

## SYDNEY EASTERN CITY PLANNING PANEL

|   |  |
|---|--|
| <b>Panel Reference</b>  | PPSSEC-18  |
| <b>DA Number</b>  | 390/2019/1   |
| <b>LGA</b>  | Woollahra  |
| <b>Proposed Development</b>   | Demolition of the existing tennis courts at The Scots College, excavation to create underground car parking and associated facilities with new tennis courts above and new (re-located) entry from Cranbrook Lane, and an increase in the approved student numbers from 1,120 to 1,520   |
| <b>Street Address</b>   | 29-53 Victoria Road, Bellevue Hill   |
| <b>Applicant/Owner</b>  | Applicant: The Scots College c/o Mr Steven Adams<br>Owner: The Presbyterian Church NSW Property  |
| <b>Date of DA lodgement</b>   | 11/10/2019   |
| <b>Number of Submissions</b>  |  |
| <b>Recommendation</b>   | <b>Refusal</b>   |
| <b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b> | Educational establishment over \$5 million (CIV \$10,646,975).   |
| <b>List of all relevant s4.15(1)(a) matters</b>   | <ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</li> <li>• List any relevant development control plan: s4.15(1)(a)(iii)</li> <li>• List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under s7.4: s4.15(1)(a)(iv)</li> <li>• List any coastal zone management plan: s79C(1)(a)(v)</li> <li>• List any relevant regulations: s4.15(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288</li> <li>• <b>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</b> <ul style="list-style-type: none"> <li>- SEPP 55 – Remediation of Land;</li> <li>- SEPP (Infrastructure) 2007;</li> <li>- SEPP (Educational Establishments and Child Care Facilities ) 2017;</li> <li>- SREP (Sydney Harbour Catchment) 2005;</li> <li>- Woollahra Local Environmental Plan 2014.</li> </ul> </li> <li>• <b>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</b><br/>N/A</li> <li>• <b>List any relevant development control plan: s4.15(1)(a)(iii)</b> <ul style="list-style-type: none"> <li>- Woollahra Development Control Plan 2015;</li> </ul> </li> <li>• <b>Other relevant plans:</b> <ul style="list-style-type: none"> <li>- Woollahra Section 94 Contributions Plan 2011</li> </ul> </li> <li>• <b>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into</b> <ul style="list-style-type: none"> <li>- N/A</li> </ul> </li> </ul> |

|  | <ul style="list-style-type: none"> <li>• <b>List any coastal zone management plan: s4.15(1)(a)(v)</b><br/>Not applicable.</li> <li>• <b>List any relevant regulations: s4.15(1)(a)(iv)</b><br/><i>92: Additional matters the consent authority must consider</i><br/><i>98(1)(a): Compliance with Building Code of Australia</i><br/><i>98A: Erection of signs</i></li> </ul>   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
|--|---|----------|----------|---|---------------------|---|------------------|---|---------------------|---|---------------------------|---|-------------------|---|--------------------------------------|---|------------------------------------|---|--|---|---------------------|----|---------------------------|----|------------|----|-----------------|
| <b>List all documents submitted with this report for the Panel's consideration</b> | <table> <thead> <tr> <th>Annexure</th><th>Document</th></tr> </thead> <tbody> <tr><td>1</td><td>Architectural Plans</td></tr> <tr><td>2</td><td>Design Statement</td></tr> <tr><td>3</td><td>Geotechnical Report</td></tr> <tr><td>4</td><td>Heritage Impact Statement</td></tr> <tr><td>5</td><td>Planting Schedule</td></tr> <tr><td>6</td><td>Preliminary Contamination Assessment</td></tr> <tr><td>7</td><td>Statement of Environmental Effects</td></tr> <tr><td>8</td><td>Response to Additional Information Request</td></tr> <tr><td>9</td><td>Stormwater Drawings</td></tr> <tr><td>10</td><td>Traffic Impact Assessment</td></tr> <tr><td>11</td><td>Tree Table</td></tr> <tr><td>12</td><td>Arborist Report</td></tr> </tbody> </table> | Annexure | Document | 1 | Architectural Plans | 2 | Design Statement | 3 | Geotechnical Report | 4 | Heritage Impact Statement | 5 | Planting Schedule | 6 | Preliminary Contamination Assessment | 7 | Statement of Environmental Effects | 8 | Response to Additional Information Request | 9 | Stormwater Drawings | 10 | Traffic Impact Assessment | 11 | Tree Table | 12 | Arborist Report |
| Annexure   | Document  |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 1  | Architectural Plans   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 2  | Design Statement  |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 3  | Geotechnical Report   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 4  | Heritage Impact Statement   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 5  | Planting Schedule   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 6  | Preliminary Contamination Assessment  |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 7  | Statement of Environmental Effects  |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 8  | Response to Additional Information Request  |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 9  | Stormwater Drawings   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 10   | Traffic Impact Assessment   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 11   | Tree Table  |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| 12   | Arborist Report   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| <b>Clause 4.6 requests</b>   | n/a   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| <b>Summary of key submissions</b>  | <ul style="list-style-type: none"> <li>• Traffic and parking impacts including car parking shortfall and reliance on on-street car parking</li> <li>• Residential amenity in terms of traffic and parking impacts, acoustic amenity from mechanical plant</li> <li>• Compliance with existing student cap of 1,120 students</li> <li>• Inadequacy of SIDRA analyses</li> <li>• Unsuitability of Cranbrook Lane for access during and post construction</li> <li>• Pedestrian, cyclist, and driver safety</li> <li>• Revised Master Plan required</li> <li>• Not in the public interest</li> <li>• Increase in staff provision not identified</li> </ul>   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| <b>Report prepared by</b>  | Ms P Frecklington   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |
| <b>Report date</b>   | 7/11/2020   |          |          |   |                     |   |                  |   |                     |   |                           |   |                   |   |                                      |   |                                    |   |  |   |                     |    |                           |    |            |    |                 |

## SYDNEY EASTERN CITY PLANNING PANEL DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                            |   |
|----------------------------|---|
| <b>Panel Hearing:</b>      | City Eastern City Planning Panel  |
| <b>Date:</b>               | 19 November 2020  |
| <b>Panel Reference No.</b> | PPSSEC-18   |
| <b>FILE No.</b>            | DA390/2019/1  |
| <b>ADDRESS</b>             | 29-53 Victoria Road BELLEVUE HILL   |
| <b>ZONING</b>              | SP2 Infrastructure – WLEP 2014  |
| <b>PROPOSAL</b>            | Demolition of the existing tennis courts at The Scots College, excavation to create underground car parking and associated facilities with new tennis courts above and new (re-located) entry from Cranbrook Lane, and an increase in the approved student numbers from 1,120 to 1,520. |
| <b>TYPE OF CONSENT</b>     | Local development   |
| <b>COST OF WORKS</b>       | \$10,646,975.00   |
| <b>DATE LODGED</b>         | 11/10/2019  |
| <b>APPLICANT</b>           | The Scots College c/o Mr S Adams  |
| <b>OWNER</b>               | The Presbyterian Church NSW Property  |
| <b>AUTHOR</b>              | Ms P Frecklington   |
| <b>ACTING TEAM LEADER</b>  | Mr M Moratelli  |
| <b>SUBMISSIONS</b>         | 37  |
| <b>RECOMMENDATION</b>      | <b>REFUSAL</b>  |

### 1. EXECUTIVE SUMMARY

- 1) On 11 October 2019, DA390/2019/1 was lodged with Council for the construction of a new underground car park and increase of 400 students on land at 29-53 Victoria Road, Bellevue Hill. This application relates to the Victoria Road East Precinct of The Scots College.
- 2) The original 1992 Master Plan, which was conceived some time ago and would no doubt be subject to changes to accommodate today's use, contemplated no more than 1,120 students on the site at any one time, thus forming the basis for the existing student cap imposed under Condition 2 of the development consents accompanying DA528/2004/1 & DA545/2005/1.
- 3) The proposal relates to car parking to support an additional 400 students which would bring the total students to 1,520. It is noted that the Annual Report would suggest that more students are enrolled at The College than the current cap. Albeit, this is a matter for Council's Compliance Section and is not a matter for consideration in the assessment of this application.
- 4) A concurrent application was lodged by The College for an on-site pick-up/drop-off at 1-25 Ginahgulla Road (Victoria Road West Precinct) under DA389/2019/1. Determination of this application is by the Woollahra Local Planning Panel. Assessment is still pending following an unsatisfactory traffic referral response.

- 5) The concurrent applications form a two-part plan *to better deal with traffic and parking issues associated with the day to day operation of the College (SEE)*.
- 6) The relevant application history pertaining to the existing student cap is outlined in **Section 8** of this Report. More recently, a State Significant Development application involving redevelopment of the existing library (Approved 27/08/2019), and alterations and additions to the Assembly Hall (Approved 07/11/2019) have included a condition to uphold the existing student cap of 1,120 students.
- 7) A pre-DA meeting was undertaken for DA389/2019/1 and DA390/2019/1 and comprehensive comments provided to the College.
- 8) Whilst the application before the Panel (DA390/2019/1) was lodged on 11 October 2019, the application was not notified until 18 March 2020. The reason for the delay was due to insufficient information submitted at the time of lodgement and time taken to submit this to Council.
- 9) Thirty-seven (37) submissions have been received. The issues raised are listed in **Section 10.1**. The main issues include traffic and parking impacts in the surrounding road network, loss of residential amenity, increase of 400 students, insufficient information, and constraints of Cranbrook Lane to facilitate access during and post construction.
- 10) The application was referred externally to Transport for NSW, Sydney Buses, and Sydney Water. No objections were raised, subject to conditions.
- 11) The application was referred internally to Council's Community Services Officer, Technical Services, Traffic Section, Drainage Engineer, Environmental Health Officer, Trees and Landscaping. Except for Traffic and Technical Services, no objections were raised to the proposal, subject to Conditions.
- 12) Council's Traffic Section has determined that the development cannot be supported at this stage until further investigation is carried out to address traffic generation for weekday and weekend peak hours for the increase of 400 students. More details including staff numbers, bicycle parking demand and motorcycle parking is required. The prepared of a Green Travel Plan, Operational Traffic Management Plan, revised Construction Traffic Management Plan, and Traffic and Pedestrian Management Plan are key omissions from the proposal.
- 13) No issues are raised to the built-form aspects of the proposal and heritage impacts to Macintyre House. Acoustic impacts from the mechanical ventilation to the car park can be addressed through appropriate conditions of consent.
- 14) The site is unsuitable for the proposed development. The applicant has not demonstrated to the satisfaction of Council that the proposed car park to support an additional 400 students would not have an unacceptable impact on the surrounding road network and residential amenity. The proposal is not in the public interest in this regard.
- 15) The application is recommended for **REFUSAL** for the reasons outlined in **Section 25**.

## 2. REASON FOR DETERMINATION BY THE SYDNEY EASTERN CITY PLANNING PANEL

The application is to be determined by the Sydney Eastern City Planning Panel as it involves works to a community facility (*educational establishment*) with cost of works over \$5 million (threshold under Schedule 7 of *SEPP – State and Regional Development, 2011*).

## 3. REASONS FOR RECOMMENDATION

The application has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for refusal because:

- the proposal is considered to be unsatisfactory regarding WLEP 2014 and WDCP 2015;
- insufficient information has been submitted to enable a proper assessment of the traffic and parking impacts associated with the proposal;
- the proposal would have adverse effects on the amenity of adjoining properties and/or local built and natural environment such that refusal is justified;
- the applicant has not adequately demonstrated that the site is suitable for the proposed development; and
- the proposal is not in the public interest.

## 4. LOCALITY PLAN



**Figure 1.** Locality Plan (Source: Woollahra Council Maps).

## 5. PROPOSAL

The proposal involves demolition of the existing tennis courts at The Scots College, excavation to create underground car parking and associated facilities with new tennis courts above, and new (re-located) entry from Cranbrook Lane, and increase in the approved student numbers from 1,120 to 1,520.

A detailed breakdown of the proposal is provided below:

- demolition of the existing tennis courts and associated fencing;

- relocate the existing vehicular access on Cranbrook Lane approximately 7.5 to the north and new vehicular access ramp to the basement car park;
- construction of a single basement car parking level for 80 cars to be used primarily for staff and school vehicle use (including 3 disabled spaces), 8 motorcycle spaces and 8 bicycle spaces, service vehicles and general equipment storage;
- reinstatement of four new, enlarged tennis courts (7.5m longer and 1.5m wider overall) on the roof of the new basement car park;
- new entrance gates, driveway, and stair access;
- new tennis court fencing; and
- associated tree removal, tree protection, and landscaping works.

Note: There is no on-site student drop-off in this location. This is proposed in Ginahgulla Road under DA 389/2019/1, concurrently lodged with Council and is to be determined by the Woollahra Local Planning Panel (LPP).

## 6. ISSUES

### 6.1. Exceptions to Development Standards in Woollahra Local Environmental Plan 2014

None.

### 6.2. Primary Issues

| Issue                             | Conclusion  | Section            |
|-----------------------------------|---|--------------------|
| Car-parking shortfall             | The proposal yields a shortfall of 74 on-site car parking spaces for the total site, contrary to Part E1.5.2 of the WDCP 2015. The reliance on on-street parking to offset the shortfall is not acceptable.   | 16.3, 16.4 & 16.73 |
| On-site bicycle parking provision | The application makes no provision for on-site bicycle parking facilities, contrary to Part E1.6.1 of the WDCP 2015.  | 16.4 & 16.73       |
| Traffic and parking impacts       | Insufficient information has been provided to demonstrate to the satisfaction of Council's Traffic Section that the proposal would not have an unacceptable impact on the surrounding road network.   | 16.4 & 15.1        |
| Residential amenity               | Insufficient information has been submitted to properly assess the impact of the proposed car park to accommodate an additional 400 students, on residential amenity in terms of parking and traffic impacts.   | 16.3, 16.4, & 15.1 |
| Student cap                       | It is noted that the 2018 Annual Report would suggest that more students are enrolled at The College than the current cap. Albeit, this is a matter for Council's Compliance Section and is not a matter for consideration in the assessment of this application.   | 8                  |
| Pedestrian safety                 | The reliance on on-street car parking would increase the risk to pedestrian safety.   | 16.4               |
| Intensification of use            | The proposed increase of 400 students combined with a significant undersupply of on-site parking provision would result in an increase in intensity of use and additional unacceptable impact on residential amenity and traffic and parking impacts in the vicinity of the site. Consideration of the future needs of the school has not been satisfactorily demonstrated by the proposal. |                    |

## PROPERTY DETAILS AND REFERRALS

## 7. SITE AND LOCALITY

| Physical features   |
|---|
| The subject site forms part of the Victoria Road east precinct of the College at 29-53 Victoria Road, Bellevue Hill. The site is bounded by Victoria Road to the west, Cranbrook Lane to the east, Cranbrook Road to the south, and |



|  |
|--|
| Aston Gardens to the north. The current application relates to the southern-most end of the site as depicted in the aerial locality plan below. Existing trees run along the   |
| <b>Topography</b>  |
| The portion of the site to which this application relates is generally flat.   |
| <b>Existing buildings and structures</b>   |
| The southern portion of the site to which this DA relates is currently developed with the Macintyre tennis courts, existing concrete area to the north-east of the courts (for the proposed car park access) and southern-tip of the existing College Oval.  |
| <b>Surrounding Environment</b>   |
| <p><b>To the north:</b> The College Oval to the immediate north and College buildings around the perimeter of the oval. <i>Aston Gardens</i> conservation area comprised mainly of residential flat buildings is located to the north of the site in its entirety. Further to the north-east is Cranbrook School, bounded by New South Head Road, Victoria Road, and Rose Bay Avenue.</p> <p><b>To the east:</b> 57-63 Cranbrook Lane is located opposite the existing vehicular entry to the site and is owned/used by the College for student accommodation – <i>Royal House</i>. Residential dwellings fronting Cranbrook Lane to the south-east. Cranbrook lane is a local road which currently provides access to a number of residential properties and access to the sporting fields of the site. The laneway is narrow and currently operates as a ‘two-way’ street with one traffic lane in each direction (northbound/southbound). It envisaged that the current access gate to the sporting fields via Cranbrook Lane is used for service/maintenance vehicles and pedestrian access only.</p> <p><b>To the south:</b> Residential dwellings fronting Cranbrook Road and Carrington Avenue.</p> <p><b>To the west:</b> Residential dwellings fronting Cranbrook Road.</p> |



**Figure 2.** Locality Plan of the subject site. This application only relates to the southern portion of the site developed with the Macintyre tennis courts (Source: Woollahra Council Maps).





**Figure 3.** Aerial view of existing tennis courts to be demolished to accommodate a new underground car park, with new courts re-instated above (Source: Woollahra Council Maps).



**Figure 4.** Existing vehicular entry from Cranbrook Lane to the Macintyre tennis courts and College Oval. Student accommodation at 57-63 Cranbrook Lane is located to the east of the entry and used as student accommodation – Royle House.





**Figure 5.** Existing vehicular entry and adjoining hard-standing area accessed via Cranbrook Lane, and Macintyre tennis courts.



**Figure 6.** Existing buildings around the western perimeter of the Main oval to the north-west of the Macintyre courts.





**Figure 7.** Existing buildings to the north-west of the Main oval.



**Figure 8.** Cranbrook Lane to the north beyond its intersection with Cranbrook Road.





**Figure 9.** Cranbrook Lane as viewed to the south. Macintyre Courts, and Macintyre House to its rear (Boarding) on the western side of Cranbrook Lane.



**Figure 10.** Macintyre Tennis Courts and Business studies centre to its rear.





*Figure 11. School pick-up time at the intersection of Cranbrook Road and Victoria Road.*



*Figure 12. Residential dwellings fronting Cranbrook Road to the west of the site.*





**Figure 13.** Residential dwellings to the south of the site at the intersection of Cranbrook Road and Carrington Avenue.



**Figure 14.** Parked cars along Cranbrook Road at school pick-up time and residential dwellings on the western side of Cranbrook Road.

## 8. RELEVANT PROPERTY HISTORY

| Current use  |
|--|
| Educational establishment  |
| Relevant Application History   |
| <b>DA528/2004/1</b>  |
| <ul style="list-style-type: none"> <li>Construction of a new 4-storey maths and science building.</li> <li>Approved 22/05/2006.</li> <li><b>Condition 2: Student Numbers</b> states as follows:</li> </ul> |

*“The maximum student numbers for Scots College shall not exceed 1,120 students in accordance with the 1992 Masterplan. This condition has been imposed to ensure the proposed development does not alter the student numbers, which in turn, will alter the demand for on and off-street car parking and the intensification of traffic for Scots College.”*

**545/2005/1**

- Construction of a new 2-storey general education building
- Approved 12/03/2007
- Condition 2 of the consent places a cap on student numbers as per Condition 2 under DA528/2004/1.

**DA528/2004/1 & DA545/2005/1**

**24/02/2014**

- Two (2) s96 applications were lodged to modify Condition 2 of the respective consents to DA528/2004 (New maths and science building to replace existing building) and DA545/2004) to lift the cap on student numbers from 1120 to 1470.
- Condition 2 of the consents places a cap on student enrolment numbers on the Victoria Road campus to 1120 “manage traffic and off-street parking impacts of the college on the surrounding land uses”.
- Council rejected the s96 applications as they did not meet the ‘substantially the same’ test.

**22/04/2014**

- Class 4 proceedings were commenced in the Land and Environment Court (LEC) by *Concerned Scots Neighbours Inc.* to seek a declaration from the Court relating to student numbers at The Scots College.
- The Class 4 proceedings were discontinued, subject to certain undertakings by Scots College.

**21/05/2014**

- Class 1 proceedings were commenced in the LEC against the deemed refusal of the s96 applications.

**07/07/2015**

- The Class 1 Appeals were dismissed.

**State Significant Development Application – SSD8922**

**Oct 2018**

- State Significant Development (SSD) application lodged for redevelopment of the existing library.

**27 Aug 2019**

- SSD application approved.
- **Condition A26 Student Numbers** states as follows:  
*“A.26 – This consent does not approve any increase in student and staff numbers. There must not be any increase in student and staff numbers over and above the existing approved numbers.”*

**DA171/2019/1**

- Alterations and additions to the Assembly Hall on the upper level of the Main School building
- Approved 07/11/2019 (WLPP)
- **Condition A.5 Student Numbers** of the consent states as follows:  
*“This consent does not approved any increase in student and staff numbers. There must not be anny increase in student numbers over and above the existing approved student numbers. The maximum student numbers for Scots College shall not exceed 1,120 students in accordance with the 1992 Masterplan. This condition has been imposed to ensure the proposed development does not alter the student numbers, which in turn, will alter the demand for on and off-street car parking and the intensification of traffic for Scots College.”*

**DA389/2019/1**

- DA389/2019/1 concurrently lodged for a new pick up/drop-off arrangement on the Ginahgulla Road campus (17-25 Ginahgulla Road).
- Assessment pending. Technical Services and Traffic referral responses outstanding due to unsatisfactory referral responses.

**Relevant Compliance History**

- Council’s Compliance Section has historical and ongoing records of complaints pertaining to illegal parking, traffic congestion, illegal driving behaviour, and pedestrian safety during pick-up and drop-off periods.
- The 2018 Scots College Annual Report would suggest that current enrolments at the College is in breach of the current student cap of 1,120 students.
- Council is the consent authority for enforcing compliance. No enforcement action has been taken by Council regarding compliance with Condition 2 (student cap) under DA 545/2005/1 & 528/2004/1.

**Pre-DA**

**29/01/2019**

- Extensive minutes provided including detailed referral responses.
- Referred to Heritage, Traffic, Landscaping, Technical Services, and Environmental Health.

**11/09/2019**

- Follow-up informal meeting held to clarify pre-DA lodgement.



| City Eastern City Planning Panel Briefing   |  |
|---|--|
| <b>14 May 2020</b>  |  |
| <b>Key issues:</b>  |  |
| <ul style="list-style-type: none"> <li>• Traffic and parking issues</li> <li>• Requirement for comprehensive traffic management plan, including weekend and sporting events.</li> <li>• Tree protection</li> <li>• Vehicular / pedestrian safety</li> <li>• Student numbers including detailed information regarding increase in Year 12 students</li> <li>• Light spill assessment for lighting of outdoor tennis courts</li> <li>• Outstanding referral responses – landscaping, Sydney Buses, Sydney Water and TfNSW.</li> </ul>   |  |
| Requests for Additional Information   |  |
| <b>17 Oct 2019 – Stop the Clock letter issued (<i>Insufficient information</i>)</b>   |  |
| <ol style="list-style-type: none"> <li>1) <i>Due diligence Aboriginal Heritage Assessment, required.</i></li> <li>2) <i>Survey Plan</i></li> <li>3) <i>Amended architectural plans – details of the adjoining development and lot boundaries, proposed works coloured, RL of finished floor levels, dimensions for parking arrangements (aisle width, entry and exit points for vehicles, and provision for movement of vehicles within the site), details of tennis court lighting on plans, height of any building and structures on sections and elevations.</i></li> <li>4) <i>Model (Note: 25/10/2020 – Applicant advised photomontage acceptable in lieu of model)</i></li> </ol> |  |
| <b>21 Jan 2017 – Additional Information (<i>Trees and landscaping matters</i>)</b>  |  |
| <ul style="list-style-type: none"> <li>• Amended landscape plan</li> <li>• Revised Construction Impact Assessment and Management Plan (Arborist Report)</li> <li>• Revised Waste Management Plan – A construction compound is currently proposed within the TPZ of Trees 1 &amp; 2. This compound is to be deleted.</li> </ul>  |  |
| <b>24 Aug 2020 – Final Unsatisfactory DA letter</b>   |  |
| <ul style="list-style-type: none"> <li>• Issues raised in Technical Services (Development Engineer) and Traffic referral responses (refer <b>Section 9</b>) and additional matters raised by the <i>City Eastern Sydney Planning Panel</i> at the Briefing on 14/05/2020.</li> <li>• Applicant advised of final opportunity to address outstanding matters prior to application being assessed.</li> </ul>  |  |
| Amended Plans / Additional Information  |  |
| <b>21/01/2020</b>   |  |
| <ul style="list-style-type: none"> <li>• Photomontage submitted</li> <li>• Aboriginal Heritage Due Diligence Submitted</li> </ul>   |  |
| <b>18/02/2020</b>   |  |
| <ul style="list-style-type: none"> <li>• Revised plans to correct a minor error</li> </ul>  |  |
| <b>08/04/2020</b>   |  |
| <ul style="list-style-type: none"> <li>• Arborist report and planting schedules submitted</li> </ul>  |  |
| <b>07/09/2020</b>   |  |
| <ul style="list-style-type: none"> <li>• Revised access driveway drawings submitted</li> <li>• Response to final request for additional information</li> </ul>  |  |
| Land and Environment Court Appeal(s)  |  |
| No appeal is pending for the current application.   |  |

## 9. REFERRALS

| Referral           | Summary of Referral Response   |
|--------------------|--|
| Technical Services | <p><b>Unsatisfactory</b><br/><b>02/06/2020</b></p> <ul style="list-style-type: none"> <li>• Unsatisfactory referral response regarding vehicular access and accommodation.</li> <li>• No issues raised regarding geotechnical, structural issues subject to conditions.</li> </ul> <p><b>28 October 2020</b></p> <ul style="list-style-type: none"> <li>• <b>Re-referral response to additional information submitted:</b></li> </ul> <p><i>“Vehicle Access &amp; Accommodation comments:<br/>Preliminary assessment of the submitted revised architectural plans has identified the following issues which shall be addressed by the applicant prior to further assessment:</i></p> |

| Referral                                   | Summary of Referral Response  |                  |                              |                  |           |  |     |     |    |                    |   |   |   |
|--|---|------------------|------------------------------|------------------|-----------|--|-----|-----|----|--------------------|---|---|---|
|  | <div>1. The proposed parking spaces No. 79 &amp; 80 shall have minimum dimensions of 2.5m x 5.4m, to comply with AS2890.1.</div> <div>2. A bollard shall be placed in the shared area as per Figure 2.2 of AS2890.6.</div> <div>3. Pursuant to Clause 3.2.4 of AS2890.1, a 2m x 2.5m pedestrian splay, clear of any obstructions to visibility, shall be provided at the driveway exit. In this regard, any proposed structures including landscaping within this splay shall be sited clear to prevent obstructions to visibility.</div> <div>Revised architectural plans addressing the above issues shall be submitted to Council for further assessment.”</div>   |                  |                              |                  |           |  |     |     |    |                    |   |   |   |
| Drainage                                   | Satisfactory. No flood specific conditions are required.  |                  |                              |                  |           |  |     |     |    |                    |   |   |   |
| Traffic                                    | <div>Council’s Traffic Engineer has reviewed the application and recommends that the development application not be supported at this stage until the issues listed below, are addressed:</div> <div>7 May 2020 – Original referral response</div> <div><ul style="list-style-type: none"><li>Unsatisfactory referral response</li><li>Referral response not provided to the applicant pending a review of an independent review of an independent assessment of the submitted <i>Traffic and Parking Impact Assessment Report</i>, prepared by TTPP (22/04/2020), accompanying an objection.</li><li>Additional information letter issued to the applicant 24/08/2020.</li></ul></div> <div>23 Sept 2020</div> <div><ul style="list-style-type: none"><li>Review of revised access driveway drawings and response to final request for additional information, and report by TTPP.</li><li>Referral response (13/09/2020):</li></ul></div> <div>Parking Provision</div> <div>Table 1: On-site Car Parking Provision</div> <table><tr><th>Category</th><th>DCP Minimum Required Parking</th><th>Proposed Parking</th><th>Shortfall</th></tr><tr><td>Car Parking (excluding accessible parking)</td><td>231</td><td>157</td><td>74</td></tr><tr><td>Accessible Parking</td><td>5</td><td>5</td><td>0</td></tr></table> <div>Traffic Section has previously undertaken assessment on the on-site parking requirement associated with a concurrent proposal under DA2019/389/1. It is understood that the two proposals form a two-part plan to deal with traffic and parking issues regarding the day-to-day operation of the college, thus parking provision was assessed considering the entire school in accordance with Council’s DCP 2015 Chapter E1 Parking and Access and Chapter F2 Educational Establishments.</div> <div>A summary of previous assessment on car parking provision is listed in Table 1. It is evident that the proposed development will result in a significant shortfall of 74 car parking spaces, which is not acceptable. It should also be reiterated that the arrangement to utilise kerbside parking spaces to offset the on-site parking requirements cannot be supported in light of:</div> <div><div>1) Pursuant to F2.6 of Council’s DCP 2015, all parking, servicing and pick up/drop off arrangements should be provided on-site to minimise impacts on the adjoining community;</div><div>2) It is understood that statements were made respectively on 22 May 2006 and 4 September 2006 for DA2004/528/1 and DA2005/545/1, where it was stated that there are some 80 on-street car parking spaces that <b>may be reasonably</b> used for the school. It should be however noted that, firstly, the statement was made 14 years ago, and was too out-dated to be applicable for the current parking conditions; secondly, the proposed car park is to be predominantly used by staff during school days, who will naturally occupy the parking spaces for the whole day, five days a week, with very low turnover rates. This does not constitute as a reasonable use of the parking spaces as the proposal will deprive nearby residents/visitors of 92.5% (74 out of 80) of available parking spaces in the vicinity on a</div></div> | Category         | DCP Minimum Required Parking | Proposed Parking | Shortfall | Car Parking (excluding accessible parking) | 231 | 157 | 74 | Accessible Parking | 5 | 5 | 0 |
| Category                                   | DCP Minimum Required Parking  | Proposed Parking | Shortfall                    |                  |           |  |     |     |    |                    |   |   |   |
| Car Parking (excluding accessible parking) | 231   | 157              | 74                           |                  |           |  |     |     |    |                    |   |   |   |
| Accessible Parking                         | 5   | 5                | 0                            |                  |           |  |     |     |    |                    |   |   |   |

| Referral           | Summary of Referral Response  |                  |                              |                  |           |                 |    |   |    |                    |    |    |   |
|--------------------|---|------------------|------------------------------|------------------|-----------|-----------------|----|---|----|--------------------|----|----|---|
|                    | <p>daily basis, where anecdotal evidence shows that a typical weekday in surrounding streets of the school premises already consists of very high parking occupancy rates;</p> <p>3) Illegal parking, long delays and low level of service regarding traffic performance have been constantly observed in the surrounding area. Occupying nearly all available kerbside parking spaces has led to weaving of traffic during pick-up and drop-off peak hours, with students walking a long way in the chaotic traffic flow. Traffic Section raises serious concerns on pedestrian, especially children safety in this regard.</p> <p>As such, the arrangement to include on-street parking spaces as part of school parking provision cannot be supported.</p> <p><b><u>Table 2: Bicycle and Motorbike Parking Provision</u></b></p> <table><tr><th>Category</th><th>DCP Minimum Required Parking</th><th>Proposed Parking</th><th>Shortfall</th></tr><tr><td>Bicycle Parking</td><td>76</td><td>0</td><td>76</td></tr><tr><td>Motorcycle Parking</td><td>24</td><td>16</td><td>8</td></tr></table> <p>It is evident from Table 2 that the proposed development would result in a shortfall of 76 bicycle parking spaces and 8 motorcycle parking spaces than DCP’s minimum requirement. Traffic Section does not concur with the statement made in response letter that the subject site is unsuitably located to be accessed to and from via cycling. It should be noted that only visitor bicycle parking demand is calculated as no input is provided regarding staff parking, which is envisaged to grow with the increased number of students. Notwithstanding, it is acknowledged that given the nature of the proposed development, some of the visitors/parents would need to carry sporting, musical, academic and other items to and from school, for whom cycling will not be a preferable option. It is also understood that it will be investigated where to accommodate the eight (8) required motorcycle parking spaces on-site. Therefore, more details, including staff numbers, bicycle parking demand and motorcycle parking provision should be submitted for further assessment.</p> <p><b><u>Traffic Generation</u></b></p> <p>It should be noted that traffic generated from a proposed development is of vital importance to assess its potential impacts on the surrounding road network, as it is among WLEP’s aims to protect the amenity of surrounding residents, and that impacts on traffic and parking be minimised, as per Clause 1.2(2) of Council’s WLEP.</p> <p>It is understood that this proposal does not involve alterations to the buildings accommodating the students, and SIDRA analysis have been conducted on the intersection of Cranbrook Road and Victoria Road, as well as on the intersection of Carrington Avenue, Cranbrook Lane and Cranbrook Road. It should be noted that significant queuing, long delays and weaving of traffic have been observed during school drop-off and pick-up peak periods, as opposed to the suggested level of performance.</p> <p>It is therefore recommended that further investigation be undertaken and a more comprehensive analysis be provided, particularly relating to post-development traffic performance on both weekday and weekend peak hours, taking into consideration of:</p> <ol style="list-style-type: none"><li>1) the impact of bus and car pick-up/drop-off queue on the through traffic and extending back to the intersections;</li><li>2) the fact that increased traffic flow accompanied by the increase of 400 students would have unneglectable impact on the surrounding road network, especially when the proposed car park is available to visitors for both weekdays and weekends; and</li><li>3) the cumulative effects of combined traffic generated by the two proposals in the eastern and western precincts of the Victoria Road Campus on the surrounding road network.</li></ol> <p><b><u>Green Travel Plan (GTP)</u></b></p> <p>Pursuant to E1.12.1 of Council’s DCP, a GTP is required for educational establishments allowing an additional 100 or more students, and should be submitted along with the proposal for assessment prior to consent. Given there is an increase of 400 students, and a significant undersupply of</p> | Category         | DCP Minimum Required Parking | Proposed Parking | Shortfall | Bicycle Parking | 76 | 0 | 76 | Motorcycle Parking | 24 | 16 | 8 |
| Category           | DCP Minimum Required Parking  | Proposed Parking | Shortfall                    |                  |           |                 |    |   |    |                    |    |    |   |
| Bicycle Parking    | 76  | 0                | 76                           |                  |           |                 |    |   |    |                    |    |    |   |
| Motorcycle Parking | 24  | 16               | 8                            |                  |           |                 |    |   |    |                    |    |    |   |



| Referral | Summary of Referral Response  |
|----------|---|
|          | <p><i>parking provision, combined with the abovementioned potential traffic issues related, it is essential that a Green Travel Plan be developed and implemented by school to facilitate the use of public transport and reduce vehicle use.</i></p> <p><i>GTP should provide information including but not limited to:</i></p> <ol style="list-style-type: none"> <li><i>1) Targets of plan;</i></li> <li><i>2) Strategies and measures to achieve proposed targets;</i></li> <li><i>3) The implementation of plan, including measures intended to take and representative responsible for implementing and enforcing the plan.</i></li> </ol> <p><i>Should the development be approved, monitoring annual reports would be required to provide information on the number of people trips, travel modes by time of day, journey purpose and origin/destination of trips for a minimum of 5 years post occupation, as per Council's DCP.</i></p> <p><b><u>Operational Traffic Management Plan (OTMP)</u></b><br/> <i>Pursuant to E1.13.1 of Council's DCP, an OTMP is required for education facilities under Clause 104 and Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 or classified as designated development under S.77A of the EP&amp;A 1979, which should be submitted along with the proposal for assessment prior to consent. It is strongly recommended that OTMP be formulated and implemented by the school to provide efficient and safe environment for pick up and drop off.</i></p> <p><b><u>Construction Traffic Management Plan (CTMP)</u></b><br/> <i>Given the nature of the proposed development, a CTMP is required in advance to assess feasibility and potential traffic impacts of construction works on the surrounding road network, especially on the impacts of pedestrian and children safety during construction periods.</i></p> <p><i>Previous assessment has been carried out by Traffic Section, identifying the following issues that need amendment:</i></p> <ol style="list-style-type: none"> <li><i>1) Hours of work: detail that when demolition, excavation and construction works are to be undertaken on school days, all vehicular movements associated with this work shall only be undertaken between the hours of 9.30am and 2.30pm, in order to minimise disruption to the traffic network during school pick up and drop off times;</i></li> <li><i>2) Access and egress route of construction vehicles: the proposal to access and exit the site via the existing gate on Cranbrook Lane with the maximum vehicle size being a 19m long heavy vehicle (Truck and Dog) is not desirable and therefore cannot be supported by Council's Traffic Engineers. Concerns are raised to traffic flow in Cranbrook Lane and the existing constraints such as the narrow road width. At present parking is permitted along sections of Cranbrook Lane which would obstruct access for large trucks.</i></li> <li><i>3) Accommodation of trucks: if trucks are to be accommodated on the site, provide a scaled drawing showing where the construction vehicles will stand and the vehicle swept path to show these vehicles can access and egress the site in a forward direction;</i></li> <li><i>4) Traffic control plans: should the one-way lane be used by construction vehicles driving between the oval and the eastern boundary of the school, proper traffic control plans should be prepared to manage vehicle movements, as well as other potential high-risk areas that may be identified after the access/egress route and point are determined. Consideration to pedestrian volumes around schools are higher than most other developments and safety of the public should be ensured and demonstrated in these plans i.e. Traffic Control Plans &amp; Pedestrian Management Plans.</i></li> </ol> <p><b><u>Access Driveway</u></b><br/> <i>The proposed driveway adopts a gradient of 1 in 20 (5%) for the first 6m into the car park, which complies with Clause 3.3 of AS/NZS 2890.1:2004 and is deemed satisfactory. The proposed 6m two-way driveway for a Category 3 access facility is deemed acceptable.</i></p> <p><b><u>Local Area Traffic Management</u></b><br/> <i>Council's Traffic Section raises concern over potential traffic overflow, access and safety issues associated with the development in general, it is thus essential that the developer undertake studies in advance, with considerations of traffic issues raised above, to explore necessary traffic mitigation measures to minimise adverse impacts on the local road network.</i></p> |

| Referral              | Summary of Referral Response   |
|-----------------------|--|
|                       | <p><i>Applicant should refer to Council's Traffic Management Strategy 2014, and accordingly develop, fund and implement LATM on the basis of a more comprehensive analysis regarding efficiency and safety in the vicinity, to the satisfaction of the Council's Engineering Services Department. Traffic calming measures should include but not limited to:</i></p> <ol style="list-style-type: none"> <li><i>1) the installation of pedestrian refuge on the intersection of Cranbrook Road and Victoria Road, to improve pedestrian crossing to Victoria Road;</i></li> <li><i>2) the enhancement of line marking and signposting on the intersection of Carrington Avenue, Cranbrook Lane and Cranbrook Road for turning movements and safety.</i></li> </ol> <p><b><u>Sight Splay</u></b><br/> <i>Pursuant to Clause 3.2.4 of AS/NZS 2890.1:2004, a 2m x 2.5m driveway sightline splay should be provided along both sides of the driveway to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath. This should be clearly depicted on the architectural plans. Any landscape proposed within the pedestrian splays shall be groundcover type to ensure visibility.</i></p> <p><b>RECOMMENDATION</b><br/> <i>"Council's Traffic Engineer has reviewed the application and recommend that the development not be supported at this stage until the following issues are addressed:</i></p> <ol style="list-style-type: none"> <li><b>1) Parking Provision</b> <ol style="list-style-type: none"> <li><i>i) A significant shortfall of 74 car parking spaces than the minimum requirement, as the arrangement to include on-street parking as part of school parking provision cannot be supported;</i></li> <li><i>ii) More details, including staff numbers, bicycle parking demand and motorcycle parking provision be submitted for further assessment.</i></li> </ol> </li> <li><b>2) Traffic Generation</b><br/> <i>Further investigation is to be carried out on both weekday and weekend peak hours with consideration of:</i> <ol style="list-style-type: none"> <li><i>i) the impact from pick-up/drop-off queue on the through traffic;</i></li> <li><i>ii) the increased traffic flow accompanied by the increase of 400 students;</i></li> <li><i>iii) the cumulative effects of combined traffic generated by the two proposals in the eastern and western precincts of the Victoria Road Campus on the surrounding road network.</i></li> </ol> </li> <li><b>3) Green Travel Plan</b><br/> <i>A green travel plan be developed and implemented by the school as required in the report, as per E1.12 of Council's DCP.</i></li> <li><b>4) Operational Traffic Management Plan</b><br/> <i>An OTMP be formulated and implemented by the school to provide efficient and safe environment for pick up and drop off.</i></li> <li><b>5) Construction Traffic Management Plan</b><br/> <i>A revised CTMP be provided containing additional information as per required in the report, and an alternative route for construction vehicles to access and egress the site be provided, as the proposed route cannot be supported given the existing constraints within Cranbrook Lane.</i></li> <li><b>6) Local Area Traffic Management</b><br/> <i>The developer refer to Council's Traffic Management Strategy 2014, and accordingly develop, fund and implement LATM on the basis of a more comprehensive analysis regarding efficiency and safety in the vicinity, to the satisfaction of the Council's Engineering Services Department. Traffic calming measures should include but not limited to:</i> <ol style="list-style-type: none"> <li><i>i) the installation of pedestrian refuge on the intersection of Cranbrook Road and Victoria Road, to improve pedestrian crossing to Victoria Road;</i></li> <li><i>ii) the enhancement of line marking and signposting on the intersection of Carrington Avenue, Cranbrook Lane and Cranbrook Road for turning movements.</i></li> </ol> </li> <li><b>7) Sight Splay</b><br/> <i>A 2m x 2.5m driveway sightline splay should be provided along both sides of the driveway to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath, as per Clause 3.2.4 of AS/NZS 2890.1:2004. This should be clearly depicted on the architectural plans. Any landscape proposed within the pedestrian splays shall be groundcover type to ensure visibility."</i></li> </ol> |
| Trees and Landscaping | <p>Satisfactory, subject to conditions</p> <p><b>Key comments:</b></p>   |

| Referral             | Summary of Referral Response   |
|----------------------|--|
|                      | <ul style="list-style-type: none"> <li>2 x Hills Weeping Figs adjacent the Scots College Cranbrook Road boundary to be retained and protected (conditioned).</li> <li>No pruning of Tree 1 or 2 (<i>Hills Weeping Fig</i>), located adjacent the Cranbrook Road boundary near Macintyre house, is approved as part of this consent (Conditioned). This is to be the subject of a separate Tree Work application to Council.</li> <li>No consent is given to placing gap graded fill over the TPZ to Tree 1 (Conditioned). Decking may be a more appropriate solution.</li> <li>Existing trees along the Cranbrook Lane frontage of the subject property proposed for removal have low landscape value</li> <li>6 x replacement Cabbage Tree Palms to be planted along the Cranbrook Lane frontage. Supported as compensation for canopy loss. Landscape Plan to be conditioned to show this.</li> <li>Condition to be included to prohibit stockpiling of materials within TPZ of Tree 1 &amp; 2.</li> </ul> |
| Heritage             | <p>Satisfactory, subject to conditions:</p> <ul style="list-style-type: none"> <li>Reuse of sandstone</li> <li>Should the application be approved, a Deferred Commencement Condition is recommended to require the preparation of an <i>Aboriginal Cultural Heritage Assessment</i> in accordance with DPIE Code of Practice.</li> <li>Unexpected finds conditions – skeletal remains, aboriginal objects, and archaeological features.</li> </ul>   |
| Urban Design         | <p>Satisfactory.</p> <p><b>Key comments:</b></p> <ul style="list-style-type: none"> <li>No major issues from urban design point of view.</li> <li>The existing boundary trees have a positive impact on the streetscape. It is recommended that they are retained, subject to the assessment of Council's trees/landscape officer.</li> </ul>  |
| Environmental Health | <p>Satisfactory.</p> <p><b>Key Comments:</b></p> <ul style="list-style-type: none"> <li>Preliminary Contamination Assessment undertaken.</li> <li>The formulation of an Acid Sulfate Soils Management Plan is not warranted for the proposed development.</li> <li>The proposal is satisfactory regarding SEPP 55 and can be made suitable for the proposed development, subject to conditions.</li> <li>Detailed Site Investigation (Phase 2) to be conditioned should this application be approved.</li> </ul>   |
| Fire Safety          | <p>Satisfactory. The new building would have to comply with the BCA at the CC stage. Should this application be approved, conditions to be included requiring:</p> <ul style="list-style-type: none"> <li>Compliance with the BCA, specifications to accompany detailed CC drawings.</li> <li>A Fire Safety Certificate, prior to the Final OC.</li> <li>Submission of Annual Fire Statements.</li> </ul>  |
| Community Services   | <p>No objections raised to DA. The following comments are to be noted as part of any assessment:</p> <ul style="list-style-type: none"> <li>The proposed increase of 400 students is a significant increase and additional support services such as Outside of School Hours Care and increased support/pastoral services would be needed.</li> <li>My Schools website records that that Scots has listed its enrolments as higher than the proposed enrolments.</li> </ul>   |
| Sydney Buses         | No objections  |
| NSW Police           | <p>➤ The Eastern Suburbs Police Area Command <b>Traffic Services</b> raises no issues or comments regarding the submitted <i>Traffic Impact Assessment</i>.</p> <p>➤ The Eastern Suburbs Police Area Command supports the proposal, however would like to make a submission that consideration be given to crime prevention principles as outlined below:</p> <p><b>"COMMENTS</b></p> <ol style="list-style-type: none"> <li><b>Graffiti/Vandalism:</b> Consideration should be given to measures that may prevent or reduce the damage caused by graffiti. <ol style="list-style-type: none"> <li>Non porous surfaces, anti-graffiti coatings and silicone based paints can be used to reduce the damage and expense caused from graffiti. Green screens comprised of</li> </ol> </li> </ol>  |

| Referral                  | Summary of Referral Response   |
|---------------------------|--|
|                           | <p>wall hugging plants or vines can be used to protect walls and other structures from graffiti and vandalism.</p> <p><b>2. Definition of private areas</b></p> <p>2.1 Access control measures restrict, channel and encourage people in, out or around specific sites. Access control is used to increase the time and effort to commit a crime and increase the risk to criminals. By clarifying where people are permitted to go or not to go it becomes more difficult for potential offenders to reach and victimise people and their property. Confusing definition of space can make it easy for criminals to loiter and make excuses for being in unauthorised areas.</p> <p>2.2 This can be controlled through formal supervision by way of staff, effective signage to provide guidance, effective signage to indicate that it is not open to the public, physical barriers such as landscaping and fencing should be used to define areas which are non-public.</p> <p><b>3. Configuration and surveillance of the car park</b></p> <p>3.1 Internal car park structures such as concrete columns and solid internal walls can create visual obstructions in car parks. Obstructions can provide opportunities for cover for criminals. The configuration of car parking spaces can affect vision. Grid rows are an option which increases natural surveillance of the area.</p> <p>3.2 It is suggested that the car park area includes surveillance by the use CCTV and be well lit at night in parts which have natural surveillance of passers-by and neighbours at night time.</p> <p><b>4. Installation of adequate Closed Circuit Television System (CCTV)</b></p> <p>4.1 It is suggested that there be installation of an adequate CCTV system be installed and monitored within the common areas, entry/exit doors and driveways and external car parks to monitor staff and students safely. Cameras at the entrance should be placed at head height to increase the opportunity to capture facial images.</p> <p><b>5. Installation of adequate lighting</b></p> <p>5.1 Good lighting can assist in the usage of an area and security. Crime risk and potential fear should be considered</p> <p>5.2 Lighting should be designed to Australian and New Zealand Lighting Standards. All external lighting fixtures should be vandal resistant. Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing. Lighting should be free of obstructions, such as columns, pipes, etc. Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places. The choice of light fixtures should enable accurate colour renditions such as white LED, to increase accuracy of witness descriptions of potential offenders.</p> <p><b>6. Security/Access control to carpark and storage areas</b></p> <p>6.1 Consideration needs to be given as to the method of entry into the car park and controls such as electric opening gates with controllable access. Locking mechanisms used for storage areas need to be substantial and unique to minimise risk of master keys being obtained and used by offenders.</p> <p>6.2 Developments may be targeted by offenders, both during the construction phase and while the facility is operational. The use of security sensor lights and a security company to monitor the site while construction is in progress is recommended."</p> |
| Transport for NSW (TfNSW) | No objections as the proposal is unlikely to have a significant impact on the classified road network. No conditions provided.   |
| Sydney Water              | <p>No objections, subject to conditions including the requirement for a Section 73 Compliance Certificate to be obtained under the Sydney Water Act 1994, and Building Plan Approval.</p> <p><b>Key Comments:</b></p> <ul style="list-style-type: none"> <li>Allowing the school to accommodate an additional 400 students would increase the water demand and wastewater discharge to our system.</li> </ul>  |

## ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 include the following:



1. The provisions of any environmental planning instrument
2. The provisions of any proposed instrument that is/has been the subject of public consultation
3. The provisions of any development control plan
4. Any planning agreement that has been entered into
5. Any draft planning agreement that a developer has offered to enter into
6. The regulations
7. Any coastal zone management plan
8. The likely impacts of that development:
  - i) Environmental impacts on the natural and built environments
  - ii) Social and economic impacts
9. The suitability of the site
10. Any submissions
11. The public interest

## **10. ADVERTISING AND NOTIFICATION**

### **10.1. Submissions**

The application was advertised and notified from 4 March 2020 to 18 March 2020 in accordance with Chapter 6 of the Woollahra Community Participation Plan 2019. Submissions were received from:

1. Warren Kidson, 4 Carrington Avnue, Bellevue Hill
2. Tim Hordern, 111 Victoria Road, Bellevue Hill
3. Tim Burroughs, 53-55 Cranbrook Road, Bellevue Hill
4. Stephen Nash, Ginahgulla Road resident, Bellevue Hill
5. Scot Perkins, address not provided
6. Sam Crawford Architects on behalf of owner of 65 Cranbrook (Annette Ward), Bellevue Hill
7. Roma Shell, 26 Fairfax Road, Bellevue Hill
8. Robert and Ella Lindeman, 45 Cranbrook Road, Bellevue Hill
9. Rebecca Gorman & John Sevier, 25 Carrington Avenue, Bellevue Hill
10. Phil Birnbaum, 18 Ginahgulla Road, Bellevue Hill
11. Paul Blanket, 34 Kambala Road, Bellevue Hill
12. Pam Sonnabend, 2/589 New South Head Road, Rose Bay
13. Monique O'Brien, Victoria Road resident, Bellevue Hill
14. Michael & Judy Berger, 29 Fairfax Road, Bellevue Hill
15. Maurice and Maureen Newman, 27 Cranbrook Lane, Bellevue Hill
16. Marc & Gabrielle Bauer, 18A Ginahgulla Road, Bellevue Hill
17. Mark Conomos, 8 Kulgoa Road, Bellevue Hill
18. Joseph Oh on behalf of residents of 7, 9 & 11 Cranbrook Lane, Bellevue Hill
19. Judith Gabby, Aston Gardens resident, Bellevue Hill
20. Jason Pellegrino, 67 Cranbrook Road, Bellevue Hill
21. Jacqui Shnier, 3 Carrington Avenue, Bellevue Hill
22. Greg and Gillian Horowitz, 4 Sheldon Place, Bellevue Hill
23. Fiona & Sam Mann, 52 Cranbrook Road, Bellevue Hill
24. Dr AW Wechsler, 51 Kambala Road, Bellevue Hill
25. David O'Callaghan, 79A Kambala Road, Bellevue Hill
26. Concerned Scots Neighbours Inc
27. Clare Palan, 52 Kambala Road, Bellevue Hill
28. Catherin McGill, 33-35 Cranbrook Road, Bellevue Hill
29. Carol Fitzsimons, 17 Cranbrook Lane, Bellevue Hill

30. Campbell Anderson, 6/99 Drumalbyn Road, Bellevue Hill
31. Beverly & Phil Birnbaum, 18 Ginahgulla Road, Bellevue Hill
32. Ari Droga, 8 Victoria Road, Bellevue Hill
33. Anthony Bellanto, 58 Cranbrook Road, Bellevue Hill
34. Annie & Perry Rabin, 41 Cranbrook Road, Bellevue Hill
35. Anne Anderson, no address provided
36. Angela Armitage, 19 Cranbrook Lane, Bellevue Hill
37. Adam Cornell, 73 Victoria Road, Bellevue Hill

The submissions raised the following issues:

| Issue  | Concerns Raised in Submission   |
|--|---|
| Increase in student numbers  | <ul style="list-style-type: none"> <li>The increase in student numbers would increase traffic along Victoria Road which already comes to a stand still for 20-30 minutes at pick-up time.</li> <li>Increased traffic and parking impacts on the surrounding road network and exacerbation of current congestion issues through operating above their enrolment cap.</li> <li>Increase noise and traffic delays to surrounding residents from increased school buses idling</li> <li>A student cap should be placed on schools in residential areas.</li> <li>Neither Scots College nor the Council have demonstrated that there is adequate infrastructure and associated operational plans for Scots to operate the school safely and responsibly at the proposed enrolment.</li> <li>Exacerbation of existing issues dealt with on a daily basis includes: <ul style="list-style-type: none"> <li>double-parked buses</li> <li>incorrect parent drop offs</li> <li>excessive noise</li> <li>golf buggies driving on the roads</li> <li>general congestion</li> <li>school boys sitting on our fence which is private property</li> <li>litter at all the bus stops that are exclusively for school children use – and which is clearly the refuse from school children’s lunch boxes</li> </ul> </li> <li>Increase in student numbers and self-driven students would exacerbate existing traffic and parking congestion.</li> </ul> |
| Breach of existing student cap                                       | <ul style="list-style-type: none"> <li>The Scots 2018 Annual Report states that it has 1,541 enrolment on its Victoria Rd campus. The DA in question specifically notes a current student number of 1,120.</li> <li>What action has Council taken to address the breach?</li> <li>Exact current student numbers are unclear.</li> </ul>   |
| Consideration of car park and student increase under one application | <ul style="list-style-type: none"> <li>The proposed construction of the basement car park and increase in student numbers are two unrelated matters and should be dealt with separately.</li> </ul>   |
| Car parking inadequate   | <ul style="list-style-type: none"> <li>The proposed provision of 79 spaces within the car park seems inadequate.</li> <li>A two-storey care park would seem more economically sensible in view of the set-up cost.</li> <li>The proposed car park would provide much needed on-site parking, however, the provision of parking spaces will not reduce the traffic congestion, noise, and general loss of amenity to surrounding residents.</li> <li>The proposed on-site parking is inadequate.</li> </ul>  |
| Inadequacy of SIDRA analyses   | <ul style="list-style-type: none"> <li>The SIDRA analyses of the site in Cranbrook Lane addresses the immediate vicinity in Cranbrook Lane but does not address the impact on the dangerous intersection of Cranbrook Lane and Carrington Avenue with Cranbrook Road where there are very poor sight-lines.</li> <li>This intersection is on a curve and, additionally, Cranbrook Lane and Carrington Avenue are offset in relation to each other. Cars on Cranbrook Road speed through this intersection without any anticipation that other cars may be turning into or out of Carrington Avenue and Cranbrook Lane. A round-about may be an appropriate solution.</li> <li>It is unclear whether the assessment has taken into consideration existing traffic congestion in Cranbrook lane and increase in traffic volume during evenings and weekends likely with any student increase.</li> </ul>  |

|  |   |
|--|---|
| Unsuitability of Cranbrook Lane                    | <ul style="list-style-type: none"> <li>• Cranbrook Lane is designed as a low traffic access point for a small quantity of residents. The proposal for the car park is fundamentally inconsistent with this design.</li> <li>• The proposal relies on a very tight turning circle entering and exiting the car park onto the very narrow street that is Cranbrook Lane. This may lead to bottlenecks, which are not addressed in the Traffic Report.</li> <li>• Safe access to the car park would require the removal of 17 on-street car parking spaces, further reducing on-street parking availability to local residents.</li> <li>• Cranbrook Lane in its current form is not physically suitable for accommodating an 80-space underground car park.</li> <li>• The northern end of Cranbrook Lane is met with Aston Place. Aston Place is even narrower than Cranbrook Lane and not wide enough for medium rigid vehicles or larger. There is also nowhere to suitable for these vehicles to undertake U turns. This has meant that trucks have to reverse all the way up Cranbrook Lane causing huge traffic problems. This proposal will further exacerbate the situation.</li> <li>• There is no existing pedestrian footpath in the vicinity of the proposed driveway and therefore poses a risk to public pedestrians.</li> <li>• Street signage would need to be reviewed and amended to improve traffic flow.</li> <li>• Given the traffic flow onto Cranbrook road from Cranbrook Lane, and the difficult visibility problems for traffic coming up the hill from Rose Bay to Victoria road, the carpark would represent a fundamentally dangerous development, and it may require some, or all of the following: <ul style="list-style-type: none"> <li>- a complete re-construction of the intersection, including resumption of the properties on the corners of Cranbrook Lane and Cranbrook Road;</li> <li>- a traffic light; and</li> <li>- a traffic visibility mirror.</li> </ul> </li> <li>• Cranbrook Lane has one lane in each direction and has a carriageway width of 6m. The proposed access to the car park via Cranbrook Lane raises concerns.</li> <li>• Current parking conditions on Cranbrook Lane, which is used for parking by students, tradesman, and local residents, is already congested.</li> <li>• Increase in traffic volume from staff, parents and visitors entering and exiting the car park during peak periods and weekends.</li> <li>• Large sections of Cranbrook Lane is currently used by numerous students to park their vehicles, which greatly limits use by others.</li> <li>• The proposal is for staff parking only, and therefore does not address the student parking related problem stated above.</li> <li>• The increase of student numbers by 400 will lead to further demand for further on street parking.</li> <li>• A separate application for increase in student numbers needs to be submitted and conditioned so that students do not drive to school.</li> </ul> |
| Inadequacy of Traffic Report                       | <ul style="list-style-type: none"> <li>• The Traffic report submitted as part of the proposal does not address the location of construction access and the construction period.</li> <li>• Consideration of traffic impacts on weekends (sporting activities) and after-hour events has not been addressed.</li> </ul>  |
| Pedestrian, cyclist, driver safety                 | <ul style="list-style-type: none"> <li>• An increase in student numbers would increase traffic congestion and risk to pedestrian, cyclist and driver safety, particularly between the intersection between Cranbrook Road and Victoria Road.</li> </ul>   |
| Increase in student drivers and implications       | <ul style="list-style-type: none"> <li>• Increase in on-street parking demand from additional senior self-driven students.</li> </ul>   |
| Amenity of neighbourhood                           | <ul style="list-style-type: none"> <li>• The proposed increase in student numbers and resultant traffic and parking impacts does not accord with the residential setting and would compromise the amenity of the area.</li> <li>• Increase in risk of anti-social behaviour, disrupting the residential neighbourhood.</li> </ul>   |
| New Master Plan & Traffic Management Plan required | <ul style="list-style-type: none"> <li>• A new Master Plan should be developed for the significant student increase. This should evaluate the current and proposed infrastructure, enrolment and staffing requirements (over the long term) to support an additional 500 students.</li> <li>• Critically a detailed Traffic Management Plan on how 1520 students and current and future staff will arrive and depart from the school would be a key element and a necessary precursor for our community to properly assess the impacts.</li> </ul>  |
| Lighting to tennis courts                          | <ul style="list-style-type: none"> <li>• Glare nuisance to surrounding residences from proposed use of tennis court lights until 9pm.</li> </ul>  |

|  |  |
|--|--|
| Hours of operation of tennis courts – Acoustic impacts | <ul style="list-style-type: none"> <li>Hours of use of the tennis court is unclear. It is implied this would be extended until 9pm alongside lighting hours. Concerns are raised regarding acoustic impacts.</li> </ul>  |
| Intention of concurrent applications                   | <ul style="list-style-type: none"> <li>The SEE states that the current application and DA389/2019/1 is a two-part plan to better deal with traffic and parking issues associated with the day-to-day operation of the College. The 'two-part' plan was implemented to deal with existing traffic and parking issues, not to accommodate an increase in student numbers.</li> </ul>   |
| Increase in staff capacity                             | <ul style="list-style-type: none"> <li>The application only states an increase in student capacity. There is no mention of whether there would be an increase in the number of staff to accommodate the increase in student numbers.</li> </ul>  |
| Traffic and parking impacts                            | <ul style="list-style-type: none"> <li>Increased traffic congestion in surrounding area.</li> <li>Exacerbation of existing illegal driving behaviour by parents during peak pick-up and drop-off of periods.</li> <li>Independent review of submitted Traffic report undertaken by Traffic Management consulting organisation (TTPP) as part of a submission.</li> <li>Currently, the intersection of Cranbrook Road, Cranbrook Lane and Carrington Avenue is a dangerous intersection with limited sight lines. There is currently no street / road line marking. It is currently used by parents as a place to undertake U turns after dropping off or picking up students.</li> <li>Exacerbation of existing student parking in nearby Aston Gardens.</li> <li>5 minute video provided of afternoon peak period showing the intersection of Cranbrook Lane, Cranbrook Road, and Carrington Avenue. The accompanying submission references the video to support the observations below: <ul style="list-style-type: none"> <li>Visibility restricted by cars parked right to the kerb on all corners. This severely compromises visibility in all directions.</li> <li>Vehicular/pedestrian safety issues at the intersection of Cranbrook Lane, Cranbrook Road, and Carrington Avenue.</li> <li>Unsafe and risky behaviour of parents dropping off and collecting children.</li> <li>Students crossing busy roads.</li> <li>Traffic queues from congestion on Cranbrook Road and Victoria Road.</li> <li>Risk to cyclist safety from traffic congestion.</li> </ul> </li> </ul> |
| Noise and pollution from car park                      | <ul style="list-style-type: none"> <li>Impact of exhaust fumes and other pollutants from the car park to neighbouring residences.</li> </ul>   |
| Stormwater and flooding                                | <ul style="list-style-type: none"> <li>There are significant existing issues relating to the management of stormwater and run-off in an area that is prone to flooding. The applicant does not address mitigating and containment strategies related to the increased hard surfaces.</li> </ul>  |
| Public benefit   | <ul style="list-style-type: none"> <li>Increasing the student numbers is of no benefit to the community.</li> <li>Commercial gains of the college are not in the interest of the public to justify the expansion.</li> <li>The public interest is served with a compliant application. The proposal is not compliant.</li> </ul>   |
| GFA calculation  | <ul style="list-style-type: none"> <li>Inconsistencies in SEE/Masterplan regarding the GFA and associated car parking requirement. The additional 704m<sup>2</sup> (once constructed) for the Stevenson library is not included.</li> </ul>  |
| Excavation impacts                                     | <ul style="list-style-type: none"> <li>Impact of basement car park excavation on structural integrity of 58 Cranbrook Road and the adjoining properties.</li> </ul>  |

### Assessing Officer's Comments

All issues raised in the submissions are addressed elsewhere in this Report, or are addressed below:

#### *Excavation impacts*

- A Geotechnical Report has been submitted with the proposal.
- Council's Technical Services have raised no objections to the proposed excavation works, subject to conditions to mitigate any impacts to adjoining Council infrastructure and private properties.

#### *Traffic Assessment undertaken by TTPP*



- Council's Traffic Engineer has reviewed the peer review undertaken by TTPP, dated 22/04/2020 accompanying a submission.

## **10.2. Statutory Declaration**

The applicant has completed the statutory declaration dated 19 August 2020 declaring that the site notice for DA390/2019/1 was erected and maintained during the notification period in accordance with Chapter A2.3.5 of the Woollahra DCP 2015.

## **11. STATE ENVIRONMENTAL PLANNING POLICY 55: REMEDIATION OF LAND**

In accordance with Clause 7(1)(a) Council's Environmental Health Officer has considered whether the land is contaminated.

A review of the *Preliminary Contamination Assessment Report* (dated 05/08/2016) has been undertaken. Based on the limited sampling undertaken and in accordance with the recommendations of the Geotechnical Report, Council's Environmental Health Officer concurs with the findings of the report that the site can be made suitable for the proposed development, subject to a Stage 2 Detailed Site Investigation being carried out in accordance with NSW EPA Sampling Guidelines.

A condition to this effect is to be included as part of any consent in order to satisfy the requirements of Clause 7(1)(b)(c) of SEPP 55.

The proposal is therefore acceptable regarding SEPP 55: Remediation of Land.

## **12. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

### **Clause 104: Traffic-generating Development**

The proposed development is classified as traffic generating development under Clause 104(1).

In accordance with Clause 104 of SEPP (Infrastructure) 2007, the application was referred to TfNSW, who raised no objections to the proposal on the basis that the proposed car park is to be accessed via a local road (Cranbrook Lane) and is unlikely to have a significant impact on the classified road network. No conditions are required.

Clause 104(3)(b)(iii) requires the consent authority to consider "*any potential traffic safety, road congestion or parking implication of the development*".

A detailed assessment of the application has been undertaken by Council's Traffic Engineer. Detailed comments are provided in **Section 16.4** having regard to *Chapter E1: Parking and Access* of the WDCP 2015.

### Conclusion:

Therefore, Council has fulfilled its obligations under SEPP (Infrastructure) 2007.

## **13. STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

### **13.1. Clause 35 – Schools – Development Permitted With Consent**

Clause 35(1) of SEPP (Educational Establishments and Child Care Facilities) 2017 permits development with consent on land zoned SP2 Infrastructure.

Clause 35(6)(a) requires the consent authority to take into consideration the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4 of the SEPP. These are considered below:

#### Principle 1 - Context, built form and landscape

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

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

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

#### Assessment:

The proposal is considered to satisfy the principle due to the following:

- The proposal would not have any adverse impact on the streetscape. The underground car park and reconstruction of the tennis courts above, and new entrance gates and boundary fence to Cranbrook land would respect the streetscape character of Cranbrook Lane.
- The proposal would replace existing low value trees along the boundary with 6 x Cabbage tree palms to ensure a positive contribution to the streetscape of Cranbrook Lane.
- No objections are raised by Council's Heritage Officer to the proposal, subject to a condition of consent for unexpected finds, and the preparation of an *Aboriginal Cultural Heritage Assessment*. Note: An *Aboriginal Due Diligence Assessment* has been submitted with the DA.
- Changes to existing views of Macintyre House from the main oval would be largely unchanged. As such, the proposal would not detract from the heritage significance of Macintyre House and its setting.

#### 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.*

#### Assessment:

The proposal satisfies the principle due to the following:

- A Site Waste Minimisation and Management Plan (SWMMP) has been submitted with the application.

- A BCA Section J energy efficient report has not been undertaken as part of this DA. This can be conditioned to be addressed at the CC stage.
- The energy efficiency of the mechanical ventilation system for the car park is indirectly addressed in the BCA Compliance Checklist submitted with the DA. Details to be submitted at CC stage.
- Compliance with the BCA is to be conditioned, should this application be approved.

### 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.*

#### Assessment:

The proposal is considered to satisfy the principle due to the following:

- 5 accessible parking spaces are proposed in accordance with the DCP requirement.
- Use of the car park is intended primarily for staff.
- Access to the car park would be clearly defined.

### 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.*

#### Assessment:

The proposal is considered to satisfy the principle due to the following:

- Council's Environmental Health Officer has reviewed the proposal and raised no objections, subject to conditions including a requirement for all proposed lighting and ventilation to comply with BCA requirements.
- Council's Fire Safety Officer has raised no objections to the proposal, subject to conditions including the requirements for a fire certificate to be obtained prior to issue of the Final OC, and annual Fire Statements to be submitted to the Council.

### 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.*

Assessment:

The proposal would result in no loss of sporting facilities for the College as the tennis courts are to be reinstated.

Acoustics impacts associated with the mechanical ventilation system for the car park can be addressed through conditions of consent to ensure privacy (aural) amenity is maintained to adjacent residential development.

Removal of the tennis court lighting from the application would not result in any intensification of existing acoustic impacts associated with the tennis courts.

The proposal has not adequately addressed the amenity impact on adjacent development and the local neighbourhood in terms of the traffic and parking impacts of the proposal. As such, the proposal is considered to be contrary to *Principle 5: Amenity*.

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.*

Assessment:

Principle 6 is a relevant matter to the application insofar as it indicates a need for educational establishments to be flexible and agile to respond to changing learning environments and to accommodate future needs. The original Master Plan, which was conceived some time ago and no doubt would be subject to changes to accommodate today's use, contemplated no more than 1,120 students on the site at any one time. Thus forming the basis for the existing student cap.

The proposal relates to car parking to support an additional 400 students which would bring the total students to 1,520. It is noted that the Annual Report would suggest that more students are enrolled at The College than the current cap. Albeit, this is a matter for Council's Compliance Section and is not a matter for consideration in the assessment of this application.

One of the issues raised in the submissions is a need for the current Master Plan to be updated. The proposed increase of 400 students and car parking shortfall of 74 spaces suggests that consideration of future needs has not been conceived.

In this regard, the proposal is not considered to satisfy *Principle 6: Whole of life, flexible and adaptive* of the Education SEPP.

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.*

Assessment:

The proposal is satisfactory regarding *Principle 7: Aesthetics*.

Conclusion

The proposal is acceptable regarding SEPP (Educational Establishments and Child Care Facilities) 2017.

**14. SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005**

The land is within the Sydney Harbour catchment but is outside the Foreshores and Waterways Area and therefore there are no specific matters for consideration.

**15. WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014**

**15.1. Part 1.2: Aims of Plan**

The proposal is contrary to aims (a), (g) and (k) in Part 1.2(2) of the Woollahra LEP 2014, as follows:

- (a) to ensure that growth occurs in a planned and co-ordinated way;*
- (g) to protect amenity and the natural environment; and*
- (k) to minimise and manage traffic and parking impacts.*

The reasons are outlined below:

- A shortfall of 74 car parking spaces is proposed. Arrangements to utilize kerbside parking spaces to offset the on-site parking requirement is contrary to Chapter F2.6 of the WDCP 2015, which requires all parking, servicing and pick-up/drop-off arrangements to be provided on-site to minimise impacts on the adjoining community.
- The reliance on kerbside parking to offset the car parking shortfall increases the risk to pedestrian and student safety.
- A shortfall of 76 bicycle parking spaces and 8 motorcycle parking spaces to the WDCP 2015 requirement is proposed.
- No growth in staff numbers and resultant demand for car parking, bicycle and motorcycle parking has been taken into consideration by the proposal.
- Council's Traffic Engineer has determined that a more comprehensive analysis is required to determine the traffic generation impacts of the proposed increase in student numbers. Detailed comments regarding traffic generation are provided in **Section 16.4**.

**15.2. Land Use Table**

The site is zoned *SP2 Infrastructure – Educational establishment (Figure 15)*. The proposal is defined as alterations and additions to an existing *educational establishment* and is permitted with consent.

The proposal is consistent with the objectives of the SP2 Infrastructure zone in that the proposal would maintain the existing use.



**Figure 15.** Zoning map – WLEP 2012 (Source: Planning Portal).

### 15.3. Part 4.3: Height of Buildings

Part 4.3 limits development to a maximum height of 9.5m.

|                         | Proposed   | Control | Complies |
|-------------------------|--|---------|----------|
| Maximum Building Height | 4.6m above lower court level (ventilator shaft above store) - Max RL58.600 | 9.5m    | Yes      |

The proposal complies with the maximum building height prescribed by Part 4.3 of Woollahra LEP 2014. It is also acceptable with regard to the relevant objectives under Part 4.3(1) of Woollahra LEP 2014.

### 15.4. Part 4.4: Floor Space Ratio

There is no applicable FSR control.

### 15.5. Part 5.10: Heritage Conservation

Parts 5.10(2) and 5.10(4) require Council to consider the effect of works proposed to a heritage item, building, work, relic or tree, within a heritage conservation area or new buildings or subdivision in a conservation area or where a heritage item is located.



Council's Heritage Officer has considered the proposal.

The Scots College is a heritage listed item under Schedule 5 of the WLEP 2015. Macintyre House to the south of the car park has cultural significance.

The proposal would involve excavation to the north of Macintyre House to accommodate the underground car park and new, enlarged tennis courts above.

Council's Heritage Officer considers the proposal to be acceptable regarding the objectives in Part 5.10 of the Woollahra LEP 2014 in the following manner:

- The proposal is respectful in retaining the main central view to McIntyre House from the Oval.
- Excavation of the car park ensures retention of key significant views across the precinct, as shown in Figure 8.1 of John Oultram's *Heritage Impact Statement*.
- The existing tennis courts proposed to be replaced with the same (albeit slightly larger) will not detract from the significance of Macintyre House. Noting its setting which included the main oval has already been weakened by the existing courts.

The proposal is therefore acceptable, regarding Clause 5.10 of the WLEP 2014.

#### **15.6. Part 6.1: Acid Sulfate Soils**

Part 6.1 requires Council to consider any potential acid sulfate soil affectation so that it does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map. However, the subject works are not likely to lower the water table below 1.0m AHD on any land within 500m of a Class 1, 2 and 3 land classifications. Accordingly, preliminary assessment is not required and there is unlikely to be any acid sulfate affectation.

The proposal is therefore acceptable with regard to Part 6.1.

#### **15.7. Part 6.2: Earthworks**

Part 6.2(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal involves excavation to a varying depth between 5m and 8m to accommodate the basement car park. A *Geotechnical Report* has been submitted with the DA.

Council's Technical Services has raised no objections to the proposal regarding the proposed earthworks.

The proposal is therefore acceptable regarding Part 6.2 of WLEP 2014.

#### **15.8. Part 6.3: Flood Planning**

Council's drainage Engineer has determined that no flood specific conditions are required.

The proposal is acceptable regarding Part 6.3 of Woollahra LEP 2014.

## **16. WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015**

### **16.1. Chapter B1: Residential Precincts**

The proposal satisfies objectives O1, O2, O3, O5, O6 and O7 for residential precincts outlined in Part B1.1.3 of the Woollahra DCP 2015.

The proposal is inconsistent with Objective O4 *“To limit impacts on the amenity of adjoining and adjacent development”* for the following reasons:

- a) The proposal yields a shortfall of 74 car parking spaces for the total site.
- b) The proposed use of on-street car parking to offset the car parking shortfall would reduce on-street parking available to surrounding residents and give rise to unacceptable traffic and parking impacts, and increase the risk to pedestrian safety.
- c) The application has not adequately considered the traffic and parking impacts of the proposal on the surrounding area.

### **16.2. Bellevue Hill North Residential Precinct**

The built form of the proposal meets the streetscape character and key elements of the precinct and desired future character objectives of the Bellevue Hill North Residential Precinct, as noted in Part B1.8.2 of the Woollahra DCP 2015.

### **16.3. Chapter B3: General Development Controls**

#### **Part B3.5: Built Form and Context**

##### Part B3.4: Excavation

The proposal is acceptable regarding the objectives in Part 3.4. As per C4, any variation to the maximum volume of excavation permitted under C3 is acceptable to accommodate car parking to comply with the maximum rates in Part E1 of the WDCP 2015 and any reasonable access thereto. As such, no objections are raised to the proposed excavation.

Council’s Technical Services has raised no objections to the proposed excavation.

The proposal is therefore acceptable regarding Part B3.4.

##### Part B3.5.1: Streetscape and Local Character

The proposal satisfies the relevant Objectives O1, and O2 and Controls C1, C2, C4, and C9, as follows:

- the built form is compatible with the streetscape (**Figure 16**);
- the proposal would replace low-value trees along the Cranbrook Lane boundary with 6 x *Cabbage tree palms* to restore canopy coverage and enhance streetscape contribution;
- above ground structures including the mechanical ventilation plant to the car park and store above have been designed to integrate with the existing buildings and would not detract from views of Macintyre House from within the site;
- the proposal would retain 2 x *Hills Weeping Figs* (Tree 1 & 2) to the north-west of the tennis courts which are historically significant trees;
- the external colour scheme and materials is endorsed by Council’s Heritage Officer; and

- the open style of the new fencing infill and entrance gate would permit visibility into the College to enhance causal surveillance and safety.



**Figure 16.** Photomontage depicting the Cranbrook Lane entrance (Source: Drawing G05 Rev 1, dated 21/01/2020, prepared by Adair Architects).

#### Part B3.5.2: Overshadowing

The proposal would not give rise to any overshadowing impacts and satisfies objective O1 to *minimise overshadowing to adjoining properties*. There are no applicable controls.

#### Part B3.5.3: Public and Private Views

The proposal would satisfy the relevant objectives and controls in Part B3.5.3, in the following manner:

- the open style of the new fencing and entrance gate, and new tennis court fencing would maintain existing views from the public domain to the College (O1, C2); and
- the proposed landscaping would facilitate the above (O4, C9).

The proposal is therefore acceptable regarding Part P3.5.3.

#### Part B3.5.4: Acoustic and Visual Privacy

An acoustic report addressing the mechanical ventilation system to the car park, and noise and vibration impacts associated with demolition and construction has not been provided. Council's Environmental Health Officer has determined that this can be conditioned to satisfy relevant legislation requirements and to ensure adequate acoustic privacy to neighbouring residences (O1, C3).

The proposed reconstruction of the tennis courts and deletion of the proposed lighting would not result in any intensification of the existing acoustic impacts from the tennis courts (O3).



There are no visual privacy impacts associated with the proposal.

The proposal is therefore acceptable regarding Part B3.5.4.

### **Part B3.6: On-site Parking**

The built form of the proposed car park is acceptable regarding the relevant objectives and controls contained in Part B3.6, as follows:

- the proposal would not detract from the streetscape character and would integrate with the existing buildings on the site (O1, O2, O6, O7);
- the proposal would retain 2 x *Hills Weeping Figs* (Tree 1 & 2) to the north-west of the tennis courts which are historically significant trees (O4); and
- Council's Technical Services have raised no objections to the driveway width (O8, C11), subject to the provision of a pedestrian splay at the driveway exit to maximise driver and pedestrian visibility in accordance with *Clause 3.2.4 of Australian AS2890.1* (This can be conditioned to comply).

The proposal does not satisfy Objective 3 *To minimise loss of on-street parking* in that the proposal relies on on-street parking to offset the 74 space car parking shortfall.

Therefore, the proposal is partially acceptable regarding Part B3.6.

### **Part B3.7: External Areas**

#### **Part B3.7.2 Fences**

The proposal would satisfy the relevant objectives O1, O2, O3, and O4, O5, and O8 and controls C1, C2, C3, C7, and C8 (subject to a driveway splay as discussed above), as follows:

- the new boundary fencing along Cranbrook lane and entrance gate would not be visually intrusive in the streetscape;
- the open style of the fencing and entrance gate would not inhibit views from the street to the College and would encourage casual surveillance; and
- the proposed materials are of high-quality and would accord with the character of the existing buildings and streetscape character.

The proposal is therefore acceptable regarding Part B3.7.2.

### **Part 3.7.4: Ancillary Development – Swimming Pools, Tennis Courts and Outbuildings**

#### **Part B3.7.4: Ancillary Development – Tennis Courts**

The proposal is acceptable regarding the objectives and controls in Part C7.4.4, as follows:

- the proposed demolition and reconstruction of the tennis courts would continue to provide for the recreational needs of the College;
- the proposed court lighting has been deleted from the application (condition to be imposed);
- the tennis courts would maintain the existing nil setback to Cranbrook Lane for the southern-most court;
- the proposal would retain 2 x *Hills Weeping Figs* (Tree 1 & 2) to the north-west of the tennis courts which are historically significant trees; and

- impacts to the tree protection zone (TPZ) of Trees 1 and 2, as outlined in the *Amended Construction Impact Assessment and Management Plan* is considered acceptable by Council's Landscaping Officer (Note: Pruning of Trees 1 & 2 is to be conditioned to require a separate Tree Permit approval).

The proposal is therefore acceptable regarding Part B3.7.4.

## **Part B3.8: Additional Controls for Development Other Than Dwelling Houses**

### **Part B3.8.9: Non-Residential Development**

The proposal would be partially consistent with Objective O1 and Control C3, in the following manner:

- the built-form of the proposed development would be consistent with the desired future character of the street and precinct (part of O1); and
- the proposal would not unreasonably impact on the residential amenity of adjoining properties in terms of lighting, noise, and hours of operation, subject to conditions (part of C3).

The proposal would be partially inconsistent with Objective O1 and Control C3, in the following manner:

- the proposal would have an *unreasonable impact on surrounding properties* in terms of traffic and parking impacts in the surrounding area and local road network (O1); and
- the proposed increase in student numbers by 400 students would result in an intensification of the existing use that would *unreasonably impact on the residential amenity of adjoining properties, the street, and precinct* (C3).

## **16.4. Chapter E1: Parking and Access**

### **Part E1.2.2: Matters the consent authority will consider**

Part E1.2.2 sets out the matters Council will consider in determining car parking provision. This includes traffic generation, impacts on traffic and pedestrian safety and residential amenity, methods to ameliorate traffic generation impacts, characteristics of the streetscape and the site, and the construction method. These matters are addressed below.

### **Part E1.2.3: Compliance with the Parking Controls**

Where non-compliance with the parking controls is proposed, Council must be satisfied that the development seeks to minimise and manage the impact of traffic generation, and does not unreasonably increase demand for on-street parking, having regard to the existing context and capacity.

### **Part E1.5.2: Non-Residential Parking Generation Rates**

An assessment of the proposal against the base generation rates has been carried out by Council's Traffic Engineer and is provided below:

| Category                                   | DCP Minimum Required Parking | Proposed Parking* | Shortfall |
|--|------------------------------|-------------------|-----------|
| Car Parking (excluding accessible parking) | 231                          | 157               | 74        |

|                    |   |   |   |
|--------------------|---|---|---|
| Accessible Parking | 5 | 5 | 0 |
|--------------------|---|---|---|

\* The car parking provision is assessed for the entire school.

The proposal would result in a significant shortfall of 74 car parking spaces, which is not acceptable to Council's Traffic Engineer.

The proposal to utilise kerbside parking spaces to offset the on-site car parking requirements is not supported by Council's Traffic Engineer for the following reasons:

- Pursuant to Part F2.6 of the WDCP 2015, all parking, servicing and pick up/drop off arrangements should be provided on-site to minimise impacts on the adjoining community.
- The proposed car park is to be predominantly used by staff during school days, who will naturally occupy the parking spaces for the whole day, five days a week, with very low turnover rates. This does not constitute a reasonable use of the parking spaces as the proposal would deprive nearby residents/visitors of available parking spaces in the vicinity (estimated to be around 92.5%) on a daily basis, where anecdotal evidence shows that a typical weekday in surrounding streets of the school premises already consists of very high parking occupancy rates.
- The Traffic Report states that *"In the 1994 Class 1 appeal against the refusal of DA93/111 (construction of a 3-storey music complex), Commissioner Pearlman J accepted the evidence of the Colstrom Budd Traffic Report that there are 80 spaces within the school frontages, which off-set the on-site parking requirements"*. This
- Illegal parking, long delays and low level of service regarding traffic performance have been constantly observed in the surrounding area. Occupying nearly all available kerbside parking spaces has led to weaving of traffic during pick-up and drop-off peak hours, with students walking a long way in the chaotic traffic flow. Council's Traffic Section raises serious concerns of pedestrian, especially children's safety in this regard.

### Traffic Generation

A key consideration of the proposal is the existing traffic generation associated with the site, and traffic generation associated with the proposed development to:

- assess its impact on the surrounding road network; and
- evaluate its performance against aim (k) of the WLEP 2014, *"to minimise and manage traffic impacts"*.

The SIDRA analysis has been conducted on the intersection of Cranbrook Road and Victoria Road, as well as on the intersection of Carrington Avenue, Cranbrook Lane and Cranbrook Road. Council's Traffic Engineer notes that significant queuing, long delays and weaving of traffic have been observed during school drop-off and pick-up peak periods, as opposed to the suggested level of performance. This has been verified by Council's Compliance Section.

As such, Council's Traffic Engineer recommends that further investigation be undertaken and a more comprehensive analysis be provided, particularly relating to post-development traffic performance on both weekday and weekend peak hours, taking into consideration of:

- 1) the impact of bus and car pick-up/drop-off queues on through traffic and extending back to the intersections;
- 2) the increased traffic flow accompanied by the increase of 400 students on the surrounding road network (for both weekdays and weekends, taking into account use by visitors and staff);
- 3) the cumulative effects of combined traffic generated by the two proposals in the eastern and western precincts of the Victoria Road Campus on the surrounding road network; and
- 4) traffic mitigation measures to minimise adverse impacts on the local road network.



Therefore, based on the traffic and parking analyses undertaken, Council's Traffic Engineer is not satisfied that the proposed car park and increase in student numbers would not result in unacceptable impacts on traffic and parking in the vicinity of the school.

### Local Area Traffic Management

Council's Traffic Section raises concern over potential traffic overflow, access and safety issues associated with the development in general. Accordingly, Council requested details outlining the proposed Local Area Traffic Management (LATM) measures in accordance with Council's *Traffic Management Strategy 2014* including a more comprehensive traffic analysis. It was further recommended that traffic calming measures should include, but not limited to, the following:

- 1) installation of a pedestrian refuge on the intersection of Cranbrook Road and Victoria Road, to improve pedestrian crossing to Victoria Road; and
- 2) enhancement of line marking and signposting on the intersection of Carrington Avenue, Cranbrook Lane and Cranbrook Road for turning movements and safety.

Details of the proposed LATM measures have not provided by the Applicant.

### Construction Traffic Management Plan (CTMP)

A revised CTMP is required containing additional information as outlined in **Section 9**, including an alternative route for construction vehicles to access and egress the site, as the proposed route cannot be supported given the existing constraints within Cranbrook Lane.

### Conclusion

The Applicant has not demonstrated, to the satisfaction of Council, that the proposal seeks to minimise and manage the traffic generation associated with the proposed development, and would not have any unacceptable impact on the surrounding road network, and residential amenity.

Therefore, the proposal is unacceptable regarding Part E1.5.2 of the WDCP 2015.

## **Part E1.6 Bicycle Parking and End-of-Trip Facilities**

### Part E1.6.1 Calculating Required Bicycle Parking

C1 sets out the bicycle parking provision for all development. An assessment of the proposal against the bicycle parking base generation rates has been carried out by Council's Traffic Engineer and is provided below:

| Category        | DCP Minimum Required Parking | Proposed Parking | Shortfall |
|-----------------|------------------------------|------------------|-----------|
| Bicycle Parking | 76                           | 0                | 76        |

The proposal does not comply with C1 and would not satisfy Objective O1 "*To provide adequate and sufficient bicycle parking facilities for the purposes of encouraging active transport*".

As no bicycle parking is proposed, compliance with the following cannot be assessed:

- AS2890.3 *Bicycle Parking Facilities* in terms of security, accessibility and design specifications (C2); and
- the adequacy of end-of-trip facilities (O2, C3, C4).

Council's Traffic Section notes the following with regard to bicycle parking:

- The statement made by the Applicant that the site is unsuitably located to be accessed to and from via cycling, is not concurred with. Albeit, it is acknowledged that cycling would not be the preferred option by some students when carrying sporting, musical, and/or other schooling equipment.
- Only customer/visitor bicycle parking demand is calculated as no input has been provided regarding staff parking, which is expected to grow with the increased number of students. An additional space at a rate of 1 space per 10 staff would be required under Part E1.6.2.

### Conclusion

The proposal is therefore unacceptable regarding Part E1.6 of the WDCP 2015.

## **Part E1.7 Motorcycle Parking Rates**

### Part E1.7.1 Calculating Required Motorcycle Parking

The proposal would not satisfy Objective O1, and would not comply with Control C1, for the following reasons:

- the proposal would not provide adequate and sufficient motorcycle parking (O1); and
- the proposal would not achieve the minimum motorcycle spaces required under C1:

| Category           | Rate   | Minimum Required Parking Spaces | Proposed Parking | Shortfall |
|--------------------|--|---------------------------------|------------------|-----------|
| Motorcycle Parking | 1 motorcycle parking space per 10 car parking spaces | 24                              | 16               | 8         |

The applicant has indicated that they would investigate where the additional 8 required motorcycle spaces can be accommodated on-site, in their response to Council. The applicant was not afforded the opportunity to provide this information to Council due to the final submission terms outlined to the applicant.

C2 states that motorcycle spaces must have a minimum dimension of 1.2m x 2.5m. C3 states that motorcycle spaces should be located close to the pedestrian access of the development. Compliance with C2 and C3 has not been determined at this stage, pending the request for future amended plans to address the motorcycle parking shortfall.

### Conclusion:

The proposal is therefore unacceptable regarding Chapter E1.7 of the WDCP 2015.

## **Part E1.8 Variations to the Parking Generation Rates**

There are no mitigating circumstances under Part E1.8 that would permit variation to the required car parking, bicycle parking, and motorcycle parking spaces.

## **Part E1.9 Special Provisions**

### Part E1.9.1 Car Parks with 20 or More Spaces

Part E1.9.1 states that parking is to be accommodated undercover in a basement area where more than 20 car parking spaces are provided on-site.

The proposal is therefore acceptable regarding Part E1.9.1.

### Part E1.9.5 Parking Space for People with a Disability

The proposed development must provide accessible parking spaces in accordance with Part D3.5 of the BCA.

Council's Traffic Engineer has determined that the proposal provides for compliant provision of accessible parking spaces as indicated in the table above.

The proposal is therefore acceptable regarding Part E1.9.5.

## **Part E1.10 Parking and Access Design Standards**

Compliance with the relevant Australian Standards for the design of parking/turning paths/aisle width/access can be conditioned to comply.

### Part E1.10.6 Driveways and Access Points

#### Access Driveway

Council's Traffic Engineer has commented on the proposed access driveway, as follows:

- the proposed driveway adopts a gradient of 1 in 20 (5%) for the first 6m into the car park, which complies with Clause 3.3 of AS/NZS 2890.1:2004 and is deemed satisfactory; and
- The proposed 6m two-way driveway for a Category 3 access facility is deemed acceptable.

#### Sight Splay

Council's Traffic Engineer has advised pursuant to Clause 3.2.4 of AS/NZS 2890.1:2004:

- a 2m x 2.5m driveway sightline splay should be provided along both sides of the driveway to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath; and
- any landscape proposed within the pedestrian splays is to be groundcover type to ensure visibility.

The above matters can be conditioned.

## **E1.12: Green Travel Plans**

Pursuant to C1 under Part E1.12.1 of the WDCP 2015, a Green Travel Plan (GTP) is required for educational establishments allowing an additional 100 or more students.

Council's Traffic Engineer considers that given there is an increase of 400 students, and a significant undersupply of parking provision, combined with the abovementioned potential traffic issues related, the GTP should be submitted along with the proposal for assessment, prior to consent.

A GTP was not submitted with the application, and was not provided in response to Council's request for a GTP. The Scots College in its written response to Council advised that it considers this to be a matter than can be conditioned.

Given the proposed car parking shortfall and the College's two-part plan as expressed in their application to better deal with traffic and parking issues associated with the day to day operation of the College, it is disappointing that consideration of ways to encourage active and public transport was not considered as part of a holistic approach to tackling historic and ongoing traffic and parking issues.

Whilst not a ground for refusal on its own, failure to provide a GTP has not enabled Council to be satisfied of the required matters under the Education SEPP, the WLEP 2012 and the WDCP 2015 regarding traffic and parking impacts and residential amenity.

### **Part E1.13: Operational Traffic Management Plan**

Operational Traffic Management Plans (OTMP) are required for development that is likely to impose a significant impact on the surrounding road network.

An OTMP is required under Part E1.13.1 of the WDCP 2015. An OTMP was not submitted with the application. Council's Traffic Engineer requested that an OTMP be provided. The Scots College in its written response to Council advised that it considers this to be a matter than can be conditioned.

The formulation of an OTMP including implementation measures to ensure a safe and efficient environment for pick-up and drop-off and to minimise impacts on the surrounding road network is a key omission of the proposal and places doubt on the commitment of the College to addressing the current traffic and parking issues.

Whilst not a ground for refusal on its own, failure to provide an OTMP has not enabled Council to be satisfied of the required matters under the Education SEPP, the WLEP 2012 and the WDCP 2015 regarding traffic and parking impacts and residential amenity.

## **16.5. Chapter E2: Stormwater and Flood Risk Management**

Council's Development Engineer has raised no issues regarding drainage, subject to conditions. Council's Drainage Engineer has determined that the proposal is satisfactory and no flood specific conditions are required.

The proposal is therefore acceptable regarding Chapter E2.

## **16.6. Chapter E5: Waste Management**

Chapter E5 is applicable to all development and seeks to establish waste minimisation and sustainable waste management during demolition and construction phases and throughout the on-going use of the building.

The applicant has provided a Site Waste Minimisation and Management Plan with the development application and it was found to be satisfactory.



## **16.7. Chapter F2: Educational Establishments**

### **16.7.1. Part F2.1.4: Objectives**

The objectives of Chapter F2 are:

- O1 To encourage well designed educational establishments that balance the requirements of students and staff, with the amenity of the adjacent properties.*
- O2 To protect views and vistas.*
- O3 To protect and conserve heritage conservation areas, and heritage items located on or adjacent to an educational establishment.*
- O4 To encourage all schools to provide sufficient open spaces on site, and protect existing open spaces.*
- O5 To encourage a safe, efficient and co-ordinated traffic network which considers all users.*
- O6 To encourage community uses of educational establishments that do not unreasonably impact on surrounding residents.*

#### Assessment:

Based on the conclusions made in **Section 16.7** below and elsewhere in this report, the proposal would not satisfy Objectives O1, and O5 for educational establishments under Part D2.1.4 of the WDCP 2015.

### **Part F2.2: Building and Urban Design**

The proposal would satisfy Objectives O1, O2, and O3 and would comply with Controls C1, C2, and C3, as follows:

- the built-form is well designed and would ensure a positive streetscape contribution;
- the open style of the boundary fence along Cranbrook Lane and entrance gate would permit viewing from the public domain into the College;
- significant views of Macintyre house within the College grounds and the public domain would be preserved;
- the car park entry is clearly defined;
- the height, scale, bulk, and materials are contextually appropriate;
- energy efficient lighting to the basement car park is proposed; and
- the proposal would not give rise to any unacceptable overshadowing impacts to adjoining properties.

The proposal is therefore acceptable regarding Part F2.2 of the WDCP 2015.

### **16.7.2. Part F2.3: Siting of Development**

The proposal would satisfy Objectives O1, O2, and O3 and would comply with Controls C4, and C5.

There are no significant public views that would be affected by the proposal.

The proposal is therefore acceptable regarding Part F2.3 of the WDCP 2015.

### **16.7.3. Part F2.4: Heritage Conservation**

The proposal would not detract from the significance of Macintyre House and listed items in the vicinity. The proposed encroachment on the TPZ of 2 x historically significant *Weeping Hills Fig* trees (Tree 1 & Tree 2) is supported by Council's Landscaping Officer, noting, no pruning works are authorised (The requirement for a separate tree pruning permit is to be conditioned).

Council's Heritage Officer has raised no objections to the proposal, subject to conditions (Refer **Section 9**).

As such, the proposal is acceptable regarding Part F2.4 of the WDCP 2015.

### **Chapter F2.5: Open Spaces**

The proposal would not alter the existing provision of open space. The proposed demolition of the existing tennis courts to accommodate the new car park would be reinstated under the proposal.

As such, the proposal is acceptable with regard to Part F2.5 of the Woollahra DCP 2015

### **Part F2.6: Traffic, Parking and Access**

An assessment of the proposal against the objectives and underlying controls in Part F2.6, is provided below:

**O1** *To require efficient and effective road and pedestrian circulation networks*

**C1** *The education establishment does not unreasonably impact on the surrounding road network, specifically in relation to pedestrian safety and vehicle traffic. A Traffic And Pedestrian Management Plan (TPMP) may be required to demonstrate impacts.*

#### Assessment:

Based on the conclusions made in Section 16.4 and elsewhere in this report, the applicant has not demonstrated, to the satisfaction of Council, that the proposal would not unreasonably impact upon the surrounding road network, specifically in relation to pedestrian safety and vehicle traffic.

Strategies to discourage students from driving to school is listed as a minimum requirement for the preparation of a TPMP. The proportion of self-driven students anticipated with the student increase and amelioration measures to minimise traffic and parking impacts on the surrounding area is a matter that was raised by the Panel at the application Briefing. This has not been adequately addressed in the additional information submission.

As such, the proposal does not satisfy Objective O1 or C1.

**O2** *To minimise conflict between vehicles and pedestrian, particularly at entrances.*

**C2** *Pedestrian access is provided to all frontages that adjoin the public domain.*

**C3** *Pedestrian access is segregated from vehicle access with clearly defined paths.*

**C4** *Equitable access is provided in accordance with Chapter E1 Parking and Access.*

Assessment:

A separate pedestrian gate is proposed. To ensure adequate visibility between vehicles leaving the car park and pedestrians on the road frontage footpath, Council's Traffic Engineer recommends that a condition be imposed requiring the provision of driveway sightline splay in accordance with Clause 3.2.4 of AS/NZS 2890.1:2004.

The proposal is therefore acceptable regarding O2, C2, C3 and C4.

- O3 To minimise the impact on the surrounding community due to the arrival and departure of students.*
- C5 Pedestrian areas are at key entry points to accommodate the concentration of pedestrians, e.g. pick up time.*
- C6 For a new educational establishment or major development of an existing establishment – an internal driveway for vehicles is provided for picking-up and dropping-off students.*

Assessment:

A designated pick-up/drop-off for students is proposed on the western precinct of the Victoria Road campus at 17-25 Ginahgulla Road under DA389/2019/1. Assessment of this application is still pending following an unsatisfactory traffic referral response.

Compliance with O3, C5 and C6 will be addressed as part of DA389/2019/1.

- O4 To minimise demand for on-street parking.*
- O5 To provide for adequate on-site parking for staff, visitors, disabled persons, delivery service, emergency vehicles, and tertiary students.*
- C7 Development complies with the parking requirements in Chapter E1.*
- C8 Provision is made on-site for service and emergency vehicles.*

The proposal does not comply with the car parking requirement in Chapter E1 of the WDCP 2015. The reliance on-street car parking to offset the shortfall is not supported by Council's Traffic Engineer, as discussed previously in this Report.

As such, the proposal does not satisfy Objectives O4 and O5, and Control C7.

The College has provision on-site for service and emergency vehicles, in accordance with C8.

- O6 To encourage use of bicycles as a means of travel to educational establishments.*
- C9 Bicycle parking is provided.*
- C10 For secondary and tertiary establishments – dedicated secure bicycle parking is provided at the following rates:*

- a) 5% of staff numbers;
  - b) 10% of full time student numbers;
- at a central location and with associated changed rooms and showers.

No bicycle parking spaces or facilities are proposed. No details of any increase in staff to tend to the additional 400 students has been provided with the application.

As such, the proposal does not satisfy Objective O6 or Controls C9 and C10.

#### Conclusion:

Therefore, the proposal is generally unacceptable regarding Part F2.6 of the WDCP 2015.

#### **Part F2.7: Planting, Fencing and Hard Surfaces**

The proposal satisfies the relevant Objectives O1, O2, and O3, and would comply with Controls C1, C2, C3, C4, C6, and C7, in the following manner:

- significant trees are retained on the site;
- the proposal provides for adequate canopy replacement trees to replace low-value trees along the Cranbrook Lane boundary to be removed;
- the landscape design would ensure a positive streetscape contribution; and
- the open style of the proposed boundary fence and entrance gate would facilitate views from the public domain.

The proposal is therefore acceptable regarding Part F2.7 of the WDCP 2015.

#### **Part F2.8: Community Use**

The proposed car park and tennis courts are not intended to for use by the wider community. As such, there are no relevant matters of consideration regarding the proposed operations and likely impacts regarding community use of the proposed facilities.

#### **Conclusion**

The proposal is unacceptable with regard to the objectives and controls in Chapter F2 of the Woollahra DCP 2015.

### **17. DRAFT AMENDMENTS TO POLICIES AND PLANS**

### **18. SECTION 94 CONTRIBUTION PLANS**

#### **18.1. Section 94A Contributions Plan 2011**

In accordance with Schedule 1, a 1% levy applies with the monies being used for a variety of works as outlined in Schedule 2 of the Section 94A Contributions Plan 2011, as follows:

| Cost of Works | Rate | Contribution Payable |
|---------------|------|----------------------|
| \$10,646,975  | 1%   | \$106,469.75         |

Should this application be approved, a condition of consent is to be included to this effect.



## **19. APPLICABLE ACTS/REGULATIONS**

### **19.1. Environmental Planning and Assessment Regulation 2000**

#### **Clause 92: What Additional Matters Must a Consent Authority Take Into Consideration in Determining a Development Application?**

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires Council to consider Australian Standard *AS 2601-2004: The demolition of structures*. Compliance with AS 2601-2004 can be conditioned.

## **20. THE LIKELY IMPACTS OF THE PROPOSAL**

Consideration of all likely impacts associated with the proposal have been discussed elsewhere in this Report.

In summary, the Applicant has not demonstrated, to the satisfaction of Council, that the proposal would not have an unacceptable impact on the surrounding area, in terms of traffic and parking impacts and residential amenity.

As such, the proposal is recommended for refusal for the reasons outlined in **Section 25**.

## **21. THE SUITABILITY OF THE SITE**

The site is unsuitable for the proposed development. The applicant has not demonstrated to the satisfaction of Council that the proposed car park to support an additional 400 students would not have an unacceptable impact on the surrounding road network and residential amenity.

## **22. THE PUBLIC INTEREST**

The proposal is not considered to be in the public interest. The localised and wider public interest is not served by the proposal, for the following reasons:

- the car parking shortfall and reliance on on-street parking would reduce the available of on-street parking to residents to an unacceptable level;
- no on-site bicycle parking is proposed;
- consideration of the construction traffic impacts and measures to encourage active and public transport has not been adequately demonstrated; and
- the Applicant has not submitted an *Operational Traffic Management Plan*, *Green Travel Plan*, *Pedestrian and Traffic Management Plan*, or *Construction Traffic Management Plan* as part of the proposal to enable a proper assessment of the traffic and parking impacts associated with the proposed car park and student increase.

## **23. CONCLUSION**

The proposal is unacceptable against the relevant considerations under Section 4.15 for the following reasons:

1. The proposal is unacceptable regarding the aim of WLEP 2014 to *protect amenity*, and to *minimise and manage traffic and parking impacts*.
2. The proposal does not satisfy *Principles 5 & 6* for the design of schools under SEPP (Educational Establishments and Child Care Centres) 2017.

3. The proposal would be unacceptable regarding the WDCP 2014 regarding impacts on the amenity of adjoining and adjacent development, and traffic and parking impacts.
4. The applicant has not demonstrated, to the satisfaction of Council, that the proposal would have an acceptable impact on the locality in terms of traffic and parking impacts and associated loss of residential amenity.
5. The site is unsuitable for the proposed development.
6. The proposal is not in the public interest.

## **24. DISCLOSURE STATEMENTS**

There have been no disclosure statements regarding political donations or gifts made to any Councillor or to any council employee associated with this development application by the applicant or any person who made a submission.

## **25. RECOMMENDATION: PURSUANT TO SECTION 4.16 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

THAT the Sydney Eastern City Planning Panel, as the consent authority, refuse DA390/2019/1 for demolition of the existing tennis courts at The Scots College, excavation to create underground car parking and associated facilities with new tennis courts above and new (re-located) entry from Cranbrook Lane, and an increase in the approved student numbers from 1,120 to 1,520 on land at 29-53 Victoria Road BELLEVUE HILL, for the following reasons:

### **1. Car Parking and Pedestrian Safety**

- a) The proposal yields a shortfall of 74 on-site car parking spaces for the total site.
- b) The proposal relies on on-street parking to offset the car parking shortfall, which is unacceptable in terms of unreasonably reducing on-street parking availability to residents, increasing traffic impacts, and increasing the safety risk to pedestrians, especially children.
- a) The proposal is therefore inconsistent with the following:

#### **Woollahra Development Control Plan 2015**

- i. Part B3.6 - Objective O3
- ii. Part E1.5.2
- iii. Part F2.6 – Objective 04, 05, Control C7

### **2. Bicycle Parking**

- a) The proposal does not make any provision for bicycle parking facilities for the purposes of encourage active transport.
- a) The proposal is therefore inconsistent with the following:

#### **Woollahra Development Control Plan 2015**

- i. Part E1.6.1 - Objective O1, Control C1
- ii. Part F2.6 – Objective O6, Controls C9 and C10

### 3. Traffic Impacts

- b) Council's Traffic Section raises concern over potential traffic overflow, access and safety issues associated with the development in general,
- a) The proposal is therefore inconsistent with the following:

#### **Woollahra Local Environmental Plan 2014**

- i. Clause 1.2(2) - Aim (k)
- ii. Part F2.1.4 – Objective O5
- iii. Part F2.6 – Objective O1, Control C1

### 4. Residential Amenity

- a) The proposed use of on-street car parking to offset the car parking shortfall would reduce on-street parking available to surrounding residents and give rise to unacceptable traffic and parking impacts, and increase the risk to pedestrian safety.
- b) The application has not adequately considered the traffic and parking impacts of the proposal on the surrounding area.
- c) The proposal is therefore inconsistent with the following:

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

- i. Clause 35(6)(a), Schedule 4 - Principle 5

#### **Woollahra Local Environmental Plan 2014**

- ii. Clause 1.2(2) - Aims (a) and (k)

#### **Woollahra Development Control Plan 2015**

- iii. Part B1.1.3 - Objective O4
- iv. Part B3.8.9 - Objective O1
- v. Part B3.8.9 - Control C3
- vi. Part F2.1.4 - Objective O1

### 5. Intensification of Use

- a) The proposed increase of 400 students combined with a significant undersupply of on-site parking provision would result in an increase in intensity of use and additional unacceptable impact on residential amenity and traffic and parking impacts in the vicinity of the site.
- b) Consideration of the future needs of the school has not been satisfactorily demonstrated by the proposal.
- c) The proposal is therefore inconsistent with the following:

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

- i. Clause 35(6)(a), Schedule 4 - Principle 6

## 6. Suitability of Site

- a) The site is unsuitable for the proposed development. The applicant has not demonstrated to the satisfaction of Council that the proposed car park to support an additional 400 students would not have an unacceptable impact on the surrounding road network and residential amenity.

## 7. Public Interest

- a) Due to the deficiencies detailed above, approval of the proposed development would be contrary to the public interest.
- b) Approval of the subject application would set an undesirable precedent for similar development in the area with respect to the insufficient provision of on-site car parking.

## 8. Insufficient Information

### Traffic

- a) Council's Traffic Engineer is not satisfied that the proposed car park and increase in student numbers would not have unacceptable impacts on traffic and parking in the vicinity of the school, based on the traffic and parking analyses undertaken. Further investigation is required to be undertaken on both weekday and weekend peak hours with consideration of:
  - i. the impact from pick-up/drop-off queues on through traffic;
  - ii. the increased traffic flow accompanied by the increase of 400 students;
  - iii. the cumulative effects of combined traffic generated by the two proposals in the eastern and western precincts of the Victoria Road Campus on the surrounding road network.
- a) Given the nature of the proposed development, a Construction Traffic Management Plan (CTMP) is required in advance (assessment stage) to assess feasibility and potential traffic impacts of construction works on the surrounding road network, especially on the impacts of pedestrian and children safety during construction periods.
- b) Council's Traffic Section raises concern over potential traffic overflow, access and safety issues associated with the development in general, it is thus essential that the developer undertake studies in advance, with considerations of traffic issues raised above, to explore necessary traffic mitigation measures to minimise adverse impacts on the local road network.
- c) Pursuant to E1.12.1 of Council's DCP, a (GTP) is required for educational establishments allowing an additional 100 or more students, and should be submitted along with the proposal for assessment prior to consent. Given there is an increase of 400 students, and a significant undersupply of parking provision, combined with historical and ongoing traffic and parking issues, it is essential that a Green Travel Plan be developed and implemented by the College to facilitate the use of public transport and reduce vehicle use.
- d) Pursuant to Part E1.13.1 of the WDCP 2015, an *Operational Traffic Management Plan* (OMTP) is required to ensure a safe and efficient environment for pick up and drop off.
- e) Pursuant to Part F2.6, a *Traffic and Pedestrian Management Plan* (PTMP) is required to demonstrate that the educational establishment would not unreasonably impact on the surrounding road network, specifically in relation to pedestrian safety and vehicle traffic.



Strategies to discourage students from driving to school is listed as a minimum requirement for the preparation of a TPMP.

- f) Only customer/visitor bicycle parking demand is calculated as no input has been provided regarding staff parking, which is expected to grow with the increased number of students. An additional space at a rate of 1 space per 10 staff would be required under Part E1.6.2.

## **ANNEXURES**

| <b>Annexure</b> | <b>Document</b>                            |
|-----------------|--|
| <b>1</b>        | Architectural Plans                        |
| <b>2</b>        | Design Statement                           |
| <b>3</b>        | Geotechnical Report                        |
| <b>4</b>        | Heritage Impact Statement                  |
| <b>5</b>        | Planting Schedule                          |
| <b>6</b>        | Preliminary Contamination Assessment       |
| <b>7</b>        | Statement of Environmental Effects         |
| <b>8</b>        | Response to Additional Information Request |
| <b>9</b>        | Stormwater Drawings                        |
| <b>10</b>       | Traffic Impact Assessment                  |
| <b>11</b>       | Tree Table                                 |
| <b>12</b>       | Arborist Report                            |