



New South Wales Government  
Independent Planning Commission

# Trinity Grammar School Redevelopment SSD 10371

## Statement of Reasons for Decision

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Trinity Grammar School Redevelopment (SSD 10371) Final Report ©  
State of New South Wales through the Independent Planning Commission 2021

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## EXECUTIVE SUMMARY

The Council of Trinity Grammar School has sought development consent for the redevelopment of Trinity Grammar School's Summer Hill campus located within the Inner West Council Local Government Area. The \$127.7-million Trinity Grammar Redevelopment Project involves the demolition and refurbishment of existing buildings, the construction of four new buildings, the upgrade of existing car parking and pick-up/drop-off facilities, landscaping, ancillary civil works and a staged increase in student numbers.

On 19 July 2021, the NSW Department of Planning, Industry and Environment finalised its whole-of-government assessment of the State significant development application for the Project (SSD 10371). Under section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, the NSW Independent Planning Commission is the consent authority for this Application because the Department received more than 50 'unique' objections during exhibition of the Applicant's Environmental Impact Statement.

Commissioners Adrian Pilton (Panel Chair), Wendy Lewin and Dr Sheridan Coakes were appointed to constitute the Commission in determining this SSD Application. The Commission met with the Department, Applicant and Inner West Council, and conducted a virtual site inspection.

Due to limited public response the Commission cancelled the public meeting scheduled for 18 August 2021. Instead, the Commission met separately with five interested individuals/groups who had registered to speak at the event to hear their views on the Project. The Community Stakeholder Meetings were held electronically on 18 August 2021 with those five community members presenting to the Commission via video conference. The Commission received a total of 12 written public submissions on the Project up until 12pm on 25 August 2021. The majority of written submissions were made in objection to the Project. Key issues and concerns raised in written submissions to the Commission and at the Community Stakeholder Meetings related to the increase in student numbers, size and scale of the development, traffic congestion and safety, community use of school facilities and impacts on amenity, streetscape, heritage and character of the neighborhood.

After reviewing all the submitted documentation, the Commission advised the Department and Applicant that the architectural and landscape drawings lacked sufficient detail to enable a comprehensive understanding of the Project's proposed built form and that the information requested in the Secretary's Environmental Assessment Requirements issued for the Project on 26 September 2019 had not been comprehensively provided. The Commission, therefore, requested additional material from the Applicant. The Commission subsequently reopened public comments on that additional material and received a further seven written submissions.

In determining this SSD application, the Commission carefully considered the Application, the Department's Assessment Report, advice from relevant Government agencies, Inner West Council and concerns raised by interested individuals and groups at the Community Stakeholder Meetings and in written submissions. The Commission finds that the Project will provide a range of public benefits, including new education facilities, construction and operational jobs, and upgraded car parking and drop-off facilities to alleviate traffic congestion on the surrounding road network.

The Commission also finds the impacts of the Project - when weighed against the objects of the EP&A Act, ESD principles and benefits of the Project - are acceptable and can be reasonably and satisfactorily avoided, mitigated and managed through conditions.

For the reasons set out in this Statement of Reasons, the Commission has granted deferred commencement consent to the Application.

The Commission has imposed strict conditions of consent to ensure the Project complies with the relevant criteria and standards, its impacts are consistent with the predictions in the Applicant's EIS (including supplementary material) and that residual impacts are minimised, mitigated and managed. The deferred commencement conditions imposed by the Commission require the Applicant to submit amended architectural and landscape plans to address the Commission's findings in relation to built form, heritage, landscaping and character.

# CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>i</b>
<b>1 INTRODUCTION .....</b>	<b>1</b>
<b>2 THE APPLICATION .....</b>	<b>1</b>
2.1 Site and Locality .....	1
2.2 Existing Operations .....	3
2.3 Existing Development Consent .....	5
2.4 The Project.....	5
<b>3 STRATEGIC CONTEXT .....</b>	<b>6</b>
<b>4 STATUTORY CONTEXT.....</b>	<b>7</b>
4.1 State Significant Development .....	7
4.2 Permissibility .....	7
4.3 Integrated and other NSW Approvals.....	7
4.4 Mandatory Considerations .....	7
4.5 Additional Considerations.....	9
<b>5 COMMUNITY PARTICIPATION &amp; PUBLIC SUBMISSIONS .....</b>	<b>9</b>
5.1 Community Stakeholder Meetings .....	9
5.2 Public Submissions .....	9
5.3 Key Issues Raised .....	10
5.4 Public Submissions on Additional Material.....	13
<b>6 THE COMMISSION'S CONSIDERATION.....</b>	<b>14</b>
6.1 The Department's Assessment Report.....	14
6.2 The Commission's Meetings .....	15
6.3 Council Comments .....	15
6.4 Public Comments .....	16
6.5 Material Considered by the Commission .....	16
<b>7 KEY ISSUES .....</b>	<b>17</b>
7.1 Traffic .....	17
7.2 Student and Staff Numbers.....	22
7.3 Built Form.....	23
7.4 Landscaping and Tree Removal .....	27
7.5 Heritage Impacts .....	28
7.6 Acoustic Impacts .....	32
7.7 View Loss.....	34
7.8 Community Consultative Committee .....	36
7.9 Other Issues.....	36
7.10 Objects of the EP&A Act and Public Interest.....	37
<b>8 THE COMMISSION'S FINDINGS AND DETERMINATION .....</b>	<b>40</b>
<b>Appendix A .....</b>	<b>41</b>

## DEFINED TERMS

ABBREVIATION	DEFINITION
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>Additional Material</b>	Additional material received by the Commission as set out in paragraph 71
<b>AIA</b>	Arboricultural Impact Assessment
<b>ALEP</b>	Ashfield Local Environmental Plan 2013
<b>AHIS</b>	Amended Heritage Impact Statement
<b>Applicant</b>	The Council of Trinity Grammar School
<b>Application</b>	State Significant Development Application 10371
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CCC</b>	Community Consultative Committee
<b>CCS</b>	Community Consultation Strategy
<b>CIV</b>	Capital Investment Value
<b>CMP</b>	Conservation Management Plan
<b>CNVMP</b>	Construction Noise and Vibration Management Sub-Plan
<b>Commission</b>	Independent Planning Commission of NSW
<b>Council</b>	Inner West Council
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning, Industry and Environment
<b>Department's AR</b>	Department's Assessment Report dated July 2021
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>Existing Approval</b>	<i>Trinity Grammar School v Ashfield Council [2007] NSWLEC 733</i> decision, dated 7 November 2007
<b>HCA</b>	Heritage Conservation Area
<b>ICNG</b>	<i>Interim Construction Noise Guideline</i>
<b>LEC</b>	NSW Land and Environment Court
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The information set out in section 6.5 below
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NIA</b>	Noise Impact Assessment
<b>NSWLEC</b>	NSW Land and Environment Court
<b>ONMP</b>	Operational Noise Management Plan
<b>OTAMP</b>	Operational Transport and Access Management Plan

<b>Project</b>	The Trinity Grammar Redevelopment Project
<b>Recommended Conditions</b>	Draft Development Consent provided by the Department on 19 July 202
<b>Regulations</b>	<i>Environmental Planning and Assessment Regulations 2000</i>
<b>RFI</b>	Request for Further Information
<b>RSA</b>	Road Safety Audit
<b>RtS</b>	Response to Submissions
<b>SEPP</b>	State Environmental Planning Policy
<b>Site</b>	The Project Site as defined in section 2.1
<b>SRD SEPP</b>	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
<b>SRtS</b>	Supplementary Response to Submissions
<b>SSD</b>	State Significant Development
<b>SVMP</b>	Service Vehicle Management Plan
<b>T&amp;L Building</b>	Teaching Learning and Library Building
<b>TAA</b>	Transport and Accessibility Assessment
<b>TfNSW</b>	Transport for NSW
<b>TIA</b>	Traffic Impact Assessment
<b>VIA</b>	View Impact Assessment
<b>Virtual Site Inspection</b>	The Commission's virtual inspection of the Site as described in paragraph 81



## 1 INTRODUCTION

1. On 19 July 2021, the NSW Department of Planning, Industry and Environment (**Department**) referred a State significant development (**SSD**) application (SSD 10371) (**Application**) from The Council of Trinity Grammar School (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination. The Application seeks approval for the redevelopment of Trinity Grammar School's Summer Hill campus (the **Project**), located in the Inner West Council Local Government Area (**LGA**), under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
2. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A(1) of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SRD SEPP**). This is because:
  - the Application constitutes SSD under section 4.36 of the EP&A Act as the Application has a capital investment value (**CIV**) of more than \$20 million for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of the SRD SEPP; and
  - the Department received more than 50 submissions from the public objecting to the application.
3. Professor Mary O'Kane AC, Chair of the Commission, nominated Adrian Pilton (Chair), Dr Sheridan Coakes, and Wendy Lewin to constitute the Commission Panel determining the Application.

## 2 THE APPLICATION

### 2.1 Site and Locality

4. The legal description of the site (19 Prospect Road Summer Hill and 50-52 Seaview Street Summer Hill) is Lot 11 in DP 1171965 and Lots 5 and 6 in DP 15765 (the **Site**). Paragraph 1.2.17 of the Department's Assessment Report (**AR**), dated July 2021 states that 46-48 Seaview Street comprise two dwellings and also form part of the existing school campus at 119 Prospect Road Summer Hill and thereby form part of the Site.
5. The Department's AR describes the Site at section 1.2 as comprising an area of approximately 65,596 square metres (sqm) with frontages to Prospect Road, Victoria Street, Seaview Street and Yeo Park and is located 7 kilometres (km) south west of Sydney's central business district. The allotments 50 and 52 Seaview Street are properties owned by the Applicant.
6. The Commission notes that 119 Prospect Road Summer Hill is listed in Schedule 5 of the *Ashfield Local Environmental Plan 2013* (**ALEP**) as an item of local heritage significance, in relation to the headmaster's house and chapel as stated in paragraph 1.2.7 of the Department's AR. The Commission notes that 50 and 52 Seaview Street, Summer Hill are neither Heritage listed nor located in a heritage conservation area (Department's AR paragraph 1.2.18).
7. The Commission notes that the Site is surrounded by land to the north, south and east that is primarily residential in character, including a number of heritage conservation areas and listed heritage items (Department's AR paragraph 1.2.19). The Commission further notes that Yeo Park is to the south of the Site and is identified as a local heritage item in ALEP as stated in paragraph 1.2.10 of the Department's AR. Yeo Park Infants School is located in Yeo Park and there are a number of residential aged care facilities within close proximity to the Site (Department's AR paragraph 1.2.20).

8. The location of the Site is illustrated in Figure 1 and Figure 2 and the Site's location in relation to surrounding Heritage Items and Heritage Conservation Areas (HCA) is illustrated in Figure 3 below.

Figure 1 - Site Location – Regional Context (Source: Department AR, Figure 1)

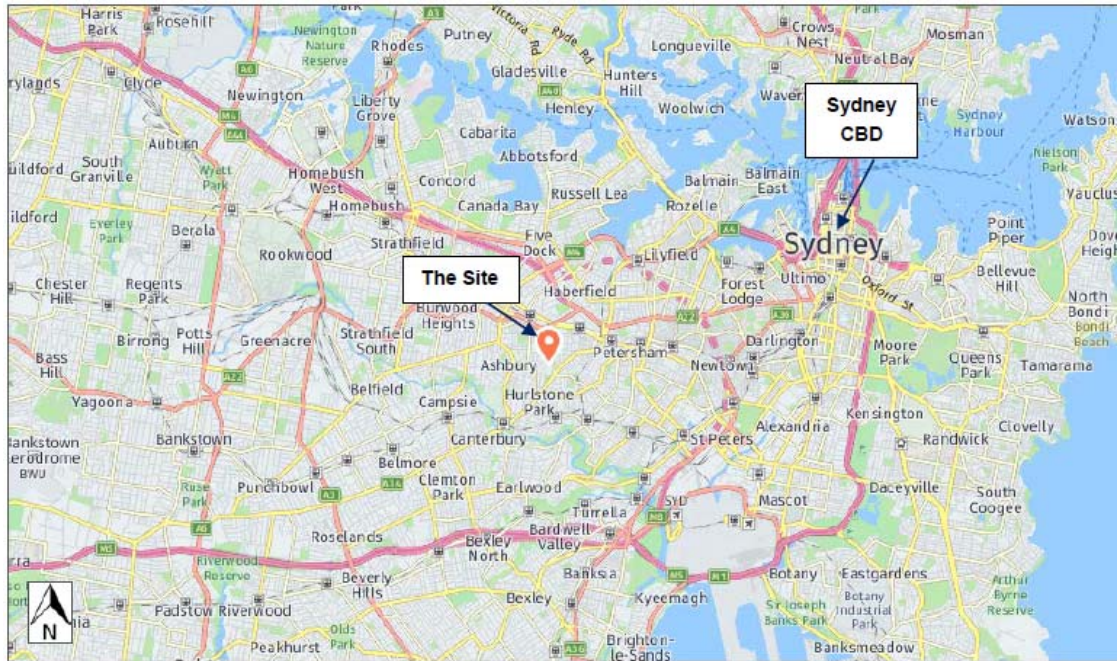
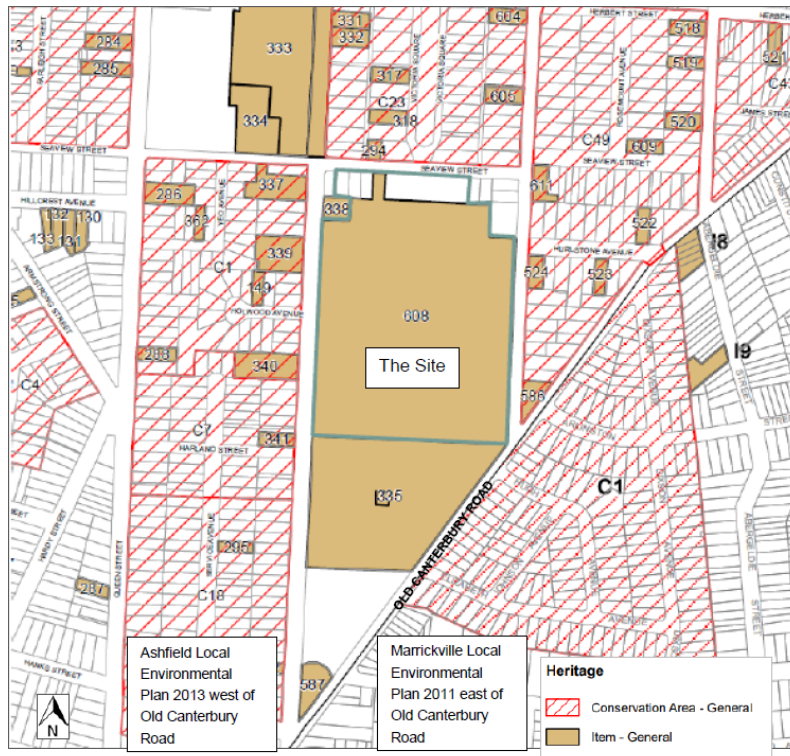


Figure 2 - Site and Local Context Map (Source: Department's AR, Figure 2)





Figure 3 - Site Location – Heritage Context (Source: Department’s AR, Figure 9)

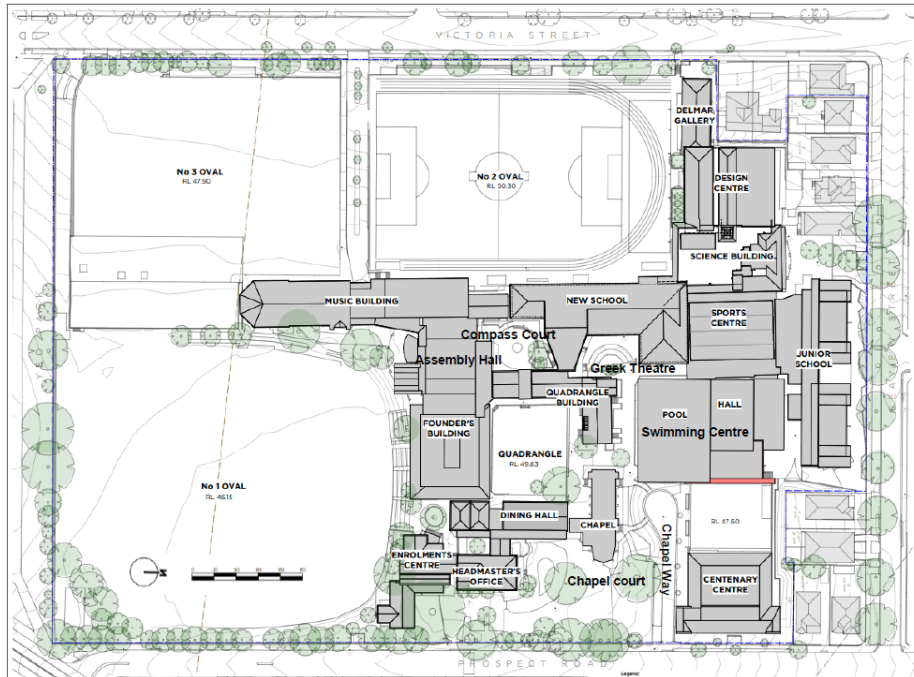


## 2.2 Existing Operations

9. The Department’s AR paragraph 1.2.5 states that the school currently has 1655 students in attendance, which is 155 greater than the Site’s maximum approved student numbers. There are currently 277 full-time equivalent staff (Department’s AR paragraph 1.2.4 and 1.2.5). Trinity Grammar School’s Summer Hill campus is a junior, senior and middle school (K – 12).
10. Paragraph 2.5.1 of the Department’s AR states: “the proposal involves no change to the overall use of the site, the core and extended operational hours and the out-of-school hour activities.”
11. The Department’s AR also states:
 

*“The existing school development includes buildings primarily located to the northern and central part of the Site, whilst the western and southern areas of the Site comprise playing ovals, beneath a portion of which is underground car parking”* (Department’s AR paragraph 1.2.6).
12. The existing buildings and landscape features at the Site are illustrated in Figure 4 below and listed in paragraph 1.2.8 of the Department’s AR.

Figure 4 - Existing development on Site and landscape features  
(Source: Department's AR, Figure 3)



13. The Department's AR outlines the existing vehicular access, car parking and pick-up/drop-off arrangements for the school. The underground car parking at the existing school site is accessed from Victoria Street and currently comprises two separate underground car parks. The Jubilee car park is located beneath Oval No.2, accessed from Jubilee Drive with 211 car parking spaces, and the staff car park is beneath Oval No. 3, accessed from the southern driveway adjacent to Yeo Park and has 91 car parking spaces. The drop-off/pick-up area is located within the Jubilee car park and is open for visitor use, whilst the staff car park is a secure car park operated with a boom gate. The Department's AR states that a car park with five spaces, accessed from Prospect Road, provides spaces for the enrolment centre. (Department's AR paragraph 1.2.11 – 1.2.13)
14. According to the Department's AR, the main pedestrian entrance for the existing school is via the Chapel Gates at Prospect Road, although there is also pedestrian access from Victoria Street and Seaview Street. The Chapel Way, an internal cul-de-sac road, accessed from Prospect Road, is utilised by the existing school for student transport. (Department's AR paragraph 1.2.14 and 1.2.15)

Figure 5 - Existing car parks on Site and car park space numbers  
(Source: Department's AR, Figure 4)



### 2.3 Existing Development Consent

15. The Commission notes that on 7 November 2007 a development consent (**Existing Approval**) was granted by the NSW Land and Environment Court (**NSWLEC**) for “a new swimming pool, multipurpose hall, classroom building and an underground car park” (Department’s AR paragraph 1.3.1) which also included a condition limiting the “students on the campus to a maximum of 1500” (Department’s AR paragraph 1.3.1).
16. In 2015, the NSWLEC considered a modification application which sought to modify the Existing Consent to increase student numbers to 1700. The Commission notes that the modification was refused by the NSWLEC as it was found not to meet the ‘substantially the same development test’ required for modification applications. According to paragraph 1.3.4 of the Department’s AR: “The decision of the LEC also included a merits assessment of the proposal. The LEC found that the school was already generating unacceptable traffic and amenity impacts and an increase in student numbers by 200 would exacerbate those impacts.”

### 2.4 The Project

17. The main components of the Project as modified by the response to submissions (**RtS**), supplementary RtS (**SRtS**) and responses to requests for further information (**RFI**) are described below and set out in Table 2 of Appendix A of this Statement of Reasons.
18. Paragraph 1.1.2 of the Department’s AR describes the Project as:
 

“...alterations and additions to Trinity Grammar School, Summer Hill campus in six stages, involving demolition of some existing buildings, construction of four new buildings (3 to 5 storeys), refurbishment of four existing buildings, reconfiguration and expansion of the underground car park, landscaping, external road and public domain works, signage, staged increase in student numbers to 2100, and an increase in staff to 321.”

19. Paragraph 6.2.2 of the Department's AR states that the Project is seeking to regularise the existing student numbers where "currently 1655 students attend the Trinity Grammar School Summer Hill Campus at any one time, which is 155 more than that approved by the most recent development consent", in addition to a staggered increase in student numbers from 1655 to 2100 with 321 full time staff aligned with the Project's construction staging (Department's AR paragraph 2.4.2).
20. The Project proposes to alter the underground car parks at the Site in addition to "rearrangement of the access to/from the Site from Victoria Street". The proposed Maintenance Building also includes a new access to it from Seaview Street. (Department's AR paragraph 2.3.1)
21. The Project's proposed layout will result in three distinct precincts: "five-storey Teaching and Learning Precinct, five-storey Performing Arts Precinct, Multi-purpose pavilion to the south, fronting Yeo Park" (Department's AR paragraph 2.2.1).
22. The proposed new Teaching Learning and Library Building (**T&L Building**) is located at the centre of the Site and the new Multi-Purpose Pavilion is located adjacent to the Site's southern boundary with Yeo Park, between Ovals No.1 and No.2 (Department's AR paragraph 2.2.3 and 2.2.4)
23. The Project is proposed to be constructed in six stages across five years (2021 – 2026) (Department's AR paragraph 2.4.1).
24. The layout of the Project is illustrated in the Department's AR at Figures 10 and 11 and elevations are illustrated at Figures 14, 15 and 17. The Project's proposed access layout is illustrated in the Department's AR at Figures 20 and 21.

### 3 STRATEGIC CONTEXT

25. Paragraph 3.1.2 of the Department's AR states: "the proposal would improve use of the campus and would deliver contemporary, flexible and improved educational facilities".
26. The Department's AR at paragraph 3.1.3 states that the Project is appropriate as it is consistent with:
  - Greater Sydney Commission's Greater Sydney Region Plan – *A Metropolis of Three Cities*, 2018;
  - *Eastern City District Plan*; and
  - *NSW Future Transport Strategy 2056*.
27. The Commission notes that the project will generate "direct investment of approximately \$127.7 million and would support 543 construction jobs and up to 44 operational jobs" (Department's AR at paragraph 3.1.3).
28. The Commission has given consideration to the strategic planning policies and guidelines relevant to the Project and the Site in sections 6 and 7 of this Statement of Reasons.



## 4 STATUTORY CONTEXT

### 4.1 State Significant Development

29. The Project is SSD under section 4.36 of the EP&A Act and clause 15(2) of Schedule 1 of the SRD SEPP as the Project has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school (Department's Assessment Report paragraph 4.1.1).
30. Under section 4.5(a) of the EP&A Act and clause 8A(1) of the SRD SEPP, the Commission is the consent authority for the Application because DPIE received more than 50 unique objections to the Project during the exhibition period (Department's Assessment Report paragraph 4.1.2).

### 4.2 Permissibility

31. Paragraph 4.2.1 of the Department's AR states:

*"The site is zoned 'SP2 Educational Establishment' and 'R2 Low Density Residential' under the ALEP 2013. The proposed development ('educational establishment') is permitted with consent within both zones and therefore the Commission may determine the carrying out of the development."*
32. The Commission agrees that the proposed development is permissible in the SP2 zone and R2 zone with development consent.

### 4.3 Integrated and other NSW Approvals

33. The Commission notes that the Department has consulted with the relevant Government authorities that are responsible for providing integrated and other approvals. The Commission acknowledges that the Applicant may also require other approvals which are not integrated into the SSD process as stated in paragraph 4.3.2 of the Department's AR.

### 4.4 Mandatory Considerations

34. In determining this application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the following matters as are of relevance to the development the subject of the Application (**Mandatory Considerations**):
  - the provisions of:
    - any environmental planning instrument; and
    - any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the Commission (unless the Planning Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved); and
    - any development control plan; and
    - any planning agreement that has been entered into under s 7.4 of the EP&A Act, or any draft planning agreement that a developer has offered to enter into under s 7.4; and
    - the *Environmental Planning and Assessment Regulations 2000* (**Regulations**) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act, that apply to the land to which the Application relates;
  - the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
  - the suitability of the site for the development;

- submissions made in accordance with the EP&A Act and Regulations; and
  - the public interest.
35. The Department considered the Mandatory Considerations at section 4.4 of the AR and Appendix B of the AR. The Commission agrees with this assessment conducted on its behalf by the Department except for the assessment in respect of the Education SEPP (see paragraph 39 below).
36. In accordance with s 4.15(1), the Commission has considered the Mandatory Considerations. They are addressed in the following sections.
37. The Mandatory Considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Project. To the extent that any of the Material does not fall within the Mandatory Considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

#### 4.4.1 Relevant Environmental Planning Instruments

38. Per Appendix B of the Department's AR, relevant EPIs include:
- *State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)*
  - *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)*
  - *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)*
  - *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*
  - *Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP)*
  - *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)*
  - *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
  - *Draft State Environmental Planning Policy (Environment)*
  - *Ashfield Local Environmental Plan 2013 (ALEP)*
  - *Draft Inner West Local Environmental Plan 2020 (WLEP)*
  - *Inner West Comprehensive DCP 2016 (DCP)*
39. The Commission agrees with the Department's assessment of the EPIs set out in Appendix B of the Department's AR except for the assessment in respect of the Education SEPP. The Commission therefore adopts the Department's assessment and has also further addressed some of the EPIs in the reasons below. Notwithstanding the above, the Commission's findings relating to the Education SEPP design quality principles differ from the Department's assessment. This has been considered in section 7.3 below.

#### 4.4.2 Relevant Development Control Plans

40. Clause 11 of the SRD SEPP states that DCPs do not apply to SSD. However, given that there are no other relevant prescriptive measures relevant to car parking and pick-up/drop-off facilities within the Site, the Commission is of the view that it is appropriate to consider the Inner West Comprehensive DCP 2016. This has been addressed in section 7.1.2 below.

#### 4.4.3 The Likely Impacts of the Development

41. The likely impacts of the Project have been considered in section 7 below.

#### **4.4.4 The Suitability of the Site for Development**

42. The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the following reasons:
- the Site is on land zoned SP2 and R2 and the Project is permissible with consent under the ALEP, Education SEPP and the SRD SEPP;
  - the Project complies with the strategic planning directions of the State and Local planning policies (Appendix B of the Department's AR);
  - the Site is an established school;
  - the development is an orderly and economic use of land; and
  - any residual impacts from the Project can be appropriately managed and mitigated.

#### **4.4.5 Submissions**

43. The Commission has given consideration to the public submissions received by the Commission as summarised in section 5 below. The Commission has given further consideration to the public submissions received in its assessment of the key issues set out in section 7 below

#### **4.4.6 The Public Interest**

44. The Commission has considered the public interest in section 7.10.2 of this report.

#### **4.5 Additional Considerations**

45. In determining this application, the Commission has also considered the following:
- *Interim Construction Noise Guideline (ICNG)*;
  - *Educational Facilities Standards and Guidelines*;
  - *Eastern City District Plan 2018* (Greater Sydney Commission);
  - *NSW Noise Policy for Industry (NPfl)*;
  - *NSW Road Noise Policy (RNP)*;
  - *Sydney Clearways Strategy* (TfNSW); and
  - *Community Consultative Committee Guideline: State Significant Projects (2019)*.

### **5 COMMUNITY PARTICIPATION & PUBLIC SUBMISSIONS**

#### **5.1 Community Stakeholder Meetings**

46. Due to limited public response to the Public Meeting scheduled for 18 August 2021, the Commission cancelled the Public Meeting. Instead, the Commission met separately with the five interested individuals/groups who had registered to speak at the event to hear their views. The Community Stakeholder Meetings were held electronically on 18 August 2021 with the five community members presenting to the Panel Commission via video conference.
47. Presentations made at the Community Stakeholder Meetings have been considered by the Commission as submissions and are referenced below in section 5.2.

#### **5.2 Public Submissions**

48. As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 12pm on 25 August 2021.
49. The Commission received a total of 12 written submissions on the Application up to 25 August 2021. The submissions made to the Commission comprised:

- one comment; and
  - 11 submissions objecting to the Application.
50. The Commission received a further seven submissions on the Additional Material, summarised in section 5.4 below.

### 5.3 Key Issues Raised

51. Key issues and concerns raised in written submissions to the Commission and at the Community Stakeholder Meetings in relation to the Project related to:
- increase in student numbers;
  - size and scale of the development;
  - traffic congestion and safety;
  - noise impacts;
  - heritage impacts;
  - impacts on streetscape and character;
  - community use of school facilities; and
  - modal split, public transport and sustainable travel alternatives;
52. Examples of issues raised by community members at both the Community Stakeholder Meetings and in written submissions are summarised below. The submissions referred to below are not exhaustive of the submissions considered by the Commission, rather they are extracted to illustrate common themes and key issues raised in submissions.

#### 5.3.1 Traffic Congestion and Safety

53. The Commission heard from attendees at the Community Stakeholder Meetings and received written submissions raising concern regarding the existing traffic and congestion impacts of the School and the potential for the Project to exacerbate these issues.
54. Submissions to the Commission raised concerns regarding the Applicant's traffic impact analysis. A presenter at the Community Stakeholder Meeting raised specific concerns with the Applicant's traffic survey. The presenter stated: "*The survey that they took was when year 12 was on STUVAC, so there was 10 per cent of the students away and all these students are the ones that are currently driving*". Another presenter stated:
- "the traffic impact assessments looked pretty inaccurate to me. Certainly, the intersection of Harland and Queen Streets as being – claiming that they would be acceptable level of service didn't seem correct at all. It certainly doesn't reflect the reality of our situation on the ground. I see queues there all the time. Nearly every day. So we don't even bother trying to get out of our street sometimes. It's a problem now and, obviously, with increased level of cars, because of increased numbers of students, that's only going to get much worse."*
55. At the Community Stakeholder Meetings, a presenter provided the following comment regarding the number of additional car parking spaces provided by the Project:
- "The proposal offers barely any extra parking, indicating that the staff and students will park on the streets. At the moment, they will already park up to half a kilometre away from the school."*
56. At the Community Stakeholder Meetings, a presenter was of the view that the proposed car parking design was not an acceptable solution and that it will shift the traffic issues from one street to another smaller street without addressing the congestion issues.



57. A written submission received by the Commission objected to the Project due to traffic congestion and queuing on Victoria Street and Harland Street. The submission also raised concerns regarding the current no right turn out of the driveway on Victoria Street and that this is often ignored by drivers. The submission also stated that the local road network did not have the ability to handle the volume of traffic created by the Project.
58. The Commission notes that concerns were raised in submissions regarding pedestrian safety and disregard for existing school-imposed controls to mitigate traffic congestion. A presenter at the Community Stakeholder Meeting stated: *“you’ll find parents parked illegally on the pedestrian crossing or in no stopping zones. They’re offloading their kids, they’re loading their kids, it doesn’t matter”*. The Commission was also presented with footage at the Community Stakeholder Meetings which depicted queuing on Victoria Street as a result of the existing car park arrangement. The presenter stated that the video footage also depicted unsafe driver behaviour. The Commission notes that concerns were raised in written submissions regarding the safety of the Prospect Road and Hurlstone Avenue intersection, the lack of policing of bad behaviour and traffic management generally.

### 5.3.2 Modal Split and Travel Alternatives

59. At the Community Stakeholder Meetings, community members raised concerns regarding the Applicant’s Green Travel Plan. A presenter at the meetings stated:
 

*“The traffic impacts on local residents will not be alleviated in any way by the somewhat afterthought proposal mentioned in the traffic impact assessment that there will be a Green Travel Plan.”*
60. A presenter at the meeting also stated:
 

*“I did note also that they put up a Green Travel Plan, which looked particularly vague and insubstantial, and I really couldn’t see how it could make any difference to alleviating those problems. So, certainly, that’s how we feel from where I am in this particular street, but I think it’s an issue for all of the little streets around here. Obviously, it’s a bigger issue for the whole city. We’ve got ourselves into a situation where parents are criss-crossing the city every day from all over the place to deliver their students to a school that’s nowhere near where they live. That’s the situation that Sydney has got itself into.”*
61. At the Community Stakeholder Meetings, a community member was of the view that a modal shift to walking and cycling as an alternative to car usage would be unlikely to be achieved:
 

*“Kids can’t ride or walk, as suggested by the proposal, because they carry heavy luggage and most of them don’t live locally. They live a long way away, and the young ones can’t take buses, so this is why we’ve got so many cars over the last 10 years since the – the primary school was put into the property. Before that it was just a senior school, but over the last 10 years, it’s just gotten terrible.”*

### 5.3.3 Size and Scale of the Development

62. A presenter at the Community Stakeholder Meetings raised concerns regarding the scale of the development including the cumulative impacts of traffic, dust and noise:
 

*“The whole development seems to be on a massive scale, 127 million capital value in five years. It’s extraordinary, really. So that’s at least five years of continuous disruption, dust, noise, traffic, displaced traffic.”*
63. At the Community Stakeholder Meetings, a community member was of the view that the expansion of the school is not justified:

*“...it seems to me that the forecast is grossly overstated, which again questions the scale of certain buildings. Obviously, new facilities are required, anyway, but those – the scale that’s dependent on student numbers seems to be excessive, and this wouldn’t be an issue at all if they were keeping within the current boundary, but they’re actually not. So I think it deserves attention to explain why they’re expanding outside of the current boundary and building profile.”*

#### **5.3.4 Student Numbers**

64. A presenter at the Community Stakeholder Meetings stated that the increase in student numbers and resulting impacts was a key issue:

*“The proposal is to provide an increase of 1.2 hectares of additional floorspace. An increase from 1500 students to 2100, that’s 600 more students, and an increase of 277 to 321 full-time equivalent staff. I urge the panel to read the judgments of the 2007 and 2015 court cases, as they give a good overview of the facts of the existing development and the longstanding issues that will be exacerbated by the proposal.”*

65. Concerns were raised in written submissions and at the Community Stakeholder Meetings regarding the previous breaches of conditions of consent specifically in relation to student numbers. A presenter at the Community Stakeholder Meetings stated:

*“In the past there’s been restrictions imposed like turning all the lights out at night or advertising that they’ve got parking in the parking lot or having 1500 limit of enrolments. All these restrictions have been ignored by the school.”*

#### **5.3.5 Noise Impacts**

66. Written submissions to the Commission raised concerns regarding the impact of the Project on residential noise amenity. A submission stated that since 2015 and the exceedance of the 1500 student cap, the frequency and duration of excessive noise has become intolerable. The submission states: *“This is largely due to overpopulation of the site; to the extent that recess/lunchtimes are now staggered. Residents living in close proximity to the school are currently in a situation where, as one recess break stops, another one starts up”*. The submission also stated: *“volume, frequency and duration of noise from outdoor areas will increase with a 40% increase in students and several new noise emitting features that will add to the cumulative noise load”*.

#### **5.3.6 Heritage, Streetscape and Character**

67. The Commission received written submissions and heard from presenters at the Community Stakeholder Meetings who raised concerns regarding heritage impacts as a consequence of the Project - in particular that the Project is incompatible with the adjacent heritage conservation areas.

68. At the Community Stakeholder Meetings, a community member raised concern regarding the impact of the Maintenance Building on Seaview Street:

*“The removal of large figs in this part of Seaview Street on request from the school, because they were damaging the existing dwellings, ironically, filed an application to demolish those dwellings, will make the maintenance building prominent in the street.”*

69. Concerns were raised in written submissions and at the Community Stakeholder Meetings regarding the impact of the Project on the character of the area, particularly Seaview Street. A community member at the Community Stakeholder Meetings stated:

*“The loss of residential amenity is probably the biggest one for us. It’d be the demolition of four houses in a row. It’s a residential street that encloses what’s called the quay of Victoria Square, the streets either end of it. It forever changes a residential street.”*

*“The big change that will impact us is that the placement of the construction of the maintenance and delivery dock means that ingress and egress is in a residential street. It’s not a wide street.”*

### 5.3.7 Community Use of School Facilities

70. At the Community Stakeholder Meeting, a community member raised concerns regarding the lack of community use of the school’s facilities, specifically the use of the pool facilities. According to the presenter, the School was not open to the community sharing use of these facilities.

### 5.4 Public Submissions on Additional Material

71. The Commission considered that it would be assisted by additional comment on certain matters and requested public submissions on the following **Additional Material**:
- Letter from the Department to the Commission, dated 20 August 2021
  - Letter from the Applicant to the Commission, dated 25 August 2021
  - Appendix 2 – Architectural Drawings
  - Appendix 3 – Architectural Design Statement
  - Appendix 4 – Jubilee Arrival Architectural Presentation
  - Appendix 5 – Site Plan Mechanical Exhaust Location
  - Appendix 6 – Landscape Drawings
  - Appendix 7 – Heritage Statement
  - Appendix 8 – Traffic Presentation
  - Appendix 9 – Proposed Roadworks Drawings
  - Appendix 10 – Ventilation Strategy
  - Appendix 11 – ESD Statement
  - Appendix 12 – Fire Engineering letter
  - Appendix 13 – Trinity Grammar School Statement on Noise Complaints
  - Letter from DPIE to the Commission, dated 2 September 2021
  - Attachment A – DPIE’s Amended Draft Conditions of Consent
72. In accordance with the Commission’s ‘Additional Material’ policy, the Commission re-opened public comments on this Additional Material (with submissions permitted via email) between 2 September 2021 and 10 September 2021.
73. The Commission received a total of seven submissions on the Additional Material, with one submission being accompanied by video footage. A summary of submissions on the Additional Material is provided below. The submissions referred to below are not an exhaustive report of the submissions considered by the Commission.

#### *Public Comment on Additional Material*

74. Submissions on the Additional Material raised continued concerns regarding traffic congestion, pedestrian safety, inadequacy of existing traffic management, the Green Travel Plan, heritage and design of the development and the Applicant’s traffic impact analysis.
75. Further to the issues outlined in previous submissions, a community member raised concern in relation to the need for the:

*“wide pedestrian pathway on the northern side of Jubilee Driveway, accompanied by a second smaller egress at the Delmar Gallery (north/western corner of oval 2). In the transcript of the IPC meeting with the applicant, the school representative rightly stated that very few (less than a dozen) pedestrians cross the road at Victoria/Seaview Street. There is clearly no need for such a large pedestrian exit on the northern side of Jubilee Drive.”*

76. A community member provided commentary on the Harland Street/Service Avenue and Harland Street/Queen Street intersections, explaining:

*“...our on-the-ground, lived experience is that these figures are inaccurate and underestimated. The table does admit that there will be an increase in congestion at the Harland Street/Queen Street intersection (in the afternoons, increasing from level A to level C congestion). We are pointing out that there is already considerable congestion in the mornings as well as the afternoons and that an increase in student numbers will only worsen this situation.”*

77. A community member also raised the following concern:

*“The carpark exhaust stack has gone from rising 9m above ground level and being located 80m from the nearest residents to a low rising open stack (2.4m above Oval 3 level) within a few metres of the public domain... Further, the acoustic assessment for the exhaust stack does not appear to have been updated.”*

## **6 THE COMMISSION’S CONSIDERATION**

### **6.1 The Department’s Assessment Report**

78. The Department’s AR was prepared to set out the Planning Secretary’s whole-of-government assessment of the Application. As part of this assessment, the Planning Secretary, through the Department, considered amendments to the Application with regard to the relevant statutory obligations, supplementary information provided by the Applicant, public submissions and submission by Government agencies.

79. The Department’s AR states on page v and vi:

*“The Department concludes that the proposal is in the public interest and recommends the application be approved, subject to conditions addressing traffic and transport, built form, landscaping and visual impacts, heritage, and noise.*

*The Department is satisfied that the impacts of the proposal and the issues raised in the submissions have been addressed in the Applicant’s Environmental Impact Statement (EIS), Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS). Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.”*



## 6.2 The Commission's Meetings

80. As part of its determination process, the Commission met with various persons as set out in Table 1. All meeting and site inspection notes were made available on the Commission's website.

Table 1 – Commission's Meetings

Meeting	Date of Meeting	Transcript Available
Department	11 August 2021	13 August 2021
Applicant	11 August 2021	16 August 2021
Inner West Council ( <b>Council</b> )	11 August 2021	16 August 2021
Virtual Site Inspection	11 August 2021	16 August 2021
Community Stakeholders	18 August 2021	20 August 2021

### 6.2.1 Site Inspection

81. The Commission Panel was prevented from conducting a physical Site Inspection due to the Greater Sydney Region COVID-19 restrictions. As an alternative, on 11 August 2021, the Applicant presented a virtual inspection of the Site and immediate surrounds to the Commission via video conference (comprised of pre-recorded footage) (**Virtual Site Inspection**) so the Commission could gain an understanding of the physical characteristics of the Site. The Virtual Site Inspection was transcribed and made publicly available on the Commission's website.

## 6.3 Council Comments

82. The Commission met with representatives of Council on 11 August 2021 to hear Council's views on the Project. In this meeting, Council provided comments on the Department's draft conditions in relation to traffic, parking, heritage and development contributions. Following the meeting, Council in its response to the Commission dated 11 August 2021, stated that Council is satisfied with the carpark design and recommended condition to address the management of drop off and pickup. Council also noted that their main issue of concern was the poor visibility at the southern driveway exit on Victoria Street. Council was of the view that this is addressed by the recommended conditions.
83. Council in its submission to the Commission dated 13 August, provided a response to the questions on notice from its meeting with the Commission on 11 August 2021. Council also requested that the Commission consider a number of amendments to the recommended conditions of consent relating to:
- archival recording and salvage;
  - the need for a damage security bond;
  - preparation of a comprehensive Conservation Management Plan (**CMP**);
  - Roadworks and Pedestrian Access Improvements;
  - historic heritage;
  - unexpected find protocol for Aboriginal heritage;
  - development contributions;
  - Operational Transport and Access Management Plan (**OTAMP**);
  - the preparation of a road safety audit; and
  - planting at Yeo Park.

84. The issues raised by Council have been considered by the Commission in section 7 below.

#### **6.4 Public Comments**

85. Section 5 of this report sets out the matters raised in the submissions made to, and considered by, the Commission. Consideration has been given to these submissions in the Commission's assessment of the Project as set out in the Key Issues section of this report (see section 7). For the reasons set out in this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the grant of development consent.

#### **6.5 Material Considered by the Commission**

86. In this determination, the Commission has carefully considered the following material (**Material**):

- the Applicant's EIS, dated 27 April 2020;
- all public submissions on the EIS made to the Department during public exhibition;
- all Government Agency comments on the EIS;
- the following information provided by the Applicant to the Department:
  - Response to Submissions (RtS), dated 6 November 2020;
  - additional heritage information, dated 20 November 2020;
  - Response to Request for Further Information, dated 21 January 2021;
  - additional View Impacts Assessment, dated 1 February 2021;
  - additional Maintenance Building floor level drawings, dated 18 February 2021;
  - ownership letter, dated 19 February 2021;
  - Supplementary Response to Submissions, dated 10 June 2021;
- the Department's AR, dated 19 July 2021;
- the Department's draft Development Consent, dated 19 July 2021;
- comments and presentation materials at meetings with the Department, Council, Applicant and Community Stakeholders as referenced in Table 1 above;
- Council's response to the Commission, dated 11 August 2021;
- Council's submission to the Commission, dated 13 August 2021;
- the Department's response to the Commission, dated 20 August 2021;
- all written comments received by the Commission up until 5pm 25 August 2021;
- the Applicant's response to the Commission, dated 25 August 2021;
- the Department's response to the Commission, dated 2 September 2021; and
- all written comments in on Additional Material received by the Commission between 2 September 2021 up until 10 September 2021.

##### **6.5.1 Additional Material**

87. The Department advised in its response to the Commission, dated 2 September 2021 that the updates referenced by the Applicant in Appendix 2 – Architectural Plans provided as part of the Applicant's response to the Commission, dated 25 August 2021, would not, in principle, change the Department's Assessment of the proposal.
88. The Commission has reviewed the updated Architectural Plans and finds that these plans do not result in an amendment or variation to the development application or proposed development.

## 7 KEY ISSUES

### 7.1 Traffic

89. The Applicant's EIS included a Transport and Accessibility Assessment (**TAA**) dated 28 February 2020. The Applicant's SRtS also included a TAA Addendum, dated 6 November 2020.
90. The Commission acknowledges that there were concerns raised during exhibition, at the Community Stakeholder Meetings and in written submissions to the Commission regarding the impacts of the Project on the surrounding road network. The Commission has given consideration to these issues below.

#### 7.1.1 Traffic and Intersection Performance

##### *Old Canterbury Road Clearway*

91. The Commission notes that the Applicant recommended the introduction of a peak-time clearway on both sides of Old Canterbury Road in order to offset impacts at the Old Canterbury Road intersections with Prospect Road and Hurlstone Avenue. Council in its response to the Department dated 28 January 2021 objected to the introduction of any clearways within the local street intersections with Old Canterbury Road. Council also noted that this is a matter for TfNSW to consider. TfNSW in its response to the Department dated 21 January 2021 stated that a clearway on Old Canterbury Road is not part of the Sydney Clearways Strategy and recommended that the Applicant give consideration to alternatives. The Commission notes that the proposed clearway does not form part of the Project before the Commission. The alternative measures proposed by the Applicant have been considered by the Commission below.

##### *Prospect Road Left-Turn Lane and Pedestrian Refuge*

92. In order to mitigate impacts at the Old Canterbury Road and Prospect Road intersection, the Applicant proposed an additional left-turn lane out of Prospect Road and to restrict right hand turns into Prospect Road during the PM peak. The Applicant proposed a splitter pedestrian refuge on Prospect Road, to improve the pedestrian crossing facilities available at this intersection. According to Paragraph 6.2.27 of the Department's AR, Council and TfNSW did not raise any concerns with the proposed mitigation measures, subject to appropriate consultation with Council.
93. The Commission is of the view that the additional left-turn lane out of Prospect Road and restriction of right hand turns into Prospect Road during the PM peak will assist in minimising congestion at the Old Canterbury Road and Prospect Road intersection. The Commission is also of the view that the introduction of a pedestrian refuge will improve pedestrian safety. The Commission has therefore imposed condition C14(c) which requires the Applicant to submit the design plans to the Planning Secretary for these works in consultation with and to the satisfaction of the relevant roads authority.

##### *Pedestrian Infrastructure*

94. According to paragraph 6.2.66 of the Department's AR, Council recommended the upgrade of the existing pedestrian crossing on Prospect Road to a raised crossing. The Commission notes that the Applicant was supportive of the upgrade to a raised pedestrian crossing. The Department has recommended conditions to this effect. The Commission has therefore imposed Condition C14(a) which requires the Applicant to include details of the raised pedestrian crossing on Prospect Road in the detailed plans submitted to the Planning Secretary. The Commission is of the view that this will enhance pedestrian safety on Prospect Road.

95. The Commission notes that Council recommended that the Applicant improve the dilapidated sections of asphalt footpaths on the streets surrounding the Site. The Commission notes that originally the Applicant did not agree to the footpath upgrades and was of the view that there are limited safety issues with the current footpaths and the increase in student numbers would have a minor impact on the footpaths. In paragraph 6.2.69 of the Department's AR, the Department stated: *"the increase in student numbers, and the need to encourage walking to school to reduce traffic and parking impacts, warrants an upgrade to the footpath along the Victoria Street frontage to the site"*. Council, in its response to the Commission dated 12 August 2021 requested that the Applicant also repair the poor sections of footpath in Prospect Street and Seaview Street. Council provided the Commission with suggested wording for consideration.
96. The Commission agrees with the Department above and is of the view that the increase in student numbers warrants an upgrade to the footpath along the Victoria Street frontage to the Site. The Commission notes that Council was of the view that the Applicant should be required to repair the poor section of footpath in Prospect Street and Seaview Street. The Commission is of the view that these further upgrades are not warranted and that the footpath upgrades along Victoria Street are sufficient in improving pedestrian and student safety. The Commission has therefore imposed Condition C14.

#### *Victoria Road Service Exit*

97. The Commission notes that Council and TfNSW in their advice to the Department dated 3 June 2020 and 29 May 2020 raised concerns with the proposed traffic movements and pedestrian safety at the Victoria Street southern driveway. Paragraph 6.2.73 of the Department's AR stated that the Applicant amended the Project to retain the pedestrian refuge which would require the service vehicles to be restricted to left turn in and right turn out movements only at the driveway. The Commission notes that Council and TfNSW: *"did not raise any further concerns with the proposed arrangement, subject to service vehicles not using the driveway at the same time as student drop-off / pick-up times, and the provision of a Service Vehicle Management Plan and a Road Safety Audit at the southern driveway"* (Department's AR paragraph 6.2.75).
98. Paragraph 6.2.77 of the Department's AR states that the electrical substation located to the south of the Victoria Street southern driveway has the potential to block some sightlines, particularly between exiting vehicles and pedestrians at the crossing. The Department also noted that the revised car park and traffic arrangements would mean a significant increase in the number of vehicles exiting from this driveway at peak times. The Department has recommended that a Road Safety Audit (**RSA**) be undertaken with a specific requirement to consider the impact of the electrical substation on pedestrian safety. The Department's AR states that: *"should the Audit reveal safety concerns, the Applicant should be responsible for relocating the substation prior to occupation certificate of the car park"*.
99. The Commission agrees with the Department, Council and TfNSW above and has imposed Condition C5 which requires the Applicant to undertake an RSA prior to commencement of construction. The RSA will need to be undertaken at the intersection of the southern exit driveway and Victoria Street for all vehicle movements associated with the use of the exit. It will also need to give consideration to vehicle and pedestrian safety noting the nearby pedestrian island and any potential obstruction of sightlines from exiting vehicles by the adjacent substation and exhaust stack. Condition C6 imposed by the Commission requires the Applicant to implement any appropriate road safety or traffic management measures based on the outcomes of the RSA. If necessary, the substation will need to be relocated.



## 7.1.2 Parking and Drop-Off and Pick-Up Facilities

### *Drop-Off and Pick-Up*

100. The Commission notes that there were concerns raised by the public during exhibition, in the Community Stakeholder Meetings and in written submissions to the Commission regarding the impacts of the existing drop-off and pick-up facilities on traffic congestion on Victoria Street and the surround road network.
101. The Commission notes that the Applicant has proposed the following improvements to the car park in order to mitigate off site queuing and congestion on Victoria Street and the surrounding road network, as set out in paragraph 6.2.38 of the Department's AR:
  - *increase in the length and number of drop-off / pick up spaces from 105m (18 spaces) to 170m (28 spaces) allowing more drop-off / picks-ups to occur simultaneously.*
  - *re-orientation of car park isles [sic] and reduction in the number of car parking spaces adjacent to the circulation pathway (from 107 to 41 spaces) reducing delays to drop-off / pick-up traffic due to manoeuvring of cars.*
  - *creation of two exit points, allowing left-turn from the southern exit driveway and right-turn movements out of the northern driveway.*
  - *increase in the overall length of the circulation isle on the site from 290m to 408m, meaning that more cars can be accommodated within the site.*
102. Paragraph 6.2.39 of the Department's AR states that based on the proposed 2100 students, the DCP requires a total of 55 drop-off/pick-up spaces while the Project proposes 28 drop-off/pick-up spaces, which is less than that recommended by the DCP. The Commission notes that the DCP does not apply, but observes that the spaces are less than those recommended in the DCP. According to the Applicant's TAA Addendum, current demand is for 327 vehicles AM peak and 179 vehicles PM peak. The TAA Addendum also states that at full development (2100 students) demand is predicted to be 409 vehicles AM peak and 224 vehicles PM peak. The Department notes that the Applicant has applied the two-minute assumption for the turnover time for vehicles from the drop-off / pick-up bays, based on observations at other schools and on industry practice.
103. The Department is satisfied that the car park design would provide adequate capacity to mitigate the existing on-street queuing as well as meet the growth in queuing demand generated by the proposed increase in student and staff numbers (Department's AR paragraph 6.2.43). Notwithstanding, the Department is of the view that the Applicant has not demonstrated that traffic operations (based on 1655 students) can be acceptably managed prior to any carpark improvements. The Department concluded that any further increases of student numbers to 2100 can only be permitted after the completion of the drop-off / pick-up areas in conjunction with the car park (Department's AR paragraph 6.2.44). The Department has recommended a condition requiring the preparation of an OTAMP in consultation with Council and TfNSW, to ensure the effective management of the drop-off / pick-up facility. The Department is of the view that this would ensure that appropriate traffic control measures are in place to manage and mitigate impacts during the AM/PM school peak time (Department's AR Paragraph 6.2.45). As set out in paragraph 82 above, the Commission also notes that Council is satisfied with the carpark design and the requirement for an OTAMP in addressing the management of drop-off and pick-up activities.
104. The Commission notes that members of the public raised concerns regarding the proposed car park design and its capacity to mitigate off-site traffic impacts based on current student numbers and an increase to 2100 students.

105. The Commission agrees with the Department and finds that the Applicant has not demonstrated that traffic impacts can be appropriately managed based on current student numbers and the existing car park design.
106. The Commission agrees with Council and the Department and is of the view that the proposed Jubilee car park and drop-off/pick-up facilities would mitigate off-site queuing and congestion on Victoria Street. The Commission finds that the car park upgrade will assist in addressing the concerns raised by the public referenced in paragraphs 57, 100 and 104 above. The Commission is of the view that the car park upgrade should be completed before an increase in student and full-time equivalent (**FTE**) staff is permitted. The Commission has therefore imposed Condition B6.
107. In addition, the Commission is of the view that the Applicant should be required to demonstrate that the completed Jubilee car park and drop-off/pick-up facilities are operating effectively and that the impacts of off-site queuing on Victoria Street are mitigated, prior to any increase in student numbers set out in the Applicant's staging plan. The Commission has therefore imposed Condition B7 which requires an audit undertaken by an independent traffic consultant to be undertaken to verify the performance of the Jubilee car park and drop-off/pick-up facilities. This will be required to be undertaken and submitted to the Planning Secretary for approval before each staged increase in student numbers can occur.
108. The Commission agrees with the Department in paragraph 103 above that an OTAMP would ensure that appropriate traffic control measures are in place to manage and mitigate impacts during the AM/PM school peak time and has therefore imposed Condition F12.

### *Car Parking*

109. The Site currently contains 312 car parking spaces. The Commission notes that the Project involves an increase of 12 car parking spaces on Site to a total of 324 spaces. Under the DCP a total of 356 car parking spaces would be required for 2100 student and 321 staff. The Commission notes that the DCP does not apply but observes that the spaces are less than those recommended in the DCP.
110. The Commission notes that the Applicant considered the number of spaces required by the DCP to be excessive, noting that the previous DCP applying to the former Marrickville or Leichhardt LGAs would only require 161 car parking spaces for the same development (Department's AR paragraph 6.2.50).
111. Council, in its response to the Department dated 28 Jan 2021, stated:

*"It is acknowledged that the carparks would be combined and redesigned to improve circulation and drop off and pick up, to address the general queuing issue, but major concern is still raised with the likelihood of high attraction and noticeable increase of traffic generation with the carpark being more accessible to parents/carers/students for parking and drop off/pickup."*
112. The Department was of the view that the proposed parking is adequate and that a further increase in car parking spaces was not supported. Paragraph 6.2.52 of the Department's AR states:

*“...given the significant concerns raised in relation to traffic, parking should be limited where possible in order to minimise traffic impacts and improve non-car mode share. In this regard, the provision of 324 car spaces is considered adequate and generous in the light of parking requirements in other parts of the LGA. Any further increase of on-site car parking provisions would only encourage additional traffic movements to and from the school, adversely impacting on the nearby intersections and therefore should not be supported. The site is well serviced by public transport and uses school buses... Considering the above, and the State’s initiatives to promote public transport, the Department considers that the 324 car spaces is sufficient.”*

113. The Commission agrees with the Department that the Site is well serviced by public transport and school buses. In light of the State’s initiatives to promote public transport the Commission finds that 324 car spaces is adequate. The Commission also agrees with Council and the Department and is of the view that a further increase in car parking spaces would result in additional traffic generation and have adverse impacts on the surrounding road network.
114. As stated in paragraph 104 above, the Commission has imposed Condition F12 requiring the Applicant to prepare an OTAMP which must include details of the location of all car parking spaces on the school campus and their allocation. The Commission has given consideration to the measures and strategies to encourage sustainable travel in section 7.1.3 below.

### **7.1.3 Green Travel Plan**

115. The Applicant’s TAA included a GTP. The Applicant’s Additional Traffic Assessment dated 2 June 2021 included a revised GTP in response to the Department request dated 15 April 2021.
116. TfNSW reviewed the GTP submitted with the Transport and Accessibility Assessment and in its advice to the Department, dated 29 May 2020, requested that the Application be conditioned to update the GTP in consultation with TfNSW to encourage active and public transport modes and reduce the reliance on private vehicles.
117. The Department states that the GTP plays a critical role in promoting a greater share of travel modes. Paragraph 6.2.61 states that the Department is: *“satisfied that with the implementation of the GTP, mode share for private car usage can be reduced and vehicle occupancy rates can be increased. Adopting and implementing the GTP would encourage students to walk, cycle or catch the bus to school and encourage parents to carpool to decrease vehicle occupancy rates.”*
118. The Commission agrees with the Department above and has imposed Condition F11 which requires the preparation and implementation of a GTP in consultation with TfNSW and Council prior to the issue of an occupation certificate. The Commission is of the view that this will assist in promoting the use of active and sustainable transport modes. Condition F11 also requires the Applicant to include specific mode share targets, additional bicycle provisions and details of how bus services would be increased and accommodated to satisfy additional demand.

#### **7.1.4 Bicycle Parking**

119. Under the DCP, the Project would require 350 student bicycle spaces and 16 staff parking spaces, 366 in total. The Application includes a total of 96 bicycle spaces within the Site. The Commission notes that the DCP does not apply but observes that the spaces are less than those recommended in the DCP. The Department is of the view that the provision of 366 is excessive and recommends *“the provision of ample student spaces in highly accessible and visible locations, to encourage use of bicycles”* (Department’s AR paragraph 6.2.24). The Department has recommended a condition requiring the Applicant to provide a minimum of 96 bicycle spaces within the Site. The Applicant, in its response to the Commission dated 25 August 2021, provided updated plans identifying the location of bicycle spaces within the Site.
120. The Commission agrees with the Department and is of the view that the provision of 366 bicycle spaces required by the DCP is excessive. The Commission finds that the provision of 96 bicycle spaces throughout the Site, as referenced in paragraph 119 above, is appropriate and will assist in encouraging the use of bicycles by students and staff. The Commission has therefore imposed Condition C1 which requires the provision of a minimum of 96 bicycle spaces, end-of-trip facilities for staff and appropriate pedestrian and cyclist advisory signs. The Commission is of the view that the use of bicycles will assist in promoting the use of active and sustainable transport modes required by the objectives of the GTP as referenced in paragraph 118 above. The Commission has therefore included the provision of bicycle spaces as a requirement of Condition F11 imposed by the Commission.

#### **7.1.5 Construction Traffic**

121. The Applicant proposes to undertake construction activities in stages. The Commission notes that the Applicant submitted a preliminary Construction Management Plan dated February 2020, to manage construction vehicles movements.
122. TfNSW in its advice to the Department, dated 29 May 2020, requested: “the applicant be conditioned to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP), in consultation with Inner West Council and TfNSW and submit a copy of the final plan to Inner West Council, prior to the commencement of any work on site”.
123. Paragraph 6.2.91 of the Department’s AR states that the Department is satisfied that the delivery of the construction works in stages would minimise the impacts of construction vehicle access to the Site from the surrounding roads and would also ensure that staff parking areas within the school are not impacted throughout the construction period.
124. The Commission agrees with the Department above and is of the view that the impacts of construction traffic can be minimised through the staging of construction works. The Commission has therefore imposed Condition D13 which requires the Applicant to prepare a Construction Environmental Management Plan. The Commission agrees with TfNSW’s advice to the Department in paragraph 122 and has imposed Condition D15 which requires the preparation of a Construction Traffic and Pedestrian Management Sub-Plan to ensure safety and efficiency of the road network.

#### **7.2 Student and Staff Numbers**

125. The Commission acknowledges the concerns raised by the public as summarised in Section 5.3.4 above regarding the impacts associated with the proposed increase in student numbers. The Commission has given consideration to student number limits and the associated impacts below and throughout this Statement of Reasons.

126. According to paragraph 6.2.85 of the Department's AR, the Department considers that regularising the student numbers to 1655 from the 1500 permitted under the Existing Approval can only occur if the Jubilee car park and pick-up and drop-off facilities referenced in section 7.1 above are completed.
127. As stated in paragraph 105 above, the Commission finds that the Applicant has not demonstrated that traffic impacts can be appropriately managed based on current student numbers and the existing car park design. The Commission agrees with the Department's assessment above and has imposed Condition B6 which does not permit any increase in student and FTE staff numbers at the Site until evidence of the completion of the Jubilee car park and drop-off / pick-up facilities has been provided to the Planning Secretary.
128. Concerns were raised in public submissions regarding the Applicant's compliance history and previous breaches of student numbers, as referenced in paragraph 65 above. The Commission is of the view that impacts associated with the staged increase in student numbers (up to 2100) can be appropriately managed through the Jubilee car park works and through conditions of consent. To ensure that the maximum number of students of 2100 is not exceeded, the Commission has imposed Condition G19 as recommended by the Department. Condition G19 requires the Applicant to maintain a student attendance register for a period of four years after 2100 students has been reached. The student attendance register must be submitted annually to the Planning Secretary demonstrating that the development does not exceed the 2100 students on Trinity Grammar School - Summer Hill campus site on any given day.

### **7.3 Built Form**

129. The Commission notes that concerns were raised by the public regarding the size and scale of the development as summarised in section 5.3.3 above. The Commission has given consideration to the Project's built form below.

#### **7.3.1 Maintenance Building**

130. The Commission notes that the design of the Maintenance Building located on Seaview Street was amended by the Applicant in the SRtS to comply with the 8.5m height control under the ALEP.
131. Council did not raise any concerns with the Maintenance Building in its advice to the Department dated 3 June 2020, however Council did raise concerns with the proposal to construct a 2m high acoustic wall along Seaview Street. Council stated: "*While construction of such a wall would improve acoustic amenity for neighbours, it is expected to result in a poor urban design/streetscape outcome and will offend CEPTED principles. The installation of a 2m high wall on along the street is also likely to attract vandalism and graffiti and will diminish the character of the area*". To address Council's concerns, the Applicant's RtS amended the design of the acoustic wall to incorporate planting (Department's AR paragraph 6.3.24). The Commission notes that the Department supports the proposed amendments to the acoustic wall as "*it provides adequate landscape screening to the site to mitigate any adverse visual impacts of the fence. Good levels of surveillance of the public domain would also be possible through gaps in the plantings from the upper levels of the building*" (Department's AR paragraph 6.3.25).
132. In relation to the design of the Maintenance Building. Paragraph 6.3.20 of the Department's AR states:



*“...the Applicant advised it has been designed to be compatible with the scale and design of other school buildings within the streetscape and be contemporary while sympathetic to the residential streetscape of Seaview Street. The building includes a red face brick base, neutral colour cement cladding with burnt orange features, metal louvres and roofing.”*

133. The Department notes that Seaview Street includes a mixture of school buildings, and a range of residential dwellings, most of which turn their back or side to Seaview Street, resulting in little uniformity or distinctive character to the built forms along the streetscape. The Department’s assessment concludes that the proposed building would sit comfortably within the range of surrounding built forms and that the proposal would not result in adverse visual impacts on Seaview Street streetscape. (Department’s AR paragraphs 6.3.23 and 6.3.26)
134. The Commission has undertaken an assessment of the Maintenance Building against the Design Quality Principles for schools under Schedule 4 of the Education SEPP. The Commission is not satisfied that the design of the Maintenance Building in its current form would be consistent with Principles 1 and 7 set out below.

***Principle 1—context, built form and landscape***

*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*

*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

*School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area and located and designed to minimise the development’s visual impact on those qualities and that natural environment.*

***Principle 7—aesthetics***

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

135. While the Commission finds the height and form of the Maintenance Building is broadly acceptable, the Commission disagrees with the Applicant's statement referenced by the Department in paragraph 132 above that the design is sympathetic to the residential streetscape of Seaview Street. The Commission also disagrees with the Department's assessment referenced in paragraph 133 above that the proposed Maintenance Building would sit comfortably within the range of surrounding built forms and that the proposal would not result in adverse visual impacts on the Seaview Street streetscape. The Commission is of the view that the Applicant must undertake significant design amendments to the proposed Maintenance Building, addressing its form, proportions and materials selection to ensure the building responds and contributes positively to the quality and built form character of Seaview Street and surrounds, including adjacent heritage items and the C23 Victoria Square HCA (see paragraph 162 below). The Commission is of the view that a refined design is capable of addressing the Commission's concerns regarding the consistency of the Project with the Design Quality Principles of the Education SEPP.
136. For the reasons set out above, the Commission has imposed deferred commencement conditions requiring the Applicant to undertake design amendments to the satisfaction of the consent authority. Deferred commencement Condition A1(1) imposed by the Commission requires the Applicant to submit amended architectural plans, addressing the Commission's concerns set out in paragraph 135 above.
137. The Commission disagrees with the Department in paragraph 131 above and is of the view that the proposed landscaping is not adequate in its current form as it does not sufficiently mitigate the Project's impacts on the Seaview Street streetscape. The Commission finds that additional landscaping is required to further mitigate these impacts and enhance the positive qualities of the streetscape. For these reasons, the Commission has imposed deferred commencement Condition A1(2) which requires the Applicant to submit amended landscape plans to the satisfaction of the consent authority. In the amended landscape plans, the Applicant will be required to include the provision of dense evergreen screen plantings along the front / Seaview Street boundary of the Maintenance building that will reach a mature height of at least 3m. The Commission is also of the view that the consideration of additional street tree planting should be undertaken in consultation with Council and has therefore imposed Condition F35.

### **7.3.2 Teaching and Learning Building and Performing Arts Building**

138. The largest buildings proposed on the Site are the T&L Building and Performing Arts Building, located at the centre of the Site. According to paragraph 6.3.1 of the Department's AR the new buildings and alterations would generally be up to five storeys in height and would replace the existing New School Building and part of the Music Building which are two to three storeys in height.
139. The Commission notes that concerns were raised during exhibition and in submissions to the Commission regarding the intensified scale of the buildings within the Site.
140. GANSW reviewed the EIS and in its advice to the Department, dated 2 June 2020 stated:

*"While there is no height limit on the SP2 zone in which the majority of the new buildings are situated, the 5-storey built form at the centre of the site will impact on existing views. The impacts have been assessed as low to moderate, however we encourage the design team to explore options for reducing the height and bulk of buildings which may include reducing or relocating the extent of program accommodated by the new teaching and learning and performing arts buildings and/or further articulation of envelopes and facades."*

141. In response to these concerns, the Commission notes that the Applicant amended the Project in the RtS by reducing the height of the buildings by up to 0.5m.
142. Paragraph 6.3.9 of the Department's AR states that there is no applicable maximum height limit under ALEP and the Site is clearly distinguished in its character from its surroundings. The Department notes that the T&L Building and Performing Arts buildings do not have a direct interface with neighbouring residential dwellings and it is not necessary for those buildings to be a similar scale to surrounding residences. The Department is also of the view that if the buildings were designed to a similar scale, it would compromise their functional requirements and needs.
143. As set out in paragraph 168 below, the Commission has concluded that the proposed design for the T&L Building adversely impacts on existing sight lines from within the Quadrangle and Dining Hall and detracts from the identified heritage significance of these items and their setting. As referenced in paragraph 163 below, the Applicant's Heritage Statement dated 24 August 2021 (**Heritage Statement**) concluded that the Dining Hall and the North Quad Building have "*contributory aesthetic value and are identified as moderately significant*". The Commission disagrees with the Applicant's Heritage Statement, which states that the Dining Hall and the North Quad Building have "*been treated sensitively in the proposed design to ensure that contributory values are retained*". The Commission also disagrees with the Department statement in paragraph 6.4.18 of the Department's AR which states: "*Where works would be visible, they would be perceived as recessive rather than as part of the main visual curtilage of those items*". The Commission finds that that the height, form, scale and setback of the T&L Building dominates the existing buildings and does not make a positive contribution to the heritage significance of the Site. The Commission is of the view that further consideration should be given to the Design Quality Principles 1 and 7 in Schedule 4 of the Education SEPP.
144. As set out in paragraph 136, the Commission has imposed deferred commencement conditions requiring the Applicant to submit amended architectural plans. To address the Commission's concerns above, the Applicant must revise the design of the T&L Building in terms of form, height, scale and materials to reduce the visual dominance of the building as observed over the roof of the Quadrangle Building and to ensure that the existing sight lines from the Quadrangle, Dining Hall and Chapel approaches are preserved as far as practicable. The Commission has imposed a further condition requiring that the plans are amended to increase the physical separation laterally over all levels between the T&L Building and the Quadrangle Building in order to ensure that the design of the proposed T&L Building responds sensitively to the Quadrangle Building.
145. In relation to visual impacts on the surrounding streetscape, the Commission acknowledges that the T&L Building and Performing Arts Building are centrally located within the Site and significantly setback from Victoria Street and Prospect Road. The Commission agrees with the Department in paragraph 6.3.12 of the Department's AR and is of the view that despite the intensified bulk and scale of the TNL and Performing Arts buildings, the visual impacts on the surrounding streets are acceptable. The Commission has given further consideration to view loss in section 7.7 below.

### 7.3.3 Multi-Purpose Pavilion

146. A new Multi-Purpose Pavilion is proposed as part of the Project. It is located centrally on the southern boundary, adjacent to Yeo Park between Ovals 1 and 3. The Commission observes that Yeo Park is a listed heritage item (I335) under the ALEP. The rotunda located within Yeo Park is also a listed heritage item (I336).

147. According to paragraph 6.3.14 of the Department's AR: "The façade of the building has been designed to complement and reference the other new buildings and includes a combination of masonry and undulated wall profile finishes".
148. According to paragraph 6.4.28 of the Department's AR: "The Department considers that the building is well designed, stepping down in height and reduced depth closer to the park, and incorporating different façade treatments to reduce the appearance of building bulk".
149. The Department's AR states that the new Multi-Purpose Pavilion will be highly visible from vantage points in Yeo Park to the south of the Site. The Commission notes that Yeo Park is a locally listed heritage item under the ALEP (see section 7.5). The Department concludes: "*the visual impacts when viewed from the public domain would be acceptable, subject to additional plantings on the northern boundary of Yeo park owned by Council*" (Department's AR paragraph 6.3.15).
150. The Commission agrees with the Department in paragraph 149 above that the new Multi-Purpose Pavilion will be highly visible from Yeo Park to the south of the Site. The Commission also agrees with the Department that additional plantings on the northern boundary of Yeo Park are warranted and would assist in mitigating the visual and heritage impacts of the building on Yeo Park. The Commission has therefore imposed Condition F33 which requires the Applicant to provide additional canopy trees along the northern boundary of Yeo Park in consultation with Council, to assist with screening the visual presence of the Multi-Purpose Pavilion when seen from Yeo Park.
151. The Commission agrees with the Department in paragraph 148 above that the stepping down in height of the Multi-Purpose Pavilion assists in reducing the appearance of bulk, in particular when seen from Yeo Park. However, the Commission is of the view that further revisions must be made to the building's proposed construction materials and finishes to reduce its visual impact. As set out in paragraph 136 above, the Commission has imposed deferred commencement conditions requiring the Applicant to undertake design amendments to the satisfaction of the consent authority. Deferred commencement Condition A1(1) requires the Applicant to revise the construction materials and finishes proposed for the Multi-Purpose Pavilion to ensure its built form contributes positively to the quality and character of the Site, Yeo Park and the surrounding conservation area. As set out in paragraph 137 above, deferred commencement Condition A1(2) imposed by the Commission requires the Applicant to submit amended landscape plans to the satisfaction of the consent authority. The amended plans must accommodate landscaping measures between the southern facade of the Multi-Purpose Pavilion to reduce its visual impact on Yeo Park.

#### **7.4 Landscaping and Tree Removal**

152. The Project incorporates new and improved outdoor landscaped areas to suit a wide variety of purposes, including recreation, outdoor learning and pedestrian connections (Department's AR paragraph 6.3.55). The key areas of new landscape works are illustrated in Figure 39 of the Department's AR. Paragraph 6.3.56 of the Department's AR states that the new landscape works relate to:
- *the main pedestrian entry from Victoria Street, including an all-weather and landscaped entryway.*
  - *a new Junior School Play area on Seaview Street.*
  - *'The Agora': a new undercover assembly and civic heart of the campus.*
  - *associated spill out areas and improvements to pedestrian connections.*
  - *improvements to the Chapel Drive Entry from Prospect Road.*

153. The Department concluded: “overall, the proposed landscaping scheme provides a high level of amenity to the site, improves pedestrian connections and makes a positive contribution to the appearance of the site within the local area” (Department’s AR paragraph 6.3.58).
154. In relation to tree removal, the Commission notes that the Project involves the removal of 29 trees to allow for the construction of new buildings. New tree planting includes 67 new trees on Site as part of the Applicant’s landscape scheme. The Commission agrees with the Department’s assessment that the removal of 29 trees would be adequately offset by the proposed new plantings. However, the Commission is of the view that additional landscaping should be undertaken to improve the Site’s visual presence and mitigate off-site visual impacts.
155. As referenced in paragraph 137 above the Commission is of the view that the proposed landscaping at the Maintenance Building Seaview Street frontage is inadequate. The Commission finds that additional landscaping is required to further mitigate these impacts and enhance the positive qualities of the streetscape. For the reasons set out in paragraph 137 above, the Commission finds that additional street planting should be undertaken and has therefore imposed condition F35.
156. As referenced in paragraph 150 above, the Commission finds that additional plantings on the northern boundary of Yeo Park would assist in mitigating the visual impacts of the building on Yeo Park. The Commission has imposed Condition F33 which states that the Applicant must provide additional canopy trees along the northern boundary of Yeo Park in consultation with Council, to assist with screening the visual presence of the Multi-Purpose Pavilion to the park. As referenced in paragraph 151 above, the Commission has also imposed deferred commencement Condition A1(1) which requires the Applicant to accommodate landscaping measures between the southern facade of the Multi-Purpose Pavilion and Yeo Park to reduce its visual impact on the park.

## 7.5 Heritage Impacts

### 7.5.1 Historic Heritage

157. The Commission notes concerns raised in public submissions regarding the Project’s impact on the surrounding heritage conservation areas and heritage items and Council’s concerns regarding the impact on the conservation areas (section 5.3.6 above).
158. The Commission notes the Applicant’s RtS, dated November 2020, includes an amended Heritage Impact Statement (**AHIS**) (prepared by Urbis, Report Number 04, dated 11 September 2020), which in response to concerns raised by Council included further investigations in relation to the significance of the heritage items at the Site.
159. The Commission notes that the Site is listed as heritage item 608 (I608) in the ALEP. According to paragraph 6.4.3 of the Department’s AR: “*While the heritage listing applies to the entire site at the time of listing (including a dwelling owned by the school fronting Seaview Street), the listing only refers to the significance of the Headmaster’s Residence and Chapel, located at the eastern edge of the site adjacent to Prospect Road*”. The Commission also notes that the Site adjoins and is adjacent to heritage items and HCAs including Yeo Park (I335), 142 Victoria Street (I338), 1A Seaview Street (I294) and the HCAs listed in Paragraph 6.4.2 of the Department’s AR.



### Seaview Street

160. The Commission notes that the buildings at 46 - 52 Seaview Street are proposed to be demolished and are not located within the heritage listed curtilage of the Site. The eastern most property (46 Seaview Street) is located within the Site's heritage listed curtilage, however according to paragraph 6.4.12 of the Department's AR, it has no heritage significance by itself.
161. The Commission acknowledges that the demolition of the dwellings would ensure the delivery of the open play area for the Junior School as stated by the Department in paragraph 6.4.24 of the Department's AR. The Commission agrees with the Department and supports the demolition of the four dwellings along Seaview Street.
162. However, the Commission finds that the selection of materials and finishes proposed for the Maintenance Building are not sympathetic to the C23 Victoria Square HCA and the adjacent heritage items (see Figure 3). As set out in paragraph 135 above, the Commission is of the view that the Applicant will need to revise the construction materials and finishes proposed for the Maintenance Building to ensure material selection responds positively to the quality and character of Seaview Street and surrounds, including adjacent items and areas of heritage significance, notably 1A Seaview Street and the C23 Victoria Square HCA. As referenced in paragraph 155 above, the Commission is also of the view that the proposed landscaping at the Maintenance Building Seaview Street frontage is inadequate. The Commission finds that additional landscaping is required to enhance the positive qualities of the streetscape and further mitigate its impacts on surrounding heritage. The Commission has therefore imposed deferred commencement Condition A1 which requires the Applicant to prepare amended architectural and landscape plans which address the Commission's concerns set out above and in relation to built form (see section 7.3.1 above).

### Impacts of Proposed Works within the Site

163. The Commission observes that listed heritage item I608 is identified only as the Headmaster's House and Chapel, as referenced in paragraph 159 above and that none of the other buildings within the Site are identified in the listing. The Commission notes that the Applicant's Heritage Statement re-evaluated the ways in which the buildings were graded in the original HIS and concluded that the Dining Hall and the North Quad Building have contributory aesthetic value and are identified as moderately significant. The Commission is therefore of the view that although not included within the heritage listing, the Dining Hall and the North Quad Building contribute to the heritage value of the Site, in addition to the Headmaster's House and Chapel.
164. Paragraph 6.4.17 of the Department's AR states:

*“due to the location of the proposed works, they would not result in material adverse heritage impacts to significant items on the site. New buildings would not be visible from the key contributory buildings, including the Headmasters Residence, Chapel, Chapel gates or Quadrangle.”*
165. The Department is of the view that “where works would be visible, they would be perceived as recessive rather than as part of the main visual curtilage of those items” and “the significance of these items (Heritage) would not be adversely impacted by the proposed alterations and additions” (Department's AR paragraph 6.4.18 and 6.4.19).
166. The Commission acknowledges that “Heritage NSW did not raise any concerns with the impacts to existing buildings” (Department's AR paragraph 6.4.9).

167. The Commission has considered the impact of the T&L Building and notes that it is located directly adjacent to and connected to the Quadrangle Building which according to the Applicant's Heritage Statement referenced above, has contributory aesthetic value and moderate heritage significance. The Commission also notes that the T&L Building will be visible from the Dining Hall, which in the Commission's and Applicant's view have contributory aesthetic value (see paragraph 143 above).
168. The Commission finds that when viewed from the Quadrangle and Dining Hall, the T&L Building will be highly visible as a backdrop to the Quadrangle Building. The Commission is of the view that the T&L Building in its current form has an adverse impact on sight lines from the Quadrangle and Dining Hall and detracts from the heritage significance of those items. As stated in paragraph 143 above, the Commission disagrees with the Applicant's Heritage Statement, which stated that the Dining Hall and the North Quad Building have "*been treated sensitively in the proposed design to ensure that contributory values are retained*". The Commission finds that that the height, form, scale and setback of the T&L Building dominates the existing buildings and does not make a positive contribution to the significance of the Site. In particular, the Commission is of the view that the materials and finishes proposed are unsympathetic to the existing heritage value of the Site and its contributory elements.
169. As set out in paragraph 144 above, the Commission has imposed deferred commencement Condition A1(1) which requires the Applicant to prepare amended architectural plans to revise the T&L Building in terms of form, height, scale and materials to respond to the scale and character of the adjacent existing heritage setting and ensure that the existing sight lines from the Quadrangle, Dining Hall and Chapel approaches are preserved as far as practicable. The Commission has imposed a further condition requiring that the amended plans increase the physical separation laterally over all levels between the T&L Building and the Quadrangle Building to ensure that the T&L Building sensitively responds to the Quadrangle Building and views obtained from the Dining Hall and Quadrangle.

#### *Multi-Purpose Pavilion*

170. As referenced in paragraph 146 above, the Commission notes that Yeo Park and the rotunda located within the park are both locally listed heritage items under the ALEP. The Commission has given consideration to the impacts of the Multi-Purpose Pavilion on Yeo Park in section 7.3.3 above.
171. As referenced in paragraph 151 above, the Commission agrees with the Department in that the stepping down in height of the Multi-Purpose Pavilion assists in reducing the appearance of bulk, in particular, when seen from Yeo Park. However, the Commission is of the view that further revisions must be made to the building's materials and finishes to reduce its visual impacts and impact on the heritage values of Yeo Park. Deferred commencement Condition A1(1) requires the Applicant to revise the construction materials and finishes proposed for the Multi-Purpose Pavilion to ensure its built form contributes positively to the quality and character of the Site, Yeo Park and the surrounding conservation area. The Commission has also imposed deferred commencement Condition A1(2) which requires the Applicant to accommodate landscaping measures between the southern facade of the Multi-Purpose Pavilion to reduce its impact on Yeo Park.

172. As set out in paragraph 150 above, the Commission agrees with the Department that additional plantings on the northern boundary with Yeo Park are warranted and would assist in mitigating the visual and heritage impacts of the building on Yeo Park. The Commission has therefore imposed Condition F33 which states that the Applicant must provide additional canopy trees along the northern boundary of Yeo Park in consultation with Council, to assist with screening the visual presence of the Multi-Purpose Pavilion when seen from Yeo Park.

### *Conservation Management Plan*

173. Council, in its submission to the Commission dated 13 August 2021, requested that the Commission consider imposing a condition requiring the Applicant to prepare a CMP for the entirety of the Site. The Department in paragraph 6.4.22 of the Department's AR stated that according to the DCP, a CMP is usually only required for places of high heritage significance such as those on the State Heritage Register or identified in the ALEP as being of State significance. The Department notes that the Site is not identified in any of the above and that Heritage NSW did not raise any concerns in their review of the Project. The Department concluded that further research or a Conservation Management Plan are not required.
174. The Commission has considered Council's and the Applicant's request regarding the particulars of a CMP. The Commission finds, on balance, it is appropriate that a CMP is prepared for the Site that includes the listed items of heritage significance. The Commission is of the view that a CMP is appropriate in guiding the ongoing management of contributory items. The Commission is of the view that the CMP should extend to the Dining Hall and North Quad Building to ensure that its heritage contribution to the Site is appropriately managed. The Commission has therefore imposed Condition F36 which requires the preparation and implementation of a CMP.

### **7.5.2 Aboriginal Heritage**

175. The Applicant's EIS included an Aboriginal Cultural Heritage Assessment Report (**ACHAR**), dated 13 March 2020. The Applicant's ACHAR concluded that as a result of the Site's location, landscape, and prior significant disturbance that the Site has low to nil Aboriginal archaeological potential. The ACHAR recommended that the development may proceed in accordance with a number of recommendations such as an Aboriginal Cultural Heritage Induction, archaeological unexpected archaeological finds procedure, human remains procedure and RAP consultation (ACHAR, pg – 50).
176. The Department in Table 19 AR stated: "the Department is satisfied that the proposed development would not result in significant impacts on Aboriginal cultural heritage".
177. Council's Heritage Specialist at the meeting with the Commission on 11 August 2021, stated that Council:
- "weren't that happy with the Aboriginal assessment either. As a part of an overall cultural landscape, we didn't feel that the changes to the site were adequately identified.... So you understand how the site developed, and then when you find something unexpectedly you know – you have more of an idea what it is and why it's there. And so it would help you in the long term to do more research before the construction certificate or at this stage now to actually understand the site a lot better."*
178. Council's response to the Commission dated 13 August 2021 recommended the inclusion of amendments to the Department's recommended conditions in relation to Aboriginal heritage.

179. The Commission agrees with the Department that the Aboriginal heritage impacts as a consequence of the Project are not significant and would be suitably mitigated subject to the imposition of the conditions of consent, including adopting Council's suggested additions to the Department's recommended conditions. The Commission has therefore imposed Condition E25 requiring the Applicant to implement unexpected finds protocols in relation to Aboriginal Heritage.

## 7.6 Acoustic Impacts

### 7.6.1 Construction Noise

180. The Applicant's EIS included a Noise Impact Assessment (**NIA**) dated 4 February 2020. According to Table 23 of the Applicant's NIA, the proposed demolition of the buildings on Seaview Street during construction are predicted to result in noise levels of up to 88dBA. Paragraph 6.5.4 of the Department's AR notes that this exceeds the recommended construction noise management levels of 52dBA for two highly noise affected receivers. The Commission notes that Section 6.6 the Applicant's NIA has recommended best practice noise mitigation and control measures, including the requirement for a Construction Noise and Vibration Management Plan.
181. According to paragraph 6.5.9 of the Department's AR, the Department notes that the noisiest activity for nearby residences would be the demolition of dwellings on Seaview Street. The Department stated: "*Although noisy, the duration of these demolition works should be relatively short. Other noisy activities include construction works on Seaview Street and construction of the car parks on Victoria Street, due to their proximity to residential premises*".
182. The Commission agrees with the Department's assessment in paragraph 6.5.10 of the AR and is satisfied that the implementation of the proposed mitigation measures, in conjunction with noise barriers and hoardings where appropriate, would mitigate the impacts of construction works. The Commission has therefore imposed Condition E12 which requires the Applicant to undertake construction activities in accordance with the construction noise management levels detailed in the ICNG. The Commission has also imposed Condition D16 which requires the Applicant to prepare a Construction Noise and Vibration Management Sub-Plan (**CNVM**). As part of the CNVM the Applicant will be required to set out procedures for achieving the noise management levels in the ICNG and incorporate the acoustic mitigation measures recommended in the Applicant's NIA. Condition D16(f) imposed by the Commission requires the Applicant to include strategies that have been developed with the community for managing high noise generating works as part of the CNVM.
183. The Commission notes that the Applicant proposed construction hours of 7am to 5pm Monday to Saturday, which would be outside the standard construction hours recommended in the ICNG (8am – 1pm on Saturdays) as stated by the Department in paragraph 6.5.11 of the Department's AR. The Commission is of the view that construction activities should be undertaken within the ICNG standard construction hours and has therefore imposed Condition E4.

### 7.6.2 Operational Noise

184. The Applicant's letter to the Commission, dated 16 August 2021, stated that four noise complaints had been received by the School between June 2019 and July 2021 related to incidents on Seaview Street. According to the Applicant these were in relation to landscaping works, gas deliveries, garbage disposal and noise from water polo when acoustic louvres didn't operate as intended. Council stated in its response to the Commission, dated 12 August 2021 that: "*A search of Councils system has revealed no complaints to Council with regards to school operation/noise within the last three (3) years*".

### Outdoor Play Areas

185. In relation to noise impacts from existing outdoor play areas, paragraph 6.5.16 of the Department's AR states:

*"The proposed increase in student numbers from 1500 to 2100 would result in an increase in noise experienced at nearby receivers during these times, in most cases no greater than 1dB(a), with the exception of lunchtime use of Ovals 2 and 3. For these ovals, noise levels are expected to increase from 57dB(a) to 59dB(a) as perceived by residents on Victoria Street, exceeding the applicable noise criteria of 49dB(a)."*

186. The Commission agrees with the Department's conclusion in paragraph 6.5.18 of the Department's AR and is satisfied that, despite being above project noise trigger levels, the Project would not have unacceptable adverse impacts on neighbour's amenity, given it remains below daytime ambient noise levels.

### Seaview Street Outdoor Play

187. Noise impacts associated with the use of the new Junior School Play Area on Seaview Street would result in noise levels of 58dBA at the nearest noise sensitive receivers, based on a worst case scenario of up to 80 students. Paragraph 6.5.22 of the Department's AR states: *"This would exceed the 52dB(a) recommended by the Guideline for Childcare Centre Acoustic Assessment for play areas that are used for less than 2-hours per day. Use of the area by fewer students (40 students) would result in noise levels of around 55dB(a)."*
188. The Commission agrees with the Department and finds that the noise impacts associated with the Junior School Play Area would be acceptable. The Commission notes that submissions raised concerns regarding the duration and frequency of noise from the Site. The Commission agrees with the Department's recommendation and has imposed Condition F15 which requires the Applicant to prepare an Operational Noise Management Plan (**ONMP**). The ONMP must include details to restrict the use of the new Junior School play area adjacent to Seaview Street for free play to 80 students during lunch and recess breaks.

### Seaview Street

189. In relation to the potential noise impacts from deliveries on the Site on Seaview Street, the Commission agrees with the Department's conclusion in paragraph 6.5.21 of the Department's AR and is of the view with the proposed noise mitigation measures in place, the use of the new Maintenance Building would not result in unacceptable acoustic impacts. The Commission has therefore imposed Condition F32 which requires the preparation of a Service Vehicle Management Plan (**SVMP**). The SVMP must set out details including the time and frequency of deliveries, restrictions to vehicle turning movements, size and type of vehicles accessing the delivery area and management measures to ensure that the acoustic amenity of the neighbourhood at Seaview Street is maintained.
190. The Commission agrees with the Department in paragraph 6.5.21 of the Department's AR that based on the proposed noise mitigation measures, including the 2m high acoustic fence, the new Maintenance Building would not result in unacceptable acoustic impacts. The Commission notes that Council raised concerns regarding the impacts of the wall on visual amenity as referenced in paragraph 131 above. As set out in paragraph 137 above, the Commission imposed deferred commencement Condition A1(2) which requires additional landscaping to be provided along the length of the acoustic wall to further mitigate visual impacts and enhance the positive qualities of the streetscape.



### *Multi-Purpose Pavilion and After Hour Use*

191. According to paragraph 6.5.32 of the Department's AR, the Applicant advised there would be no change to the number, timing or size of after hour school activities compared to the existing use of the school and therefore overall noise impacts from these activities should not materially change.
192. The Commission notes that existing school activities would be undertaken in the new Multi-Purpose Pavilion and as a result has the potential to generate additional noise from the Site. The Department in paragraph 6.5.32 of the Department's AR states that conditions have been recommended restricting noise emissions from the Multi-Purpose Pavilion and requiring windows to be closed to mitigate noisy activities. According to paragraph 6.5.33 of the Department's AR, the Applicant's NIA provides an assessment of the use of the Multi-Purpose Pavilion only between 7am and 6pm. Accordingly, the Department has recommended a condition to this effect.
193. The Commission agrees with the Department in paragraph 6.5.35 of the Department's AR and finds that the potential noise generated from operation of the Project can be managed to ensure that unacceptable amenity impacts on the surrounding receivers do not arise. As part of the ONMP imposed by the Commission, as referenced in paragraph 188 above, the Commission has also included a requirement for the Applicant to detail measures to restrict noise emissions from the Multi-Purpose Pavilion during performances to ensure compliance with the operational noise criteria.
194. Overall and as set out above, the Commission is of the view that noise generated by the development would not have unacceptable adverse impacts on the neighbouring amenity. The Commission finds that the measures proposed in the Applicant's NIA would assist in mitigating noise impacts and has therefore imposed Condition F14 which requires that a suitably qualified acoustic consultant must certify that the noise mitigation recommendations in the Applicant's NIA have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the NIA.

### **7.7 View Loss**

195. The Applicant's EIS included a View Impact Assessment (**VIA**) dated 11 March 2020. The Applicant's VIA concluded that public or private domain view loss is not likely to be a significant issue. The Applicant's VIA also stated that the visual effects of the proposed development will not create significant negative visual impacts in relation to the character or quality of views assessed (Applicant's VIA, pg 31).
196. The Applicant's SRtS included an Addendum VIA, dated 3 September 2020. The Commission notes that the VIA had regard to the planning principles established by the NSWLEC in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 (**Tenacity**). The VIA Addendum. Page 5 of the Addendum VIA stated: "*we don't consider that the height or bulk of the existing application are excessive, nor that there would be significant impacts on views from the neighbours. The reduction in height does not provide better views of any items beyond the site*".
197. In response to concerns raised during submissions, the Applicant undertook to assess the level of view loss to 157 and 159 Victoria Street. A Visual Impact Assessment (**VIA**) RtS, dated 18 February 2021, was submitted by the Applicant. A site visit to 157 and 159 Victoria Street was undertaken and the view sharing planning principle in *Tenacity* was applied. Page 10 of the VIA RtS concluded: "*the impact of the proposal on view sharing is reasonable and that the proposed amended proposal can be supported on view sharing grounds*".

198. The Commission notes that in assessing the acceptability of the impacts of the development on the views from 157 and 159 Victoria Street, the Department has had regard to the addendum VIA and to the Tenacity planning principles as set out in paragraphs 6.3.45 to 6.3.51 of the Department's AR.

#### *157 Victoria Street*

199. Page 2 of the Applicant's VIA RtS concluded that there was no significant view loss from the bedroom assessed at 157 Victoria Street. The assessment did not reveal any items that would be lost as a result of the Project. According to paragraph 6.3.43 of the AR, the Department's is of the view that no significant views are lost from 157 Victoria Street.
200. The Commission agrees with the Department and Applicant and finds that the Project will not have an impact on any significant views from 157 Victoria Street.

#### *159 Victoria Street*

201. The Commission notes that 159 Victoria Street currently has views of the CBD skyline from one east-facing first floor bedroom window (Department's AR paragraph 6.3.37). According to the Applicant's VIA RtS:

*"Sydney Tower is identifiable as part of the view. The district and suburbs between the School and the part of the CBD that is visible cannot be seen and the view of the CBD is a partial view. A part of the arch of the Sydney Harbour Bridge is visible seen over part of the existing Junior School."*

202. Paragraph 6.3.52 of the Department's AR stated that in order to retain the existing views from 159 Victoria Street, the top three floors of the proposed development would need to be deleted and relocated to an alternative location on the campus. Paragraphs 6.3.53 and 6.3.54 of the Department's AR stated:

*"The Department considered that deletion of three levels of teaching space to restore views from one dwelling is unreasonable. The proposed development would result in significant benefits by providing well designed learning areas with accessible connections to all levels. The benefit gained in terms of views from one window of one dwelling would be unlikely to outweigh the other impacts of such a change, both to the school and to other neighbours.*

*On balance, the Department is satisfied that the view loss due to the proposed development is acceptable in this instance."*

203. The Commission agrees with the Department and adopts the Department's assessment set out in the AR as referenced in paragraph 198 above. The Commission notes that there are no height controls which apply to the Site and the Project does not breach any planning controls. The Commission finds that the retention of the view would place unreasonable constraints on the Site and that the benefits of the Project outweigh the loss of view obtained from 159 Victoria Street. Overall, the Commission agrees with the Department in paragraph 202 above and finds that the view loss as a result of the Project is acceptable.

## 7.8 Community Consultative Committee

204. The Department in its recommended conditions of consent included a condition requiring the establishment of a Community Consultative Committee (**CCC**) in accordance with the Department's *Community Consultative Committee Guideline: State Significant Projects (2019)*. The Commission is of the view that a CCC will ensure the Applicant engages with the community and stakeholder groups. The Commission agrees with the Department and has therefore imposed Condition D6, a requirement for the Applicant to establish a CCC prior to the commencement of construction. However, the Commission holds the view that the CCC should be maintained for a minimum of five years following the completion of construction and has therefore imposed Condition D6 to this effect.
205. The Commission is also of the view that a Community Consultation Strategy (**CCS**) is required during the design and construction of the development to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected residents and businesses, and others directly impacted by the development). The Commission has therefore imposed Condition D7 which requires the Applicant to submit a CCS to the Planning Secretary for approval prior to the commencement of any construction stage.

## 7.9 Other Issues

### 7.9.1 Community Use

206. The Commission notes concern raised by members of the public in written submissions and at the Community Stakeholder Meetings regarding the ongoing community use of the School and use of the school facilities by the immediate adjacent community.
207. The Applicant's response to the Commission dated 25 August 2021 confirmed that the existing out of school hours uses, events and proposed community usage in Appendix J to RtS – Amended Schedule of Uses titled "*Trinity Grammar School – Summer Hill Campus - Indicative Usage of Facilities as at 24/10/2019*" reflects the Applicant's proposed out of school hours uses.
208. The Commission agrees with the Department's consideration of the community use against the relevant criteria of the Education SEPP and agrees that "*the proposal allows for ongoing and improved community use of facilities.*" Table 13 of the Department's AR). The Commission has therefore imposed Condition G1 which states that the consent does not approve any out-of-hours events apart from the existing events and uses within the Site in accordance with Appendix J to the RtS.

### 7.9.2 Light Spill

209. The Commission notes that members of the public raised concerns in written submissions regarding the impact of flood lighting and the potential impact of light spill as a consequence of the Project.
210. The Applicant's RtS included a Lighting and Lighting Control Strategy dated 14 September 2020. In this document the Applicant stated that no flood lighting is proposed as part of the Application (Table 13 of the Department's AR).

211. The Commission agrees with the Department that “the lighting strategy provides sufficient information to demonstrate the development is designed to shield adverse impacts due to light spill” (Table 13 of the Department’s AR). The Commission has therefore imposed Condition D10 which states that all outdoor lighting in relation to that stage has been designed to comply with the relevant Australian Standard to manage the obtrusive effects of outdoor lighting. The Commission acknowledges that the Applicant has confirmed that no flood lighting is proposed as part of the Application as referenced in paragraph 210 above and has therefore included this commitment in Condition D11 imposed by the Commission. The Commission is of the view that this is appropriate in minimising the off-site impacts of lighting.
212. The Commission notes that Plan DA504, Sign 3, ‘Yeo Park Facing Façade’ currently shows LED lighting facing Yeo Park as part of the electronic scoreboard. The Commission has imposed a requirement as part of deferred commencement Condition A1(2) to amend the plans to ensure that the LED Scoreboard is facing Oval No.3 and is not oriented in the direction of Yeo Park.

### 7.9.3 Signage

213. The Commission notes that seven signs are included in the Project. Figure 19 in the Department’s AR provides details of the proposed signs. The Commission notes that the Applicant “*advised non-digital signages would be illuminated by LED backlit directed away from neighbouring properties*” (Department’s AR Figure 19) although have not advised whether speakers are included in the signage.
214. The Commission agrees with the Department’s consideration of the Project’s proposed signage in accordance with SEPP 64 and agrees that the signs are “*satisfactory in size and design.*” (Department’s AR Figure 19)
215. The Commission agrees with the Department’s assessment that the illuminated signs are located at a distance from residential properties, and in turn will not result in adverse light spill impacts (Department’s AR Figure 19).
216. The Commission finds that subject to the imposed conditions, LED displays will not result in glare for adjacent residents. The Commission has imposed condition F26 which states that signage must not be illuminated after 10pm and that signage must not incorporate any speakers.

## 7.10 Objects of the EP&A Act and Public Interest

### 7.10.1 Objects

217. The Commission has assessed the Project against the relevant Objects of the EP&A Act in this Statement of Reasons, as summarised below.
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,***
218. The Commission has imposed the Department’s recommended condition that Green Star certification must be obtained demonstrating the development achieves a minimum 4-star Green Star Design & As Built rating. The Commission is of the view that the measures set out in paragraph 4.4.5 of the Department’s AR would assist in facilitating ecologically sustainable development and has therefore imposed Condition D9 giving effect to those measures.
- (c) to promote the orderly and economic use and development of land***

219. The Commission is of the view that the redevelopment of the existing School Site is the orderly and economic use and development of land. The Commission also notes that the redevelopment of the Site will result in the provision of up to 543 construction jobs and up to 44 new operational jobs and will deliver improved facilities for education infrastructure for the area for current and future generations.
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats***
220. As set out in paragraph 154 above, the Commission notes that the Project involves the removal of 29 trees to allow for construction of new buildings, which will be offset by the planting of 67 new trees on Site. The Commission agrees with the Department in Table 2 of the Department's AR and is of the view that the Project will have negligible impacts on threatened or vulnerable species, populations, communities or significant habitats.
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)***
221. The Commission is of the view that with the design amendments required to be undertaken by the Applicant as referenced in section 7.3, the Project would be capable of promoting the sustainable management of built and cultural heritage. As stated in paragraph 179 above, the Commission agrees with the Department and is of the view that the Aboriginal heritage impacts as a consequence of the Project are not significant and would be suitably mitigated subject to the conditions of consent.
- (g) to promote good design and amenity of the built environment***
222. The Commission is of the view that with the design amendments required to be undertaken by the Applicant as referenced in section 7.3, the Project would be capable of promoting good design and amenity of the built environment.
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants***
223. The Commission agrees with the Department in Table 2 of the Department's AR and has imposed condition of consent to ensure construction and maintenance activities are undertaken in accordance with the relevant legislation, guidelines, policies and procedures.
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,***
- (j) to provide increased opportunity for community participation in environmental planning and assessment.***
224. The Commission notes that the Department has consulted with Council and other relevant NSW Government authorities and has given consideration to the issues raised by these agencies in the Department's assessment. The Department publicly exhibited the Application and the Commission has held Community Stakeholder Meetings to hear the public's views in the Project. The Commission is of the view that the development of a CCC in the construction phase and continued into operations, will further increase community participation and engagement and has imposed conditions as set out in section 7.8 above.
225. For the reasons set out above, the Commission is of the view that the Project is in accordance with the Objects of the EP&A Act.

#### ***Ecologically Sustainable Development***

226. The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*, as follows:



*ecologically sustainable development requires the effective integration of social, economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:*

*(a) the precautionary principle...*

*(b) inter-generational equity...*

*(c) conservation of biological diversity and ecological integrity... and*

*(d) improved valuation, pricing and incentive mechanisms.*

227. The Commission has considered the principles of ESD in its determination as set out below.

***(a) the precautionary principle***

228. The Commission finds that the precautionary principle has been appropriately applied through the application of mitigation and management measures set out in the Application, the Department's AR and the recommended conditions of consent. The Commission has proposed additional measures as set out in this Statement of Reasons to further mitigate Project impacts.

***(b) inter-generational equity***

229. The Commission is of the view that on balance, the Project will deliver improved facilities for education infrastructure and would benefit both current and future generations.

***(c) conservation of biological diversity and ecological integrity***

230. The Commission notes that the Project involves the removal of 29 trees to allow for the construction of new buildings. New tree planting includes 67 new trees on Site as part of the Applicant's landscape scheme. The Commission is of the view that the Project has been designed to avoid, mitigate and manage biodiversity impacts where practicable.

***(d) improved valuation, pricing and incentive mechanisms***

231. The Commission finds that on balance and when weighed against the impacts, the Project would generate net positive social and economic benefits, through the provision of upgraded parking facilities, new construction and operations jobs and improved educational infrastructure.

232. In summary, the Commission finds that the Project is consistent with ESD, because the Project, for the reasons set out above, would achieve an appropriate balance between relevant environmental, economic and social considerations.

### **7.10.2 Public Interest**

233. The Commission has considered whether the Project is in the public interest in making its determination. The Commission has weighed up the benefits of the Project against the impacts and the proposed minimisation and mitigation measures to reduce impacts.

234. The Commission finds that the Project will provide a range of public benefits, including providing new education facilities, construction and operational jobs and upgraded car parking and drop off facilities to alleviate traffic congestion on the surrounding road network.

235. The Commission finds that on balance, and when weighed against the objects of the EP&A Act, ESD principles and benefits of the Project, the impacts of the Project are acceptable and can be appropriately managed and mitigated through the requirements of conditions of consent imposed by the Commission.

236. For the reasons, set out above, the Commission is of the view that approval of the Project is in the public interest.

## 8 THE COMMISSION'S FINDINGS AND DETERMINATION

237. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as well as in presentations to the Commission at the Community Stakeholder Meetings. The Commission carefully considered all of these views as part of making its decision.
238. The Commission has carefully considered the Material before it as set out in section 6.5 of this report. Based on its consideration of the Material, the Commission has determined to grant deferred commencement consent to the Application, subject to conditions of consent for the following reasons:
- the Site is on land zoned SP2 and R2 and the Project is permissible with consent under the ALEP, Education SEPP and the SRD SEPP;
  - the Project complies with the strategic planning directions of State and Local planning policies;
  - the Project will deliver improved facilities for education infrastructure for the area for current and future generations;
  - the Project is an orderly and economic use of the Site;
  - the proposed Jubilee car park and drop-off/pick-up facilities would mitigate off-site queuing and congestion on the local road network, in particular Victoria Street;
  - impacts on surrounding neighbourhood character, amenity and heritage are capable of being further mitigated through conditions of consent;
  - the Project is in accordance with the Objects of the EP&A Act; and
  - the Project is in the public interest.
239. For the reasons set out in paragraph 238, the Commission has determined that the consent should be approved subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
  - set standards and performance measures for acceptable environmental performance
  - require regular monitoring and reporting; and
  - provide for the on-going environmental management of the development.
240. The reasons for the Decision are given in the Statement of Reasons for Decision dated 24 September 2021.



**Adrian Pilton (Chair)**  
Member of the Commission



**Wendy Lewin**  
Member of the Commission



**Dr Sheridan Coakes**  
Member of the Commission

## APPENDIX A

*Table 2 – Main Components of the Project (Source: Department's AR)*

Aspect	Description
<b>Project summary</b>	<ul style="list-style-type: none"> <li>• Alterations and additions to the school in six construction stages involving demolition of some existing buildings, construction of four new buildings (3 to 5 storeys), refurbishment of four existing buildings, reconfiguration of the underground car park, associated landscaping, road and public domain works, ancillary signage, staged increase in student numbers to 2100, and increase in staff to 321.</li> </ul>
<b>Site area</b>	65,596sqm.
<b>Demolition</b>	<ul style="list-style-type: none"> <li>• Demolition of the existing New School building.</li> <li>• Demolition of part of Music Building and part of Assembly Hall.</li> <li>• Demolition of houses at 46, 48, 50 and 52 Seaview Street.</li> </ul>
<b>Bulk earthworks</b>	<ul style="list-style-type: none"> <li>• Bulk earthworks to reconfigure the existing underground parking area and provide new connections.</li> </ul>
<b>Development components</b>	<ul style="list-style-type: none"> <li>• Construction of a new five-storey building (plus basement) identified as the Teaching Learning and Library (TNL) Building. The built form would:               <ul style="list-style-type: none"> <li>○ be five storeys (maximum height of 21m above ground) in height</li> <li>○ incorporate a library, teaching and learning spaces, staff areas, amenities, roof level terrace, ground level covered outdoor space (the 'Agora').</li> </ul> </li> <li>• Construction of a new (three storey equivalent) building identified as the Multi-purpose pavilion. The built form would:               <ul style="list-style-type: none"> <li>○ have a maximum height of 16m.</li> <li>○ incorporate multipurpose space, an indoor basketball court, spectator seating and amenities.</li> </ul> </li> <li>• Construction of new Service, Maintenance and Delivery Building (Maintenance Building) on Seaview Street. The built form would:               <ul style="list-style-type: none"> <li>○ be up to three storeys (maximum height 8.5m).</li> <li>○ incorporate storage space, office space and workshop.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Alterations and additions to existing buildings to create a new Performing Arts Building. The alterations would:               <ul style="list-style-type: none"> <li>○ be up to 5 storeys (15m) in height and involve infill development connecting the existing Music Building, New Founders Building and the Assembly Hall.</li> <li>○ incorporate theatre, cafeteria, lobby for the adjoining Assembly Hall, learning spaces, staff areas, amenities and roof terrace.</li> </ul> </li> <li>• Refurbishment of the following buildings with internal and external alterations to improve functionality and access and connections:               <ul style="list-style-type: none"> <li>○ Music Building.</li> <li>○ New Founders Building.</li> <li>○ the Assembly Hall.</li> <li>○ North Quad Building.</li> </ul> </li> </ul>
<b>Gross floor area (GFA)</b>	<ul style="list-style-type: none"> <li>• Proposed additional GFA of 12,210sqm.</li> </ul>
<b>Car park</b>	<ul style="list-style-type: none"> <li>• Extension and reconfiguration of the Jubilee car park and the staff car park with new underground connections to improve drop-off / pick-up traffic flow. Revised car park area would include:               <ul style="list-style-type: none"> <li>○ 324 car parking spaces (increase from 312 existing).</li> <li>○ 28 drop-off/pick-up spaces (increase from 18 existing).</li> <li>○ loading dock and service area.</li> </ul> </li> </ul>
<b>Proposed population</b>	<ul style="list-style-type: none"> <li>• Regularisation of existing student population of 1655 and 277 staff</li> <li>• Increase of 445 students in six stages (1655 – 2100).</li> <li>• Increase of 44 staff to 321 staff.</li> </ul>
<b>Public domain and landscaping</b>	<ul style="list-style-type: none"> <li>• Landscape improvements across the site to improve connectivity and amenity with new paths, plantings and outdoor learning spaces.</li> <li>• New Junior School outdoor teaching and play area fronting Seaview Street.</li> <li>• Removal of 29 trees.</li> <li>• Retention and protection of 10 existing trees on and around the site.</li> <li>• Planting of 67 trees on the site.</li> <li>• A 2m high fence along Seaview Street in front of the new building.</li> </ul>
<b>Access and road upgrade</b>	<ul style="list-style-type: none"> <li>• Retention of existing vehicular access to the site.</li> <li>• Service vehicle access via southern driveway on Victoria Street.</li> <li>• New Maintenance Building access on Seaview Street.</li> <li>• Provision of an additional left turn lane out of Prospect Road on to Old Canterbury Road.</li> <li>• Improved splitter pedestrian refuge on Prospect Road Upgrades to Victoria Street footpath.</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>• New business identification signage including:</li> </ul>

- two pylon signs on Victoria Street (one is a replacement sign) (5m high x 2.2m wide) with recessed floor lighting.
- LED backlit façade sign on the western façade of the lift tower of the Teaching and Learning Building (2.58m high x 2.4m wide).
- two sided LED backlit and static graphic pylon signs facing the Oval and Yeo Park (6m high x 4m wide).
- non-illuminated new sandstone retaining wall with school logo at the corner of Prospect Road and Old Canterbury Road.
- replacement signage on the Prospect Road façade of the Centenary Centre with similar scale and format to existing.
- non-illuminated wayfinding sign on front fence of Seaview Street Maintenance Building (0.8m high x 1.2m wide).

<b>Jobs</b>	<ul style="list-style-type: none"> <li>• 543 construction jobs and 44 additional operational jobs.</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>• \$127.7 million.</li> </ul>
<b>Staging</b>	<ul style="list-style-type: none"> <li>• Six construction stages (detailed in Section 2.3).</li> </ul>