre Building, the two to three storey Goodlet House, Lang House, Hammond House, Marden House Buildings, and the Kate Mason Senior Centre Building. The building is also sited centrally within the southern portion of the school campus and is setback approximately 50 metres from the nearest site boundary to the east, and approximately 100 metres from the southern site boundary. Accordingly, there are generous separation distances between the proposed building and the nearest residential dwelling houses to the east and the Avondale Golf Course in the south. The existing Jeanette Buckham PE Centre Building and existing vegetation to be retained along the eastern boundary of the campus would also provide a substantial visual buffer when viewing the building from the Pymble Avenue residential area.

The department therefore considers that the proposed new Aquatic and Fitness Centre building would not result in any significant visual or amenity impacts to surrounding development and is appropriate in the context of existing surrounding development.

An aerial view of the proposed new building, illustrating the siting of the building in the context of exiting surrounding buildings and the Mollie Dive Field is provided in **Figure 8**.

Figure 8: Aerial view of proposed new Aquatic and Fitness Centre



The design of the building incorporates a number of measures to break up the built form, including separating the elongated main pool hall element from the entrance area, and use of angled and flat roof elements. Additionally, the building incorporates a complementary mix of external materials and finishes, including glazing, brick work, shading elements and perforated cladding which results in an appealing and innovative built form. The architectural statement identifies that the contemporary expression of the building is intended to differentiate it from the other traditional school learning and boarding house buildings on the campus, whilst using materials familiar to other school buildings to achieve a level of continuity. A photomontage of the northern face of the proposed new building, illustrating the use of colours, materials and finishes is provided in **Figure 9**.

Figure 9: Photomontage of northern face of proposed new Aquatic and Fitness Centre



The building is comparable in scale with a number of existing school buildings within the campus, and is considered appropriate in the context of existing surrounding school buildings. The building is sited centrally within the school campus, and would not result in any significant visual or amenity impacts to

surrounding development. The department therefore considers the proposed new building to be acceptable in this regard.

Dining and Function Centre (Stage 3)

The proposed new Dining and Function Centre building envelope comprises one storey with a GFA of 1,270 sqm. The building envelope has an irregular footprint which fills the area between the Mollie Dive Field and the Lang House, Hammond House and Marden House buildings. The maximum height of the building envelope (as proposed) is RL 126.10 (6 m above existing ground level).

The proposed new building is lower in height than the existing Jeanette Buckham PE Centre Building, Goodlet House, Lang House, Hammond House, Marden House, and the Kate Mason Senior Centre, and also lower in height than the proposed new Aquatic and Fitness Centre. The building envelope is also sited centrally within the southern portion of the school campus and there is significant separation distances of approximately 80 metres from the nearest boundary of the site, and the existing vegetation and existing buildings within the school campus would provide a substantial visual buffer when viewing the building from surrounding residential areas. The department is therefore satisfied that the proposed new Dining and Function Centre building envelope would not result in any significant visual or amenity impacts to surrounding development and is appropriate in the context of existing surrounding development.

Further consideration of the building would be undertaken as part of the any future development application for the detailed design and construction of the building.

Healthcare Centre (Stage 4)

The proposed new Healthcare Centre building envelope comprises two storeys with a GFA of 376 sqm, and the building would accommodate the school's counselling and support services. The maximum height of the building envelope (as proposed) is RL126.82 (6.72 m above existing ground level).

The building is setback approximately 22 metres from the eastern boundary of the site and the eastern boundary contains existing mature vegetation which would provide substantial visual screening of the building when viewed from the Pymble Avenue residential area. The department is therefore satisfied that the proposed new Healthcare Centre building envelope would not result in any significant visual or amenity impacts to surrounding development and is appropriate in the context of existing surrounding development.

Further consideration of the building would be undertaken as part of the any future development application for the detailed design and construction of the building.

Mollie Dive Field (Stage 1 and 2)

The concept proposal also includes the relocation and raising of the Mollie Dive Field and provision of car parking below. The field is proposed to be relocated 3.2 m to the west of its current location and the surface of the field is proposed to be raised from RL 116.10 metres to RL 119.10 metres (increase of 3 metres), and a fence would be located around the perimeter of the field at a height of RL 120.10 metres.

The field is sited centrally within the school campus and there is significant separation distances between the field and the nearest residential dwelling houses surrounding the school campus. Additionally, the existing and proposed buildings on the campus and existing vegetation around the perimeter of the campus would provide a substantial visual buffer when viewing the Mollie Dive Field from the surrounding residential area.

The department therefore considers that the proposed changes to the Mollie Dive Field and provision of car parking below would not result in any significant visual or amenity impacts to surrounding development.

Additionally, given the limited scale of the proposed new building envelopes and changes to the Mollie Dive Field, and their central siting within the school campus, the concept proposal would not result in any overshadowing impacts to adjoining land uses at any time of the year.

4.2.2 Community Use of Facilities

The application proposes the community use of two buildings in the application, including:

- the community use of the Aquatic and Fitness Centre (to be constructed as part of the Stage 1 works) outside normal school hours for a learn to swim program; and
- the community use of the Dining and Function Centre (to be approved in concept and subject to a future development application) by the wider school community for weddings, events and functions.

The permissibility of the community use and operation of the Aquatic and Fitness Centre and the Dining and Function Centre were key issues raised in submissions by the general public.

Permissibility

Clause 28(3) of the Infrastructure SEPP identifies that an educational establishment (including any part of its site and any of its facilities) may be used, with consent, for any community purpose, whether or not it is a commercial use of the establishment. Consequently, uses that are considered to be "community purpose" are permissible within educational establishments, with consent.

Whilst "community purpose" is not defined under the Infrastructure SEPP, the department considers that the proposed ancillary community uses of the Aquatic and Fitness Centre for the learn to swim program and the community use of the Dining and Function Centre by the wider school community for weddings, events and functions consistent with the intent of clause 28(3) of the Infrastructure SEPP. Therefore, the proposed community uses in the application are permissible, with consent.

Detailed consideration of the proposed community use of the Aquatic and Fitness Centre and the Dining and Function Centre is provided below.

Community Use of Aquatic and Fitness Centre

The application proposes community use of the Aquatic and Fitness Centre outside normal school hours for learn to swim lessons.

The school currently operates a learn to swim program in the existing outdoor pool (to be demolished as part of the Stage 1 works) which facilitates approximately 500 individual swim lessons (or 150 classes) per week available to the school and wider community over the summer months.

The application proposes to continue the existing learn to swim program in the new Aquatic and Fitness Centre (to be constructed as part of the Stage 1 works) and extend the program to all year round due to the facilities now being indoor. Additionally, the application proposes to expand the program to 1,500 individual swim lessons per week (or 450 classes) all year round following the raising of the Mollie Dive Field and provision of additional car parking in Stage 2.

The EIS was accompanied by an Operational Plan of Management for the proposed new Aquatic and Fitness Centre, which provided details of the learn to swim program, hours of operation, amenities, emergency egress and car parking management.

One public submission raised concern with potential noise impacts from swimming carnivals held within the new Aquatic and Fitness Centre, and suggested that window openings and louvers should be closed during such events to limit noise from crowds, sirens and starting pistols.

The department has considered potential operational noise impacts associated with the Aquatic and Fitness Centre in Section 4.2.4 of this report and notes that the proposed new enclosed facility would replace the existing outdoor pool and seating areas, and the attenuation effect of the building envelope should result in an improvement in acoustic amenity for surrounding residential receivers, including during swimming carnivals. The department has however recommended that the Operational Plan of Management be amended to include additional information regarding acoustic management (including consideration of closing window openings to mitigate noise impacts during swimming carnivals).

The department has also considered potential traffic impacts and car parking demand generated by the operation of the Aquatic and Fitness Centre and learn to swim program in Section 4.2.3 of this report. During the assessment, the department requested further information on the potential traffic impacts and car parking demand aspects of the Aquatic and Fitness Centre. Following further consideration of the additional information, the department is satisfied that the operation of the facility would not result in any significant impacts on the operation of the surrounding road network and adequate car parking would be provided on site to service the demand generated by the facility.

Notwithstanding, to ensure the potential impacts from the operation of the Aquatic and Fitness Centre and learn to swim program are appropriately managed, the department has recommended a condition that the Operational Plan of Management be amended to include further information on car parking management to service the demand generated by the learn to swim program.

The department is satisfied that, subject to the recommended conditions and the operation of the Aquatic and Fitness Centre in accordance with an amended Operational Plan of Management, the potential impacts from the operation of the facility and learn to swim program would be appropriately managed.

Community Use of Dining and Function Centre

The application proposes use of the Dining and Function Centre by the wider school community (students, parents, siblings and alumni) for weddings, events and functions.

The applicant advised that the proposed community use of the new Dining and Function Centre would allow the new facility to accommodate functions and events which are currently already held elsewhere on the campus. The applicant also advised that the facility would be used for weddings for members of the wider school community on weekends.

The community use of the Dining and Function Centre was a key issue raised in public submissions, and particular concern was raised regarding potential noise, car parking and traffic impacts associated with functions held within the facility.

Whilst the proposed community use of the Dining and Function Centre is permissible and is generally supported, the current application only seeks approval of the building in concept, and the detailed design of the building would be the subject of a future development application. The future application should approve a range of specific non-school uses of the building, including the operational details, and potential acoustic, traffic and car parking impacts associated with the proposed community use. The department has recommended a number of conditions to ensure this occurs.

Notwithstanding, the department has undertaken a general consideration of potential traffic impacts and car parking demand associated with the community use of the Dining and Function Centre in Section 4.2.3 of this report, and is generally satisfied that the proposed use would not result in any significant impacts to the operation of the surrounding road network and that adequate car parking would be provided on site to accommodate the demand generated by the facility.

The department has also recommended that any future application for the detailed design and community use of the Dining and Function Centre be accompanied by an Operational Management Plan for functions held within the facility for the wider school community. The management plan must address the proposed uses, hours of operation, maximum number of patrons/users, fire safety, emergency management and evacuation procedures, acoustic management, lighting management, resident management (notification of events and contact details) and traffic and car parking management.

4.2.3 Traffic and Car Parking

The EIS was accompanied by a Transport and Accessibility Impact Assessment Report (traffic report) which addressed impacts of the proposal on the surrounding road network and car parking supply.

Separate consideration of the traffic and car parking aspects of the concept proposal and the stage 1 works is provided below.

Concept Proposal Traffic Impacts

Traffic is currently generated by the school during regular school days by:

- Staff who drive to school;
- students who drive to school (year 12 students); and
- parents who drop-off and pick-up students from the school.

In addition, traffic is generated by the learn to swim program in the existing outdoor pool facilities, and functions held within the school campus in the main college hall.

The application does not seek approval for any increase in student or staff numbers, therefore, during regular school operation, the proposal would not result in any additional traffic generation from the current school operation.

Notwithstanding, additional traffic would be generated from the expanded learn to swim program in the new Aquatic and Fitness Centre and the potential community use of the Dining and Function Centre for functions, events, and weddings.

Traffic was a key issue raised in public submissions, and particular concern was raised with the potential additional traffic generated by the community use of the Dining and Function Centre, which could further exacerbate the current traffic circulation issues along Avon Road and other surrounding streets.

During the assessment, the department raised concern with the traffic report's assessment of the potential impacts of the proposal on the surrounding road network, and requested further consideration of the potential impacts of the expanded learn to swim program in the new Aquatic and Fitness Centre, and the potential impacts of the community use of the Dining and Function Centre.

The applicant provided a supplementary traffic report in response to traffic issues raised by the department. The supplementary report identified that the expanded learn to swim program in the new Aquatic and Fitness Centre would increase learn to swim lessons from 500 to 1,500 lessons per week, and that the additional lessons would generate the following additional traffic:

- Monday to Friday (9 am to 12 pm) – 60 to 80 additional vehicles per hour – two way;
- Monday to Friday (3:30 pm to 5 pm) – 40 to 50 additional vehicles per hour – two way; and
- Saturday (8 am to 12 pm) – 60 to 80 additional vehicles per hour – two way.

The supplementary traffic report also identified that the new Dining and Function Centre would replace the existing dining facility within the school, and that the new facility would provide for school functions which are currently already held in the main college hall, therefore the new facility would not generate additional activity during the weekday school period.

Notwithstanding, the supplementary traffic report identified that the new Dining and Function Centre would also be used for wedding receptions on Saturday afternoons for the wider school community, and based on a wedding reception of some 200 guests, an additional 60 to 80 additional vehicles would be generated per hour during the Saturday afternoon and evening period.

The traffic report included a SIDRA analysis of key approach route intersections, which took into consideration the above traffic generating aspects of the proposal. The SIDRA analysis included the intersections of:

- Pacific Highway / Beechworth Road;
- Pacific Highway / Livingstone Avenue;
- Pymble Avenue / Everton Street / Avon Road; and
- Avon Road / Arilla Road.

The above intersections are identified on the map in **Figure 10** and the results of the SIDRA intersection analysis are provided in **Table 6**.

Figure 10: Intersections Included in SIDRA Analysis



Table 6: SIDRA Analysis Results

Intersection	Peak Period	Existing		Existing + Development	
		Level of Service	Average Delay (sec/veh)	Level of Service	Average Delay (sec/veh)
Pacific Highway / Beechworth Road	AM	A/B	<15	A/B	<15
	PM	C	35	C	38
Pacific Highway / Livingstone Avenue	AM	C	29	C	32
	PM	C	34	C	39
Avon Road / Pymble Avenue / Everton Street	AM	B	15	B	15
	PM	A/B	<15	A/B	<15
	SAT AM	A/B	<15	A/B	<15
	SAT PM	A/B	<15	A/B	<15
Avon Road / Arilla Road	AM	A/B	<15	A/B	<15
	PM	A/B	<15	A/B	<15
	SAT AM	A/B	<15	A/B	<15
	SAT PM	A/B	<15	A/B	<15

Note: The intersections along the Pacific Highway were not analysed on the Saturday peak periods as these intersections will operate at better levels of service on Saturdays compared to weekday peak periods due to lower traffic volumes on Saturdays.

The SIDRA intersection analysis identified that all key approach route intersections would continue to operate at their existing level of service with only a minor increase in the average delays at some intersections when taking into consideration the additional traffic generated by the development.

The RMS and Council raised no objection to traffic associated with the proposed development.

One public submission also raised concern with the cumulative impact of traffic generated by the proposal as well as traffic generated by other higher density residential development in vicinity of school campus, in particular, a concept plan (MP08_0207) and Stage 1 project application (MP10_0219) for a residential development at Avon Road and Beechworth Road (both applications are currently being considered by the Planning Assessment Commission for determination). The department has undertaken an assessment of traffic impacts associated with these residential

applications which determined that they would have a negligible impact on the operation of the local road network. Accordingly, the department is satisfied that the cumulative impact of traffic generated by the proposal and other residential development in the vicinity of site would not result in any significant impacts to the operation of the surrounding road network.

The department has considered the information in the traffic report and supplementary traffic report, issues raised in public submissions, and is satisfied that the additional traffic generated by the expanded learn to swim program in the new Aquatic and Fitness Centre and the community use of the Dining and Function Centre would not result in any significant impacts to the operation of the surrounding road network, and the proposal would not require any upgrades to existing road network.

Stage 1 Works Traffic

The application seeks approval to construct the new Aquatic and Fitness Centre as part of the Stage 1 works, and additional traffic will be generated by the learn to swim program in the new facility.

As identified previously in Section 4.2.2 of this report, the school currently operates a learn to swim program in the existing outdoor pool (to be demolished as part of the Stage 1 works) which facilitates approximately 500 individual swim lessons per week available to the school and wider community over the summer months. The current learn to swim program generates some 40 to 50 vehicles per hour during the weekday afternoon and Saturday morning periods in the summer months.

The application proposes to continue the existing learn to swim program in the new Aquatic and Fitness Centre (to be constructed as part of the Stage 1 works) and initially extend the program to all year round due to the facilities now being indoor. Consequently, the Stage 1 works would generate an additional 40 to 50 vehicles per hour during the weekday afternoon and Saturday morning periods in the winter months.

Given the learn to swim program already operates in the summer months, and the application proposes to extend the program to all year round, the department considers that the Stage 1 works would not result in any significant impacts to the operation of the surrounding road network.

Additionally, as identified previously in Section 4.2.2 of this report, the application also proposes to expand the learn to swim program in the future from 500 swim lessons to 1,500 swim lessons per week all year round, however, this is not proposed to occur until the additional car parking is provided below the Mollie Dive Field in the future application for Stage 2.

Concept Proposal Car Parking

Car parking demand is currently generated by the school from staff who drive to school, students who drive to school (year 12 students), the learn to swim program in the existing outdoor pool and functions held within the school campus in the main college hall.

The application does not seek approval for any increase in the existing staff numbers (300 staff) or student numbers (2,120 students, including 250 year 12 students) therefore, during regular school operation, the proposal would not result in any additional car parking demand from the current school operation.

Notwithstanding, the proposal would generate additional car parking demand associated with the expanded learn to swim program in the new Aquatic and Fitness Centre and the community use of the Dining and Function Centre.

The application includes additional car parking on the campus to service the additional demand generated by the proposed new facilities and a breakdown of the existing car parking and the proposed car parking in the application is provided in **Table 7**.

Table 7: Concept Proposal Car Parking Breakdown

Existing School Campus	TOTAL
• existing school campus car parking	275
Staged Development Application Car Parking	TOTAL
• 232 space car park under the existing Mollie Dive Field	+ 196
• removal of 36 existing spaces	
Existing School Campus + Staged Development Application Car Parking	TOTAL
• Existing School Campus + Staged Development Application Car Parking	471

Ku-ring-gai Council's Development Control Plan No. 43 Car Parking (Ku-ring-gai DCP) identifies that primary and secondary schools should provide a minimum of:

- one space per equivalent full time staff; plus
- one space per eight year 12 students.

Additionally, the Ku-ring-gai DCP identifies that car parking provisions for recreational and tourist facilities, such as swimming pools, should be determined on merit, and that additional car parking might be necessary if regular spectator attractions are to be promoted.

The RMS's Guide to Traffic Generating Developments (RMS Guideline) identifies that car parking for recreational and tourist facilities, such as swimming pools, must be provided to accommodate peak demand periods at the facility, and that applications should be supported by a traffic impact statement.

Neither the Ku-ring-gai DCP or the RMS Guideline provide an appropriate parking category which could be used to assess the community use of the Dining and Function Centre, however the DCP identifies that land uses not specified in the DCP should be determined on merit and supported by a traffic report submitted with an application.

Based on the existing staff and student numbers, the Ku-ring-gai DCP requires a minimum of 332 car parking spaces on the school campus. A comparison of the existing and proposed car parking provisions on the campus against the Ku-ring-gai DCP requirement is provided in **Table 8**.

Table 8: Car Parking Against Ku-ring-gai DCP

DCP Requirement	Existing Car parking	Compliance	Proposed Car Parking	Compliance
332	275	No (shortfall of 57 spaces)	471	Yes (exceeds by 139 spaces)

As identified in the above table, the existing provision of car parking on the school campus is below the requirements of Ku-ring-gai DCP, and the proposed provision of car parking in the staged development application results in an exceedance of the Ku-ring-gai DCP requirements.

The EIS and traffic report identified that the additional car parking is proposed to address the existing short fall in car parking provision across the school campus. Additionally, the EIS identified that the excess provision of car parking was justified as the campus is large (approximately 20 ha) and the existing car parks on the campus are not in the vicinity of the proposed new facilities, and the proposed new car park is in close proximity to the new Aquatic and Fitness Centre and the new Dining and Function Centre and in a discrete location under the Mollie Dive Field.

The traffic report also identified that the proposed additional car parking would accommodate the additional demand generated by the expanded learn to swim program in the Aquatic and Fitness Centre and the community use of the Dining and Function Centre. Specifically, the traffic report identified that the expanded learn to swim program of 1,500 lessons would generate a parking demand of some 75 vehicles, and the community use of the Dining and Function Centre would generate a car parking demand of some 200 vehicles for large functions (600 guests), and weddings within the facility would generate a car parking demand of some 70 vehicles (200 guests).

As identified in Section 3.3 of this report, car parking was raised as a key issue in public submissions. Several public submissions identified that the existing short fall in car parking on the school campus has created parking and traffic circulation difficulties on Avon Road and other surrounding streets, and that the additional parking proposed in the application would assist in alleviating these issues. Some public submissions also considered that the additional car parking would benefit the area when functions and events are held in the new Dining and Function Centre during the evening and on the weekends.

The RMS and Council raised no objection to the proposed additional car parking on the school campus.

The department has considered the information in the traffic report, the Ku-ring-gai DCP, and the car parking comments made in public submissions. A shortfall in car parking currently exists on the school campus and the proposed additional car parking would alleviate the existing shortfall and assist in reducing the current car parking and traffic circulation issues on the surrounding road network. The

proposed new car park would also service the additional demand generated by the community uses of the Aquatic and Fitness Centre and the Dining and Function Centre.

Additionally, it is noted that the existing 275 car parking spaces on the school campus are accommodated on 11 separate car parking areas, with the majority being in the northern end of the campus, some distance from the proposed new facilities. In the absence of a new accessible car park in the vicinity of the new facilities, students, staff and visitors may elect to park on Avon Road or other nearby surrounding streets, which could exacerbate the existing parking and traffic circulation issues currently experienced on the surrounding road network. Accordingly, whilst the proposed car parking exceeds the Ku-ring-gai DCP requirements, the department considers the provision of the additional car parking to be acceptable in this instance.

To ensure the management of car parking on the school campus into the future and the ongoing development under the staged development application, the department has recommended a condition requiring the applicant to prepare a car parking management plan for the entire school campus. The management plan is to identify the location of all car parking spaces on the school campus, their allocation (visitor, staff, disabled, student, etc) and access to the various car parking areas. The management plan must also address car parking management for the community uses of the new Aquatic and Fitness Centre and the potential community use of the Dining and Function Centre, and be incorporated in any Operational Management Plans for these facilities.

Stage 1 Car Parking

The application seeks approval to construct the new Aquatic and Fitness Centre as part of the Stage 1 works, and additional car parking demand will be generated by the learn to swim program in the new facility.

As identified previously in Section 4.2.2 of this report, the school currently operates a learn to swim program in the existing outdoor pool (to be demolished as part of the Stage 1 works) which facilitates approximately 500 individual swim lessons per week available to the school and wider community over the summer months. The current learn to swim program generates a car parking demand of some 20 to 25 vehicles during the morning and afternoon peak periods during the summer months.

The application proposes to continue the existing learn to swim program in the new Aquatic and Fitness Centre (to be constructed as part of the Stage 1 works) and initially extend the program to all year round due to the facilities now being indoor. Consequently, the Stage 1 works would generate a car parking demand of some 20 to 25 vehicles during the weekday afternoon and Saturday morning periods in the winter months.

Given the learn to swim program already operates in the summer months, and the application proposes to extend the program to all year round, the department considers that the car parking demand of the extended learn to swim program can be accommodated by the existing car parking provisions on the school campus.

Additionally, as identified previously in Section 4.2.2 of this report, the application also proposes to expand the learn to swim program in the future from 500 swim lessons to 1,500 swim lessons per week all year round, however, this is not proposed to occur until the additional car parking is provided below the Mollie Dive Field in the future application for Stage 2.

4.2.4 Noise and Vibration

The EIS was accompanied by an Acoustic Assessment Report (acoustic report) which addressed potential noise and vibrations impacts of the demolition and construction works and the operation of the proposed new school facilities.

Construction Noise

Noise will be generated during the demolition of the existing swimming pool and construction of the new Aquatic and Fitness Centre in the Stage 1 works. The nearest noise sensitive receivers to the subject site include residential land uses to the east and south-west of the site.

The acoustic report established construction noise management levels for surrounding sensitive residential receivers based on the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) (ICN Guideline). The construction noise management levels outlined in the acoustic report are identified in **Table 9**.

Table 9: ICN Construction Noise Management Levels for Surrounding Residential Receivers

Type of Receiver	Daytime (7 am to 6 pm)		
	Measured RBL (L _{A90} (15 min) dBA)	Noise Management Level (RBL +10 dBA)	Highly Noise Affected (dBA)
Residential along Burdett St and Derby Road	40	50 ¹	75 ¹

¹ external construction noise management level which applies at the residential property boundary that is most exposed to construction noise.

The acoustic report recommended that a construction noise and vibration management plan be prepared prior to commencement of any construction works on site. The acoustic report also recommended a number of mitigation measures which could be incorporated in the plan to address potential construction noise and vibration impacts of the proposal, including undertaking works within standard hours of construction, use of bore piling instead of impact piling, regular inspection and maintenance of equipment, use of mufflers and noise barriers.

The EPA raised no objection to the findings or recommendations of the acoustic report.

To ensure the amenity of the surrounding residential receivers is protected throughout the Stage 1 works, the department has recommended a condition requiring the applicant to prepare a Construction Environmental Management Plan, which would include a section on construction noise and vibration management which would need to address all relevant requirements contained in the ICN Guideline, including:

- identification of specific activities that will be carried out and associated noise sources;
- identification of all potentially affected residential receivers;
- detail construction noise management levels for residential receivers based on the ICN Guideline;
- description of feasible and reasonable noise mitigation measures and procedures to manage noise levels to in accordance with the construction noise management levels (outlined in Table 7); and
- noise and vibration monitoring and reporting procedures.

The department has also recommended that the Stage 1 works be undertaken in accordance with the standard construction hours of the ICN Guideline.

The department is satisfied that, subject to the recommended conditions, any noise impacts associated with the demolition and construction works can be adequately mitigated and managed.

Construction Vibration

The Stage 1 works involve some excavation (and potentially rock breaking) associated with the site levelling works and the inclusion of a basement level in the new Aquatic and Fitness Centre. Such works have the potential to generate vibration which can result in ground borne noise, human discomfort and cosmetic and structural building damage.

It is noted there are a number of factors affecting vibration levels, including the particular type of plant used, the local geotechnical conditions and the distance between the boundary of the site and surrounding receivers.

To ensure vibration is appropriately managed throughout the Stage 1 works, the department has recommended a condition requiring the applicant to prepare a Construction Environmental Management Plan, which will include a section on construction noise and vibration management. The section on vibration management will need to establish appropriate criteria and safe working distances to minimise vibration impacts, and to address relevant requirements of the ICN Guideline and Assessing Vibration – A Technical Guideline (Department of Environment and Conservation (NSW), 2006).

Additionally, the department has recommended a condition requiring that vibration monitoring is undertaken throughout the Stage 1 works to ensure that the vibration levels remain below the criteria established in German Standard DIN 4150-3 (1999-02) and British Standard BS 6472:1992.

Operational Noise

Noise will be generated during the operation of the development from mechanical plant equipment, use of the Aquatic and Fitness Centre, potential community use of the Dining and Function Centre, use of the Mollie Dive Field, and traffic and car park activities.

The acoustic report established operational noise goals for mechanical plant for the surrounding residential uses based on the NSW Industrial Noise Policy (Environmental Protection Authority, 2000) (INP) which are identified in **Table 10**.

Table 10: Mechanical Plant Operational Noise Goals for Surrounding Residential Uses

Type of Receiver	Residential		
	Noise Level dB re 20 μ Pa		
	Day	Evening	Night
Residential (Intrusive)	45	43	37
Residential (Amenity)	55	45	40

The acoustic report identified that the specific design and selection of mechanical plant equipment for the new Aquatic and Fitness Centre Building has not been finalised, therefore a quantitative noise assessment of predicted operational noise emissions from mechanical plant against the operational noise goals has not been undertaken. However, the acoustic report identified to the department's satisfaction a list of mechanical plant and equipment which would typically be included in such facilities, including pool plant, extractor fans, refrigeration plant and air conditioning condensers. The acoustic report identified that once the selection of plant equipment has been finalised, appropriate acoustic attenuation measures could be incorporated to ensure noise emissions comply with the noise goals established in **Table 10**. Typical mechanical plant noise attenuation measures may include construction of acoustic enclosures, acoustic louvers, locating plant away from noise sensitive receivers, and directing extraction systems away from noise sensitive receivers.

To ensure that the on-going amenity of the surrounding residential receivers is protected throughout the operation of the development, the department has recommend a condition requiring compliance with the operational noise goals established in the acoustic report. The applicant will therefore be required to implement appropriate noise attenuation measures on the mechanical plant equipment to ensure compliance with the noise goals.

The department has also recommended that the applicant undertake a noise monitoring program at 60 days and then one year after commencement of operation of the new Aquatic and Fitness Centre to verify that the measured noise levels do not exceed the operational noise goals and acceptable noise levels in the NSW Industrial Noise Policy, January 2000.

The new Aquatic and Fitness Centre would be fully enclosed and would incorporate a new lap pool, spectator seating area, a learner's pool, fitness studio and associated amenities. The acoustic report identified that when taking into consideration the attenuation effect of the external building envelope, laminated glazing, shielding affect of the existing Jeanette Buckham PE Centre, and the distance to surrounding residential receivers, activity noise associated with the use of the Aquatic and Fitness Centre from staff, students and the learn to swim program would be controlled within the building, and would therefore not be audible at the nearest sensitive receivers.

One public submission raised concern with potential noise impacts from swimming carnivals held within the new Aquatic and Fitness Centre, and suggested that window openings and louvers should be closed during such events to limit noise from crowds, sirens and starting pistols.

The department notes that the proposed new enclosed facility would replace the existing outdoor pool and seating areas, and the attenuation effect of the building envelope should result in an improvement in acoustic amenity for surrounding residential receivers, including during swimming carnivals. Notwithstanding, the department has recommended that the Operational Plan of Management for the Aquatic and Fitness Centre be amended to include additional information regarding acoustic management (including consideration of closing window openings to mitigate noise impacts during swimming carnivals).

The use of the Mollie Dive Field for sporting activities would remain unchanged from the current usage under the proposal. Whilst the field is proposed to be moved slightly to the west and elevated to allow for the new car park underneath, the acoustic report identified that there would not be any increase in noise levels from activities on the field to surrounding receivers.

The proposed new car park under the Mollie Dive Field would accommodate 232 vehicles, which could potentially result in additional noise impacts associated with an increase in vehicle activity along Avon Road to access the car park, and vehicle activity within the car park. The NSW Road Noise Policy, Office of Environment and Heritage (RNP), identifies a maximum increase in total traffic noise levels from development of 2 dB above the existing level. The acoustic report identified that the additional traffic generated by the development would not result in an exceedance of the RNP noise limit, and therefore no acoustic treatment would be required. Additionally, the acoustic report identified that a new drop-off area would be incorporated within the car park which would improve the acoustic amenity for surrounding residential receivers, compared to the existing drop-off arrangements.

The new Dining and Function Centre would be used for dining purposes for boarders, staff, school and potentially for functions for the wider school community (students, parents, siblings and alumni). The acoustic report identified that, whilst the detailed design of the building would be the subject of a future application, when taking into consideration the attenuation effects of the external building envelope (façade, roof and glazing) activity noise associated with the use of the Dining and Function Centre for functions would be controlled within the building, which would attenuate noise to nearby residents. Accordingly, the proposed new Dining and Function Centre is not anticipated to result in any significant noise impacts to the surrounding residential areas.

The proposed new Dining and Function Centre and the Healthcare Centre would be the subject of future applications, and detailed consideration of any potential acoustic impacts from these buildings would undertaken as part of their detailed design. The department has recommended a future environmental assessment requirement to ensure this occurs.

The department has also recommended that the applicant prepare an Operational Management Plan for the new Dining and Function Centre to address potential noise impacts associated with functions held within the facility.

The department is satisfied that, subject to the recommended conditions, any noise impacts associated with the operation of the proposed development can be adequately mitigated and managed.

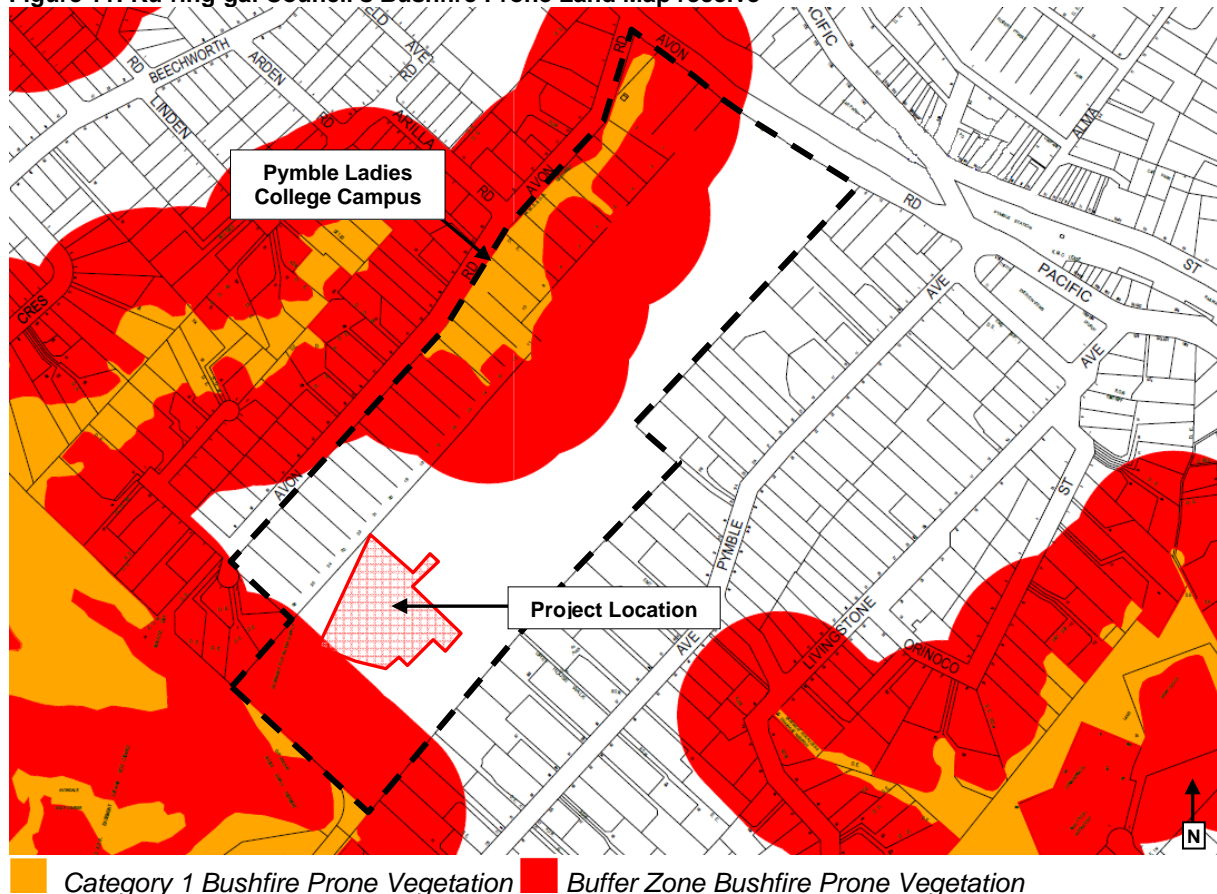
4.2.5 Bushfire

The Pymble Ladies College campus is identified as bushfire prone land on Ku-ring-gai Council's Bushfire Prone Land Map, and the campus includes:

- Category 1 Bushfire Prone Vegetation, which comprises forests, woodlands, heaths and wetlands greater than one hectare; and
- Buffer Zone Bushfire Prone Vegetation, which comprises a 100 m buffer on Category 1 Bushfire Prone Vegetation.

Ku-ring-gai Council's Bushfire Prone Land Map is shown in **Figure 11**.

Figure 11: Ku-ring-gai Council's Bushfire Prone Land Map receive



Planning for Bushfire Protection, NSW Rural Fire Service, 2006 (Bushfire Guideline) applies to development on land that is classified as bush fire prone land on a council's Bushfire Prone Land Map. The Bushfire Guideline provides a series of bushfire protection measures and performance based controls which are to be applied when assessing development proposals in bushfire prone land. Additionally, Australian Standard 3959-2009 'Construction of Buildings in Bushfire Prone Areas' provides building regulation requirements applicable to buildings proposed in bushfire prone land.

The EIS was accompanied by a Bushfire Hazard Assessment Report (Bushfire Report) which addressed the requirements of the Bushfire Guideline and provided a site-specific assessment of the bushfire hazard risk for the proposed development.

The Bushfire Report identified two areas of remnant vegetation in the vicinity of the project location which presented a potential bushfire hazard risk to the proposal, including an area of remnant vegetation located to the north of the project location (within the school campus) and an area of remnant vegetation to the south west of the project location (within Avondale Golf Course adjoining the school campus). The Bushfire Report identified that the proposed building footprints are located greater than 100 m from either of the identified remnant vegetation areas, and therefore they do not constitute a bushfire threat to the proposed development. The Bushfire Report also identified that existing Asset Protection Zones (APZs) within the school campus are already enforced by way of development consents for other approvals within the school campus. The Bushfire Report identified that APZs of greater than 100 m are available for the proposed new buildings footprints (which consist of maintained land, tennis courts, existing hard surfaced areas and formed service trails). The Bushfire Report also identified that the existing water supply complies with the requirements of the Bushfire Guideline and the existing avenues for access for fire services are considered satisfactory.

The Bushfire Report determined that the bushfire attack level for the proposed development was 'low' and therefore there were no specific bushfire protection measures recommended for the proposed development, and no specific building regulation requirements required under Australian Standard 3959-2009.

The RFS submission raised no objections to the findings of the Bushfire Report.

The department notes that a small portion of the project location encroaches on the Buffer Zone Bushfire Prone Vegetation, being a portion of the southern end of the Mollie Dive Field, however, all of the proposed new building footprints are located outside the Buffer Zone and are located more than 100 m from surrounding potential bushfire hazards.

Given the proposed works are within a Bushfire Attack Level of 'low', the existing water and access supply are satisfactory, and that formal APZs are already enforced through previous development applications, the department considers that no additional bushfire protection measures are required for the proposed development.

4.2.6 Heritage

Pymble Ladies College is not identified as a heritage item in the KPSO or the State Heritage Register and is not located within a heritage conservation area, however, the site is located in the vicinity of a number of local heritage items listed in Schedule 7 of the KPSO, including:

- 1, 5, 11 and 19 Avon Road, Pymble;
- 11 Arilla Road, Pymble; and
- 7, 14, 41 and 59 Pymble Avenue, Pymble.

Clause 61 E of the KPSO identifies that *"the consent authority shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting."*

With the exception of 59 Pymble Avenue, all other heritage items identified above are significantly removed from the project location, and views of the proposed new buildings from these surrounding items would be substantially blocked by the existing site topography, existing vegetation and existing buildings. Accordingly, the proposed development is not anticipated to result in any impacts to the heritage significance of these items or their setting.

59 Pymble Avenue adjoins the eastern boundary of Pymble Ladies College campus in the vicinity of the project location. The nearest proposed building to the heritage item is the new Healthcare Centre, which is setback 22.7 m from the eastern boundary and is only two storeys in height (as proposed). The eastern boundary of the campus contains mature vegetation which would provide substantial screening of the proposed Healthcare Centre building when viewed from the rear backyard of the heritage item, and all other proposed buildings in the application are significantly setback from the eastern boundary and are generally located behind the existing Jeanette Buckham PE Centre. Given the significant setback of the proposed buildings from the eastern boundary, the low scale of the proposed buildings, the visual screening of the proposed buildings from the mature vegetation and existing buildings, the department considers that the proposal would not result in any impact to the heritage significance of 59 Pymble Avenue or its setting.

Accordingly, having regard to clause 61 E of the KPSO, the department is satisfied the proposal will not result in any significant impact to the significance of any surrounding local heritage items or their setting.

4.2.7 Ecology

The EIS included a Flora and Fauna Assessment Report (flora and fauna report) to identify flora species on the site, fauna species residing or using the site, and the presence of threatened species, populations and ecological communities on site which are listed on the *Threatened Species Conservation Act (NSW) 1995* (TSC Act) and the *Environmental Protection and Biodiversity Conservation Act (Commonwealth) 1999* (EPBC Act).

The school campus is identified as containing some areas of remnant Blue Gum High Forest vegetation in the north of the campus (not within the project location), which is a critically endangered ecological community listed under the TSC Act and the EPBC Act. Additionally, the school campus is identified as containing some areas of remnant Sydney Turpentine Ironbark Forest vegetation in the south of the campus (outside the project location), which is an endangered ecological community listed in the TSC Act, and a critically endangered ecological community listed in the EPBC Act.

The flora and fauna report identified that the original vegetation community on the project location (prior to development) was Sydney Turpentine Ironbark Forest, however the project location was previously cleared of native vegetation (cleared prior to 1943) and due to the subsequent development

of the site to establish the school and changes to the landform and vegetation, the original Sydney Turpentine Ironbark Forest Community no longer exists in the project location area.

The flora and fauna report did, however, identify a number of threatened species which have some habitat relationship with the site, including:

- Magenta Lillypilly (*Syzygium paniculatum*);
- Gang-gang Cockatoo (*Callocephalon fimbriatum*);
- Powerful Owl (*Ninox strenua*);
- Masked Owl (*Tyto novaehollandiae*);
- Eastern Freetail Bat (*Mormopterus norfolkensis*);
- Grey-headed Flying-fox (*Pteropus poliocephalus*); and
- Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*).

The flora and fauna report included a detailed assessment of significance addressing the seven points of consideration in Section 5A of the EP&A Act (referred to as a "7 part test") to determine the likely impacts of the development on the identified threatened species, and to determine if further detailed Species Impact Statement is required.

The assessment of significance identified that the proposed development is unlikely to have a significant impact on the species or local population of the Gang-gang Cockatoo, Powerful Owl, Masked Owl, Eastern Freetail Bat, Grey-headed Flying-fox, and Yellow-bellied Sheath-tail Bat. Additionally, the assessment of significance identified that the Magenta Lillypilly is considered to be a planted specimen that has been commercially propagated and has established outside its natural habitat, therefore the proposed development would not have any significant impact on the species.

OEH raised no objection to the findings and conclusions of the flora and fauna report and identified that the applicant had incorporated relevant recommendations that OEH had previously provided to the applicant prior to lodgement of the application.

The department has considered the flora and fauna report and is satisfied that the proposed development is not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats.

4.2.8 Developer Contributions

Ku-ring-gai Contributions Plan 2010 (contributions plan) applies to the Ku-ring-gai LGA. The contributions plan applies to all development that increases the demand for the facilities and amenities for which the contributions plan provides, and generally applies to new residential development, commercial, industrial, or other for-profit land uses that increase the intensity of usage or employment in any such premises, or any combination of these.

The proposed development does not include any increase in the student or staff population, and therefore the proposal would not increase the demand for the facilities and amenities for which the contributions plan provides. Accordingly, the department considers that the proposed development does not attract contributions under the contributions plan.

4.2.9 Suitability of the Site

The site is considered suitable for the proposed development as:

- the proposal is within the existing Pymble Ladies College school campus, and located in proximity to existing school facilities;
- the siting of the proposed new Aquatic and Fitness Centre is in close proximity to existing sporting facilities within the campus, including the Jeanette Buckham PE Centre, Mollie Dive Field and tennis courts;
- the siting of the proposed Dining and Function Centre is sited sensitively into the slope of the ground immediately to the north of the Mollie Dive Field, so as not to obstruct or crowd the rear elevations of the existing boarding houses further to the north;
- the new Healthcare Centre is sited sensitively within the campus and would consolidate the school's counselling and supporting services into one area;
- the site has previously been disturbed and is relatively level and clear of native vegetation;
- the proposed new buildings and facilities are located outside areas of ecological significance on the site;

- the siting and design of the proposed new buildings and provision of existing and proposed landscaping and vegetation and existing buildings will minimise visual or amenity impacts to surrounding low density residential development; and
- the site is serviced by infrastructure utilities and public transport services.

4.2.10 Public Interest

The subject application forms Phase 2 of the PLC Masterplan and includes the development of the remaining school facilities under the campus vision for 1998-2007.

The proposed development will not result in any additional students or staff and would result in a number of significant social and economic benefits for the region, including:

- improving education and learning outcomes for students and enhancing cultural, creative, sporting and recreation opportunities;
- improvement to areas of ecological significance within the site through the implementation of the Vegetation Management Plan;
- improved acoustic amenity for surrounding residential receivers as the new enclosed Aquatic and Fitness Centre would replace an existing outdoor facility;
- increased investment opportunities for the region, including \$39 million capital investment value for the concept proposal and \$20 million capital investment value for Stage 1 construction works; and
- increased employment opportunities for the region, including the creation of 161 construction jobs for the concept proposal and 64 construction jobs for the Stage 1 construction works.

Given the residual impacts associated with the development can be mitigated and managed, the department considers the proposal to be in the public interest.

5. CONCLUSION AND RECOMMENDATION

5.1 Conclusion

The staged development application sets out the concept proposal for the redevelopment of school facilities over four stages, and also seeks detailed approval for construction of Stage 1.

The department has reviewed the submitted EIS and duly considered advice from public authorities and the general public. Issues raised in submissions have been carefully considered and all relevant environmental issues associated with the proposal have been thoroughly assessed. The proposal is consistent with the strategic objectives for the area.

The department is of the view that the recommended conditions and implementation of measures detailed in the applicant's EIS and appendices, and the Response to Submissions report and appendices, will adequately mitigate any environmental impacts of the proposal.

On balance, the department considers the site to be suitable for the proposed development and that the proposal is in the public interest given the significant social and economic benefits associated with the proposed works. Accordingly the department recommends that the State significant development be approved, subject to conditions.

5.2 Recommendation

In accordance with Section 89E of the Environmental Planning and Assessment Act, 1979, it is recommended that the A/Executive Director, Development Assessment Systems and Approvals, as delegate of the Minister for Planning and Infrastructure, grant development consent for the Pymble Ladies College Staged Development Application (SSD 5314).

Prepared by:

Ben Eveleigh
Planner
Major Projects Assessment

Endorsed by:

Heather Warton
Director
Major Projects Assessment

David Kitto
A/Executive Director
Development Assessment Systems and Approvals

APPENDIX A RELEVANT SUPPORTING INFORMATION

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

1. Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5314

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5314

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5314

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

The primary controls guiding the assessment of the proposal are:

- a) State Environmental Planning Policy (State and Regional Development) 2011
- b) State Environmental Planning Policy No.55 – Remediation of Land
- c) State Environmental Planning Policy (Infrastructure) 2007
- d) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- e) State Environmental Planning Policy No. 19 (Bushland in Urban Areas)
- f) Ku-ring-gai Planning Scheme Ordinance
- g) Ku-ring-gai Local Environmental Plan (Local Centres) 2012
- h) Ku-ring-gai Development Control Plan No. 31 - Access
- i) Ku-ring-gai Development Control Plan No. 40 – Waste Management
- j) Ku-ring-gai Development Control Plan No. 43 – Car Parking
- k) Ku-ring-gai Development Control Plan No. 47 – Water Management

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

The aims of the SRD SEPP are to identify State significant development (SSD) and State significant infrastructure (SSI) and provide the necessary functions to joint regional planning panels to determine development applications.

The proposal is for SSD in accordance with s. 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$30 million, under clause 15 (educational establishments) of Schedule 1 of the SRD SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 aims to:

- provide a state-wide planning approach to the remediation of contaminated land;
- identify when consent is required or not required for a remediation work;
- specify certain considerations that are relevant to applications for consent to carry out a remediation work; and
- require that remediation work meet certain standards and notification requirement.

Clause 7 of SEPP 55 identifies that a consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated;
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and

- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The EIS was accompanied by a Stage 1 Environmental Site Assessment (Phase 1 Report) which incorporated a desktop investigation of the existing and historical uses of the site and some limited soil sampling. The Phase 1 Report identified that no specific on-site or off-site point sources of contamination were identified. The report identified that the primary potential contamination sources at the site are considered to be:

- contaminated imported fill soils; and
- asbestos associated with the demolition of two sheds formerly located at the site.

The Phase 1 Report identified that the potential for significant, widespread soil or groundwater contamination at the site is relatively low. Notwithstanding, the Phase 1 Report recommended that further investigations be undertaken prior to commencement of any earthworks in order to better assess the risk of soil or groundwater contamination at the site, and the further investigations should include soil sampling across the site and an assessment against appropriate health and ecological investigation levels.

The EIS was also accompanied by a Stage 2 Environmental Site Assessment (Phase 2 Report) which covered the Stage 1 works area of the staged development application. The Phase 2 Report included soil sampling from three boreholes and an analysis of the samples against health and ecological investigation levels. The Phase 2 Report identified that no elevated concentrations of contaminants above the relevant criteria were encountered in the soil samples analyzed. The Phase 2 report concluded that the potential for significant or widespread soil contamination at the site is relatively low, and the site is therefore suitable for the proposed development, and no remediation works are required.

The EPA raised no objection to the proposal and raised no issues with the finding of the Phase 1 and Phase 2 Reports and did not recommend any conditions relating to contamination or remediation.

The department notes that the scope of the Phase 1 Report extended to the entire staged development site area (Stages 1 – 4), whereas the scope of the Phase 2 Report was limited to the Stage 1 works area. Accordingly, in accordance with the recommendations of the Phase 1 Report, further detailed soil sampling investigations will be required for each subsequent stages of the staged development application (stages 2 – 4) to better assess the risk of soil or groundwater contamination at the site. The department has recommended conditions to be met in future development applications under the staged development application to ensure this occurs.

Should the future investigations identify the need to carry out remediation works, the applicant will be required to submit a Remediation Action Plan with the future development applications in accordance with the requirements of State Environmental Planning Policy No.55 – Remediation of Land and Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (Department of Urban Affairs and Planning, 2008) (contamination guideline).

In accordance with the requirements of SEPP 55, the department has considered the findings of the Phase 1 and Phase 2 Reports, and acknowledges that the potential for significant contamination of soil and groundwater within the site is low.

The department is satisfied that, subject to the recommended conditions, the proposed development will satisfactorily address the requirements of SEPP 55, and that the site will be suitable for school use prior to commencement of use.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of public infrastructure across the State. Relevant provisions of the Infrastructure SEPP that apply to the proposal are considered below.

Pursuant to clause 28(1) of the Infrastructure SEPP, development for the purpose of an educational establishment may be carried out by any person with consent on land in a prescribed zone. The site is zoned Special Uses 5(a) under the Ku-ring-gai Planning Scheme Ordinance, which is equivalent to the SP2 Infrastructure zone under the standard instrument LEP, which is a prescribed zone for

educational establishment developments under clause 27 of the Infrastructure SEPP. Accordingly, the proposal may be carried out under clause 28(1) of the Infrastructure SEPP, with consent.

Additionally, clause 28(2)(a) of the Infrastructure SEPP identifies that development for the purpose of an educational establishment may be carried out by any person with consent on land on which there is an existing educational establishment. The site of the proposal forms part of the existing Pymble Ladies College campus, therefore the proposal may also be carried out under clause 28(2)(a) of the Infrastructure SEPP, with consent.

Clause 28(3) of the Infrastructure SEPP identifies that an educational establishment (including any part of its site and any of its facilities) may be used, with consent, for any community purpose, whether or not it is a commercial use of the establishment. Consequently, uses that are considered to be "community purpose" are permissible within educational establishments, with consent.

The application proposes the community use of the Aquatic and Fitness Centre outside normal school hours for learn to swim lessons and the use of the Dining and Function Centre by the wider school community for weddings, events and functions.

Whilst "community purpose" is not defined under the Infrastructure SEPP, the department considers that the proposed ancillary community uses of the Aquatic and Fitness Centre and the Dining and Function Centre are consistent with the intent of clause 28(3) of the Infrastructure SEPP, and therefore the proposed community uses in the application are permissible, with consent (further detailed consideration of community uses of the facilities is provided in Section 4.2.2 of this report).

Schedule 3 of the Infrastructure SEPP applies to traffic generating developments and requires that the RMS is consulted on certain traffic generating applications before a consent authority makes a determination on the development. Whilst the proposal does not include any additional students or staff at the school, the proposal was referred to the RMS, who raised no objections to the proposal. Consideration of the RMS's comments is provided in Section 3 of this report.

State Environmental Planning Policy (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP) aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations.

The Harbour REP applies to part of the Ku-ring-gai Local Government Area, including the Pymble Ladies College campus, and the relevant planning considerations are identified in clause 13 of the Harbour REP. The Pymble Ladies College campus is not located within the foreshores and waterways area of the Harbour REP.

The proposal includes the provision of drainage and landscaping throughout the subject site, which will provide for the controlled management of stormwater and runoff from the site. Additionally, the proposal includes the implementation of a vegetation management plan which is intended to rehabilitate a riparian area and drainage line adjacent to the project location and provide for a stable watercourse and riparian corridor which emulates the native vegetation communities in the area. The proposal is also sited a significant distance from the immediate waterways or foreshore areas, and will not impact on visual qualities of Sydney Harbour.

Accordingly, the department considers that the proposal is consistent with the relevant planning principles of clause 13 of the Harbour REP.

State Environmental Planning Policy No. 19 (Bushland in Urban Areas)

SEPP 19 applies to land within the Ku-ring-gai Local Government Area and aims to protect and preserve bushland within the urban areas for:

- its value to the community as part of the natural heritage;
- its aesthetic value; and
- its value as a recreational, educational and scientific resource.

Clause 6(1) and (2) of SEPP 19 identifies that a person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council unless it is:

- for the purposes of bushfire hazard reduction;
- for the purpose of facilitating recreational use of the bushland in accordance with a plan of management referred to in clause 8 of this Policy;
- for the purpose of constructing, operating or maintaining:
 - lines for electricity or telecommunication purposes; and
 - pipelines to carry water, sewerage or gas or pipelines licensed under the Pipelines Act 1967.
- for the purpose of constructing or maintaining main roads.

Clause 6(4) of SEPP 19 identifies that a consent authority shall not consent to disturbing bushland zoned or reserved for public open space unless:

- it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy;
- it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland; and
- it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.

Clause 9 of SEPP 19 identifies that when a consent authority proposes to grant approval or development consent in relation to development on land adjoining land zoned or reserved for public open space, the consent authority shall not grant the approval or development consent unless it has taken into account

- the need to retain any bushland on the land
- the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland
- any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

The site is not zoned Open Space, therefore clauses 6(1),(2) and (4) of SEPP No.19 do not apply to the proposal. However, in the southern corner of the school campus, the site adjoins a small public reserve known as Golfers Glen. The reserve is zoned public open space and contains bushland, therefore clause 9 of SEPP No.19 applies to the proposal.

The proposed development is located within a previously developed portion of the school campus, and whilst the proposal includes the removal of 64 individual trees (comprising 42 native or local trees and 22 exotic trees), it does not involve the removal of any bushland on the school campus. Additionally, provided appropriate erosion and sediment controls are in place during the construction works, an appropriate stormwater drainage system is installed to manage stormwater and runoff from the site, and the spread of weeds and exotic plants is managed appropriately within the school campus, the proposed development will not affect any bushland on the adjoining public reserve and is unlikely affect bushland in the lower parts of the catchment. The application included an erosion and sediment control plan, a detailed stormwater management plan as well as a vegetation management plan to address a heavily weeded area adjacent to a drainage line on the school campus and to reduce the spread of exotic plants and weed species in the adjoining SEPP 19 bushland.

The department is therefore satisfied that the proposed development has incorporated appropriate measures to address clause 9 of SEPP 19 and the proposal would minimise the impacts of the development and the school campus on the adjoining bushland

Ku-ring-gai Planning Scheme Ordinance

The EIS was considered satisfactory for exhibition on 21 December 2012, and at the time, the Ku-ring-gai Planning Scheme Ordinance (KPSO) was the primary EPI applicable to the site.

On the 8 February 2013, the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP) took effect and became the primary EPI applicable to the site.

Whilst the KLEP now applies to the site, pursuant to clause 1.8A "Savings provision relating to development applications" of the KLEP, the application must be determined as if the LEP had not commenced, therefore, for the purposes of assessing the application, the KPSO remains the primary EPI applicable to the site (consideration of the relevant provisions of the KLEP is provided further in Appendix B).

Zoning

The site is zoned Special Uses 5(a) - School Zone under the KPSO, and the development of an educational establishment is permissible in the zone, with consent.

The proposed development is therefore permissible within the zoned, with consent.

Aesthetic Appearance

Clause 33(a) of the KPSO requires that a consent authority take into consideration the probable aesthetic appearance of proposed new buildings when viewed from adjoining railway corridors or private open space.

The North Shore Rail Corridor adjoins the northern boundary of school campus and a number of residential dwellings, the Avondale Golf Course, and the Golfers Glen public reserve adjoin the eastern, western and southern boundaries of the school campus. Accordingly, pursuant to Clause 33(a) of the KPSO, consideration of the aesthetic appearance of the proposed building on the surrounding area is required as part of the assessment of the application.

Detailed consideration of the built form elements and aesthetic appearance of the proposal is provided in Section 4.2.1 of this report, and on the basis of this assessment, the department is satisfied that the proposed development would not result in any significant visual or amenity impacts to surrounding development or private open spaces areas adjacent to the campus.

Additionally, the project location is sited centrally within the south-eastern part of the school campus and is significantly removed from surrounding private open spaces areas and the rail corridor adjoining the northern end of the campus. Views of the proposal from private open spaces areas and the rail corridor would be substantially blocked by the existing site topography, existing vegetation and existing buildings, therefore the aesthetic appearance of the buildings is not expected to impact on the surrounding areas.

Building Height

Clause 46(1) of the KPSO identifies that a building shall not be erected to a height, across any part of a site, which is greater than 7 metres without the consent of the council.

A breakdown of the proposed buildings in the application is provided in the table below:

Breakdown of Proposed New Building Envelopes

Building	Storeys	Max Height	GFA
Aquatic and Fitness Centre	Two storeys with one basement level	RL 132.95 (12.85 m above ground level)	3,950 sqm
Dining and Function Centre	One storey	RL 126.10 (6 m above ground level)	1,270 sqm
Healthcare Centre	Two storeys	RL126.82 (6.72 m above ground level)	376 sqm

The maximum height of the proposed new Aquatic and Fitness Centre (as proposed) is RL 132.95 (12.85 m above existing ground level), therefore the new building would require consent of the council. However, as the application is State significant development under the SRD SEPP (which prevails over the KPSO), the application requires the consent of the Minister for Planning and Infrastructure.

Detailed consideration of the height, bulk and scale of the proposed new Aquatic and Fitness Centre is provided in Section 4.2.1 of this report.

Heritage

Clause 61E of the KPSO identifies that council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

Detailed consideration of potential heritage impacts of the proposal is provided in Section 4.2.6 of this report, and on the basis of this assessment, the department is satisfied the proposal will not result in any significant impact to the significance of any surrounding local heritage items or their setting having regard to clause 61 E of the KPSO.

Bushfire

The subject site is identified as bushfire prone land – vegetation buffer zone on council's Bushfire Prone Land map. The development is subject to the provisions of "Planning for Bushfire Protection 2006".

The EIS was accompanied by a Bushfire Hazard Assessment Report (Bushfire Report) which addressed the requirements of the Bushfire Guideline and provided a site-specific assessment of the bushfire hazard risk for the proposed development.

Detailed consideration of potential bushfire impacts is provided in Section 4.2.5 of this report. Given the proposed works are within a Bushfire Attack Level of 'low', the existing water and access supply are satisfactory, and that formal APZs are already enforced through previous development applications, the department considers that no specific bushfire protection measures are required for the proposed development.

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

The Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP) took effect on 8 February 2013 and became the primary EPI applicable to the site.

As outlined earlier in Appendix B, whilst the KLEP now applies to the site, pursuant to clause 1.8A "Savings provision relating to development applications" of the KLEP, the application must be determined as if the LEP had not commenced, therefore, for the purposes of assessing the application, the KPSO remains the primary EPI applicable to the site. Notwithstanding, consideration of the relevant provisions of the KLEP is provided below.

The site is not subject to any FSR, lot size or land reservation provisions under the KLEP, however, the site is subject to a number of other relevant provisions which are identified and considered below.

Zoning

The site is zoned SP2 – Educational Establishment under the KLEP, and the proposed development is permissible in the zone, with consent.

Preservation of Trees

Clause 5.9(3) of the KLEP identifies that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- development consent, or
- a permit granted by the Council.

Ku-ring-gai Council Tree Preservation Order defines a tree as a perennial plant with at least one self supporting woody, fibrous stem, whether native or exotic, which is 5 metres or more in height or has a trunk diameter of 150mm or more measured at ground level.

The concept proposal includes the removal of 64 trees, and the Stage 1 works would include the removal of 48 trees, as follows:

The concept proposal includes the removal of 64 trees, including:

- 42 native or local native trees:
 - *Acacia longifolia* (Golden Wattle) (x 2);
 - *Eucalyptus resinifera* (Red Mahogany) (x1);
 - *Araucaria heterophylla* (Norfolk Island Pine) (x1);
 - *Brachychiton acerifolius* (Illawarra Flame Tree) (1);
 - *Corymbia gummifera* (Bloodwood) (4);
 - *Eucalyptus microcorys* (Tallowwood) (x 17);
 - *Eucalyptus saligna* (Sydney Blue Gum) (x 9);
 - *Elaeocarpus reticulatus* (Blueberry Ash) (x2);

- *Eucalyptus sideroxylon* (Red Ironbark) (x 1);
- *Eucalyptus citriodora* (Lemon Scented Gum) (x1);
- *Acacia elate* (Cedar Wattle) (x2); and
- *Pittosporum undulatum* (Native Daphne) (x1);
- 22 exotic trees:
 - *Jacarandas mimosifolia* (Jacarandas) (x 11);
 - *Ulmus sp* (Elm) (x 1); and
 - *Schinus areia* (Peppercorn Trees) (x 10).

Stage 1 works include the removal of 48 trees, including:

- 31 native or local native trees:
 - *Acacia longifolia* (Golden Wattle) (x 2);
 - *Eucalyptus resinifera* (Red Mahogany) (x1);
 - *Araucaria heterophylla* (Norfolk Island Pine) (x1);
 - *Brachychiton acerifolius* (Illawarra Flame Tree) (1);
 - *Corymbia gummifera* (Bloodwood) (4);
 - *Eucalyptus microcorys* (Tallowwood) (x 15); and
 - *Eucalyptus saligna* (Sydney Blue Gum) (x 7);
- 17 exotic trees:
 - *Jacarandas mimosifolia* (Jacarandas) (x 8);
 - *Ulmus sp* (Elm) (x 1); and
 - *Schinus areia* (Peppercorn Trees) (x 8).

The EIS was supported by a detailed arborist report which identified that the trees to be removed generally have low retention values which should not restrict the development. Additionally, all other trees to be retained on site will be protected through appropriate tree protection zones and fencing.

Heritage

Clause 5.10(1) of the KLEP identifies the following heritage objectives:

- to conserve the environmental heritage of Ku-ring-gai,
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- to conserve archaeological sites,
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

Detailed consideration of potential heritage impacts of the proposal is provided in Section 4.2.6 of this report, and on the basis of this assessment, the department is satisfied the proposal will not result in any significant impact to the significance of any surrounding local heritage items or their setting having regard to clause 61 E of the KPSO.

Earthworks

Clause 6.1(1) of the KLEP identifies the following earthworks objectives

- to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- to allow earthworks of a minor nature without requiring separate development consent.

Clause 6.1(3) of the KLEP identifies that before granting development consent for earthworks, the consent authority must consider the following matters:

- the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development;
- the effect of the development on the likely future use or redevelopment of the land;
- the quality of the fill or the soil to be excavated, or both;
- the effect of the development on the existing and likely amenity of adjoining properties;
- the source of any fill material and the destination of any excavated material;
- the likelihood of disturbing relics;
- the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.

The Stage 1 works include some minor earth works associated with the lower ground level of the Aquatic and Fitness Centre Building, however, these works will be undertaken over the site of the existing outdoor pool which is proposed to be demolished. The department has also conditioned that the applicant install appropriate erosion and sediment controls during the earthworks to minimise potential impacts to drainage patterns and soil stability. Having regard to the matters in Clause 6.1(3) of the KLEP, the department is satisfied that, subject to the recommended conditions, the proposed minor earthworks would not result in any significant impacts.

Stormwater and Water Sensitive Urban Design

Clause 6.2(2) of the KLEP identifies that, before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that:

- water sensitive urban design principles are incorporated into the design of the development;
- riparian, stormwater and flooding measures are integrated;
- the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land on which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems; and
- if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.

The application was accompanied by a detailed stormwater management plan which has been designed to comply with Ku-ring-gai Council's Water Management DCP No. 47. The proposal has also incorporated a number of measures to minimise the consumption of water, including:

- preparation and implementation of an integrated water management plan to harvest and reuse rainwater for hose taps, irrigation and other uses.;
- inclusion of WELS rated tapware throughout new building;
- pool covers over both pools to minimise evaporation; and
- limiting air supply velocity to reduce pool evaporation loss.

Additionally, the application includes the implementation of a vegetation management plan which is intended to rehabilitate a riparian area and drainage line adjacent to the project location and provide for a stable watercourse and riparian corridor which emulates the native vegetation communities in the area.

The department is therefore satisfied that the proposal complies with the relevant considerations in Clause 6.2(2) of the KLEP.

Biodiversity

The Pymble Ladies College campus is identified as containing areas of biodiversity significance on the KLEP Natural Resource - Biodiversity Map

Clause 6.3(3) of the KLEP identifies that, before determining a development application for development on land to which this clause applies, the consent authority must consider the impact of the proposed development on the following:

- any native vegetation community;
- the habitat of any threatened species, population or ecological community;
- any regionally significant species of plant, animal or habitat;
- any biodiversity corridor;
- any wetland;
- the biodiversity values within any reserve; and
- the stability of the land.

Additionally, Clause 6.3(3) of the KLEP identifies that the consent authority must also consider any proposed measure to be undertaken to ameliorate any potential adverse environmental impact, and any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.

The department has undertaken a detailed assessment of potential ecological impacts on flora and fauna in Section 4.2.7 of this report and on the basis of this assessment, the department is satisfied that the proposed development is not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats.

In addition, the application was accompanied by a vegetation management plan which is intended to rehabilitate a riparian area and drainage line adjacent to the project location and provide for a stable watercourse and riparian corridor which emulates the native vegetation communities in the area.

The department is therefore satisfied that the proposal complies with the relevant considerations in Clause 6.3(3) of the KLEP.

Riparian Land

The Pymble Ladies College campus is identified as containing Category 3 and Category 3a Riparian Land on the KLEP Natural Resource – Riparian Lands Map. The Category 3 and Category 3a Riparian Land is located primarily on the northern and western boundaries of the campus (outside the project location).

Clause 6.4(3) of the KLEP identifies that, before determining a development application for development on land to which this clause applies, the consent authority must consider the impact of the proposed development on the following:

- water quality in the waterway;
- the natural flow regime, including groundwater flows to a waterway;
- aquatic and riparian habitats and ecosystems;
- the stability of the bed, shore and banks of the waterway;
- the free passage of native aquatic and terrestrial organisms within or along the waterway and riparian land;
- the habitat of any threatened species, population or ecological community;
- public access to, and use of, any public waterway and its foreshores; and
- any opportunities for maintenance, rehabilitation or re-creation of watercourses, aquatic and riparian vegetation and habitat in accordance with the category of land identified on the Natural Resource—Riparian Lands Map.

The proposed works are located outside the identified Category 2 and Category 3a Riparian Land on the KLEP Natural Resource – Riparian Lands Map. Notwithstanding, the application was accompanied by a vegetation management plan which is intended to rehabilitate a Category 3a riparian area and drainage line adjacent to the project location and provide for a stable watercourse and riparian corridor which emulates the native vegetation communities in the area.

The department is therefore satisfied that the proposal complies with the relevant considerations in Clause 6.4(3) of the KLEP.

Ku-ring-gai Development Control Plan No. 31 – Access (KDCP 31)

KDCP31 aims to:

- ensure access for all to public buildings, community facilities and new developments, excluding dwelling-houses and dual occupancies but including all buildings and facilities owned or leased by council.
- ensure access throughout the pedestrian network in the Ku-ring-gai Council area including footpaths, through-site links, public arcades, overpasses and underpasses.
- provide convenient access for all to public open space including parks, reserves, other recreational facilities, commercial buildings including but not limited to malls, plazas and squares.
- ensure that people with a disability have equal access to employment opportunities by way of affording access to facilities, services and opportunities to meet their specific needs.
- ensure that dwellings suitable for the disabled are provided in new multi-unit residential construction.

The EIS was accompanied by an access report detailing the proposal's compliance with relevant access provisions of the BCA and the Disability Discrimination Act (1992). The department has also recommended a number of conditions requiring compliance with the requirements of the BCA and the Disability Discrimination Act (1992). The department is satisfied that, subject to the recommended conditions, the proposal will comply with the relevant access provisions and would satisfy the requirements of KDCP31.

Ku-ring-gai Development Control Plan No. 40 – Construction and Demolition Waste Management (KDCP 40)

KDCP40 aims to facilitate sustainable waste management in Ku-ring-gai in accordance with the principles of ecologically sustainable development.

The EIS was accompanied by a Waste Management Plan which address the demolition and construction works detailed in the Stage 1 works, as well as the operation of the new Aquatic and Fitness Centre. The department has also recommended a number of conditions relating to waste management during construction and operation.

The department is satisfied that, subject to the recommended conditions, the proposal will comply with the relevant waste provisions of KDCP40.

Ku-ring-gai Development Control Plan No. 43 – Car Parking (KDCP 43)

KDCP 43 aims to:

- ensure that adequate parking is provided for developments in Ku-ring-gai, firstly to minimise the overflow of parking onto surrounding streets, and secondly to ensure that a high standard of parking and access to commercial developments is provided, to support their viability;
- provide objectives and guidelines for the design of parking and service areas, to ensure that these areas are safe, efficient and consistent with the desirable characteristics and environmental standards expected in the Ku-ring-gai area;
- provide ecologically sustainable car parking facilities ;
- to provide the community with a set of standards while recognising that opportunities need to be identified that will protect the environmental quality of the area and have

The department has undertaken a detailed consideration of car parking demand in Section 4.2.3 of this report (including consideration of relevant provisions of KDCP 43). On the basis of this assessment, the department is satisfied that adequate car parking would be provided to service the demand generated by the development.

Ku-ring-gai Development Control Plan No. 47 – Water Management (KDCP 47)

The objectives of the KDCP 43 are:

- water management that is appropriate to the site and its surroundings and that is integrated into the overall design of the development;
- sustainable management and use of water in Ku-ring-gai;
- management and conservation of natural and built waterways and natural assets in the catchments;
- maintenance or enhancement of the predominant landscape quality of Ku-ring-gai;
- an urban environment with a high standard of residential amenity and safety;
- development application plans and documentation that are of a high standard; and
- development that meets all environmental, planning and Council requirements.

The application was accompanied by a detailed stormwater management plan which has been designed to comply with Ku-ring-gai Council's Water Management DCP No. 47. The proposal has also incorporated a number of measures to minimise the consumption of water, including:

- preparation and implementation of an integrated water management plan to harvest and reuse rainwater for hose taps, irrigation and other uses.;
- inclusion of WELS rated tapware throughout new building;
- pool covers over both pools to minimise evaporation; and
- limiting air supply velocity to reduce pool evaporation loss.

The department has also recommended a number of conditions relating to stormwater and drainage works design.

The department is satisfied that, subject to the recommended conditions, the proposal will comply with the relevant waste provisions of KDCP47.

APPENDIX C GLOSSARY

Accredited Assessment under the EPBC Act.

If the project involves a "controlled action" under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the project can be assessed as an accredited assessment under the EPBC Act. This means that separate assessment processes are not required under both the EPBC Act and the EP&A Act, and the NSW assessment process has been accredited by the Commonwealth. However, the Commonwealth Minister for the Environment maintains an independent approval role, and the Commonwealth provides input to certain stages of the assessment process

Where a controlled action is involved the department has consulted with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) throughout the assessment process.

Delegated Authority

On 27 February 2013, the Minister for Planning and Infrastructure delegated his functions under s. 89E of the *Environmental Planning and Assessment Act 1979*, to the Executive Director, Development Assessment Systems and Approvals, to determine applications where:

- (a) the relevant council has not made an objection, and
- (b) a political disclosure statement has not been made, and
- (c) there are less than 10 public submissions in the nature of objections.

Ecologically Sustainable Development can be achieved through the implementation of:

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

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*

- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

These are EPIs that are required to be taken into consideration in the assessment of the project under s. 79C. A detailed evaluation of each is provided at Appendix B.

Section 79C Evaluation

(1) *Matters for consideration—general*

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

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

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

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

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