



Santa Sophia Catholic College

*State Significant
Development Assessment
SSD-9772
March 2020*



March 2020

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Cover photo

Santa Sophia School Plaza Entry Perspective (Source: Applicant's Response to Submissions)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADG	Apartment Design Guide
AHIP	Aboriginal Heritage Impact Permit
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
CELC	Catholic Early Learning Centre
CIV	Capital Investment Value
COLA	Covered outdoor learning area
Consent	Development Consent
Council	The Hills Shire Council
CTMP	Construction Traffic Management Plan
Department	Department of Planning, Industry and Environment
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EESG	Environment, Energy and Science Group
EFSG	Educational Facilities Standards and Guidelines
EIS	Environmental Impact Statement
EMP	Emergency Management Plan
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GANSW	Government Architect NSW
GFA	Gross Floor Area
GSC	Greater Sydney Commission
GTP	Green Travel Plan
ICNG	Interim Construction Noise Guidelines
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces

NVIA	Noise and Vibration Impact Assessment Report
OMP	Operational Management Plan
OTAMP	Operational Traffic and Access Management Plan
RL	Relative Level
RMS	Roads and Maritime Services
RtS	Response to Submissions
sDA	Spatial Daylight Autonomy
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
School	Santa Sophia Catholic College
Secretary	Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SEPP 55	State Environmental Planning Policy. No 55 (Remediation of Land)
SEPP 64	State Environmental Planning Policy. No 64 (Advertising and Signage)
SEPP 65	State Environmental Planning Policy. No 65 (Design Quality of Residential Flat Development)
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
TAIA	Traffic and Accessibility Impact Assessment Report
The Commission	Independent Planning Commission
The Masterplan	Box Hill North Masterplan
The planning proposal	Box Hill North Town Centre Planning Proposal
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)
TfNSW	Transport for NSW



Executive Summary

This report provides an assessment of a State significant development (SSD) application lodged by Catholic Education Diocese of Parramatta (the Applicant) seeking approval for the proposed development of a new school named Santa Sophia Catholic College, (SSD 9772) within the Box Hill North Town Centre. The proposal is SSD under clause 15(1) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school.

The proposal

The proposal seeks approval for the construction and operation of a new school (the school) comprising a four – six storey building with four components (15,090 square meters gross floor area), accommodating: learning areas; creative and performance hubs; open space and sporting facilities for 1860 Kindergarten to Year 12 (K – 12) students; and a centre-based childcare facility (Catholic Early Learning Centre) for 60 students (CELC); and 130 full-time equivalent (FTE) staff.

The proposal also includes associated site landscaping and open space provisions, establishment of a bus zone and drop-off / pick zones on adjoining roads; provision of 110 vehicles for staff within the future town centre; 10 drop-off / pick-up car spaces on site from the CELC; and installation of digital and non-digital school signage.

The proposal has a Capital Investment Value (CIV) of \$123 million and would generate up to 130 operational jobs (FTE staff) and 2000 construction jobs.

The site

The site is located at No 10 Red Gables Road (Lot 1 DP 1237552), Box Hill within The Hills Shire local government area (LGA). The site is located within a greenfield area undergoing a transition from its current rural residential character to an urban character in the future comprising a mix of residential and commercial developments. The site would have frontages to two future roads, future Road B to the north and future Fontana Drive to the west. Access to the site from Red Gables Road would be via an existing access handle.

Engagement

The SSD application and the Environmental Impact Statement (EIS) was publicly exhibited between 30 May 2019 and 26 June 2019. The Department of Planning, Industry and Environment (the Department) received a total of 82 submissions comprising seven from public authorities (including comments from The Hills Shire Council), 74 individual public submissions (including 69 objections) and one objection from a special interest group.

The key issues raised in the submissions include issues of site suitability, lack of future ability to expand, insufficient site area for the proposed student numbers, lack of open space within the site, insufficient car parking provisions within the site and increase in traffic within the future town centre due to the development, unsatisfactory drop-off/pick-up infrastructure, impact of the location of the site on safety of students and access control, the design of the vertical school being out-of-character with the locality, lack of safe evacuation procedures, overshadowing and visual privacy impacts on neighbours.

The Applicant's Response to Submissions(RtS), submitted on 20 September 2019 and supplementary RtS (SRtS), submitted on 18 December 2019, addressed the key issues raised in the submissions through design refinements including a revised landscape design for the site with detail of the open space design, clarification regarding access to open space and provision of shared open space facilities with Council, additional drop-off / pick-up infrastructure on future Fontana Drive, assessment of the CELC against relevant guidelines and further details of the amenity impacts of the development on future adjoining residential developments. The Department received comments from one public authority in response to the Applicant's RtS.

The Applicant submitted further supplementary RtS (SRtS), between December and February, addressing concerns raised by the Department with regard to bulk and scale, clarification of use within the site, justification to the height and floor space ratio exceedances on the site, and amended plans with internal layout modifications.

Assessment summary and conclusions

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), the issues raised in submissions as well as the Applicant's response to these.

The Department identified site suitability (including open space provisions and student safety), traffic and transport (including car parking and drop-off / pick-up facilities) and built form and urban design as the key issues for assessment. The Department's assessment concludes that:

- the location of the school within the future Box Hill North Town Centre would not restrict its ability to deliver satisfactory learning spaces and recreational areas for the students within the site.
- the design and site layout would integrate the ground level plaza for the school with the future town centre plaza. The buildings would also maintain the physical and visual link between future public open spaces within the precinct, to the north and south of the site.
- student / staff safety has been appropriately considered in the design of the building, with suitable access control measures and operational management measures for maintaining the safety of the students, separation of community uses from the school uses and safe evacuation procedures.
- the proposed open space at various levels of the vertical school have been designed with appropriate connections and functionalities to provide for an appropriate learning environment for students of various age groups.

- some sections of the covered walkway decks are likely to receive insufficient solar access during winter solstice. To compensate for the lack of open play space on the upper levels, the Department has recommended conditions of consent requiring provision of additional open play space (by removing the roof cover or proposing openable / retractable roof) on the roof of the building. This would ensure that satisfactory open play space is provided for the school site.
- the provision of off-site playing facilities within Council owned playing field close to the site would provide a venue for large organised sporting activities and would compensate for the lack of open space within the site.
- the precinct road network design and planned upgrades would satisfactorily accommodate the projected traffic from the school. Construction traffic can also be satisfactorily accommodated within the existing road network.
- car parking demands generated by the proposal have been satisfactorily catered for off-site, subject to a recommended condition requiring the finalisation of use agreements between the Applicant and landowner, delivery of 252 bicycle parking spaces on site and preparation of a Green Travel Plan.
- proposed drop-off / pick-up facilities on the adjoining roads would be satisfactory to accommodate the demand generated during school operations.
- the proposed built form for the school would be suitable in the context of the future Box Hill North Town Centre. The height of the building and gross floor area is appropriate for the proposed use and the future character of the area.
- the proposed exceedance of height and floor space ratio, beyond that permissible under The Hills Local Environmental Plan 2012, is acceptable considering the future built form of the surrounding sites and the proposed use of the site as a school.
- the proposed design of the building would ensure that the amenity of the future residential developments on adjoining developments are maintained.

The Department is satisfied that the impacts of the proposed development and issues raised in the submissions have been addressed in the EIS, the RtS and SRtS. Conditions of consent are recommended to ensure that the identified impacts are managed appropriately.

The proposal would improve and strengthen education and learning opportunities in the area. The location of the site within the Box Hill North Town Centre would simultaneously strengthen the relationship with the broader urban setting comprising residential and commercial developments. The proposal, as amended by the RtS and SRtS, would have no significant amenity impacts on surrounding land uses and would provide public benefits for the developing locality through the delivery of new education facilities and enrolment opportunities.

The application is referred to the Independent Planning Commission as more than 25 objections have been received in relation to the application.

The Department recommends the proposed development be approved, subject to recommended conditions of consent.



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1. Introduction

This report provides an assessment of a State significant development (SSD) application for the construction of Santa Sophia Catholic College (the school) at the Box Hill North Town Centre (SSD-9772).

Catholic Education Diocese of Parramatta (the Applicant) proposes a new school comprising:

- construction of a new four - six storey building comprising four components accommodating:
 - general learning spaces, creative and performance hubs, open space and sporting facilities for 1860 Kindergarten to Year 12 (K – 12) students and 130 full-time equivalent staff.
 - a centre based childcare facility, Catholic Early Learning Centre (CELC), for 60 children.
 - approximately 15,090 square metres of gross floor area.
- associated landscaping, open spaces, recreational areas, signage and fencing.
- establishment of bus zones and student drop-off and pick-up zones on adjoining roads.

1.1 Site description

The site is located at 10 Red Gables Road, Box Hill North, within The Hills Shire Local Government Area (LGA) and is approximately 15 kilometres (km) northwest of the Castle Hill central business district (CBD). The site is about 6km northeast of Vineyard Railway Station, 10km north of Kellyville Metro Train Station and 38km northwest of the Sydney CBD (**Figure 1**).

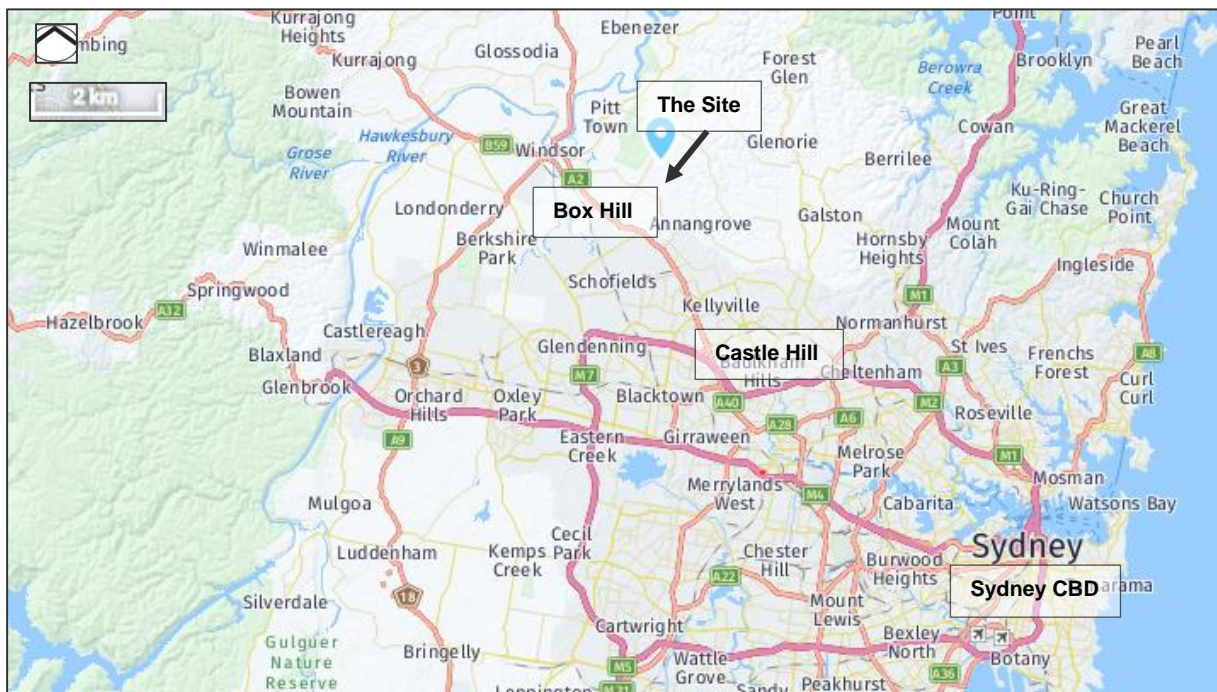


Figure 1 | Regional context map (Source: Nearmap 2019)

The irregular shaped site has an area of 1.14 hectares (ha) (including the access handle) and is legally described as Lot 1 DP 1237552. The allotment was created recently following approval of a subdivision application by The Hills Shire Council (Council).

The site gently slopes down from the access handle fronting Red Gables Road to the south. The land was previously used for farming, grazing and other rural purposes. However, the site has been cleared of all vegetation. Bulk earthworks are being undertaken on the site to facilitate future development as part of the earlier subdivision (**Figures 2 and 3**).

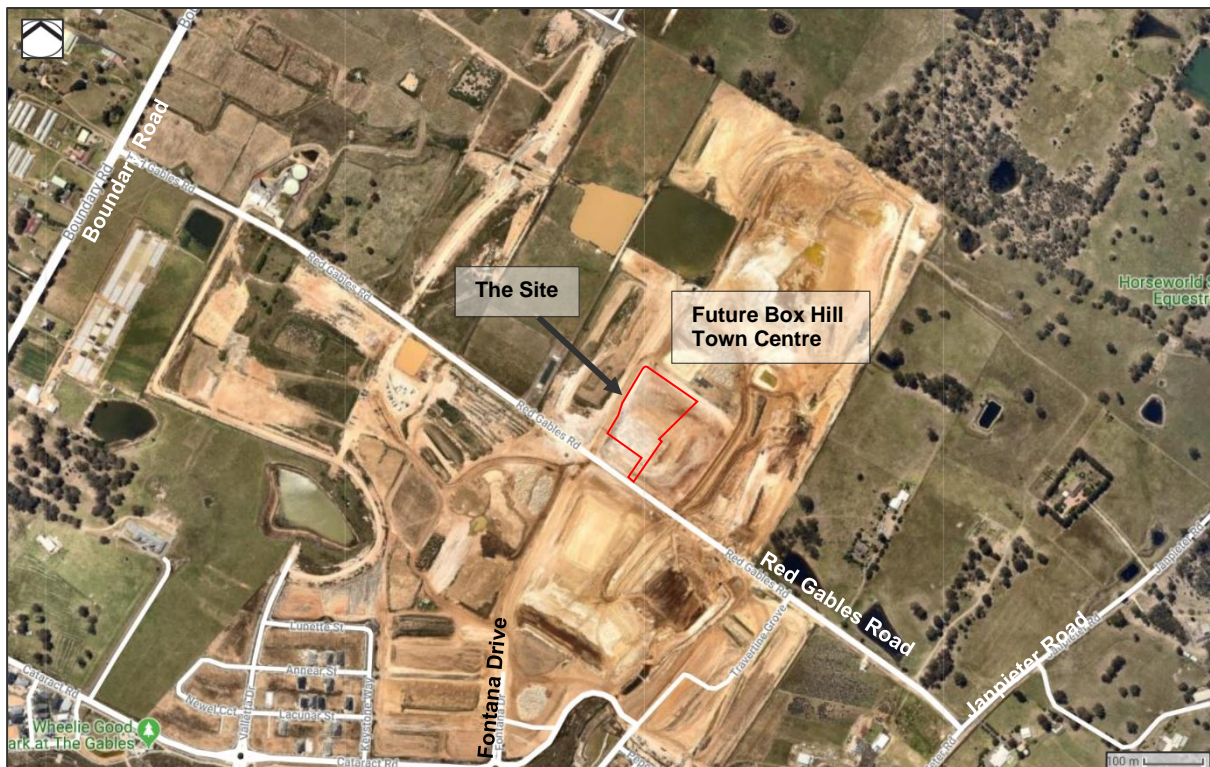


Figure 2 | The site in the local context (Source: Nearmap 2019)



Figure 3 | View of the site (left) and Red Gables Road (right) prior to recent earthworks (Source: Applicant's EIS)

1.2 Surrounding developments and future site planning context

The site is located within future town centre of the Box Hill North precinct, which is accessed by Boundary Road to the west (**Figure 2**) and Old Pitt Town Road to the south. The broader greenfield

area is surrounded by rural / agricultural land and a large farm dam to the north. Windsor Road is located about 5.6km south of the site.

Existing schools near the site

Surrounding primary schools within 5km of the site include Maraylya Public School, Rouse Hill Public School, Oakville Public School and Vineyard Public School. The closest high schools are Arndell Anglican College and Windsor High School, located between 5.5 – 6km west of the site, Rouse Hill High School, located approximately 7km southeast of the site and Rouse Hill Anglican College (K-12), which is located approximately 6.5km south of the site.

Box Hill North Masterplan

Box Hill North, including the site and the surrounding locality were rezoned in February 2015 under The Hills Local Environmental Plan (THLEP) 2012 (amended in December 2019 to be known as the THLEP 2019). The urban release precinct comprises a combination of residential, environmental, business and recreation zones (**Figure 4**).

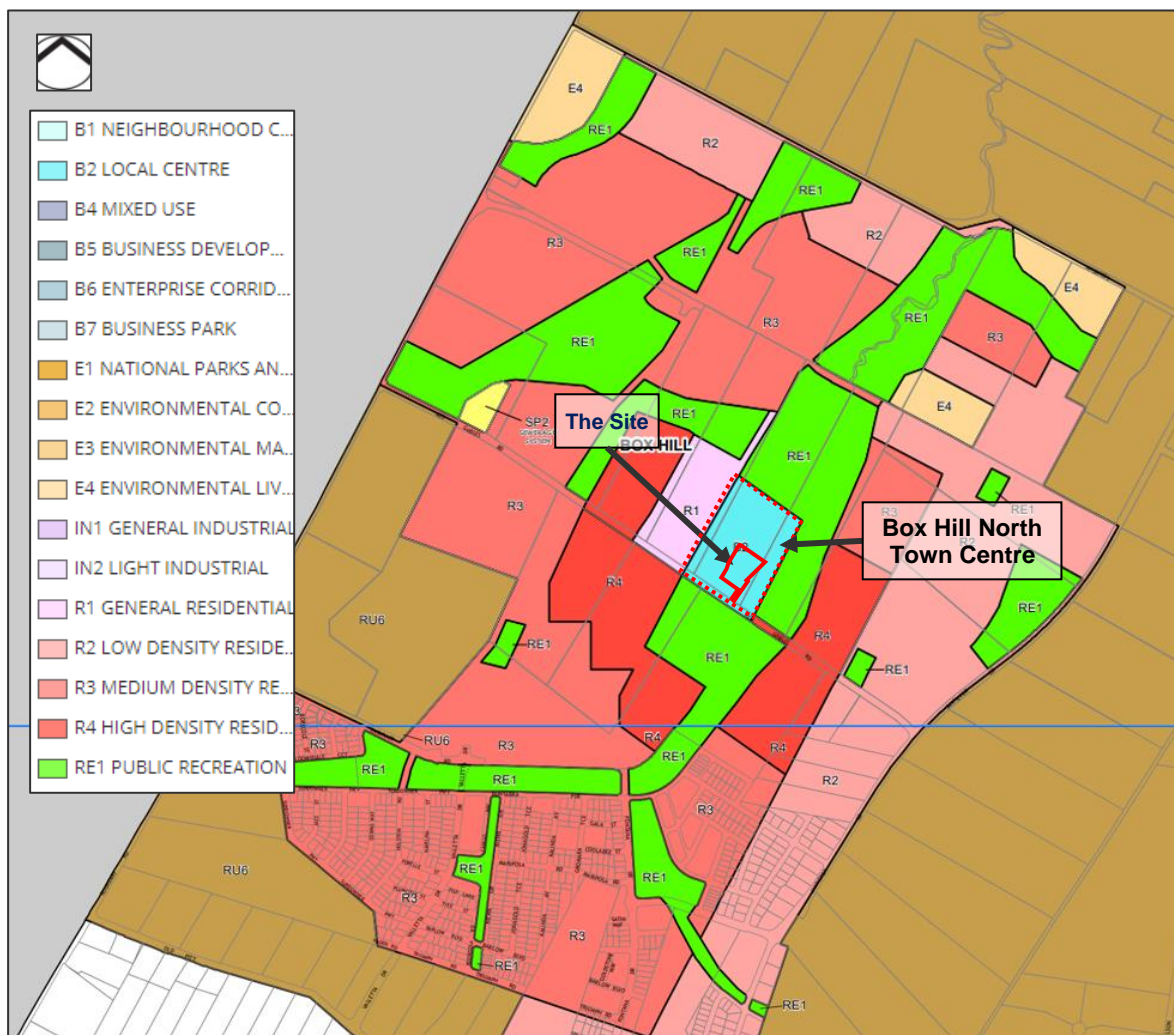


Figure 4 | The site in the context of Box Hill North land-use zoning (Source: THELP 2019)

The Box Hill North Masterplan (the Masterplan) applies to the rezoned land. The Masterplan is expected to deliver approximately 4100 new dwellings and a 5.5ha town centre (Box Hill Town Centre

in **Figure 4**) including a public primary school, to the south of Red Gables Road. **Figure 5** illustrates the nine precincts across the release area and the Indicative Layout Plan for the Box Hill North Masterplan, as approved by Council. The masterplanned community is currently being privately developed by Celestino and is known as 'The Gables'. The Gables Masterplan by Celestino is provided in **Figure 6**. **Figure 5** and **6** show that the site would be located within Precinct E of Box Hill North. The proposed school site identified in the Masterplan is coloured purple, within Precinct C.

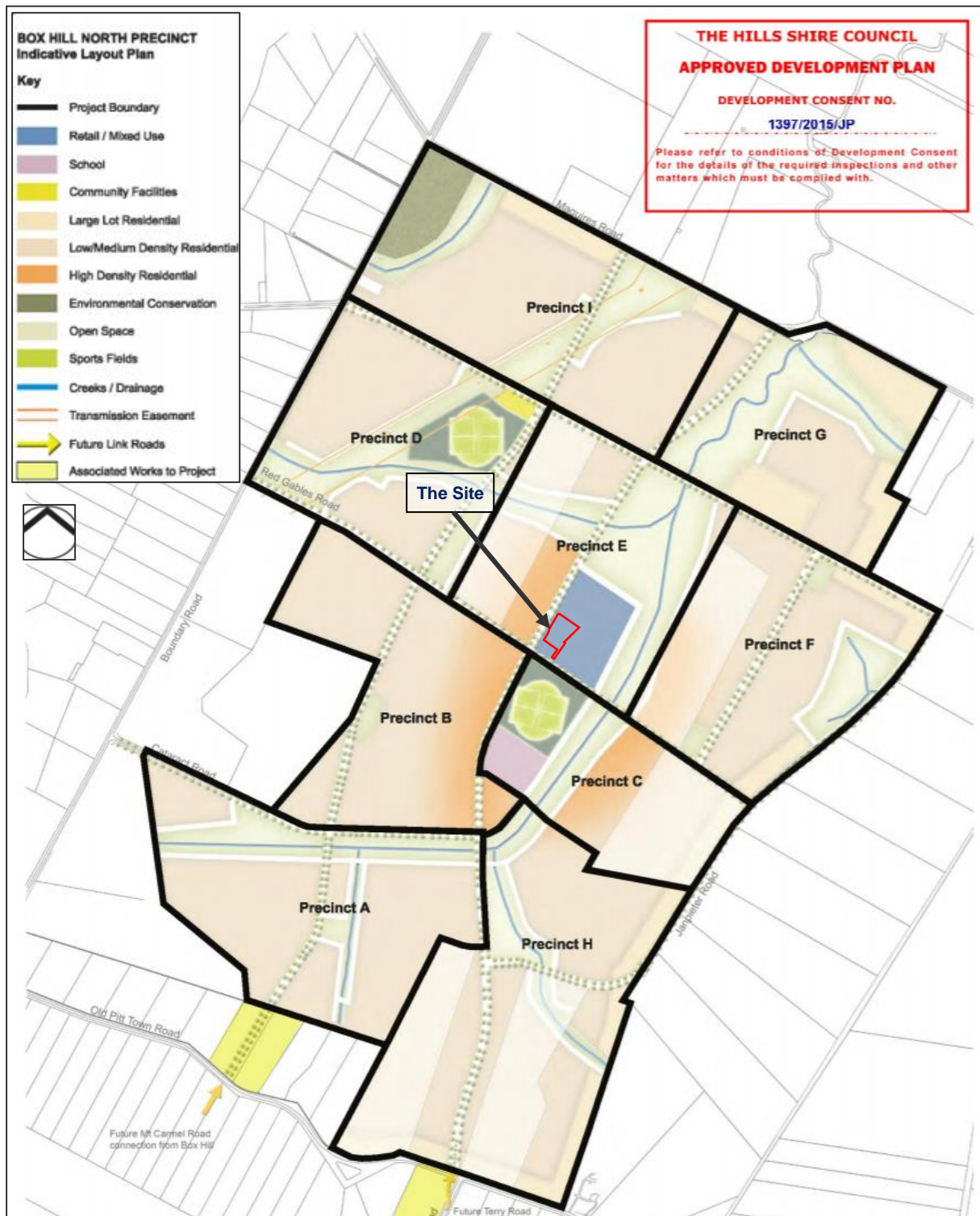


Figure 5 | Approved Box Hill North Precinct Area Plan overlayed on the precinct plan (Source: Council)



Figure 6 | The site in the context of The Gables Masterplan (Source: Celestino)

Future developments surrounding the site

The new school would be located in the south western corner of the Box Hill North Town Centre and surrounded by residential flat buildings on its southern and eastern boundaries (**Figure 7**). The school site would be located south of the future retail and commercial core of the town centre, separated by a future road (Road B). Further south would be future public recreational open space and hockey fields, also separated by a future residential development site and Red Gables Road. Separate development applications are being progressed / approved by Council to facilitate the surrounding developments within the precinct. These applications and their relationship to the proposal are discussed in **Section 2.6**.

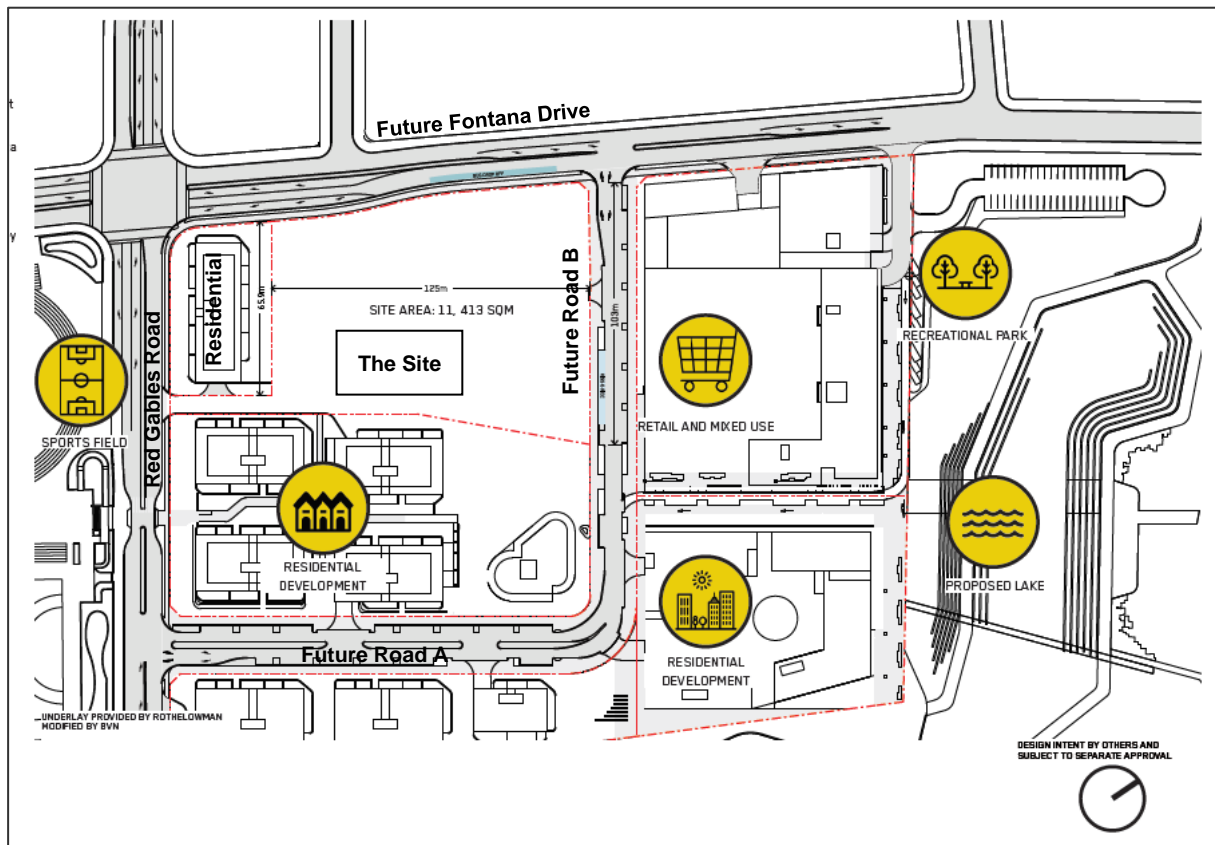


Figure 7 | Future surrounding developments (Source: Applicant's EIS)

Future road network

The site, located within Box Hill North precinct, can currently be accessed via an access handle off Red Gables Road. A number of internal roads within the precinct have been approved by Council via separate development applications for the adjoining sites. Works pursuant to these consents are either on-going or likely to commence soon. Once the road network is complete, the site's northern and western boundaries would be framed by future Road B and future extension of Fontana Drive, respectively.

A future Road A (internal to the town centre) would be located on the eastern boundary of the future residential developments to the east of the site (**Figure 7**).

The location of the site in the context of the future road network is shown in **Figure 8**.

1.3 Approval history

On 3 December 2018, Council approved DA/571/2018/ZB for the subdivision of a large allotment, 10 - 14 Red Gables Road, creating two Torrens title lots (Lot 1 DP 1237552 for a future school and Lot 2 DP 1237552 for a future town centre). The consent was later modified to amend the layout of approved Lot 1 by including an access handle from Red Gables Road. The consent also created rights-of-carriageways to the west and north of Lot 1 for future vehicular access to this allotment.

The site (Lot 1 DP 1237552) was created under this subdivision application (as amended). The allotment has a right-of-footway over the adjoining allotment (lot 2) along its eastern boundary.

On 27 November 2019, Council approved DA/1542/019/ZB for the further subdivision of Lot 2 DP 1237552. The consent resulted in the creation of three further development lots and two residual lots surrounding the school site. The subdivision application approved the construction of future Road B along the northern boundary of Lot 1 DP 1237552 (the site) the extension of Fontana Drive (along the previously approved right-of-carriageway) on the western boundary of the site and a future Road A near the eastern boundary of the site. The layout of the site and the adjoining roads, as approved under DA/1542/019/ZB is identified in **Figure 8**.

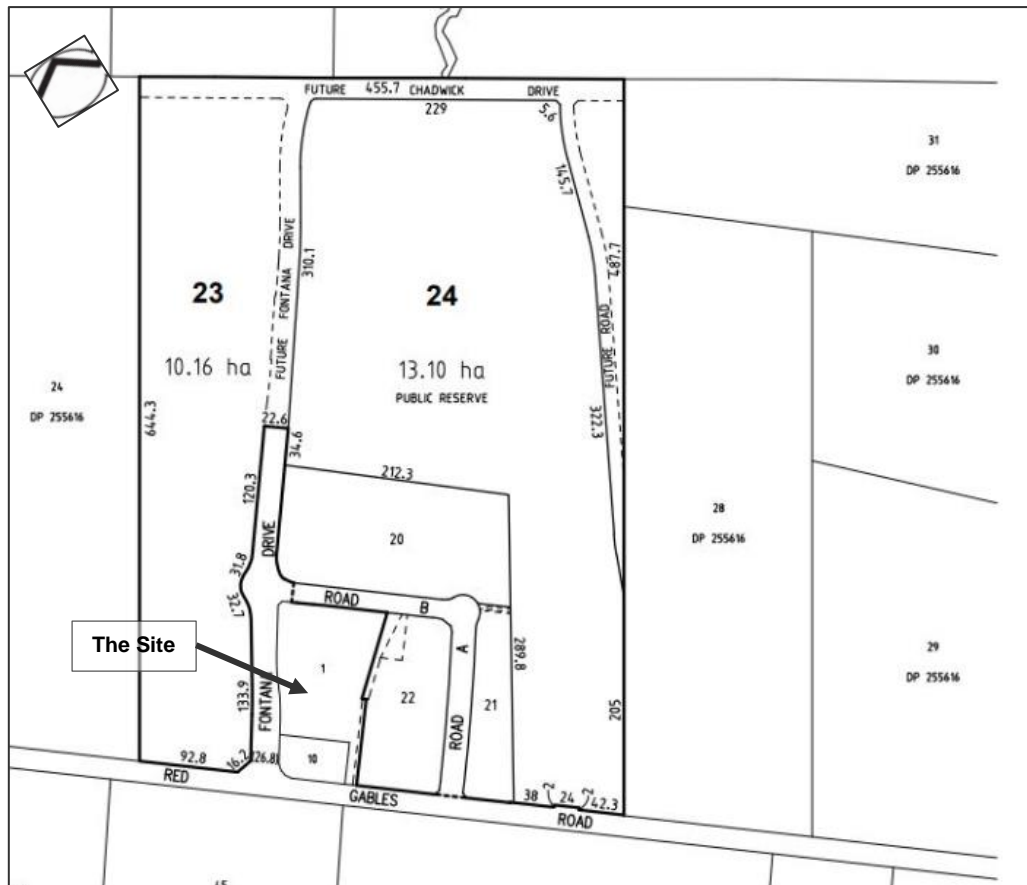


Figure 8 | The location of the site and future roads (Source: Council)

On 16 August 2019, Council approved DA/1713/2019/HA for bulk earthworks associated with the construction of the future school on the site. The approved bulk earthworks comprise all site preparation and bulk excavation works to facilitate the future construction of the proposed school.

The approved extent of bulk earthworks is illustrated in **Figure 9**. Upon completion of the earthworks, the site would be tiered with a primary ground level frontage to Fontana Drive and future Road B, stepping up to Red Gables Road.

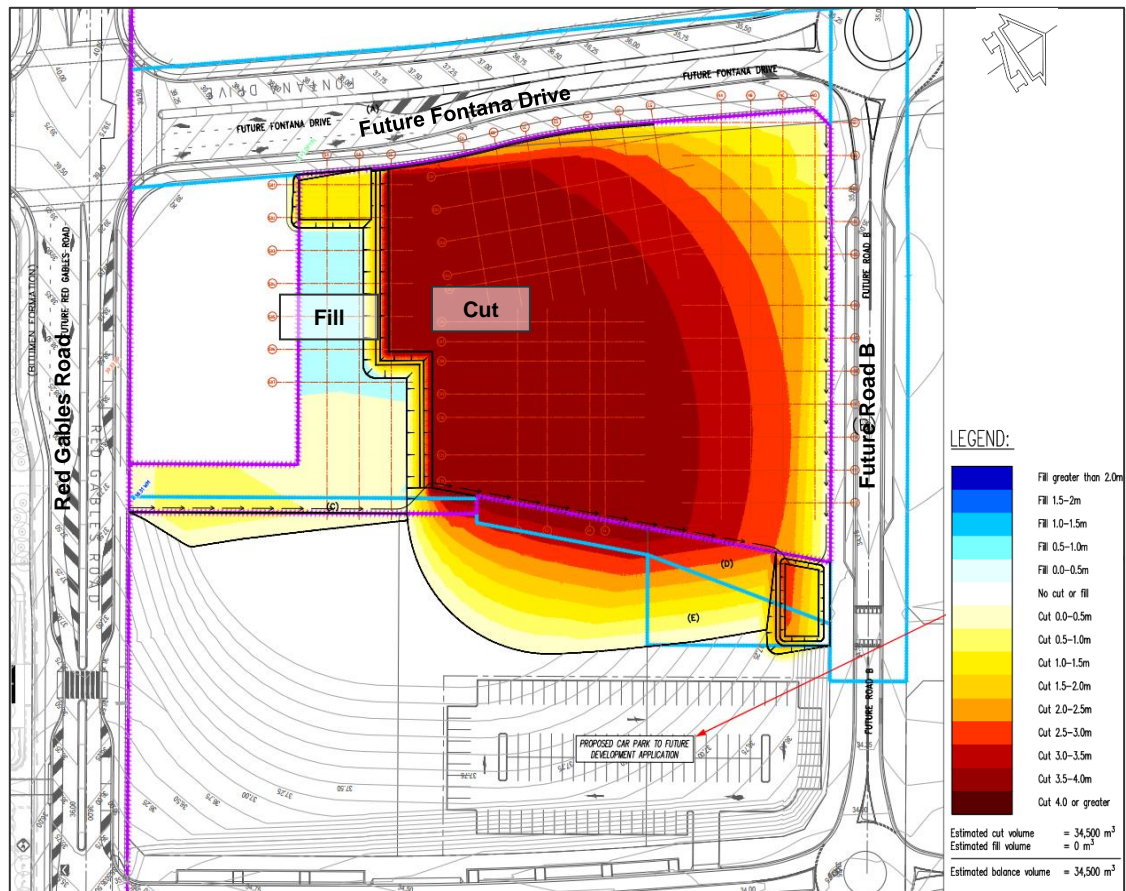


Figure 9 | Approved bulk earthworks DA/1713/2019/HA (Source: Council)



2. Project

2.1 Project Overview

The key components and features of the proposal (as refined in the Response to Submissions (RtS) and supplementary RtS (SRtS)) are provided in **Table 1** and are shown in **Figures 10 to 18**.

Table 1 | Main components of the Project

Aspect	Description
Project Summary	<ul style="list-style-type: none">Construction and operation of a new school known as Santa Sophia Catholic College, comprising: a new four - six storey building for 1860 students (K – 12) and 130 full-time staff; a centre based childcare centre for 60 children; associated landscaping, open spaces, recreational areas, signage and fencing; and establishment of bus zones and student drop-off and pick-up zones on adjoining roads.
Site area	11,413 square metres (m ²).
Development components	<p>A four – six storey building comprising three main building components as detailed below:</p> <ul style="list-style-type: none">Building Central: a six - storey building (25.4 metres (m) height to top level parapet and 29.9m including plant and chimney flute) building fronting Fontana Drive, accommodating:<ul style="list-style-type: none">visual arts areas and workshop at the ground level.wet laboratory areas on Level 1.learning spaces for Years 1 and 2 (Level 2), Years 6 and 7 (Level 3), Year 9 (Level 4) and Year 11 (Level 5).a covered outdoor learning area (COLA).Building North: a four - five storey (17 – 21m high) building, accommodating:<ul style="list-style-type: none">school administration areas and a multipurpose hall / theatre space at the ground level.learning spaces for Years 1, 3 – 4 and 7 and 8 (Levels 1 to 3).fitness and multi-sports court space on the rooftop with a double storey metal wire mesh screen for safety of the users.Building South: a five storey (25m high) building along the southern boundary, accommodating:<ul style="list-style-type: none">the CELC at the ground level.

	<ul style="list-style-type: none"> ○ learning areas for K - 1 (Level 1), Years 5 and 6 (Level 2), Year 10 (Level 3) and Year 12 (Level 4).
	<ul style="list-style-type: none"> • Knowledge Centre: a six storey (25.4m high) building, centrally located within the site accommodating: <ul style="list-style-type: none"> ○ food technology, hospitality and general learning spaces at ground level. ○ integrated ground level open spaces. ○ a five storey building with a library on Levels 1 - 4. ○ a central lift core with three lifts. • Walkway decks connecting each building at every level. • Integrated (age / school year appropriate) play spaces on the decks. • Staircases connecting each level. • Rooftop mounted solar photovoltaic (PV) cells and plant rooms. • Single storey waste enclosure and amenities building on Level 1.
Gross floor area (GFA)	<ul style="list-style-type: none"> • Total GFA of 15,090m², comprising: <ul style="list-style-type: none"> ○ general learning spaces: 7005m². ○ CELC: 547m². ○ performance hub (theatre / hall): 1349m². ○ staff and administration space: 1370m². ○ creative hub (science and art): 2177m². ○ research hub: 1030m². ○ the Knowledge Centre: 1246m². ○ building facilities and maintenance: 366m².
Access	<ul style="list-style-type: none"> • Pedestrian access from future Fontana Drive, future Road B as well as a pedestrian easement along the access handle off Red Gables Road. • Vehicular access from Red Gables Road via the access handle including drop-off / pick-up for CELC and on-site waste services.
Parking	<ul style="list-style-type: none"> • 252 bicycle parking spaces. • 10 short-term drop-off / pick-up spaces for CELC.
Public domain and landscaping	<ul style="list-style-type: none"> • Extensive ground level open play plaza space. • Large playground on Level 1 comprising structured play elements and equipment with integrated play space and equipment on each walkway deck above. • Total landscaped and play area comprising: <ul style="list-style-type: none"> ○ 13,683m² of play space (i.e. 7.1m² play space per student). ○ 832.97m² of deep soil landscape area.

Signage	<ul style="list-style-type: none"> • Seven business and building identification signs, comprising: <ul style="list-style-type: none"> ○ Type 1: digital signage board (1.8m x 2.25m) with school logo mounted directly to the building façade. ○ Type 2: backlit school logo (2m x 2m) mounted directly to the building façade. ○ Type 3: backlit school logo (0.5m x 2m) and associated text mounted directly to the building façade. ○ Type 4: backlit school logo and business identification sign (0.5m x 1.5m) mounted directly to the building façade.
Capacity	<ul style="list-style-type: none"> • 1860 (K – 12) students). • 60 children at the childcare centre. • 130 full-time equivalent (FTE) staff members.
Jobs	<ul style="list-style-type: none"> • 2000 construction jobs. • 130 operational jobs.
CIV	<ul style="list-style-type: none"> • \$123,251,000.

2.2 Siting of the development

As noted in **Sections 1.2** and **1.3**, in the future, the site's northern and western boundaries would be framed by future Road B and future Fontana Drive extension (under construction), respectively. The school would have ground level access from these two roads.

The building components are proposed to be arranged around the northern, southern and western perimeters of the site to create defined street edges, reinforce site boundaries and provide controlled school entrances. These edges are broken up by the different building components and positioning of proposed pedestrian entry / exit points that help activate these frontages.

Limited vehicular access to the site is proposed from the access handle off Red Gables Road, accessible from Level 1. The access would be used for drop-off / pick-up services for the proposed CELC as well as waste services vehicles. Right-of-footways over the adjoining allotment have been created (under separate application) along the eastern edge of the site and the access handle. This would facilitate pedestrian connections for students / other site users between Red Gables Road and future Road B.

The Applicant has advised that the school would be serviced by a future car park within a shopping centre / commercial building proposed within the future town centre. The school is proposed to be sited east of an at-grade temporary car park, approved by Council, and being constructed by the town centre development. The temporary car park would provide dedicated car parking for school users until the construction of the car park within the town centre.

The contextual layout of the site and the proposed site plan identifying the location of the school building with the connected building components (Central, North, South and Knowledge Centre), the temporary car park, vehicular and pedestrian entries are provided in **Figures 10** and **11**.

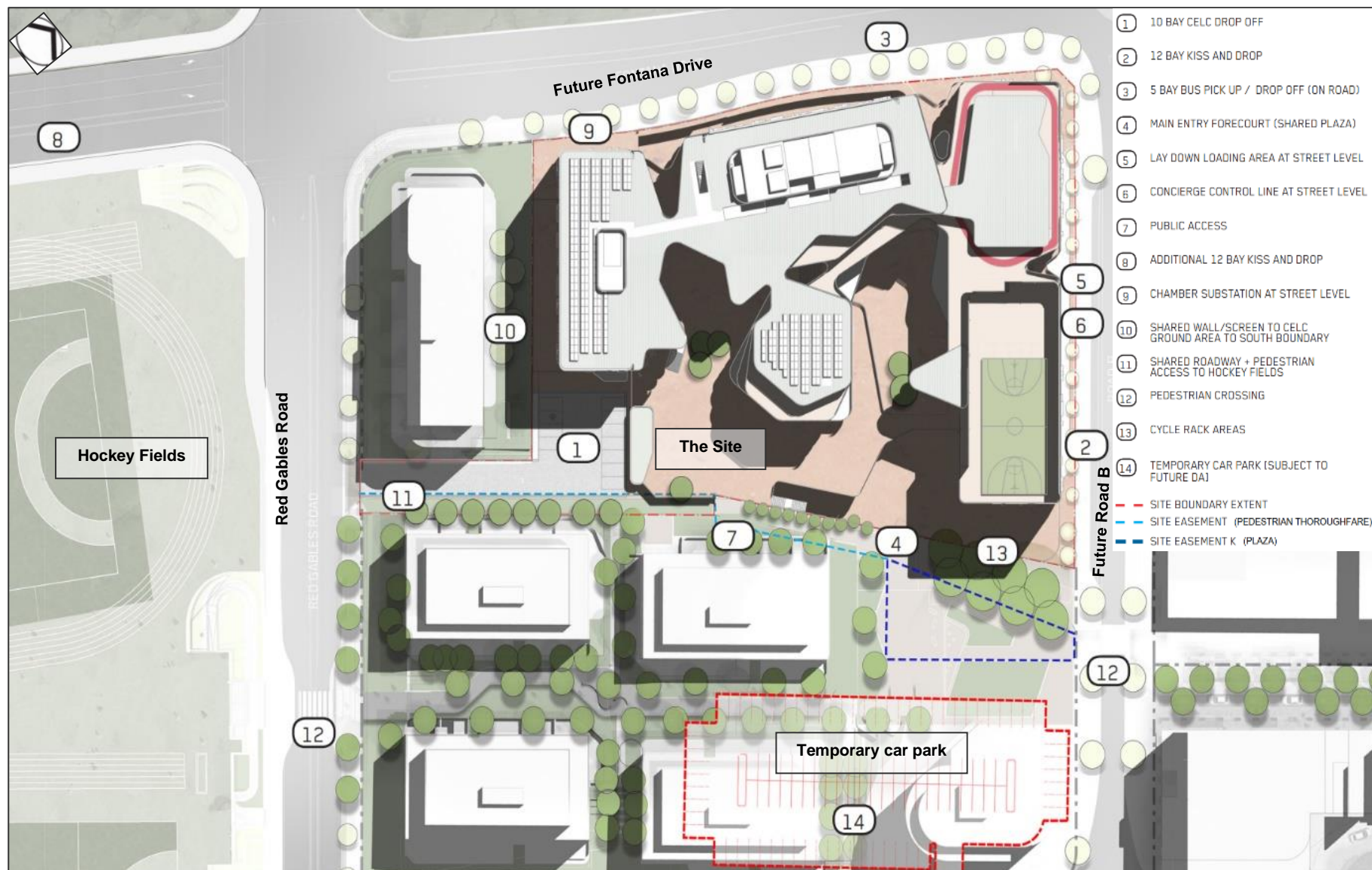


Figure 10 | Proposal contextual site layout (Source: Applicant's SRtS)

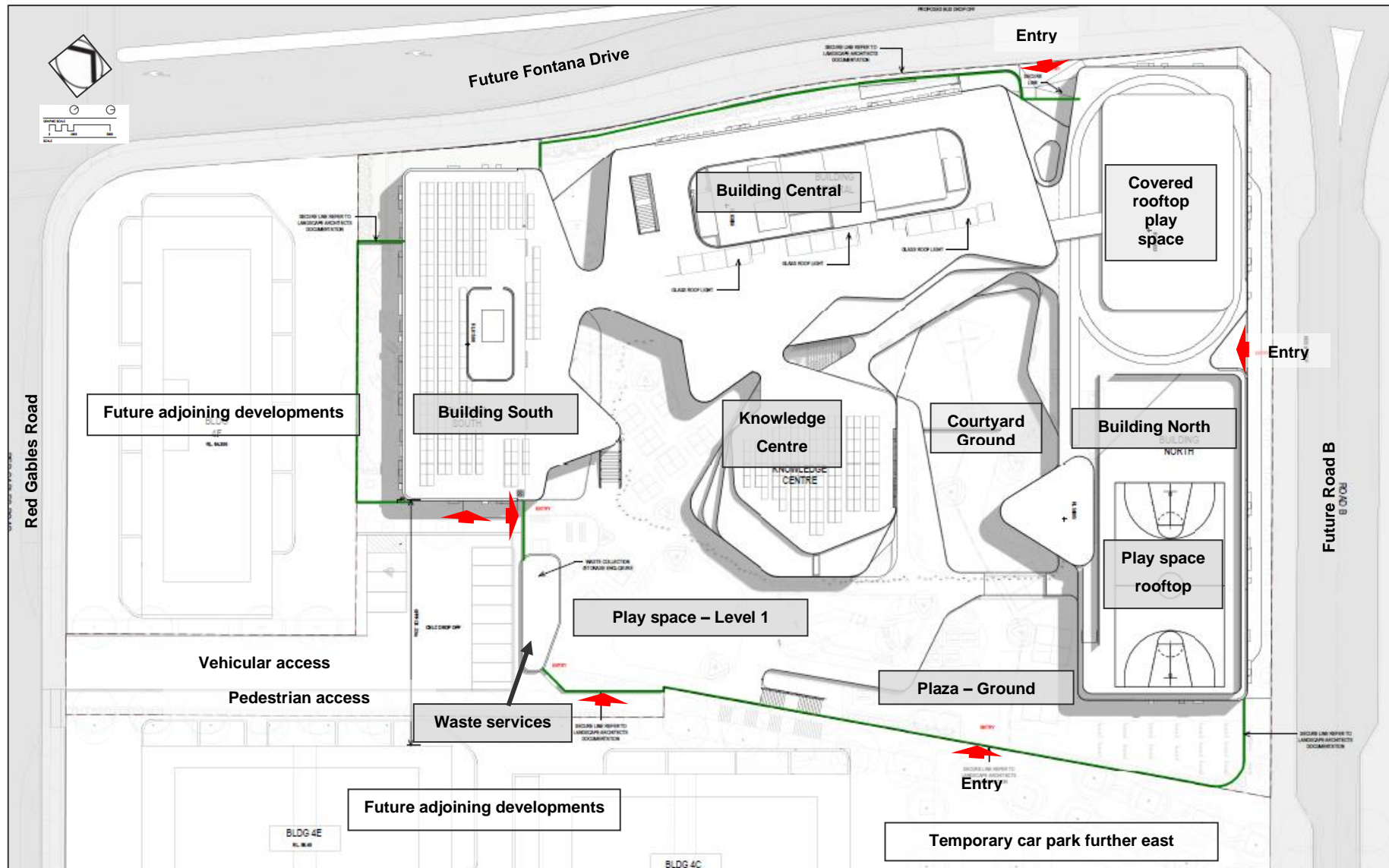


Figure 11 | Proposal site plan (Source: Applicant's SRtS)

2.3 Physical layout and design

The proposal comprises construction of a four - six storey development with four building components interconnected by expansive walkway decks at each level (**Figure 12 to 17**). A maximum building height of 29.9m (including plant and chimney flue) and floor space ratio (FSR) of 1.32:1 are proposed for the development. The proposed built form and scale has been designed to match the character and the proposed layout of the future Box Hill North Town Centre.



Figure 12 | Aerial photomontage of the site as viewed from the north-east (Source: Applicant's SRtS)

The centrally located 'Knowledge Centre' would be the focal point of the school, with its library and study functions designed to spill out on to the decks at all levels. Accessible connection for the entire site is provided by the lift core within this building. At the ground plane (**Figure 13**), the perimeter building arrangement is designed to create an internal courtyard with associated entry plaza adjacent to the future master planned town centre plaza (east). This courtyard would be partly covered by a podium at Level 1, with voids for light penetration (**Figure 14**).

Walkway decks are provided on each of the upper levels and are connected via staircases for vertical circulation. The proposed decks are punctuated with a series of voids that provide light penetration and allow for students to interact between levels. School year / age appropriate play spaces are integrated at each level with interactive equipment encouraging passive and active play.

Ground level and Level 1 would accommodate the CELC, main specialist learning spaces and administrative functions (science laboratories, visual arts, workshops, food technology, multipurpose hall and school administration). School year group learning spaces are proposed on Level 2 and above (**Figures 15 - 17**).

The Level 4 rooftop of Building North (**Figure 17**) would accommodate an open space play area with canopy over and a multi-sport court framed by a two-storey open metal mesh screen.

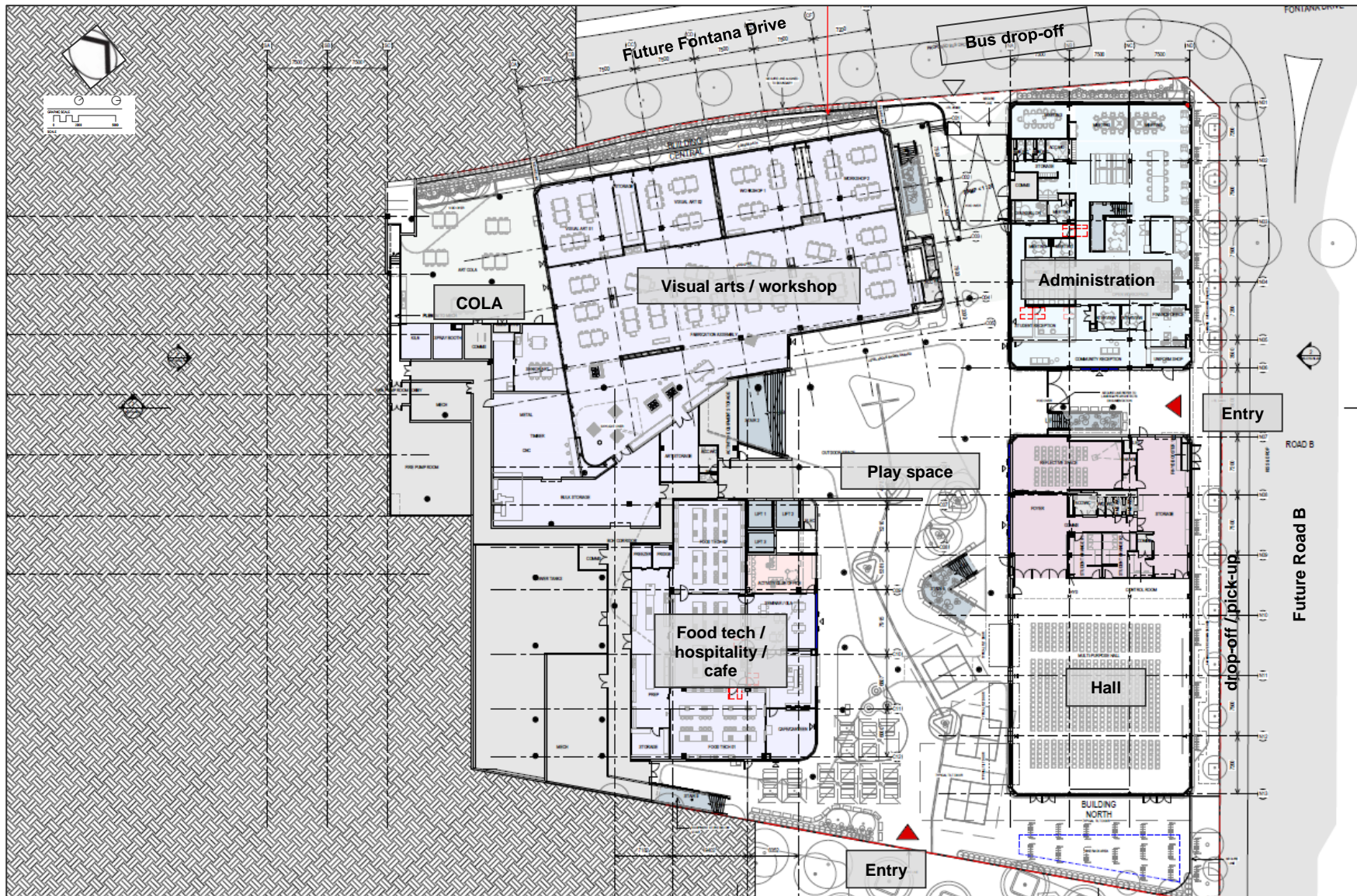
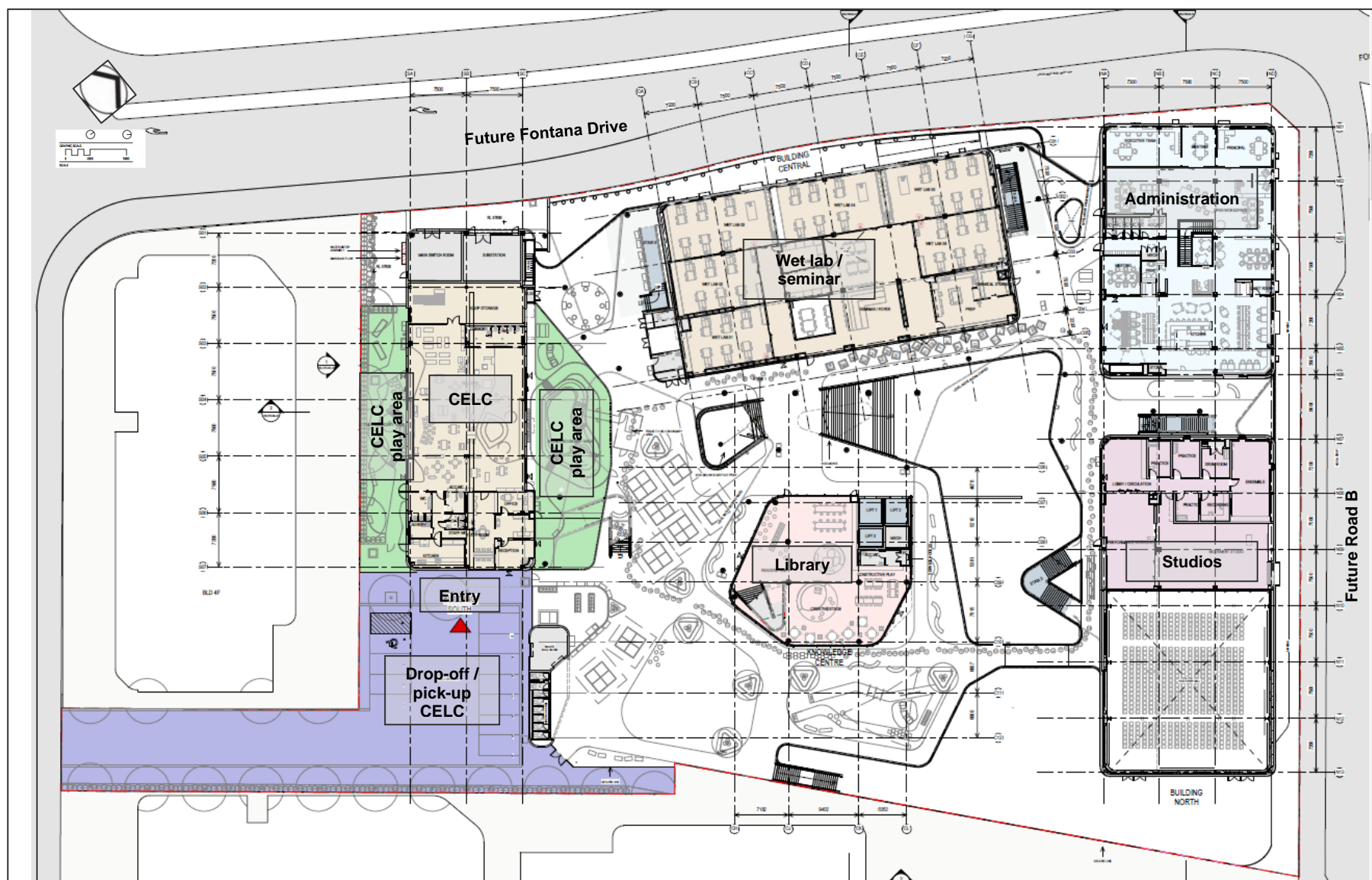


Figure 13 | Proposed Ground Level (Source: Applicant's SRtS)



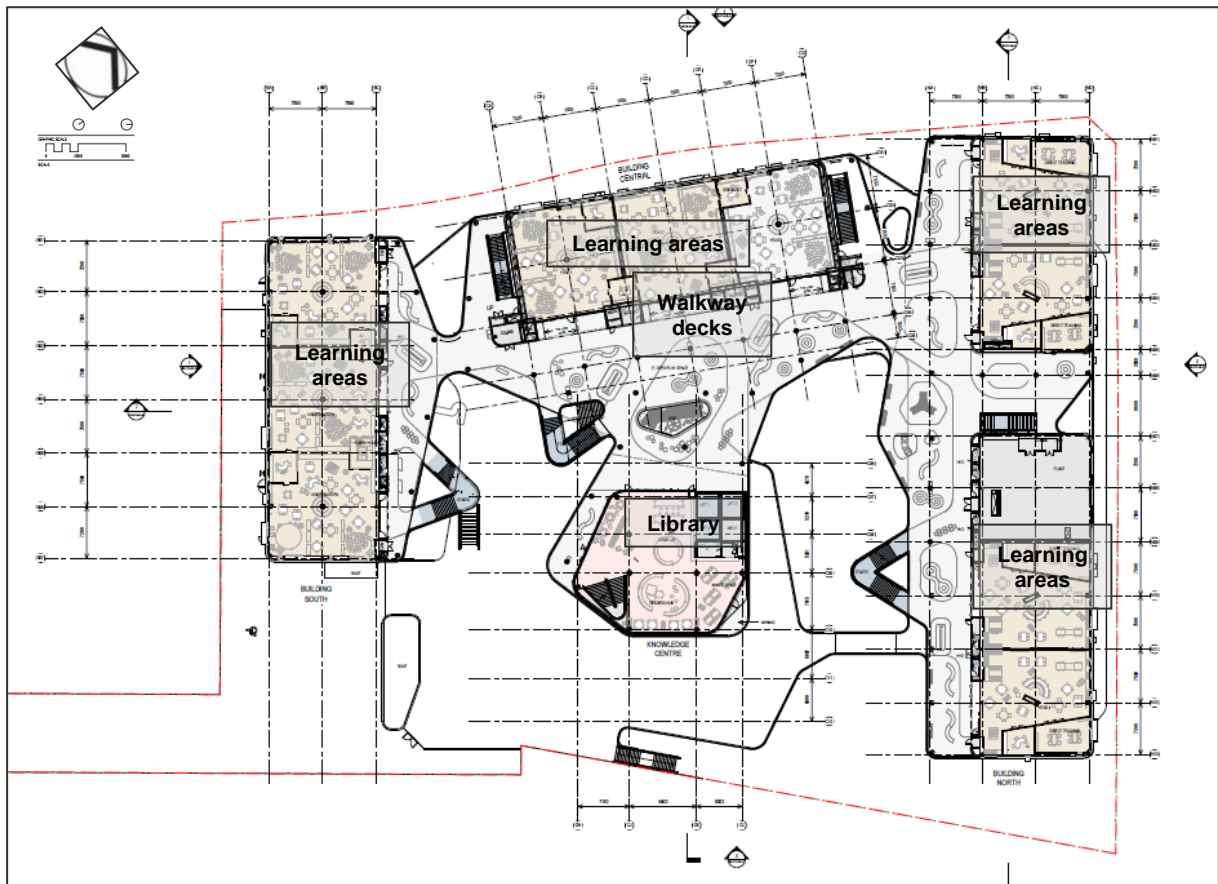


Figure 15 | Typical layout of proposed Level 2 / 3(layouts have marginal variation) (Source: Applicant's SRtS)

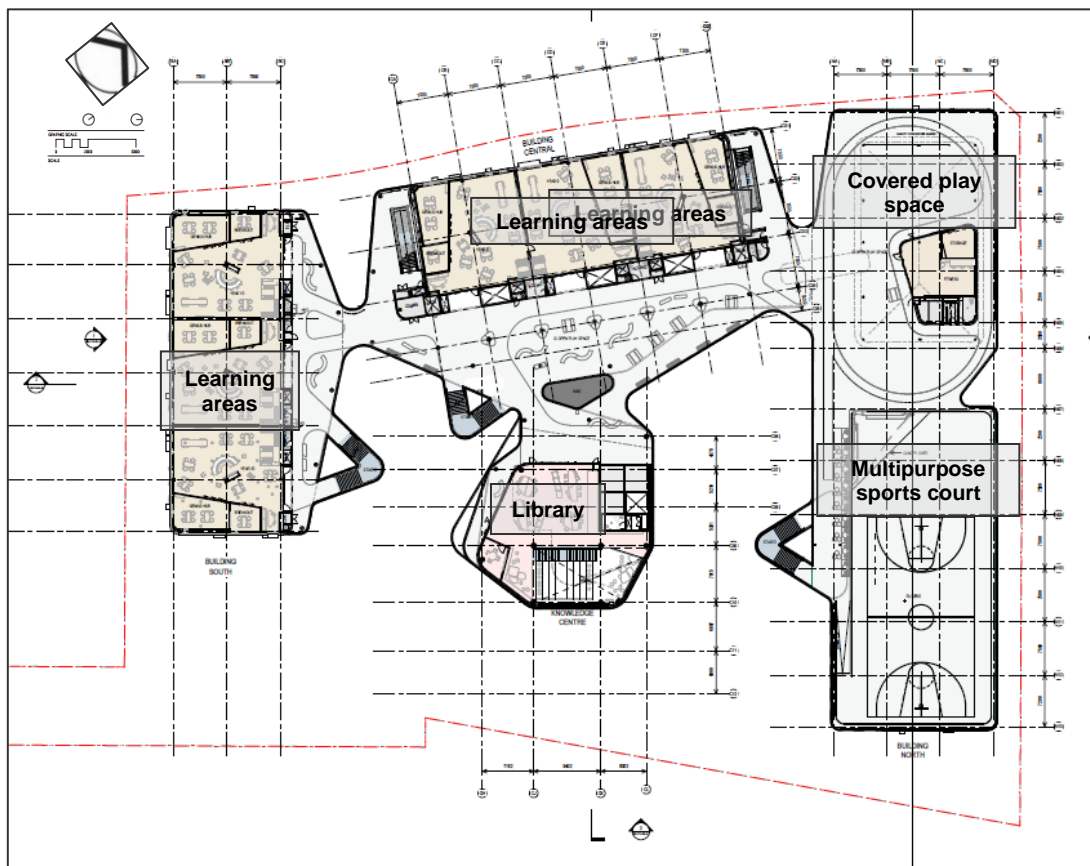


Figure 16 | Proposed Level 4 (Source: Applicant's SRtS)

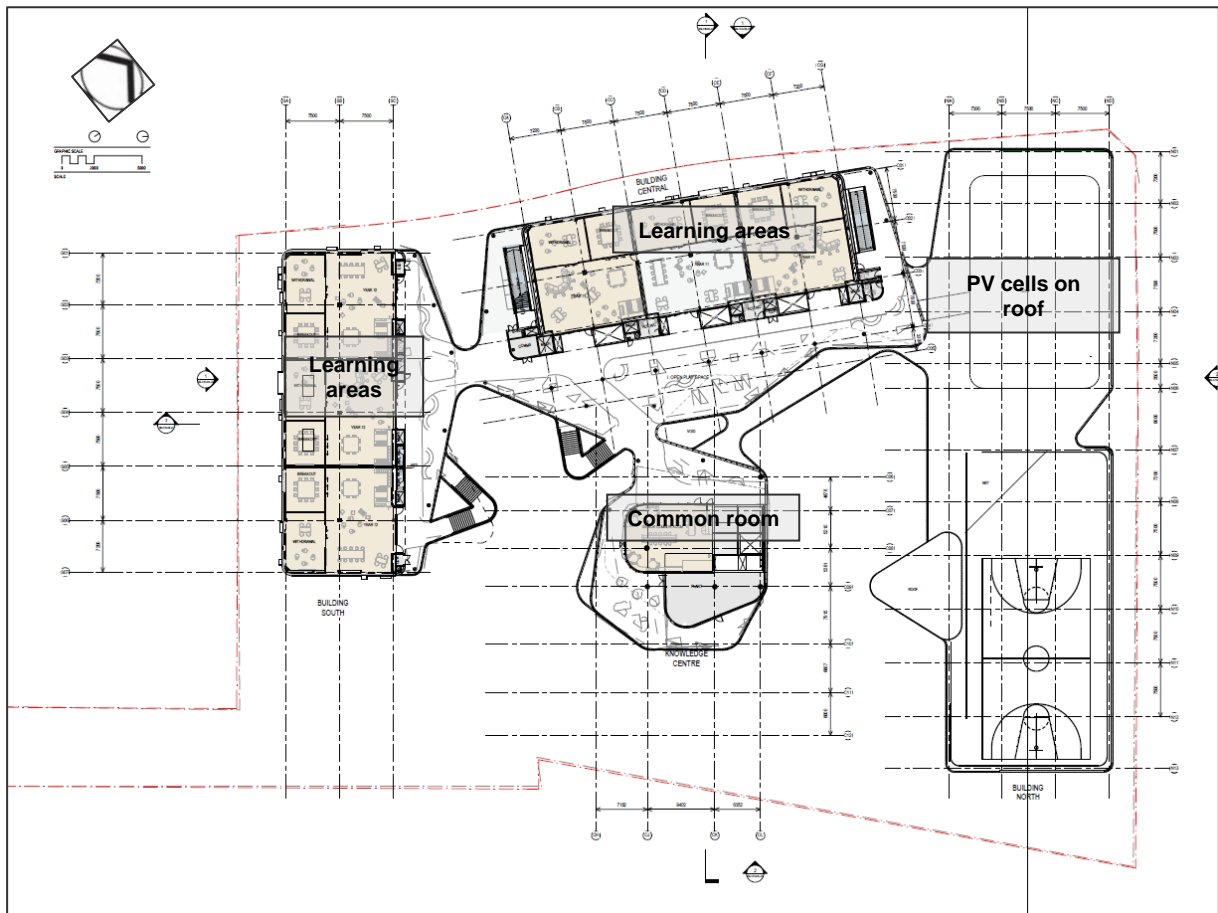


Figure 17 | Proposed Level 5 (Source: Applicant's SRtS)



Figure 18 | View from the ground level plaza (Source: Applicant's SRtS)

2.4 Uses and activities

The proposal is for the use of the site as a school (K – 12), catering for up to 1860 students. In addition, a centre-based child care facility for up to 60 children would be located on Level 1 of Building South. The school would also include Out of School Hours (OOSH) services for up to 400 children.

The proposed operating hours of the school, OOSH and CELC are as follows:

- School: 6am to 6pm, Monday to Friday.
- CELC: 6am to 6:30pm, Monday to Friday.
- OOSH: 6am to 9am and 4pm to 7pm, Monday to Friday.

Extracurricular activities are proposed outside of core school hours on weekdays, weekends and public holidays.

The multipurpose hall is proposed to be made available for community use / hire outside of core school hours. The school café / canteen and hospitality facilities (Building South) are also proposed to be made available for managed public use / hire outside of the core school hours. Any proposed community use / café use would be typically limited between:

- 3pm and 10pm, Monday to Friday.
- 8am to 10pm Saturday and Sunday.

2.5 Timing

The construction of the school is proposed to be delivered in one stage following the completion of early site works. The Applicant has stated that the school is likely to commence operations in 2021.

However, the school's growth (in terms of capacity) is expected to take place over several years, with full capacity anticipated to be reached in the year 2030. **Table 2** outlines an indicative growth plan for the school and the CELC. The Department notes that the maximum number of expected staff would be 113, although the proposal seeks approval for 130 FTE staff to allow for flexibility.

Table 2 | The school and CELC Expected Growth Rate (Source: Applicant's EIS)

Years	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
CELC	30	60	60	60	60	60	60	60	60	60
Primary	325	485	560	695	780	840	840	840	840	840
Secondary	195	356	515	661	782	877	949	985	1,002	1,018
Total Students	550	901	1135	1416	1622	1777	1849	1885	1902	1918
Staff	33	52	67	83	94	104	108	111	112	113
Total	583	953	1202	1499	1716	1881	1957	1996	2014	2031

2.6 Related Application

A number of previous determined local development applications (DA) are related to SSD-9772. The DAs and their relationship to the proposal are briefly outlined further below in **Table 3**.

Table 3 | Related Development Applications

DA number	Description of development	Relationship to SSD-9772
DA/110/2019/ZB	On 2 August 2019, Council granted approval for the construction of hockey playing fields and associated amenities building within the precinct.	The approved playing fields and amenities facilities provide a valuable infrastructure asset for the future community of Box Hill North.
DA/29/2020/HA	On 21 October 2019, Council granted approval for the construction of a temporary 110 space car park to service the future school on the site.	The approved temporary car park would be located on Lot 2 DP 1237552 (the town centre lot) immediately southeast of the site (see Figure 8) and ensures that the interim car parking facilities for the proposed future school are delivered in advance of school operations.
DA/2051/2018/ZB	On 5 November 2019, Council approved a subdivision creating three residue lots, one development lot and open space lot and a new road over four stages.	<p>The approved subdivision granted consent to the upgrade of Red Gables Road and the construction of future Fontana Drive, just north of its intersection with future Road B.</p> <p>The approved road works would facilitate upgraded site access to the future school.</p>

2.7 Box Hill North Town Centre Planning Proposal

On 13 November 2018, Council considered a request to amend THLEP 2012, applying to 10 – 14 Red Gables Road (Box Hill North Town Centre) and resolved that a planning proposal was required for the request to be considered. The Box Hill North Town Centre Planning Proposal (planning proposal) sought consent to increase the FSR and maximum building height for the town centre allotments including those for the site.

On 22 January 2019, the Department issued a Gateway Determination for the planning proposal. The planning proposal sought consent to amend the building heights for some sites and increase the maximum FSR for the school site and other town centre allotments from 1:1 to 2:1.

On 10 September 2019, Council approved the planning proposal, excluding the proposed increase in the FSR for the school site. Council indicated that a future school on the site would not be subject to THLEP 2012 development standards but would be lodged as SSD application.

Consequently, THLEP 2019 was made in December 2019 and included the amendments approved in the planning proposal.



3. Strategic Context

3.1 Project Need and Justification

The EIS states that the proposal provides a significant development opportunity for the State that would create jobs, stimulate the economy and deliver a vital service for the future community in the Box Hill North precinct, being consistent with the intent of the Masterplan. It notes that significant population growth within Sydney's outer west has placed substantial pressure on public schools within the area. The proposal would provide a high-quality facility to the community and take enrolment pressure off existing public schools in the area.

The new school, Santa Sophia College, is necessary to meet the NSW Department of Education's need to provide suitable teaching spaces that meet increased demand in the area and future projected growth within the Hills Shire LGA.

3.2 Strategic Context

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

- it is consistent with the Greater Sydney Regional Plan, A Metropolis of Three Cities, as it proposes a new school to meet the growing needs of Sydney.
- it is consistent with the vision outlined in the Greater Sydney Commission's (GSC) Central City District Plan, as it would contribute towards school infrastructure for a new community with opportunities to co-share facilities with the local community.
- it is consistent with the NSW's Future Transport Strategy 2056, as it would support the ongoing provision of a modern educational facility in an accessible location with access to public and school transport services.
- it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes investment in the non-government school sector, provides for modern learning environments and promotes a design to accommodate infrastructure and facilities sharing with communities.
- it would provide direct investment in the region of approximately \$123 million, which would support up to 2000 construction jobs and 130 new FTE operational jobs.



4. Statutory Context

4.1 State significant development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

In accordance with clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Independent Planning Commission (the Commission) is the declared consent authority as there are more than 25 public submissions in the nature of objection (69 objections received).

4.2 Permissibility

Clause 1.8A (Savings and Transitional Provision) of THLEP 2019 states that any development application made, and not yet determined, before the commencement of THLEP 2019 must be determined as if that plan had not commenced. Accordingly, THLEP 2012 continues to apply to the proposal.

The site is identified as being located within the B2 Local Centre zone under THLEP 2012 (**Figure 4**), at the time of lodgement of the EIS. 'educational establishments' and 'centre-based childcare facilities' are permissible with consent in the B2 zone.

The Department notes that the school would include a café / canteen that may be made available to the community. However, the Department is satisfied the proposed café would be ancillary to the use of the site as an 'educational establishment' (as primary use would be restricted to school users).

Therefore, the Commission may determine the carrying out of the development.

4.3 Other approvals

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

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

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

4.4 Mandatory matters for consideration

4.4.1 Environmental planning instruments

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

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

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 4**.

Table 4 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<ul style="list-style-type: none">• The proposal involves the construction of a new school for up to 1860 students, 60 childcare enrolment places and up to 130 FTE staff. The development of the site would provide for the current and future needs of the community within a suburb that is undergoing rapid growth.• The proposal would provide for employment opportunities and result in economic and social benefits for the locality.• The development would have no significant impact on the State's natural and other resources (see Section 6).
(b) to facilitate Ecologically Sustainable Development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<ul style="list-style-type: none">• The proposal includes measures to deliver Ecologically Sustainable Development principles (see Section 4.4.3).

(c) to promote the orderly and economic use and development of land,	<ul style="list-style-type: none"> The proposal provides for the construction of a new school, consistent with the layout of the Box Hill North Masterplan. The development would provide fit-for-purpose educational facilities for the future Box Hill North precinct with a design that is integrated with the future 'The Gables' town centre.
(d) to promote the delivery and maintenance of affordable housing,	<ul style="list-style-type: none"> Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<ul style="list-style-type: none"> Council has consented to the removal of existing vegetation under separate DAs. The site is currently clear of vegetation. Consequently, the development would not result in any significant impact on threatened and other species of native animals and plants, ecological communities and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<ul style="list-style-type: none"> The site does not have a heritage significance or value. The proposal would not impact on Aboriginal cultural heritage associated with the area (see Section 6.4).
(g) to promote good design and amenity of the built environment,	<ul style="list-style-type: none"> The sitting and scale of the proposal has regard to the future built environment of the locality. The proposal would ensure that potential impacts on surrounding developments are minimised in the future, while maximising internal amenity to ensure that 'good design' is achieved.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<ul style="list-style-type: none"> The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent being implemented.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<ul style="list-style-type: none"> The Department publicly exhibited the proposal including consultation with Council and other public authorities and consideration of their responses (see Sections 5 and 6).

- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department publicly exhibited the proposal, which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period (see **Section 5**).

4.4.3 Ecologically sustainable development

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

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

The development proposes ESD initiatives and sustainability measures, including:

- prefabricated construction.
- highly efficient façade system with sustainable building materials (timber, steel, recycled concrete).
- natural ventilation wherever possible.
- solar PV roof array and energy efficient LED lighting.
- Carbon dioxide monitoring.
- water efficient fixtures and fittings and rainwater reuse.
- optimised air-conditioning system.
- educate occupants about the building performance and influencing occupant behaviour.

The EIS indicates that principles of Green Star Performance have been considered and incorporated into the Project-specific "Environmental Framework" where applicable, to ensure continued optimal operational performance through the fine tuning of the systems and operational standards. While no formal Green Star rating has been pursued, the proposal can achieve a 4-star Green Star Rating.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Appendix S of the EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Additionally, the proposal promotes sustainable transport measures by excluding car parking from the site, proposing

to share car parking with the future town centre and introduce a Green Travel Plan with targets for sustainable transport measures in the future.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act. The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the satisfaction of the Certifier prior to commencement of works.

4.4.4 Environmental Planning and Assessment Regulation 2000

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

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 5 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 5 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.

(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned – details are discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period and discussed in Sections 5 and 6 of this report.
(e) the public interest	Discussed in Sections 6 of this report.

4.4.7 Biodiversity Conservation Act 2016

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

The proposed works are not likely to have a significant impact on biodiversity values. On 4 April 2019, the former Office of Environment and Heritage (OEH) and the Department determined that the application is not required to be accompanied by a BDAR and a waiver in this regard was issued for the site.



5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the SSD application from 30 May 2019 until 26 June 2019 (28 days). The SSD application was exhibited at the Department and on its website, at the NSW Service Centre and at Council's office.

The Department placed a public exhibition notice in the Hills Shire Times on 28 May 2019 and the Rouse Hill Times on 29 May 2019 and notified adjoining landholders and relevant public authorities (State and local government) in writing. The Department representatives visited the site to provide an informed assessment of the development.

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

5.2 Summary of submissions

The Department received a total of 82 submissions, including seven submissions from public authorities including Council providing comments on the proposal, one objection from a special interest group and 74 public submissions including 69 objections. A summary of submissions received is outlined in **Table 6** below and copies of the submissions may be viewed at **Appendix A**.

Table 6 | Summary of submissions

Submitters	Number	Position
Public Authorities	7	
Council	1	
Environment, Energy and Science Group	1	
Heritage, Community Engagement of the Department of Premier and Cabinet	1	
Environment Protection Authority	1	Comment
Sydney Water	1	
Transport for New South Wales	1	
Transport for New South Wales (Roads and Maritime Services)	1	
Special Interest Groups	1	
Our Lady of the Angels Church	1	Object

Community	74	
	69	Object
	4	Support
	1	Comment
TOTAL	82	

5.2.1 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 7** below and copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of public authority submissions to the EIS exhibition

Council

Council did not object to the proposal but provided the following comments:

- play space: it is unclear whether the proposed outdoor play space areas, particularly active ground level space are compliant with the minimum ground floor and rooftop play space commitments made in the planning proposal. The proposed open space provisions within the school are unsatisfactory.
- Council's open space: the proposal should not rely on open space owned by Council.
- height: the justification to the proposed building height exceedance should not rely on the planning proposal, which was undetermined at the time of EIS exhibition. The proposed justification to the building height and FSR exceedance is considered insufficient.
- design excellence: Council's role and the application of the design excellence clause of the THLEP 2012 is not clear.
- parking: whether the 'off-site staff car parking' provisions form part of the proposal, should be clarified.
- drop-off / pick-up: the proposed drop-off / pick-up zones would not be sufficient once the school reaches capacity. Therefore, additional measures must be proposed for the future.
- contributions: the existing voluntary planning agreement (VPA) for the site does not exempt the payment of the contributions in accordance with The Hills Contributions Plan.

Additionally, Council recommended that the SSD application should not be determined until the related DAs for the future extension of Fontana Drive (DA/2051/2018/ZB) and construction of town centre future Roads A and B (DA/1542/2019/ZB) are resolved as the proposal relies on these roads for its future operation.

Environmental Protection Authority (EPA)

The EPA advised that the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* and would not require an Environment Protection Licence.

Heritage, Community Engagement of the Department of Premier and Cabinet (Heritage NSW)

Heritage NSW did not raise any concerns with regard to the proposal.

Environment, Energy and Science Group (EESG)

EESG provided no specific comments with regard to the proposal

Transport for NSW (TfNSW)

TfNSW provided the following comments:

- the traffic assessment report for the planning proposal be submitted to TfNSW to verify that the traffic report supporting the EIS for SSD-9772 is consistent with the planning proposal and that the future road network would be capable of accommodating the anticipated traffic movements due to the development.
- a sensitivity analysis be prepared considering a higher car passenger mode share, reduced walking mode share and higher trip generation rate in the first two years of operation (given that public transport may not be fully operative, and roads / walkways would not be complete).
- an adequate drop-off / pick-up facility be provided that accommodates the likely demand generated by the school in the future.

TfNSW advised that the provision of any new or additional public bus services would be subject to demand and funding. The Applicant should note that school private bus services may be needed and implemented by the school to cater for the development.

TfNSW (Roads and Maritime Services) (TfNSW (RMS))

TfNSW (RMS) provided the following comments:

- school zones (including School Zone signs and pavement marking patches) must be installed at appropriate locations in accordance with TfNSW (RMS) guidelines and specifications prior to the occupation of the school.
- car parking, drop-off / pick-up zones and bus zones must be constructed per TfNSW (RMS) standards and to Council's satisfaction (where relevant).
- any required signalisation of Red Gables Road / Fontana Drive would be reliant on a separate approval process by TfNSW (RMS).

TfNSW (RMS) recommended that the Applicant consult with TfNSW and bus companies regarding proposed bus operations.

Sydney Water

Sydney Water provided the following comments:

- a 200mm watermain is required to be constructed along the future Fontana Drive, north of the intersection of Red Gables Road, to cater for the development.
- servicing of the school and town centre would be dependent on the delivery of other watermain in Fontana Drive, south of Red Gables Road.
- the proposal is within an area that would be serviced by the Flow Systems WICA Licence No. 16_037 that would provide non-drinking water and wastewater services.

5.2.2 Community Submissions

A summary of the issues raised in the community (including special interest groups) submission is provided in **Table 8** below and copies of the submissions may be viewed at **Appendix A**.

Table 8 | Summary of community submissions to the EIS exhibition

Issue	No. of Submissions
Site suitability	
<ul style="list-style-type: none">• planning for a new Catholic high school has commenced at an alternative site on Terry Road, which is more suitable.• the site would not connect to the natural environment, associated mental health benefits.• the development is proposed to accommodate excessive number of students.• a larger site would provide room for expansion, open space, better managed traffic, additional educational programs (agricultural and construction).• the development of a school on the site would reduce the opportunities for retail / commercial developments within the town centre.• there are insufficient supporting facilities for a school within a retail centre.• the school building may result in potential amenity and privacy impacts on adjoining sites.	58 (78%)
Student safety	
<ul style="list-style-type: none">• proximity of the school to the future shopping centre may result in an unsafe environment for the kids, including interaction between students and strangers.• there are no provisions for safe evacuation of all school occupants in case of emergency or details of fencing / security gates.	36 (48.6%)

- the proposed integration of the school and public plaza would undermine the security of the school and increase risk of accidents for children.
- the location of the school would result in potential sharing of the facilities with the future community which may adversely impact on safety / security of the site.
- no mitigation measures are being proposed to prevent throwing of items from the rooftop multipurpose court.

Open space

- lack of outdoor space is not conducive to the development of children.
 - no details are provided of any shared use agreements permitting the use of community playing fields by the school occupants.
 - the schools' use of public open space could deter community use of that space, increase operation costs, and refrain students from using that space at all times.
- 34 (45.9%)

Car Parking

- insufficient analysis of traffic and parking impacts.
 - there are insufficient on-site car parking spaces for the occupants, which may impact on the availability of parking spaces on the surrounding streets.
 - unavailability of parking inhibits parents from walking children to / from class.
 - there is no evidence of any existing user agreement that would allow the use of the future town centre car parking spots.
 - there is no guarantee that the future parking spaces would not be available for free to the occupants of the site.
 - a pedestrian overpass should be constructed to allow safe passage between the school and any future car park within town centre.
 - no details have been provided to justify the data supporting walking / cycling transport mode share assumptions used in the transport analysis.
- 31(41.8%)

Traffic impacts

- the proposed development would result in increased traffic to and from the town centre which may increase the safety risks of accident for users of the school.
 - therefore, the nearby intersection at Terry Road should be signalised.
- 26 (35.13%)

Built form and urban design

- the design of the school does not allow for sufficient outdoor play areas, limits natural light and may impact on student mental health.
 - the layout of the buildings would overshadow open play spaces within the site.
 - the proposed vertical school is out-of-character with the area, is unnecessary for a semi-rural area and would not provide an appropriate learning environment.
- 23 (31%)

- no provision has been made for a chapel in the design of the proposal.
- the proposed floor space ratio is excessive for the site.
- scale and siting of built form would dominate the streetscape, lacks articulation and variation in height.
- the proposal contradicts NSW Government's position on vertical schools.

Drop-off / pick-up infrastructure

- insufficient drop-off / pick-up infrastructure has been proposed. 21 (27%)

Consultation

- insufficient community consultation (parents or local church) has been undertaken. 6 (8.1%)
- the community consultation feedback form as exhibited was not the same as that used to consult with the community.

Public interest

- the proposal is not in the public interest as it would pressurise the future town centre, built environment and housing in the locality. 5 (6.7%)
- the proposal relies on adjoining public open space for student development.
- the school may be controlled by developers in the future for their benefit.

Noise impacts

- the noise impacts from the school's use, especially with the number of students in the limited space, would impact on surrounding / residential amenity. 5 (6.7%)
- the impact of the construction noise from the future town centre would impact on the operation of the school.
- staggered outdoor play time would create noise impacts on existing classes.

Amenity

- the use of the site as a school would disrupt the amenity of the future town centre residents and reduce the originally designed facilities and spaces. 2 (2.7%)
- the design of future residential flat buildings adjacent should be repositioned or not have windows facing directly onto the school.

Statutory Planning

- the development does not comply with design principles outline in Schedule 4 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) or the Part D Section 17 – Box Hill North Precinct within The Hills Development Control Plan 2012 (DCP) car parking requirements. 1 (1.3%)

5.3 Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions. The Department also identified the following additional issues in relation to the proposal:

- reasons for inconsistency between the proposal and the approved planning proposal, having regard to the total play space commitments on the site and the GFA.
- additional justification to support the proposed height and FSR non-compliances.
- provision of drop-off / pick-up zones on the surrounding roads.
- impacts of the development on the amenity of the future residential flat buildings on adjoining sites.
- revised noise assessment for the development.

On 20 September 2019, the Applicant provided a RtS (**Appendix A**) addressing the issues raised in the submissions to the EIS. The RtS proposed the following design amendments:

- revised landscape design scheme for the proposal in response to an internal design competition, incorporating a revised landscape program and play space design across all levels.
- creation of an additional 20-space drop-off / pick-up zone along the future Fontana Drive, south of the intersection with Red Gables Road, adjacent to the hockey fields, to meet projected 2023 demands.

The RtS also included minor design refinements, including:

- extension of Level 4 running track and fitness centre roof to allow for wet weather protection.
- existing Level 1 decks to allow for greater weather protection.
- inclusion of small voids on Level 1 to add architectural design and light transfer.
- provision of additional amenities facilities on Level 1 in the form of a new toilet pavilion, with associated integrated waste storage facilities – relocated from outside CELC.
- redesign of one of the staircases to a conventional design in response to pedestrian modelling.
- relocation of lifts to central location with an additional lift for more efficient vertical circulation.
- amendments to the ramp grades accessing the rooftop basketball court and coordination of acoustic treatment with acoustic engineer that has allowed for a reduction in slab heights.
- reduction in the number of 'tilt' doors opening onto the northern end of the plaza and replacement with glazing to allow light penetration and ensure an improved connection with the community.
- provision of PV cells on the fitness centre roof and Building South roof.

The following additional information was also provided by the Applicant in its RtS:

- an addendum to the Traffic and Accessibility Impact Assessment report.
- updated drawings to reflect the proposed design amendments.
- updated shadow diagrams and daylight study.
- an open space calculation analysis.
- further justification of THLEP 2012 building height and FSR non-compliances.
- a revised Noise and Vibration Impact Assessment report.

- an infrastructure management schedule for the site.

5.4 RtS Submissions

The RtS was made publicly available on the Department's website and referred to the relevant public authorities. In response, the Department received one additional submission from TNSW. In its submission, TfNSW did not raise any concerns and recommended conditions in relation to the development.

5.5 Supplementary Response to Submissions

The Department reviewed the RtS and requested the Applicant provide a further response to matters regarding: open space provisions; site's suitability for the development; compliance with the relevant childcare guidelines; parking and drop-off / pick-up facilities, and; any agreement with Council / other public authorities regarding potential use of public open space on adjoining sites.

In response, the Applicant submitted a supplementary RtS (SRtS) on 18 December 2019, including the following information:

- suitability of the site for the proposal.
- cumulative impacts of the traffic movements within the drop-off / pick-up zones.
- events and community use parking impacts.
- anticipated community uses.
- the adequacy of the proposal in the context of the potential future residential flat building site to the south of the subject site.

On 17 February 2020, the Applicant provided further SRtS including amended plans with minor amendments to the internal floor layouts for the school.

On 24 February 2020, the Applicant provided a further SRtS in response to additional information requested by the Department. The SRtS included an amended 'Clause 4.6 variation request', clarification regarding the building height and floor space ratio, a copy of the deed for long term car parking licence and operational details of the OOSH.

On 27 February and 3 March 2020, the Applicant provided further SRtS including the timing of operation of the OOSH and justification regarding the adequacy of the open space within the site.



6. *Assessment*

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

- site suitability.
- traffic and transport.
- built form and urban design.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed in **Section 6.4**.

6.1 **Site Suitability**

As discussed in **Sections 1** and **2**, the site is located within an approved town centre and would be surrounded by a mix of commercial and high-density residential developments, when complete. The EIS indicates that a key factor contributing to the proposed location of the school was the projected growth of the locality and need to deliver additional education infrastructure for Box Hill North.

The EIS states that it proposes to deliver a school that offers a unique learning environment for the occupants, while maintaining the values of the school. The proposal is based on contemporary learning and design principles to ensure the school provides an integrated learning, play and study environment for the future students.

Approximately 78% of public submissions to the EIS, objected to the proposal on the grounds that the proposed site within the Box Hill North Town Centre is not suitable for a school. The submissions indicated that a more suitable and larger site has been previously identified at an alternate location at Terry Road (north-south running road within Box Hill, connecting Old Pitt Town Road and Windsor Road, located south of the site). The proposed location would not allow for sufficient open play areas for students, may impact on the learning environment and would not offer expansion opportunities. The submitters also emphasised the impacts of the school operations on the amenity (solar access / privacy) of the future residential flat buildings, the student safety issues due to the proximity of the school to a shopping centre and the lack of space for future expansion.

The Department notes that no properties immediately surrounding the site are currently occupied by residents and / or other users. The community submissions objecting to this development have been lodged by submitters that are located at considerable distances from the site (the nearest submitter being 3km south of the site and majority located in other localities of The Hills LGA).

Council and other public authorities have raised no concerns regarding the suitability of the site for the development. The State Design Review Panel (SDRP) and Government Architect NSW (GANSW)

reviewed the proposal prior to the lodgement of the EIS and supported the location of the school in relation to its proximity to the future playing fields and a future primary school. The GANSW advised that this would ensure that the playing fields would be well utilised by both schools and also accessible to the community. The GANSW specifically noted and supported the seamless connection between the school site and the town centre.

In response to these concerns, the Applicant's RtS indicated that the school site would incorporate sufficient access control measures to be distinguished from the town centre developments. The proposed location of the school would provide enhanced connection with future walking routes and public transport nodes in the locality. The RtS acknowledged that due to the size of the site and the proposed design, there would be limited expansion opportunities. However, the school has been designed to cater for 1920 students (including CELC). A condition of consent capping the student numbers would ensure that unreasonable expansion of the school, impacting on adjoining developments, does not occur.

The RtS reiterated that population projections of the Box Hill North locality identify a large concentration of population in the short timeframe, with the majority of school enrolments coming from families within 'The Gables' precinct. The design of the school ensures satisfactory and well-designed open space provisions for the future occupants.

The Applicant's RtS recognised that the alternate site at 40 – 46 Terry Road, Box Hill was originally purchased by the Applicant for the purpose of a school. However, the zoning of the site does not permit its use as 'educational establishment' and does not have the necessary infrastructure or servicing in place to support a new school. Noting the population projections and the constraints of the Terry Road site, the Applicant considered that the proposed site is more suitable for the development of a school, which is needed for the locality within a short timeframe.

The Department recognises the community concerns regarding the suitability of the site and the location of the school on an alternate site. However, the Department notes that the Applicant seeks consent in this application for a school in a site that has been identified specifically for this purpose in the planning proposal (discussed in **Section 2.7**). The amendments were proposed under the planning proposal were gazetted under THLEP 2019.

The Department is satisfied that the proposal appropriately responds to the Strategic context of NSW (discussed in **Section 3.2**) and is located on a site where 'educational establishment' is a permissible use. The Department agrees with the Applicant in that the site would be located centrally within the future precinct town centre offering high level of connectivity with the surrounding residential area as well as the public open spaces.

The Department considers that the development of the site for the purpose of a school does not preclude an applicant independently pursuing the development of the Terry Road site in the future (subject to rezoning, other strategic planning processes and separate SSD applications) for the purposes of Catholic or any other schools. Although the Department notes that the Terry Road site was not identified as a school by Council in any strategic documents.

The Applicant provided a detailed analysis of the design options, with a focus on contemporary learning environment and connection with open spaces. The Department has considered the suitability of the scale and design of the school / open spaces as well as impacts of the school on the amenity of the adjoining sites, later in this report. As a result of the assessment, the Department is satisfied that a suitably designed school can be established on the site, subject to recommended conditions. The appropriateness of the open space provisions, student safety and community use of school facilities are discussed below.

6.1.1 Open space provisions

During the EIS exhibition, Council and the community raised concerns regarding the lack of open space within the site. Council requested information on the background based on which the design parameters for the open space were determined for the school site and did not support the use of Council's play fields for school recreational purpose. The SDRP also requested clarification regarding the design and function of each of the open spaces and a programme of school population movement through the spaces.

Public submissions objected to the development on similar grounds and indicated that the lack of proposed open spaces are not conducive to the learning environment of a school.

In response to the submissions, the Applicant's RtS included the following:

- the school proposes a ratio of 7.1m² of play space per student when operated in a traditional mode (and excluding multipurpose hall). The targeted area for play space per student is considered to provide an optimal learning environment, based on extensive reviews of similar schools conducted by the Applicant.
- the optimal area has benchmarked against the play space per student provisions at other Catholic primary and secondary schools, ranging from 4.2m² per student at St Patrick's Parramatta North up to 10.4m² per student at St. Monica's Parramatta North.
- a detailed programme of the movement of the school population (in terms of classes and activities) through the various levels of open space and at various times of the day have been provided. The implementation of the programme, addition of passive play areas and other management measures would ensure:
 - 8.1m² per student by adding the multipurpose hall and Knowledge Centre (passive activity).
 - 9.2m² per student by introducing staggered breaks.
 - 10.1m² per student by introducing passive play space additional areas and staggered break.
- provision of staggered breaks is consistent with St Patrick's Parramatta North and its implementation has increased play space provisions from 4.2m² to 8.4m² per student.
- further consultation was undertaken with Council for shared use of the nearby playing fields.

The Applicant subsequently provided details of an in-principle agreement with Council to allow for the shared use of Council owned future playing fields on the opposite side of Red Gables Road.

The outdoor space distribution on various levels of the vertical school is provided in **Table 9**.

Table 9 | Open space distribution on various levels (Source: Applicant's SRTS)

AGE CLUSTER	LEVEL 0 AREA	LEVEL 1 AREA	LEVEL 02 AREA	LEVEL 03 AREA	LEVEL 4 AREA	LEVEL 5 AREA	TOTAL
CELC 60 STUDENTS		420 SQM					420 SQM
K-4 600 STUDENTS		2765 SQM	2087 SQM				4852 SQM
YR 5-8 600 STUDENTS	1936 SQM			1970 SQM			3906 SQM
YR 9-12 360 STUDENTS					3129 SQM	1134 SQM	4263 SQM

The GANSW reviewed the open space provisions for the site and raised concerns regarding the useability and design of the covered play areas, especially on the upper level walkway decks. GANSW noted that despite the numerical compliance with the open space within the site, the lack of useable spaces and the need for artificial lighting on the walkways may impact on the outdoor learning environment for the students. This in turn would reduce the overall play space area on the site.

The Department has carefully considered the GANSW comments and the Applicant's justification to the quantity of open space on the site, noting that there are no numeric requirements for the quantity of open space within the Education SEPP, in the context of a school. The Educational Facilities Standards and Guidelines (EFSG) for Department of Education indicates that a minimum play space of 10m² per student be provided in the new Government school on a greenfield site. The EFSG further states that the open space can be provided in the form of paved or grassed areas / rooftop terraces / COLAs. When located off-site, a playing facility should be close to the school, easily accessible, safe and secure.

Utilising this as a guide and considering the Applicant's justification, the Department concludes that the proposal can comply with the EFSG through: the ground / level 1 open spaces; rooftop open spaces; walkway decks with covered outdoor play areas; the multipurpose hall; use of staggered breaks; and implementing a programme for use of the open spaces by different year groups.

The Department has conducted a detailed assessment of the design of the open space, with specific focus on the walkway decks and the vertical open spaces (see **Section 6.3.3**). In its assessment the Department notes that while the upper level walkway decks would act as useable break out spaces for classrooms and group activities, some of the play areas on the upper levels would not receive appropriate solar access throughout the year and would be used for circulation. Consequently, the Department has recommended conditions requiring the Applicant to increase the rooftop open play space for Building Central by removing the roof cover on Level 5.

The Department supports the school's use of the Council owned playing fields close to the site. These playing fields would be used by the school students during weekdays, whereas the community would use the fields either on the weekends, or weeknights. Consequently, the Department does not consider that the proposed sharing of the facilities would result in conflict with other uses and acknowledges that this is ultimately a matter for Council to consider and grant consent to. Appropriate management plans regarding the shared use of these facilities would likely be in place in the future to

ensure that sufficient play space is available for the students and the community.

On balance, the Department concludes that through the design, additional provisions (recommended by conditions of consent) and management measures, the site can provide for a reasonable level of open space for the students in a future high-density environment. The residual requirements for open space can be compensated through the use of Council's playing fields.

6.1.2 Student Safety

The school is proposed to be located in close proximity to the town centre. To maintain seamless connection with the town centre and the surrounding roads, a combination of 1.8m high palisade fencing with formalised entry points and screen planting is proposed, as access control measures for the site. The building, being a vertical school includes open spaces at various levels including the roof top. A double storey wire mesh screen is proposed to ensure safety of the users of the rooftop multipurpose court.

The CELC is proposed to be separated from the school via an internal fence while visually integrating the outdoor play area with parts of the Level 1 open space. The CELC would have separate at-grade access from the proposed internal drop-off / pick-up area to separate this use from the school itself.

The EIS is supported by an Access Report and Building Code of Australia (BCA) Assessment Report, both of which provide detailed recommendations regarding accessibility between levels and to all parts of the buildings, location of fire exits /evacuation path and the corresponding compliance with the BCA requirements. Circulation between levels for Buildings North, South and Central are provided via external staircases (equally distributed within the site). The Knowledge Centre includes internal fire stairs in addition to the lift core, for accessible vertical connection between buildings. **Figure 19** identified the student circulation paths within the site and separation with the public movements.

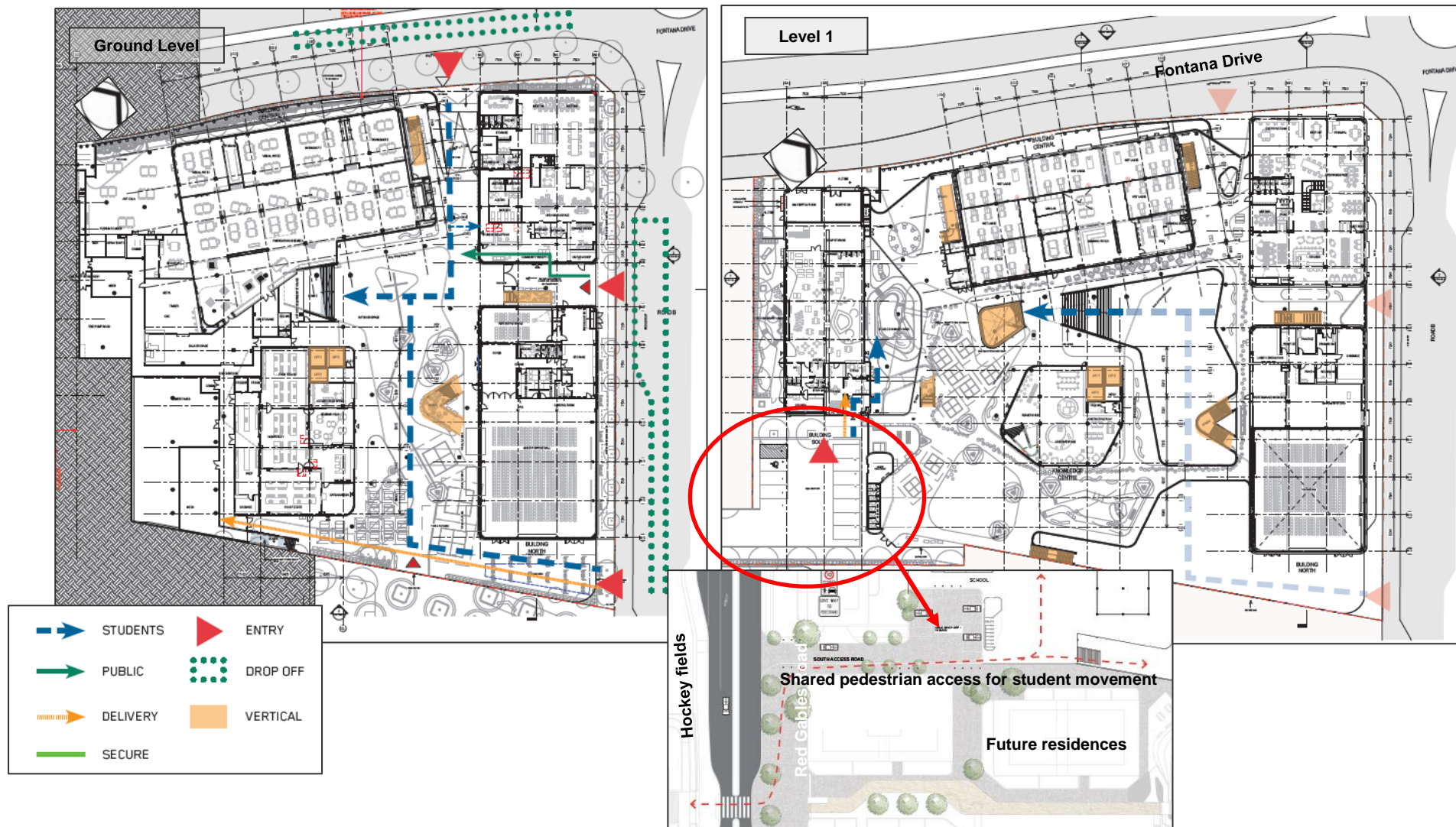


Figure 19 | Proposed circulation, safety and access control measures (Source: Applicant's SRTs)

The EIS is supported by a Crime Prevention through Environmental Design (CPTED) report that assessed the proposal against the four, safer by design principles (surveillance, access control, territorial reinforcement and site and activity management) and recommended the following:

- entry and exit points be clearly identifiable and inviting with appropriate signage proposed.
- access control measures be implemented without restricting evacuation requirements.
- the pedestrian thoroughfare and the future town centre plaza be activated in the future.
- landscape design to encourage visibility and surveillance.
- transparent materials be provided for doors and stairwells to maximise visibility.
- an Operational Plan of Management (OMP) be implemented for the site to maintain security.

A number of public submissions to the EIS objected to the proposal on the grounds of student safety. Primary concerns related to the lack of safe evacuation for all school occupants, the proximity of the site to the future town centre and any associated interaction between the general public / students. The submissions also raised concerns regarding the safety of the students when traversing between the school and public open space areas. During the review of the proposed the SDRP also requested further information regarding the connection between the school and the nearby playing fields.

In response, the Applicant's RtS provided the following:

- a final OMP would be prepared for the school, to incorporate the relevant security measures.
- the OMP would incorporate a final Emergency Management Plan (EMP) that would consider the building evacuation for all students.
- sufficient areas of open space surround the school that are accessible via paths to allow for safe emergency evacuations.
- the design of the development includes safe paths of travel along walking paths and pedestrian crossings and clear movement networks that provide accessibility to all occupants.
- the multi-storey nature of the school design does not have safety or security implications. The school site would be secured during school hours and students would not be able to enter or exit in an uncontrolled manner.

The Department has assessed the CPTED report, the Access Report and the BCA report. The Department considers that the territorial reinforcement and access control principles of CPTED have been incorporated into the design of the school through the arrangement of built form adjacent to the public domain and proposing designated entry / exit points. Further, clear sightlines are provided at proposed entry / exit points to ensure that surveillance is heightened at these locations. The Department also considers that the separation of the CELC from the school is appropriate, having regard to student safety.

The Department notes that the CPTED report's recommendation for the activation of the future town centre plaza is outside the scope of this SSD application. Notwithstanding, the location of a main school entry / exit point immediately adjacent to the plaza would naturally activate this space before and after school, ensuring opportunities for passive surveillance of this space is high.

The Department supports the Applicant's commitment to prepare an OMP for the site including the EMP as it would address matters concerning maintenance / access control measures to ensure a sense of ownership for the school, separation from the immediate surrounds and deter antisocial behaviour while being visually integrated with the town centre. A condition of consent recommends that the OMP be prepared prior to the commencement of operations and be updated at regular intervals to ensure appropriate management of the site. As identified in **Figure 10** and **11**, the site would be safely connected to the play fields via a pedestrian crossing and the pedestrian thoroughfare along the eastern boundary.

Given the above, the Department is satisfied that the Applicant's RtS response has sufficiently addressed the safety concerns raised in public submissions. The proposed location of the school within the Box Hill North Town Centre is not considered to be detrimental to the safety of students. The Applicant's proposed access and control measures would manage student and staff entry / exit appropriately and ensure appropriate security management for the site.

6.1.3 Community use of school facilities

The Applicant proposes sharing of the school facilities with the community on the weekday evenings and weekends.

During the EIS exhibition, public submissions raised concerns regarding the proposed sharing of the school facilities with the community and the adverse impacts on the student safety and the security of the school due to such use.

The details of the community use and the events within the school with external attendees have been discussed in **Section 6.2.4**. The Applicant has provided details of the community use of the facilities within the site, which would mainly be restricted to the multipurpose hall on the weeknights and weekends. The proposal includes a café / canteen within Building South. The Applicant proposes managed use of this facility outside of school hours.

The Department considers that the proposed sharing of school facilities with the community is consistent with the design guidelines and clause 35(6)(b) of the Education SEPP. The location of the school, in close proximity to public transport and the town centre / high density residential developments, would encourage the community to use the school facilities for active / passive recreational purposes. The community uses would be outside the school hours and therefore have very limited impact on the safety of the students or CELC children. However, it would ensure passive surveillance of the school outside of the school hours and activation of the pedestrian thoroughfare due to increased movements. The Department also considers that the use of the café would be in association with the use of the multipurpose hall or community uses. Due to the proposed access control measures within the site, it would be unlikely that the café can operate independently.

The Department has recommended a condition requiring management measures in relation to the events including restricting the hours and the frequency of such events, to minimise any impacts on the safety of the school students or the community (see **Section 6.2.4**).

A condition of consent also requires that a detailed plan of operation of the café be provided prior to the commencement of its operations and that it be used in conjunction with ancillary activities within the site at all times to avoid adverse impacts on the security of the school.

6.2 Traffic and Transport

The EIS was supported by a Traffic and Accessibility Impact Assessment (TAIA), which provides an assessment of the proposal's potential traffic and parking impacts on the immediate locality. The TAIA states that at full capacity, by the year 2030, the school is projected to accommodate approximately 840 primary school students, 1020 secondary school students, 60 CELC children and 113 FTE staff (although approval is sought for 130 FTE staff).

During the EIS exhibition, Council raised no concerns on traffic or parking grounds. However, public submissions to the EIS raised objections to the development on traffic grounds. TfNSW requested additional traffic impact analysis. The Applicant's proposal, RtS / SRtS and the Department's assessment of the traffic and transport impacts are discussed in the following sections.

6.2.1 Traffic impacts on surrounding road network

As noted in **Section 1**, the site has existing frontage to Red Gables Road. A number of development applications have been approved to facilitate the construction of future Fontana Drive on the western boundary and future Road B on the northern boundary of the site.

Traffic analysis for the school

The TAIA includes travel modal surveys of St Mark's Catholic Secondary School at Stanhope Gardens to estimate the modal split and trips likely for the school students and staff. Based on the modal surveys, **Table 10** outlines the modal splits for the school and the CELC assumed by the TAIA.

Table 10 | Estimated student and staff modal split (Source: Applicant's EIS)

Travel Mode	Students		Staff	
	Modal Split	Number	Modal Split	Number
Vehicle Driver	N/A	N/A	75%	97
Car Passenger	50%	930	10%	13
Bus	25%	465	0%	0
Walking	15%	279	5%	7
Bicycle	8%	149	5%	7
Other (multi-modal trips /dropped off elsewhere then walk, etc)	2%	37	5%	6

The TAIA indicates that the likely peak traffic generation due to the school would be between 7:30am – 8:30am (AM peak) and then between 2:30pm – 3:30pm (School PM peak). It also notes that the road network PM peak time would be outside the school hours, being 4pm – 5pm. Based on the travel surveys of other similar schools, the TAIA adopted the trip generations rates presented in **Table 11** based on a student occupancy rate of 1.3 per vehicle trip.

Table 11 | Estimated students, staff and CELC trip rates per student for the school (Source: Applicant's EIS)

Person type	AM peak (trips / per student)	School PM peak (trips / per student)	Network PM peak (trips / per student)
Primary School (840 students)	0.46	0.48	0.048
Secondary School (1020 students)	0.35	0.35	0.035
Staff	0.79	0.26	0.34
CELC	0.8	0.3	0.7
Total trips	894	812	162

Traffic generation and intersection operations

The TAIA includes a comparison of the traffic analysis of the planning proposal and the proposed school and concludes that, at full capacity, the proposal would generate:

- up to 286 fewer trips during the AM peak than the planning proposal estimate.
- up to 2 additional trips for the School PM peak than the planning proposal estimate.
- up to 81 additional trips during the Network PM peak than the planning proposal estimate.

Based on these results and additional SIDRA analysis, the TAIA concluded that the local road network surrounding the school would continue to operate at a LoS C or better during both the AM and PM peak periods. There would be no material impact on the future local road network due to the school.

Further, the TAIA considered a specific scenario for the opening year of the school, noting that future Road A and sections of Fontana Drive would not be constructed at this time. The TAIA presented an alternate trip distribution in this scenario and assessment of traffic impacts associated with a reduced student / staff population for the school and the CELC. In its assessment, the TAIA noted that in the year of opening of the school, the Red Gables Road / Fontana Drive intersection would operate as a priority control (stop-sign with appropriate line-marking) intersection as TfNSW (RMS) have not agreed to the signalisation of this intersection at this time.

Based on the above assumptions, the SIDRA analysis results for year of opening indicated that the external and internal intersections near or within the town centre surrounding the school (as identified in **Figure 20**) would operate at a LoS A.

Traffic analysis of the Masterplan and planning proposal

The TAIA assessed the traffic impacts of the proposal on the surrounding road network, in the context of the projected traffic impacts considered in the Masterplan and the planning proposal. The Masterplan proposal included a traffic assessment report identifying the maximum trip generation within the precinct. The report included the SIDRA analysis of a number of nearby intersections and identified the need for several intersection improvements to facilitate the Masterplan. The report concluded that, subject to the implementation of the intersection upgrades in the locality, the additional traffic generated due to the Masterplan, would not impact on Windsor Road.

A further traffic assessment was undertaken by Ason Group, for the planning proposal. Ason's assessment accounted for up to an additional 20,000m² of GFA within the town centre for the purpose

of an educational establishment. Ason's report included SIDRA analysis of all external and internal intersections surrounding the town centre, considering the full traffic volumes in 2026 (post development of Box Hill North and Box Hill industrial precincts) (**Figure 20**).

Based on the assessment, Ason concluded that the external signals would operate at a LoS of C and above, following redevelopment of the town centre with a future school and the additional GFA. Similar analysis was undertaken for the internal intersections within the town centre which concluded that these intersections would also operate at LoS A – C, post redevelopment of the town centre.

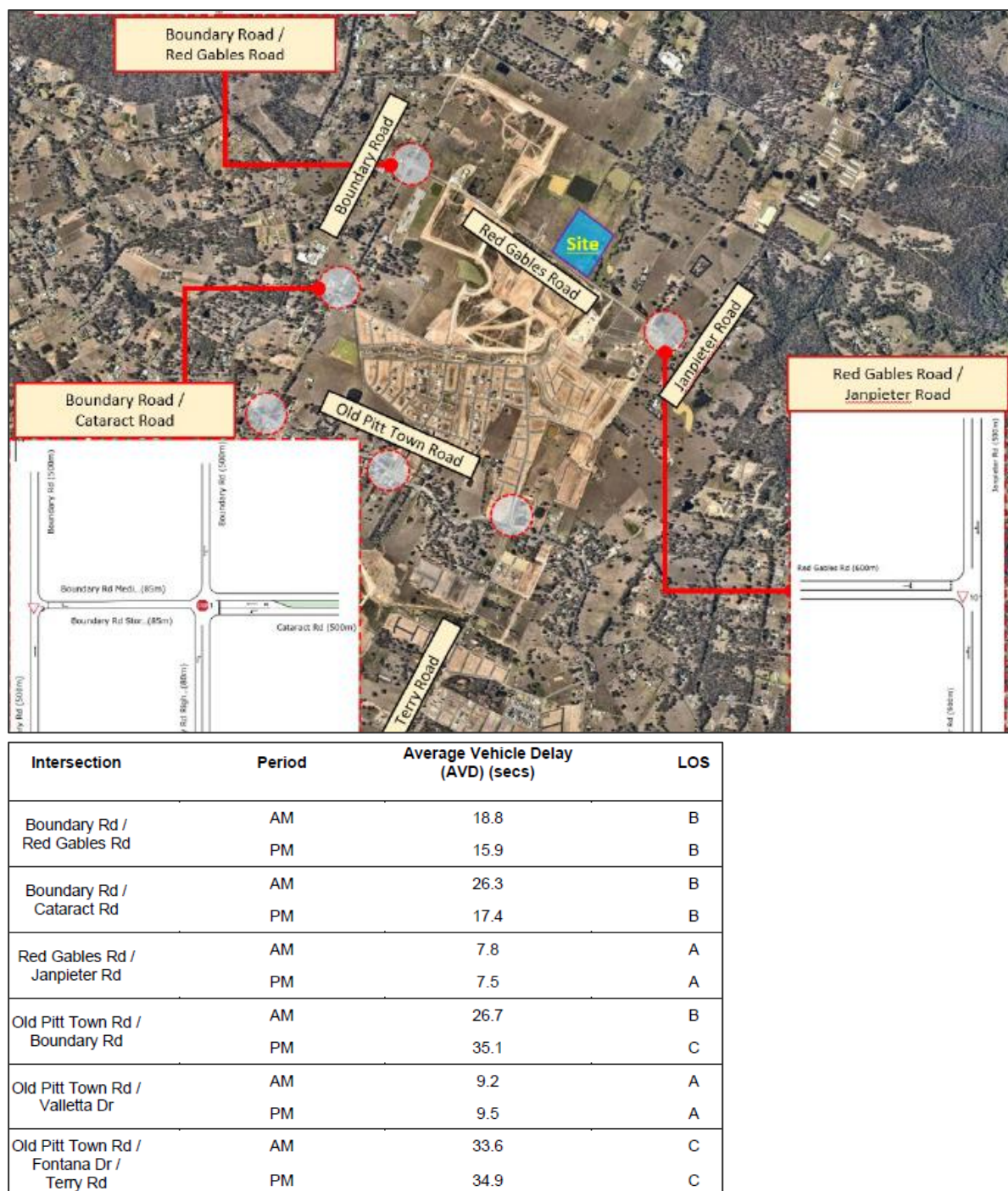


Figure 20 | The planning proposal SIDRA analysis results at identified intersections (Source: Applicant's EIS)

Submissions and Applicant's response

During the EIS exhibition, TfNSW requested the Applicant to undertake a sensitivity analysis that considers a higher car passenger modal share and reduce walking modal share in the first two years. TfNSW (RMS) advised that consent would need to be obtained prior to the signalisation of Red Gables Road / Fontana Drive and appropriate justification regarding the need for traffic signals would have to be provided.

Public submissions to the EIS raised concerns that the development would increase traffic in the vicinity of the town centre and risk the safety of the students. Submissions also requested that the Terry Road and Old Pitt Town Road intersection be signalised.

The Applicant's RtS noted that the TAIA has already considered the scenario for the year of school opening (likely 2021). The RtS reiterated the conclusions of the TAIA having regard to traffic impacts.

Department's Assessment

The Department has considered the TAIA, the issues raised in the submissions and the Applicant's responses. The Department concludes that the location of the school was already considered within the Masterplan and the Box Hill North Town Centre Masterplan. The Applicant has submitted a detailed comparison and established that the estimated traffic generated by the school operations can be satisfactorily accommodated within the local road network planned for the Box Hill North precinct.

The Department notes that DA-2051/2018/ZB, for the upgrade of Red Gables Road and construction of Fontana Drive, to its north and south, has been approved by Council. The consent does not approve the signalisation of the Red Gables Road / Fontana Drive intersection as originally proposed. However, conditions of consent of this development application allows the intersection to operate under priority control / stop-sign temporarily. In the future, this intersection would likely operate as a roundabout intersection in accordance with the Masterplan. The Applicant has appropriately considered this scenario and demonstrated that the initial operations in the first few years, with a higher rate of car passengers, would not detrimentally impact on the local road network or the intersection operations. This would be due to the low student and staffing rates at the time of opening.

The Department also considers that the school development in itself would not impact on the intersection of Terry Road / Old Pitt Town Road, located at a considerable distance to the south. Consequently, the signalisation of this intersection has not been considered in this SSD application.

Given the above, the Department is satisfied that the impacts of the proposed development on the surrounding road network are acceptable.

6.2.2 Car parking and access

Car parking

In accordance with the DCP, the development would require 227 car parking spaces comprising 16 CELC spaces and 211 school spaces (130 spaces for staff, 18 spaces for Year 12 and 62 visitor / parent spaces).

The TAIA assumes that approximately 80% of all staff (school and CELC), would utilise private vehicles, thus generating a requirement for 110 spaces. The remaining staff are expected to use public or active transport modes (cycling, walking, bus). In accordance with the school's policy, Year 12 students would not be allowed to park on the site, therefore no parking supply would be provided to the students. The school site would include 252 bicycle parking spaces at various locations for students and staff to encourage active transport.

No car parking is proposed on the site. The EIS indicated the Applicant's intent to enter into an agreement with the landowner of the town centre for the provision of 110 car parking spaces within their site for exclusive use by the school. In the interim, the Applicant has made provisions for a temporary car park adjoining the site to accommodate the 110 car spaces (**Figures 11 and 20**). At the time of EIS exhibition, the development application for the temporary car park was being considered by Council.

Based on visitor parking demand surveys for educational establishments, the TAIA observed a visitor parking demand of 1 car space per 60 - 96 students. Accordingly, the TAIA estimated that the school would need a maximum of 26 visitor parking spaces and concluded that this demand can be accommodated within the surrounding road network. The total visitor parking demand would constitute 4% of the estimated 625 on-street car parking spaces that would be available within a 400m radius of the site.

During the EIS exhibition several public submissions objected to the proposal on the basis that it does not provide sufficient on-site parking infrastructure and that no evidence of an agreement between the Applicant and landowner of the future town centre had been provided. While the public authorities and Council raised no concerns regarding the parking provisions, Council requested that the application not be determined prior to the determination of the temporary car park DA. In its review the SDRP supported the exclusion of car parking from the site and the proposed shared use of car parking within the town centre.

In response to the submissions and concerns raised by the Department with regard to future car parking provisions, the Applicant's SRtS included a copy of the signed contract for sale which includes a deed of agreement for long term car parking licence between the Applicant and the adjoining landowner. The deed permits the use of the 110 car parking spaces within the future town centre lot (Lot 2 1237552) by the school staff between 5.30am-6.30pm, Monday to Friday during school terms. It also indicates that this requirement would be transferred to all future owners of Lot 2 or any subsequent lot created as result of its subdivision. The deed includes a broad location of the car parking premises.

As noted in **Section 2.6**, Council has recently approved a temporary car park adjacent to the site. Additionally, the Applicant has provided a copy of a deed of temporary car parking licence allowing the Applicant to use the temporary car park between 5:30am and 6:30pm, on school days, until the long-term car park is constructed.

The Department has considered the Applicant's TAIA, the RtS and SRtS and is satisfied that the concerns raised regarding the proposed car parking spaces and future off-site parking arrangements have been adequately addressed. The Department supports the proposed adoption of an 80% private

vehicle trip rate for staff travel as it would have a positive impact on a shift towards more sustainable travel modes (such as public bus / walking), supported by the provision of bicycle spaces and staff end-of-trip facilities. The Department is therefore satisfied that the provision of 110 car parking spaces would satisfactorily meet the demand generated by the development.

The submission of an agreement regarding the delivery of car parking spaces within the town centre and the approved interim arrangements for a temporary car park demonstrates that car parking infrastructure would be available for the school to support its ongoing operations. However, to ensure the car parking infrastructure remains available for school use in the future, the Department has recommended conditions of consent requiring:

- a restriction to be created on the title of the allotment accommodating the temporary car park, specifying that a total of 110 car spaces would be provided within that allotment, for exclusive use by the school and the CELC, on school days (between 6am and 6:30pm), until access to a permanent car parking infrastructure is delivered within the future Box Hill North Town Centre.
- the restriction to be created prior to the commencement of operation of the school.
- prior to the commencement of operation of the permanent car parking infrastructure within the Box Hill North Town Centre, for the school and CELC, a restriction to be placed on the title of that allotment. The restriction should specify that a total of 110 car spaces would be provided within that allotment on school days (between 6am and 6:30pm), and in perpetuity, for exclusive use by the school and CELC.
- following the creation of the restriction on the permanent car parking infrastructure, the restriction on the temporary car park may be extinguished.

The Department has also recommended a condition of consent capping the total number of students and staff at the school and CELC as proposed in the EIS, which formed the basis of the parking demand assessment. Any future proposed increase in capacity would need to be satisfactorily justified with either the provision of additional car parking infrastructure or by demonstrating sustainable transport alternatives reducing the private vehicle trips by staff.

The Department is satisfied that the short-term visitors' parking (occasional) can be accommodated within the surrounding streets or the future town centre. Further consideration of sustainable transport measures is provided in **Section 6.2.5**.

Vehicular / pedestrian access

Vehicular access to the site is only proposed from Red Gables Road via the access handle including the school / childcare's waste services vehicles. The EIS included a swept path analysis to demonstrate that a 12.5m long heavy rigid vehicle (HRV) and a 11m waste collection vehicle can manoeuvre on-site to facilitate forward ingress and egress from the site. A further 10 drop-off / pick-up spaces for the CELC would also be accessed via this access handle and located within the waste services vehicle turning area (**Figure 11**).

The frontages of the site to Fontana Drive, future Road B would be utilised for pedestrian access only. The school would be connected to the future two centre plaza via the eastern boundary, with access control

measures in place. Easements created along the eastern boundary of the site, via separate DAs, would allow a pedestrian thoroughfare to be created along this boundary of the school.

Figure 21 provides the details of vehicular and pedestrian circulation within the site.

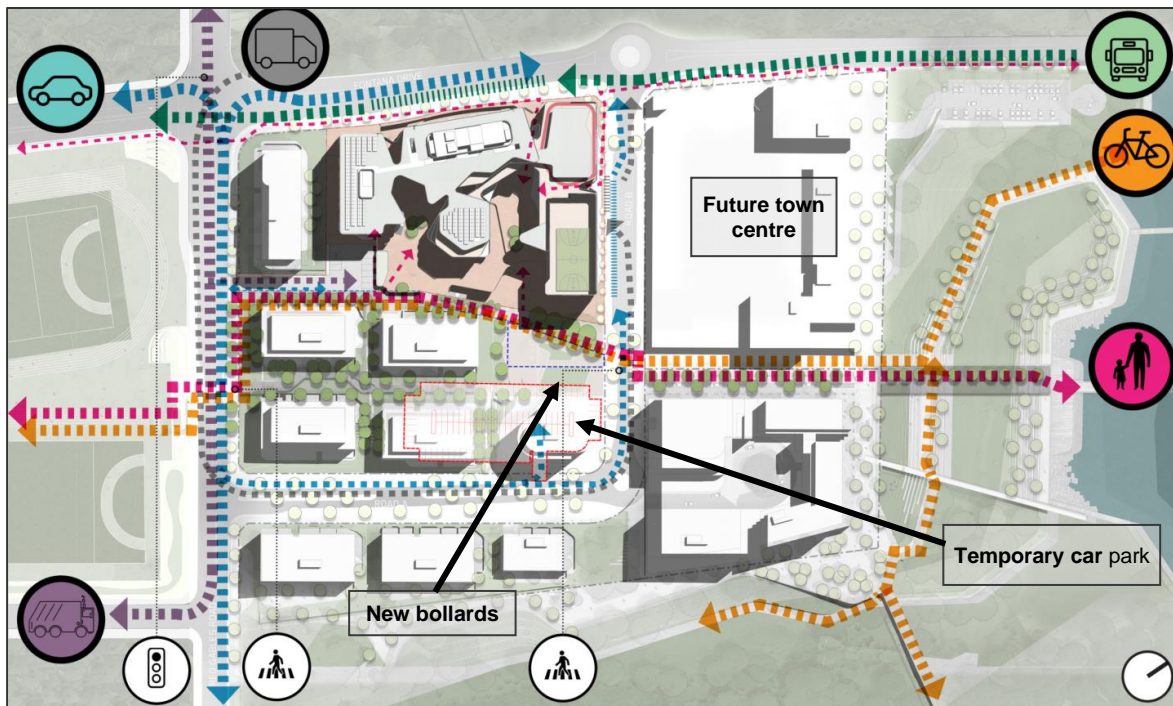


Figure 21 | Pedestrian and vehicular circulation routes (Source: Applicant's SRtS)

The Department's assessment notes that the site plan allows for appropriate vehicular and pedestrian access reducing conflicts between the two movements, where possible. However, it is noted that the waste collection vehicles would require the entire car park (including the CELC spaces) to turn around within the site. In order to avoid conflicts between the two uses, management measures would be required restricting the timing for waste collection vehicle access to outside CELC hours. Subject to the implementation of a condition regarding the operational management of the service vehicles, the proposal is assessed as satisfactory with regard to vehicular and pedestrian access.

6.2.3 School drop-off / pick-up facilities

The proposal includes an on-site drop-off / pick-up for 10 CELC cars, with access proposed from Red Gables Road. Initially the EIS proposed a 12-space drop-off / pick-up zone on future Road B to service the school. However, the TAIA detailed that after two to three years of operation, the proposed 12-space facility on the future Road B would reach its capacity.

During the EIS exhibition, TfNSW, Council and the Department raised concerns that the proposed drop-off / pick-up zones would not be sufficient once the school reaches capacity and that future measures need to be identified and activated as demand increases. Public submissions objected to the proposal on the basis that sufficient drop-off / pick-up facilities had not been proposed.

In response to the submissions, and in consultation with Council, The Applicant's RtS included an additional 20-space facility located on the future Fontana Drive, south of the Red Gables Road

(Figure 22). The 20-space Fontana Drive facility is not proposed to be established until student population growth warrants it.

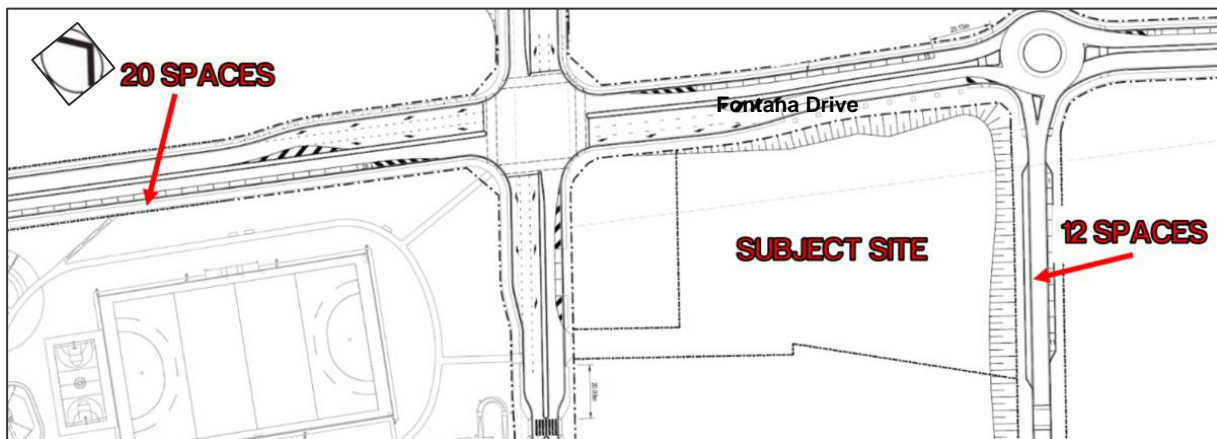


Figure 22 | School drop-off / pick-up zone (Source: Applicant's RtS)

The TAIA, as refined by the RtS and SRtS, stated that the drop-off / pick-up movements are expected to be spread across a three-hour period in the morning (6am – 9am) and a six-hour period in the afternoon / evening (4pm – 10pm). A peak 10-minute period is expected prior to the commencement of school and immediately after the school bell in the afternoon.

The TAIA calculated the demand for the drop-off / pick-up facilities based on travel demand surveys for other schools and accounting for a higher car passenger trip rate for the first two years of operation.

The TAIA considers that through the implementation of a traffic management plan for the site, vehicle movements within the proposed drop-off / pick-up zones would be at the rate of 1 vehicle per minute. This would equate to an interim capacity of 120 vehicles during the 10-minute peak period on future Road B and an ultimate capacity of 320 vehicles (120 vehicles on future Road B and 200 vehicles on Fontana Drive) during the peak 10-minute period. The TAIA also found that:

- based on higher car passenger trip rates in the year of opening, a maximum demand of 97 and 92 vehicles are predicted during the AM and school PM peak periods, respectively. This could be accommodated in the future Road B facility.
- a significant number of on-street car parking spaces are expected to be available during early operations in addition to the drop-off / pick-up zone on future Road B.
- during the second year of operation, a maximum demand of 150 and 139 vehicles are predicted during the AM and school PM peak periods, respectively, which exceed the maximum 120 vehicle / 10-minute peak period capacity of the future Road B zone.
- at full student capacity, the future Road B zone would accommodate the expected 94 vehicles during the AM peak 10-minute period prior to school operations.
- at full student capacity, the future Road B facility would exceed the 120-vehicle capacity during the School PM peak period by only two vehicles, which could be accommodated during the following 10-minute period.

- the Fontana Drive facility would accommodate both the AM and school PM peak period demands of secondary students (132 AM vehicles and 74 PM vehicles).
- when the Fontana Drive facility approaches capacity, vehicles approaching would be required to recirculate to prevent queuing on the Fontana Drive / Red Gables Road intersection.
- the school PM peak periods would occur outside of the network peak and therefore most vehicle movements would be attributed to the school only.

As discussed in **Section 6.2.1**, despite the minor exceedance of capacity at the drop-off /pick-up facilities, the nearby intersections are expected to perform at an acceptable LoS. To ensure of the effectiveness of the drop-off and pick-up facilities, a number of recommendations are provided in the TAIA Technical Note included in the SRtS. These include:

- all key roads, including Fontana Drive and Red Gables Road, be constructed prior to the school commencing operations.
- a pedestrian crossing be provided across Red Gables Road east of Fontana Drive to ensure safe passage between the Fontana Drive drop-off / pick-up zone and the school.
- staff monitoring provisions and student marshalling (away from the roadways) be available to ensure efficient operation of drop-off / pick-up zones.

The Department's assessment of the revised drop-off / pick-up facilities concludes that at full capacity, the demand can be accommodated satisfactorily within the proposed zones, without significantly impacting on the local road network due to queuing. To ensure the facilities operate efficiently, the Department has recommended conditions requiring that the above recommendations in the TAIA be implemented in full.

The Department is also satisfied that future Road B zone can satisfactorily cater for the expected demand generated in the first year of operation. The Department notes the Applicant's advice that the available on-street parking capacity is likely to meet the initial demand overflow from the future Road B zone (in the second year), and the establishment of the Fontana Drive zone could be deferred another 12 months. However, the Department considers that the necessary infrastructure to support the school's operations should be delivered when demand requires, and these zones and management measures are established as early as possible, to ensure the ongoing successful operations of the facilities.

Consequently, the Department has recommended a condition of consent requiring that the additional capacity afforded by the Fontana Drive zone be established within 12 months of the school operations commencing or prior to the school population exceeding 900 students.

The Department is satisfied that subject to the implementation of recommended conditions of consent as outlined above and the implementation of an Operational Traffic and Access Management Plan (OTAMP) with specific management measures for the drop-off / pick-up zones, the proposed drop-off / pick-up zones would be able to accommodate the projected demand, both at the commencement of school operations and once it reaches full capacity.

6.2.4 Event and community use parking

The EIS outlines that the school's facilities would be made available for community use and that school events would also take place over the school year. Details provided by the Applicant outlined the following anticipated community uses and events:

- community use (maximum of 100 persons) is proposed between 7am and 10pm, with additional pack-up, clean-up and non-intrusive maintenance until 11pm.
- Grandparents Day, Mother's Day, Easter and Christmas mass services would be held during the day time in the multipurpose hall and attract approximately 500 people.
- school information nights, performances, or presentations would be held on weekday evenings and attract approximately 300 guests. Such events would occur up to nine times a year.

The Department reviewed the EIS and requested the Applicant to consider the potential parking impacts associated with these uses and events. In response, the Applicant's SRtS provided that:

- weekday events (e.g. Mother's Day Mass or similar) would occur outside of peak periods and are likely attract 2.5 occupants per vehicle, corresponding to approximately 200 vehicles.
- an estimated 625 on-street car parking spaces would be available within a 400m radius of the site (not including general parking to be provided in the future town centre car park) plus an additional 150 spaces in the future Council car park to be provided with the hockey fields south of the site.
- a 200-vehicle parking demand equates to 24.5% of the potential available capacity in the locality.
- weekday evening events would be restricted to a maximum of 300 guests, generating a demand of 120 vehicles which could be accommodated in the town centre car park / temporary car park available for school use, with overflow demand accommodated within the surrounding roads.
- weekend community uses would attract a vehicle occupancy of 2.2 persons per vehicle generating a demand of 46 vehicles, which could be satisfactorily accommodated in the car park available for school use.
- a plan of management would be prepared to manage events and minimise impacts on the community.

The Department has assessed the Applicant's response regarding the community uses, the proposed parking provisions and notes that such events would not be regular. Therefore, the reliance on on-street car parking spaces during weekday events can be supported in this instance. The Department also notes that car parking requirements during the smaller events can be accommodated within the off-site car parking facilities for school use. As such, it is considered that appropriate management measures are required to be developed to help minimise potential off-site impacts on the surrounding community.

Consequently, the Department has recommended a condition of consent requiring the Applicant to prepare an out-of-hours Event Management Plan for such events, including appropriate restrictions on the maximum number of guests, the frequency of occurrence of these events and car parking management.

6.2.5 Sustainable transport and Green Travel Plan

The site and its surrounds are undergoing a transition from a rural environment to an urban environment. Thus, limited public or active transport infrastructure is available currently surrounding the site. A key objective of the Masterplan was to encourage more sustainable transport measures within the locality including walking, cycling and provision of public transport nodes close to the community and residential uses.

The TAIA advised that new and additional bus services are planned to meet the future public transport demands of the Box Hill North precinct and adjoining North West Growth Area Box Hill Precinct. These future planned services are envisaged to follow the indicative bus routes approved by the Masterplan. The Masterplan identifies a bus stop at the intersection of Red Gables Road and Fontana Drive, on a route that follows Fontana Drive immediately in front of the school (**Figure 23**).

Future proposed bus routes would provide broader connections to nearby regional centres, including Box Hill, Rouse Hill and Schofields and associated heavy rail and metro rail services. When delivered, they would provide staff, students and visitors with a robust public transport network.

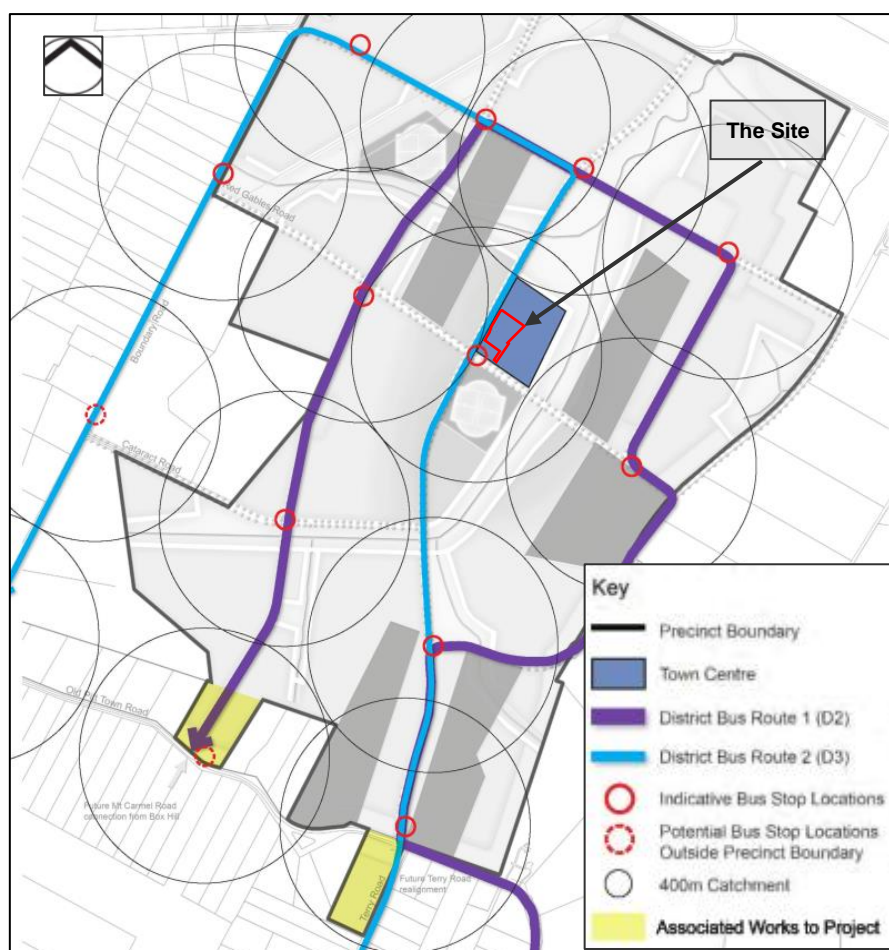


Figure 23 | Box Hill North Public Transport Plan (Source: Council)

The precinct Indicative Layout Plan of the Masterplan also illustrates the planned on-road cycling network and off-road shared path networks that would provide excellent coverage through the precinct and pass along the western edge of the school site.

To encourage and target for sustainable transport modes in the future, the TAIA includes the framework of a draft Green Travel Plan (GTP). The proposal modal share targets in the GTP are provided below in **Figure 24**.

Travel Mode	Proposed Targets for Staff	Proposed Targets for Students
Vehicle driver	85%	0%
Vehicle passenger	10%	50%
Train	0%	0%
Bus	5%	25%
Walked only	0%	15%
Cycle	0%	8%
Other mode**	0%	2%

Figure 24 | GTP modal share targets (Source: Applicant's EIS)

The framework for the GTP, as set out in the TAIA, proposes new targets for modal shares and outlines goals and objectives to ensure that these targets are achieved.

The Department notes that the modal targets in the draft GTP do not match the estimated targets for staff (as outlined in **Table 10**), which assumes 75% car drivers, 10% car passengers, 5% each for walking / cycling / other, and no mode share for bus. Consequently, the Department has recommended a condition requiring the GTP targets match the estimated mode share for the school.

The TAIA outlined that up to nine buses would be necessary to meet the targeted 25% bus modal share in the GTP. Pre-development consultation with TfNSW and Busways confirmed that a bus bay with a capacity for five buses would be satisfactory.

To ensure future bus services are provided satisfactorily, the application proposes a 70m long bus bay within a widened carriageway on the eastern side of Fontana Drive, immediately adjacent to the school (**Figure 25**). The bus bay would provide a dedicated stopping area for up to five, 12.5m long buses, with a combined maximum seating and standing capacity of up to 325 persons.

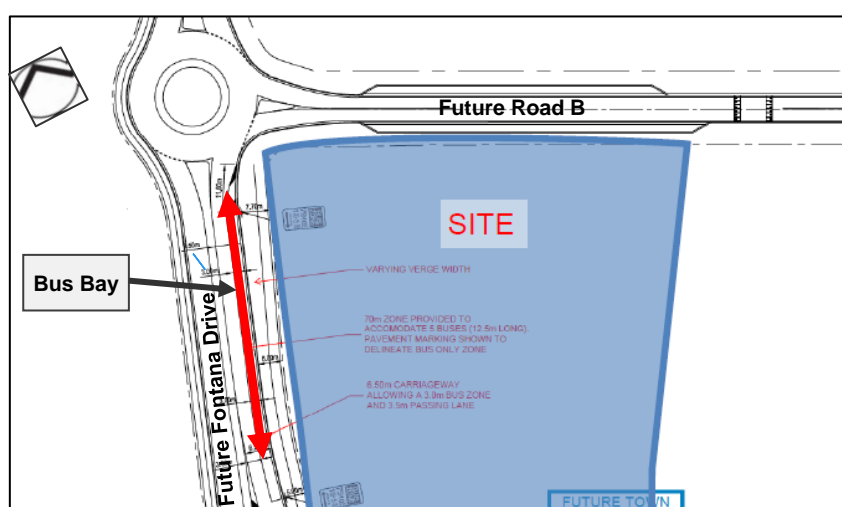


Figure 25 | Fontana Drive bus bay design (Source: Applicant's EIS)

During the EIS exhibition, TfNSW commented that any new or additional public bus services would be subject to demand and funding. Therefore, private bus services may need to be funded by the school as interim arrangements to meet the student / staff travel demands.

In response, the Applicant indicated that the private bus service requirements would be assessed as part of ongoing operational management reviews and provided accordingly.

The Department has assessed the Applicant's approach to introducing sustainable transport modes. The Department supports the modal split target for bus journeys and notes that the relevant arrangements are in the process of being implemented to ensure that such services can be accommodated. Noting TfNSW comments regarding the lack of certainty of public bus services, the Department considers it necessary that the OTAMP for the school includes appropriate measures to ensure private school bus services are established and made available until such time that suitable public transport services are established in the area. A condition to this effect is recommended.

The Department also supports the combined 23% (328 students) modal share for pedestrian and cyclist movements to encourage more sustainable school journeys and reduce private vehicle usage in the long term. The proposed cyclist modal share targets have been satisfactorily supported by the provision of 252 bicycle parking spaces with staff end-of-trip facilities on the site.

The Department notes that to achieve the modal share targets, reduce reliance on private vehicle usage and encourage active transport, the implementation of the GTP framework is required. Consequently, the Department has recommended a condition of consent requiring the preparation of a final GTP prior to the commencement of operations and its ongoing implementation.

6.2.6 Construction traffic

Construction vehicles are proposed to access the site via a temporary construction haulage road off Red Gables Road. This arrangement would allow construction traffic to avoid the precinct road network, particularly the Red Gables Road / Fontana Drive intersection, and allow for the construction of key intersections and roads.

The largest proposed construction vehicle expected is a 19.6m long Truck and Dog heavy vehicle. Construction traffic would enter and exit the Box Hill North precinct via Windsor Road, Boundary Road and Red Gables Road. Temporary contractor construction parking is proposed to be accommodated on-site but would relocate appropriately to allow for the continuation of construction activities.

The TAIA stated that the school is proposed to be constructed in a single stage and commence operations in the year 2021. Therefore, it is unlikely any residential construction activities along Fontana Drive would take place at the same time as the school construction (due to pending earthworks, development approvals / road construction in the locality).

Figure 26 identifies the construction traffic routes to / from the site.

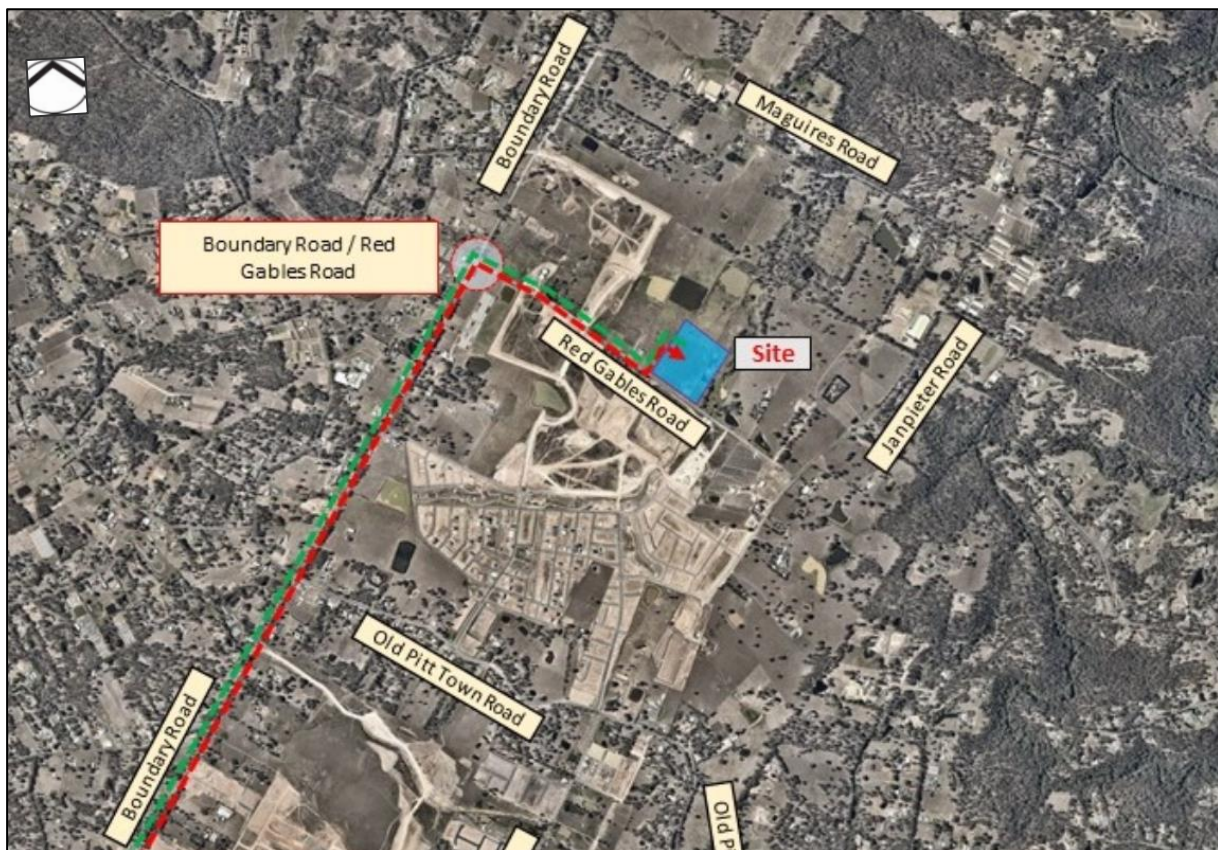


Figure 26 | Proposed construction traffic routes (Source: Applicant's EIS)

Table 12 outlines the predicted construction vehicle movements, with a peak of 138 truck movements across a day during concrete pour activities and 60 movements per hour during peak periods (i.e. 30 movements in and 30 movements out).

Table 12 | Predicted construction vehicle movements

Stage	Excavation	General Construction	Concrete Pours	External Finishes	Footpath Works
Truck movements per day	72	135	138	22	18
Peak hour truck movements	32	18	60	12	12
Largest vehicle size	Truck and Dog	HRV	HRV	HRV	HRV

In addition, a predicated construction work force of 275 workers may result in a corresponding amount of vehicle trips. However, the TAIA outlines these movements are likely to occur prior to and after the respective AM and PM peak periods, minimising potential impacts on the existing road network. Construction workers would also be encouraged to car pool to minimise vehicle trips to and from site.

Cumulative construction traffic impacts may occur within the broader precinct and the nearby North West Growth Area Box Hill precinct. However, the TAIA concluded that the predicted peak construction traffic movements would be capable of being accommodated within the existing local road network of the greenfields area.

The Department notes that predicated construction traffic movements, particularly peak vehicle movements, would be less than the anticipated future staff vehicle movements and would be temporary in nature. The existing locality and its road network is progressively being upgraded as the precinct develops, and in turn can continue to absorb increased vehicle movements within its improving network.

The Department also acknowledges that the Applicant commitment to engage traffic controllers to regulate traffic movements as well as to prepare a Construction Traffic Management Plan (CTMP) and an associated vehicle movement plan (VMP) to ensure construction traffic is managed to a satisfactory level. Intensive deliveries (such as concrete etc) to the site are also proposed to be scheduled outside of peak road network hours to minimise potential disruption to road network.

The Department is satisfied that through the implementation of a final CTMP and engagement of traffic controllers would manage construction traffic generated by the proposal to a satisfactory level to no adverse off-site impacts are generated. The Department has recommended conditions of consent to ensure this occurs.

6.3 Built Form and Urban Design

6.3.1 Building height and FSR

The site is subject to a maximum building height control of 16m and an FSR of 1:1 under the THLEP 2012. The building would have a maximum building height of 25.4m to the building parapet and 29.9m to the top of the chimney flute, when measured from the final ground level following bulk excavation (the site ground level is at RL 35.3 following the bulk earthworks). The proposed height would exceed the maximum height limit by 9.4m and 13.9m respectively. The proposed GFA would result in an FSR of 1.32:1 (exceedance by 32%).

The site's frontage to future Road B (Building North) would appear as a four - five storey building with a two-storey wire mesh screen along the edge of the roof. The built form along the future Fontana Drive frontage would step up from four - six storeys (Building South and Central). The southern façade of Building South is proposed as a five-storey built form with a 6m setback from the boundary adjoining a future residential flat building. The building height exceedances are noted in all four building components in varying degrees, as identified in **Figures 27 – 30**.

During the EIS exhibition, Council commented that the planning proposal (requesting additional GFA and height for buildings within the Box Hill Town Centre) was undetermined at the time of lodgement of the application. Therefore, this should not be relied upon for justifying any proposed exceedances beyond the height / FSR limit permitted in the THLEP 2012. In its review, the SDRP did not raise any specific concern regarding the building height or FSR.

A number of public submissions also objected to the excessive height and FSR. The submissions raised concerns that excessive floor space would result in lack of open space and overshadowing of adjoining buildings. The submissions also indicated that the built form would be out-of-character with the area, a vertical school is not conducive to a satisfactory learning environment for the students and built form would dominate the streetscape due to the excessive height and lack of façade articulation.

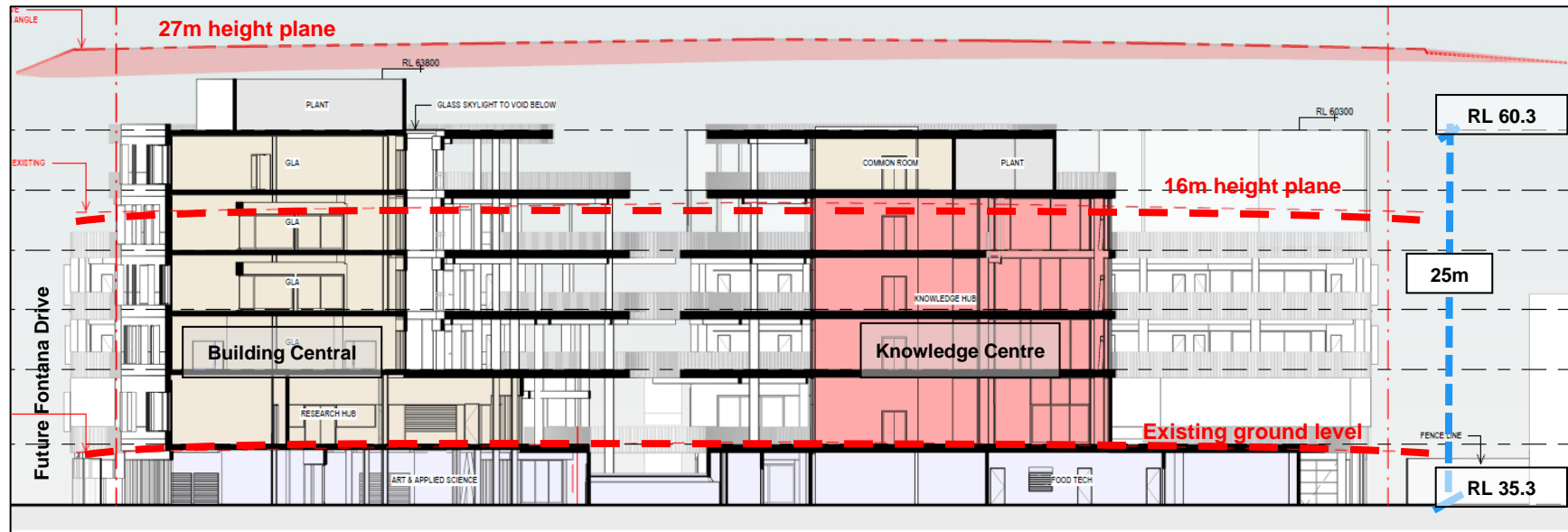


Figure 27 | East-West section through the site (Source: Applicant's SRtS)

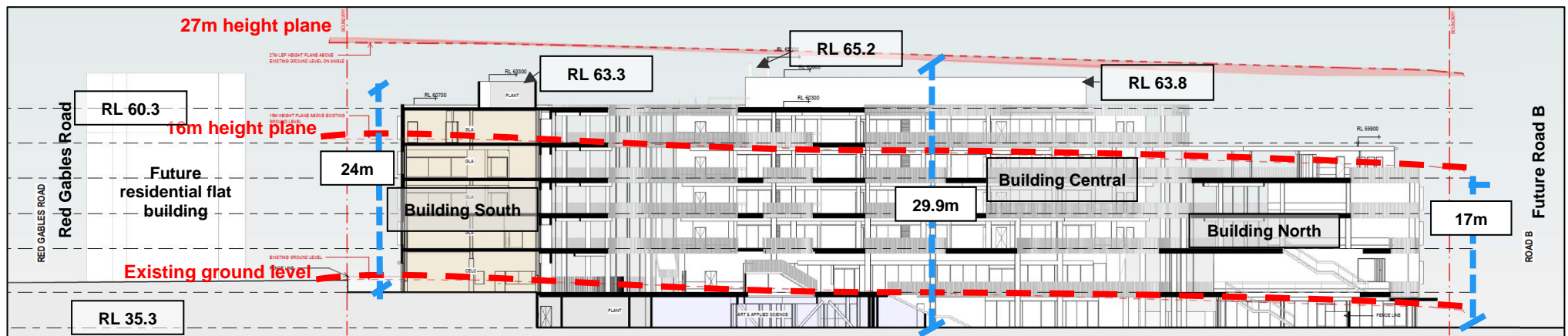


Figure 28 | North-South section through the site (Source: Applicant's SRtS)

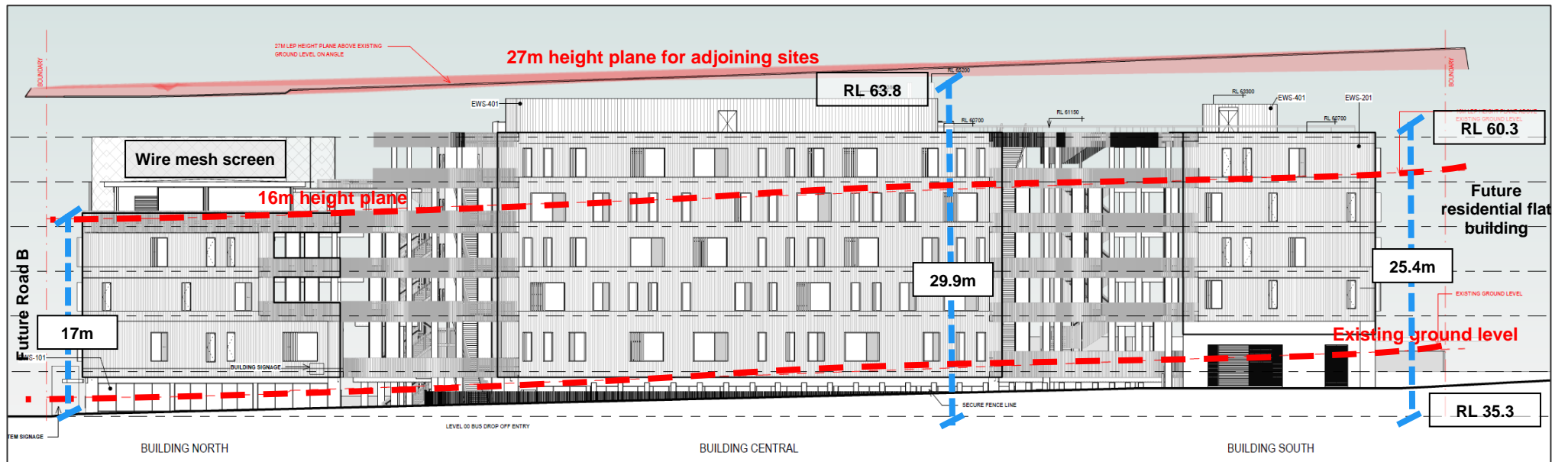


Figure 29 | Future Fontana Drive elevation (Source: Applicant's SRtS)

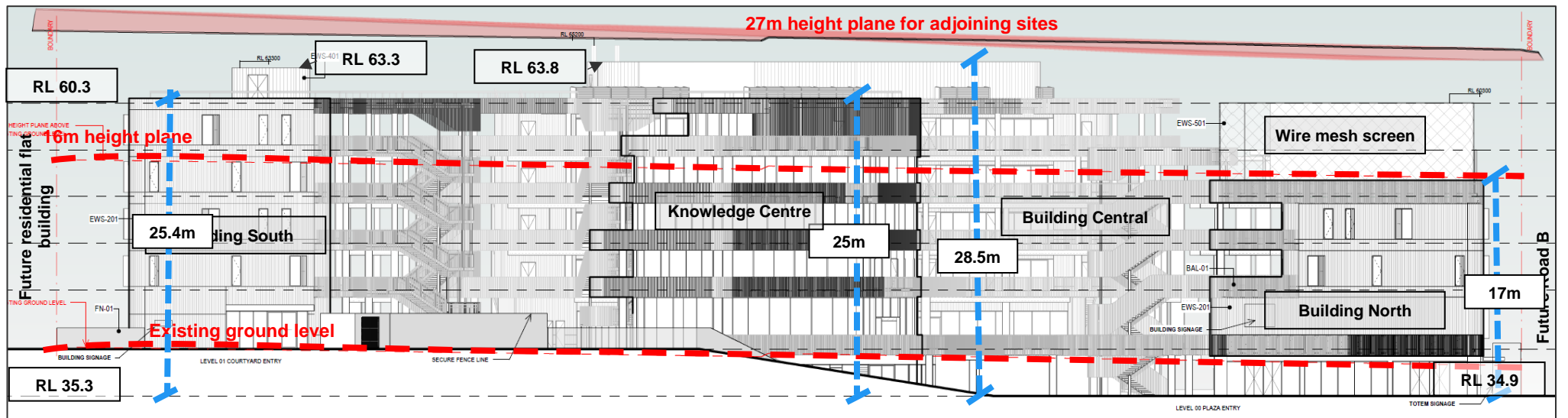


Figure 30 | Eastern elevation as viewed from the town centre plaza (Source: Applicant's SRtS)

Clause 42 of the Education SEPP provides consent may be granted for the development of a school that is SSD, even if the development would contravene a development standard imposed by that SEPP or any other environmental planning instrument under which the consent is granted. Consequently, the height and FSR controls within THLEP 2012 do not apply to this development.

Notwithstanding, the Applicant's RtS included a justification for the building height and FSR exceedance, having regard to clause 4.6 of THLEP 2012, which allows for flexibility in varying a development standard where compliance is unreasonable and unnecessary. The Applicant's justification has regard to the planning principles for upholding a 4.6 request established in the decision of *Initial Action Pty Ltd vs Woollahra Municipal Council* [2018] NSWLEC 118 and provides the following:

- the height of the building is consistent with the 27m height limit applying to the adjoining sites as proposed by the planning proposal.
- the proposal achieves the objectives of clause 4.3 "height of buildings" and clause 4.4 "floor space ratio" of THLEP 2012 as: it is compatible with the scale / density of the future developments within the town centre; and would not have any adverse impacts on the amenity of future residential flat buildings on adjoining sites.
- the multi-storey design incorporates strategies to maximise amenity for students and staff and achieves design excellence responding to the Design Quality Principles of the Education SEPP.
- the design would include provisions for environmental sustainability, deep soil planting zones, compliant accessibility requirement, and CPTED principles.
- daylight penetration into the school would provide comfortable, well-lit spaces complying with best practice standards.
- the proposal would be in the public interest as it would provide a high-quality educational environment, support a diverse extra-curricular experience, provide an inclusive / secure environment.
- the proposal would positively contribute to the built form and to the community of Box Hill North.

The Department notes that the Box Hill North Town Centre Planning Proposal has now been approved by Council. The THLEP 2019, gazetted in December 2019, incorporates the recommendations of the planning proposal and allows an FSR of 1:1 – 2.1:1 and a permissible height limit of up to 27m, for the broader town centre precinct. While THLEP 2019, does not apply to this development, the 'Height of Building Map' and 'FSR Map' of THLEP 2019 are provided below in **Figure 31**.

Under THLEP 2019, the site would adjoin land with FSR varying between 1.7:1 (east) to 2.3:1 (south). The height of buildings for adjoining land would be 16m (north and west), and 27m (east and south). The permissible height limit and FSR for the site would remain at 16m and 1:1, respectively (same as THLEP 2012). The building height and FSR controls within THLEP 2019 for the town centre would provide the future built form context for this development and have been considered by the Department as a guide in its assessment of the building height and FSR.

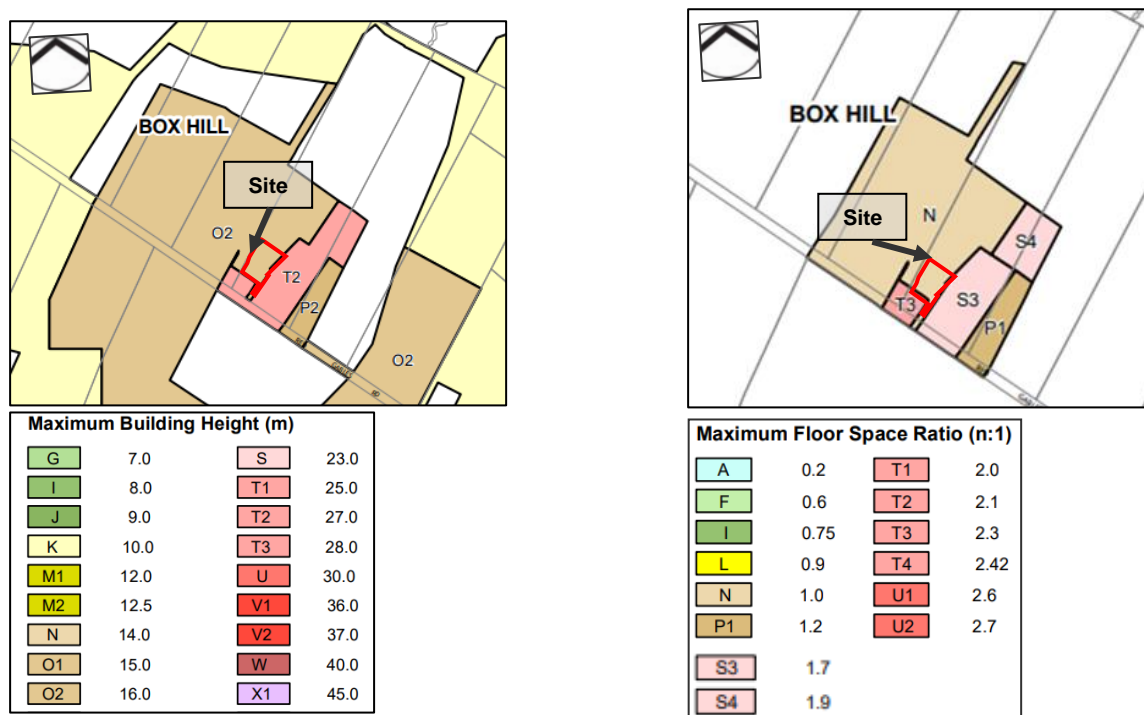


Figure 31 | Height of Building Map (left) and FSR Map (right) for Box Hill Town Centre (Source: THLEP 2019)

The Department's assessment of the building heights notes the following:

- the average height of the buildings, from the ground level plaza (at RL 35.3) to the parapets of the uppermost levels would be 25.4m (at RL 60.3). This height would be perceived from the public domain areas, mainly to the east, due to the slope of the site, and would contribute towards the bulk and scale of the development.
- the proposed height of 29.9m (at RL65.2) would only occur at two points where the chimney flutes are located above Building Central (**Figures 27 and 28**). The height of Building Central to its roof top plant room is about 28.5m (at RL 63.8). The building would have a setback of approximately 2.5m – 3.2m for the main building mass and 8m – 8.9m for the plant room, from this frontage.
- the plant rooms / flutes would not be visible from the public domain adjoining this building.
- Building South also includes a rooftop plant room. The height of this building from the ground level to the plant room, would be approximately 24m, when viewed from the adjoining residential flat building to the south (**Figure 28**). This plant room would also be well setback from the Fontana Drive frontage or the adjoining building and would not be visible from the public domain.
- as such the additional height due to the chimney flutes as well as the plant rooms are negligible when compared to the overall building height of approximately 25.4m (including the parapet).
- Figures 29 and 30** (elevations) identify that Building Central and South, when viewed from the future Fontana Drive, would appear to be about 22.3m high, given the topography of the site and the elevation of this road.
- when viewed from future Road B, the height of Building North would be approximately 17m plus the double storey wire mesh screen which is a safety feature for the upper level multipurpose courts. This screen would be visually permeable and therefore not add to the overall bulk of the building, when viewed from the future Road B. The remaining section of the building (at the corner

of Fontana Drive and future Road B) would generally be 17m high. The section of the building accommodating the fitness centre and associated awning roof structure (Level 4) would be 21m high. This section would be setback approximately 2.6m and 6m from the northern boundary.

- the buildings are designed to step down with the topography of the site. Building North, with the lowest height, being located at the northern end, being the lowest point of the site.
- a considerable section of Building South (located at the elevated section of the site), would be below ground and this would reduce the overall height of the building when perceived from the future neighbours on the southern boundary.
- the building height exceedances associated with the remainder of Building South and the Knowledge Centre are generally internal to the site.

Views of the buildings from the street frontages are provided in **Figures 32** and **33**.



Figure 32 | View from the intersection of future Road B and future Fontana Drive (Source: Applicant's SRtS)



Figure 33 | View from future Fontana Drive (Source: Applicant's SRtS)

The Department has considered the above points in relation to the design features and Applicant's justification to the building height and FSR exceedance. The Department concludes that compliance with the height / FSR controls is unreasonable and unnecessary and there is sufficient planning justification to contravene the standards as:

- the scale and height of the proposal represents a design response to a key State policy for new educational facilities and accommodate the projected student population in the locality.
- the average height of the building is 25.4m, which is consistent with the maximum permissible height limit of 27m, allowed on the adjoining sites to the east and south. Therefore, the building design and scale would be compatible with the built form of the future town centre and would contribute to the architectural setting and quality of the immediate locality.
- the proposed GFA of 15,000m² is less than the GFA of 20,000m², originally allocated to a school within the town centre by the planning proposal and approved by the Department in its Gateway Determination (discussed in **Section 2.7**). The resultant FSR for the site would be well within the allowable FSRs on the adjoining sites (up to 2.3:1).
- the siting of the development, learning environment for the students, design guidelines of Education SEPP, childcare guidelines, open space provisions and solar access to these areas within the site are all assessed as satisfactory (**Section 6.3.2** and **6.3.3**).
- the new building components include generous floor to ceiling heights to cater for the functional requirements (services, natural ventilation, light or the functions of the hall).
- the requirement for equitable access between various sections of the building, walkways and play areas precludes any potential stepping of the floor level and reduction in the roof height.
- overshadowing impacts from the proposed bulk and scale would be largely limited to any future development on the southern side. However, studies have been conducted to demonstrate that any residential flat building on the southern side would achieve compliance with the minimum solar access / privacy requirements, under State Environmental Planning Policy 65 (SEPP 65) (discussed in **Section 6.3.4**).
- a reduction in the building height or the FSR would not improve the design outcome for the site in terms of the functionalities of the building.
- a compliant FSR would result in underutilised land within a town centre and therefore not provide for orderly and economic development of a land zoned B2.

The Department is also satisfied that the proposed buildings would comply the objective of clause 4.3 “Height of Buildings” in the THELP 2012, as: the development is compatible with its adjoining properties; maximise solar access and privacy of neighbours and open spaces.

The contemporary built form with the external colours and finishes, is supported, as it would characterise the site as a distinct element on the streetscape. Based on the above assessment, the Department finds that the exceedances of the maximum building height / FSR controls are acceptable. The Department’s assessment of the design and visual impact are discussed below.

6.3.2 Siting of the development and built form

The physical design and layout of the site are discussed in **Section 2.3**. The school building components are located around the Knowledge Centre, with a series of generously sized decks expanding outward, forming connections and active recreation spaces at each level.

Pedestrian access would be provided at ground level from future Fontana Drive and future Road B. The entrance from future Fontana Drive (located at RL 35.8) would include a ramp to provide barrier



Figure 35 | Internal view with the curved walls and the play spaces (Source: Applicant's SRtS)

The multi-storey design of the school has been considered by the Applicant in laying out classrooms and their functions. Year groups are proposed to be located on specified levels, providing for a horizontal program of core learning spaces. Speciality learning spaces are then positioned vertically (ground level, Level 1 and Level 4), minimising the necessity to move between levels.

The façade treatment of the proposed new built form incorporates a range of materials and finishes, including powder coated corrugated panels, balustrades, and window frame shrouds, exposed concrete soffits, timber elements in public areas and stone paving at the ground level (**Figure 36**).



Figure 36 | External colours and finishes (Source: Applicant's EIS)

In its review of the proposal, the SDRP commented that the integration of the school with the future town centre and its position adjacent to future public open space and playing fields was supported. The SRDP also supported the design of the Knowledge Centre as the heart of the school, but requested more information on the architectural fenestration detail, greater softening and greening of the buildings and measures to bring light and air into the school interiors. Public submissions also raised concerns regarding the quality of the learning environment and lack of daylight access to the open spaces.

The Applicant's EIS and RtS include detailed review of sunlight and daylight access provisions across each level of the building including the open spaces. The review found that all levels of the school would receive adequate levels of daylight to ensure healthy and functional spaces are created. The combination of the daylight penetration and the weather protection provided by the decked walkways on each level means that flexible learning and play environments can be delivered by the school throughout the year.

Having regard to Department's assessment of the building height and FSR in **Section 6.3.1**, it is considered that the proposal has been appropriately designed to be consistent with the planned town centre future built form context. The vertical facades of the school building along the future Fontana Drive and future Road B would define the distinct use of the site. The proposed punctuations along the facades would ensure that long façade lengths are appropriately broken, and the entry points are marked. The curved internal walls with a range of colours are also proposed to add interest / variety to the design as well. These walls would appropriately represent the use of the site, while maintaining an outlook for the future residents on adjoining sites to the east and south.

The Department notes the concerns in public submissions regarding the open space and daylight penetration. This matter is discussed below.

6.3.3 Landscape and Open Space

Significant concerns were raised by the SDRP in their review of the open space design within the site. The SDRP / GANSW concerns mainly related to: separation of the circulation areas from the play spaces; achievement of ESD principles; and acoustic separation of the vertically designed open spaces; The SDRP requested that detailed landscape plans for all levels be provided. Council, in the review of the EIS commented that the planning proposal committed to the provision of 4630m² of ground level and 1900m² of roof play space for the site. The EIS did not clearly demonstrate that this quantity of open space could be provided on the site.

Functionality and quality of the open space

In response to the concerns raised in the submissions, the Applicant's RtS included significant amendments to the landscape design for the site. It also included a comparison between the relationships of the functional spaces and open spaces for a typical school layout and that of this school (**Figure 37**). **Figure 38** outlines the conceptual analysis of the open spaces with the activities broadly assigned to each level and the reasons for assigning such activities.

The Landscape Site Plan, refined by the RtS and SRtS, is provided in **Figure 38** and a 3D view with the vertical open spaces is shown in **Figure 39**.

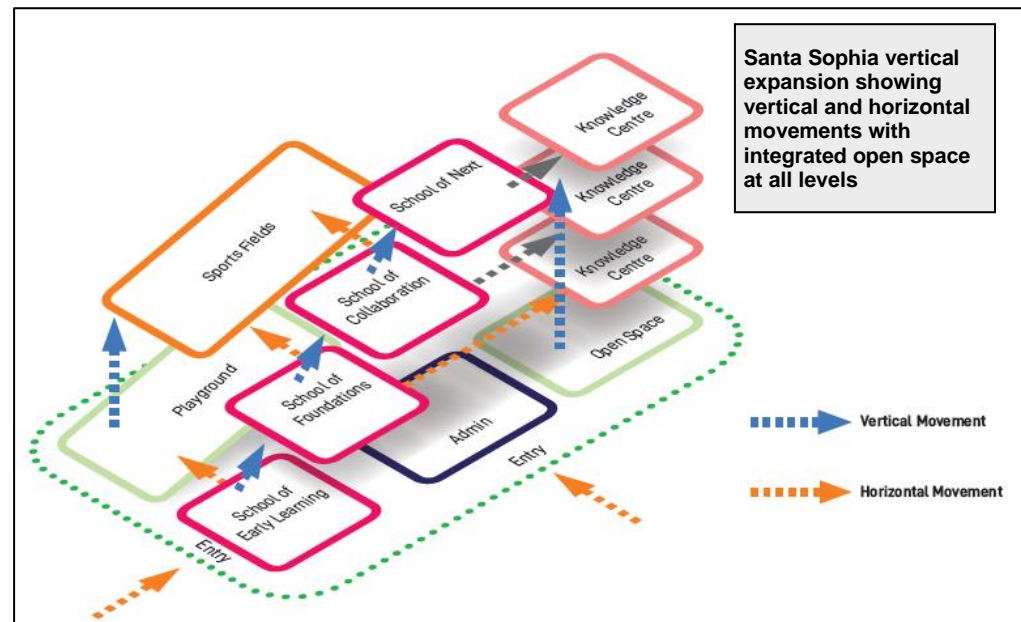
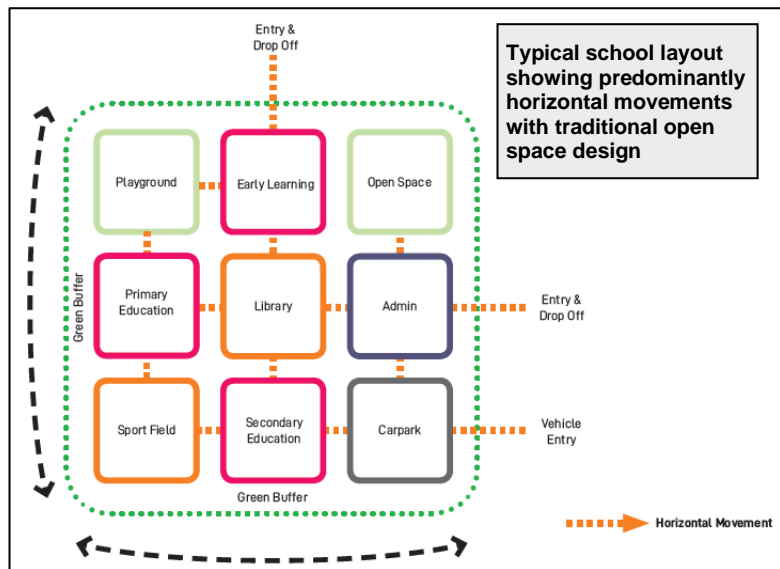


Figure 35 | Comparison of layout of a typical school (left) and the vertical Santa Sophia school (right) (Source: Applicant's RtS)

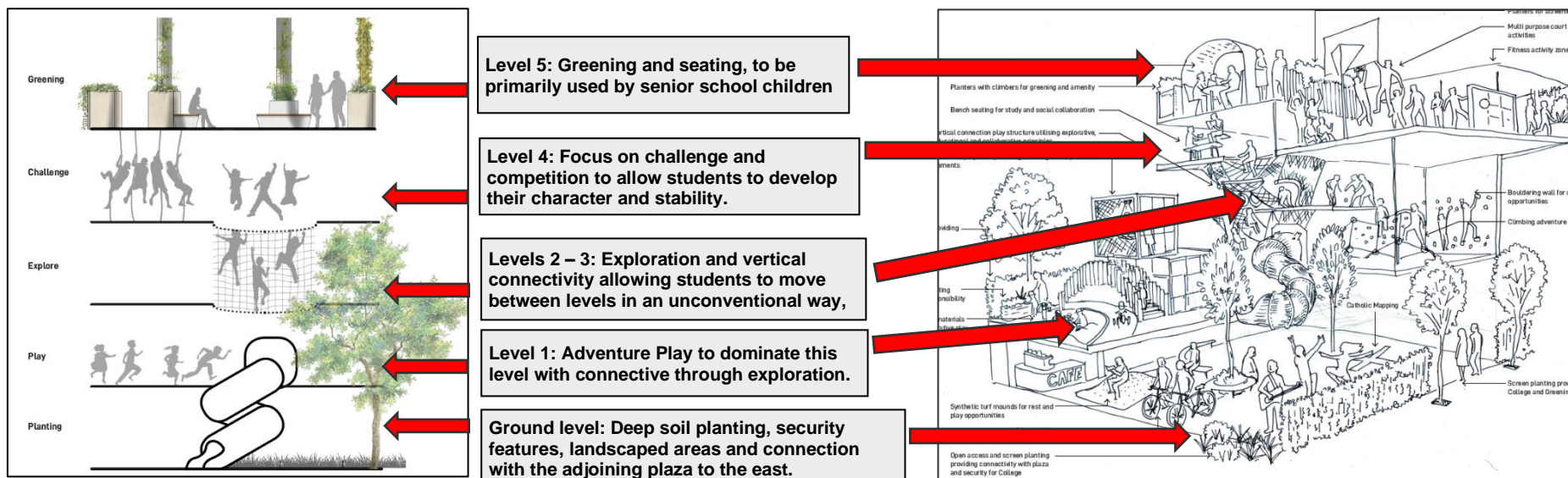


Figure 37 | Analysis of the five-level functional spaces within the site dividing the open space and activities vertically (Source: Applicant's SRtS)



Figure 38 | Landscape site plan (Source: Applicant's SRtS)



Figure 39 | 3D view showing relationship between the various levels of open space within the site (Source: Applicant's SRTs)

The revised landscape design scheme would deliver:

- a total of 13,683m² play space, being 7.1m² - 10.1m² per student (discussed in **Section 6.1.1**).
- 7355m² of landscaped area, including 832.97m² of deep soil planting area.
- open spaces provided in five vertical functional levels throughout the vertical school.
- expansive ground level open play space with deep soil planting and a large Level 1 playground with play equipment.
- 14% tree canopy cover within the precinct, by adding tree planting along the peripheries of the site at ground level and contributing to the overall projected Box Hill North precinct tree canopy cover of approximately 28%.

Other features incorporated into the design include:

- integration of the ground level with the future proposed town plaza, creating an activated and engaging space that also celebrates the entry to the school.
- provision of a 1.8m high fence and associated access and control strategy, which allows the school to operate in a manner that can restrict or increase access through opening the sliding gates adjacent to the future town plaza.
- acknowledgement of Indigenous culture as well as the values of the school through paving treatments, use of endemic landscape species, columns and mural design, collaborative seating and play elements in the design and layout.
- vertical play elements, linking levels for student play and collaborative learning, adventure play zone and exercise course.
- promotion of sustainability and inclusion of chicken coups, vegetable gardens and mud kitchens to allow students to develop sustainable awareness.
- age appropriate designs, with designs changing across each level to better match the age and year group planned for that level.
- opportunities for greening vertical elements of school buildings, including climbing plants and tree plantings within voids.
- additional screen planting on the boundary to further 'green' the school grounds and provide for increased privacy and amenity for students within school grounds.
- visually permeable metal screen on the roof-top, minimising the dominance of the building.

Internal views of the outdoor spaces at the upper levels and section through an outdoor space on Level 2 are provided below in **Figure 40**.

Council raised no further concerns regarding open space provisions following lodgement of the RtS.

GANSW have reviewed the additional diagrams and analysis provided as part of the RtS. GANSW have advised that while the RtS includes additional analysis of the open spaces, sections of the upper level walkway decks (especially adjoining the classrooms) cannot be considered as open play areas. These sections are large circulation spaces and would not be conducive for use as a recreational space due to lack of solar access and poor amenity. GANSW recommended that the removal of roof cover (or provision of retractable / openable roof) over the walkway decks on Level 5 (Building Central

and South) and the open space surrounding the fitness centre (Building North) to increase the overall open space area for the site.



Figure 40 | Section / views of various play areas (Source: Applicant's SRtS)

In response to the recommendations by the GANSW and the Department, to remove the roof cover over the play spaces on Levels 4 and 5, the Applicant has provided a further SRtS to justify the need for the roof over the uppermost level open spaces. The SRtS indicates that the removal of the roof cover surrounding the fitness centre would hamper the useability of the learning areas at this level, which are designed to function dually as learning areas and play spaces. The Applicant has also highlighted that the installation of a retractable or openable roof at this level would result in reduced acoustic properties, less weather protection, increased maintenance cost, operational restrictions (due to dependence on staff operation) and a structure that is prone to breakage. The SRtS indicated that the change in structure on Level 4 from the currently designed lightweight roof to a retractable / openable structure is expected to have design implications throughout Building North.

The Applicant's SRtS raised concerns that the removal of the roof would result in significant exposure to heat / sun for the students throughout the year and is therefore not warranted.

The Department has assessed the functionality, quality and connection of the open spaces as well as the Applicant's justification to retain the roof cover over the upper level play areas. As outlined in **Figures 37 – 40**, the open spaces for the school would not have a traditional layout. Through the innovative approach to the play spaces, the Applicant has partly responded to the context and multi-storey design of the school. The functional analysis demonstrates that a range of engaging passive and active play opportunities for students of the school would be provided throughout the site. Age appropriate play elements are proposed and would allow for opportunities to interact with other year/age groups through vertical connections and voids between levels.

However, having regard to the design quality of the upper level walkway decks (between Level 2 – 5), the Department concurs with GANSW comments and considers that the Applicant has an over reliance on covered walkways being utilised as recreational areas. This has resulted in significant areas of open space being covered (primary function being circulation). However, there are opportunities to increase the open space on the site that can be readily accessed by the students and have sufficient solar access throughout the year including the winter solstice. Consequently, the Department has recommended a condition requiring the removal of the roof surrounding the fitness centre on Level 4 (Building North) and the roof to the walkway decks on Level 5 (identified in **Figure 39**). The Department acknowledges that a 1m – 2m wide covered walkway may be needed to maintain weatherproof access between the Knowledge Centre lifts and the learning areas. Amended open space plans with covered walkway provisions are required to be provided to the Planning Secretary for approval prior to the release of the construction certificate.

The Department is satisfied that subject to the implementation of the above condition, a large area of open space would be added at the roof level and provide a satisfactory level of amenity for the school at all times of the year. The Department is also satisfied that the proposed landscape design and fencing strategy would sufficiently control access and positively promote the territorial reinforcement of the school grounds, without creating a dominant fortress like environment. As agreed with Council, a large playground for organised and larger sporting activities would be available for use on the nearby sports fields with an at grade, safe connection from the school site.

The provision of acoustic privacy to the open spaces at all levels is discussed in **Section 6.4**.

Solar access to open spaces

In response to the SDRP comments and community concerns regarding lack of daylight access to the open space within the school, the Applicant's RtS included hourly solar access diagrams for the school and a daylight access study, focussing on the open space within the site (**Figure 41**).

The outdoor daylight access study is based on a Spatial Daylight Autonomy (sDA) metric that evaluates the percentage of floor area where the target illuminance level is achieved for at least a given percentage of time. It is expressed as level of illumination in lux / % of time the illumination is received. Due to the absence of available metrics for assessing natural daylight to outdoor spaces, the sDA metric allows the estimation of natural illuminance levels, percentage of area and amount of time. The recommended illumination levels for outdoor covered areas that are used as play spaces, in the sDA, are between 150 – 400 lux. The report indicates that best practice standards would ensure a target illumination level of 300 lux across 40-60% of the regularly occupied indoor area for at least 50% of operating hours.

Figure 41 illustrates the areas and the percentage of illumination received during the school hours, averaged throughout the year. The illustrations show sDA for 2000 lux. The dark blue colour indicates areas that never receive 2000 lux at any given time. Light blue to red colour indicates the percentage of time when areas receive 2000 lux or more.

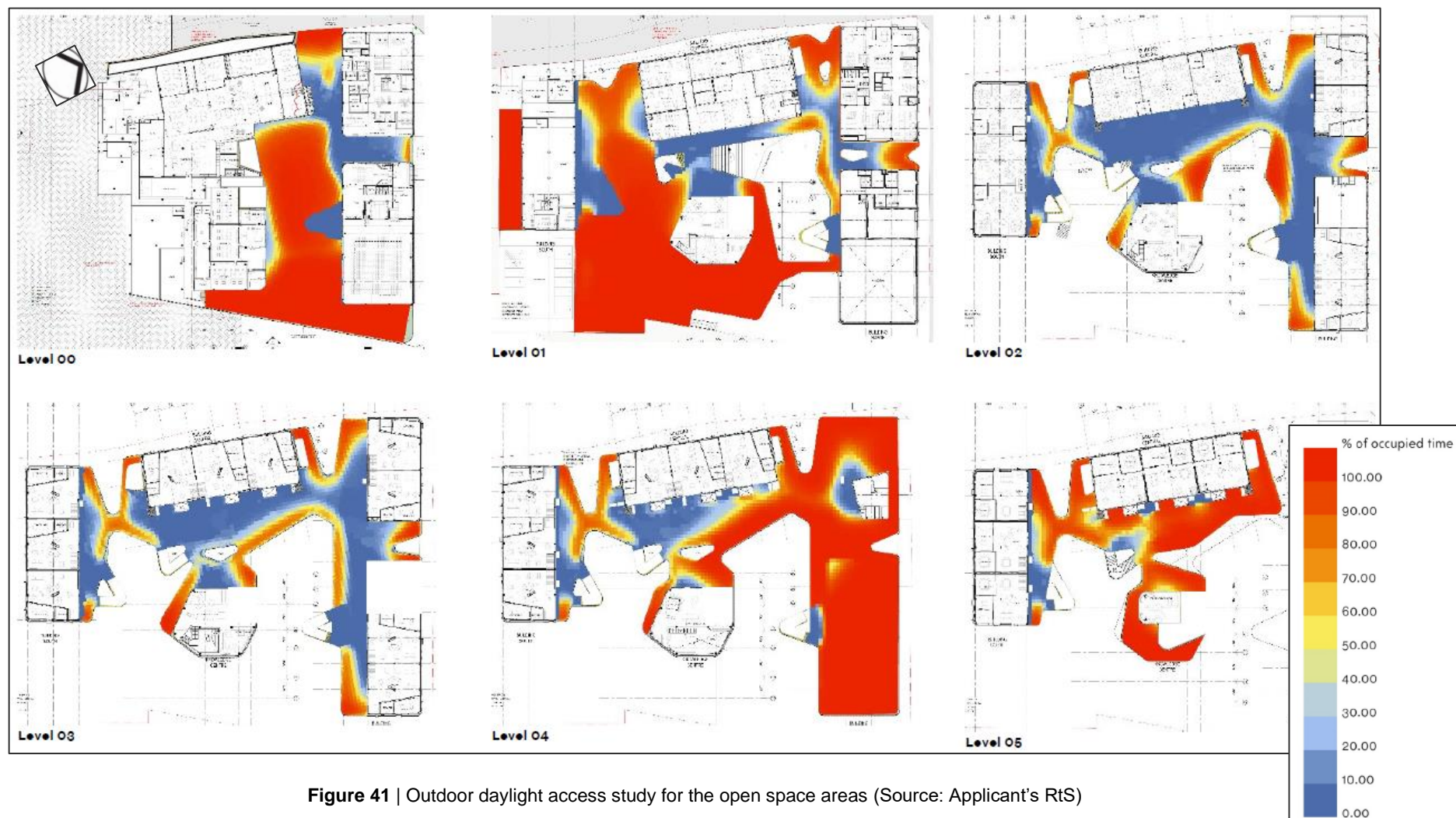


Figure 41 | Outdoor daylight access study for the open space areas (Source: Applicant's RtS)

Based on the sDA criteria, the modelling results and detailed supporting diagrams of daylight penetration into the open space for the school and the CELC, the report concludes that:

- approximately 80% of the outdoor areas receive 400 lux or more for 50% of the occupied time.
- approximately 20% of the outdoor areas receive 400 lux for less than 50% of the time.
- 9.4% of the outdoor area receives less than 400 lux at any given time and could be considered underlit for tasks that require higher levels of light, e.g. reading.
- overall, more than 63% of the outdoor area complies with the assessment target of 400 lux for a minimum 50% of school hours throughout the term.
- artificial lighting has been designed for the covered outdoor areas with less than 400 lux to supplement the daylight and provide a comfortable well-lit environment for circulation, movements, intermittent study and similar tasks.
- artificial lighting will be balanced with the incoming daylight through the use of photoelectric cells, to maintain a consistent level of illumination throughout these outdoor areas.
- covered outdoor areas are not exposed to direct sunlight reducing glare, overheating, thermal discomfort and risk of sun overexposure.
- however, due to the nature of the space design, the outdoor areas would be exposed to the direct sun more than the typical indoor environment.
- due to the lower sun angles, there will be more hours of direct sunlight in winter during a school day, which will have a positive effect on thermal comfort in these cooler months. This means that it will likely be possible to utilise outdoor spaces throughout the entire year for various activities, including sedentary activities.
- the outdoor unshaded areas identified in red colour could be considered over-exposed and may be uncomfortable to be in for extended periods, in terms of glare, heat and other aspects related to exposure to direct sunlight.

The Department notes that the Applicant has undertaken a technical study for all open and covered outdoor areas within the site including the CELC. The study is based on best practice standards and demonstrates that the outdoor areas would receive reasonable amount of daylight through the school hours, when an average for the year is accounted for. The areas with unsatisfactory daylight would have artificial lighting.

Considering the ESD principles and the requirement for sufficient covered areas in school that protect children from uncomfortable glare and heat when needed, the Department considers that this level of illuminance is reasonable for a school within a future high-density town centre. However, the Department recognises that the daylight access study is based on an average daylight amount for the whole year and is not based on the worst-case scenario (winter solstice). During the winter months, some of these spaces would not receive appropriate solar access, as identified by the hourly shadow diagrams for the school. As such, the Department also notes that throughout the year about 37% of the open spaces would receive less than 400 lux for a minimum of 50% of the school hours.

The solar access to the walkway decks within Levels 2 – 4 would likely not be ideal in winter, when the students would require more access to open play spaces with sunlight access. In this regard, the

Department is satisfied that the removal of the roof over Levels 4 and 5 open spaces would result in the provision of additional recreational spaces that can be accessed by the students at all times of the year within the site and would compensate for the deficiency in the design of the open spaces within the walkway decks. Openable roofs / retractable roofs in these locations would equally facilitate the same outcome and can be opened during appropriate times of the year and as needed.

The Department notes that organised sports activities would occur at the open sports fields which would appropriately cater to the need for outdoor play, where deficiencies are noted within the school.

6.3.4 Amenity Impacts

Community submissions to the EIS raised concerns regarding impacts of the school on the solar access to future residential flat buildings on the southern and eastern sides. The Department also requested the Applicant to demonstrate that any future residential flat building on the adjoining southern site would be able to comply with SEPP 65 solar access / privacy requirements, following development of the school.

In response, the Applicant's RtS included hourly shadow diagrams and indicated that between 9am - 3pm at mid-winter, Building South would have some shadow impacts on the north-eastern façade of the future building to the south. However, majority of the shadows would be concentrated on the lower levels. The Applicant's RtS suggested that the massing of Building South is such that the southern-most edge of the adjacent building will receive solar access throughout the day. The Applicant consulted with the neighbouring development and understands that the design of this building has not been finalised. Thus, there is an opportunity for the future design to respond to the existing conditions on the northern side.

Notwithstanding the overshadowing impacts, the Applicant's studies concluded that the north-eastern façade of this building would receive the minimum solar access for dwellings within the residential flat buildings, as outlined by the NSW Apartment Design Guide (ADG) and comply with SEPP 65 requirements. A portion of shadow will be over the adjacent public domain on Red Gables Road. However, the public domain would receive satisfactory level of solar access at other times of the day during winter solstice.

Regarding impacts on visual privacy of the neighbouring properties, the Applicant's RtS concluded:

- the school will generally operate during standard school hours. This would ensure privacy is maintained during the early morning, evenings and at night.
- Building South will be located adjacent to the most sensitive future land-uses (residential), and these will be adequately separated to meet the ADG guidelines for privacy / building separation. The buildings would also be separated by play space and landscaping.
- The internal school spaces are primarily oriented to the north, rather than the south. The windows to the southern façade comprise multiple openings, many of them narrow, avoiding large expanses of glazing that would increase opportunities for overlooking;
- The southern building and central Knowledge Centre would provide generous separation for privacy of the adjoining developments to the east.

The Department has assessed the location of the building and its relationship with the surrounding developments. The school would be in a high-density precinct, close to residential developments, and there would be some impact on the solar access and privacy of the future residents. However, the shadow diagrams and the site plan demonstrate that the school has been designed to maintain visual privacy and solar access to majority of the future residents, where possible. Being consistent with the principles of in-fill developments, the future buildings on the east and south would have to be appropriately designed to achieve compliance with solar access / building separation / privacy / balcony orientation design principles in the ADG to ensure an appropriate level of amenity for residents in the town centre.

6.3.5 Child care centre

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

The proposed CELC would have a capacity of 60 children, requiring a total of 195m² of unencumbered indoor play space and 420m² of unencumbered outdoor play space (**Figure 42**) under the provisions of Education SEPP. The proposal satisfies these play space requirements, making provision for 220m² and 589m², respectively, and therefore separate concurrence of the Regulatory Authority is not required.

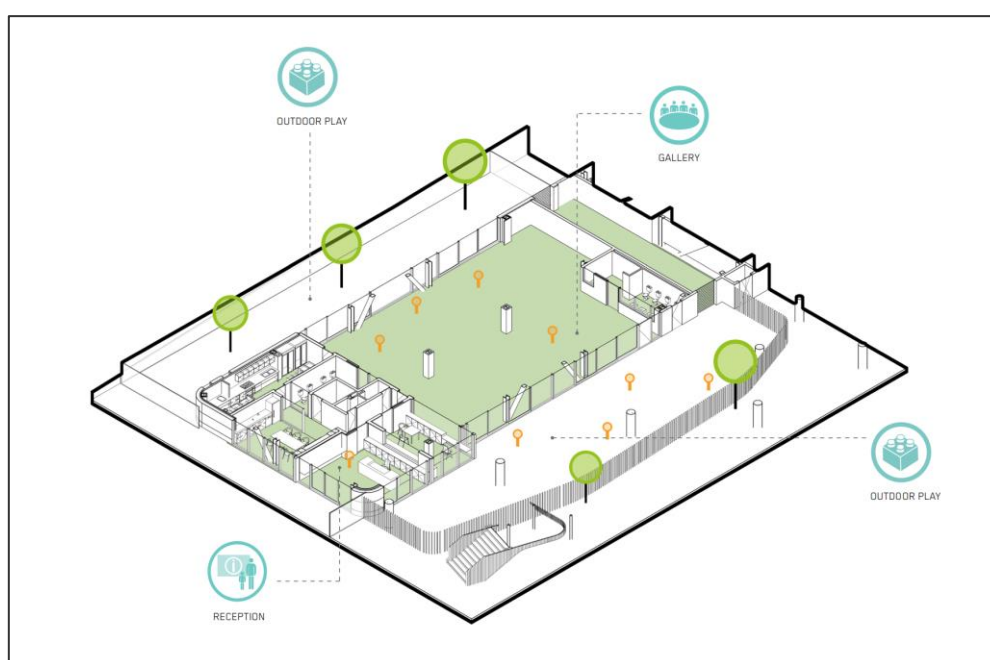


Figure 42 | Child care centre functional spaces (Source: Applicant's EIS)

The Department has reviewed the design of the CELC and is satisfied that the child care centre includes appropriate amenities and play space for children, while being visually integrated with the school design. The compliance of the proposal with Department's Child Care Planning is provided in **Appendix B** and is assessed as satisfactory by the Department.

6.3.6 Signage

The proposal seeks consent for a series of business identification signs in both freestanding and wall mounted signs. The proposed location, form, scale and content are illustrated below in **Figures 43** and **44**.

The Department has assessed the design of the proposed signs and is satisfied that the signs are:

- compatible with the desired amenity and visual character of the future higher density town centre of Box Hill North.
- provides effective communication of SSC in suitable locations on its primary site frontages.
- consistent with the high-quality architectural design of the proposed school.

The Department notes that a number of signs are proposed to be illuminated. No details of the hours of illumination have been provided by the Applicant. Consequently, the Department has recommended a condition of consent requiring illumination to be switched off between 10pm and 7am every day to avoid light spill on to future residential developments on adjoining sites.



Figure 43 | Proposed signage locations (Source: Applicant's EIS)

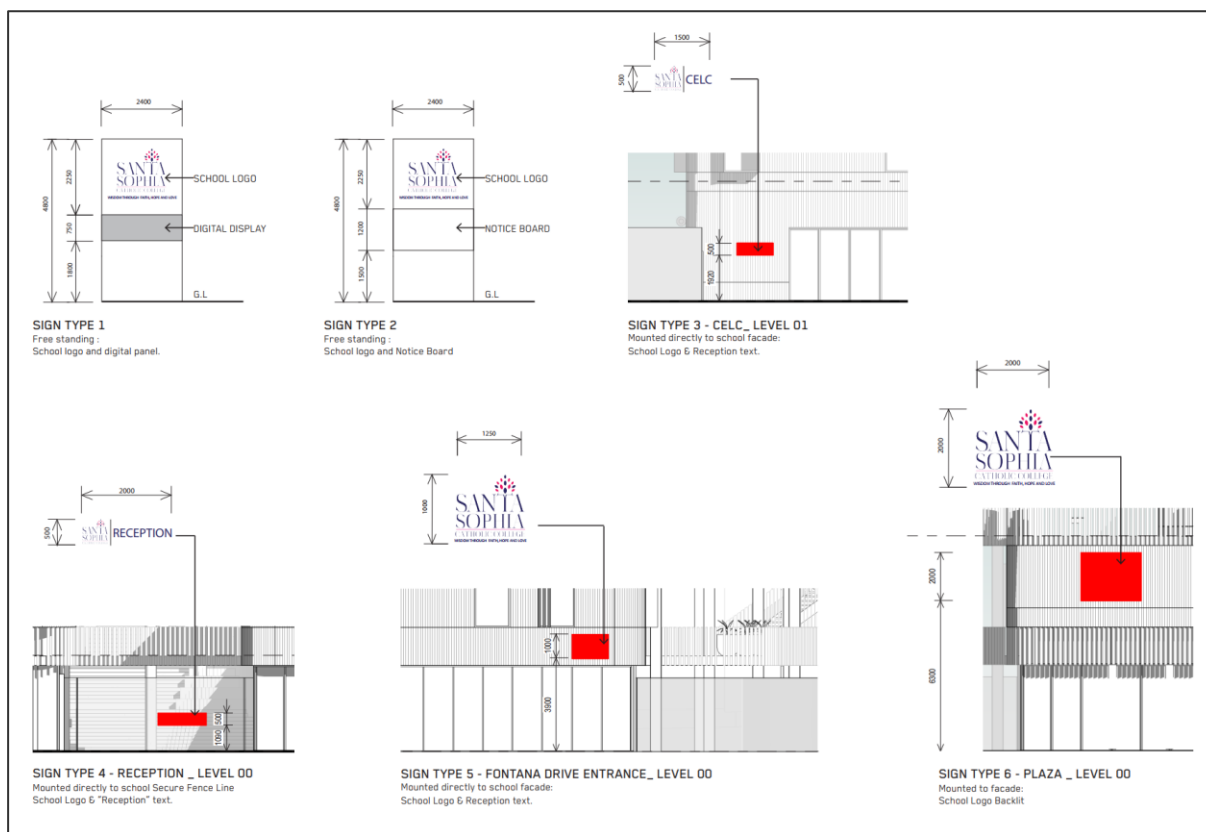


Figure 44 | Proposed school signage design, location and content (Source: Applicant's EIS)

The compliance of the proposal against State Environmental Planning Policy. No 64 (Advertising and Signage) (SEPP 64) is considered in **Appendix B**.

6.4 Other Issues

The Department's consideration of other issues is provided below in **Table 13**.

Table 13 | Summary of other issues

Issue	Findings	Department's consideration and Recommended Conditions
Noise and vibration	<ul style="list-style-type: none"> The EIS included a Noise and Vibration Impact Assessment report (NVIA). During the EIS exhibition, public submission raised concerns regarding impacts of noise generated by staggered play breaks and the school's location in the town centre. SDRP requested additional information be provided regarding the acoustic insulation of the walkway decks and rooftop sports courts. 	<ul style="list-style-type: none"> The Department has assessed the NVIA and considers that the noise generated due to construction works would have no significant impact on the locality. The Applicant has also committed to the preparation of a range of management plans for both construction and operation to ensure that

Issue	Findings	Department's consideration and Recommended Conditions
	<ul style="list-style-type: none"> • The NVIA, refined by the RtS considered construction noise and vibration impacts and operational impacts of the proposal. • The Applicant proposed standard construction hours (7am – 6pm) in accordance with EPA's Interim Construction Noise Guideline (ICNG), Monday to Friday. The construction hours for Saturday are proposed to be between 7am – 5pm (in lieu of 1pm, under ICNG). The NVIA concluded that during construction, the predicted noise levels at the nearest future sensitive receivers would be 32 dBA or lower. • All feasible and reasonable measures would be implemented to minimise potential vibration impacts. • EPA and Council raised no concerns regarding the extended construction hours on Saturday. • Operational noise levels from the use of the multipurpose hall and rooftop multi-sports court were predicted to comply with noise criteria (for the evening period). • Noise emissions from playground use during school operational hours were predicted to comply with the noise criterion established by the Association of Australasian Acoustical Consultants guidelines for outdoor spaces. • With regard to noise generated by the CELC, the NVIA concludes that potential noise impacts on the nearest sensitive residential receivers would 	<p>all measures, including recommendations contained in the NVIA, are implemented.</p> <ul style="list-style-type: none"> • The Department notes that during staggered play times, the exposure time for periods of play is not expected to exceed two hours at any one time. • The Department considers that restricting the playtime for CELC to 6pm would not detrimentally impact the learning environment of the preschoolers as the centre operating hours are to be till 6:30pm only. • The Department has recommended conditions of consent requiring the Applicant deliver: <ul style="list-style-type: none"> ○ a Community Consultation Strategy to identify procedures for engaging with the community during construction. ○ a Construction Environmental Management Plan, inclusive of a Construction Noise and Vibration Management Sub-Plan. ○ an acoustic fence on the southern boundary of the CELC.

Issue	Findings	Department's consideration and Recommended Conditions
	<p>be acceptable, subject to a minor 1dB(A) exceedance of day time criteria.</p> <ul style="list-style-type: none"> To avoid adverse impacts, the NVIA recommended that the use of outdoor play areas after 6pm be restricted. The design of the school has incorporated measures to assist in minimising noise impacts, including acoustic insulation treatments to 70% of soffit areas and designing a double slab with insulated void beneath the sports court. The noise sources from mechanical plant and the school's public address system/school bell are not known as final design selection has not taken place. 	<ul style="list-style-type: none"> an Operational Management Plan that includes details concerning the management and use of school facilities and the staggering of play breaks to ensure minimal impacts on the learning environment of the students due to the open space use.
Waste Management	<ul style="list-style-type: none"> The EIS outlined that waste service collections would occur two times per week by a private contractor. Waste is proposed to be stored on-site within the waste enclosure / amenity building until collection. Collections are proposed to be undertaken from the CELC drop-off / pick-up car park outside of the facilities operations. 	<ul style="list-style-type: none"> The Department is satisfied that the future school operations would be satisfactorily serviced subject to the following conditions: <ul style="list-style-type: none"> the Operational Management Plan for the school to include details concerning operational waste management procedures and collection times (discussed in Section 6.2.2).
Contamination	<ul style="list-style-type: none"> The application includes a Contamination Assessment Report which provided a summary of the existing conditions of the site, surroundings and the previous 	<ul style="list-style-type: none"> The Department is satisfied that the Applicant has adequately addressed clause 7 of SEPP 55 and that the site is suitable for its

Issue	Findings	Department's consideration and Recommended Conditions
	<p>contamination investigations undertaken on the site. These included a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI).</p> <ul style="list-style-type: none"> • The DSI included a comprehensive assessment of potential soil and groundwater contamination across the Box Hill North precinct and concluded that there was no evidence of widespread contamination, subject to the preparation of a remediation action plan (RAP) to address localised impacts. • No impacts or issues were identified within the boundaries of the school site. • Based on the previous investigations, the Applicant concludes that the site is suitable for the proposed land use as 'educational establishment' (a school) and a site-specific RAP is not required. The site is vacant and therefore a hazardous materials survey is not needed. 	<p>proposed use as a school and child care centre without the need for any further remediation.</p> <ul style="list-style-type: none"> • The Department has recommended conditions of consent requiring that imported fill brought onto the site comprise Virgin Excavated Natural Material, or other material approved in writing by EPA.
Aboriginal Heritage	<ul style="list-style-type: none"> • The EIS was supported by a report on Aboriginal cultural heritage including a summary of the conclusions made as part of its previous comprehensive Aboriginal archaeological and cultural heritage assessment (ACHAR), prepared for the overall Box Hill North. The ACHAR included the details of consultation with registered Aboriginal stakeholders. • It was previously determined that majority of the identified sites within the precinct would be impacted by the 	<ul style="list-style-type: none"> • The Department concurs with the Applicant's assessment and considers that the site is unlikely to include any significant Aboriginal archaeological relics. • The proposal development would not have any significant impact on the Aboriginal cultural heritage in relation to the site or the surroundings.

Issue	Findings	Department's consideration and Recommended Conditions
	<p>Box Hill North development. Therefore, an application for an Aboriginal Heritage Impact Permit (AHIP) was sought and granted under section 90 of the <i>National Parks and Wildlife Act 1974</i> on 13 July 2015.</p> <ul style="list-style-type: none"> The AHIP allows for impacts to identified Aboriginal heritage within the wider Box Hill North area but includes provisions for the archaeological salvage. These salvage works were completed between 2015 and 2017. Based on the previous ACHAR, the Applicant's EIS concluded that no Aboriginal archaeological site containing objects exist within the boundaries of the proposed school site and that no further Aboriginal heritage assessment is warranted. 	<ul style="list-style-type: none"> The Department has recommended a condition requiring the Applicant to prepare an unexpected finds protocol in relation to Aboriginal cultural heritage management.
Stormwater management and reticulate water supply	<ul style="list-style-type: none"> The proposal includes details of an on-site stormwater management system with a pit and pipe network that collect all stormwater runoff from the site (including overflows) and direct to the future stormwater management system within future Road B and Red Gables Road. The Box Hill North precinct has a Reticulated Alternative Water Supply Scheme (operational since November 2019) for the purpose of achieving the minimum required BASIX water saving score for new developments connecting to the scheme. The proposed school would be connected to this supply. 	<ul style="list-style-type: none"> The Department notes that Council or EESG raised no concerns with regard to the proposed WSUD measures. The Department is satisfied that the proposed development forms part of a broader precinct, which incorporates suitable WSUD measures that would appropriately control the quality of the stormwater runoff from this site and the adjoining developments. The Department has recommended a condition requiring the Applicant to provide final stormwater

Issue	Findings	Department's consideration and Recommended Conditions
	<ul style="list-style-type: none"> The site is part of the broader catchment of the Box Hill North precinct which includes provision for water sensitive urban design (WSUD) treatment facilities through a lake, gross pollutant traps, grassed swales and bio-retention systems. The EIS indicated that the proposed WSUD measures for the broader Box Hill North precinct, achieve the relevant reduction targets and provide the detention storage required for the site. Thus, no further permanent water quality management system or on-site detention system are required as part of this application. 	<p>management plans prior to the issue of the construction certificate, that would demonstrate that the stormwater runoff from the site can be connected to the future stormwater management system within the Box Hill North precinct.</p>
OOSH	<ul style="list-style-type: none"> The Department notes that the proposal includes an OOSH that would operate within the school campus and would accommodate up to 400 students. The EIS does not identify any specific location from the OOSH within the site. The Applicant has advised that the students within the OOSH would be dispersed within the classrooms and the school office would be utilised for the OOSH administrative purpose. The EIS initially proposed the operational hours of the OOSH to be 6am and 9pm in the mornings and 4pm and 10pm in the evenings (school days). In response to concerns raised by the Department, the Applicant amended the OOSH hours to be up to 7pm in the evenings. 	<ul style="list-style-type: none"> The Department considers that the operation of the OOSH within the school premises till 7pm would not result in unacceptable impact on the future residential developments surrounding the site. The Department has recommended the following conditions to mitigate any potential impacts on the surrounding community due to the operation of the OOSH for 400 students: <ul style="list-style-type: none"> the operational hours of the OOSH be restricted to 6am – 9am in the mornings and 4pm – 7pm in the evenings. the OTAMP include appropriate

Issue	Findings	Department's consideration and Recommended Conditions
	<ul style="list-style-type: none"> No additional noise or traffic assessment has been done with regard to the OOSH operations. 	<p>management measures regarding car parking for the parents accessing the OOSH.</p>
Development Contributions	<ul style="list-style-type: none"> The proposal attracts a development contribution at a rate of 1% of the CIV in accordance with The Hills Section 7.12 Contributions Plan (2017) (CP) (\$1,230,000 in total). In its EIS, the Applicant requested that Council use its discretion under section 7.12(1) of the EP&A Act and waive the requirement to pay the contribution. Council commented in its submission on the EIS that its CP applies to the proposal. The proposal is not exempt from paying contributions in the voluntary planning agreement applying to the land. 	<ul style="list-style-type: none"> The Department considers that the Applicant be required to financially contribute to the provision of infrastructure and services to assist with the delivery and ongoing maintenance of infrastructure and services managed by Council. The Department has recommended the imposition of Council's standard development contributions condition of consent.
Public Interest	<ul style="list-style-type: none"> A number of submitters raised concerns that the proposed school at this location is not in the public interest. 	<ul style="list-style-type: none"> The Department is satisfied that the proposal would be in the public interest. The proposal would benefit the developing community and existing surrounding community by the provision of a new school that: <ul style="list-style-type: none"> provides contemporary teaching and learning. adaptable and collaborative learning spaces. In addition, the proposal would result in direct investment in the area of \$123 million and generate up

Issue	Findings	Department's consideration and Recommended Conditions
		to 2000 construction jobs and 130 new FTE operational jobs.

6.5 Summary of Department's consideration of submissions

A summary of the Department's consideration of the issues raised in submissions is provided in **Table 14**.

Table 14 | Department's consideration of key issues raised in submissions

Issue Raised	Department's Consideration
Site suitability	The Department is satisfied that the location of the site is suitable for the proposed development. The size of the site and proposed design of the new school would accommodate sufficient open space and recreational space to promote active, healthy learning. (See Section 6.1).
Student safety	The Department is satisfied that student safety has been appropriately catered for in the proposed design and layout of the school. The design of the school encompasses CPTED principles to ensure that the school site remains secure and safe during school operations and that its edges remain maintained and well looked after to develop a sense of place and activity management (See Section 6.1.2).
Open space	The Applicant has satisfactorily demonstrated that adequate open space can be provided for the students within the site and on Council owned playing fields with safe access to this site. (See Section 6.3.3).
Car Parking	<p>The Department is satisfied that appropriate car parking has been provided within the town centre to cater for the development. Evidence has been submitted confirming the landowner's agreement to the delivery of 110 permanent car parking spaces as part of future car parking facilities delivered within the Box Hill North Town Centre.</p> <p>The proposal would be supported by an approved temporary car park with a 110-space capacity until the permanent car parking within the town centre is delivered.</p> <p>The approach to providing for 80% of the demand for car spaces and promoting sustainable transport is also supported. (See Section 6.2.2).</p>

School drop-off / pick-up facilities	The Department is satisfied that, subject to recommended conditions of consent, the proposed staged establishment of the future Road B and future Fontana Drive drop-off / pick-up zones would satisfactorily cater for the predicated AM and PM demands generated by school operations. Condition of consent recommending the implementation of an OMP would ensure that the operation of the facilities would be effectively managed to minimise any potential associated impacts (See Section 6.2.3).
Traffic impacts	The Department considers the predicted construction traffic impacts can be satisfactorily accommodated within the existing road network. Conditions of consent are recommended to ensure that construction traffic is appropriately managed in terms of traffic control and timing of access by construction vehicles. In addition, the Department notes that construction vehicles and worker vehicles can be accommodated on the site. (See Section 6.2.6).
Built form and urban design	<p>The Department considers the built form and scale of the proposed building components across the site to be appropriate in the context of the scale of future development envisaged within the Box Hill North Town Centre. The built form would contribute to the architectural setting and built form quality of the locality.</p> <p>The proposed built form and associated building height and FSR non-compliances would not adversely impact on the amenity or privacy of future residential flat buildings surrounding the site (See Section 6.3.1).</p>



7. *Evaluation*

The Department has reviewed the EIS, RtS and SRtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council and concern raised in the community submission. Issues raised have been considered and all environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

The proposal would provide for a new school within a rapidly growing new release precinct in the north-west of Sydney. The proposed new school has been designed to fit within the context of the future Box Hill North Town Centre and would positively contribute to the architectural quality and activation of the surrounding public domain.

The proposed new school would provide for childcare, primary and secondary enrolment opportunities that would provide for quality and improved accessibility to modern, new learning environments within a changing urban environment. The proposal would complement the growing population and associated demand within the Box Hill and Box Hill North precincts.

The proposal is consistent with the objects of the Environmental Planning and Assessment Act (EP&A Act), including facilitating ecologically sustainable development (ESD), and is consistent with the vision outlined in the Central City District Plan, as it would provide much needed school infrastructure conveniently located in a new, master planned community with opportunities to co-share facilities with the local community and is well connected with the surrounding precinct.

The EIS was publicly exhibited between 30 May 2019 until 26 June 2019 (28 days). The Department received a total of 82 submissions, comprising seven submissions from public authorities including Council, one submission of objection from a special interest group and 74 public submissions including 69 objections.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) of the EP&A Act, the principles of Ecologically Sustainable Development, and the issues raised in all submissions.

The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ESD, and issues raised in all submissions. The Department has recommended conditions of consent to manage the construction and operation of the proposal, including the operation of drop-off and pick-up facilities and future community uses. The Department has also recommended conditions to manage construction impacts on local infrastructure and nearby residents, and operational noise levels for the proposal.

The proposal is in the public interest and would provide a range of public benefits, including:

- provision of a new school infrastructure in an expanding growth precinct for all school year groups.

- a 1920 increase in student enrolment capacity in the Central City District (1860 for the school and 60 for the CELC).
- 2000 new construction jobs and capacity for 130 FTE staff.

The impacts of the proposal have been addressed in the EIS, the RtS and SRtS. Conditions of consent are recommended to ensure that these impacts are managed appropriately.

The SSD application is referred to the Independent Planning Commission as more than 25 public submissions have been received that raised an objection to the proposal (69 objections received). The Department considers the proposal can be approved and is in the public interest, subject to conditions of consent. This assessment report is hereby presented to the Independent Planning Commission for determination.

Recommended by:



Karren Harragon

Director

Social and Infrastructure Assessments

Recommended by:



David Gainsford

Executive Director

Infrastructure Assessments



Appendices

Appendix A – List of Documents

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/9676>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9676>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9676>

4. Applicant's Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9676>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

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

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

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

COMPLIANCE WITH CONTROLS

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

Table B1 | SRD SEPP compliance table

Relevant sections	Consideration and comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: Section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposal is permissible with development consent. The development is a type specified in Schedule 1.	Yes
Schedule 1 State significant development —general (clause 8 (1)) 15 Educational Establishments	The proposal is for the development of a new school.	Yes

- (1). Development for the purpose of a new school (regardless of the capital investment value).
- (2). Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.
- (3). Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million.

State Environmental Planning Policy (Infrastructure) 2007

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

The proposal does not trigger consideration under the ISEPP. Notwithstanding, the Department has consulted and considered the comments from the relevant public authorities (see **Sections 5** and **6** of the report). The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

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

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

The Education SEPP defines the CELC as a centre-based child care facility. Clause 22 of Part 3 of the Education SEPP states that concurrence is not required for a 'centre-based child care facility' (i.e. pre-school) if:

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

The proposal for the CELC satisfies the numeric play space requirements for 60 children. Therefore, separate concurrence of the Regulatory Authority is not required (see **Section 6.3.5**).

The consent authority is also required to consider the relevant provisions of the Department's Child Care Planning Guideline prior to determining an application for a centre-based child care centre. Consideration of the relevant planning provisions of the Guidelines is provided below in **Table B2**.

Table B2 | Consideration of the Child Care Planning Guideline

Matter	Consideration/Comment
Design quality principles	
Context	The proposed CELC is located within the school to take advantage of its location within a developing town centre and build on the cultural relationship between early learning and future primary and secondary education.
Built form	<p>The CELC has been integrated into the design of the school to ensure the younger students form part of the broader school community.</p> <p>The CELC does not adversely contribute to the bulk and scale of the proposal and occupies a small area of the total school development.</p>
Adaptive learning spaces	The design of the CELC provides a large, unobstructed indoor space with opportunities for adaptive learning. The design also incorporates an indoor / outdoor play area that offers an opportunity to create a unique and exciting play space environment for younger children.
Sustainability	<p>The unencumbered internal space provides opportunities for cross ventilation between the proposed northern and southern outdoor play space areas.</p> <p>Outdoor play space areas have been assessed as having access to satisfactory levels of natural daylight, while similarly providing areas for shade and weather protection.</p> <p>Additional sustainable measures are proposed to be incorporated into the overall design and operation of the school.</p>
Landscape	<p>The landscape design for the proposed CELC has been integrated into the proposed layout of the facility to provide a diverse and functional environment.</p> <p>The internal northern facing outdoor play space visually integrates with the central play space of the school, while the southern outdoor play space area provides for the establishment of a line trees along the southern boundary contributing to the green connection within the centre.</p>

Amenity	<p>The centre has been designed to ensure suitable indoor and outdoor play spaces are provided that would have suitable access to daylight and natural ventilation.</p> <p>The siting of the centre in the south of the site minimises its exposure to public places and would ensure that occupants are not exposed to adverse amenity or privacy impacts.</p> <p>Potential for overlooking into the southern outdoor play space exits from any development of the future envisaged residential flat building to the south of the site. Notwithstanding, proposed tree planting along the south would assist in minimising these opportunities in conjunction with the building setback.</p>
Safety	<p>The layout of the proposed CELC incorporates a secure single-entry point through the proposed reception area of the centre adjacent to the CELC car park.</p> <p>The design incorporates secure fence lines around the outdoor play space areas to ensure safety is maintained.</p>
Matters for consideration	
Site selection and location	<p>The proposed CELC forms part of the larger school development. The sites location within the future town centre would enable improved connections between both uses.</p> <p>The centre would be surrounded by future residential developments. But the use is appropriately sited to ensure no adverse acoustic, privacy or amenity impacts arise at the land use interface. A separate dedicated CELC car parking is proposed enabling drop-off / pick-up for young children at the entrance to the centre, minimising any potential safety or traffic concerns.</p> <p>The location of the centre within the school would strengthen the relationship between the pre-school and school students.</p> <p>The site does not hold any preceding site contamination, flooding or bushfire constraints that would unnecessarily limit the ability for a centre-based child care centre from being established.</p>
Local character, streetscape and the public domain interface	<p>The proposed integration of the CELC with the school would ensure it remains compatible with the character of the locality.</p>

	<p>The centre has been designed to ensure it is not unreasonably exposed to the public domain and provides for a clear delineation between the boundaries of the school and centre.</p> <p>The proposed location of the centre reception and staff room would ensure that visibility of the centre car park is maximised.</p>
Building orientation, envelope, building design and accessibility	<p>The Applicant has demonstrated that the design and location of the CELC along the southern boundary of the site would not result in any adverse environmental or amenity impacts.</p> <p>The centre is proposed to be setback 6m from the southern boundary to provide sufficient building separation between any future residential development on the adjoining lot.</p>
Landscaping	<p>The proposed CELC landscape design incorporates a several passive and active landscape elements to help create a diverse and interesting learning environment.</p> <p>Appropriate screen tree planting is proposed along the southern boundary of the site to help minimise privacy impacts into the outdoor play space to its south.</p>
Visual and acoustic privacy	<p>The CELC is located away from the public domain and offers its primary northern boundary to the internal play area of the school. Accordingly, privacy impacts are minimised by reducing the exposure of the centre.</p> <p>The predicted noise impacts associated with the operation of the centre are generally satisfactory and would not result in adverse amenity impacts, subject to recommended conditions of consent (see Section 6.3.5).</p>
Noise and air pollution	<p>The location of the CELC and SSCC is not near any noise or odour generating sources that would give rise to adverse emissions.</p>
Hours of operation	<p>The CELC is proposed to operate between 6am to 6.30pm. The Department notes the proposed starting time is one hour earlier than the recommended core hours prescribed in the Guideline, particularly for residential neighbourhoods.</p> <p>The Department is satisfied the additional hour in the morning period would allow for greater flexibility for working families. The earlier starting time would also assist in stretching out the peak AM drop-off period.</p> <p>Conditions of consent recommend that a 1.8m high solid fence be constructed on the southern boundary and that the children do not access</p>

	the outdoor play areas prior to 7am to avoid unreasonable impacts on the adjoining residents in the future.
Traffic, parking and pedestrian circulation	<p>Six dedicated parking spaces have been allocated for the six CELC staff. In addition, 10 dedicated drop-off/pick-up spaces are proposed immediately adjacent to the centre entrance.</p> <p>The Applicant's assessment concludes the staff parking proposed would sufficiently cater for the demand generated and the future road network to be delivered would operate at a satisfactory level of service.</p>
National Regulations	
Indoor space requirements	A minimum 195m ² of unencumbered indoor space is required based on the proposed 60 spaces. The proposal provides for 220m ² .
Laundry and hygiene facilities	<p>Laundry facilities are proposed to be provided on-site.</p> <p>Sufficient space is available for the provision of these facilities, although limited details are provided on the architectural plans. Accordingly, the Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.</p>
Toilet and hygiene facilities	<p>The Applicant confirms that the design of the CELC provides for adequate toilet and hygiene facilities appropriate to the developmental stage and age of children being cared for within the centre.</p> <p>Sufficient space is available for the provision of these facilities, although limited details are provided on the architectural plans. Accordingly, the Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.</p>
Ventilation and natural light	Details submitted by the Applicant demonstrate that the outdoor play space would receive sufficient natural daylight throughout the day. The large indoor play space is flanked on either side by proposed outdoor areas which provides cross ventilation opportunities.
Administrative space	The internal layout of the proposed administrative functions of the CELC has considered the interaction of staff, parents and children and visitors to ensure interactions are appropriately managed.

Nappy change facilities	<p>The Applicant confirms that the design of the CELC provides for adequate nappy change facilities within the centre.</p> <p>Sufficient space is available for the provision of these facilities, although limited details are provided on the architectural plans. Accordingly, the Department recommends a condition of consent be imposed requiring detailed drawings to be certified compliant prior to the issue of a construction certificate for the proposal.</p>
Premises designed to facilitate supervision	<p>The internal layout of the centre, including staff rooms and toilet facilities, have been designed to facilitate supervision between educators and children.</p>
Emergency and evacuation procedures	<p>The Applicant states details surrounding emergency and evacuation procedures would be confirmed later.</p> <p>The Department has recommended a condition of consent requiring such details be provided prior to the issue of a construction certificate and certified by a suitably qualified access consultant.</p>
Outdoor space requirements	<p>A minimum 420m² of unencumbered indoor space is required based on the proposed 60 spaces.</p> <p>The proposal provides for two areas of outdoor space, comprising a 395m² northern play area and a 194m² southern play area, providing for a total of 589m² of unencumbered space.</p>
Natural environmental	<p>The landscape design for the CELC incorporates opportunities for outdoor play that engage with the natural environment and encourage inquiry and exploration.</p>
Shade	<p>The northern and southern outdoor play areas have different characteristics, with the southern space predominantly uncovered.</p> <p>The northern outdoor play space is largely covered by the level above and would provide sufficient shade and weather protection all year round.</p>
Fencing	<p>The proposal would include provision of a 1.8m high metal palisade fence with small openings between each vertical pale.</p>
Soil assessment	<p>Previous site contamination assessments undertaken have satisfactorily demonstrated that the site does not pose a contamination threat.</p>

Clause 35(1) of the Education SEPP states development for the purpose of a school may be carried out with development consent on land in a prescribed zone. For the purposes of this clause, clause 33

identifies the site's B2 Local Centre zoning as being a prescribed zone. Accordingly, the proposal is permissible with development consent on the site.

In accordance with clause 35(5), the Applicant proposes to allow the use of the school and its associated facilities for the purpose of the “...*physical, social, cultural or intellectual development or welfare of the community...*”.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the proposal against the design principles has also be undertaken and is provided in **Table B3**.

Table B3 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	<p>The site planning for the school has responded to the proposed master plan for Box Hill North Town Centre, proposing a built form scale sympathetic to the envisaged character and scale of the future town centre. The proposed land use as an educational establishment (school) has been sited between the main retail and commercial core of the future town centre and future public recreation sports fields to the south across Red Gables Road.</p> <p>The proposed northern ground plane design of the school incorporates an interface with the future town centre plaza and retail / commercial core. In addition, the proposed multipurpose hall / performance hub space has been located along this immediate interface, allowing for the improved management of the space when used by the community without impacting on existing school operations.</p> <p>Notwithstanding the height non-compliance, the school's redevelopment has been designed to fit into the surrounding built-form.</p>
Sustainable, efficient and durable	<p>The proposal includes ESD measures sufficient to achieve a 4-star Green Star rating. The materials chosen are durable and require low maintenance.</p> <p>Bicycle parking is provided within the school site and a Green Travel Plan is proposed to be implemented that encourages sustainable travel modes.</p>
Accessible and inclusive	<p>Accessible travel paths are provided in all sections of the school site and lifts provide vertical accessibility. Large spaces are provided on each level to ensure student accessibility and maneuverability is maximised.</p>

	<p>School student ages / years are grouped together, minimising the necessity for vertical circulation throughout teaching periods.</p> <p>The main school entrance has been designed to integrate with the future town plaza to create an inviting and inclusive space. Further, the multipurpose hall has been sited immediately adjacent to the future retail / commercial core of the town centre, helping to foster a stronger connection with the community.</p>
Health and Safety	<p>The proposed design of the school minimises the need for physical barriers (fences) by positioning the built form on its periphery.</p> <p>This ensures student safety is maximised by having formal, controlled access points into the school.</p> <p>Innovative design approaches to combat school bullying and to increase passive surveillance have also been incorporated into the design of SSCC to improve the mental health of students.</p>
Amenity	<p>The proposal would provide future students access to the latest educational facilities, while incorporating a variety of spaces that offer students opportunities to engage in active and passive recreation that offer satisfactory levels of amenity and access to natural light and sunlight.</p> <p>Age/developmentally appropriate recreational environments are provided at each school level to coincide with the programmed student age/year.</p>
Whole of life, flexible, adaptable	<p>The proposed learning areas are flexible and provide adaptable spaces throughout the building. The outdoor deck is also proposed to function as an outdoor learning environment, with flexible teaching space provisions.</p>
Aesthetics	<p>The design of the school has responded to the evolving built form context of the Box Hill North Town Centre, proposing a built form and scale generally consistent with that envisaged within the locality.</p> <p>The school design incorporates multi-use facilities and provides positive elements that would help integrate the proposal with the developing locality.</p>

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument

under which the consent is granted. The proposal does not comply with the prescribed 16m building height limit or maximum 1:1 FSR that applies to the site under THLEP 2012. Detailed consideration of the proposed building height and FSR is provided in **Section 6.3** of this report.

Clause 57 of the Education SEPP requires traffic generating development that involves the addition of 50 or more students to be referred to the TfNSW(RMS). The proposal was referred to TNSW(RMS) in accordance with this clause and objections were raised.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The EIS was supported by a Contamination Assessment report which provided a summary of the existing conditions of the site and surroundings and the previous contamination. The Department has assessed the submitted reports. The Department is satisfied that the Applicant has adequately addressed clause 7 of SEPP 55 and that the site is suitable for its proposed land use as a school and childcare centre without the need for further remediation (see **Section 6.5**).

Table B4 below provides an assessment of the proposal against the relevant provisions of SEPP 55.

Table B4 | Assessment against relevant SEPP 55 provisions

Relevant Clause	Assessment/Comment
Clause 7	
(1) A consent authority must not consent to the carrying out of any development on land unless:	In accordance with clause 7(1)(a) and 7(2), the consent authority has considered the Contamination Assessment submitted with the EIS and RAP subsequently submitted with the Applicant's SRtS.
(a) it has considered whether the land is contaminated, and	The Department is satisfied that the site is not contaminated and is suitable for its proposed use as a school and childcare centre.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or would be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land would be	

remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in sub clause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by sub clause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

Investigations have been previously undertaken and detailed PSI and DSI reports prepared accordingly.

The Department is satisfied the site is suitable for the proposal and that no further investigations are required. The Department has recommended a condition of consent be imposed requiring the preparation of an unexpected finds protocol to ensure appropriate measures are taken in the unlikely event areas of environmental concern are uncovered during site works.

Clause 9

For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is: (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or

No consent for remediation works is proposed or required.

(1) A category 1 remediation work is identified as advertised development, unless the remediation work is: (a) designated development, or (b) State significant development.

No consent for remediation works is proposed or required.

(2) Pursuant to section 29A of the Act, the period specified in clause 65 (5) (d) of the *Environmental Planning and Assessment Regulation 1994* is extended to 30 days in relation to development identified as advertised development by this clause.

State Environmental Planning Policy No. 64 – Advertising and Signage

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. Detailed consideration of the assessment criteria specified in Schedule 1 of the SEPP is provided below in **Table B5**.

Table B5 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed signage is contemporary in design and would be consistent with the proposed new education establishment proposal.</p> <p>The contemporary nature of the signage design would not be out of character with the envisaged surrounding locality.</p>	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The locality is undergoing change from a primarily rural environment to an urban setting. As such, the locality does not have any existing outdoor advertising that would be typically associated with an urban environment.</p> <p>Notwithstanding, it is not considered that the proposed design and location of the proposed signage would create an adverse impact on, or negative precedent, for the locality.</p>	Yes

2 Special areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the amenity or visual quality of any areas of significance.	Yes
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3 Views and vistas

Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
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Does the proposal dominate the skyline and reduce the quality of vistas?

Does the proposal respect the viewing rights of other advertisers?	The proposed building signage would not impact on any viewing rights of other advertisers.	Yes
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4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The proposed free-standing signs are 4.8m high and proposed to be located at the corners of the school site. These signs would be viewed on approach to the school, such that their design and scale are considered appropriate in the context of the school building design.</p> <p>The proposed wall mounted signs are smaller in scale, measuring between 500mm to 2m in height. The proposed mounting location and their scale match their proposed 'informative' nature in providing wayfinding for visitors and parents.</p>	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed contemporary design of signage would ensure it does not	Yes

negatively impact on the setting of the locality.

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not include advertising signage.	N/A
Does the proposal screen unsightliness?	Signage has been designed in keeping with the contemporary nature of the proposed school design. The signage locations and their scale are appropriately set out such that they would not be unsightly.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No signage is proposed to protrude above the height of the school buildings.	Yes
Does the proposal require ongoing vegetation management?	No ongoing vegetation management would be required by the proposed signage.	Yes

5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed scale and design of the signage is compatible with the site and the proposed contemporary built form design of the school.	Yes
Does the proposal respect important features of the site or building, or both?	The signs would respect the design features of the school buildings.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage has been designed to complement the proposal.	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage design includes the school logo which is carried through as a key design element on each sign.	Yes
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7 Illumination

Would illumination result in unacceptable glare?	Two freestanding signs and the proposed plaza entry wall mounted sign are proposed to incorporate a digital panel and backlit elements, respectively.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	<p>The level of illumination is not expected to be significant such that it would cause an adverse amenity of safety impact.</p> <p>The Department has recommended a condition of consent to ensure that the proposed lighting does not result in adverse off-site illumination impacts.</p>	
Would illumination detract from the amenity of any residence or other form of accommodation?	<p>The proposed intensity of illumination is not expected to result in glare impacts or light spill.</p> <p>The Department recommended a condition of consent to ensure that the proposed lighting does not result in adverse off-site illumination impacts.</p>	Yes
Can the intensity of the illumination be adjusted, if necessary?	The proposed illumination of signage is intended to occur at all times.	Yes
Is the illumination subject to a curfew?	The Department has recommended a condition of consent to ensure that the proposed lighting does not result in adverse off-site illumination impacts.	

8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed design and location of signage is not anticipated to have an adverse impact on pedestrian or any public road.	Yes
Would the proposal reduce safety for any public road?		

Draft State Environmental Planning Policy (Remediation of Land)

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

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

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

The Hill Local Environmental Plan (THLEP) 2012

Clause 1.8A (Savings provisions) of THLEP 2019 states any development application made, and not yet determined, before the commencement of THLEP 2019, must be determined as if that plan had not commenced. Accordingly, THLEP 2012 continues to apply to the proposal.

The THLEP 2012 aims to guide the orderly and sustainable development of the LGA while balancing the economic, environmental and social needs of the community. The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the THLEP 2012 and the matters raised by Council in its assessment of the proposal (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the THLEP 2012. Consideration of the relevant clauses of the THLEP 2012 provided in **Table B6**.

Table B6 | Consideration of the THLEP 2012

THLEP 2012	Department Comment/Assessment
Clause 1.2 Aims of Plan	<p>The proposal is considered to meet the aims of THLEP 2012 as it:</p> <ul style="list-style-type: none">• provides for the social needs of a growing population.• contributes to the creation of a liveable, vibrant and safe community that provides the necessary services and facilities to meet their needs.• represents a balanced approach to the urban growth of the Box Hill North Town Centre.• would not impact on the natural environment of the locality.• would contribute to the generation of employment opportunities within a growing new release town centre.

Land Use Table – Zone B2 Local Centre Educational establishments are permissible with consent in the B2 Local Centre zone.

The proposal is considered to meet the objectives of the zone as follows:

- the proposal would be integrated into the future Box Hill North Town Centre and offers the community use of school facilities.
- the proposal provides opportunities for future employment opportunities in an accessible location within the future town centre.
- the proposal incorporates measures to maximise alternate transport modes, including the provision of end-of-trip facilities for staff and bicycle parking spaces.

Clause 4.3 Building height

The site is mapped on the THLEP 2012 'Height of Buildings Map' as being subject to a maximum 16m building height.

A maximum building height of 29.9m (i.e. proposed Building Central, including plant, fronting Fontana Drive) is proposed which exceeds the maximum permitted building height by 13.9m.

Consideration of the proposed height exceedance is provided in **Section 6.1** of this report and below against the provisions of clause 4.6 of THLEP 2012. The Department concludes that compliance with the maximum building height control applying to the site is unnecessary under the circumstances.

Clause 4.4 Floor space ratio (FSR)

The site is mapped on the THLEP 2012 'Floor Space Ratio Map' as being subject to a maximum FSR of 1:1.

The proposal seeks consent for a maximum GFA of 15,090m² that equates to a non-compliant FSR of 1.32:1.

Consideration of the proposed height exceedance is provided in **Section 6.3** of this report and below against the provisions of clause 4.6 of THLEP 2012. The Department concludes that compliance with the maximum FSR control applying to the site is unnecessary under the circumstances.

Clause 4.6 Exceptions to development standards	<p>Clause 42 of the Education SEPP states development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.</p> <p>As outlined above, the proposal does not comply with the maximum building height limit and FSR that apply to the site. Detailed consideration of the proposed non-compliances is provided in Section 6.1 of this report.</p> <p>The Department concludes that compliance with the development standards are unnecessary and that sufficient environmental planning grounds exist to justify the proposed non-compliances.</p>
Clause 5.10 Heritage conservation	<p>The site does not contain, or is located in proximity to, a heritage item or known archaeological remains. The matters in relation to Aboriginal Heritage are discussed in Section 6.4.</p>
Clause 6.2 Public utility infrastructure	<p>All necessary public utility infrastructure would be provided by the Box Hill North town centre developer.</p>
Clause 7.7 Design excellence	<p>The proposal has a building height greater than 25m and therefore, development consent must not be granted unless the consent authority considers the proposal exhibits design excellence.</p> <p>Pursuant to clause 7.7(4), the proposal is considered to exhibit design excellence as follows:</p> <ul style="list-style-type: none"> the design of the school is considered likely to achieve a high standard of architectural design and would be appropriate for the location and future built form. the form and external appearance of the proposal would positively contribute to the future town centre and create a shared public domain area surrounding the town plaza. the proposal would not detrimentally impact on views. the scale and siting of the proposed built form would not adversely impact on solar access provisions of adjoining future residential flat building sites. the Applicant is considered to have satisfactorily considered and addressed the comments provided by the SDRP through its pre-lodgement review of the proposal. <p>The details of built form and design excellence are discussed in Section 6.3.</p>

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to State significant development. Despite this provision, consideration of the relevant development controls contained in Council's Development Control Plan 2012 Part D Section 17 – Box Hill North is provided in **Table B7**.

Table B7 | DCP compliance table

Control	Department Comment/ Assessment
Section 2 Indicative Layout Plan (ILP) – development to be undertaken generally in accordance with the ILP.	The proposal does not impact on the Indicative Layout Plan set out in the DCP and would contribute to the mix of land uses established within the future town centre.
Section 2.3 Town Centre	<p>The proposal does not impact on the existing street layout and proposes a built form scale in keeping with the scale of development proposed in the broader town centre. The proposal would complement the scale of future residential flat buildings surrounding the site and offers articulated frontages to future Fontana Drive and future Road B.</p> <p>Bicycle parking would be provided in accordance with the DCP, with 252 spaces proposed.</p>
Section 2.4 Street Network	<p>The proposed siting of the new school retains a north-south pedestrian spine that is protected by an easement to ensure this access alignment is maintained.</p> <p>No augmentation to the road network is proposed as part of this proposal. The Department recommends a condition of consent be imposed requiring the establishment of the proposed drop-off/pick-up facilities.</p>
Section 2.7 Public Transport	<p>A bus set-down and pick-up area is proposed to be accommodated along the western side of Fontana Drive. This location is designed to accommodate up to 5 busses and is immediately adjacent to the proposal to ensure minimal travel distances.</p> <p>No augmentation to the road network is proposed as part of this proposal. The Department recommends a condition of consent be imposed requiring the establishment of the proposed bus zone prior to the occupation of the proposal.</p>
Section 2.9 Public Domain	<p>The proposal respects the planned north-south pedestrian spine and incorporates an easement to protect this alignment in the southern portion of the site.</p> <p>The proposal also proposes a public domain interface with the future planned town plaza at the northern end of the site.</p>

Section 2.11
Stormwater
Management

The stormwater system designed for the proposal seeks to integrate with the larger stormwater system designed for the proposed town centre that seeks to maximise the capture and reuse of water.

Both stormwater and sewer wastewater are proposed to be recycled for on-site reuse and toilet flushing, thereby reducing demand for potable water from Sydney Water.

Stormwater generated by the proposal would drain via a pit and pipe drainage network into a series of basins, for which Stage 1 of the larger Box Hill North development includes the delivery of a large permanent on-line basin (i.e. proposed lake/bio-retention basin), which has been designed to service the entire Box Hill North. The lake/basin network design includes a water quality treatment train for all upstream developed catchments, including the SSCC proposal.

As such, no on-site detention or on-site water quality treatment (e.g. water sensitive urban design) are proposed for the site.

Appendix C – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/9676>