COUNCIL ASSESSMENT REPORT
SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-419 - DA 1065/2023/JP
PROPOSAL	Demolition of Existing Structures and Construction of a Three Storey Building for Matthew Pearce Public School
ADDRESS	Lot 1 DP 838196, Matthew Pearce Public School, 4G Astoria Park Road, Baulkham Hills
APPLICANT	Architectus Group Pty Ltd
OWNER	Matthew Pearce Public School
DA LODGEMENT DATE	16 January 2023
APPLICATION TYPE	Development Application – Crown DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 4, Schedule 6 of the SEPP (Planning Systems) 2021: Crown development with a Capital Investment Value of more than $5 million
CIV	$25,637,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Clause 4.3 – Building Height
KEY SEPP/LEP	• State Environmental Planning Policy (Transport and Infrastructure) 2021 • The Hills Local Environmental Plan 2019 • The Hills Development Control Plan 2012
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	5 submissions from 4 properties. Key issues: - building height; - privacy and overlooking; - view loss; - noise; - property value; - relocate buildings; - lack of school facilities; and - overshadowing.
CONSULTANTS	Architect – Woods Bagot Town Planner – Architectus Landscape Architect – Urbis Aboriginal and Archaeological – Tocomwall

	Surveyor – TSS Contamination – Douglas Partners Acoustic – Norman Disney and Young Arborist – Arboreport Bushfire – Peterson Bushfire Engineering – TTW Quantity Surveyor – W&W Traffic – Cardno Waste – Eccell
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	The proposal is not subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the Environmental Planning and Assessment Act 1979.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic determination
PREPARED BY	Sophia Brown – Senior Town Planner
DATE OF REPORT	31 October 2023
CONFLICT OF INTEREST DECLARATION	None Declared

EXECUTIVE SUMMARY

The Development Application seeks consent for the demolition of existing structures and construction of a three storey building for Matthew Pearce Public School and includes the construction of the new main teaching and hall building - a three storey classroom building, comprising of twenty four (24) new GLS and three (3) new SLU across three pavilions, earthworks, tree removal, new landscaping, ramping and pathways.

The application is referred to the Sydney Central City Planning Panel ('the Panel') as the development is '*regionally significant development'*, pursuant to Clause 4 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is Crown development with a Capital Investment Value of more than $5 million.

Clause 4.3 of the LEP prescribes a maximum height of 9 metres for the subject site. The proposed development exceeds the maximum building height by 4.7 metres or 52%. The subject application is accompanied by a written request to vary the building height development standard pursuant to Clause 4.6 of the LEP. It is recommended that the applicant's Clause 4.6 written request to vary Clause 4.3(2) development standard of The Hills LEP 2019 is supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as technical compliance with the standard is unreasonable or unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in

this report. Further, having regard to Clause 4.6(4), the development is consistent with the objectives of the standard and the objectives for development within the zone and is therefore in the public interest. In this regard, the submitted Clause 4.6 request to vary a development standard is considered to be well-founded.

Clause 5.21 of the LEP states that development consent must not be granted to development on land within flood prone land unless the consent authority is satisfied that the development is compatible with the flood function on the land, will not adversely affect other development or properties, will not adversely affect the safe occupation and efficient evacuation of people in the event of a flood, incorporates measures to manage risk to life in the event of a flood and will not adversely affect the environment. Council's Waterways and Engineering Sections have reviewed the proposal and raise no objection subject to conditions of consent.

Clause 4.14 of the EP&A Act 1979 states that development consent must not be granted unless the consent authority is satisfied that the development conforms with the specifications and requirements of Planning for Bush Fire Protection by NSW RFS. In accordance with Clause 4.44(2) of the EP&A Act 1979, General Terms of Approval are not required from NSW RFS as the Crown development is not integrated development however NSW RFS has reviewed the proposal and raise no objections subject to conditions of consent.

The application was notified to adjoining properties from 18 January 2023 to 8 February 2023, with five (5) submissions from four (4) properties being received. The submissions raised concern relating to building height, privacy and overlooking, view loss, noise, property value, relocate buildings, school facilities and overshadowing. These issues are considered further in this report and do not warrant refusal of the application.

In accordance with Clause 4.33 Determination of Crown development application of the EP&A Act, a consent authority (other than the Minister) must not impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister. In accordance with Clause 4.33 of the EP&A Act, the applicant's response to Council Staff's recommended conditions has been provided under Attachment B.

The Development Application is recommended for approval subject to conditions of consent.

1. THE SITE AND LOCALITY

The subject site is situated on Lot 1 DP 838196 and is known as 4G Astoria Park Road, Baulkham Hills or Matthew Pearce Public School. The site is an irregular shaped allotment with two (2) road frontages including Astoria Park Road to the south and Appian Circuit to the west and occupies an irregularly shaped area of 32,490m². Vehicle access to the site is via Astoria Park Road, and pedestrian access is via both Astoria Park Road and Appian Circuit.

The topography of the subject site generally rises from the eastern side boundary, across the site to the western boundary at Appian Circuit. The subject site accommodates a level change of approximately 12 metres.

The site is located in the R2 Low Density zone pursuant to Clause 2.2 of The Hills Local Environmental Plan 2019. The site is located in a low density residential area comprising of one to two storey dwellings. Development for the purpose of a school is permissible with consent under Clause 3.36(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021 on land zoned R2 Low Density Residential.

The site adjoins R2 Low Density Residential zones to the north, south and west, and adjoins RE1 Public Recreation to the south east. The site is located in a low density residential area comprising of one to two storey dwellings. Westlink M7 is located appromilatey 300 metres to the west of the school. The school is accessible by bus services. School buses stop in front of the site along Astoria Park Road and public bus stops are located 100-200 metres from the site along Seven Hills Road. The closest train station is Seven Hills station which is located approximately 3 kilometres from the site.

Under The Hills Local Environmental Plan 2019 (THLEP 2019), the site has maximum height limit of 9 metres under Clause 4.3 of THLEP 2019. There is no maximum floor space ratio development standard for the site.

The site is identified as flood prone land under Clause 5.21 of THLEP 2019.

An aerial photograph of the subject site is outlined in red below (refer Figure 1):

Figure 1: Aerial Photograph with subject site outlined in red.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application seeks consent for the demolition of existing structures and construction of a three storey building for Matthew Pearce Public School and includes:

- Construction of the new main teaching and hall building - a three storey classroom building, comprising of twenty four (24) new GLS and three (3) new SLU across three pavilions;
- Earthworks within the footprint of the new main teaching and hall building; and
- Tree Removal, new landscaping, ramping and pathways.

Clause 4.3 of the LEP prescribes a maximum height of 9 metres for the subject site. The proposed development exceeds the maximum building height by 4.7 metres or 52%. The subject application is accompanied by a written request to vary the building height development standard pursuant to Clause 4.6 of the LEP.

The key development data is provided in Table 1 below:

Table 1: Development Data

Control	Proposal
Site area	32,490m^2
GFA	9,210m^2
Clause 4.6 Requests	Yes – Clause 4.3 of THLEP 2023 - Building Height
Student Capacity	Existing: 1,388 students Proposed: 1,200 students
Staff	Existing: 80 Proposed: 69
Max Height	A maximum building height of 9 metres is required for the site. The maximum height of the development is 13.7 metres (Building H), 13.7 metres (Building I) and 12.4 metres (Building J).
Play space	Existing: 22,426m^2 Proposed: 23,190m^2*
Car Parking spaces	39 spaces (no change to existing)

**Note: Total playspace when all demountables are removed from the site under a Part 5 Planning Approval Pathway.*

2.2 Background and Site History

A pre-lodgement meeting was held prior to the lodgement of the applicant on 23 September 2022.

The development application was lodged on **16 January 2023**. A chronology of the development application since lodgement is outlined in Table 2 below including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	**Event**
16 January 2023	DA lodged.
18 January 2023	Notification of the application. 5 submissions received.
18 January 2023	DA referred to internal departments and external agencies.
28 February 2023	Request for Information from Council staff sent to applicant regarding tree/landscape comments, colours and materials schedule and issues raised in submissions to be addressed.
6 April 2023	A briefing was held with the Panel where key issues were discussed, including more information on student numbers, justification of building height within the low density zone, clarification with tree retention/removal, and clarification regarding SINSW intention for timing of the delivery of the outdoor playspace.
19 April 2023	Request for Information from Council Staff sent to applicant regarding waterways and engineering comments.
2 May 2023	Request for Information from Council Staff sent to applicant regarding fire safety and development monitoring comments.
23 May 2023	Request for Information from Council Staff sent to applicant regarding traffic comments.
23 May 2023	Meeting with applicant and Council Staff to discuss waterways and engineering comments.
24 July 2023	Additional information received in response to Request for Information dated 28 February, 19 April, 2 and 23 May.
7 August 2023	Request for Information from Council Staff sent to applicant regarding waterways comments.
16 August 2023	Additional information received in response to Request for Information dated 7 August 2023.
22 August 2023	Request for Information from Council Staff sent to applicant regarding tree/landscape comments.
23 August 2023	Meeting with applicant and Council Staff to discuss tree/landscape comments.
8 September 2023	Additional information received in response to Request for Information dated 22 August 2023.

Under Part 5 of the EP&A Act 1979, 30 existing demountable classrooms and associated utility services infrastructure are to be removed from the site.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

(a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
(c) the suitability of the site for the development,
(d) any submissions made in accordance with this Act or the regulations,
(e) the public interest.

These matters are further considered below.

In accordance with Clause 4.33 Determination of Crown development application of the EP&A Act, a consent authority (other than the Minister) must not impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister. In accordance with Clause 4.33 of the EP&A Act, written agreement has been provided from the Crown to the proposed conditions of consent.

Clause 4.14 of the EP&A Act 1979 states that development consent must not be granted unless the consent authority is satisfied that the development conforms with the specifications and requirements of Planning for Bush Fire Protection by NSW RFS. Under Clause 4.44(2) of the EP&A Act 1979, General Terms of Approval are not required from NSW RFS as the Crown development is not integrated development however NSW RFS has reviewed the proposal and raise no objections subject to conditions of consent.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *The Hills Local Environmental Plan 2019.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	• Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 4 of Schedule 6.	Y
Biodiversity and Conservation SEPP	• Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
Resilience and Hazards SEPP	• Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Transport and Infrastructure SEPP	• Clause 104(3) - Traffic-generating development	N/A
LEP	• Clause 4.3 – Height of Buildings – N • Clause 4.4 – Floor Space Ratio – N/A • Clause 4.6 – Exception to development standards – Y • Clause 5.21 – Flood Planning • Clause 7.2 – Earthworks	N N/A Y Y

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 4 of Schedule 6 of the SEPP as the proposal is development for Crown development with a Capital Investment Value of more than $5 million. Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

SEPP Biodiversity and Conservation

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

Through stormwater mitigation and erosion and sediment measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River Catchment.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of RH SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to

be carried out. A Stage 2 Detailed Site Investigation (DSI) was prepared for the site to consider the provisions of the SEPP.

Council's Environmental Health Team have reviewed the DSI and have raised no objections to the recommendations of the report, subject to conditions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 3.36(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021 permits development for the purpose of a school by any person with development consent on land in a prescribed zone. The subject size is zoned R2 Low Density Residential which is listed as a prescribed zone. The proposed alterations and additions to the existing school is permissible subject to consent being granted under Section 3.36(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Section 3.58 of State Environmental Planning Policy (Transport and Infrastructure) 2021 requires traffic generating development that involves the addition of 50 or more students to be referred to TfNSW. The development reduces the student numbers from 1,388 to 1,200 students therefore referral to TfNSW is not required.

Section 3.36(9) of State Environmental Planning Policy (Transport and Infrastructure) 2021 indicates that the provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made. It is noted that The Hills DCP 2012 does not apply to the proposal, however the DCP controls have been considered as discussed within Section 3.3 of this report.

Section 3.36(6) of State Environmental Planning Policy (Transport and Infrastructure) 2021 states the following:

(6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration—
(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and

(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

In accordance with the SEPP, the following design quality principles are to be considered:

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.
Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

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

Comment:

The application includes an extensive, detailed landscape design that integrates with the school setting, and complements the existing landscape and residential zone. In addition, the proposal has been designed to respond to and enhance the existing setting and landscape of the site. Block H, I and J have been designed to ensure a sympathetic scheme in relation to the existing school, including maintaining the spatial organisation of buildings and proposed heights responding to the topography. The buildings have been designed taking into account the site conditions, including topography, orientation and climate.

The supporting landscape design has taken into account the design of the built form, whilst positively contributing to the on-site amenity, improving the existing streetscape amenity and character, including mitigating any impacts on neighbouring residential properties. Existing landscaping to Appian Circuit will be retained and further embellished to ensure that the proposal will be sympathetic to the existing landscape setting, whilst the built form will be adequately screened from the public domain and adjoining residential dwellings. The subject site, including school buildings and surrounding grounds are not identified as being located within a scenic protection area. Overall, the design responds to and enhances the existing setting of the school within a residential area.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Comment:

The proposal provides for a high-quality educational environment for students and staff. The design of the development has considered the environmental, social and economic outcomes, whilst minimising the consumption of energy, water and other resources. The design maximises solar access with a north and west facing building, while also ensuring appropriate design methods are implemented to provide shade. The new buildings provide upgraded and improved learning spaces for students with natural light and ventilation provided to all learning spaces. Overall, the buildings have been designed to ensure a sustainable, efficient and durable outcome for the school.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.
Note—

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Comment:

The proposal seeks to actively improve the existing accessibility and the overall sense of inclusiveness with the provision of improved transition between levels. Improved accessibility is provided across the site with new ramps and stairways that create easy and logical paths

of travel. The proposed buildings connect with the existing Cola and buildings and transitions seamlessly between the outdoor play areas. Accessible compliant amenities are also provided for students, staff and visitors of the school. The proposal has demonstrated compliance with the above through the Access Report.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Comment:

The health of students and staff has been considered by providing large learning and outdoor play areas, both covered and uncovered. Improved ventilation and natural light has been incorporated into the design by taking advantage of the northern aspect. Passive surveillance has been improved with the new proposal providing a safe and secure school environment and public domain for those attending or visiting the school grounds. Overall, the proposal provides for a significantly improved outcome for students and staff with regards to health and safety.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.
Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Comment:

The school will provide upgraded, high-quality spaces that will deliver pleasant and engaging areas for students and staff for the purposes of educational, informal and community activities. The proposal includes additional large, expansive learning areas and informal outdoor areas that have considered the amenity of the adjacent development and wider neighbourhood. The location of the proposed buildings and landscaping will provide buffering from the main outdoor play areas to adjacent residential properties along Appian Circuit and the local neighbourhood.

The proposed buildings are located adjacent the Appian Circuit frontage with pedestrian and bike access, however vehicular access is via Astoria Park Road which is not proposed for amendment under this application. Nevertheless, the proposal provides for a high level of acoustic amenity for students, teachers and visitors.

The school seeks to provide appropriate indoor and outdoor learning and play spaces, which will receive sufficient solar access, natural ventilation, privacy, storage and service areas. Mechanical ventilation is suitably located on the roof spaces for an improved acoustic environment. Overall, the proposal provides for suitable amenity to students and staff, as well as the public.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Comment:

The school seeks consent for upgrade works which aim to deliver buildings with a high environmental performance, ease of adaption and maximising multi-use facilities. The proposed materials provide structure within the outer footprint for longevity and flexibility internally for future adaptive use.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.
The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

Comment:

As previously noted, the proposed buildings have been designed to relate to the existing setting of the site within the education and residential landscape. The built form responds to the existing context and is consistent with the desired future character of the school. The design continues to positively contribute to the site and surrounding neighbourhood with the visual impact of the built form being sympathetic to the locality through positioning, materiality, and landscaping.

Overall, the proposal has satisfactorily demonstrated compliance with regards to the above design principles and will enable the use of the proposed facilities for the benefit of the community.

The Hills Local Environmental Plan 2019

The proposed development is pursuant to the provisions outlined within the LEP.

The aims of the LEP include the following:

- *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- *to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- *to provide strategic direction and urban and rural land use management for the benefit of the community,*
- *to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,*
- *to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*

- *to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,*

- *to contribute to the development of a prosperous local economy through the identification and management of land to promote employment opportunities, rural productivity and tourism.*

The proposal is consistent with the above aims as the proposal seeks to develop the site in an orderly manner that is compatible with the surrounding development and provides school facilities and services for the local community.

The site is located within the R2 Low Density Residential Zone. The proposal is a permissible form of development in the R2 zone under the Chapter 3 of SEPP (Transport and Infrastructure) 2021. A zoning map of the subject site is outlined in red below (refer Figure 2):

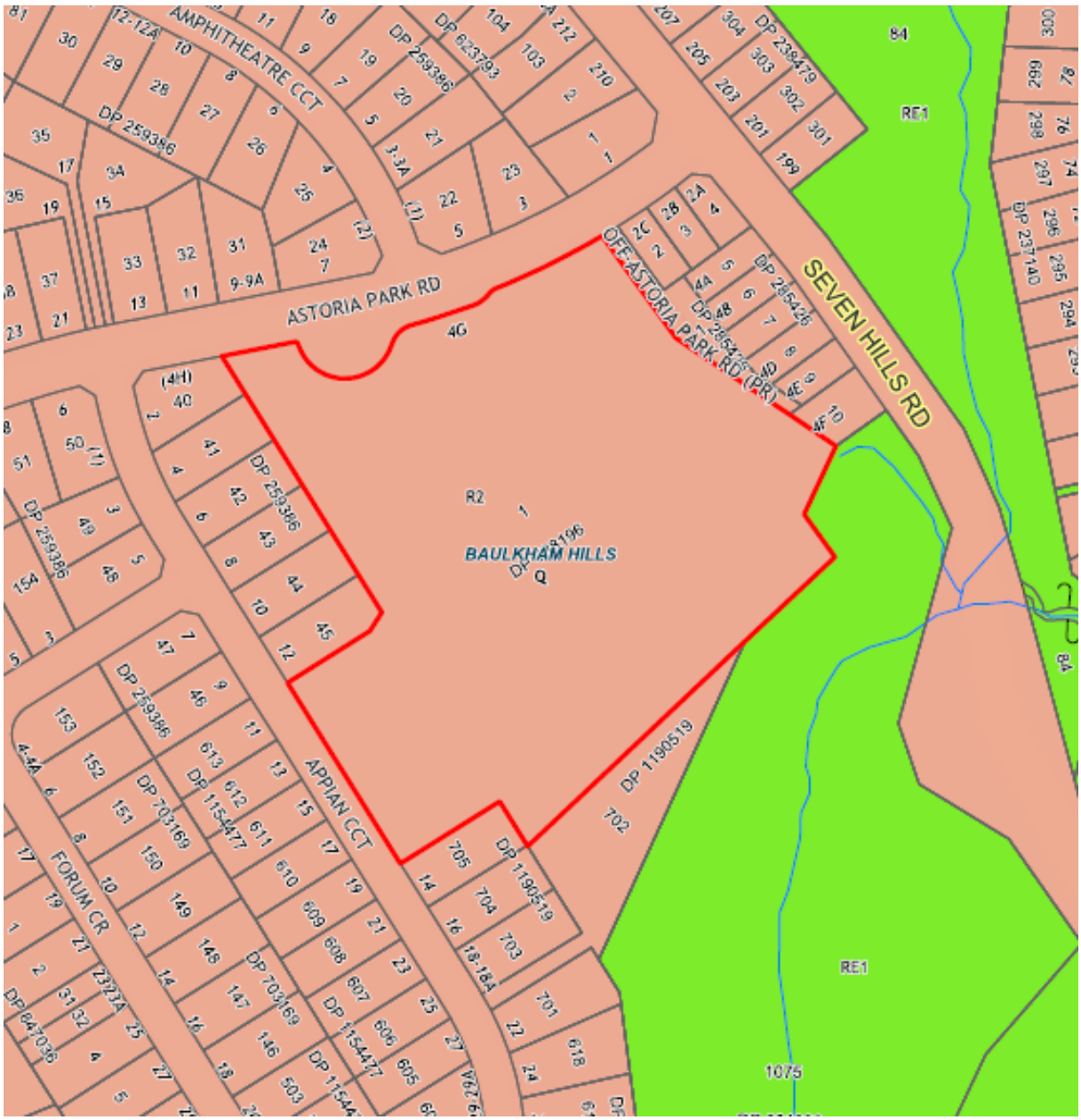


Figure 2. Extract of Zoning. Site outlined in red.

The R2 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the existing low density residential character of the area.*

The proposal is considered to be consistent with these zone objectives.

The LEP also contains the following relevant controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (Cl 4.3(2))	9 metres	13.7 metres or 52% (Building H); 13.7 metres or 52% (Building I); and 12.4 metres or 37.8% (Building J).	No, refer to discussion below.
Exceptions of Development Standards (Cl 4.6)	Exceptions will be considered subject to appropriate assessment.	A written submission to vary Clause 4.3 height of buildings has been provided and addressed below.	Yes, refer to discussion below.
Clause 5.21 – Flood Planning	Development consent must not be granted to development on land within flood prone land unless the consent authority is satisfied that the development is compatible with the flood function on the land, will not adversely affect other development or properties, will not adversely affect the safe occupation and efficient evacuation of people in the event of a flood, incorporates measures to manage risk to life in the event of a flood and will not adversely affect the environment.	The site has been identified within a flood planning area. A flood assessment report prepared by TTW has been reviewed by Council's Waterways and Engineering Sections who raise no objection subject to condition of consent.	Yes, subject to conditions.

The proposal is considered to be generally consistent with the LEP with the exception of Clause 4.3(2) Height of Buildings. A Clause 4.6 request has been provided with the application for the exceedance of the maximum height standard and is discussed as follows.

Clause 4.6 Request – Building Height

The site is subject to a maximum building height of 9 metres as shown on the Height of Buildings map under Clause 4.3 of LEP 2019. The proposed development exceeds the building height standard by a maximum of 4.7 metres or 52% (refer to Attachment L).

The applicant has submitted a written Clause 4.6 Variation request to vary the building height standard (refer to Attachment L). Clause 4.6 allows consent to be granted for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clause 4.6 – Exceptions to Development Standards states:

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.2 or 6.3,

(cb) clause 7.11,

(cc) clause 7.15.

In determining the appropriateness of the variation request, a number of factors identified by the Applicant have been taken into consideration to ascertain whether the variation is supportable in this instance. They include:

- Minimum floorspace requirements which must be achieved for the site to provide for these new facilities (based on forecasted student enrolment numbers and related spatial requirements under the the Educational Facilities Standards and Guidelines (SINSW EFSG));
- Site constraints (flooding, bushfire, topography, existing services, existing trees, key circulation requirements of the school) meant the building needed to be located in its proposed location;
- As the buildings comprise additions to an existing school, there needed to be a logical and coherent design concept which connected the new and existing facilities. This was

achieved through the following design moves which also dictated the proposed building location and form:
    - Continue the design concept of the school in a curved form, which also reduces impacts on play space;
    - Building design continues the primary internal circulation route;
    - Maintains COLA and courtyard as the heart of the school;
    - Maintaining classrooms to the fringe to maintain their outlook.
- The sloping topography at the proposed building location meant the third storey must exceed the height control;
- The height of the new building is influenced by the NSW Educational Facilities Standards and Guidelines (EFSG). Ceiling heights are required to be 2.7m to the learning commons and 3m across all usable floor area within learning spaces. The floor to floor height between each level is fixed to 3.75m to ensure an adequate zone for mechanical ventilation above and structure. The overall height of the building increases slightly as the EFSG stipulates that the roof of the building must have a minimum slope of 4 degrees.
- The height of each new building is also a direct response to existing on site programs such as the COLA. For example, to maintain a seamless and functional connection between the hall and the COLA the finish floor level of building J needs to align to the COLA level.

Pursuant to Clause 4.6(2) of LEP 2019, consent may be granted for development even though the development would contravene a development standard prescribed by an environmental planning instrument. The maximum building height is not expressly excluded and thus the clause can be applied in this instance.

Has the applicant's submission addressed the relevant criteria?

Pursuant to Clause 4.6(4)(a) of the LEP, consent can only be granted if the consent authority is satisfied that the applicant's written request to vary the development standard has addressed the criteria of Clause 4.6(3) of the LEP. The application is supported by a detailed submission addressing the provisions of Clause 4.6 of LEP 2019 (refer to Attachment L). The submission is considered with regard to the criteria of Clause 4.6(3) of the LEP, as follows:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

In accordance with the NSW LEC findings in the matter of Wehbe v Pittwater Council, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The objectives of Clause 4.3 Height of Buildings of the LEP are:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- *To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

The development standard for building height and the development controls for building design, solar access and privacy have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposal has been designed to consider the low density residential context of the immediate locality.

The proposed roof form and building height are compatible with surrounding dwellings and the streetscape as part of additions to an existing school. The proposal will not result in any unacceptable overshadowing or privacy impacts on adjoining properties beyond a development which achieves compliance with the height standard. The development complies with the minimum overshadowing requirements under The Hills DCP 2012. Building I located at the south eastern corner of the site at the Appian Street frontage is setback 15 metres from the south eastern property boundary, and Building H located at the north eastern section of the site is setback 10 metres from the north eastern property boundary at the Appian Street frontage. In addition, given the orientation of the buildings, setbacks and location at the south-western portion of the site, the majority of overshadowing impacts would fall within the subject site.

The applicant's written submission has satisfactorily demonstrated that the proposal will achieve consistency with the objectives of the building height development standard, and as such strict compliance is considered to be unreasonable and unnecessary in the circumstances of this application.

- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant's submission states that the elements of the built form which exceed the maximum building height will not result in unreasonable impacts on the built environment or the amenity of nearby properties. In particular, the proposal will not be unreasonably impacted in respect to overshadowing, privacy and bulk and scale. The building location has been determined due to site constraints on the land with regards to topography, flooding, bushfire asset protection zone, existing services, existing trees and circulation through the school grounds. The submission further states that the building height non-compliance is a better urban design and planning outcome as the siting of the proposed new building adequately responds to the significant environmental site constraints, the proposal will allow for reinstatement of recreational facilities for a larger play space area, the topography increases the extent of the height non compliance but also assists in diminishing the height and visual prominence of the new building in the streetscape.

It is considered that the applicant's justification for non-compliance satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the 9 metre maximum building height development standard. It is considered that the applicant's written request has satisfactorily addressed the requirements under Clause 4.6(3) of the LEP.

Is the proposal in the public interest?

Under the provisions of Clause 4.6(4) of LEP 2019, consent must not be granted to a proposal that contravenes a development standard unless that proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is to be carried out. The Clause 4.6 written submission has demonstrated that the objectives of the standard are achieve as addressed above.

The proposal is considered to be consistent with the objectives of the building height development standard, as follows:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*

  Comment:

  Notwithstanding the building height non-compliance, the height and scale of the proposed development is compatible with the established built form along Appian Circuit. The streetscape will not be impacted by the proposal with height of the building being adequately screened by landscaping and existing bus shelters, the use of recessive colours and materials softening the built form and substantial setbacks providing adequate separation.

- *To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

  Comment:

  As discussed throughout this report, the area of non-compliance will remain set back from Appian Circuit, including those residential properties fronting Appian Circuit to the north-west and south-east of the subject site. This will ensure that overshadowing is minimised, while the visual impact of the built form, in particular the building height breach is reduced. The proposal is accompanied by a detailed landscape plan, which details extensive proposed landscaping, which in conjunction with existing established landscaping will reduce any overlooking from the school. Overall, the proposal will not result in unacceptable amenity to adjoining properties and any areas of open space. (Refer to Elevations/Photomontages in Appendix J).

  Further, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.

- *To provide for the housing needs of the community within a low density residential environment.*

  Comment:

  The proposal does not impact on the housing needs of the community within a low-density residential environment.

- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

  Comment:

  The proposal provides for additions and upgrades to an existing educational establishment that seeks to continue to meet the needs of the local community through improved learning environments for local students. The proposal is considered to provide facilities and services to a local public school that meet the day to day needs of residents.

- *To maintain the existing low density residential character of the area.*

  Comment:

  The proposal is considered to maintain the low-density residential character of the area. The proposed design provides adequate separation to Appian Circuit and adjoining properties as well as landscaping to soften the bulk and scale of the built form. Overall, the development will maintain the low-density residential character of the area.

Accordingly, the variation to the development standard can be supported for the following reasons:

- The Applicant's request is well-founded,
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Buildings and the R2 Low Density Residential zone objectives,
- Compliance with the standard is unreasonable and unnecessary in this instance and there are sufficient environmental grounds to justify the contravention, and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Has Concurrence Been Obtained?

Pursuant to Clause 4.6(4)(b) of LEP 2019, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS18-003 (dated 21 February 2018) issued by the NSW Department of Planning, the Secretary's concurrence may be assumed in this instance as the application relates to a development standard within an EPI that adopts Clause 4.6 of the Standard Instrument.

Conclusion

The Clause 4.6 written request has adequately demonstrated that the proposed development is consistent with the objectives of Clause 4.3 'Height of Buildings' and the R2 Low Density Residential zone. The variation to building height is compatible with adjoining development and will not cause unreasonable impacts upon the amenity of adjoining properties. The submission has demonstrated that the development standard is unnecessary in this instance and there are sufficient environmental grounds to justify the contravention. In this instance, it is considered that the proposal meets the objectives of the height standard and is in the public interest. In this regard, the variation can be supported.

The applicant has addressed Clause 4.6(3) by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Hills DCP 2012 does not apply to the proposal, and it is noted that no section of the DCP specifically applies to design associated with school developments. Notwithstanding, a merit assessment against the applicable controls is considered necessary to ensure a consistent character with the streetscape and wider locality. The proposed development has been assessed against the relevant development controls and objectives of the DCP as follows:

The Hills Development Control Plan 2012

- Part B Section 2 – Residential;
- Part C Section 1 – Parking;
- Part C Section 3 – Landscaping; and
- Part C Section 6 – Flood Controlled Land

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 2 – Residential			
Building Setbacks	Front setback – 10 metres	Front setback to Appian Circuit – 10 metres	Yes
	Side setback – 1.5 metres	Side setback (north-west) – 10 metres Side setback – (south-east) – 15 metres	Yes Yes
Part C Section 1 – Parking			
Parking	<u>Educational Establishments</u> 1 space per employee plus 1 space per 30 students enrolled for visitors and/or parent parking	<u>Existing</u> Staff: 80 (80 spaces) Student capacity: 1,388 (47 spaces) Required: 127 spaces Existing car parking provision: 39 spaces <u>Proposed</u> Staff: 69 (69 spaces) Student capacity: 1,200 (40 spaces) Required: 109 spaces	No, see below for discussion.

		Proposed car parking provision: 39 spaces – no change to existing	

Parking

The proposal has been assessed against The Hills DCP Part C Section – Parking as follows:

THDCP 2012 parking rate:

Staff	1 space per employee
Visitors and/or parents	1 space per 30 students enrolled

Existing and proposed student and staff numbers:

Existing staff numbers	**Proposed staff numbers**	**Decrease**
80	69	11

Existing student numbers	**Proposed student numbers**	**Decrease**
1,388	1,200	188

Existing parking:

Existing parking	**Minimum DCP carparking requirements**	**Shortfall**
36 spaces	127 spaces	88 spaces

Proposed parking:

Proposed parking	**Minimum DCP carparking requirements**	**Shortfall**
39 spaces	109 spaces	70 spaces

As indicated above, the proposal reduces the maximum staff and student numbers and maintains the existing car parking provision which reduces the shortfall to the DCP control of car parking spaces required for the subject site.

The supporting Traffic Management Report prepared by Cardno states:

> *109 parking spaces would be required for the proposed 1200 students to meet the DCP requirements which is a reduction from what would have been expected under the current school size, being 127 spaces. It is relevant to note that the potential removal of 2-3 parking spaces from the Appian Circuit indented parking (the kiss and drop zone) due to the fire booster, will result in the need for some vehicles to parking*

in other streets for student drop-off / pick-up. Based on the numerous alternate streets and parking opportunities, it is expected that this reduction can be accommodated in addition to the desired travel mode shift.

In addition, the supporting Traffic Management Report notes that the school is well serviced by several bus services with 3 school buses during the morning peak period, 6 school buses during the afternoon peak and 2 public buses.

On-street parking is provided in the streets surrounding the school with a combination of unrestricted parking and No Parking during school drop off and pick up hours which complements the school's kiss and ride system where parents are able to remain in their vehicles and legally drop off or pick up their children near the school gates within a two-minute timeframe. The kiss and drop zone is located along Appian Circuit.

Council's Traffic Engineer has assessed the proposal and raises no objection subject to conditions of consent requiring the development to comply with the submitted School Transport Plan that aims to encourage active and public transport and reduce private car reliance.

The school currently provides no off-street parking for parents and visitors. The existing 39 car parking spaces are to remain for the use of staff only.

Although the proposal will remain non-compliant with parking requirements under THDCP 2012, the proposal reduces the maximum staff and student numbers, therefore reducing the shortfall of car parking spaces required for the subject site.

Overall, the proposal is considered to be reasonable by providing an adequate number of parking spaces and reducing the overall car parking demand with reduced staff and student numbers which will result in a substantially improved outcome for the school, whilst also improving the residential amenity and overall streetscape.

In view of the above, the existing carparking to remain is supportable in this instance.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- If demolition of a building proposed - provisions of AS 2601;

These provisions have been considered and if subject to a recommendation for approval, would have been and addressed in the draft conditions (where necessary).

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The proposed development is not considered likely to result in any adverse impacts. The development will provide for permanent classroom and school facilities for students at Matthew Pearce Public School.

3.7 Section 4.15(1)(c) - Suitability of the site

The proposal will provide for upgraded school facilities consistent with the intended outcomes for the area, responds to the site characteristics and is considered to be a suitable development for the proposed lot.

Accordingly, it is considered that the proposal is suitable for the site and will not adversely impact the environmental amenity of the locality.

3.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report.

3.9 Section 4.15(1)(e) - Public interest

The development provides upgraded school facilities for a local public school. The proposal has been designed to be generally in accordance with SEPP (Transport and Infrastructure) 2021 and is in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to Transport for NSW, Sydney Water, Endeavour Energy, NSW Police and RFS for comment/referral as required by the EP&A Act. There are no outstanding issues arising from these referral requirements subject to the imposition of recommended conditions if development consent was granted for the application.

4.2 Council Referrals

The development application has been referred to the following sections of Council:

- Waterways
- Engineering
- Traffic
- Tree Management/Landscaping
- Resource Recovery
- Environmental Health
- Land and Spatial Information
- Developer Contributions
- Development Monitoring
- Ecology

All previous concerns raised have been resolved and conditions of development consent have been recommended. This is detailed under the Background and Site History Section of this report under Section 2.2.

4.3 Community Consultation

The application was notified to adjoining properties from 18 January 2023 to 8 February 2023, with five (5) submissions from four (4) properties being received.

The proposal was notified in accordance with The Hills Development Control Plan 2012 from 18 January 2023 until 8 February 2023. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (38 properties notified); and
- Notification on the Council's website.

The issues raised in these submissions are considered in **Table 7** below:

Table 7: Community Submissions

ISSUE/OJECTION	COMMENT
Building Height Submissions raised concern regarding the 3 storey building adjoining residential dwellings.	The site is subject to a maximum building height of 9 metres as shown on the Height of Buildings map under Clause 4.3 of LEP 2019. The proposed development exceeds the maximum building height by 4.7 metres or 52%. The applicant has submitted a written Clause 4.6 Variation request to vary the building height standard. Clause 4.6 allows consent to be granted for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. It is considered that the applicant's Clause 4.6 written request to vary Clause 4.3 development standard of The Hills LEP 2019 can be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable and unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.
Privacy and Overlooking	The proposal complies with the low density residential setback controls under THDCP. There are no specific setback controls for schools however as a guide, Schedule 6

Submissions raised concern regarding potential privacy and overlooking from the three storey building into the windows and balconies of nearby residential dwellings.	of SEPP (Transport and Infrastructure) 2021 for complying development in schools requires buildings that are between 12 and 15 metres in height must be located more than 8 metres from any side or rear property boundary with land in a residential zone. There is sufficient privacy via building separation. Building I located at the south eastern corner of the site at the Appian Street frontage is setback 15 metres from the south eastern property boundary, and Building H located at the north eastern section of the site is setback 10 metres from the north eastern property boundary at the Appian Street frontage. The three storey buildings (Building H and Building I) along Appian Circuit include General Learning Spaces with students utilising the rooms for learning and not play, reducing the potential for overlooking and privacy concerns.
View Loss Submissions raised concern regarding view loss to nature, the sunrise and moon views.	Existing landscaping along Appian Circuit are to be maintained and enhanced. It is considered that the development will not completely obstruct views of the sunrise and moon from adjoining and nearby residential dwellings.
Noise Submissions raised concern that the development will increase noise.	Council's Environmental Health Officer has reviewed the proposal and raises no objection to the proposed development subject to conditions of consent requiring the recommendations of the submitted acoustic report to be implemented as part of the approval and an acoustic assessment required for the mechanical plant. It is noted that the development proposes to reduce the student capacity of the school from 1,388 students to 1,200 students.
Property Value Submissions raised concern that the three storey building will reduce the value of their properties.	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and there is no evidence to substantiate this view.
Relocate Buildings Submissions requested that the three storey building be located at the other side of the school site near Seven Hills Road.	Site constraints (flooding, bushfire, topography, existing services, existing trees, key circulation requirements of the school) meant the buildings needed to be located in its proposed location along Appian Circuit. It is considered that the location of the buildings will not result in unreasonable impacts on the built environment or the amenity of nearby properties.
School Facilities Submission raised concern that the school recently laid track and field lanes, handball, a	The existing sports playing fields and cricket nets along Appian Circuit are to be reinstated on the south eastern side of the existing school which connects to the large open playing field. All the existing outdoor facilities are to be retained or reinstated with the overall playspace increased with the proposed removal of the demountable classrooms.

synthetic soccer field and refurbished cricket nets which will be removed with this development.	
Overshadowing Submission raised concern that the three storey building result in overshadowing.	The Hills DCP Part B Section 2 – Residential requires that adjoining properties are to receive direct sunlight to at least 50% of the required private open space for a minimum of 4 hours between 9am and 3pm on 21 June. The overshadowing resulting from the proposed buildings at 9am to 1pm on 21 June will occur within the property boundaries. At 2pm on 21 June, shadows caused by the development will encroach into approximately 20% of the private open space area of No. 14 Appian Circuit. At 3pm on 21 June, shadows caused by the development will encroach approximately 80% of the private open space area of No. 14 Appian Circuit. In view of the above, the adjoining property at No. 14 Appian Circuit will receive direct sunlight to at least 50% of the required private open space for a minimum of 4 hours between 9am and 3pm on 21 June.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the applicant's Clause 4.6 written request to vary Clause 4.3(2) development standard of The Hills LEP 2019 can be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable and unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

Approval is recommended subject to conditions, refer **Attachment A.**

The Applicant's amendments for approval of the conditions as required under Clause 4.33 is provided under Attachment B.

6. RECOMMENDATION

That the Development Application No. 1065/2023/JP for a demolition of existing structures and construction of a three storey building for Matthew Pearce Public School – 4G Astoria Park Road, Baulkham Hills be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the reasons listed below and subject to the draft conditions of consent attached to this report at Attachment A.

It is recommended that the applicant's Clause 4.6 written request to vary Clause 4.3(2) development standard of The Hills LEP 2019 is supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as technical compliance with the standard is unreasonable or unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Further, having regard to Clause 4.6(4), the development is consistent with the objectives of the standard and the objectives for development within the zone and is therefore in the public interest.

- The Clause 4.6 Variation request is considered to be well-founded, and the proposed variation results in a development that is consistent with the relevant objectives, and compliance with the standard is unreasonable and unnecessary in this instance, and the proposal results in a better planning outcome as outlined in this report,
- The site is considered suitable for the development,
- The proposal adequately satisfies the relevant state and local planning provisions,
- The proposal will have no unacceptable impacts on the built or natural environments, and
- The proposal is in the public interest.

The following attachments are provided:

- Attachment A – Draft Conditions of Consent (Approved by the Applicant)
- Attachment B – Applicant's Approval under Clause 4.33 of the EP&A Act 1979
- Attachment C – Locality Plan
- Attachment D – Aerial Map
- Attachment E – Zoning Map
- Attachment F – Height Map
- Attachment G – Site Plan
- Attachment H – Floor Plans
- Attachment I – Elevations
- Attachment J – Landscape Plans
- Attachment K – Shadow Diagrams
- Attachment L – Clause 4.6 Request

ATTACHMENT A – DRAFT CONDITIONS OF CONSENT (APPROVED BY THE APPLICANT)

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: - Landscape Plans amended in red (refer to Condition No. 47)

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	REVISION	DATE
MPPS-WB-AR-DA-11-00-01	Site Plan & Survey Plan	1	15/12/2022
MPPS-WB-AR-DA-11-00-03	Site Plan & Demolition Plan	1	15/12/2022
MPPS-WB-AR-DA-11-00-05	Site Plan Proposed	1	15/12/2022
MPPS-WB-AR-DA-12-0G-00	Overall Plan Proposed Level Ground	1	15/12/2022
MPPS-WB-AR-DA-12-10-00	Overall Plan Proposed Level 1	1	15/12/2022
MPPS-WB-AR-DA-12-20-00	Overall Plan Proposed Level 2	1	15/12/2022
MPPS-WB-AR-DA-12-RF-00	Overall Plan Proposed Level Roof Plan	1	15/12/2022
MPPS-WB-AR-DA-13-00-01	Overall Proposed Elevations	1	15/12/2022
MPPS-WB-AR-DA-13-00-02	Overall Proposed Elevations & Colours and Materials	1	15/12/2022
MPPS-WB-AR-DA-13-00-03	Overall Proposed Sections	1	15/12/2022
MPPS-UR-LA-00-00-000	Landscape Cover Sheet	B	16/12/2022
MPPS-UR-LA-00-00-001	Landscape Legend & Plant Schedule	B	16/12/2022
MPPS-UR-LA-12-00-201	General Arrangement Plan	D	26/05/2023
MPPS-UR-LA-12-00-202	General Arrangement Plan	D	26/05/2023

2. External Finishes

External finishes and colours shall be generally in accordance with the details submitted with the development application, or nearest Colourbond standard colour, and as approved with this consent.

3. Compliance with Endeavour Energy Requirements

Compliance with the requirements of Endeavour Energy as outlined in their letter dated 18 January 2023 uploaded on the NSW Planning Portal and attached to this consent (Attachment A).

4. Compliance with School Transport Plan

Compliance with the requirements of the School Transport Plan dated 16 December 2022 uploaded on the NSW Planning Portal and attached to this consent (Attachment B). The School Transport Plan is required to be implemented and monitored annually for a period of three years following completion of the proposed development.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police dated 30 January 2023 as follows:

Surveillance

a. Vegetation, especially shrubs and shade trees are to be well maintained with a regular maintenance schedule.
b. A CCTV system is required to monitor the site specifically after school hours.

Territorial Reinforcement

a. Signage, gates and security locks are required to define public and private space. Entry gates are to be closed and secured when the school is closed.
b. All public access points are to be well marked.
c. Signage is required indicating school amenities i.e. sporting fields are closed to the public.
d. A maintenance schedule is to be implemented to remove any graffiti or repair damaged property.

Access Control

a. Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime (e.g., "Warning trespassers will be prosecuted" or "Warning, these premises are under electronic surveillance").
b. The premises should have motion activated alerts so that the presence on site of any person can be monitored out of hours.
c. Park smarter signage is required to educate staff and visitors to not leave valuable items in their cars and ensure vehicles are secured.

6. Tree Removal

Approval is granted for the removal of twenty-two (22) trees located and numbered 10, 99, 100, 132, 133, 134, 135, 136, 137, 138, 139, 139A, 140, 141, 142, 143, 144, 145, 146, 147, 148, and 151 on the Tree Location Plans within the Arboricultural Impact Assessment prepared by Arboreport dated 12/12/22.

All other trees are to remain and are to be protected during all works.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size.
All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size.
Groundcovers are to be planted at 5/m^2.
All approved planted areas are to be provided with an automatic smart irrigation system.

8. Provision of Parking Spaces

The development is required to maintain 39 off-street car parking spaces.

9. Separate application for signs

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

10. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

11. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Site Stormwater Drainage

The catchment area MPPS-TTW-CV-11-2 must be collected by pits and pipes, and drained to respective Onsite Detention Stormwater systems (OSD) within the site and then to a suitable point of legal discharge.

The design of outlet structures must be adequately setback from the site boundary, and to dissipate the runoff without affecting the existing trees within the site and the William Joyce Reserve downstream.

b) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and Sydney Water, in the case of stormwater management land.

12. Finished Floor Level – Flooding

The finished floor level (or levels) of the structure must reflect the approved plans and are to be no lower than RLs marked up on the Overall Plan - Proposed Level Ground drawing sheet number MPPS-WB-AR-DA-12-OG-00 prepared by Woods Bagot.

13. Site Flood Risk Assessment and Emergency Response Plan

A site Flood Risk Assessment and Flood Emergency Response Plan must be prepared in accordance with Part C Section 6 – Flood Controlled Land of Council's DCP must be complied with the development. This shall include:

(a) Erection of Flood warning signs near the swale/overland flow path along the site's northern boundary.
(b) A flood evacuation plan that indicates the location of the assembly point/shelter-in-place area needs to be prepared. This plan needs to be laminated and posted in all classrooms and communal areas.

14. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);

- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

15. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

16. Road Opening Permit

Should the development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

17. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

18. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

19. Acoustic Requirements

The recommendations of the Acoustic Report prepared by Norman, Disney and Young, referenced as Revision 4.0 – DA for Tender, dated 19 December 2022 are to be implemented.

20. Contamination Assessment & Site Remediation

The recommendations of the Report on Detailed Site (Contamination) Investigation prepared by Douglas Partners, referenced as Project 99651.03, dated December 2022 are to be implemented.

21. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained.

Revised detailed engineering and landscape design documentation are to be prepared and provided to the project Arborist who is to certify that those trees identified to be retained which currently have a major impact to their TPZ (over 10%), will have TPZ encroachment reduced to 10% or under, except Trees 101, 102 and 103. The engineering and landscape documentation and certification statement (Arboricultural Impact Assessment) from the project Arborist are to be provided to and approved by the Crown Certifier prior to ground disturbance works being carried out to the trees' TPZ's.

Trees 101, 102 and 103 which go over 10% of the TPZ are to be trenched under supervision and certification of a suitably qualified AQF Level 3 Project Arborist ensuring any roots encountered over 40mm diameter are not to be severed.

22. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

23. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

24. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

25. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for

recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

26. Use of School Hall

The proposed school hall is not to be used as an "Entertainment venue", as defined under the Environmental Planning & Assessment Regulation 2021, except with the prior consent of Council.

27. Dispersal of Stormwater in Bushland

An energy dissipator consisting of riprap apron and level spreader is to be provided to any stormwater outlet discharging into bushland on site or on the neighbouring site to protect trees and vegetation from erosion impacts. All works associated with the dissipator must be located wholly within the subject property. The dissipator works must be located outside of the Tree Protection Zone (TPZ) of existing trees.

PRIOR TO WORK COMMENCING ON-SITE

28. Integrated Stormwater Management

(a) Onsite Stormwater Detention (OSD) – Upper Parramatta River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The OSD layout shown on the Siteworks and Stormwater Management Plan prepared by TTW Engineers Drawings MPPS- TTW CV 40 Revision 3 dated 30/11/2022 forms part of the Civil and Stormwater Management Report is for development application purposes only and is not to be used for construction. The detailed design must ensure design compliance of the OSD Handbook, and the following necessary changes:

i. Adequate access must be provided in accordance with the Confined Space Act requirements and section 4.2.8 of the OSD Handbook. Any grate accesses must be located clear of high trafficable (pedestrian) areas.
ii. The detailed design for construction must incorporate adequate cross-sections extended outside the tank on both directions demonstrating the integration with the adjoining area on both sides (building and landscape).
iii. All grated lids for accesses should be lockable.
iv. Install appropriate adequate warning signs on or near the OSD tank to warn people of the risks associated with the OSD tank, being a confined space.
v. The overflow from the rainwater tank chamber incorporated with the OSD tank must be directed into the OSD tank.
vi. Detailed drawings illustrating the locations of roof downpipes and connection to the OSD tank.
vii. All the pits collecting surface runoff must be surface inlet pits.
viii. Adequate drainage measures including pipe network and/or suitably designed overland flow path must be provided throughout the site including landscape area to optimize the capture of overland flows and to ensure the safety of occupants from flood risks.

(b) Water Quality Treatment Measures:
Water Quality Treatment design elements, consisting of filter baskets in all pits and stormfilters are to be provided generally in accordance with the plans and information submitted with the application.

The Detailed Sheet 3 Drawings MPPS- TTW CV 52 Revision 1 dated 30/11/2022 also forms part of the Civil and Stormwater Management Report prepared by TTW Engineers is for development application purposes only and is not to be used for construction.

Detailed plans are to be prepared that are suitable for construction and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by an accredited certifier. The following must be included with the documentation approved prior to work commencing on-site:

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- Operation and maintenance manuals for the OSD, rainwater tanks and Water Quality Treatment design elements are to be provided to Council.
- A maintenance schedule.

29. Security Bond – Road Pavement and Public Asset Protection
In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of $183,600 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (180m) multiplied by the width of the road (8.5m & 11m).

The bond must be lodged with Council prior to work commencing on-site.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

30. Acoustic Assessment of Selected Mechanical Plant
A suitably qualified Acoustic Consultant shall review the construction plans of the development, and conduct an acoustic assessment of the cumulative noise impact of all of

the mechanical plant operating at the site. Conclusions shall be made on the potential noise impacts in relation to the Project Specific Noise Trigger Level of 42 dB(A) (at site location nearest to 12 Appian Circuit), and 45 dB(A) (at site location nearest to 21 Appian Circuit) for daytime, and provide a report with any required noise mitigation measures to the appropriate Certifying Authority for the development.

31. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifier upon request prior to works commencing.

Please refer to the website http://www.sydneywater.com.au/tapin/index.htm, Sydney Water Tap in™, or telephone 13 20 92.

32. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention.
In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per the Preliminary Tree Protection Plan in the Arboricultural Impact Assessment prepared by Arboreport dated 12/12/22; or b) as per Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development. Note: Any variations to the Standards are to be documented and certified by an AQF Level 5 Project Arborist.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Excavation, installation of services or other works within the TPZ;
- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

Tree Protection Fencing must only be moved or relocated under direct instruction from the Project Arborist.

33. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating “Tree Protection Zone No Access” (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

34. Property Condition Report – Public Assets

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

35. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

36. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

37. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of earthworks, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

38. Details and Signage - Principal Contractor and Principal Certifier

Details

Prior to work commencing, submit to the Crown Certifier notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

Before work commences, details of the Crown Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

a) the name, address and telephone number of the Crown Certifier,
b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

The sign must state that unauthorised entry to the work site is prohibited.

39. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

a) Name:
b) Qualification/s:
c) Telephone number/s:
d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

40. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

41. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

42. Amended Landscape Plan and Planting Plan

An amended detailed Landscape Plan and Planting Plan is to be prepared by a suitably qualified landscape architect or landscape designer and submitted to the satisfaction of Council's Manager – Environment and Health Prior to Works Commencing.

The Landscape Plan and Planting Plan must indicate the following minimum details on the plans and the amendments indicated on the General Arrangement Plans MPPS-UR-LA-12-00-201D and MPPS-UR-LA-12-00-202D refenced in Condition 1:

a) Detailed planting plan for the entrance garden on MPPS-UR-LA-12-00-201D, including any trees and existing landscaping to be retained.
b) Detailed planting plans for all garden areas, all green dashed and solidly hatched green areas on MPPS-UR-LA-12-00-202D.
c) Services such as boosters and substation adequately integrated into the site landscaping through the provision of appropriate ground covers/low planting.
d) Proposed surfaces, retaining walls, fences, garden edging, and other hard surfaces located on the plan and in a legend for reference.
e) Locate existing landscape structures and planting to be retained for areas on MPPS-UR-LA-12-00-202C. Where existing landscaping is to be removed, detailed replacement planting is to be indicated.

43. Construction Management Plan (CMP)

Engage a suitably qualified Environmental Consultant to prepare a detailed Construction Management Plan. The CMP shall include but not be limited to details of;

- The management of noise from the construction site including details of the depth of rock and method of rock breaking to be used;
- The management of dust from the construction site;
- A detailed program / analysis of the time line of works required to be carried out as part of the development;
- Safety – specifically around dust and noise and all mitigation measures which will be implemented to minimise the impacts on sensitive receivers such as nearby residents and the childcare centre at approximately 105m away from the proposed construction site;
- Details of the specific person for noise/ safety and dust complaints.

DURING CONSTRUCTION

44. Trenching and Excavation within Tree Protection Zone

Any trenching and excavation for installation of retaining walls, drainage, sewerage, irrigation, or any other services, and/or for construction of any ancillary structures shall not occur within the Tree Protection Zone (TPZ) of any tree(s) identified for retention unless under supervision and certification of a suitably qualified AQF Level 5 Project Arborist.

Certification of supervision by a Project Arborist must be provided to the Certifying Authority (Council) within 14 days of completion of trenching works.

The installation of the stormwater drainage system and/or the construction of any ancillary structures within the TPZ of tree(s) to be retained shall be carried out by adopting sensitive construction methods under the supervision of a Project Arborist.

Demolition or earth works within the Tree Protection Zone of tree(s) identified for retention shall be carried out so as to avoid damage to the tree roots. Manual excavation shall be carried out under the supervision of the Project Arborist.

Where roots within the Tree Protection Zone are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques.

No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

49. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

45, Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;
No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

46. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

47. Roof Water Drainage
Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

48. Stockpiles
Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

49. Asbestos Removal
Any asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.
Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principal Certifying Authority.
Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

50. Dust Control
The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

51. Project Arborist
The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

52. Construction and Fit-out of Food Premises
To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises* and the provisions of the Food Standards Code (Australia). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and servery areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, autoclaved aerated concrete or preformed panels that are filled with suitable material.

- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
    - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
    - Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

Note: Copies of *AS 4674-2004* may be obtained from www.saiglobal.com by visiting the website: www.saiglobal.com and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website www.foodstandards.gov.au.

53. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 12pm and 2pm to 5pm, Monday to Saturday.

54. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009).*

55. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, the Crown Certifier is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021.*

56. Location of Works

The total extent of the development shall be contained wholly within the confines of the allotment boundaries including the footings and any associated drainage lines. A survey report from a registered land surveyor may be required for confirmation of the same.

PRIOR TO THE FINAL INSPECTION/ISSUE OF CROWN CERTIFICATE

57. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.
The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision.

58. Landscaping Prior to the Final Inspection

Landscaping of the site shall be carried out prior to the final inspection. The Landscaping shall be either certified to be in accordance with the approved plan (as required by Condition 1 and 47 of this consent) by an Accredited Landscape Architect or be to the satisfaction of Council's

Manager Environment and Health. All landscape maintenance is to be in accordance with the Department of Education's maintenance requirements.

59. Completion of Engineering Works
The completion of all engineering works covered by this consent, in accordance with this consent must be completed prior to the final inspection.

60. Property Condition Report – Public Assets
Prior to the final inspection, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets caused by construction activities approved under this consent and the means of rectification for the approval of Council.

61. Stormwater Management Certification
The stormwater management system must be completed to the satisfaction of the accredited certifier prior to the final inspection. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection/issue of Crown Certificate:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

62. Clearance Certificate
On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

THE USE OF THE SITE

63. Lighting
Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting.*

64. Offensive Noise - Acoustic Report
The use of machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

65. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections.

DRAFT DEVELOPMENT CONSENT ATTACHMENT A – ENDEAVOUR ENERGY REQUIREMENTS DATED 18 JANUARY 2023

Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral

Endeavour Energy

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
The Hills Shire Council	1065/2023/JP	CNR-50755	Sophia Brown	17/01/2023	7/02/2023	18/01/2023

Address	Land Title
4G ASTORIA PARK ROAD BAULKHAM HILLS 2153	Lot 1 DP 838196

Scope of Development Application or Planning Proposal

Construction of a new three (3) storey classroom building comprising of twenty-four (24) new GLS and three (3) new support learning units (SLU).

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

There is:

- An easement and restriction for fire rating benefitting Endeavour Energy (indicated by red hatching) for padmount substation no. 27763 from which there is a low voltage underground service conductor going to the customer connection point for the existing premises.
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage underground cables (including a low voltage pillar) to part of the Astoria Park Road road verge / roadway.
- Low voltage underground cables to part of the Appian Circuit road verge / roadway.

POWER together

Endeavour Energy
ABN 11 247 365 823
T 133 718
51 Huntingwood Drive
Huntingwood NSW 2148
PO Box 811, Seven Hills NSW 1730
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☒	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☒	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☐	☒	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
☐	☒	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☒	☐	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☒	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☒	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☐	☐	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☒	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☐	☒	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
☒	☐	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
☐	☒	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions form electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☐	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☐	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
☐	☐	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☐	☐	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
☐	☐	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
☐	☒	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
☐	☒	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☐	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☐	☒	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:				**Decision**
Cornelis Duba				Approve (with conditions)

Cornelis Duba | Development Application Specialist

M 0455250981
E cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au

Reason(s) for Conditions / Decision (If applicable)

- All encroachments and /or activities (works) within or affecting an easement or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easement Officer for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

  For further information please refer to the attached copies of Endeavour Energy's:

  - Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
  - Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.

- The Statement of Environmental Effects does not appear to address in detail whether the available electricity services are adequate for the proposed development ie. it indicates 'Furthermore, existing services are also proposed to be augmented and diverted, including the addition of a new substation'.

  The following extract of the Overall Plan indicates 'PROPOSED LOCATION OF NEW SUBSTATION. REFER TO ELECTRICAL ENG. DRAWINGS'. The Electrical Engineers Drawings does not appear to be included in the documents available on the NSW Planning Portal.

- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.

- Any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

- Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

- As well as the capacity / provision of a padmount substation, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.

- Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

- Whilst there may be no restrictions in legislation that stop sensitive uses such as schools, pre-schools, day / child care centres being placed next to electricity infrastructure, prudent avoidance measures should however be implemented.

  As a guide please refer to the Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Table 1 – 'Minimum easement widths'. With the observance of these separation distances, electric and magnetic fields (EMF) should not exceed the recommended magnetic field public exposure limits.

- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

  No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

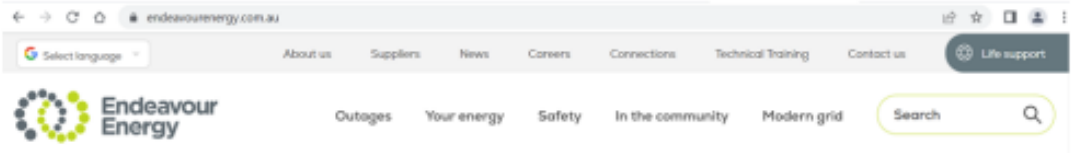
- Please note Endeavour Energy can only assess the Development Application based on the information provided by the applicant and Council. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or Council. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application.

Condition or Advice
With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision
In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked are for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice
The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at https://www.endeavourenergy.com.au/ .



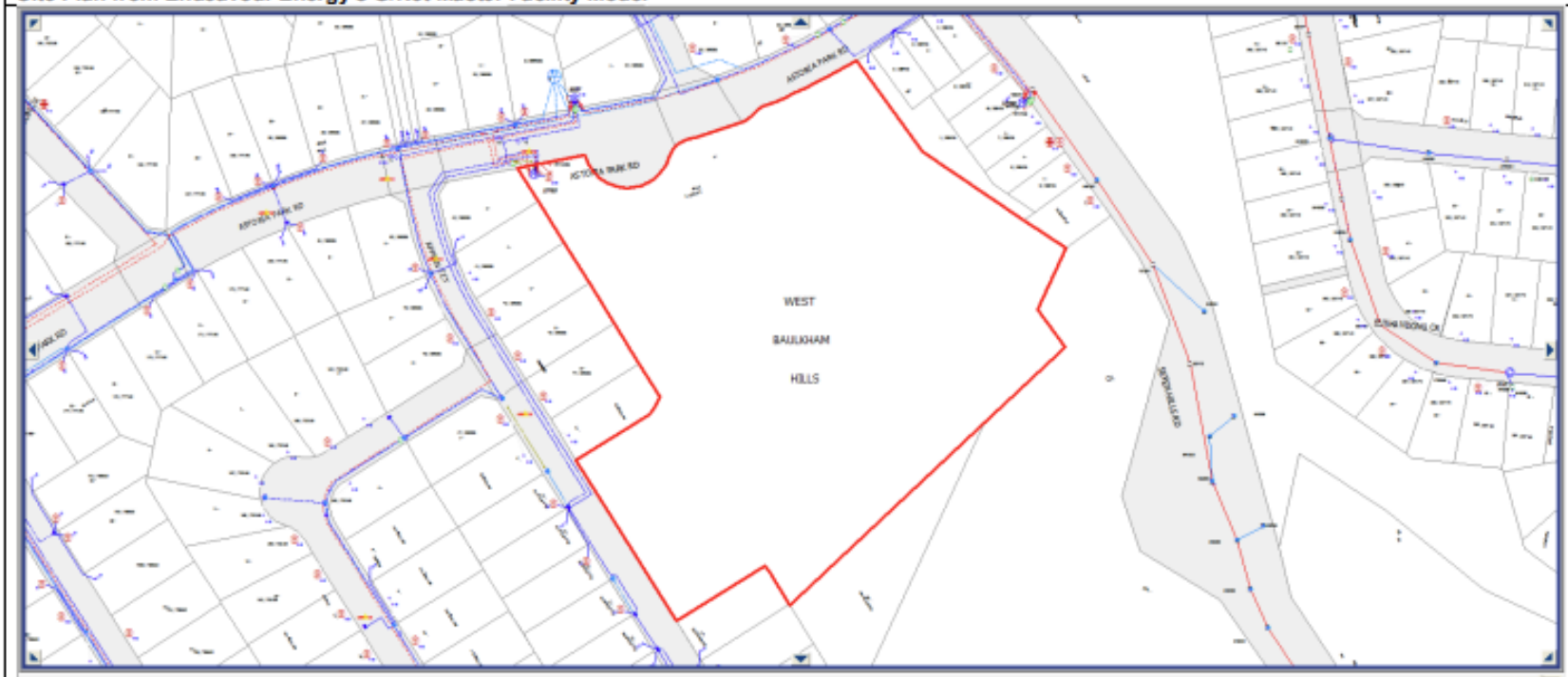
The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service .

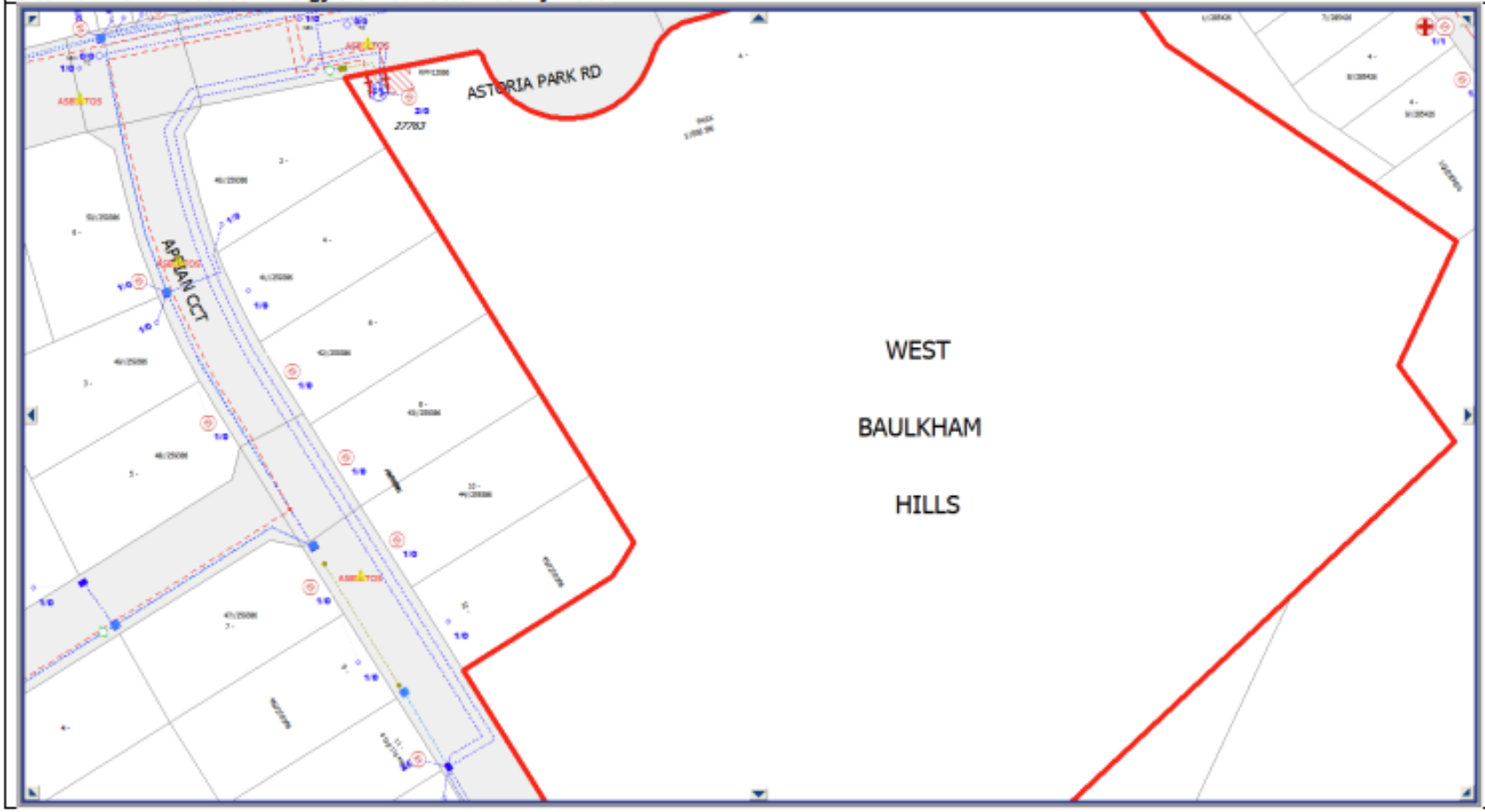
Site Plan from Endeavour Energy's G/Net Master Facility Model



G3E_FID	Feature Name	Component Name	G3E_CID	G3E_ID	LOT	SECTION	DP
65258572	Crown Parcel	Crown Parcel Find	1	1677937	1		838196

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan does not constitute the provision of information on underground electricity power lines by network operators under Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

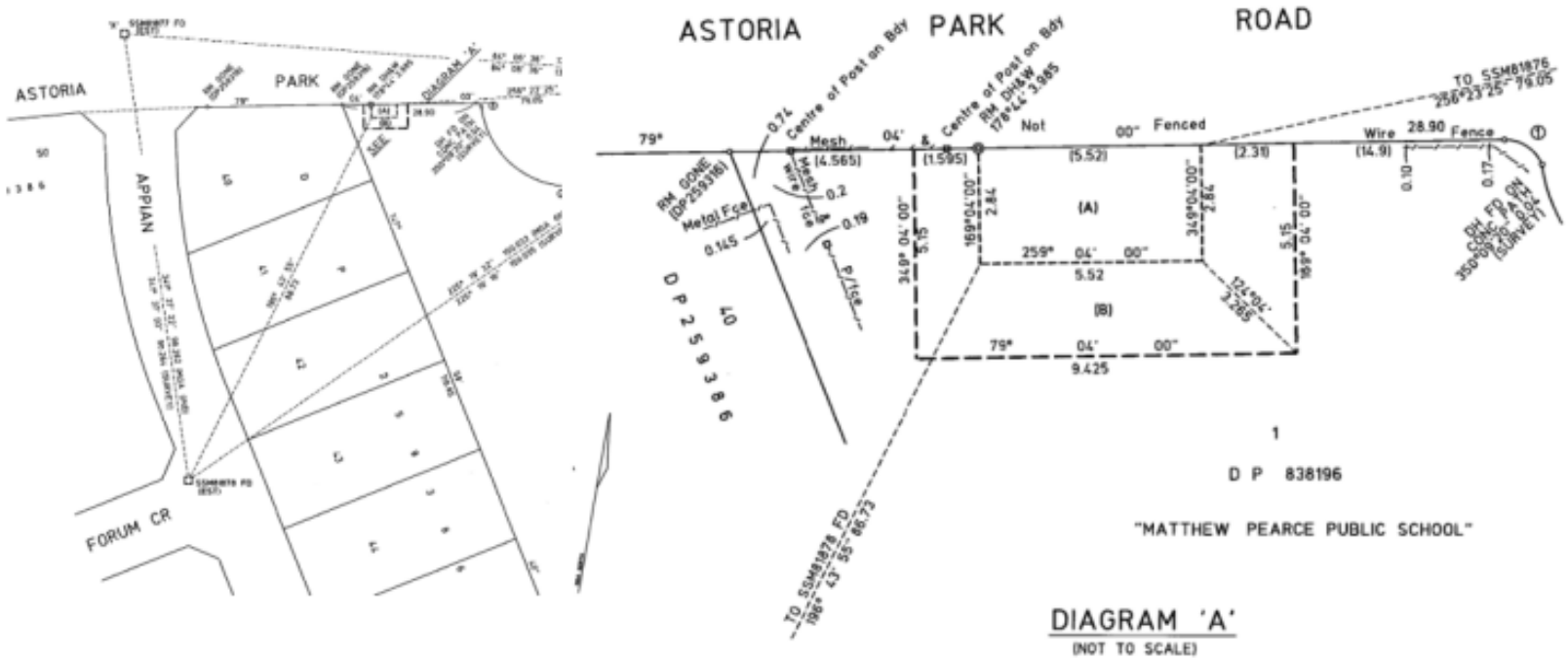
Site Plan from Endeavour Energy's G/Net Master Facility Model



LEGEND	
PS	Padmount substation
I	Indoor substation
G	Ground substation
K	Kiosk substation
COT	Cottage substation
	Pole mounted substation
HC	High voltage customer substation
MU	Metering unit
SS	Switch station
ISS	Indoor switch station
AT	Voltage regulator
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
LB	Load break switch
AR	Recloser
	Proposed removed
	Easement
	Subject site

Extracts of DP 1145679

DP1145679 P



(A) EASEMENT FOR PADMOUNT SUBSTATION
(B) RESTRICTION ON THE USE OF LAND (FIRE RATING)

Google Maps Street View

DRAFT DEVELOPMENT CONSENT ATTACHMENT B – SCHOOL TRANSPORT PLAN

School Transport Plan

Matthew Pearce Public School

80022040

Prepared for
SINSW

16 December 2022

Cardno

now

Stantec

Contact Information

Cardno (NSW/ACT) Pty Ltd
ABN 95 001 145 035

Level 9 – The Forum
203 Pacific Highway
Suburb State 2065

www.cardno.com
www.stantec.com
Phone +61 2 9496 7700
Fax +61 2 9439 5170

Document Information

Prepared for	SINSW
Project Name	Matthew Pearce Public School
File Reference	80022040_Matthew Pearce STP_v02a.docx
Job Reference	80022040
Date	16 December 2022
Version Number	2

Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
1	24/11/2022	Preliminary Draft	Sabal Sharma	Hayden Calvey
2	16/12/2022	Final	Sabal Sharma	Hayden Calvey

Table of Contents

Appendices

Tables

Figures

1 Introduction

1.1 Background and Purpose

This School Transport Plan (STP) has been prepared to accompany the Development Application (DA) application for the Matthew Pearce Public School, in accordance with SINSW Transport Assessment template. The STP is considered to be an operational document to respond to the school operations and changes that may occur as a result of the DA or any other influences in the future.

This STP has been informed by analytics of the student catchment data. While the targets for active travel are aspirational, the opportunity of shaping active travel behaviours at the outset is with the opening of a redeveloped school. By actively encouraging and promoting active travel, Matthew Pearce Public School may well become an exemplar school for active transport.

This STP was developed with focused and specific actions to increase the amount of safe active travel for students attending Matthew Pearce Public School.

A key action is to support the School Principal with a Travel Coordinator who will be responsible for implementing, measuring, and monitoring the active travel program and recurrent funding to support the education, coordination, participation, and communication of the active transport program

1.2 Scope of Works

The key scope items included in the assessment are outlined in **Table 1-1**.

Table 1-1 Key report tasks

Task	Section(s)
Existing transport conditions documentation	**Section 1**
School Travel Survey and analysis	**Section 2**
Issues and Opportunities	**Section 3**
Travel Demand Assessment	**Section 4**
Future Enrolment Catchment	**Section 5**
Recommendations	**Section 7**
Monitoring and Review Program	**Section 8**
Action and Responsibilities	**Section 9**
Governance Framework	**Section 10**

1.3 School Operation Details

Matthew Pearce Public School is a Co-education primary school, serving years K-6. The school is located in the suburb of Baulkham Hills, approximately eight km west of Castle Hill and 10 km north of Parramatta. It falls within The Hills Shire LGA.

The current and proposed operations of the Matthew Pearce Public School are summarised in **Table 1-2** below:

Table 1-2 School Operational Details

Details	Existing	Proposed
Staff Number	100	86(1)
Student Number	1388	1200
Hours of Operation	8:55am – 2:50pm	No Change
Before Care School Hours	6:30am-8:55am	No Change
After Care School Hours	2:50pm-6pm	No Change

Notes: (1) Assumed linear decrease

The school has a designated local enrolment area, illustrated in **Figure 1-1.** The summary of students living in the School catchment is shown in **Table 1-3** below

Table 1-3 Existing Students within Enrolment Boundary

Grade	No. of students in catchment	No. of students outside catchment	Total number of students	% of students in catchment
Kindergarten	146	13	159	91.8%
1	142	21	163	87.1%
2	163	23	186	87.6%
3	175	52	227	77.1%
4	157	46	203	77.3%
5	166	66	232	71.6%
6	152	66	218	69.7%
Total	1101	287	1388	79.3%

The data shows that 79.3 % of the students attending the school are within the school's local enrolment area.

Figure 1-1 Study area

1.4 School Targeted Programs

1.4.1 Walking Encouragement Programs

Walking school bus

A walking school bus is a group of primary school children who walk to and from school along a set route, accompanied by supervising adults. One adult lead at the front of the 'bus' while the other adult supervises at the rear of the 'bus'. The walking school bus picks up passengers along the way at designated 'bus stops' on the way to and from school.

It is noted by the NSW Department of Education that the responsibility for travel to and from school is a parent responsibility. Supervision of walking school buses is undertaken by volunteers. Implementation of a walking school bus involves the consideration of a number of significant concerns. Notable considerations include:

- Child protection;
- Traffic risks;
- Liability of supervising adults;
- Absences / unavailability of supervisors;
- Misbehaviour;
- Managing daily participation, e.g. late comers, absent students, attendance lists; and
- Wet weather.

STEPtember

Charity events such as STEPtember are opportunities for students and staff to walk to/from school and achieve walking targets for the charity. An event such as this is for the month of September and provides a great opportunity to install long-lasting effects of sustainable travel mode. It is noted that this can also be used as a friendly competition between schools in the Local Government Area to increase the number of students taking up the challenge. STEPtember will be held from 1-30 September 2023.

International Walk to School Month

International Walk to School Month gives children, parents, school teachers and community leaders an opportunity to be a part of a global event as they celebrate the many benefits of walking while hoping to create communities that are safe places to walk. The event runs throughout the month of October and is promoted by VicHealth. Participation within NSW is organised by individual schools.

International Walk to School Month will be held in October 2023.National Walk Safely to School Day

National Walk Safely to School Day (WSTSD) is an annual event encouraging all primary school children to walk and commute safely to school. In its 23rd year, the community event seeks to promote road safety, health, public transport and the environment. It is supported by the Australian Government, all State, Territory Governments and Local Governments. The next event will be held on May 19, 2023.

The objectives of WSTSD are:

- To encourage parents and carers to walk to school with primary school children and reinforce safe pedestrian behaviour;
- To promote the health benefits of walking and help create regular walking habits at an early age;

- To ensure that children up to 10 years old hold an adult's hand when crossing the road;
- To help children develop the vital road-crossing skills they will need as they become mature pedestrians;
- To reduce the car dependency habits that are being created at an early age and which will be difficult to change as children become adults;
- To promote the use of public transport;
- To reduce the level of air pollution created by motor vehicles; and
- To reduce the level of traffic congestion.

1.4.2 Bicycle Encouragement Programs

Ride2School Day

National Ride2School Day is an annual event held around Australia in March, organised by Bicycle Network. It provides an opportunity for students, parents and teachers to try riding, walking, skating, or scooting to school as well as celebrate the regular walkers and riders. The last event on 19 March 2021 saw the participation of 235,346 students and 878 registered schools with 140 schools participating for the first time

The next event will be held on Friday 24 March 2023.

Ride Nation Schools

Ride Nation Schools is a national junior riding program developed and delivered by Cycling Australia (CA). It is a fun and interactive learning experience that teaches young people to develop their riding skills and confidence and supporting kids in their independence while giving parents peace of mind. Schools can access this program through self-funding, however many use the Sporting Schools funding to cover the total cost associated with the delivery of the program.

The six-week program is held in a school setting and is delivered before, during or after school. The program has been innovatively linked to the national PDHPE curriculum to extend the learnings from the sessions to the classroom. It is delivered by CA-accredited instructors and supported by CA, Sport Australia and affiliated cycling associations. Programs are run with a minimum of 10 participants.

BikeWise

BikeWise provide a school cycling program that goes beyond basic control skills. They are the provider for the City of Sydney's Junior Cyclist Training Program. Lessons are tailored to the attention spans of children and structured to maximise cycling time. Immediate explicit feedback is given to guide individual progress. The course provides preparation for sharing paths and roads and being aware and communicative to vehicle users. The City of Sydney currently funds these courses for schools.

1.4.3 Road Safety Programs

Road Safety Education Program

The Road Safety Education Program has provided educational resources and professional development to teachers and childhood educators throughout NSW since 1986. It forms part of the formal school curriculum and pre-service training for teachers. Through this program, teachers are provided with professional learning and advice to equip them with the knowledge and skills to teach quality road safety education.

The program is funded by the Centre for Road Safety in government and non-government schools. Road safety is taught in the learning area of Personal Development, Health, and Physical Education (PDHPE). All students study PDHPE throughout the primary school to Year 10.

Topics covered regarding independent travel include walking to school safely, safety on public transport, always wearing a helmet when riding, and skateboarding safely.

Hills Shire Council Road Safety

Hills Shire Council provides road safety information available for schools and can be packaged for new families at the start of the school year. The information included is from the TfNSW and provides information about safe school parking, bus safety, and crossing roads safely with primary school-aged children.

Council's Compliance Officers have a timetable of parking enforcement at schools which can be supported with educational information and road safety newsletter inserts to assist in making the roads around schools safer for children.

Safety Town

Safety Town is a suite of digital and non-digital learning activities to support the teaching of road safety from Kindergarten to Year 6 in NSW primary schools. The website includes interactive activities, comprehensive teaching notes, links to relevant transport information and updated information for parents and carers. The online resource helps to reinforce road safety messages and concepts that are taught at school.

Drop-off and Pick-up initiative

Some schools and councils use No Parking areas, signed as Drop-off and Pick-up, Kiss and Ride, or Kiss and Drop zones, to provide parents and carers with a safe environment to drop off and collect their children from school by car. These areas are always on the school side of the road and provide convenience for drivers to improve children's safety. The zones legally provide a two-minute stopping zone. The initiative includes a volunteer adult supervisor who assists children in and out of vehicles and marshals' students to the designated school gate. It acts to relieve traffic congestion around the school by ensuring cars do not park illegally and allows smaller children to remain secured in the car while school-age children are dropped off and picked up from school.

The school Drop-off and Pick-up initiative includes a volunteer adult supervisor, who assists children in and out of the vehicle. The Drop-off and Pick-up initiative allow:

- Drivers to drop off or pick up students legally at busy times at the beginning and end of the school day
- A volunteer adult supervisor to marshal the students at the designated school gate
- The driver to pull into the Drop-off and Pick-up zone and remain in control of the vehicle while a volunteer adult supervisor assists the school student to exit or enter the vehicle

School Crossing Supervisor

This is a state-wide program that contributes to the safety of infants and primary school students. School crossing supervisors help students use the crossings on roads adjacent to or nearby schools and are provided where transport authority guidelines and criteria are met. They are provided to increase mobility and safety around schools by enhancing the performance of pedestrian traffic facilities. Employees undergo training before undertaking duty on a crossing.

For a site to be eligible for a school crossing supervisor it must meet the following criteria:

- The site must have an existing children's crossing, pedestrian crossing (zebra) or combination of the two;
- The crossing must be used by primary school children;
- The site must be located within a 40 km/h school zone;
- In the morning or afternoon, the crossing must register counts of either:
  - 50 or more unaccompanied primary school children, or
  - 300 or more passenger car units (heavy vehicles over three tonnes unladen are counted as two passenger car units); and
- The site must be considered a safe working environment for a school crossing supervisor.

Drive and Park Safely Near Schools

The beginning and end of the school day are busy times for pedestrians and drivers outside schools. This document by the NSW Department of Education provides parents with information on safe driving around schools. It reminds parents that they are responsible for their children's safety when they are travelling to and from school and lists the 'dos and don'ts' to remember when dropping off and picking up their children from school. Recommended ages for car seats and booster seats are provided, as well as the suggested minimum height to use adult lap-sash seatbelts.

2 Existing Conditions

This section presents a rapid review of the existing conditions of the transport networks surrounding Matthew Pearce Pubic School.

2.1 Site Location and Surrounding Land Uses

Matthew Pearce Public School is located at 4G Astoria Park Road, Baulkham Hills. The school falls within the Hills Shire LGA.

The school is bound by Astoria Park Road and Appian Circuit and is located within close proximity to a number of other educational establishments, including Seven Hills North Public School, Crestwood Public School, and Jasper Road Public School.

The school catchment and land use surrounding the school are shown in **Figure 1-1**. Key land uses and destinations near Matthew Pearce Public School include:

- Col Sutton Reserve and William Joyce Reserve to the east; and
- Low-Density residential developments to the north, south, and west of the school are expected to contain most of the nearby students who reside in the school catchment.

2.2 Existing Road Network

The network of roads within the study area supports pedestrians, cyclists, buses, freight, and general traffic. Roads are managed by an administrative framework of state, regional, and local road categories. Classification is based on each road's connectivity and importance to the broader road network. State roads are managed and funded by Transport for NSW, and regional/local roads are managed and funded by Council. Roads that have a high freight task are generally assigned a state road classification. Regional roads perform an intermediate function and due to their network significance, Transport for NSW provides financial assistance to councils for the management of their regional roads.

Key roads within the study area are listed in **Table 2-1** and shown in **Figure 2-1**.

Figure 2-1 Surrounding Road Network

Table 2-1 Key roads within the study area

Key road	Active transport provisions	Road configuration	Classification	Speed limit (km/h)
Astoria Park Road	There are footpaths on both sides of the road. There are no cycleways.	One through lane of traffic in each direction. Restricted on-street parking with No stopping during 8am-9am and 2pm-4pm School days.	Local	50 (school zones apply)
Appian Circuit	Footpaths are provided on the eastern side of the road. There are no cycleways.	One through lane of traffic in each direction with no centre line-markings. Restricted on-street parking with No stopping during 8am-9am and 2pm-4pm School days.	Local	50 (school zones apply)
Amphitheatre Circuit	Footpaths are provided on the western side of the road. There are no cycleways.	One through lane of traffic in each direction with no centre line-markings. Unrestricted on-street parking available.	Local	50
Seven Hills Road	Footpaths are provided on both sides of the road. There are no cycleways.	One lane traffic in each direction. Auxiliary turning lanes are provided at the intersections. No on-street parking is available.	State	60

2.3 Pedestrian Network

The pedestrian network in the vicinity of the school is composed of footpaths and crossings with footpaths generally provided on all roads surrounding the site.

Signalised pedestrian crossings are provided on two of the three approaches to the intersection of Seven Hills Road and Astoria Park Road.

Footpath widths vary between 1.2 metres and 3.9 metres. As per Austroads Guide to Road Design Part 6A, the desirable minimum width of a pedestrian path that has a very low volume is 1.2m. This width should be increased when high pedestrian volumes are anticipated (such as outside a school), to cater for people with disabilities, and when overtaking of path users is expected. The guide recommends 1.5m as the absolute minimum width for one wheelchair and one pedestrian to pass each other, and 1.8m as the desired minimum width for two wheelchairs to pass each other.

An assessment of key parts of the path network that serves the school has been categorised based on guidance provided by Austroads Guide to Road Design Part 6A into the following:

- Less than 1.5 metres (narrow);
- 1.5 to 2.5 metres (acceptable); and
- Over 2.5 metres (more generous, lower limit of shared path).

The pedestrian network and footpath widths surrounding the school are shown in **Figure 2-2**.

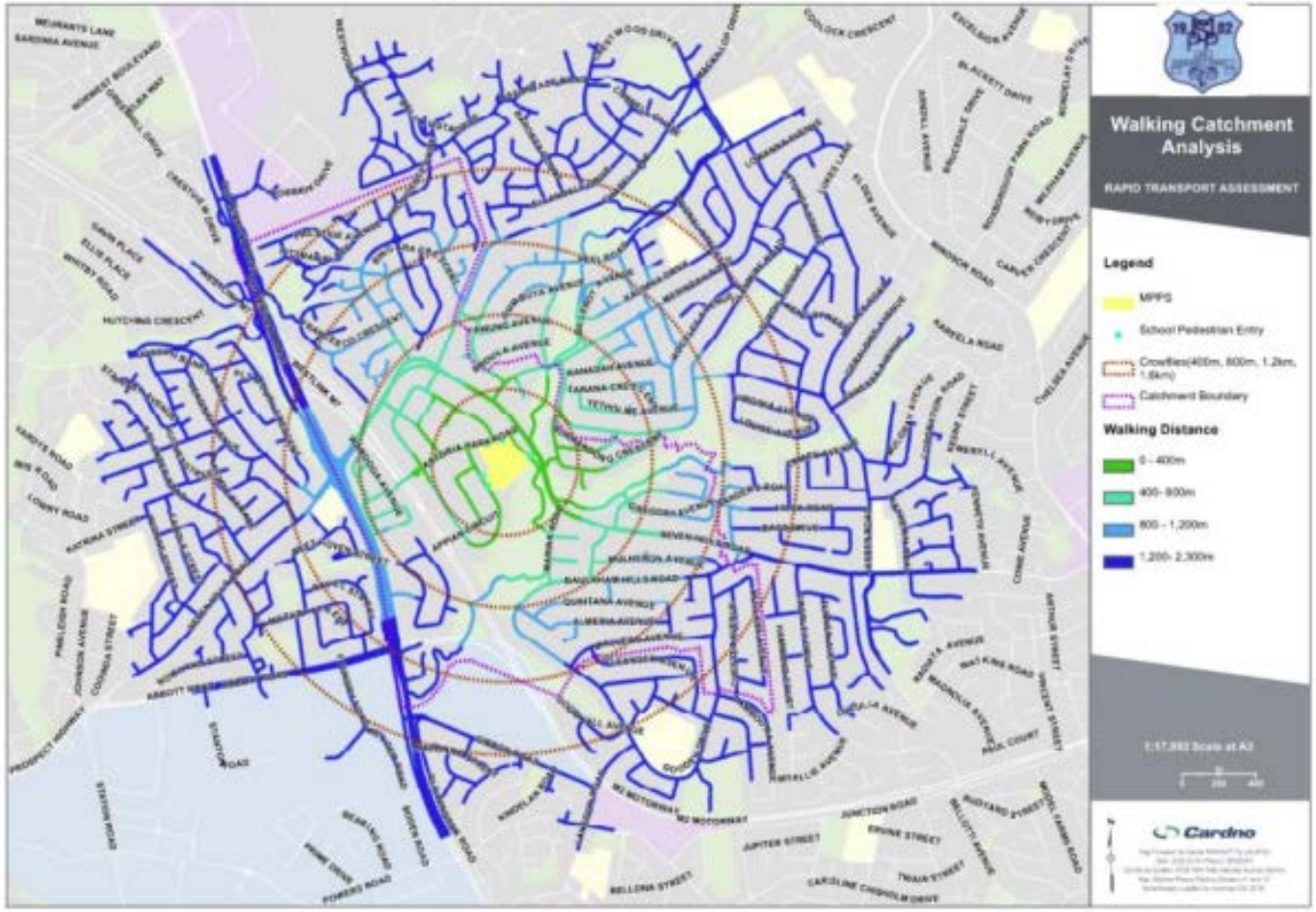
Further, 400 m, 800 m, 1200 m, and 2300 m walking catchments from the school pedestrian entries are shown in **Figure 2-3**.

Pedestrian access points to the MPPS site are provided via gates at Astoria Park Road, Appian Circuit, and via pedestrian access to Seven Hills Road.

The Westlink M7 creates a barrier to pedestrian and cyclist movements from the south to the MPPS site.

Figure 2-2 Existing Pedestrian Infrastructure

Figure 2-3 Pedestrian Walking Catchment



The percentage of students within the catchment of the waking distance are shown in **Table 2-2.**

Table 2-2 Summary of Students Living in Walking Catchment

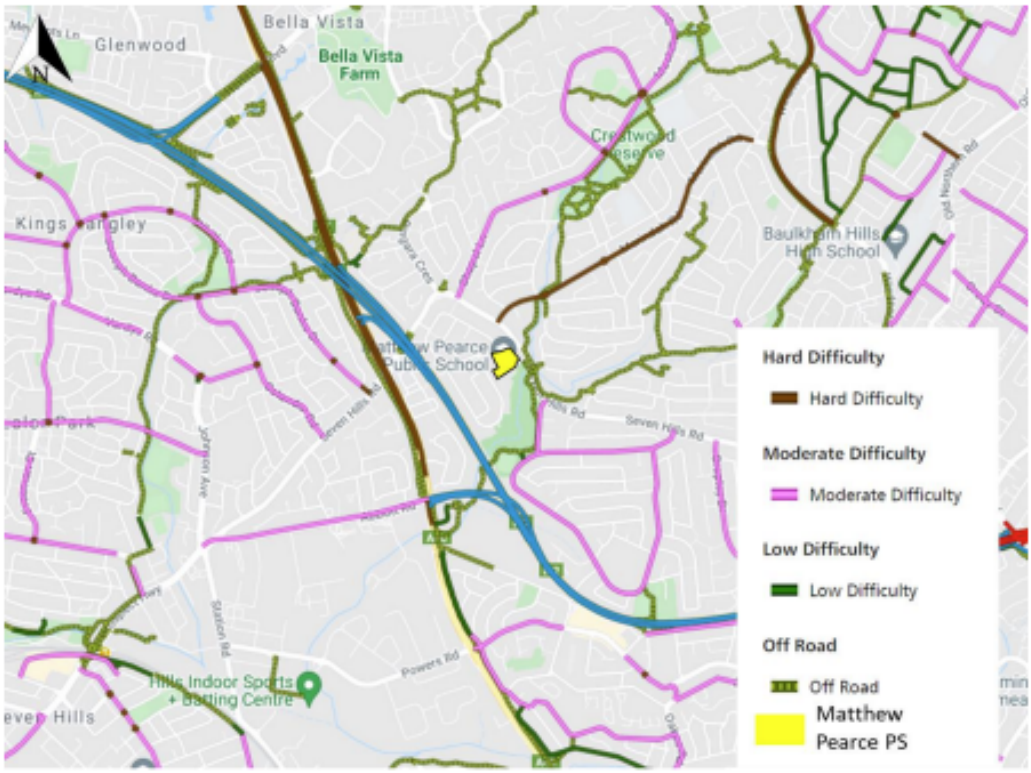
	Notional (within crow flies)			Actual (on path)		
Catchment	**No of Students**	**% of Students**	**Cumulative %**	**No of Students**	**% of Students**	**Cumulative %**
0-400m	119	8.57%	8.57%	176	12.68%	12.68%
401-800m	335	24.14%	32.71%	318	22.91%	35.59%
801-1200m	412	29.68%	62.39%	294	21.18%	56.77%
1201-1600m crow flies / 2300m on path	197	14.19%	76.59%	413	29.76%	86.53%
Outside 1600m crow flies / 2300m on path	325	23.41%	100.00%	187	13.47%	100.00%

2.4 Bicycle Network

Around Matthew Pearce Public School, an off-road cycleway is provided along Toongabbie Creek cycleway and Crestwood Reserve Cycleway. On-road cycling with mixed traffic is only suited to adults and school-age children are reliant on footpaths and shared paths. Separated on-road cycleways may be suitable for older primary school students who have sufficient skill to do so.

The existing cycle routes surrounding the school are shown in **Figure 2-4**.

Figure 2-4 Cycling Infrastructure



Furthermore, the school has four on-site bicycle/scooter parking racks (as shown in **Figure 2-5**) that can be used by staff or students. If the bike racks and bicycles are positioned effectively, there is capacity for approximately 28 bicycles or scooters (two racks with 9 spaces and two racks with 5 spaces).

During the school site visit, 8 bicycles and 4 scooters were parked in the bike racks, which is 43% of the available capacity.

As the bike racks are currently positioned up against walls and an air-conditioning unit, the full capacity of 28 would not be able to be reached. The location of the existing bike racks is shown in **Figure 2-18.**

Figure 2-5 On-Site Bicycle Parking Facilities

In NSW, children under 16 are allowed to cycle on footpaths. An adult rider who is supervising a bicycle rider under 16 may also ride with the young rider on the footpath. When riding on a footpath, riders must keep left and give way to pedestrians. Footpaths surrounding the school must be wide enough to safely support students riding.

The demand for bike riding around the school can be estimated through the online fitness tracking program called Strava. Strava is able to show popular cycling routes logged via mobile applications and provides indicative data on recreational cycling demand. Strava has developed a cycling 'heatmap' using GPS and tracking data to show the most popular cycle routes of its users. The heatmap illustrates routes taken by its user base, who tend to cycle for leisure and sports. As a result, the map does not necessarily represent a wide demographic of cyclists.

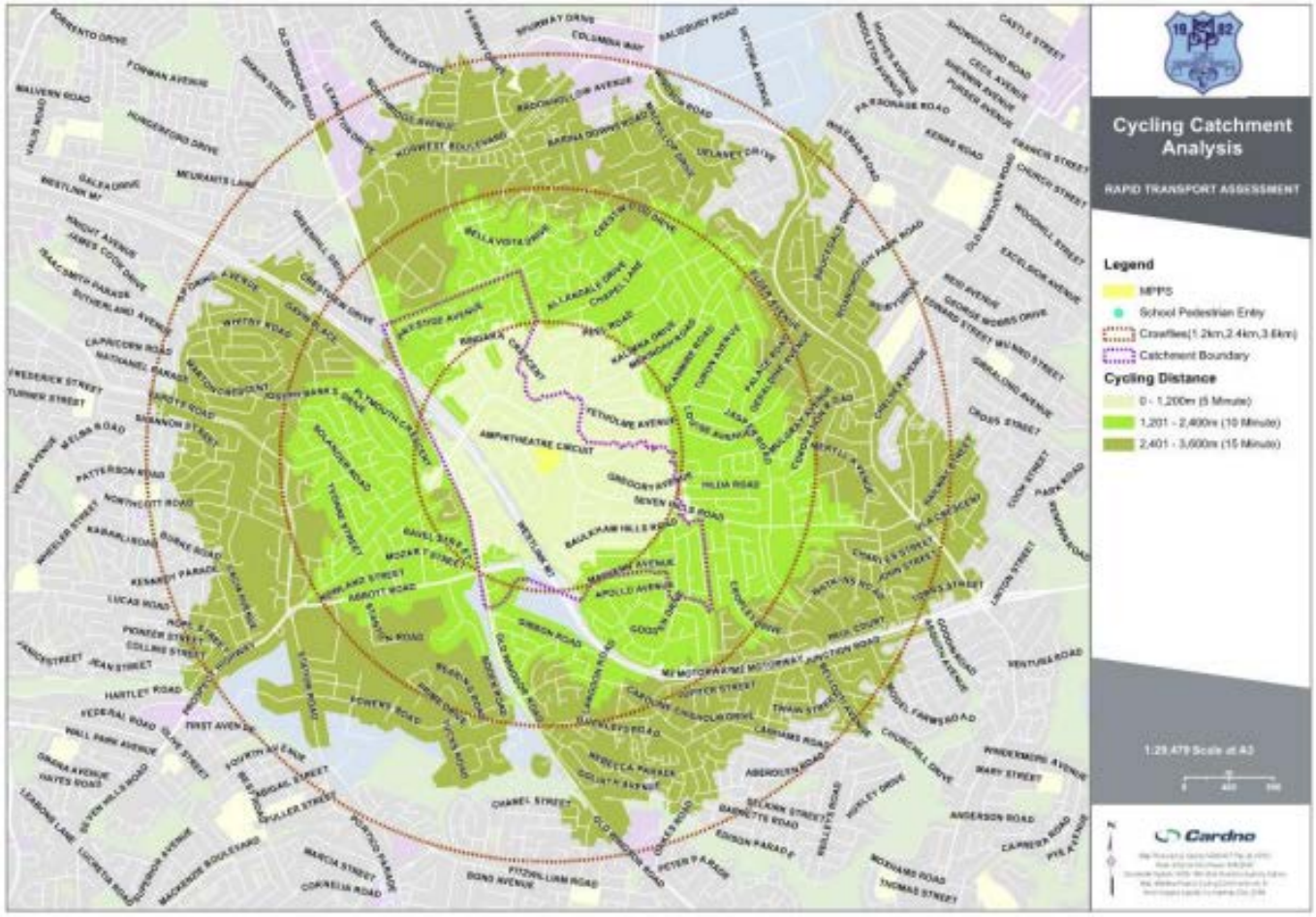
The Strava heatmap surrounding the school is shown in **Figure 2-6**.

Figure 2-6 Strava Cycling Heatmap

The heatmap indicates that cyclists using Strava heavily utilise the main road corridors such as Seven Hills Road. Areas to the east such as Crestwood Reserve Cycleway, Toongabbie Creek Regional cycleway also appear to be used for recreational cycling.

In addition to the pedestrian catchment guidelines described by SINSW, the catchment areas for cycling are analysed in a similar format of 5-minute increments.

Figure 2-7 Bicycle Catchment



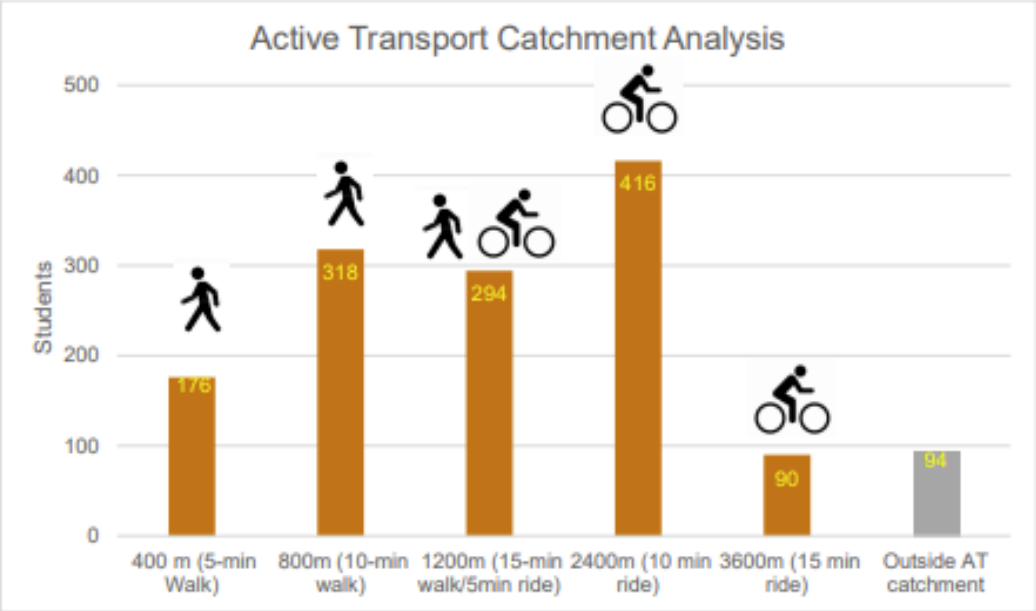
The percentage of students within the catchment of the cycling is shown in **Table 2-3.**

Table 2-3 Summary of Students Living in Walking Catchment

	Notional (within crow flies)			Actual (on path)		
Catchment	**No of Students**	**% of Students**	**Cumulative %**	**No of Students**	**% of Students**	**Cumulative %**
0-1200m (5 Minutes)	866	62.39%	62.39%	788	56.77%	56.77%
1201-2400m (10 Minutes)	351	25.29%	87.68%	416	29.97%	86.74%
2401-3600m (15 Minutes)	80	5.76%	93.44%	90	6.48%	93.23%
Outside 3,600m (15 Minutes)	91	6.56%	100.00%	94	6.77%	100.00%

Depersonalised student data provided by SINSW was used to determine the number of students within key walking and riding catchments. The potential walking and cycling uptake are shown in **Figure 2-8**.

Figure 2-8 Active Transport Catchment Analysis



2.5 Public Transport Network

2.5.1 School Transport Subsidies

School Student Transport Scheme

The School Student Transport Scheme (SSTS) provides eligible school students with free or subsidised travel from home to school. The scheme includes free travel to and from home and school on approved public transport services during the school term with a School Travel Pass.

An online application form must be completed. School Travel Passes are issued by Transport for NSW under the SSTS, in the form of a School Opal card. Students in Years K-2 are eligible for a School Travel Pass with no minimum walking distance. Students in Years 3-6 are eligible for a School Travel Pass if the straight-line distance from their home address to school is more than 1.6 km, or if the walking distance from home to school is 2.3 km or further. Students within this zone may be eligible for a School Term Bus Pass.

The 1.6-km straight line distance from the School is illustrated in **Figure 2-9** below. Eligibility for the SSTS generally only applies to students living outside the labelled zone. For more detailed information (or for the details on the walking distance to the School), parents and students should seek further advice.

Figure 2-9 School Student Transport Scheme Eligibility Map

The proportion of students who are eligible for SSTS are shown below:

Table 2-4 Proportion of Students Eligible for SSTS

	Notional (1.6km Straight Line)		Actual (2.3km on- path)	
Catchment	**No of Students**	**% of Students**	**No of Students**	**% of Students**
Outside 1600m straight line distance / 2300m on path	325	23.41%	187	13.47%

School Term Bus Pass

Students who are ineligible for free travel may be eligible for a School Term Bus Pass. The current cost is $55 per term. School Term Bus Passes are issued by Transport for NSW under the SSTS, in the form of a School Opal card.

Students in Years 3-6 are eligible to buy a Pass if the straight-line distance from their home address to school is less than 1.6 km.

2.5.2 Public Transport Services

2.5.3 Bus

MPPS is accessible by bus services with school buses stopping in front of the site along Astoria Park Road and public bus stops located 100-200m from the site along Seven Hills Road. Seven Hills Road services two bus routes, 614X Crestwood to City QVB and 660 Castlewood to Parramatta as shown in **Figure 2-10**.

A range of bus routes provide access to the school, including public bus services and school bus service. Bus routes servicing the school are listed in **Table 2-5**, along with service frequencies and key destinations.

Table 2-5 Bus routes servicing School

Route no.	Route Name	Frequency (min)	Key destinations	Bus stop location
Morning School Bus				
8024	Seven Hills Station to Matthew Pearce PS via Model Farms HS	*	Seven Hills, Baulkham Hills	Astoria Park Rd
8018	Knightsbridge Shops to Matthew Pearce PS via Castle Hill & Baulkham Hills	*	Castle Hill Station, Baulkham Hills	Astoria Park Rd
2016	Reston Grange after Norwest Bvd to Matthew Pearce PS via Crestwood PS	*	Bella Vista, Baulkham Hills	Astoria Park Rd
Afternoon School Bus				
8528	Mathew Pearce PS to Seven Hills via Baulkham Hills HS & Oakhill College	*	Baulkham Hills, Seven Hills	Astoria Park Rd
2522	Mathew Pearce PS to Seven Hills Station	*	Baulkham Hills, Seven Hills	Astoria Park Rd
2536	Mathew Pearce PS to Seven Hills Rd before Solar Ave via Bella Vista	*	Baulkham Hills	Astoria Park Rd
8589	Mathew Pearce PS to Northmead via Model Farms HS	*	Winston Hills, Baulkham Hills	Astoria Park Rd
2544	Matthew Pearce PS to Freeman St at Lucas Rd via Kings Langley	*	Baulkham Hills, Kings Langley	Astoria Park Rd
2548	Matthew Pearce PS to Norwest Station	*	Baulkham Hills, Norwest	Astoria Park Rd
Public Bus				
614X	Crestwood Reserve to City QVB (Express Service)	15 Minutes	Baulkham Hills, Winston Hills, North Rocks, West Pennant Hills, Wynyard	Seven Hills Rd
660	Castlewood to Parramatta	30 Minutes	Parramatta, Westmead, Winston Hills, Baulkham Hills, Castle Hill	Seven Hills Rd

** coinciding school time*

The public transport networks are mapped in **Figure 2-10**. It shows the whole catchment is generally well served for anyone unable to walk the entire distance. It also serves some nearby students who do not live within the school catchment.

400m catchment from public transport station has been considered as a realistic maximum distance that most students would likely walk from home to a public transport stop. The public transport services catchment analysis is shown in **Table 2-6**.

Table 2-6 Public Transport Catchment Analysis

Catchment	Number of Students	% of Students
Within 400m of public transport stop/station that brings them closer to school	1215	87%
Within 800m of public transport stop/station that brings them closer to school	1316	95%

Students within 400m of a public transport stop/station + outside of a 1.6km straight line (STSS zone)	210	15%

As shown in **Table 2-6,** the majority (87%) of students live within 400m of a public transport stop. However, 15% of students are both eligible for School Travel Passes and also live within 400m of public transport stops/stations.

Figure 2-10 School Bus Routes

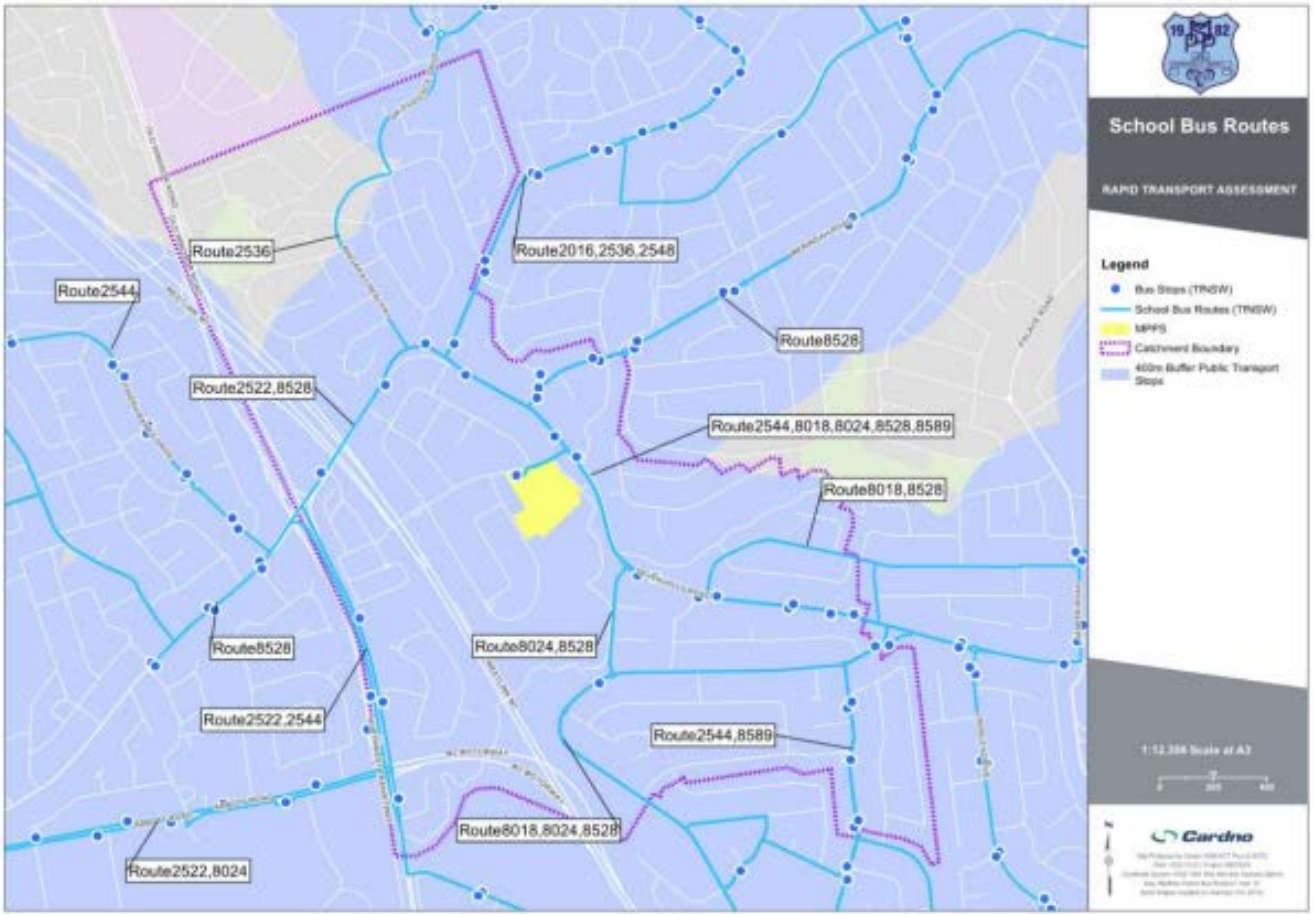
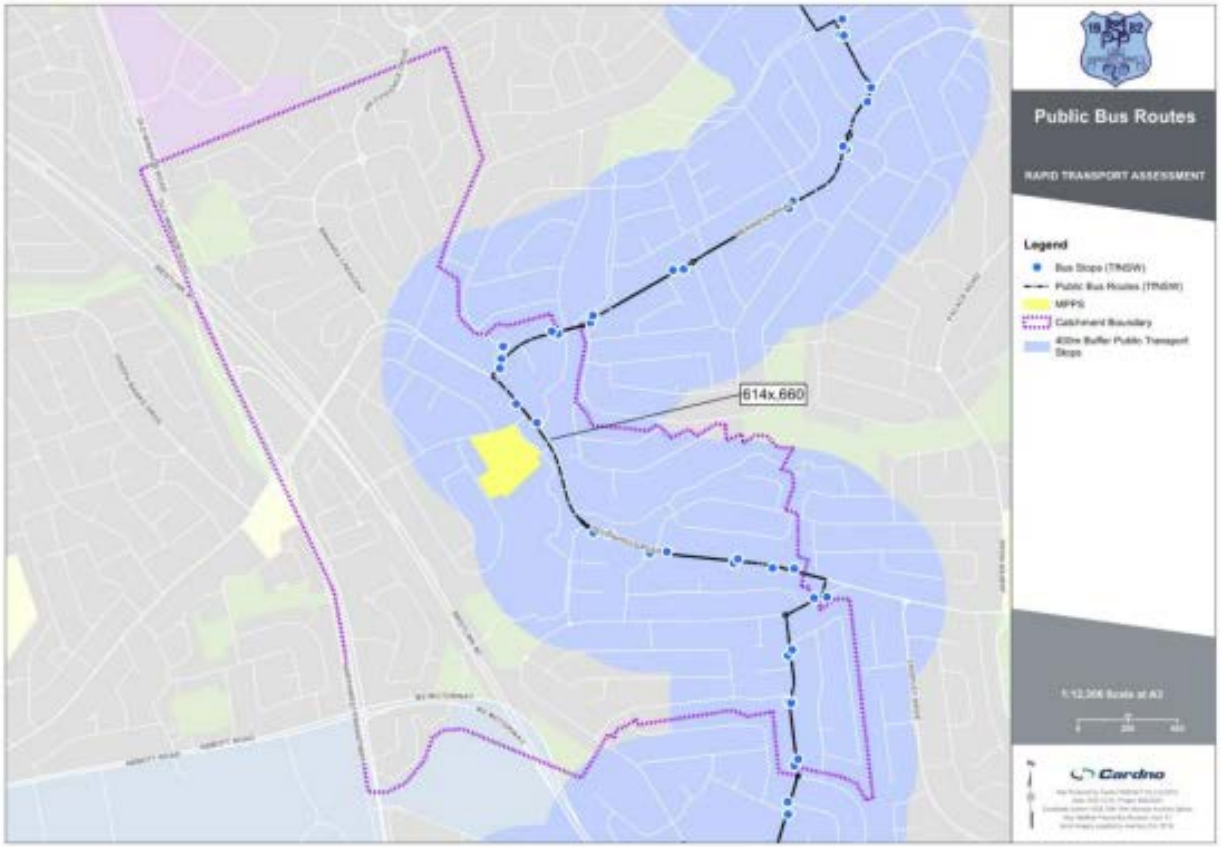


Figure 2-11 Public Bus Routes



2.6 Catchment Analysis Summary

An assessment of the student catchment information provided by SINSW in the context of public and active transport catchment areas has been conducted, with the assessment results summarised in the below table.

Table 2-7 Catchment Analysis Summary

Catchment Analysis	Notional (Within Crow flies)		Actual (On Path)	
	Number of Students	% of Students	Number of Students	% of Students
1-400m (5-min walk)	119	8.57%	176	12.68%
401-800m (10-min walk)	335	24.14%	318	22.91%
801-1200m (15-min walk)	412	29.68%	294	21.18%
1201-1600m crow flies / 2300m on path (SSTS Exclusion Zone)	197	14.19%	413	29.76%
0-1200m (5-min cycling)	866	62.39%	788	56.77%
1201-2400m (10-min cycling)	351	25.29%	416	29.97%
2401-3600m (15-min cycling)	80	5.76%	90	6.48%
Within 400m of public transport stop/station that brings them closer to school	1215	87%		
Within 800m of public transport stop/station that brings them closer to school	1316	95%		
Students within 400m of a public transport stop/station + outside of a 1.6km straight line (STSS zone)	210	15.12%		

The key points of the catchment analysis are summarised below:

- The majority of students (56.7%) were shown to be within a reasonable walking distance of 1200m (15 minutes walking time) to the school.
- The analysis indicates that the vast majority of students reside within the SSTS catchment and would be excluded from eligibility for a free travel pass. Only 23.4% of the students are eligible for School Travel Passes which are issued by Transport for NSW under the SSTS.
- 87% of the students live within 400m of public transport stop/station that brings them closer to school. However, 15% of students are both eligible for School Travel Passes and also live within 400m of public transport stops/stations.

2.7 Parking

2.7.1 Car Parking Requirements

The school is within the Hills Shire Council LGA. Referring to Council's DCP (2012) the following parking rates are specified for educational institutions.

Educational Establishment (School)

1 space per employee plus

1 space per 8 year 12 students, plus

1 space per 30 students enrolled for visitors and/or parent parking.

The car parking requirements for the school are outlined in **Table 2-8**.

Table 2-8 Car Parking Requirements

Item	Existing	Proposed
Number of students	1388	1200
Staff Employed	100	86(1)
Typical Day, Staff Present including Permanent, Temporary, Casual, and Volunteers (as advised by the school)	80 (as advised by the school)	69(1)
Parking Requirement (DCP)	127 (80 employee and 47 for parent/visitor)	109 (69 employee and 40 for parent/visitor)
Parking Provided on Site	39	39
Parking Shortfall (overflow)	76	70

Notes: (1) assumed to be a linear decrease

The above table summarises that 109 parking spaces would be required for the proposed 1200 students to meet the DCP requirements which is a reduction from what would have been expected under the current school size, being 127 spaces.

2.7.2 Off-Street Parking

In the north-western corner of the Project site, there is an existing off-street car park accessible from Astoria Park Road. This car park is security access-controlled with a boom gate, and is signposted as a 'Staff Carpark Only'. Contractors such as delivery vehicles and waste collection vehicles also use this carpark.

Figure 2-12 Staff Car Park

The car park contains some thirty-nine (39) standard parking spaces, two (2) accessible parking spaces, a loading zone for deliveries, and a waste collection area at the northern end of the car park.

Figure 2-13 Waste Collection Area at Northern End of Car Park

2.7.3 On-Street Parking

On-street parking in the streets surrounding Matthew Pearce Public School is a combination of unrestricted parking and No Parking during school drop-off and pick-up hours. These signposted No Parking zones complement the operation of the school's kiss-and-ride system, where parents are able to remain in their vehicles and legally drop off or pick up their children near the school gates within a two-minute timeframe.

The kiss-and-drop zone is located on the eastern side of Appian Circuit, between Astoria Park Road and the southern boundary of the school. This kiss-and-ride zone is only operational on school mornings between 8am – 9.30am and is unsupervised by staff members. The indented section of the kiss-and-drop zone outside the school has a queuing capacity of approximately 11-12 vehicles, with overflow queueing continuing to the north for a further 125m up to Astoria Park Road.

Figure 2-14 Kiss and drop Zone in Appian Circuit

Figure 2-15 Queueing for Kiss and Drop Zone during AM Drop-Off Time

All on-street parking zones signposted as No Parking are listed below in **Table 2-9**.

Table 2-9 No Parking / Kiss-and-Drop Zones surrounding Project Site

Location	End-to-end zone length [1]	Queuing capacity, inclusive of driveways [2]	Number of parking spaces (i.e. excluding driveways) [2]
Appian Circuit (8am – 9.30am School Days)	≈ 195m	32 veh	26 parking spaces (including 12 in the indented bay)
Amphitheatre Circuit (2.30pm-3pm School Days)	≈ 375m	62 veh	N/A

Notes: [1] *Values are approximate based on aerial imagery*

[2] *Parallel parking space calculations are based on AS2890.5, where the length of an end space is assumed to be 5.4m and an intermediate space is 6.0m*

It should be noted that a No Parking zone (2.30pm-3pm School Days) is currently installed on the southern side of Amphitheatre Circuit between Colosseum Crescent and Astoria Park Road. Legally as per the current signage, drivers are able to park in this zone for 2 minutes.

However, as per the Hills Shire Council Agenda for their Local Planning Panel Meeting of 22 July 2020, Council's Traffic Engineers stated that the purpose of this zone is 'to allow for two-way traffic flow during the afternoon traffic peak associated with Matthew Pearce Public School'.

Observations from the site visit confirmed that some parents do use this zone in Amphitheatre Circuit to pick up children in the afternoon.

2.7.4 Accessible Parking

Two (2) time-restricted accessible parking spaces are installed in the staff car park. These parking spaces are time-restricted to a maximum of 10 minutes, and are only to be used for picking up or dropping off.

There is good accessibility from these parking spaces to the front administration building of the school, connected by a kerb ramp and footpath on flat terrain.

Figure 2-16 Accessible Parking in Staff Car Park

2.7.5 Loading Zone

A Loading Zone for service and delivery vehicles is located towards the southern end of the car park. Delivery drivers require authorisation to access the boom-gated car park. Service vehicles performing maintenance work may require convenient access to their vans, whilst deliveries could be for canteen food or stationery supplies.

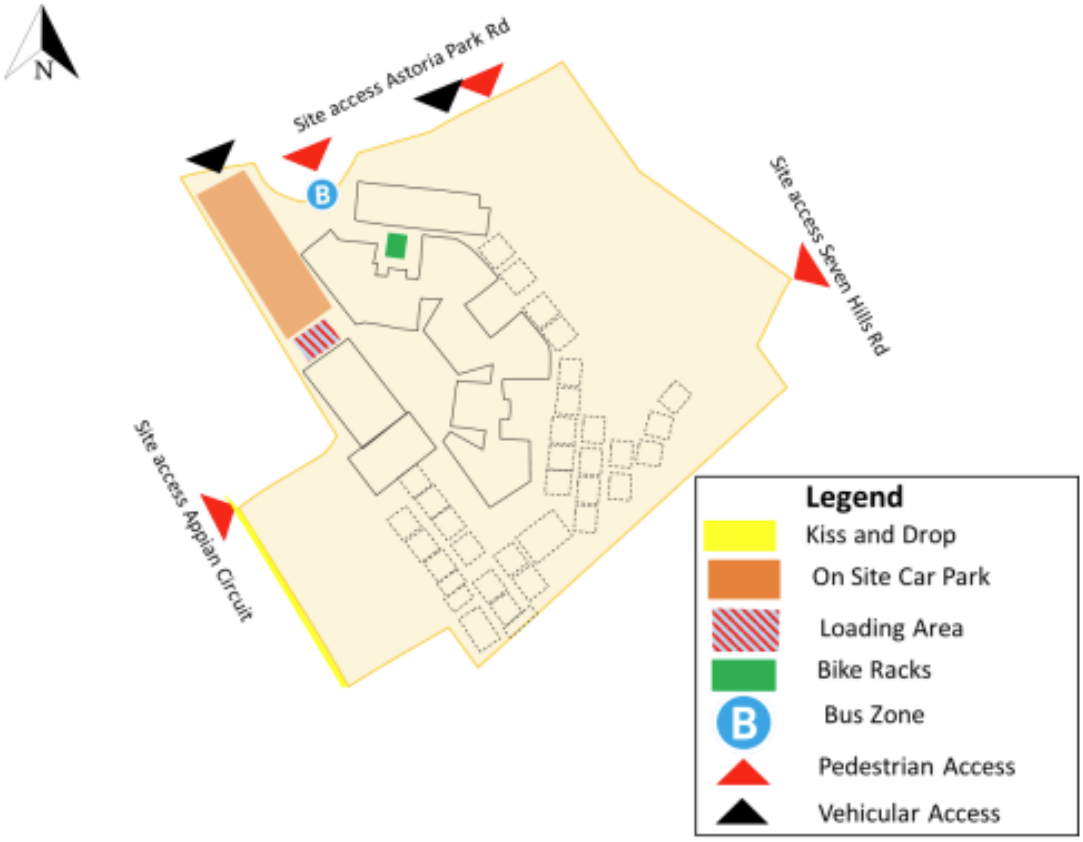
Figure 2-17 Loading Zone in Staff Car Park

2.8 Summary of On-Site Multi-modal Transport Provision

A summary of all on-site transport-related infrastructure is shown diagrammatically in **Figure 2-18**. The diagram considers the following transport-related infrastructure:

- Site access points;
- Footpaths;
- On-site parking;
- Bike racks;
- Loading/waste collection zones; and
- On-site kiss and drop zones;

Figure 2-18 On-site Access and Transport Infrastructure



2.9 Site Visit Observations

A site visit was undertaken on Wednesday 9 February 2022. The purpose was to observe transport-related infrastructure and behaviour on-site and surrounding the school during the morning and afternoon periods. Observations are summarised below.

Pedestrians and related infrastructure

The raised marked pedestrian crossing in Astoria Park Road is well utilised by parents and students who park on the northern side of Astoria Park Road and in Amphitheatre Circuit. The crossing had two crossing supervisors on the day of the site inspection.

Figure 2-19 Pedestrian Crossing in Astoria Park Road

The pedestrian crossing in Appian Circuit at Astoria Park Road is also frequently used by parents and students who either walk to school from the west or who are parked west of the school on Astoria Park Road.

Figure 2-20 Pedestrian Crossing in Appian Circuit

Cycling

There is a very small amount of encouragement and use of bicycle and scooter parking facilities in the school as shown in **Figure 2-5**. There were a total of 12 bikes and scooters present on the day of the inspection, equating to less than 1% cycling/scooter mode share for the entire school.

None of these students were observed riding their bikes or scooters during the inspection, so it is unknown which route or direction they ride to and from.

It was observed that there is an existing cycleway near the Seven Hills Road school access gate.

Figure 2-21 Cycleway near Seven Hills Road

This cycleway also directly passes under Seven Hills Road. There is an opportunity to better utilise this underpass as a shared path for both cyclists and pedestrians.

Figure 2-22 Seven Hills Road Underpass

Driver behaviour and car parking

The kiss-and-drop zone in Appian Circuit was observed to be highly utilised in the morning drop-off period. There were a couple of occasions where one parent would take some time to drop off their child/children, causing queuing to almost reach Astoria Park Road. However, queues generally dispersed quickly.

It was also evident that most parents had the understanding to continue southbound in Appian Circuit after dropping off their children, rather than performing a U-turn, to maintain an efficient flow of traffic. Vehicles continuing southbound would loop back around to head northbound on Amphitheatre Circuit and then turn right onto Astoria Park Road to reach the signalised intersection at Seven Hills Road.

Figure 2-23 Common Travel Path of Parents using the Appian Circuit Drop-off Zone

Queuing on Astoria Park Road on approach to the signalised intersection at Seven Hills Road was observed to go back as far as Colosseum Crescent (approximately 350m) for a short period of time. This queue ceased roughly 10 minutes after the morning (8.50am) and afternoon (2.50pm) school bell times.

Figure 2-24 Queuing on Astoria Park Road

Figure 2-25 Queuing on Amphitheatre Circuit

3 Existing Travel Behaviour

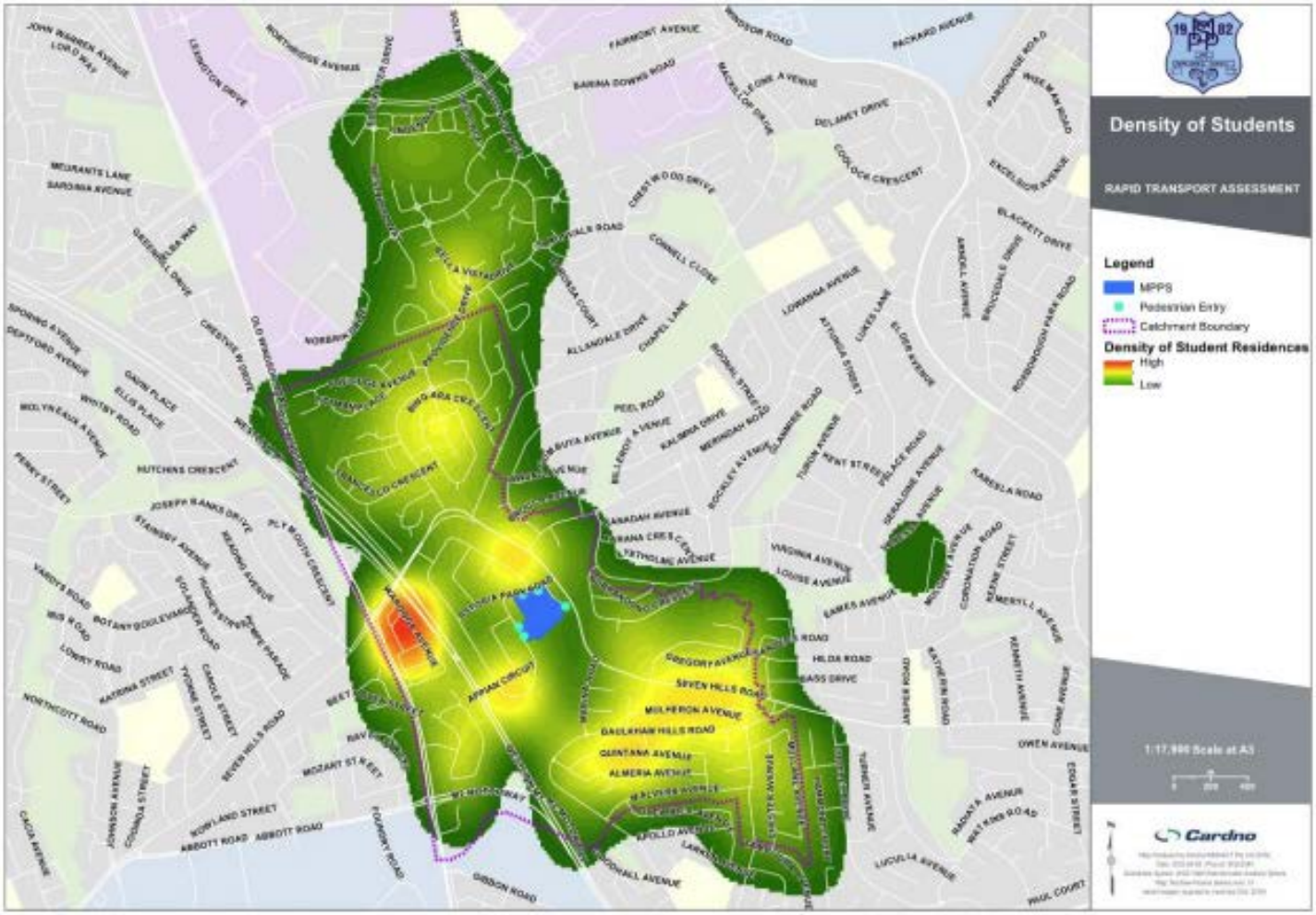
3.1 Student Places of Residence

Depersonalised residential data was provided for the Matthew Pearce Public School student population by SINSW. A map of student residential locations is shown in **Figure 3-1**.

The map shows several clusters of student residences. The highest concentration of student residents is in the residential area west of M7 along Waroonga Avenue and south of Seven Hills Road between Mulheron Avenue, Baulkham Hills Road, and Almeria Avenue.

The percentage of students living in the cluster west of M7 equates to almost 9% of the total students.

Figure 3-1 Student Residences



3.2 Existing Mode Share

An online travel survey was conducted among the school community to gain an insight into how students, staff, and parents travelled to Matthew Pearce Public School.

3.2.1 Students

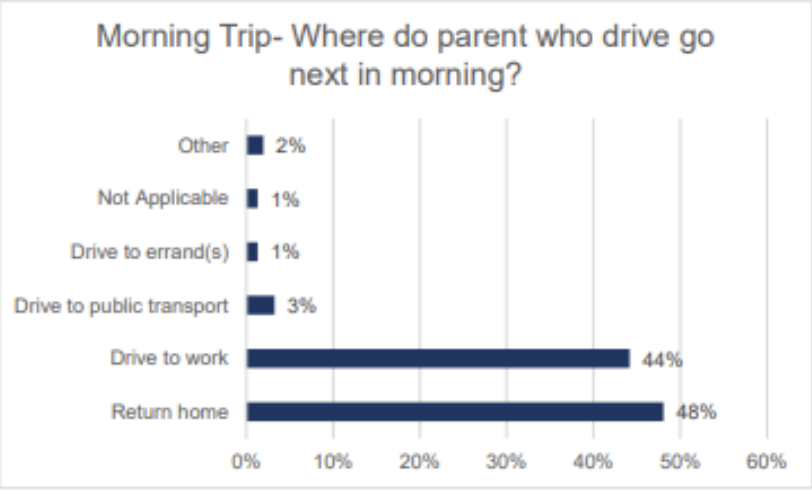
The mode share for students travelling to and from the school was informed by the results of the online survey. The survey was available from 07 February 2022 to 22 February 2022 and some 241 parents completed the survey. This equates to almost 23% of the student population.

Table 3-1 Student Existing Mode Share

Mode	Matthew Pearce PS Student Mode Share		
	Morning	Afternoon	Average
Private Vehicle – dropped off	45%	33%	39%
Private Vehicle – Parked and accompanied to school grounds	19%	21%	20%
Train	0%	0%	0%
School Bus	9%	16%	12%
Public Bus	0%	1%	1%
Walked	26%	26%	26%
Rode a bicycle or other rideable (incl ped scooter, skateboard, rollerblades	1%	1%	1%
Motor scooter	0%	0%	0%
Other	0%	2%	1%

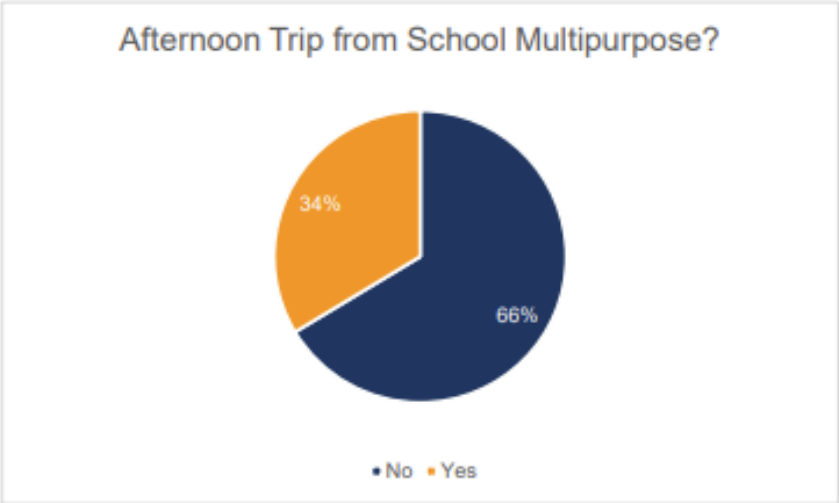
Also, as shown in **Figure 3-2** almost 48% of the parents who drive to school in the morning indicated that their trips to school are on the way to work, public transport, errands (shopping), etc.

Figure 3-2 Parent Driver's Next Destination



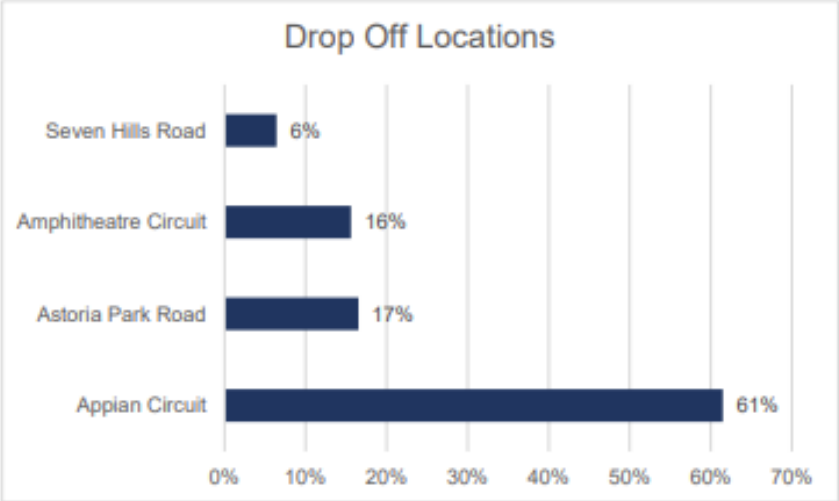
Similarly, almost 34% of parents who drive indicated that their trip from school in the afternoon is a part of another journey e.g. work, shopping, or another sibling's school.

Figure 3-3 Multipurpose Trip from School



Most (61%) of the parents indicated that they drop off their students in Appian Circuit.

Figure 3-4 Drop off Locations



3.2.2 Staff

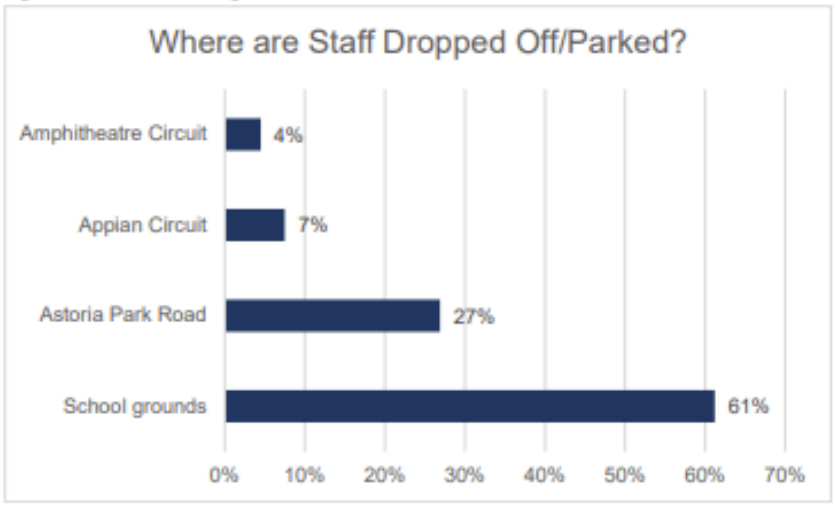
An online questionnaire was prepared for the staff and distributed by the school. The survey was available from 07 February 2022 to 22 February 2022 and some 67 staff completed the survey.

Table 3-2 Staff Existing Mode Share

Mode	Matthew Pearce PS Staff Mode Share		
	Morning	Afternoon	Average
Private Vehicle – as passenger (drop off only)	6%	5%	5%
Private vehicle – as passenger (with another staff member)	0%	0%	0%
Private Vehicle – Driver	94%	93%	93%
School Bus	0%	0%	0%
Public Bus	0%	0%	0%
Train	0%	1%	1%
Walked	0%	0%	0%
Cycle	0%	0%	0%
Other	0%	1%	1%

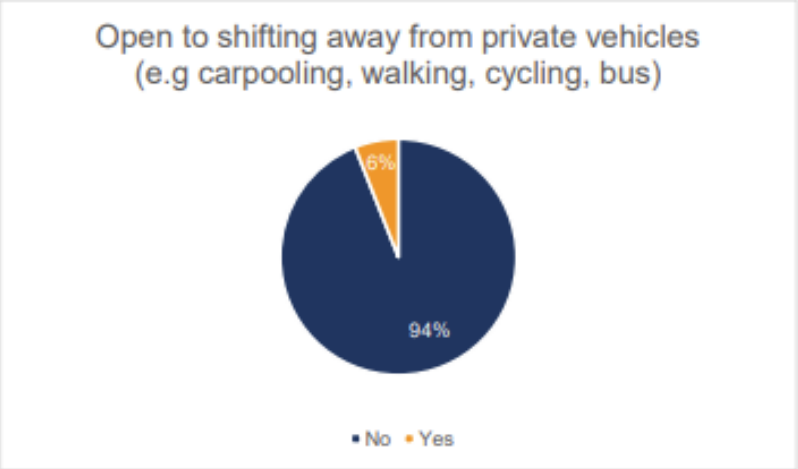
Almost 61% of the staff indicated they are dropped off/parked at the school grounds.

Figure 3-5 Staff Parking Location



Almost 94% of the staff mentioned that they would not be open to shifting away from private vehicles (e.g carpooling. walking, cycling, bus).

Figure 3-6 Staff Open to Shifting from Private Vehicles



4 Issues and Opportunities

With consideration of the strategic context, existing conditions, principal questionnaire, and the site visit, the challenges, and opportunities facing Matthew Pearce Public School for all transport modes are shown in **Table 4-1**.

Table 4-1 Issues and Opportunities

ID	Issue	Opportunities/Considerations
Pedestrian		
P1	It is unclear if the crossing in Appian Crescent, just south of Astoria Park Road, is a marked pedestrian crossing or Children's Crossing.	The crossing should be reviewed so that signage, line marking and use of flags are consistent with either a marked pedestrian crossing or a Children's Crossing.
Cycling / Scooters		
C1	Parking and end-of-trip facilities are limited – Only some 28 bikes parking spaces	The school currently only has 28 on-site bicycle parking facilities. With regard to the provision of onsite bicycle parking for the CHPS, the Hills Shire Council's DCP 2012 sets the following bicycle parking requirement for school: *1 space per 5 pupils over year 4* There are some 450 students in year 5 and year 6. This equates to a total requirement of a total of 90 bicycle parking spaces. It is recommended that additional bicycle parking areas be spread across the school grounds.
C2	Secure bike parking not located near school access points, especially near the cycleway off Seven Hills Road.	Install bike storage infrastructure spread across the school grounds. This will encourage students not to ride their bikes through the school grounds.
C3	No parking is provided for scooters and skateboards.	Install scooter and skateboard parking infrastructure near the site access points. An example of skateboard and scooter parking is shown below. 

Active transport encouragement Programs		
AT1	Lack of active transport encouragement/training programs.	Potential to encourage school participation in encouragement initiatives such as National Ride2School Day. Distribution of information regarding the benefits of active transport through school communication channels. Potential to encourage school participation in encouragement initiatives such as Walk Safely to School Day, Ride2School Day.
Public Transport (i.e. Buses)		
PT1	Some of the catchment areas do not have adequate bus stops.	Provide bus stops along the following corridors: > Bus Stops: Providence Drive and Bingara Crescent, between Bella Vista Drive and Seven Hills Road.
Roads		
R1	The geometry of road environment on Seven Hills Road, particularly between Marina Road and Astoria Park Road, encourages speeding over the 60km/h speed limit, without adequate protection between vehicles and pedestrians.	Provide a 40km/h School Zone on Seven Hills Road, or improved roadside protection particularly on the eastern side on the outside of the horizontal curve.

5 Travel Demand Assessment

Mode share targets scenarios are established below to assess the feasibility of mode shift towards more sustainable modes. The targets are set based on a combination of the student travel responses and staff travel responses, in conjunction with information with respect to the place of residence.

5.1 Student Mode Share

Mode share targets for students of Matthew Pearce Public School have been developed by using the existing mode share as a base and shifting it towards more sustainable travel modes. The mode share targets are shown in **Table 5-1**.

Table 5-1 Student Mode Share Target

Mode	Existing Baseline Mode share	Moderate Mode share Targets	Reach Mode share Targets
Walk	26%	29% (↑ 3%)	36% (↑ 10%)
Bicycle	1%	6% (↑ 5%)	11% (↑ 10%)
Bus	14%	15% (↑ 1%)	19% (↑ 5%)
Other public transport (rail, light rail)	0%	0%	0%
Private Vehicles	59%	50% (↓ 9%)	34% (↓ 25%)

5.2 Staff Mode Share

Mode share targets for the staff of Matthew Pearce School have been developed by using the existing mode share as a base. The mode share targets are shown in **Table 5-2.**

Table 5-2 Staff Mode Share Target

Mode	Existing Baseline Mode share	Moderate Mode share Targets	Reach Mode share Targets
Walk	0%	2% (↑ 2%)	5% (↑ 5%)
Bicycle	0%	2% (↑ 2%)	5% (↑ 5%)
Bus	0%	6% (↑ 6%)	10% (↑ 10%)
Other public transport (rail, light rail)	2%	2%	2%
Private Vehicle as Passenger	5%	10% (↑ 5%)	15% (↑ 10%)
Private Vehicle as Driver	93%	78% (↓ 15%)	63% (↓ 30%)

6 Future Enrolment Catchment

The proposed Matthew Pearce Public School involves no changes to the catchment boundary as shown in **Figure 1-1.**

7 Recommendations

Recommendations have been informed by the assessment of existing conditions, issues and opportunities, and transport provisions required for the upgrade of Matthew Pearce Public School

7.1 Active Transport Behavioural/ Management Strategies

Table 7-1 Active Transport Behavioural Management Strategies Recommendations

ID	Recommendation
Active Transport Behavioural Management Strategies	
AT1	**Walking School Bus** Activities such as 'walking school buses' where all user groups can be involved in will be promoted. A Walking School Bus is a group of primary school students walking to and from school together as a group, guided by a minimum of two supervising adults. Supervisors can be volunteers, and parents, and they usually guide the 'bus' with one leading and one bringing up the rear. During the course of the program, supervisors are expected to model, teach and encourage safe walking habits, including crossing the road at safe locations, stopping at kerbs, and doing safety observation checks (look left-right-left).  https://education.nsw.gov.au/content/dam/main-education/teaching-and-learning/curriculum/road-safety-education/safe-travel/Walking_school_bus_planning_and_implementing_considerations_for_schools.p
AT2	**STEPtember** Charity events such as STEPtember are opportunities for students and staff to walk to / from school and achieve walking targets for the charity. An event such as this is for the month of September and provides great opportunity to install long lasting effects of sustainable travel mode. It is noted that this can also be used as friendly competition between schools in the Local Government Area to increase the number of students taking up the challenge. https://www.steptember.org.au
AT3	**Walk Safely to School Day** WSTSD is an annual event for primary school students who are encouraged to walk and commute safely to school http://www.walk.com.au/WSTSD/
AT4	**Engagement with parents and carer** Parents and carers are the key decision-makers for how children travel to school. School should involve and engage parents to promote walking and cycling to school as an opportunity to stay active themselves. Parent/carer workshop could be an opportunity to initiate the discussion for active travel to school. Students could also be involved in creative classroom activities to document their travel to school. The school could set a 'Walk with a parent' homework activity where students go for a walk to school with their parent or carer and then write about it with photos, stories, and maps from their trips to the school. The student's creativity could then be displayed on the notice board or newsletters.
AT5	**Ride2School** Ride2School day is a national event held annually and includes competition and awards (e.g. Ride2School day 2021 includes the potential to win a new bike).
AT6	**Riding Groups** Similar to a walking school bus, the same type of group can be formed for students and staff who wish to cycle to / from school. By pairing students together can assist in breaking down fears of cycling alone, improve safety awareness as a group and encourage others to join.

	A cycling school bus is a group of primary school children who ride bicycles (or another wheeled device) to and/or from school along a set route, accompanied by supervising adults. One adult 'drives' at the front of the 'bus' while another adult supervises at the rear of the 'bus'. The cycling school bus picks up 'passengers' at designated 'cycling bus stops' on the way to and/or from school.	
AT7	**Riding Skills** To promote cycling as a preferred transport mode, the school can hold courses / skill events for students and staff. There are many cycling groups / clubs who could assist in teaching skills as well as many nearby public tracks that could be used for more adventurous learning.	

7.2 Pedestrian/Cyclist Infrastructure

Pedestrian Infrastructure recommendations are shown in **Table 7-2**.

Table 7-2 Pedestrian Recommendations

ID	Recommendation
Pedestrian	
P1	Request Council to undertake a Road Safety Review of the crossing in Appian Crescent (south of Astoria Park Road) to ensure clarify the status of the crossing (marked pedestrian crossing or a Children's Crossing).
Cyclist	
C1	Meet the DCP bicycle parking rates with a staged incremental increase. Provide additional bicycle racks spread across the school grounds near each pedestrian entry points to the school.
C2	Provide scooters and skateboard parking.

7.3 Public Transport (Buses)

ID	Recommendation
Public Transport	
PT1	Provide bus stops along the following corridors: Providence Drive and Bingara Crescent, between Bella Vista Drive and Seven Hills Road
PT2	Provision of bus shelters at the existing bus stops on Seven Hills Road north and south of the intersection of Astoria Park Road

7.4 Road Network and Vehicles

Road network and private vehicle recommendations are shown in **Table 7-3.**

Table 7-3 Road Network and Private Vehicle Recommendation

ID	Recommendation
Parking Drop Off/Pickup	
PA1	Establish carpooling scheme that enables staff to share their car trip to the school with more than 1 person in the car, reducing cars travelling to the school.
Road Safety/Network	
R1	Provide a 40km/h School Zone on Seven Hills Road or improved roadside protection particularly on the eastern side on the outside of the horizontal curve.

7.5 Operational Transport Management

Operational Transport Management are shown in **Table 7-4.**

Table 7-4 Operational Transport Management

ID	Recommendation
Operational Transport Management	

7.6 Travel Access Guide

Table 7-5 Operational Transport Management

ID	Recommendation
Travel Access Guide	
TA	**Travel Access Guide** A travel access guide is recommended to be prepared and distributed to inform families of the available travel options and encourage a mode shift towards sustainable transport. For example, there is a concentration of student residents is in the residential area south of Seven Hills Road between Mulheron Avenue, Baulkham Hills Road, and Almeria Avenue which can be accessed by Toongabbie Creek Regional cycleway however still parents indicated using private cars in the travel mode survey. Also, for the cluster of student residents west of M7 along there are school buses along Old Windsor Road and Seven Hills Road near Warooga Avenue however still some parents indicated using private cars in the travel mode survey

7.7 Staffing

Staffing recommendations are shown in **Table 7-6**

Table 7-6 Staffing Recommendations

ID	Recommendation
Staffing	
S1	**Travel Coordinator** A travel Coordinator should be nominated to implement, assess, monitor, and review the transport strategies provided within this Plan. This might be a single person who can act as a coordinator or a Committee of people who can work together. A Travel Coordinator is required to ensure transport programs are implemented to achieve travel behaviour change.

The proposed recommendations are shown in **1.**

8 Monitoring and Review Program

8.1 Purpose

Ongoing monitoring and review are crucial to the success of the transport plan as it is the assessment of whether the initiatives have been successful in terms of meeting the objectives and targets. Monitoring will enact the opportunity for introducing new incentives or ways to change the travel decisions being made by students and staff in order to achieve positive outcomes on traffic congestion, road safety, and the environment.

8.2 Data Collection

To monitor the effectiveness (or otherwise) of the transport plan and target mode shares, it is recommended that travel mode surveys be undertaken either as an online platform (requiring parent responses) or in-class surveys (allowing student involvement in increasing awareness on the impact of their travel mode share), or both depending on the nature of questions (e.g. the ability to capture multi-purpose trip responses is more likely to be understood by the parent rather than the student). The interval of the review surveys must allow for sufficient behaviour change and ensure the survey is clear of public holidays or significant events that may alter behaviour.

The survey is to capture student travel and staff travel mode share separately to ensure sufficient detail is captured to inform the decision-making process.

A sample travel mode survey is attached in **Appendix A**.

8.3 Frequency

The review surveys will be undertaken within no earlier than 3 months (or 1 term) of the recommendations being adopted and then regularly at 1 yearly intervals.

The survey is to capture student travel and staff travel mode share separately to ensure sufficient detail is captured to inform the decision-making process.

The purpose of capturing survey responses to enable a review of the transport plan and whether or not target mode shares are being achieved. It will enact the opportunity for introducing new incentives or ways to change the travel decisions being made by students and staff in order to achieve positive outcomes on traffic congestion, road safety and the environment.

9 Action and Responsibilities

A fundamental enabler of a successful program to increase use of public transport and uptake of active travel to school is adequate resourcing. Hence in order to assist with the management of the transport plan, a person(s) shall be nominated as the Travel Plan Coordinator (TPC) and will be responsible for:

- Implementation and promotion of the proposed action item and recommendation;
- Monitoring the effectiveness of the Plan (refer to monitoring requirements outlined in **Section 8**) and ongoing maintenance of the transport plan;
- Provide advice in relation to transport-related subjects to staff, management, and visitors, as required, and;
- Liaise with external parties (i.e., Council, public transport, and TfNSW) in relation to transport plan.

The key strategy and framework action table are summarised in **Table 9-1**. It must be noted that the below details will be updated as required.

Table 9-1 Action Table

ID	Action	Responsibility
AT1	Advertisement and take-up of Walking School Bus	Travel Plan Coordinator
AT2	Advertisement and take-up of STEPtember	Travel Plan Coordinator
AT3	Advertisement and take-up of Walk Safely to School Day	Travel Plan Coordinator
AT4	Advertisement and take-up of Engagement with parents and carer	Travel Plan Coordinator
AT5	Advertisement and take-up of Ride2School	Travel Plan Coordinator
AT6	Advertisement and take-up of Riding Groups	Travel Plan Coordinator
AT7	Advertisement and take-up of Riding Skills	Travel Plan Coordinator
P1	Request Council to undertake a Road Safety Review of the crossing in Appian Crescent (south of Astoria Park Road) to ensure clarify the status of the crossing (marked pedestrian crossing or a Children's Crossing).	School/Project team advocacy and negotiation with Council
C1	Meet the DCP bicycle parking rates with a staged incremental increase. Provide additional bicycle racks spread across the school grounds near each pedestrian entry points to the school.	School/Project team
C2	Provide Scooters and skateboards parking.	School/Project team
PT1	Provide feasibility of bus stops along the following corridors: Providence Drive and Bingara Crescent, between Bella Vista Drive and Seven Hills Road. Provision of bus shelters at the existing bus stops on Seven Hills Road north and south of the intersection of Astoria Park Road	School/Project team advocacy and negotiation with TfNSW
R1	Provide a 40km/h School Zone on Seven Hills Road or improved roadside protection particularly on the eastern side on the outside of the horizontal curve.	School/Project team advocacy and negotiation with TfNSW
OM	Staggered School Start / Finish Times	School
TA	Travel Access Guide	Travel Plan Coordinator

10 Governance Framework

10.1 Communications Plan

A communication plan was co-designed with the School Principal and the actions and responsibilities for the plan are given in the following table. This plan provides a guide for some of the messages that the School Principal may communicate to promote uptake of walking, cycling and bus to school. The Travel Coordinator will maintain overall responsibility for drafting the messages

Item	When	Channel	Audience	Author / Responsibility
All key stakeholders aspire to have students travel to school by walking, bike, scooter or bus. Share the vision and targets for the number of children targeted to walk and ride to school in promotional and marketing material.	Before the 3rd week of December in advance of the next school year Periodically	Kindergarten Orientation packs from TfNSW	Staff, parents and students	School Principal Travel Coordinator to draft content in plain English
	Before end of school year	Welcome pack to new families when enrolling		School Principal Travel Coordinator to draft content in plain English
	Before the 3rd week of December in advance of the next school year	Local newspaper at school opening		School Principal Travel Coordinator to draft content in plain English
Share the walk, ride, buses transport options to get to Darcy Road Public School with localising the standard information Public School websites have standardised transport information on websites, apply this same approach for this school.	Before the 3rd week of December in advance of the next school year	Induction/ welcome pack to staff and students on the school website	Staff, parents and students	School Principal Travel Coordinator to draft content based on TAG provided with this report.
Promote students to use discounted travel by obtaining a School Term Bus Pass to encourage use of public transport as a sustainable travel option.	At least annually at the end of the school year with regular periodic updates	E-newsletter on the school website	Parents	School Principal Travel Coordinator to draft content (The criteria for discounted travel need to be clearly explained.)
Promote and encourage participation in National Ride2School Day	Annually in March. Register in Term 4 annually	School calendar of events	Staff, parents and students	School Principal Travel Coordinator to draft content and educate and inform community well before the event.
Promote Walk Safely to School Day. Materials available at www.walk.com.au	Annually in May of each year	School calendar of events	Staff, students and parents	School Principal Travel Coordinator to draft content as well as educate and inform the community well before the event.

Communicating expected standards of behaviour for Kiss and Drop-off areas A very firm message will be provided for the School Principal to circulate at upon school opening and commencement of each school year.	Regularly, multiple times during each term.	Welcome packs to new families on the school website	Students and parents	School Principal Travel Coordinator to draft content. Refer to the Department of Education Road Safety Education webpage https://education.nsw.gov.au/teaching-and-learning/curriculum/learning-across-the-curriculum/road-safety-education/safe-travel
Link to the NSW Department of Education Road Safety website, which is typically included in public school websites. This standard data can be tailored for the school by providing the school location, address and contact details.	Before opening of redeveloped school	School website	Students and parents	School Principal/School website designer
Educational road safety YouTube video links	Before opening of redeveloped school with some updating and showing the content periodically	School website	Students and parents	School Principal Travel Coordinator to draft content and send it the content to the Council Road Safety Officer to be reviewed before sharing.

10.2 Stakeholders

The governance arrangement for Matthew Pearce Public School and their contact details are provided in **Table 10-1.**

Table 10-1 Governance Stakeholders

Name	Role	Contact/Email
Kim Fawcett	Principal, Matthew Pearce PS	Kim.Fawcett@det.nsw.edu.au
Jeremy Stott	Project Director, School Infrastructure NSW	jeremy.stott4@det.nsw.edu.au
Rebecca Lehman	Sustainable Transport Technical Advisor, Department of Education	Rebecca.Lehman@det.nsw.edu.au
Bus Operator/Hills Bus	tbc	cdcbus.com.au
TfNSW	tbc	tbc
Council	tbc	tbc

APPENDIX

A

EXAMPLE SURVEYS

Cardno

now

Stantec

Please read the below before starting the questionnaire:
School Infrastructure NSW are conducting this questionnaire to understand how you travel to school. This should take 5 minutes t
complete. Please complete the survey by xx/xx/xx.
If you have transport feedback for our team, please contact us at _____@ .com.au

required		1	Are you staff, student or pa	staff-full time	[pick one]		
				staff-part time			
				volunteer			
				student			
				parent / carer			
required, if this goe		2	Which school do you attend?		[drop down]		
optional		3	Which suburb did you travel from on survey day?		[free form]		
required	4a		How did you travel to schoo	drove a car and parked on-site	[pick one]		
				drove a car and parked nearby			
				dropped off (driver did not stay)	4b	If this is dir	return home
				bus			drive to work
				train			drive to public transport
				walked			drive to errand(s)
				rode a bicycle or other rideable (incl ped scooter, skateboard, rollerl			other
				motorcycle / motorscooter			
optional		5	If you travelled by bus, which bus number did you catch?		[free form]		
optional		6	if you drove a car, how man	0 -- just me	[pick one]		
				1 -- 1 passenger, 1 driver			
				2			
				3+			
optional	7 (for stud		If you were dropped off by a car, where did the car go next? Please be spe		[free form]		
optional	7 (for stud		Do you use a different trans	drove a car and parked on-site	[free form]		
				drove a car and parked nearby			
				dropped off (driver did not stay)			
				bus			
				train			
				walked			
				rode a bicycle or other rideable (incl ped scooter, skateboard, rollerblades)			
				motorcycle / motorscooter			
optional	7 (for staff		If you drove, what is your pi	dropping off / picking up child(ren	[pick up to 3]		
				need the car to drive elsewhere before school (e.g sport, work, an appointment			
				need the car to drive elsewhere after school (e.g sport, work, an appointment)			
				health reasons			
				convenience			
				lack of transport options (e.g. no bus service or footpath)			
				worried about road safety / busy roads			
				worried about heat / shade			
				worried about weather variation (rain, hail, wind)			
				did not drive			
				other (please specify)			
required		8	what time do you arrive at s	before 6:15 am	[pick one]		
				6:15-6:30			
				6:30-6:45			
				6:45-7:00			
				7:00-7:15			
				7:15-7:30			
				7:30-7:45			
				7:45-8:00			
				8:00-8:15			
				8:15-8:30			
				8:30-8:45			
				8:45-9:00			
				after 9:00			
required		9	what time do you leave sch	before 2:45pm	[pick one]		
				2:45-3:00			
				3:00-3:15			
				3:15-3:30			
				3:30-3:45			
				3:45-4:00			
				4:00-4:15			
				4:15-4:30			
				4:30-4:45			
				4:45-5:00			
				5:00-5:15			
				5:15-5:30			
				after 5:30			
optional		10	which measures would enc	lower speed roads	[pick up to 3]		
				place to store my helmet			
				place to store my scooter / skateboard			
				better lighting			
				more shade			
				more weather protection (eg covered walkways)			
				back up options in case of inclement weather (bus, train or car for rainy days or days when the weather changes)			
				shower / change rooms			
				safe bicycle parking			
				information on safe routes			
				bicycle group so I can ride with others			
				walking group so I can walk with others			

			loan / discount to buy a bicycle / helmet	
			other (please specify)	
optional	11	which measures would encc	cheaper public transport	[pick 2]
			more frequent public transport	
			bus route to my neighbourhood	
			improved waiting area at school (shade / weather protection)	
			improved waiting area at home (shade / weather protection)	
			better connections to other transport (train or bus)	
			public transport group so I can ride with others	
			information about public transport	
			other (please specify)	
optional	12	which measures would encc	help finding someone to carpool with	[pick 2]
			reduced parking cost	
			know the driver personally	
			free parking	
			sharing driving responsibility	
			certainty in finding a car space (ie dedicated car space for carpoolers)	
			secure parking	
			a ride home if I needed to assist with a sick child / personal responsibilities	
			other (please specify)	
required	13	any other transport feedback for our team?		[free form]
optional	14	Do you use the same transport mode to school as you did before COVID-1		[any question the principal would like to use this all school opportunity ask / seek an answer]

landing page followi https://wa If you have feedback between questionnaires, please use this link to notify local councils, utilities or other authorities of issues that need addressing in your communit

APPENDIX

B

TRAVEL ACCESS GUIDE TEMPLATE

Cardno

now

Stantec

NSW Department of Education – School Infrastructure

[Insert school name]

Travel Access Guide

[Insert date/month/year]

Project overview

Insert project description from project page on SINSW website.

Active ways to get to school

Walking is an active and healthy way to get to school

- Include safety tips for local students.

Ride your bike

- Include safety tips for local students.

Ride your scooter

- Include safety tips for local students.

Kiss and drop expectations

- Reflect anything agreed in the School Transport Plan.
- Ensure consistency with NSW Education's road safety messaging: https://education.nsw.gov.au/teaching-and-learning/curriculum/learning-across-the-curriculum/road-safety-education/safe-travel

Message from your Principal

- Insert text from Principal that lets the school community know they are becoming an active travel school.
- Principal message to include relevant safety information.
- Principal message may include their own commitment to active travel.
- Include Principal photo and signature block.

Message from your P&C President

- Insert text from P&C President that outlines their support for becoming an active travel school.
- P&C message may include information about how changing the way you get to school even one day per week can make a 20% difference to local traffic congestion.
- Include P&C President photo and signature block.

For more information contact:

School Infrastructure NSW
Email: schoolinfrastructure@det.nsw.edu.au
Phone: 1300 482 651
www.schoolinfrastructure.nsw.gov.au

NSW GOVERNMENT

Local map: Active Travel

Must be included

- Graphic map of the school, showing all school entry points.
- Emphasise accessible entry points.
- Use icons to show which entry points are most suitable for walking, riding bikes and riding scooters.
- Show the 5, 10, 15, 20+ minute walk to school with single line rings of different colours (not shading).
- Include footpaths near the school, on both sides of all roads and near pedestrian crossings.
- Include pedestrian crossings and crossings with signals or Lollipop staff.
- Include nearby bus stops and bus routes, if relevant.

Map details

- North is up.
- Include a scale, in metres.
- Show bike and scooter parking within the school grounds.
- Show steps and stairs that may make entrances harder to access.

For more information contact:
School Infrastructure NSW
Email: schoolinfrastructure@det.nsw.edu.au
Phone: 1300 482 651
www.schoolinfrastructure.nsw.gov.au

Breakout boxes to fill empty spaces

Something broken on the way to school?

Use the Snap Send Solve app or website to report issues to the people who can fix them.

Things like abandoned trolleys, broken footpaths or water leaks can all be reported in the app.

Download it today from the App Store or Google Play. Or visit **www.snapsendsolve.com**

Discounts, offers or initiatives for students and parents

- Include information about bike insurance, discounts, courses or car share pods, as relevant.

For more information contact:
School Infrastructure NSW
Email: schoolinfrastructure@det.nsw.edu.au
Phone: 1300 482 651
www.schoolinfrastructure.nsw.gov.au

ATTACHMENT B – APPLICANT'S APPROVAL UNDER CLAUSE 4.33 OF THE EP&A ACT 1979

RE: Matthew Pearce Public School - 4G Astoria Park Road, Baulkham Hills - 1065/2023/JP - Draft Conditions

AR

Amit Rampal (Amit Rampal) <Amit.Rampal@det.nsw.edu.au>
To Sophia Brown; Ed Hartley; Terri Slater; Joe Wood
Cc Jane Fielding; Aryan Qayumi; Sudeep Bile; Paul Osborne; Cameron McKenzie; Cynthia Dugan; Pete Krause

If there are problems with how this message is displayed, click here to view it in a web browser.

MPPS Landscape General Arrangement Plans Revision D.pdf
2 MB

Draft Conditions of Consent - Matthew Pearce Public School 1065 2023 JP 30 October 2023 .doc
14 MB

This Message Is From an External Sender
This message came from outside your organization.

Hi Sophia,

Please accept this email as written agreement to the proposed conditions of consent, as attached here and in your last email below.

We would really appreciate an expedited determination for this Development Application.

Thanks for your help thus far.

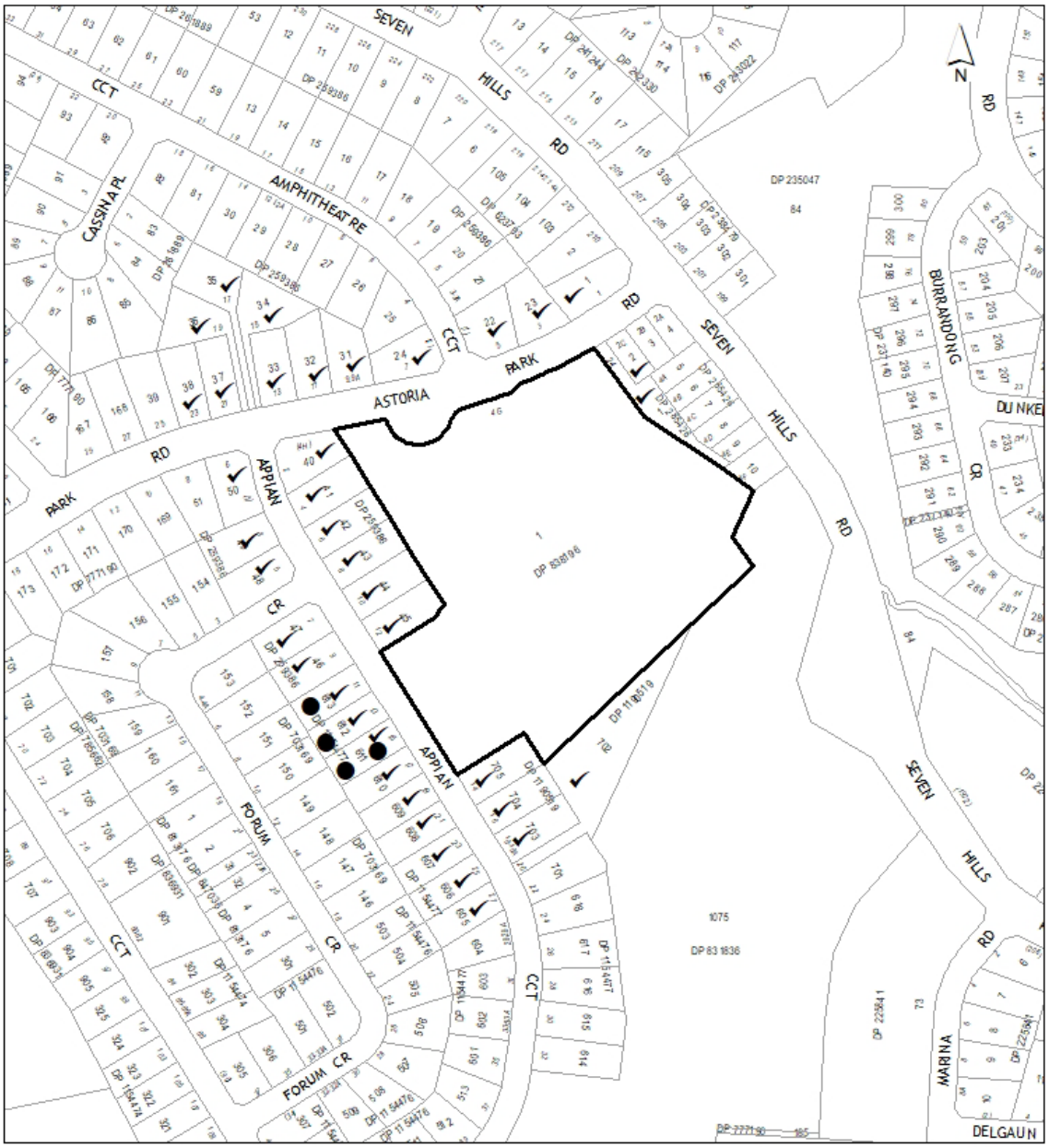
Amit Rampal
Project Director | Infrastructure Delivery | School Infrastructure NSW
M 0433 757 548 | **E** amit.rampal@det.nsw.edu.au | schoolinfrastructure.nsw.gov.au

Follow us
Twitter: @NSWEducation
Facebook: @NSWDepartmentofEducation
YouTube: NSWDepartmentofEducation
Instagram: @NSWEducation

NSW GOVERNMENT Education School Infrastructure

I acknowledge the homelands of all Aboriginal people and pay my respect to Country.

ATTACHMENT C - LOCALITY PLAN



SUBJECT SITE

✓ PROPERTIES NOTIFIED

● SUBMISSION RECEIVED

ONE SUBMISSION RECEIVED OFF THE SCOPE OF THIS MAP

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

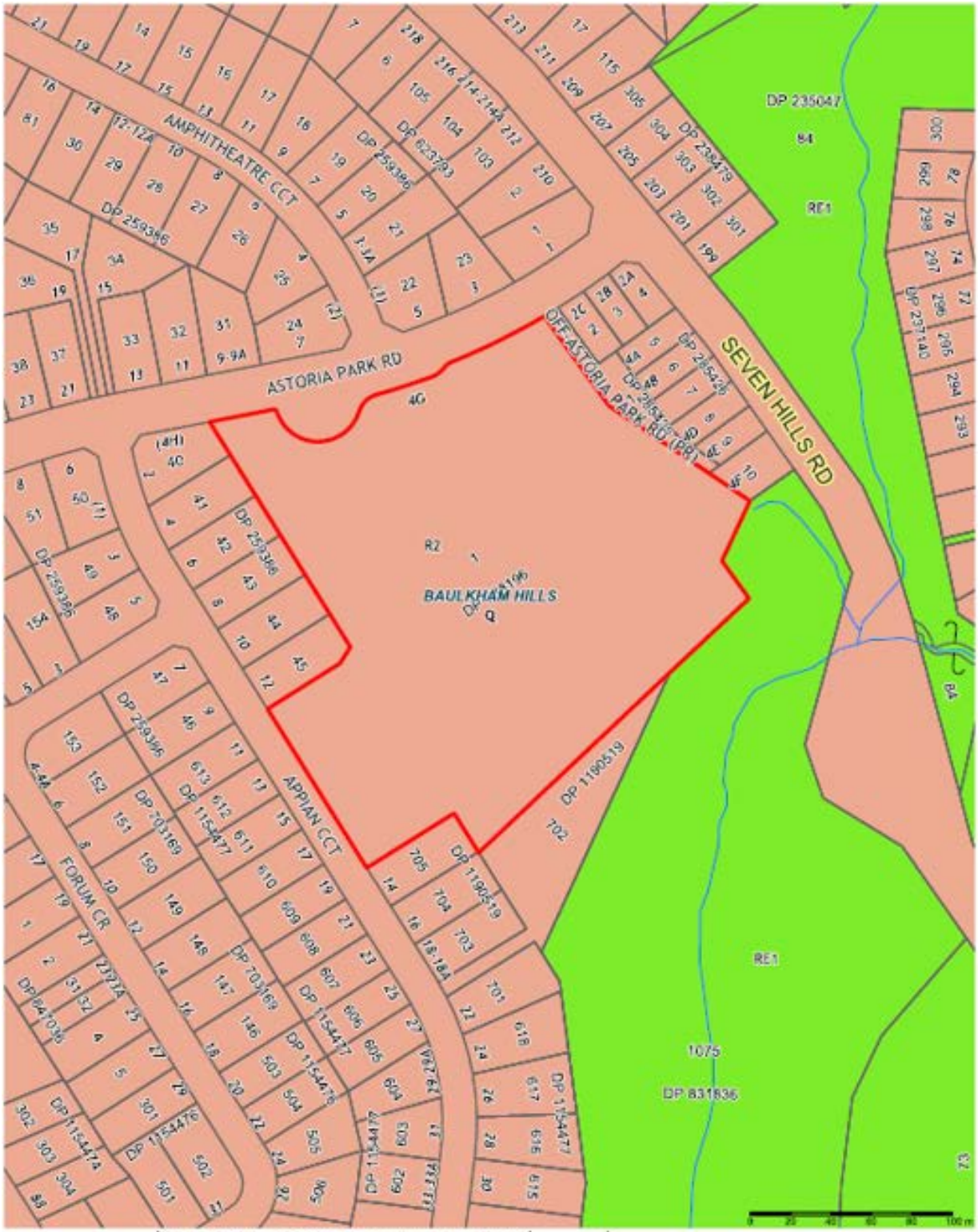
ATTACHMENT D - AERIAL MAP

SUBJECT SITE

THE HILLS Sydney's Garden Shire

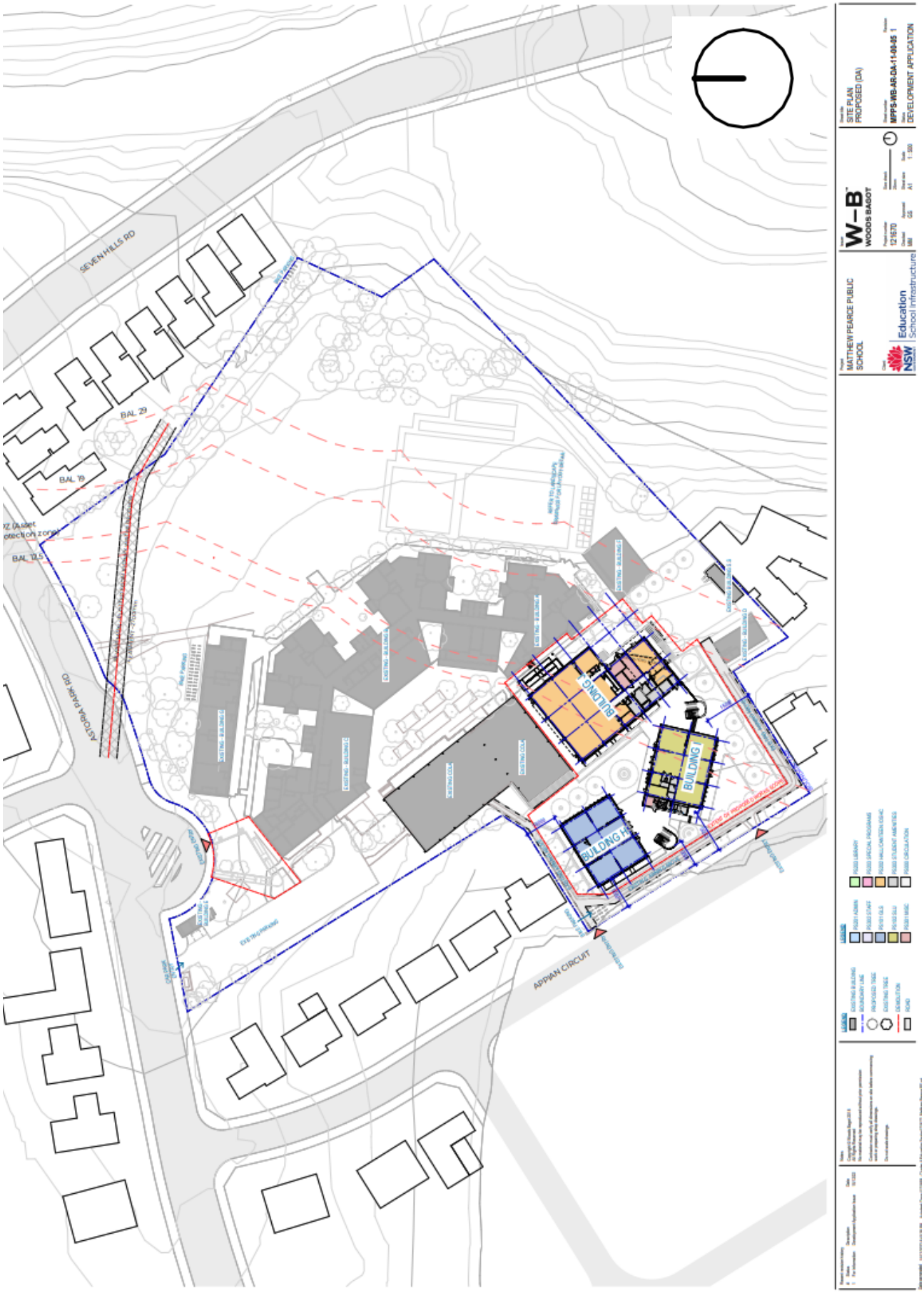
THE HILLS SHIRE COUNCIL

ATTACHMENT E - ZONING MAP

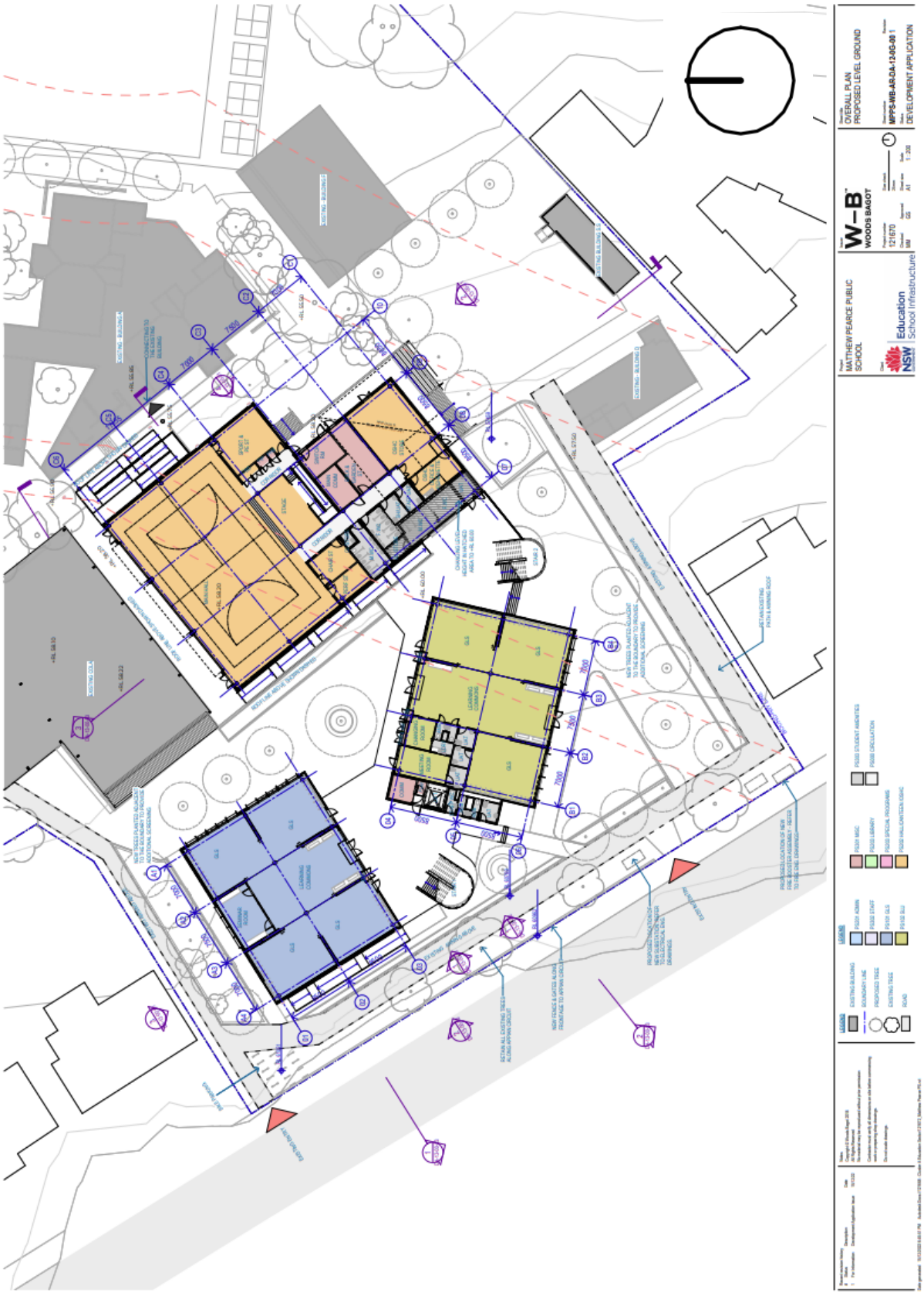


ATTACHMENT F – HEIGHT MAP

ATTACHMENT G - SITE PLAN



ATTACHMENT H – FLOOR PLANS



LEGEND

- EXISTING BUILDING
- BOUNDARY LINE
- PROPOSED TREE
- EXISTING TREE
- ROAD

LEGEND

- PS201 ADMIN
- PS202 STAFF
- PS101 GLS
- PS102 SLU
- PS301 MISC
- PS203 LIBRARY
- PS205 SPECIAL PROGRAMS
- PS202 HALL/CANTEEN/OSHC
- PS300 STUDENT AMENITIES
- PS600 CIRCULATION

Project: MATTHEW PEARCE PUBLIC SCHOOL

Client: NSW Education School Infrastructure

Issue: W–B WOODS BAGOT

Project number: 121670

Created: MM | Approved: GS | Sheet size: A1 | Scale: 1 : 200

Drawing title: OVERALL PLAN PROPOSED LEVEL 1

Sheet number: MPPS-WB-AR-DA-12-10-00 | Revision: 1

Status: DEVELOPMENT APPLICATION

LEGEND

- EXISTING BUILDING
- BOUNDARY LINE
- PROPOSED TREE
- EXISTING TREE
- ROAD

LEGEND

- PS201 ADMIN
- PS302 STAFF
- PS101 GLS
- PS102 SLU
- PS301 MISC
- PS203 LIBRARY
- PS203 SPECIAL PROGRAMS
- PS202 HALL/CANTEEN/ OSHC
- PS303 STUDENT AMENITIES
- PS000 CIRCULATION

Project: MATTHEW PEARCE PUBLIC SCHOOL

Client: NSW Government Education School Infrastructure

Issue: W–B WOODS BAGOT

Project number: 121670

Date check: 20/xx/xx

Checked: MM

Approved: GS

Sheet size: A1

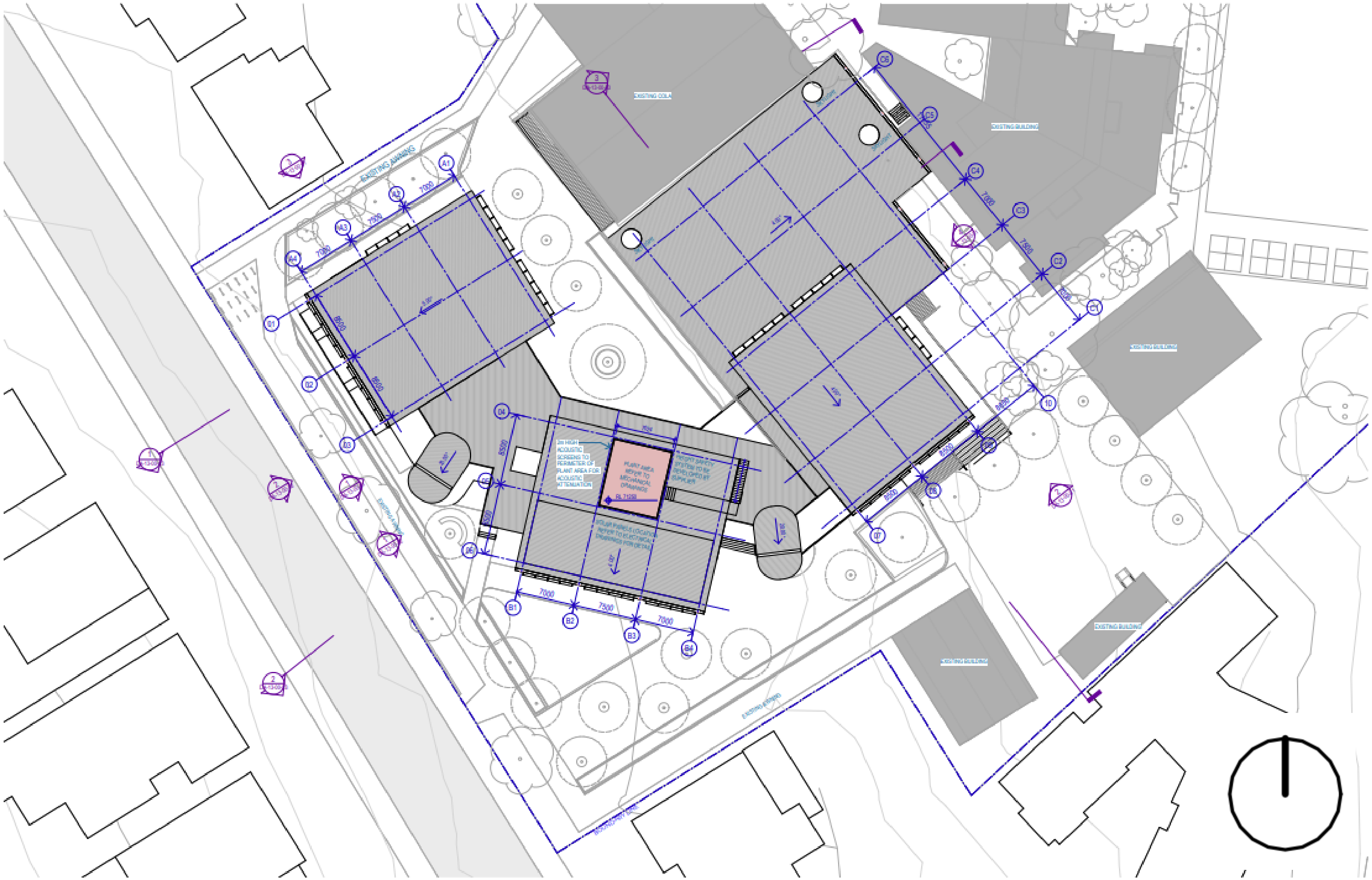
Scale: 1 : 200

Sheet title: OVERALL PLAN PROPOSED LEVEL 2

Sheet number: MPPS-WB-AR-DA-12-20-00

Revision: 1

Status: DEVELOPMENT APPLICATION



Recent revision history

#	Status	Description	Date
1	For Information	Development Application Issue	15/12/22

Notes
Copyright © Woods Bagot 2018
All Rights Reserved
No material may be reproduced without prior permission
Contractor must verify all dimensions on site before commencing work or preparing shop drawings.
Do not scale drawings.

LEGEND
EXISTING BUILDING
BOUNDARY LINE
PROPOSED TREE
EXISTING TREE
ROAD

LEGEND
PS201 ADMIN
PS202 STAFF
PS101 GLS
PS102 SLU
PS301 MISC
PS203 LIBRARY
PS203 SPECIAL PROGRAMS
PS202 HALL/CANTEEN /OSHC
PS303 STUDENT AMENITIES
PS000 CIRCULATION

Project
MATTHEW PEARCE PUBLIC SCHOOL

Client
NSW Education School Infrastructure

Issuer
W–B WOODS BAGOT

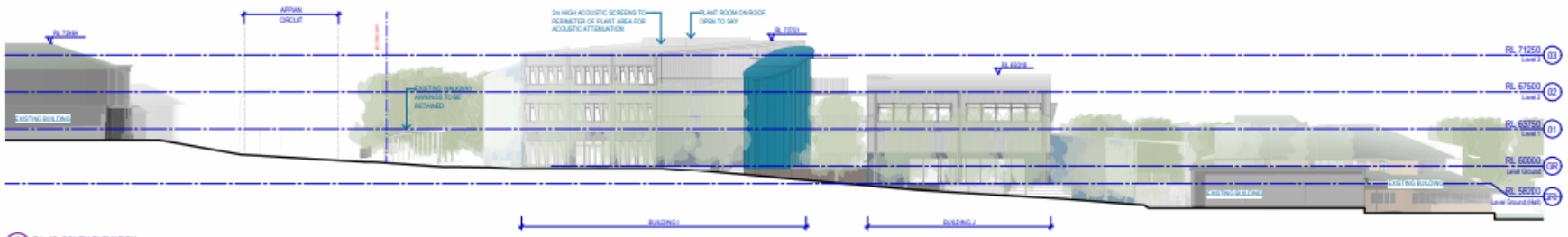
Project number 121670
Size check 20mm
Checked MM
Approved GS
Sheet size A1
Scale 1 : 200

Sheet title
OVERALL PLAN
PROPOSED ROOF PLAN

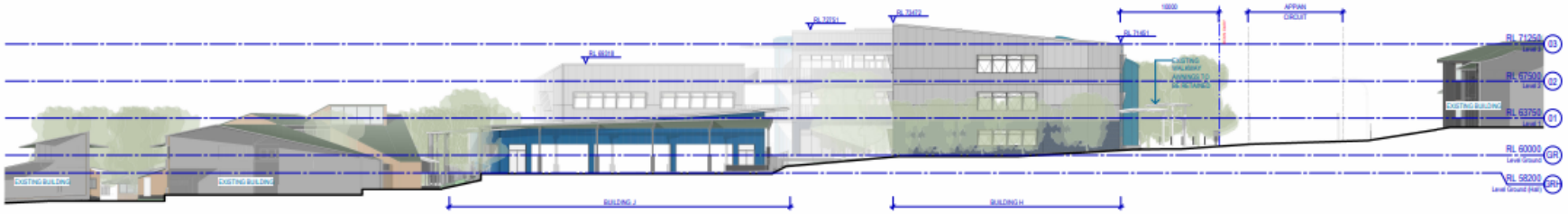
Sheet number MPPS-WB-AR-DA-12-RF-001
Revision 1
Status DEVELOPMENT APPLICATION

Date generated 15/12/2022 6:46:00 PM Autodesk Docs://121668 - Cluster 4 Education Sector/121672_Matthew Pearce PS.rvt

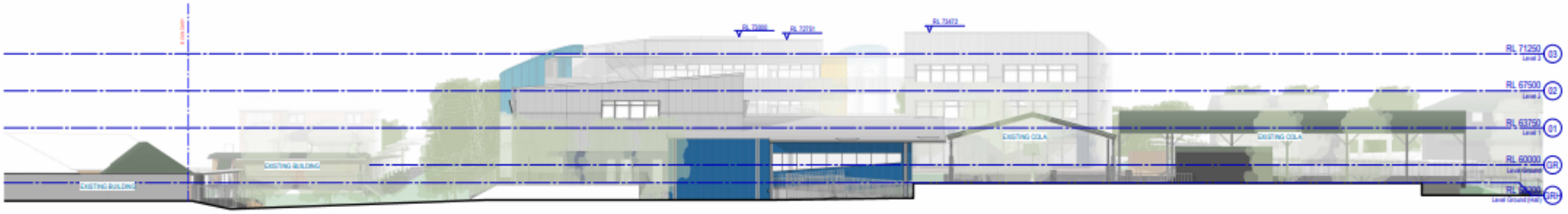
1 DA_13_WEST ELEVATION
SCALE 1 : 200



2 DA_13_SOUTH ELEVATION
SCALE 1 : 200



3 DA_13_NORTH ELEVATION
SCALE 1 : 200



4 DA_13_EAST ELEVATION
SCALE 1 : 200

Recent revision history

#	Status	Description	Date
1	For Information	Development Application Issue	15/12/22

Date generated: 15/12/2022 9:47:43 PM Autodesk Docs://121670 - Cluster 3 Education Sector/121672_Matthew Pearce PS.rvt

Project
MATTHEW PEARCE PUBLIC SCHOOL

Client
NSW Education School Infrastructure

Issue
W–B WOODS BAGOT

Project number	Size check	
121670	20mm	
Checked	Approved	Sheet size
MM	GS	A1

Scale
1 : 200

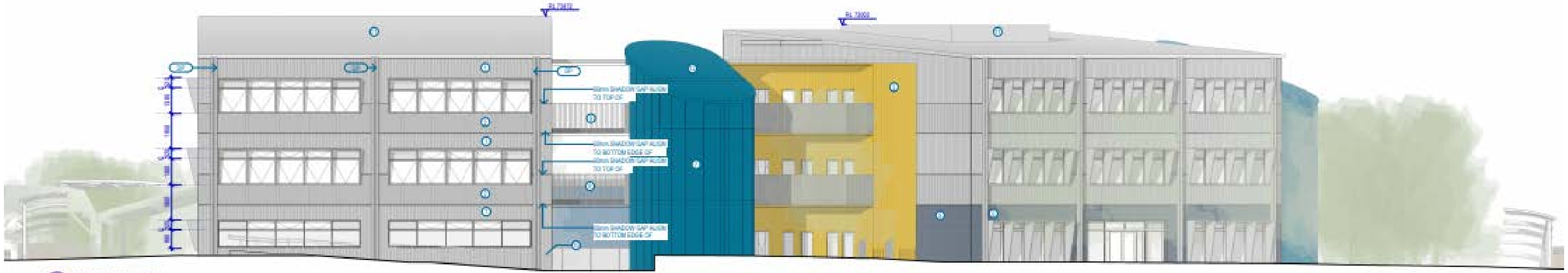
Sheet title
OVERALL PROPOSED ELEVATIONS

Sheet number
MPPS-WB-AR-DA-13-00-01

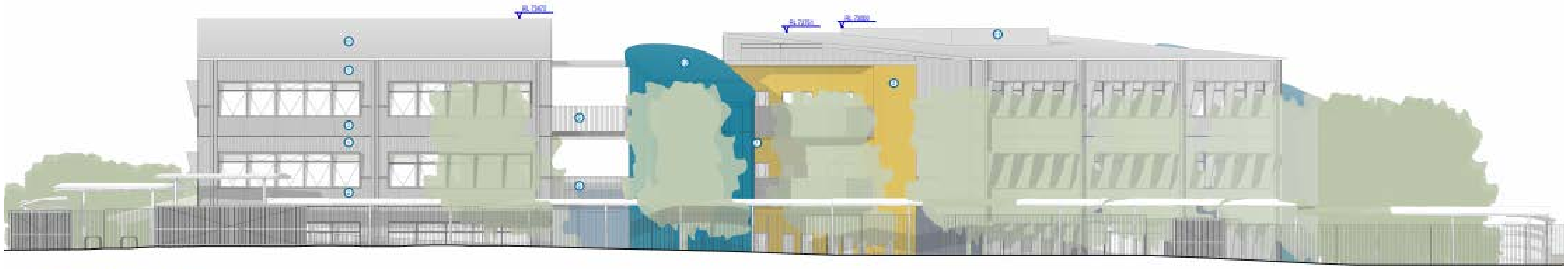
Revision
1

Status
DEVELOPMENT APPLICATION

ATTACHMENT I - ELEVATIONS



1 DA_ELEVATION WEST
SCALE 1 : 100



2 DA_ELEVATION WEST (Street View)
SCALE 1 : 100

Record revision history

#	Status	Description	Date
1	For Information	Development Application Issue	1X/12/22

Notes
Copyright © Woods Bagot 2019
All Rights Reserved
Contractor must verify all dimensions on site before commencing work or preparing shop drawings.
Do not scale drawings.

LEGEND

- Custom Orb Metal Cladding- Vertical. Colour: Colorbond Rolling Mist
- Mini Orb Metal Cladding- Vertical. Colour: Colorbond Rolling Mist
- Custom Orb Metal Cladding- Vertical. Colour: Colorbond Honey Glaze
- Brick wall. Bowral 76 Blue
- Concrete wall
- Proprietary Perforated Aluminium Mesh Screen. Type: ARCADIA Mesh - Cassette profile. Colour - Royal blue to match existing school
- Steel Reveal Surrounding Opening. Colour: TBC
- Metal Fin Balustrade Fix to Slab Edge
- Metal Handrail
- Aluminium Roof Sheeting
- Skin Roof - Colour to match clad cladding

Project
MATTHEW PEARCE PUBLIC SCHOOL

Client
NSW GOVERNMENT | Education School Infrastructure

W–B WOODS BAGOT

Project number	Checked	Approved	Sheet size	Scale
121670	MM	GS	A1	1 : 100

Sheet title
OVERALL PROPOSED ELEVATIONS

Sheet number: MPPS-WB-AR-DA-13-00-02
Revision: 1
Status: DEVELOPMENT APPLICATION

MATTHEW PEARCE PUBLIC SCHOOL
DEVELOPMENT APPLICATION

DRAWING REGISTER		
DRAWING NUMBER	DRAWING NAME	REVISION
MPPS-UR-LA-00-00-000	COVER SHEET	B
MPPS-UR-LA-00-00-001	LEGEND + PLANT SCHEDULE	B
MPPS-UR-LA-12-00-201	GENERAL ARRANGEMENT PLAN	~~B~~ C
MPPS-UR-LA-12-00-202	GENERAL ARRANGEMENT PLAN	~~B~~ C
~~MPPS-UR-LA-12-00-501~~	~~PLANTING PLAN~~	~~B~~
~~MPPS-UR-LA-12-00-502~~	~~PLANTING PLAN~~	~~B~~

Note: Planting plans not approved.
Planting Plans to be provided prior to work commencing as per Amended Landscape Plan condition of consent

KEY PLAN 1:1000@A1

URBIS

Angel Place, Level 8, 123 Pitt Street | Sydney NSW 2000
Australia | +61 2 8233 9900
URBIS Pty Ltd | ABN 50 105 256 228

CLIENT
SCHOOL INFRASTRUCTURE NSW

Education
School Infrastructure

KEY PLAN

REV	DESCRIPTION	DWN	CHK	DATE
B	DEVELOPMENT APPLICATION	YV	MK	15.12.2022
A	DEVELOPMENT APPLICATION	YV	MK	01.12.2022

PROJECT NAME & ADDRESS
MATTHEW PEARCE
PUBLIC SCHOOL

PROJECT DIRECTOR: MK

DRAWING TITLE
COVER SHEET

ISSUE
DA

PROJECT NO.
P0037542

SCALE
1:1000 @ A1 1:2000 @ A3
0 10 20 30 40 50m

DRAWING NO.
MPPS-UR-LA-00-00-000

REVISION
B

ATTACHMENT J - LANDSCAPE PLANS

LEGEND

GENERAL LEGEND

- SITE BOUNDARY
- EXTENT OF WORKS
- SHEET JOIN LINE
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED
- PROPOSED TREE
- STRATAVAULT SYSTEM
- COVERED CONNECTION

FURNITURE TYPES

- FU01: FURNITURE TYPE — REFER LANDSCAPE SPECIFICATION
- FU02: FURNITURE TYPE — REFER LANDSCAPE SPECIFICATION
- FU04: FURNITURE TYPE — REFER LANDSCAPE SPECIFICATION
- FU05: FURNITURE TYPE — REFER LANDSCAPE SPECIFICATION
- FU06: FURNITURE TYPE — REFER LANDSCAPE SPECIFICATION

FINISHES LEGEND

REFER LANDSCAPE SPECIFICATION FOR DETAILS & FINISHES

PAVEMENT TYPES

- PA01: PAVEMENT TYPE — REFER TO LANDSCAPE SPECIFICATION
- PA05: PAVEMENT TYPE — REFER TO LANDSCAPE SPECIFICATION

STAIR + BLEACHER TYPES

- ST01: STAIR TYPE — REFER LANDSCAPE SPECIFICATION
- ST15: BLEACHER TYPE — REFER LANDSCAPE SPECIFICATION
- ST16: BLEACHER TYPE — REFER ARCHITECTURAL DRAWINGS

GARDEN TYPES

- GA01: GARDEN TYPE — REFER LANDSCAPE SPECIFICATION
- TU01: TURF TYPE — REFER LANDSCAPE SPECIFICATION

EDGE TYPES

- ED01: EDGE TYPE — REFER LANDSCAPE SPECIFICATION
- ED02: EDGE TYPE — REFER LANDSCAPE SPECIFICATION

GRADING LEGEND

- EX 121.91 — EXISTING LEVEL
- RL 127.92 — PROPOSED SPOT LEVEL
- FFL 128.37 — FINISHED FLOOR LEVEL

PLANT SCHEDULE

Matthew Pearce Public School Upgrades
Development Application
School Infrastructure NSW
P0037542
URB-LAN-PLS-00001
Review

Notes:
- Supply and install all scheduled items unless otherwise noted.
- Quantities set out in this schedule are provided as a guide only. It is the Contractors responsibility to confirm all quantities.
- The plant schedule should be read in conjunction with the planting plan(s). The quantities on the planting plan(s) take precedence over the quantities in this plant schedule.
- All trees and shrubs are to comply with AS 2303, "Tree stock for landscape use".
- Partial destructive sampling as outlined in AS 2303, "Tree stock for landscape use" is likely to be carried out on a representative selection trees and plants.
- The supply height and spread for trees and palms is allowed to vary by up to 10% (+ or -) from the dimensions below .
- All plants are to be vigorous and appropriately acclimatised with a rootball that is full but not restrained.
- The rootball and canopy of all plants are to be balanced and the stem / trunk sufficiently developed so that the plants stay upright without the need to be staked.
- Trunk caliper, height and spread for trees, palms and ferns is to be in accordance with the latest Australian Standard.
- All trees, palms and ferns will be pre procured approximately 12 months prior to installation. Sizes shown are estimates of the stock at the time of installation.

PLANT CODE	BOTANICAL NAME	COMMON NAME	CALIPER (ie trunk dia. @300mm height) (mm)	CLEAR TRUNK HEIGHT (m)	SUPPLY HEIGHT x SPREAD (m)	CONTAINER SIZE (Litres or mm diameter)	PLANTS PER m2	QTY
TREES								
ANG flo	Angophora floribunda	Rough-barked Apple				200L	AS SHOWN	3
EUC mol	Eucalyptus moluccana	Grey Box				200L	AS SHOWN	3
JAC mim	Jacaranda mimosifolia	Jacaranda				200L	AS SHOWN	1
MEL dec	Melaleuca decora	White Feather Honeymyrtle				200L	AS SHOWN	8
TRI lau	Tristaniopsis laurina	Water Gum				200L	AS SHOWN	5
							SUBTOTAL	*20*
GROUNDCOVER MIX								
DIA cae	Dianella caerulea	Paroo Lily				200mm	6	667
DIC rep	Dichondra repens	Kidney Weed				200mm	8	897
LOM lon	Lomandra longifolia	Spiney Headed Mat Rush				200mm	6	667
PTE esc	Pteridium esculentum	Bracken Fern				200mm	6	667
VIO hed	Viola hederacea	Native Violet				200mm	4	897
							SUBTOTAL	3795
							TOTAL	***3815***

Note: Planting plans not approved.
Planting Plans to be provided prior to work commencing as per Amended Landscape Plan condition of consent

URBIS

Angel Place, Level 8, 123 Pitt Street | Sydney NSW 2000
Australia | +61 2 8233 9900
URBIS Pty Ltd | ABN 50 105 256 228

CLIENT
SCHOOL INFRASTRUCTURE NSW

NSW GOVERNMENT Education School Infrastructure

KEY PLAN

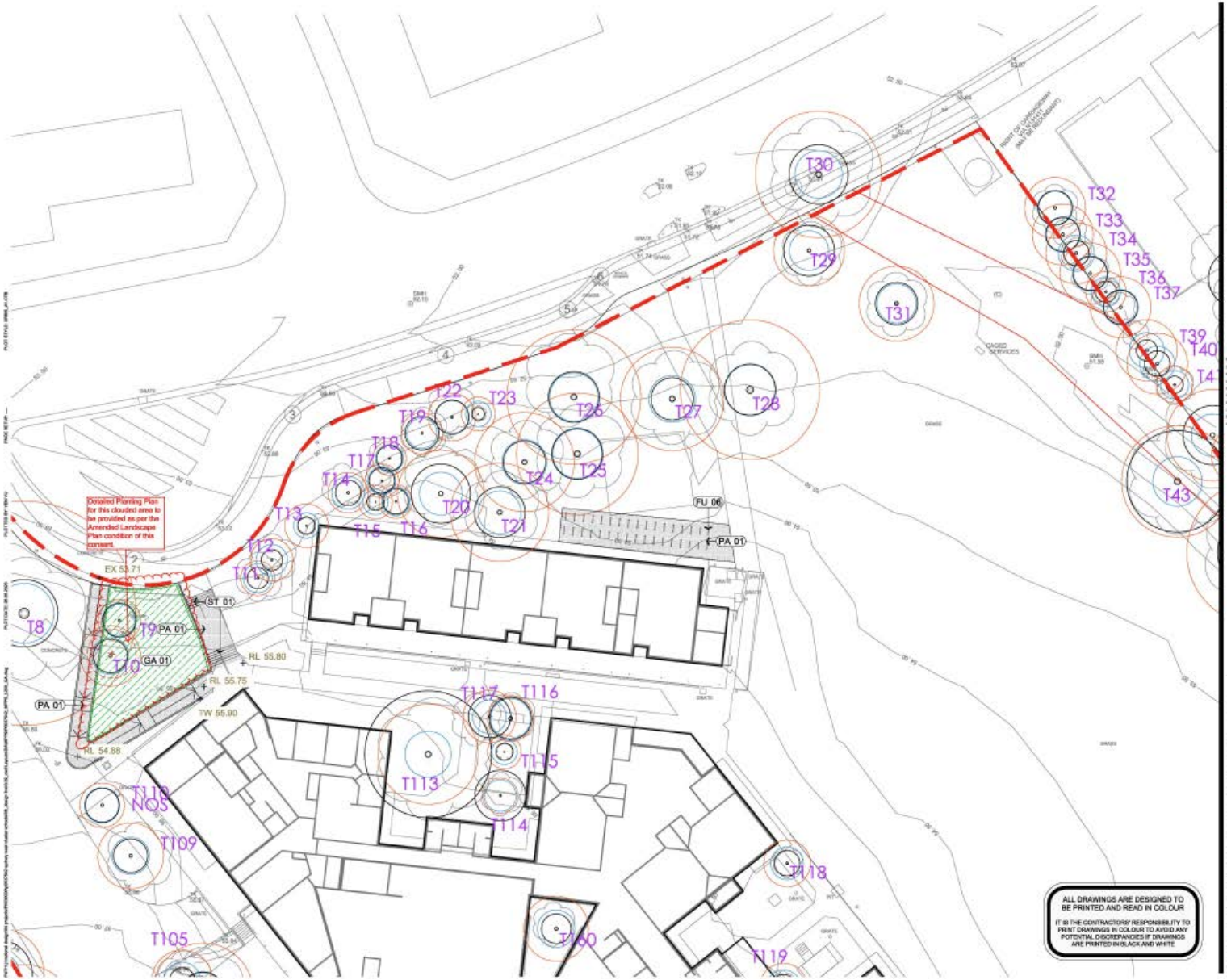
REV	DESCRIPTION	DWN	CHK	DATE
B	DEVELOPMENT APPLICATION	YV	MK	15.12.2023
A	DEVELOPMENT APPLICATION	YV	MK	01.12.2023

PROJECT NAME & ADDRESS
MATTHEW PEARCE PUBLIC SCHOOL

PROJECT DIRECTOR: MK

DRAWING TITLE
LEGEND + PLANT SCHEDULE

ISSUE: DA
PROJECT NO.: P0037542
SCALE:
DRAWING NO.: MPPS-UR-LA-00-00-001
REVISION: B



ALL DRAWINGS ARE DESIGNED TO BE PRINTED AND READ IN COLOUR

IT IS THE CONTRACTORS' RESPONSIBILITY TO PRINT DRAWINGS IN COLOUR TO AVOID ANY POTENTIAL DISCREPANCIES IF DRAWINGS ARE PRINTED IN BLACK AND WHITE

URBIS

Angel Place, Level 8, 123 Pitt Street | Sydney NSW 2000
Australia | +61 2 8233 9900
URBIS Pty Ltd | ABN 50 105 256 228

CLIENT
SCHOOL INFRASTRUCTURE NSW

Education
School Infrastructure

KEY PLAN

REV	DESCRIPTION	DWN	CHK	DATE
D	DEVELOPMENT APPLICATION	YV	MK	26.05.2023
B	DEVELOPMENT APPLICATION	YV	MK	10.12.2022
A	DEVELOPMENT APPLICATION	YV	MK	01.12.2022

PROJECT NAME & ADDRESS
MATTHEW PEARCE PUBLIC SCHOOL

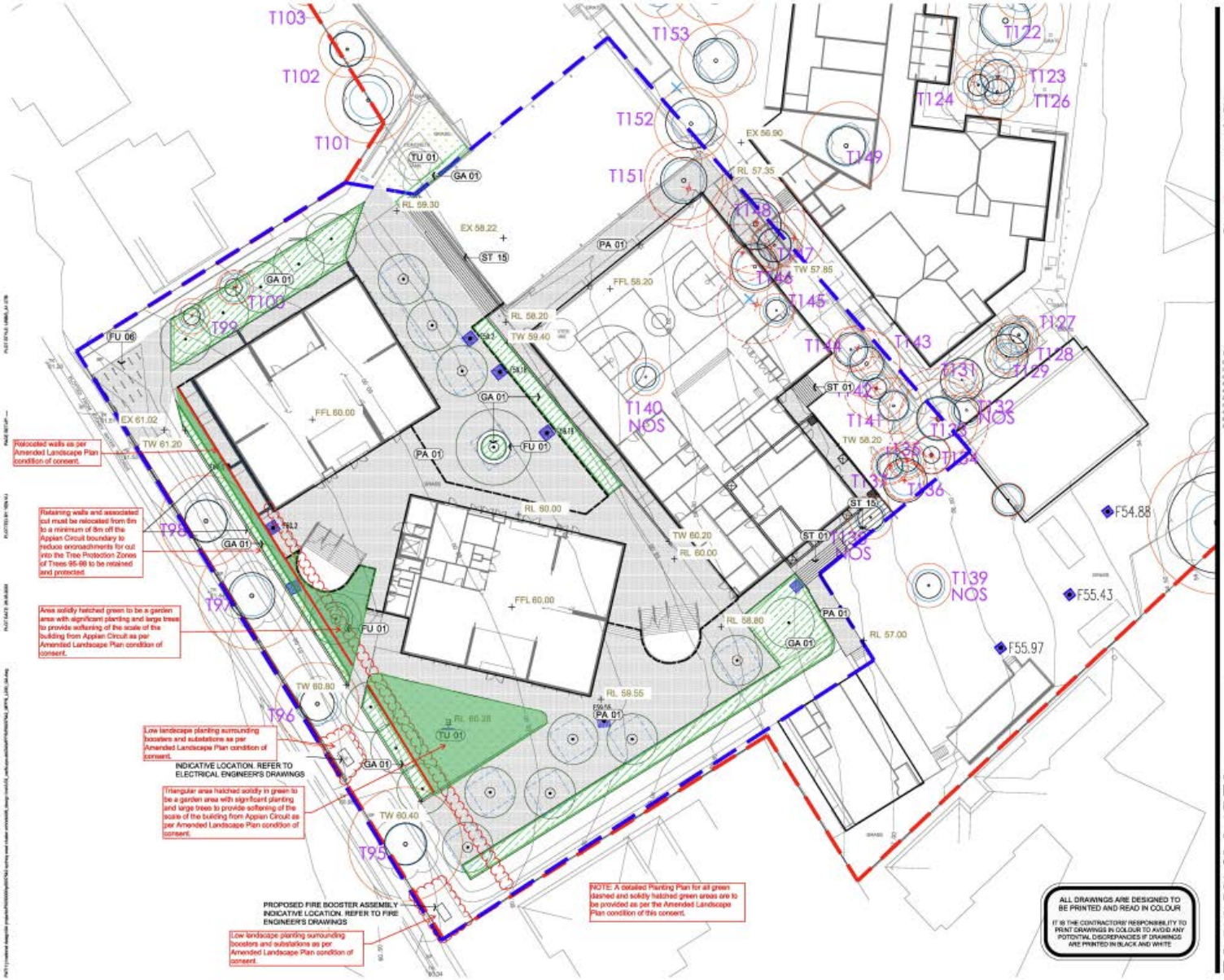
PROJECT DIRECTOR: MK

DRAWING TITLE
GENERAL ARRANGEMENT PLAN

ISSUE: DA
PROJECT NO.: P0037542

SCALE:
1:200 @ A1 1:400 @ A3

DRAWING NO.: MPPS-UR-LA-12-00-201C
REVISION: C



URBIS

Angel Place, Level 8, 123 Pitt Street | Sydney NSW 2000
Australia | +61 2 8233 9900
URBIS Pty Ltd | ABN 50 105 256 228

CLIENT
SCHOOL INFRASTRUCTURE NSW

NSW GOVERNMENT Education School Infrastructure

KEY PLAN

REV.	DESCRIPTION	DWN	CHK	DATE
C	DEVELOPMENT APPLICATION	YV	MK	06.09.2023
B	DEVELOPMENT APPLICATION	YV	MK	10.12.2022
A	DEVELOPMENT APPLICATION	YV	MK	01.12.2022

PROJECT NAME & ADDRESS
MATTHEW PEARCE PUBLIC SCHOOL

PROJECT DIRECTOR: MK

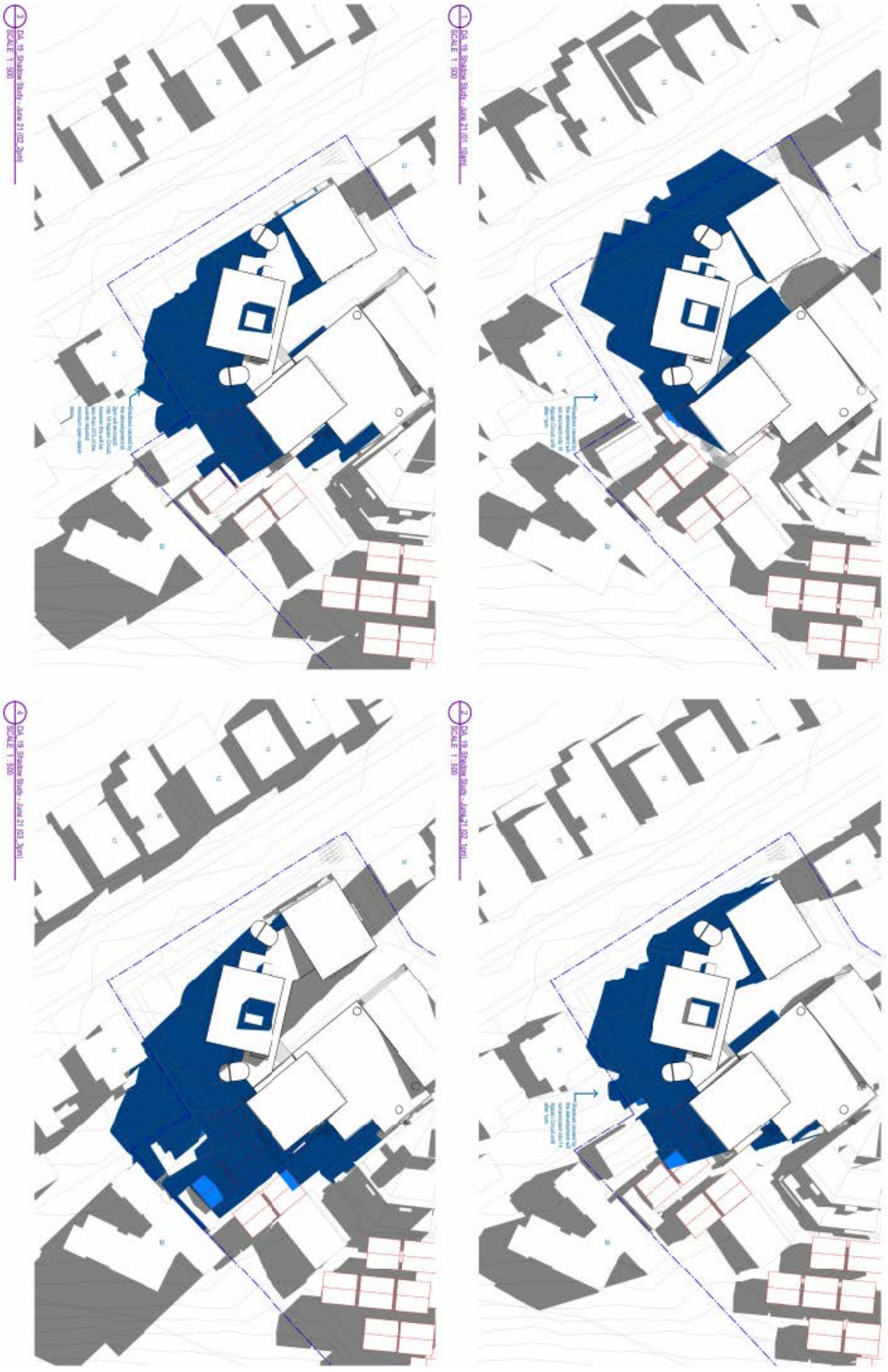
DRAWING TITLE
GENERAL ARRANGEMENT PLAN

ISSUE: DA
PROJECT NO.: P0037542

SCALE: 1:200 @ A1 1:400 @ A3

DRAWING NO.: MPPS-UR-LA-12-00-202C
REVISION: C

ATTACHMENT K – SHADOW DIAGRAMS



1. Introduction

This Clause 4.6 Variation Request relates to the Crown Development Application (DA) for the proposed upgrade of Matthew Pearce Public School (Matthew Pearce PS). The proposed upgrade includes the construction of a three (3) storey building, including 24 new general learning spaces (GLS), 3 new support learning units (SLU) and a new hall. This written request seeks to vary the development standard for maximum Height Of Buildings (HOB) under Clause 4.3 of *The Hills Local Environmental Plan 2019* (THLEP 2019).

This Clause 4.6 Variation Request has been revised on the request of Hills Shire Council in a meeting held with them on 23rd May 2023. Council's earlier written comments which were received on 3rd May 2023 advised, *"Council are still reviewing the Clause 4.6 variation, and analysing the interface with adjoining residential development, which is predominantly lower in scale."* Since lodgement of the DA, the 'Response to DA Submissions Report' has been prepared by Woods Bagot architects in response to the following Sydney Central City Planning Panel comment in their briefing meeting, *"The panel questioned justification of building height within the low density zone, observing however that there may be an urban design rationale for a school building to exceed the surrounding residential typology although this does not appear to have been provided."* Accordingly, this Clause 4.6 Variation Request has been updated to reflect these comments and the content of the Woods Bagot report, where required.

This Clause 4.6 Variation Request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this particular case. The variation allows for a development that represents the orderly and economic use of the land, in a manner that is appropriate when considering the site's context, and therefore provides a better outcome on environmental planning grounds.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliance, the proposed development:

- is consistent with and achieves the objectives of the development standard in Clause 4.3 of THLEP 2019 (Wehbe Test 1);
- provides sufficient environmental planning grounds to justify the contravention;
- is consistent with the objectives of the R2 Low Density Residential zone under THLEP 2019;
- remains consistent with the applicable State and regional planning policies;
- provides a better planning outcome; and
- is in the public interest.

Accordingly, the proposed development can be approved as proposed, in accordance with Clause 4.6 of THLEP 2019.

1.1 Authorship

The original Clause 4.6 Variation Request was prepared by Boris Santana, Senior Urban Planner, and Amy Wilkins, Urban Planner. It has since been revised by Terri Slater, Urban Planner and reviewed by Jane Fielding, Senior Associate, Planning.

2. Clause 4.6 Exceptions to Development Standards

Clause 4.6 of THLEP 2019 permits the consent authority to grant development consent for a development even though the development would contravene a development standard imposed by THLEP 2019. The objectives in Clause 4.6 are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The Clause goes on to provide the following:

2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained

5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matters of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

This document constitutes the written request required by Clause 4.6(3) in relation to the proposal's breach of the HOB development standard.

3. The Development Standard to be Varied

As noted earlier, this Clause 4.6 Variation Request has been prepared as a written request seeking to vary Clause 4.3 HOB under THLEP 2019.

Clause 4.3 states the following:

(1) The objectives of this clause are as follows—

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,

(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The THLEP 2019 HOB Map identifies that the subject development site and surrounding land zoned R2 Low Density Residential have a maximum height of 9m (refer to **Figure 1** below).

Figure 1 Maximum HOB Map
Site outlined in red.
Source: THLEP 2019

4. Extent of Variation to the Development Standard

This DA seeks to vary the 9m height control by proposing a maximum height of 13.7m (i.e. seeking a maximum of 4.7m over the height limit). The percentage of this variation against the height control is 52%.

The design provides for a three-storey building with typical floor to floor heights of 3.75m for classrooms and 5.55m for the new hall. These floor levels combine to exceed the 9m height limit. Furthermore, the design employs a sloped roof which rises away from Appian Circuit. Although this design is intended to minimise building bulk and impact along the streetscape, it also runs against the topography of the site.

The site's topography falls from the south-west to the north-east (falls away from Appian Circuit), with a fall of approximately 5m from most southwestern extent to the most northeast extent of the new building. Accordingly, the sloping roof and the falling topography combine to increase the extent of the height non-compliance. This is shown in the height plane diagrams at **Figure 2**-**Figure 4** and **Table 1** below.

Table 1 Height Plane Diagrams
Source: Woods Bagot, 2022

	Lowest height in m	Largest height in m
Building H	10.7m	13.7m
Building I	11.9m	13.7m
Building J	11m	12.4m

Given the above, it is clear that the maximum non-compliance of 52% occurs away from Appian Circuit and more within the site due to combined factors of topography and roof form. Refer to **Figure 2**-**Figure** 4 below.

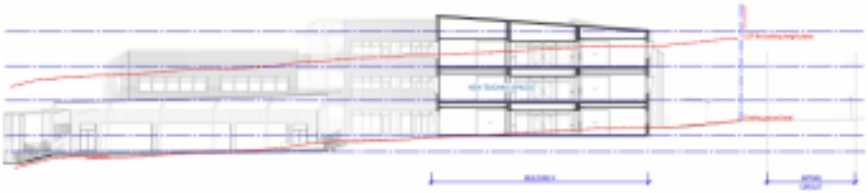


Figure 2 Building height plane diagram
Source: Woods Bagot, 2022

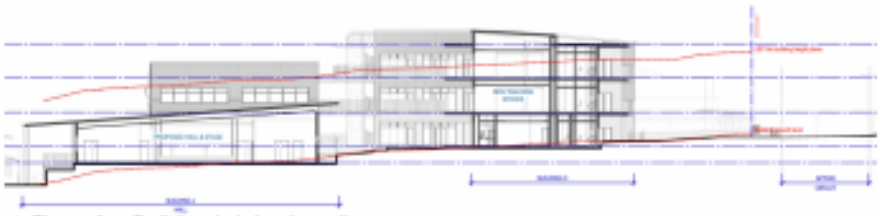


Figure 3 Building height plane diagram
Source: Woods Bagot, 2022

Figure 4 Overall Height Plane Diagram
Source: Woods Bagot, 2022

5. Factors Leading to Height Exceedance

The non-compliance with the building height control is a consequence of a range of factors, in part demonstrated in the Response to DA Submissions Report prepared by Woods Bagot architects, including:

1. Minimum floorspace requirements which must be achieved for the site to provide for these new facilities (based on forecasted student enrolment numbers and related spatial requirements under the the Educational Facilities Standards and Guidelines (SINSW EFSG));
2. Site constraints (flooding, bushfire, topography, existing services, existing trees, key circulation requirements of the school) meant the building needed to be located in its proposed location;

Figure 5 Existing Site Constraints
Source: Woods Bagot 2023

3. As the buildings comprise additions to an existing school, there needed to be a logical and coherent design concept which connected the new and existing facilities. This was achieved through the following design moves which also dictated the proposed building location and form:
    a. Continue the design concept of the school in a curved form, which also reduces impacts on play space;
    b. Building design continues the primary internal circulation route;
    c. Maintains COLA and courtyard as the heart of the school;
    d. Maintaining classrooms to the fringe to maintain their outlook.
4. The sloping topography at the proposed building location meant the third storey must exceed the height control;
5. The height of the new building is influenced by the SINSW EFSG. Ceiling heights are required to be 2.7m to the learning commons and 3m across all usable floor area within learning spaces. The floor to floor height between each

level is fixed to 3.75m to ensure an adequate zone for mechanical ventilation above and structure. The overall height of the building increases slightly as the EFSG stipulates that the roof of the building must have a minimum slope of 4 degrees.

6. The height of each new building is also a direct response to existing on site programs such as the COLA. For example, to maintain a seamless and functional connection between the hall and the COLA the finish floor level of building J needs to align to the COLA level.

6. Assessment

6.1 Clause 4.6 (3)(a) - Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The commonly practiced way of establishing that compliance with a standard is unreasonable or unnecessary is to establish that the objectives of the relevant development standard are met, even though the standard is not to be complied with. In the cases *Wehbe v Pittwater Council* [2007] NSWLEC 827 and *Williams v Kuring-gai Municipal Council* [2017] NSWLEC 1098, a number of approaches can be used. Wehbe Test 1, as described in *Williams*, is relevant to the proposed variation to the HOB development standard:

- Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, it was determined that a development does not have to demonstrate that the non-compliant aspect should have a neutral or beneficial effect, relative to a compliant development.

Wehbe Test 1 – Objectives of the Height Of Buildings standard

An assessment against the objectives of the HOB development standard is provided below:

1) The objectives of this clause are as follows:

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape

In terms of compatibility of proposed built form with context, the design has responded in the following ways:

1. ***Similar mass, height and materiality*** - The proposed building design has considered the existing architectural context along Appian Circuit and responded where possible with similar massing, height and materiality to its surroundings. By breaking the building into three smaller 'pavilions' the overall mass is reduced and more appropriately integrates into the residential area. The design moves include:
    a. Breaking up building massing into three pavilions;
    b. Roofs slope down to existing dwellings and streets, minimizing bulk and scale impacts;
    c. Each pavilion features a base of brickwork – referencing both the existing school buildings and adjoining residential buildings;

Figure 6 Design response to surrounding residential context
Source: Woods Bagot 2023

    d. Mediating scales - While the site is surrounded by R2 Low Density Residential zoning, existing dwellings opposite the proposed building location on the western side of Appian Circuit sit higher owing to

topography, and many are two storeys in height, meaning that the proposed building and dwellings have a similar ridge height. This is shown in the streetscape section below. The dwellings are also well set back from the street edge.

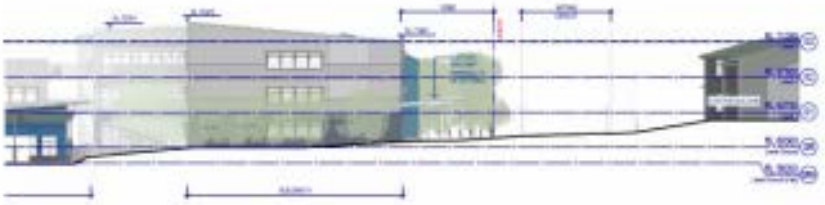


Figure 7 Relationship of proposal to surrounding dwellings
Source: Woods Bagot 2023

2. ***Generous setbacks*** – maintaining the character of the existing setbacks along Appian Circuit:
    a. A 10m setback has been provided from the building block H to the north & western boundary;
    b. Building I has a 13.5m setback from the West & 15m setback Southern boundary lines.

Figure 8 Relationship between site boundary and building setbacks
Source: Woods Bagot 2023

3. ***Existing topography*** - By setting the finished floor level of the ground floor below the existing topography level the overall height of the building on Appian Circuit is reduced and thus more closely aligns to the ridge line of the roofs of the residential houses on the adjacent side of Appian Circuit.

Figure 9 Relationship of proposal to site context
Source: Woods Bagot 2023

4. ***Materiality*** – the materiality of facade to Appian Circuit is divided up into bands. The brick base is described above. The upper bands are of different materials (various scale of corrugated metal cladding). Windows openings "pop out" of the facade. All of these design moves work to visually break up the mass and bulk of the building and add interest.

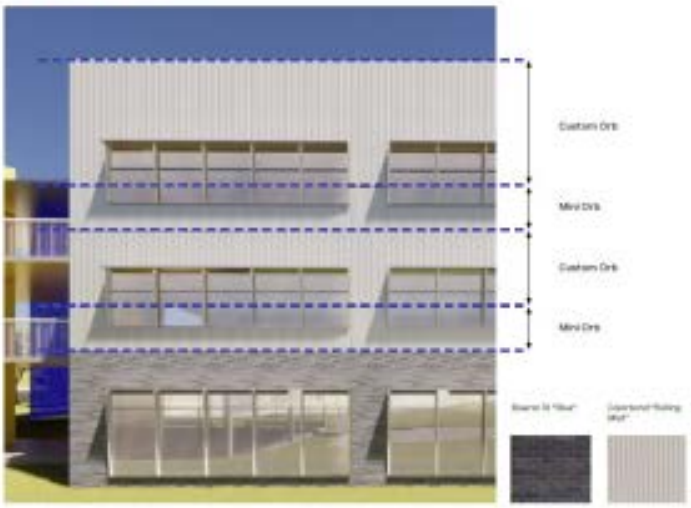


Figure 10 Proposed building materiality
Source: Woods Bagot 2023

5. ***Planting*** – trees are proposed around the new buildings to street frontages and adjoining dwellings in the generous setbacks provided. These will mitigate the impacts of new buildings by visually breaking up the building mass and softening the overall building presentation. Refer to **Figure 11** below.

Figure 11 Trees to be retained, removed and planted
Source: Woods Bagot 2023

The above analysis demonstrates the design moves that have been incorporated into the design of the development to ensure compatibility with surroundings. In summary, the proposed height of buildings is compatible with that of adjoining development.

(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas

Overshadowing

The closest residences to the proposed development are located at 12, 14 and 20 Appian Circuit. Potential overshadowing impacts to these residences can be seen in the Architectural Plans at DA **Appendix F** which has been reproduced in **Figure 12** below.

Figure 12 Overshadowing Diagrams – Winter Solstice
Source: Woods Bagot, 2023

The following overshadowing impacts can be observed during the winter solstice between 10am and 3pm:

- There will be no overshadowing to 12 Appian Circuit due to the position of the development;
- The shadow that encroaches into 14 Appian Circuit still maintains solar access to at least 50% of the required minimum open space area for this residence for at least three hours; and
- The shadow is considered acceptable as it slightly extends into 20 Appian Circuit at 3pm.

The proposal will therefore comply with C.4.7 (a) of the Hills DCP 2012, which provides that primary habitable rooms and open space areas should enjoy at least three hours of sunlight to 50% of the areas between 9:00 am and 3.00 pm on the 21 June.

Notwithstanding the height variation, the proposed setbacks from adjoining development allow residences to continue to receive an acceptable level of solar access.

Visual impact

Although the visual prominence of the height of the new building is reduced through design, it is also helped by its context. For instance, as Appian Circuit slopes from southwest to northeast, the natural ground floor at the location of the new building is lower than the natural ground floor of residences opposite the school on Appian Circuit. Therefore, while the height in metres of the new building is greater than these residences, its' perceived height and prominence in the streetscape is less due to them being located at a lower natural ground level. Refer to **Figure 7** above.

Privacy

Measures incorporated into the design to mitigate loss of privacy include:

1. ***Generous setbacks***

   a. Although typical side setbacks to boundaries for dwellings is 1.5 metres, the new building achieves a setback of 10 metres and 15 metres from 12 & 14 Appian Circuit (low density residential), respectively.

   b. Note, the minimum side setback distance for four storey high density residential development in the Apartment Design Guide (ADG) is 6 metres. The ADG recommends a further 3 metres setback in instances where high-density residential adjoins a lower density – a total setback requirement of 9 metres.

   c. Although not applicable, the proposed minimum setback of 10 metres provided by the new school building from adjoining residences exceeds the ADG minimum, ensuring that adequate privacy is achieved to adjoining residential development. The design also limits the number of window openings along these interfaces – as per **Figure 13** below.

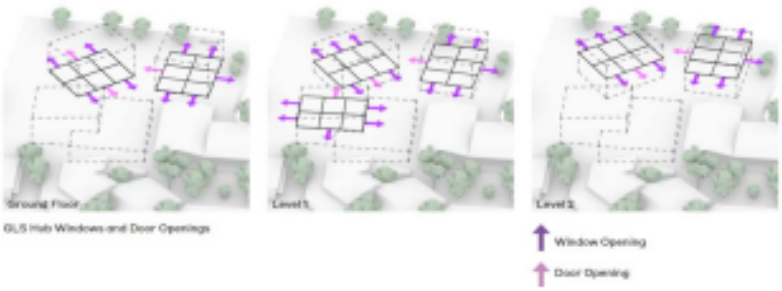


Figure 13 GLS Hub Windows and Door Openings
Source: Woods Bagot, 2022

2. ***Trees*** - New planting including large trees are proposed along boundary lines to provide further privacy and minimise overlooking to neighbours. Furthermore, all the existing trees and vegetation along the boundary of Appian Circuit are to remain. Refer to the proposed boundary planting plan at **Figure 14** below.

Figure 14 Proposed Boundary Planting Plan
Source: Woods Bagot 2023

3. ***Architectural screening:***

   a. The main building circulation stairs are also enclosed by a perforated metal screen to also minimise any overlooking to the surrounding houses. Refer to **Figure 15** below.

Figure 15 Proposed Elevation from Astoria Park Road
Source: Woods Bagot 2023

   b. External shading structures are also proposed to all windows to reduce impact of solar glare and provide additional privacy to neighbours.

6.2 Clause 4.6 (3) (b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify contravening the development standard because the non-compliance results in no adverse impacts, is a better planning outcome and is consistent with the HOB objectives (above) and zone objectives (refer to **Section 5.3** below).

However, in the case *Four2Five vs Ashfield Council* [2015] NSW LEC 90, Pain J held that a Clause 4.6 must also demonstrate that there are environmental planning grounds to justify contravening the development standard, in addition to meeting the objectives of the standard and zone. In this case, the Court found that the environmental planning grounds advanced by the applicant in a clause 4.6 variation request must be particular to the circumstances of the proposed development on that site.

Moreover, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Court stated that the phrase 'environmental planning grounds' is not defined but would refer grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects in section 1.3 of the Act.

Noting the achievement of the height objectives (above) and zone objectives (refer to **Section 5.3** below), it is considered that there are sufficient environmental planning grounds to justify contravening the development standard because the height non-compliance results in negligible adverse impacts and is a better urban design and planning outcome, as detailed below:

- *The siting of the proposed new building adequately responds to the significant environmental site constraints.*

  The circumstances of the site limit the locations on site that can accommodate the proposed new building. The site is heavily constrained by bushfire, meaning that selection for a building site is limited to either the north-east of the site or its current location. Notwithstanding, the 1% AEP flooding constraints in the north-east section of the site present constraints that therefore limit any new building to the current location of the site.

- *Proposal will ultimately allow for reinstatement of recreational facilities contiguous to larger play space area.*

  The existing sports playing fields along Appian Circuit are proposed to be reinstated on the south eastern side of the existing school connected to the large open playing field. This shift will consolidate all the main school play areas and provide one large open contiguous playspace, resulting in better surveillance for school staff over these areas. These amenities will be reinstated at the completion of the DA works. Refer to **Figure 16** below.

Figure 16 Proposed site plan
The pink outline demonstrates the proposed location for existing facilities.
Source: Woods Bagot 2023

– *The proposal results in more play space.*

The end result of the proposed development, including Part 5 (review of environmental factors) works (subject to separate planning pathway) following DA completion, which is for all demountables to be removed from site, is for provision of greater play space area on site. Refer to **Figure 17**.

Figure 17 Existing and proposed play space
Source: Woods Bagot 2023

– *Topography increases the extent of the height non-compliance but also helps to diminish the height and visual prominence of the new building in the streetscape.*

Appian Circuit slopes from southwest to northeast. The site's topography continues this fall away from Appian Circuit. In this regard, the same topography that increases the extent of the height non-compliance away from Appian Circuit, also reduces the prominence of this height within the Appian Circuit streetscape. For instance, while the height in metres of the new building is greater than the residences across the site on Appian Circuit, its perceived height and prominence in the streetscape is less due to it being located at a lower natural ground level within the streetscape.

A three storey building which is compliant with the maximum building height would also require substantial earthworks. It is noted that this would result in a poor and undesirable planning outcome.

- *The proposal's appearance is in harmony with existing development and character of the streetscape (Section 1.3(g) of the EP&A Act 1979).*

  Refer to Section 6.1 above.

  The setbacks, materiality, and massing of the development achieve a built form that is in harmony with its context. The building mass has been rotated and divided into three discrete pavilions. The bulk and scale of each pavilion is further reduced through materiality and the sloping away of the roof from the streetscape. Furthermore, setbacks are provided which are proportionate to the height of the new building, ensuring the proposal achieves a suitable transition in scale to surrounds and providing opportunities for more landscaping to further soften the building's appearance.

- *The proposal's physical impacts on surrounding development are acceptable (Section 1.3(g) of the EP&A Act 1979).*

  The approach to massing and setbacks employed by the design result in a development that effectively offsets the physical impacts otherwise caused by the additional height of the new building. For instance, though the typical residential side setback is 1.5m, the design incorporates setbacks ranging from 10m to 15m - akin to setbacks required by high-density residential from adjoining low density residential. An analysis of the overshadowing, visual and privacy impacts of the proposal has revealed that it does not detrimentally impact adjoining development.

- *The proposed development achieves the economic and orderly development of the site (Section 1.3(c) of the EP&A Act).*

  The proposal results in a superior design outcome for the school whereby all new classrooms buildings are clustered around the large inner courtyard and COLA, further reinforcing the COLA as the school's heart. In order for the proposal to comply with the 9m height limit whilst retaining the current yield, the top storey of the building would need to be relocated elsewhere on the site, thereby undermining the benefits of the current scheme and the viability of the project.

  In addition, a compliant scheme would require larger building footprint which would constrain the amount of open and play space, tree canopy and landscaping that could be provided within the school site.

- *The proposed development will promote the social and economic welfare of the community (Section 1.3(a) of the EP&A Act).*

  The proposal will deliver a significant public benefit as it seeks to replace demountable buildings with new and modern permanent classrooms buildings to meet the local demand for educational facilities. It will result in greater access to quality teaching facilities and result in improved amenity and educational outcomes for students. There would indeed be a negative public benefit from upholding the height limit as it means that the upgrade would not be able to proceed or proceed in a severely compromised form.

- *The proposed development will facilitate the ecologically sustainable development of the site (Section 1.3(b) of the EP&A Act).*

  The proposed works will implement a range of sustainability measures, including more efficient building plant and services, a focus on natural ventilation and lighting where possible (which will be supplemented by solar panels), as well as the harvesting of rainwater and other water sensitive urban design measures.

The proposal will provide for a future development which is responsive to site and context and maintains a high level of amenity within the site and to surrounds. It represents the orderly and economic use of land and good design and amenity of the

built environment, as identified by Section 1.3 of the Environmental Planning and Assessment (EP&A) Act 1979.

6.3 Clause 4.6 (4)(a)(ii) - Is the proposal in the public interest because it is consistent with the objectives of the particular standard and the objectives of the development within the zone in which the development is proposed to be carried out?

The proposed development, incorporating the HOB variation, will be in the public interest as it will remain consistent with both the objectives of Clause 4.3 HOB development standard and the R2 Low Density Residential zone objectives.

The objectives of Clause 4.3 Height of Buildings

As noted in **Section 4.1** of this written request, the development achieves the objectives of the HOB standard under the THLEP 2019, notwithstanding the non-compliance. Therefore, it is consistent with the HOB objectives.

The objectives of the R2 Low Density Residential zone

The site is located within the R2 Low Density Residential zone of the THLEP 2019.

1 Objectives of zone

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the existing low density residential character of the area.*

The proposal is not inconsistent with the zone objectives because:

- The proposal seeks to replace all the existing demountables on site with permanent learning spaces and to provide modern learning environments and core facilities. This will improve the functionality of the school and support improved educational outcomes for local students. In this regard, it provides for improved facilities and services to meet the day-to-day educational needs of local residents; and
- The condition of the site and its context has been considered in the design. In this case, the setbacks, materiality, and massing of the development achieve a built form that is in harmony with its context, notwithstanding the height variation.

7. Secretary's Concurrence

Clause 4.6(4)(b) stipulates that consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

The matters to be considered by the Secretary in deciding whether to grant concurrence are provided by Clause 4.6(5) and addressed below.

(a) whether contravention of the development standard raises any matters of significance for State or regional environmental planning, and

Contravention of the maximum HOB development standard under Clause 4.3 of THLEP 2019 does not raise any matter of significance for State or regional environmental planning.

(b) the public benefit of maintaining the development standard, and

As outlined in **Section 4** of this request, the proposal is in the public interest. It results in an improved outcome for the school via the provision of new permanent facilities that maintains consistency with the objectives of the HOB development standard and the R2 Low Density Residential Zone of THLEP 2019.

There would indeed be a negative public benefit from upholding the standard as it means that the upgrade would not be able to proceed or proceed in a severely compromised form, due to significant site constraints that limit the ability to locate the development elsewhere on the site.

It is therefore concluded that there is no public benefit in maintaining the HOB development standard under the circumstances.

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no other matters needing to be considered.

8. Conclusion

This written request under Clause 4.6 of THLEP 2019 seeks to vary the permitted maximum HOB standard of 9m applicable to the site. This comprises a 52% variation to the standard. The proposal will provide a better planning outcome with no significant adverse environmental impacts.

The written request demonstrates:

- The proposed development is consistent with and achieves the objectives of the HOB development standard under Clause 4.3 of the THLEP 2019 (Wehbe Test 1);
- There are sufficient environmental planning grounds to justify the contravention of the HOB development standard;
- Provides for a development that is in the public interest, as it results in an improved outcome for the school via the provision of new permanent facilities that is consistent with both the objectives of the HOB development standard and the objectives of the R2 Low Density Residential zone;
- The concurrence of the Secretary can be assumed, as per Planning Circular PS 18-003; and
- The proposal is consistent with Section 1.3 of the EP&A Act 1979 and will promote and coordinate the orderly and economic use and development of land.