

Item 3.**Development Application: 52-58 William Street Woolloomooloo - D/2022/1354****File No.: D/2022/1354****Summary**

Date of Submission:	4 January 2023
Applicant:	Sam McGough - Urbis
Architect/Designer:	Woods Bagot Architects
Developer:	St Mary's Cathedral College
Owner:	The Trustees of the Roman Catholic Church
Planning Consultant:	Sam McGough - Urbis
Heritage Consultant:	Alexandria Cornish - Urbis
Cost of Works:	\$19,731,219.00
Zoning:	<p>The site is located within the MU1 - Mixed Use zone.</p> <p>The proposed development is for change of use of part of the basement, lower ground, ground and first floor of the existing building for the purpose of an educational establishment and associated alterations and additions.</p> <p>The existing commercial uses and associated plant on the remaining parts of the basement, lower ground, ground and the upper floors will be retained.</p> <p>This is permissible with consent in the zone under the Sydney Local Environmental Plan 2012.</p>
Proposal Summary:	<p>The application seeks development consent for change of use of the basement, lower ground floor, ground floor and level 1 of the existing building to an educational establishment. The purpose of the application is to facilitate an extension of the existing St Mary's Cathedral College for up to 300 students at the new campus.</p>

The proposal includes associated fitout and alteration works, heritage conservation works, alterations to the at grade car parking area at the rear, and construction of a raised landscaped terrace area over to accommodate 75 students at any one time. Proposed hours of operation of the educational establishment are 7am to 6pm Monday to Friday.

The application is referred to the Local Planning Panel for determination as it is 'contentious development', being the subject of over 25 unique submissions by way of objection.

The application was notified between 6 January 2023 and 2 February 2023 in accordance with Schedule 1 of the Environmental Planning and Assessment Act, 1979.

The City received 63 submissions objecting to the proposal during and after this notification period. Submissions predominantly raised concerns around potential traffic impacts, noise, safety, visual privacy, construction impacts and waste collection.

Following an assessment of the application, the applicant was requested to address a number of issues relating to the proposed floor space ratio of the building, traffic impacts, contamination, noise and privacy from the raised outdoor space, heritage issues, landscaping, public domain, canopy cover, and waste management.

Amended drawings were received on 30 June 2023 which included internal amendments, a revised design of the outdoor play area and it was proposed that all pick-up and drop-off of students was to occur from the existing St Mary's Cathedral College campus.

The amended drawings were re-notified between 7 August 2023 and 22 August 2023.

The City received 13 submissions objecting to the amended proposal during and after this notification period. Concerns were raised regarding traffic impacts, security issues and privacy impacts.

The proposed height of the new additions to the building comply with the maximum height control of 40 metres under Clause 4.3 of the Sydney Local Environmental Plan 2012.

The proposed density of the development complies with the maximum floor space ratio (FSR) control of 5:1 under Clause 4.4 of the Sydney Local Environmental Plan 2012.

As a result of the modifications made to the proposed development and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the conditions of the site and locality. The amended proposal is generally acceptable with regard to the applicable planning controls, results in a form and scale that achieves the desired future character of the area and exhibits design excellence.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000
 - (ii) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
 - (iii) State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
 - (iv) State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
 - (v) State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
 - (vi) Sydney Water Act, 1994
 - (vii) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
 - (viii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
 - (ix) City of Sydney Guidelines for Waste Management in New Developments
 - (x) City of Sydney Development Contributions Plan 2015

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application Number D/2022/1354 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The development, subject to conditions, is consistent with the objectives of the MU1 Mixed Use zone.
- (C) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (D) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012 and the design of the development responds appropriately to the scale of surrounding buildings.
- (E) The proposed density of the development complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The development, subject to conditions, exhibits design excellence and satisfies the provisions of Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (G) Subject to conditions, the proposal generally satisfied the relevant strategy, objectives and provisions of the Sydney Local Environmental Plan 2012 and the Transport and Infrastructure SEPP.

Background

The Site and Surrounding Development

1. The site is located at 52-58 William Street, Woolloomooloo and accommodates five allotments, legally described as Lot 1 in Deposited Plan 122904, Lot 1 in Deposited Plan 62717, Lot 1 in Deposited Plan 114669, Lot 2 in Deposited Plan 1046917 and Lot 1 in Deposited Plan 1046917.
2. The site is irregular in shape with area of approximately 1,483 square metres. It has a primary street frontage of 34.5 metres to William Street and a secondary street frontage of 38.5 metres to Busby Lane. The site is located close to the intersection of William Street and Boomerang Place which becomes Yurong Parkway.
3. The site contains a 9-storey commercial building. The building accommodates basement tenancies, plant and storage, a ground floor lobby entrance, a ground floor café tenancy, and six storeys of commercial tenancies above.
4. The site is a local heritage item (item number 2198) known as a 'Commercial building "Peejays Building" including interior'. It is not located within a heritage conservation area.
5. The surrounding area is characterised by a mixture of land uses, primarily being high rise residential and commercial. To the immediate north and west of the site is a 12 and 15 storey residential development known as the 'Park Lane Towers' at 1 Boomerang Place.
6. To the east of the site along William Street is a shop-top housing development known as the 'Paramount' complex at 60 - 70 William Street which accommodates ground level commercial uses and residential uses above. To the east across Busby Lane are mixed use commercial and office buildings.
7. To the south of the site, across William Street is a row of three-storey buildings accommodating commercial, retail and food and drink uses.
8. The rear portion of the site is located within the Cathedral Street Area locality (DCP map 2.4.2) and the front portion of the site is located within the William Street locality (DCP map 2.4.1). The site is identified as being subject to flooding.
9. A site visit was carried out on 2 March 2023. Photos of the site and its surroundings are provided below:

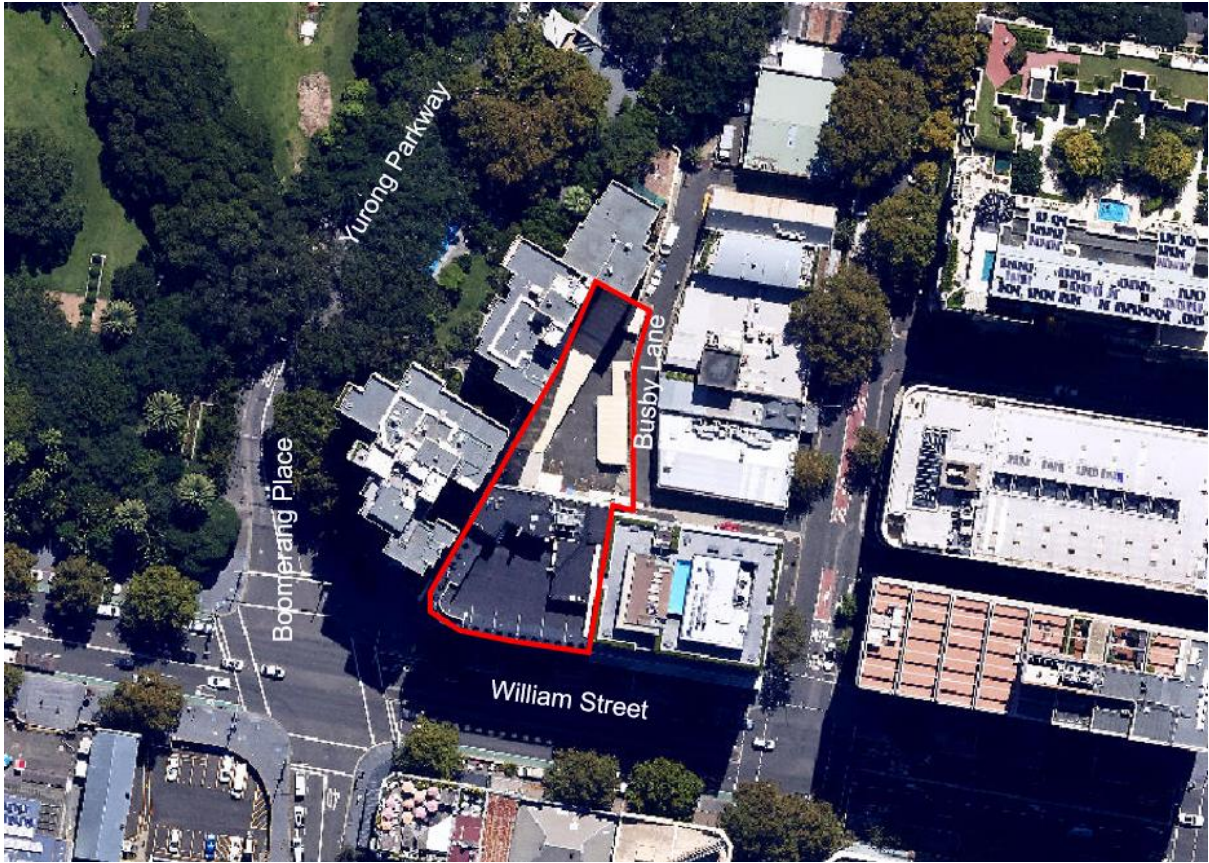


Figure 1: Aerial view of the site (shown outlined in red) and its surroundings



Figure 2: The site viewed from William Street



Figure 3: The site viewed from the corner of Boomerang Place and William Street, looking east



Figure 4: View south towards the rear of the subject site from the existing car park



Figure 5: View north over the existing subject car park (proposed location of raised outdoor space)



Figure 6: View west across the site from Busby Lane towards 1 Boomerang Place



Figure 7: View southeast towards the rear of 60 - 70 William Street from the subject car park



Figure 8: View east towards the mixed-use commercial buildings across Busby Lane from the subject car park



Figure 9: Internal view of subject building.

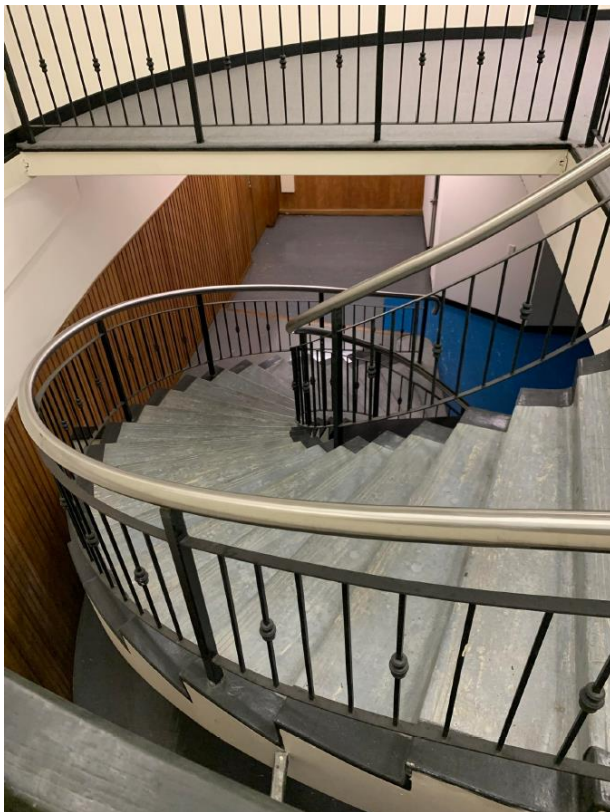


Figure 10: View of existing staircase from the basement to lower ground level

History Relevant to the Development Application

Relevant Applications

10. The following applications are relevant to the current proposal:
- (a) **D/2022/1371** - On 16 February 2023 development consent was granted for internal alterations to Suite 402 for an office premises on level 4.
 - (b) **PDA/2022/245** - A pre-development application (DA) request to Council was made on 9 November 2022 regarding a proposal for change of use of the ground level and level 1 for educational establishment. Council provided pre-DA advice on 5 December 2022 regarding the proposed use, heritage, active frontage, a signage strategy, transport impacts, sustainability requirements, waste management, social impact statement, contamination, acoustic privacy, landscaping and crime prevention through environmental design.
 - (c) **D/2019/341** - On 30 January 2020 development consent was granted for internal and external alterations and use of tenancy G02 on the ground floor as a Snap Fitness Gymnasium including signage.
 - (d) **D/2018/303** - On 17 April 2018 development consent was granted for use and fitout of suite 202 on level 2 as an office.
 - (e) **D/2017/499** - On 3 May 2017 development consent was granted for internal fitout of the existing commercial tenancy on level 4 and office use.
 - (f) **D/2017/216** - On 14 March 2017 development consent was granted for internal fitout and use of part of level 5 as an office premises.
 - (g) **D/2016/714** - On 5 October 2016 development consent was granted for alterations and use of shop G01 on the ground level as a café including signage. This consent was later modified.
 - (h) **D/2013/1431** - On 30 September 2013 development consent was granted for internal alterations to shop G02 including installation of a new timber floor, security trellis doors and window grille.
 - (i) **D/2013/1430** - On 24 October 2013 approval was granted for temporary signage to shopfront windows on the ground floor (shop G02) for a time period of 3 months.
 - (j) **D/2012/950** - On 17 August 2012 development consent was granted for the fitout of a new commercial preparation kitchen within the lower ground floor of the building.
 - (k) **D/2011/1425** - On 19 December 2011 development consent was granted for the installation of 4 pergola shade structures to cover the ground level parking spaces at the rear of the site facing Busby Lane.

Compliance Action

11. The site is not subject to current compliance action.

Amendments

12. Following a preliminary assessment of the proposed development by Council Officers a stop the clock letter requesting further information regarding the calculation of gross floor area and the floor space ratio of the building was sent on 6 January 2023.
13. The applicant responded to the request on 17 January 2023 by providing further clarification and amended gross floor area plans.
14. On 30 January 2023, Transport for NSW requested that Council seek clarification from the applicant in relation to the requirement for a school zone and requested that the existing car park be designed to facilitate pick-up and drop-off movements.
15. Following a detailed assessment by Council, a request for additional information and amendments was sent to the applicant on 10 March 2023 regarding Transport for NSW traffic management concerns, drop off and pick up activities, site contamination, noise, privacy and landscaping of the outdoor space, solar impacts, heritage issues, bicycle parking, public domain information and waste management.
16. The applicant responded to the request on 30 June 2023 by providing amended architectural and landscape drawings, a detailed site investigation, an updated traffic and parking statement confirming that all drop-offs and pick-ups would occur at the existing main campus, an updated noise report and public domain civil plans.
17. A further request for information was sent to the applicant on 12 September 2023. Further information and clarification were sought around noise management and privacy impacts of the raised outdoor open space, solar access and availability of bicycle parking.
18. The applicant responded to the request on 3 October 2023 by providing revised architectural drawings, a revised noise impact assessment and an amended operational management plan.

Proposed Development

19. The application seeks consent for change of use of the basement, lower ground floor, ground floor and level 1 of the existing building to an educational establishment.
20. The proposed change of use will facilitate an extension of St Mary's Cathedral College located at 2 St Marys Road (primary campus) for up to 300 senior school students and 15 staff.
21. The proposed educational facilities on the site (the William Street campus) will accommodate relief classes (performance, liberal arts and theory classes) for senior school students as part of the flexible timetable education offering of the school. The primary campus and the William Street campus form part of one school which shares facilities and delivers the education offering for students.
22. Proposed hours of operation of the William Street campus are 7am to 6pm Monday to Friday. All pick up and drop offs of students are proposed to occur at the existing St Mary's Cathedral College campus, located 300m from the site at 2 St Mary's Road, Sydney.

23. The proposal includes associated internal fitout and alteration works for the purpose of general learning, specialised learning and administration spaces. Alterations also include changes to the at grade car parking area at the rear, and construction of a raised landscaped play space area over to accommodate 75 students at any one time. Proposed hours of the outdoor open space are from 10am to 2pm Monday to Friday.
24. Specific details of the proposed development are provided under each of the headings provided below.

Basement

- (a) Demolition works to remove existing commercial layout
- (b) Internal alterations to include:
 - (i) A multi-purpose performance space
 - (ii) Fitness/dance studio with dedicated changing rooms
 - (iii) End of Trip facilities, including showers and lockers
 - (iv) Accessible bathroom and shower
 - (v) Dedicated storage area
- (c) Retain the original internal elliptical staircase and upgrade balustrade to ensure National Construction Code compliance
- (d) Existing plant and main switch room to remain for existing commercial use.

Lower ground

- (e) Demolition works to remove the existing commercial layout
- (f) Internal alterations to include:
 - (i) General learning spaces
 - (ii) Bathrooms including one accessible bathroom
 - (iii) End of Trip facilities dedicated for staff use, including lockers and an accessible shower
 - (iv) Reinstatement of the existing street pavement lights along the site frontage as per the original design
 - (v) Provision of new access to the car park at the rear of the site with metal steps
 - (vi) Reinstatement of the original void at lower ground and construction of a new elliptical staircase providing access from lower ground to ground level
 - (vii) Existing internal loading dock and storage rooms to remain for existing commercial use
- (g) External works to the lower ground level at the rear include:

- (i) Demolition of existing car park shade structures
- (ii) 6 staff/ employee bicycle parks
- (iii) Reconfiguration of the existing car park to retain 10 commercial car spaces for existing tenants
- (iv) New waste store, bulky waste and loading area
- (v) Landscaping

Ground level

- (h) Demolition works to remove existing commercial layout
- (i) Internal alterations to develop the lobby/ entrance into the proposed school including:
 - (i) An administration area located at the main student entry off William Street
 - (ii) Flexible learning space
 - (iii) Restore existing internal glass floor light
 - (iv) Provision of a separate student, commercial and café entry from William Street
 - (v) Construction of a new elliptical staircase in the original design location providing access from ground level to level 1
- (j) Reinstatement of existing street pavement lights on William Street
- (k) Relocation of the sprinkler and hydrant booster to the southern façade elevation
- (l) Construction of a new raised outdoor open space area for use by up to 75 students at one time including landscaping, shade structures and seating.
- (m) The existing café on the eastern side of the ground floor will remain and does not form part of this DA.

Level 1

- (n) Demolition works to remove existing commercial layout
- (o) Internal alterations to level one to include:
 - (i) Open learning space
 - (ii) Staff room
 - (iii) An accessible bathroom
 - (iv) Repair of the dome skylight which provides light to the ground floor below

25. Plan, elevation, section and axonometric drawing extracts of the proposed development are reproduced in the figures provided below.

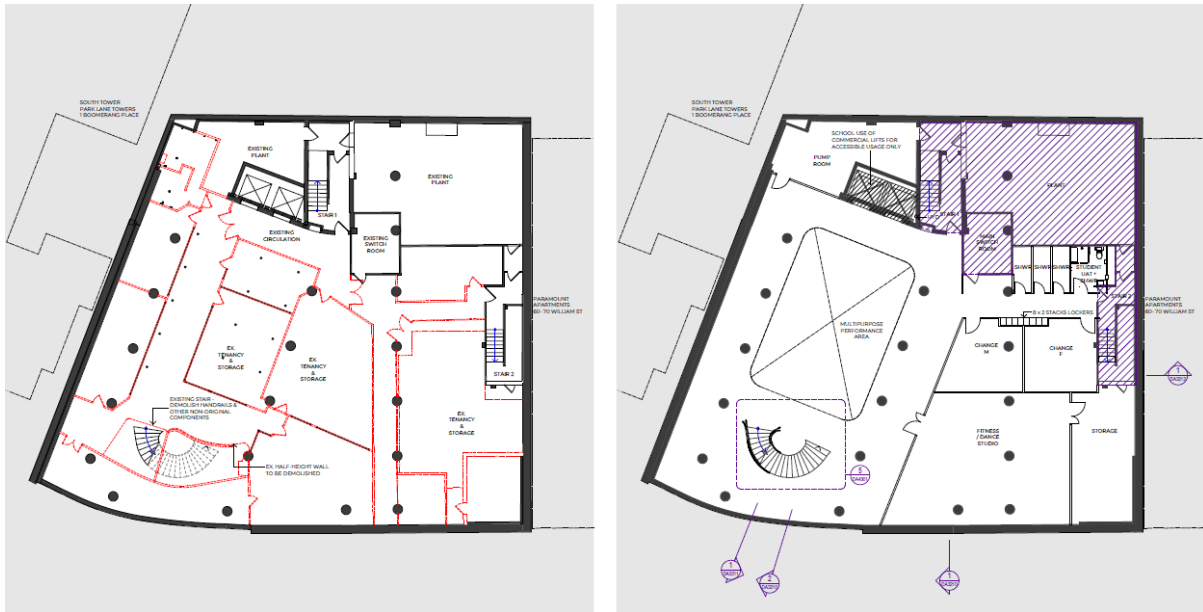


Figure 11: Proposed internal basement demolition (left) and proposed basement floorplan (right)

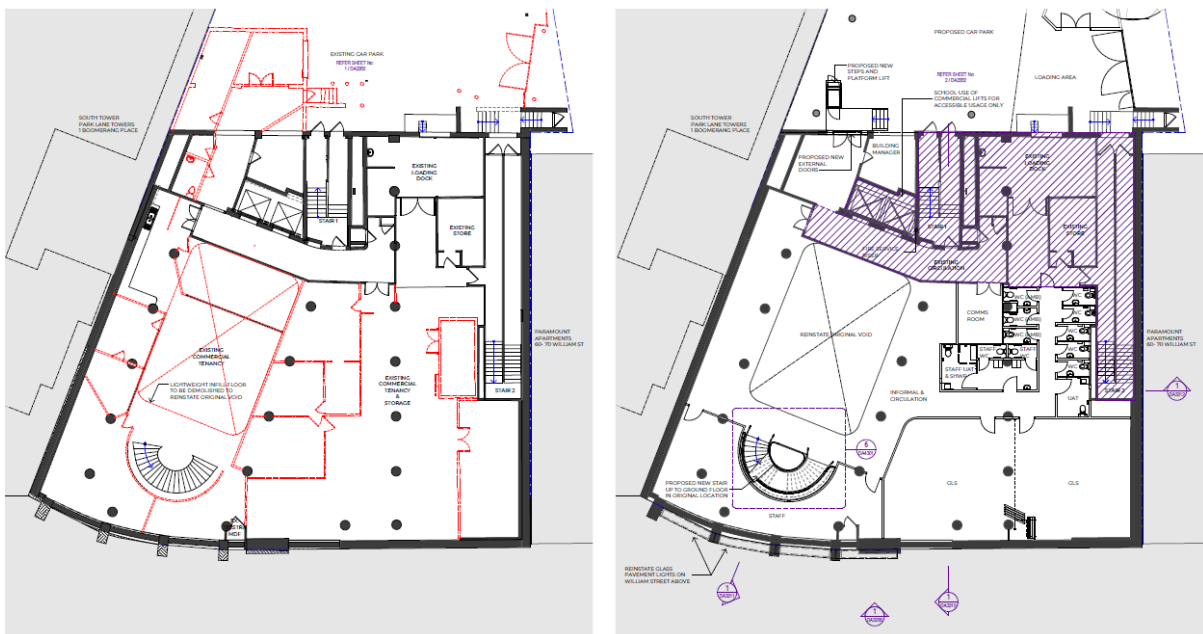


Figure 12: Proposed internal lower ground demolition (left) and proposed lower ground floorplan (right)



Figure 13: Proposed external lower ground demolition (left) and proposed external lower ground/carpark plan (right)

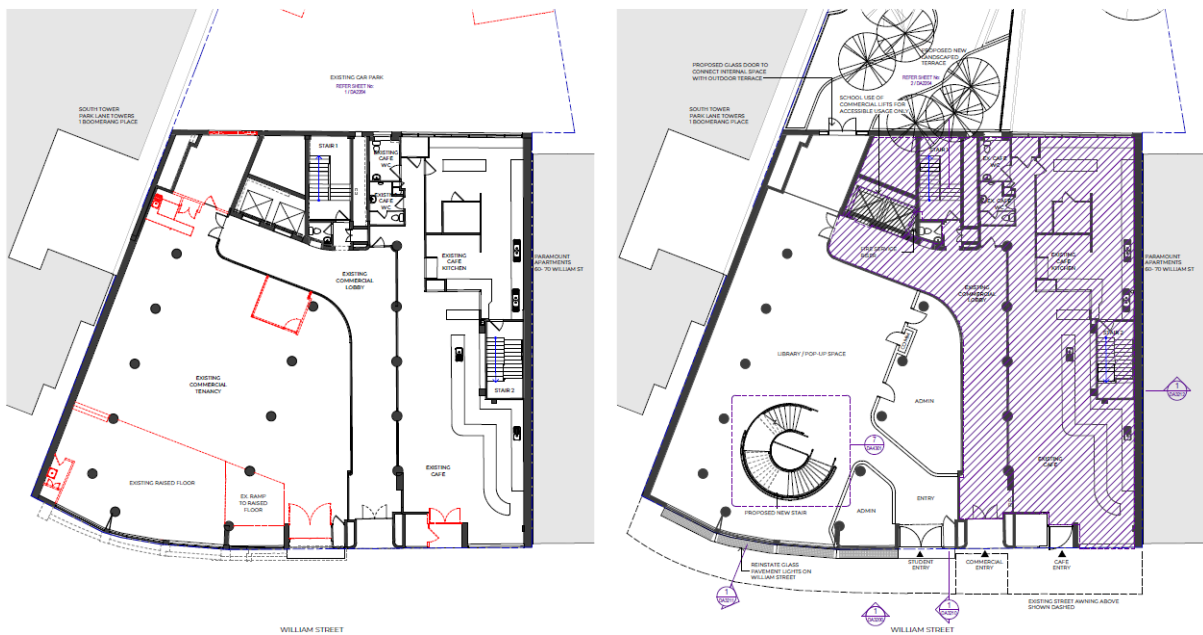


Figure 14: Proposed ground floor demolition (left) and proposed ground floor plan (right)



Figure 15: Proposed external ground floor demolition (left) and proposed external ground floor plan of new raised outdoor space (right)

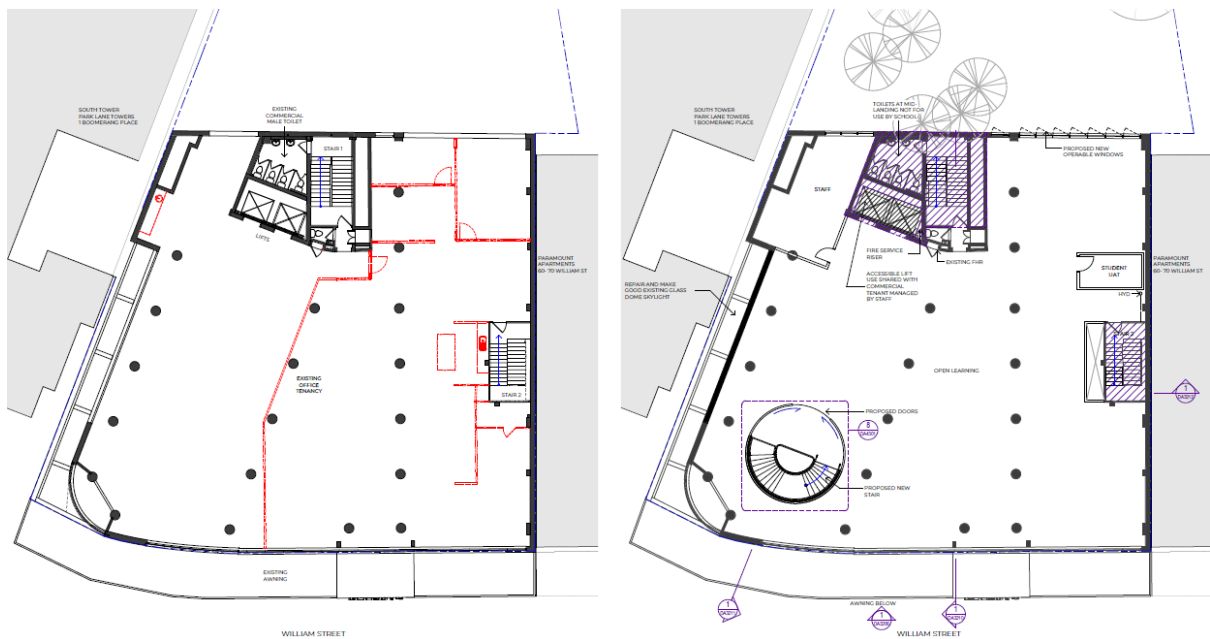


Figure 16: Proposed level 1 demolition (left) and proposed level 1 floor plan (right)

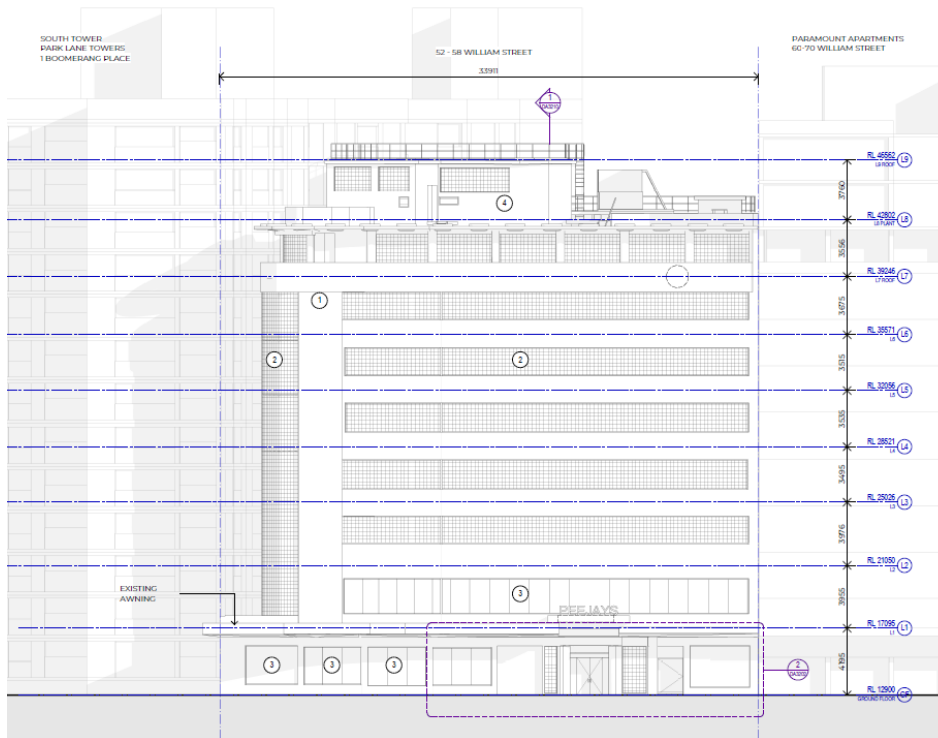


Figure 17: Proposed south elevation

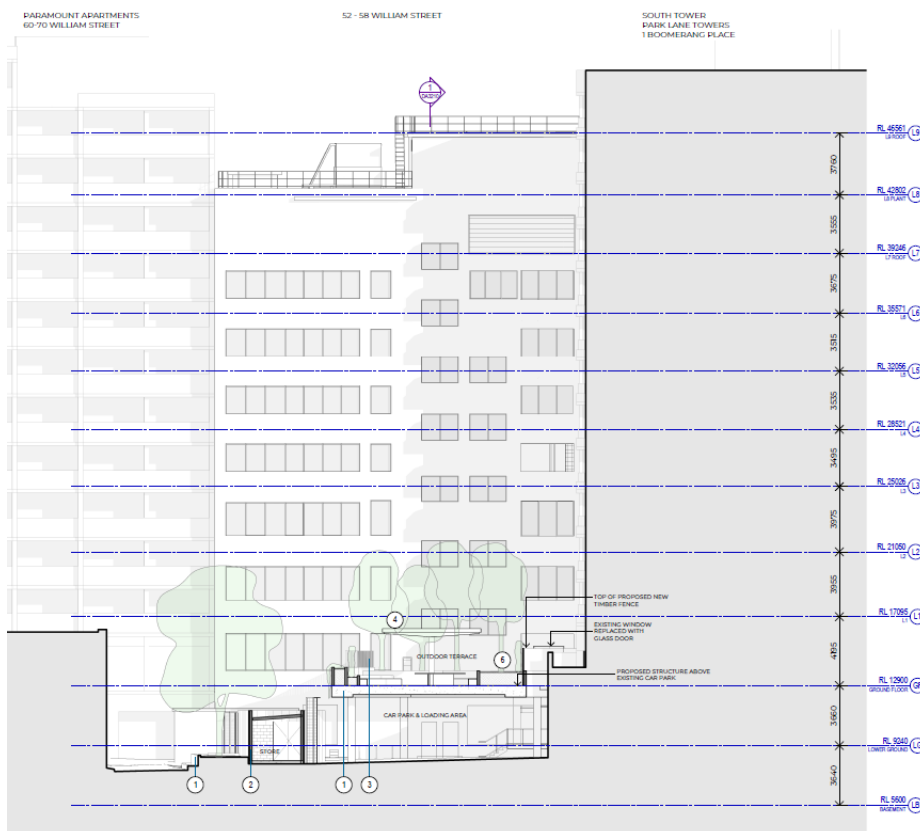


Figure 18: Proposed north elevation of raised outdoor space

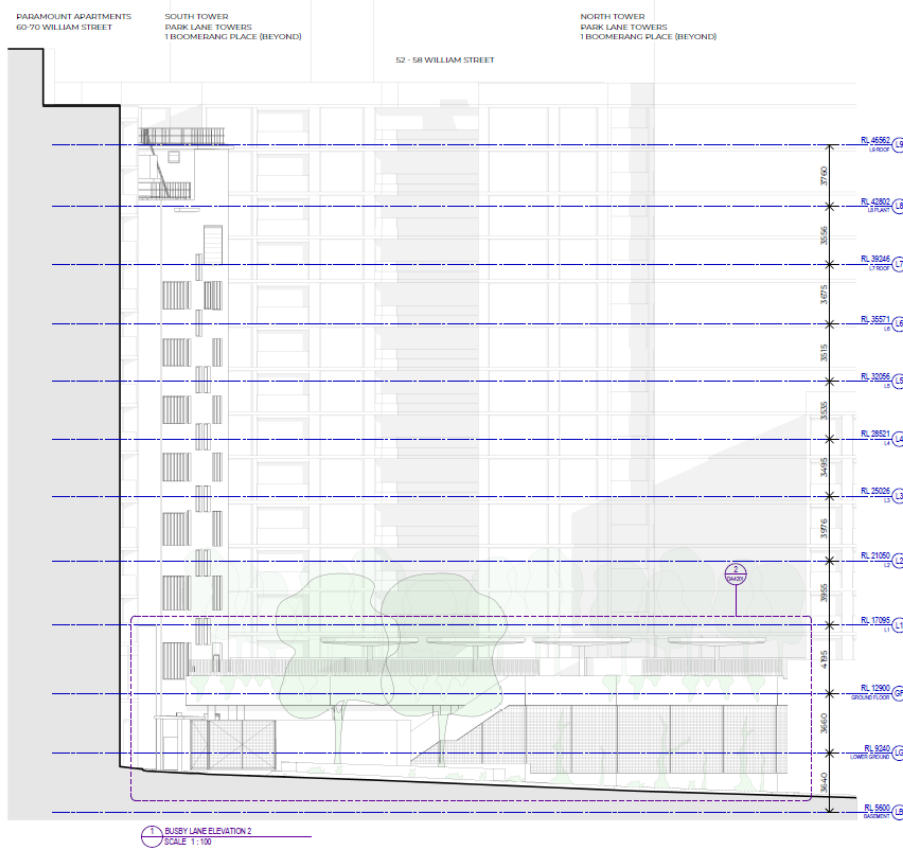


Figure 19: Proposed Busby Lane elevation of raised outdoor space

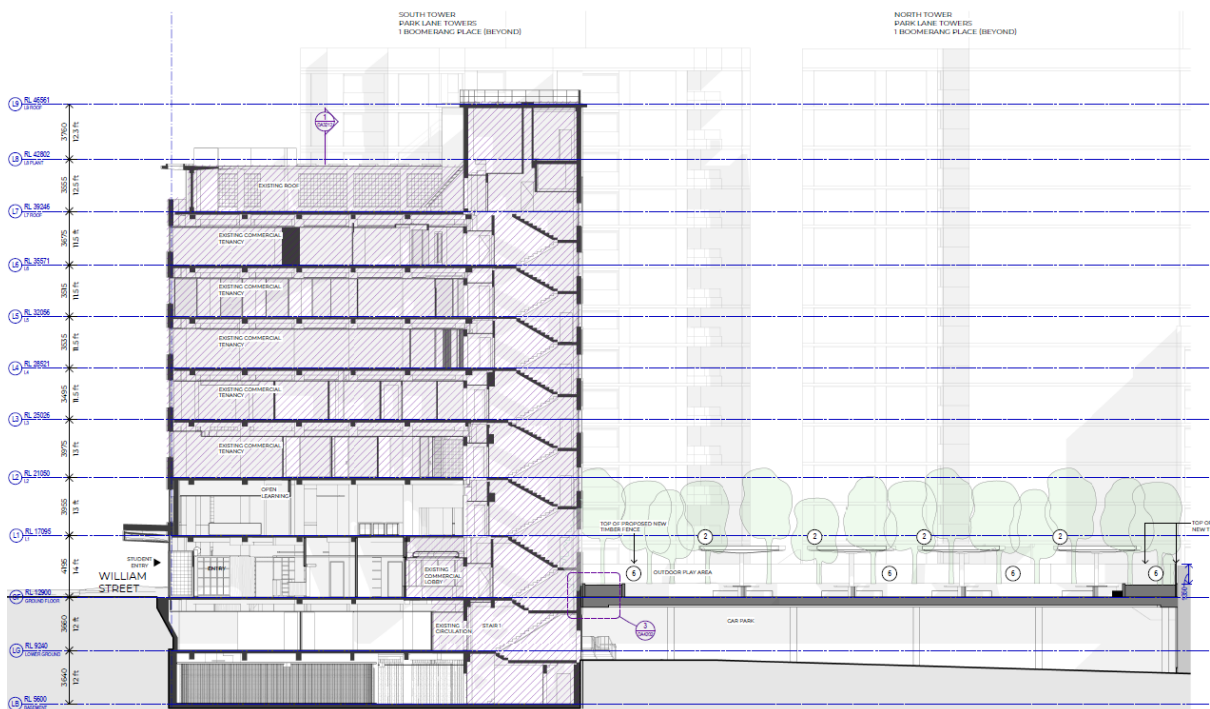


Figure 20: Proposed section 1

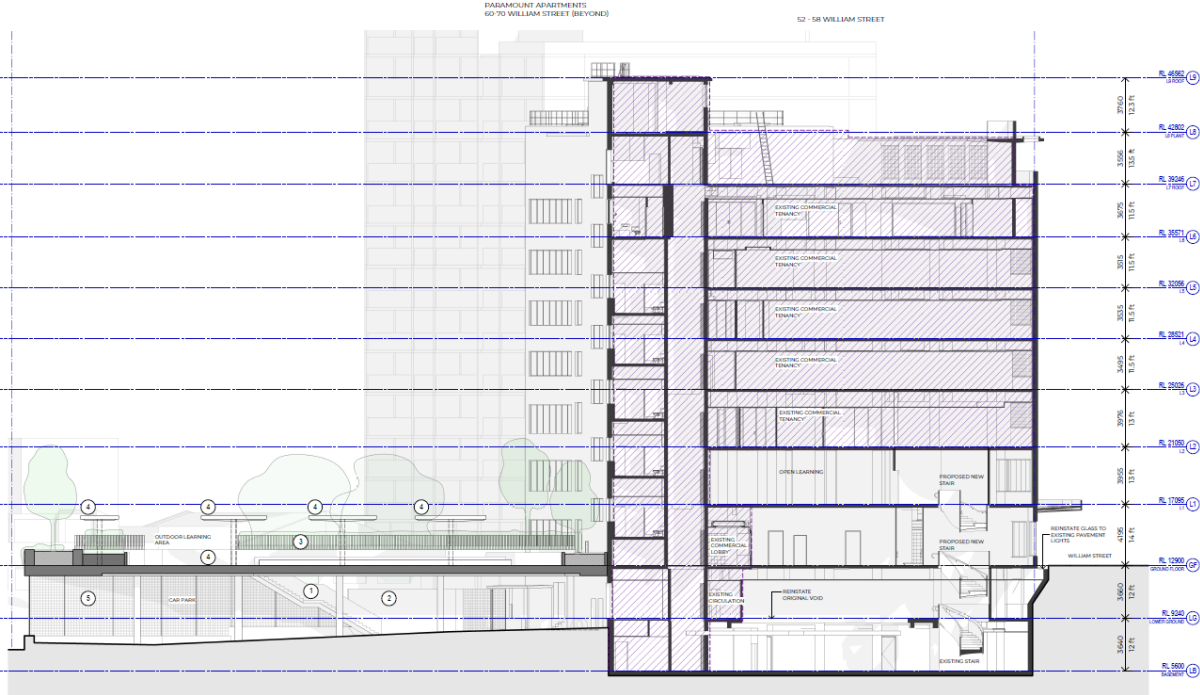


Figure 21: Proposed section 2

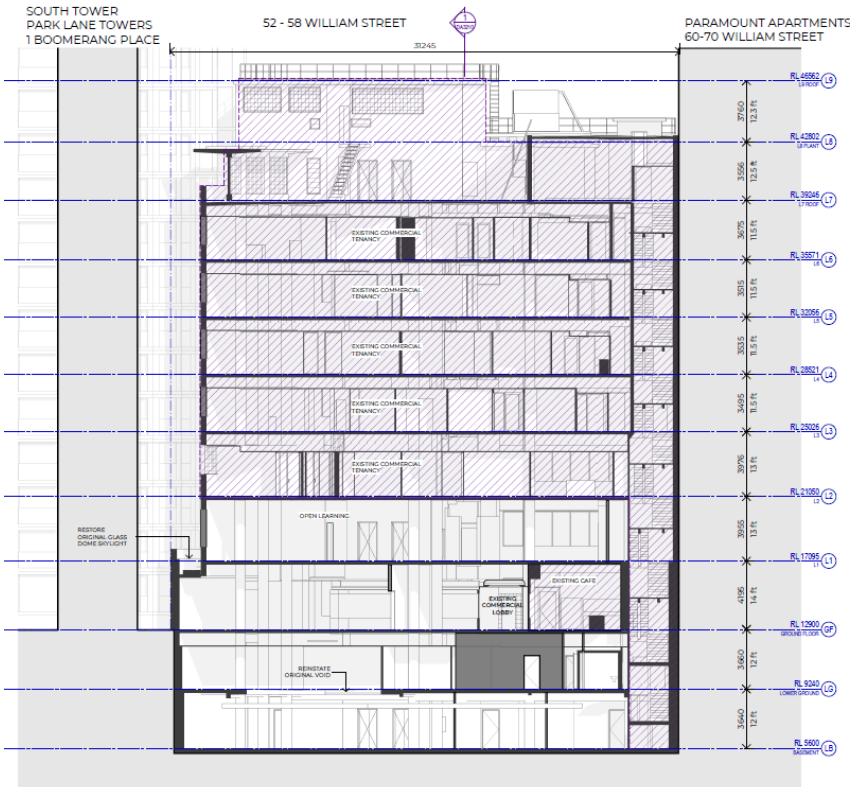


Figure 22: Proposed section 3

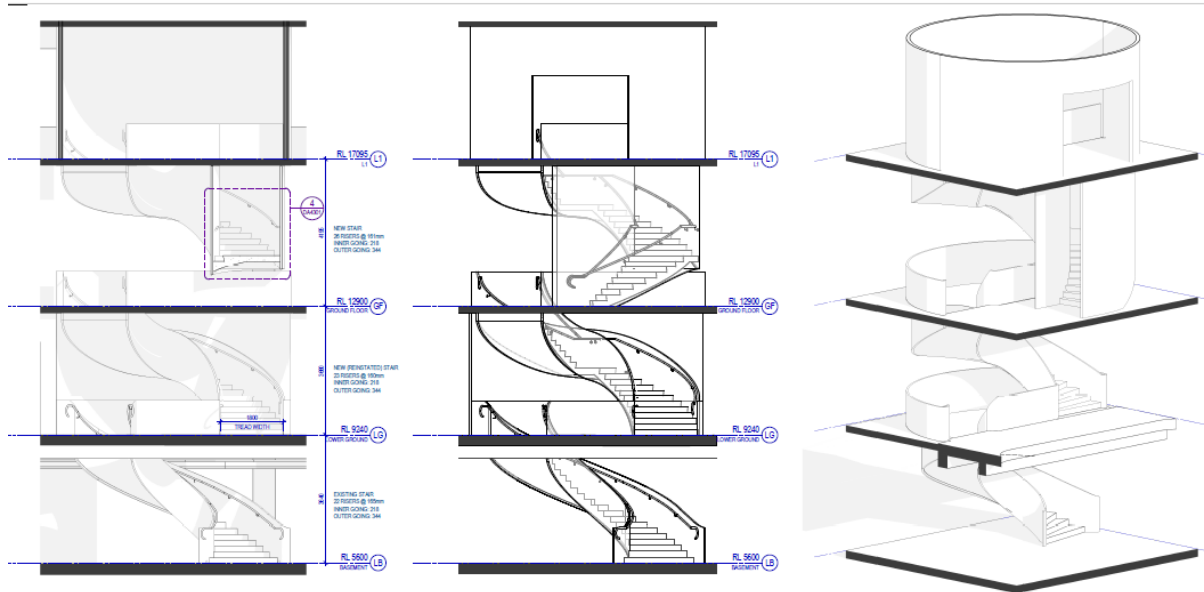


Figure 23: Proposed internal stair section, elevation and axonometric

Assessment

26. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

32. The aim of Chapter 4 of the Resilience and Hazards SEPP is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. The proposal involves change of use from commercial premises to an educational establishment, which is a more sensitive use.
34. Following a request for further information by Council, a Detailed Site Investigation report was submitted which provided visual observation and analytical soil results for the site. An interim letter of advice prepared by a NSW EPA Accredited Site Auditor was also received.
35. The Detailed Site Investigation report identified the following:
- There is a decommissioned underground storage tank within the car park boundary. There is no information available about the tanks size or contents.
 - Indoor ambient air monitoring within the basement did not detect any hydrocarbons.
 - The removal of the tank may be required during the construction phase and the installation of ground water wells across the site may be required to monitor ground water flow north towards the harbor.

- (d) Analysis of the soil did not detect asbestos, but the presence of asbestos could not be ruled out.
 - (e) Contamination above the adopted criteria was detected from a sample collected of a black ashy material in a bore hole at depths between 0.3 and 0.4m. As the impacted material is currently kept below a hardstand and will remain covered with a hardstand (not exposed), the risk to current and future site users is low.
 - (f) Limited samples from natural material to assess the potential presence of acid sulfate soils were collected and the potential presence of acid sulfate soils cannot be ruled out.
36. Following review of the Detailed Site Investigation, the Site Auditor recommended the following within their interim letter of advice:
- (a) Removal of the existing tank and validation of its soils should be completed during the construction activities.
 - (b) A Construction Environment Management Plan (CEMP) should be prepared prior to commencement of any excavations that includes an Unexpected Find Protocol to manage any risk due to potential unexpected finds on the site.
 - (c) A Long-term Environmental Management Plan is required to manage the contaminated material left on the site, ensure maintenance of the hardstand and control of any future earthworks in the area.
 - (d) If fill material is to be removed from the site to landfill, it must be carried out in accordance with NSW EPA (2014) - Waste classification guidelines.
 - (e) Any imported material brought onto the site should be validated as being suitable for the intended land use before being imported onto the site.
37. The Council's Health Unit has reviewed the information provided and advised that they are satisfied the tank can be removed, and the site can then be validated. The Council's Health Unit has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
38. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

39. The proposed educational establishment is subject to the provisions of Chapter 3 of the Transport and Infrastructure SEPP relating to educational establishments.
40. The site is zoned MU1 Mixed Use by the Sydney LEP 2012, which is a 'prescribed zone' for the purposes of Part 3.4 of the Transport and Infrastructure SEPP.
41. Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone pursuant to Section 3.36(1) of the Transport and Infrastructure SEPP.
42. Section 3.36(6)(a) of the SEPP requires that before determining a development application for the purpose of a school, the consent authority must take into consideration:

- (a) The design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

43. The evaluation of the proposed development against the design quality principles set out in Schedule 8 of the SEPP is discussed below.

Provision	Compliance	Comment
Principle 1 - context, built form and landscape	Yes	The proposed development integrates landscaping into the design of the outdoor open space area to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites. The proposal also seeks to conserve the significance of the local heritage listed site by reinstating original building elements.
Principle 2 - sustainable, efficient, and durable	Yes	The proposed works have been designed to meet the future requirements of St Mary's Cathedral College to expand the school campus. A Sustainability Report was submitted with the application outlining the sustainability initiatives and commitments for the proposed school, particularly relating to energy and water efficiency.
Principle 3 - accessible and inclusive	Yes	<p>The proposed works will provide improved internal circulation within the site through reinstatement of the heritage staircase.</p> <p>The access point to the open space area is at grade and the open space area will be available for accessible use.</p> <p>The existing lifts will be available for accessible use which is to be managed by staff as outlined in the submitted operational management plan for the development.</p>
Principle 4 - health and safety	Yes	Crime Prevention Through Environmental Design measures have been incorporated into the design to

Provision	Compliance	Comment
		<p>ensure the school provides a safe environment.</p> <p>The ground floor entrance is clearly visible and includes large windows along the site frontage for passive surveillance of William Street. Lighting to the exterior of the building is proposed to meet relevant Australian Lighting Standards.</p>
Principle 5 - amenity	Yes	<p>The proposal involves the adaptive reuse of part of the existing building for an educational establishment. The development has been designed to contain pleasant and engaging spaces for use by students and staff. The designs incorporate collaborative and creative learning spaces including a multi-purpose performance area and fitness/ dance studio in the basement. The library and open learning spaces will be provided with natural sunlight and ventilation through existing windows. The raised outdoor area provides an outdoor learning and play area with good access to sunlight. Visual and acoustic privacy to adjoining properties is provided through soft landscaping, fencing and the inclusion of noise attenuated shelters to the outdoor area.</p>
Principle 6 - whole of life, flexible and adaptive	Yes	<p>A range of multi-use areas are proposed within the building for students and staff, allowing for a flexible and adaptive learning environment.</p>
Principle 7 - Aesthetics	Yes	<p>The proposed development includes the reinstatement of several original heritage features of the building which will improve the aesthetics of the building and will also contribute to the sense of identity of the neighbourhood. Quality landscaping is proposed to the raised outdoor area which will provide a landscape setting that is aesthetically pleasing for students and neighbouring properties.</p>

Provision	Compliance	Comment
Section 3.36(6)(b) - Does the development enable the use of school facilities (including recreational facilities) to be shared with the community?	Yes	The development provides an open library/ pop up area on the ground level. Any use by the community of this area would be subject to a future development application.

44. The development is generally acceptable when assessed against the above stated provisions and the Transport and Infrastructure SEPP.

Section 3.58 – Traffic-generating development

45. The application is subject to section 3.58 of the Transport and Infrastructure SEPP as the proposal is for an educational establishment which is able to accommodate more than 50 students and involves a new premises.
46. The application was referred to Transport for NSW who requested further information regarding traffic management at pick-up and drop-off times. In response, the applicant amended the application so that all student pick-ups and drop-offs would occur from the existing main campus. This is discussed further under the Discussion heading below in this report.
47. Following receipt of the amended application, Transport for NSW advised that the proposal is acceptable from a traffic generating perspective, subject to conditions which have been included within the recommended conditions of consent.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021

48. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the Biodiversity and Conservation SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.
49. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore the development is unlikely to have an adverse impact on the natural recession of floodwaters inter wetlands and over riverine ecosystems.
50. The proposed fitout and external deck structure are unlikely to result in a release of pollutants into a natural waterbody and will not impact periodic flooding that benefits wetlands and other riverine ecosystems.

State Environmental Planning Policy (Sustainable Buildings) 2022

51. As the subject application was submitted on the NSW planning portal but not finally determined before 1 October 2023, Chapter 4 of the Sustainable Buildings SEPP does not apply to the development, in accordance with the savings provisions of Clause 4.2(1)(a) of the SEPP.

Local Environmental Plans

Sydney Local Environmental Plan 2012

52. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the MU1 Mixed Use zone.</p> <p>The proposed development is defined as an educational establishment and is permissible with consent in the zone.</p> <p>The development retains the existing business on the ground level which maintains an active street frontage. The commercial offices on the upper floors are also retained which continue to support the viability of nearby centres.</p> <p>The proposal generally meets the objectives of the zone.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 40 metres is permitted.</p> <p>A height of approximately 8 metres is proposed to the top of the shade structures from the existing lower ground car park level.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>
4.4 Floor space ratio (FSR)	Yes	<p>A maximum FSR of 5:1, or gross floor area (GFA) of 7,415 square metres is permitted.</p> <p>The existing building has an FSR of 4.03:1, or 5,986 square metres of GFA.</p>

Provision	Compliance	Comment
		<p>The proposed works will result in a net decrease of 197 square metres of GFA, resulting in a total GFA of 5,789 square metres and FSR of 3.87:1.</p> <p>The proposed development complies with the maximum FSR development standard.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item (item number 2198) known as Commercial building "Peejays Building" including interior. It is not located within a heritage conservation area.</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
6.21C Design excellence	Not applicable	<p>As the development has been assessed against the design quality principles set out in Schedule 8 of the Transport and Infrastructure SEPP, the provisions of clause 6.21C do not apply in this instance pursuant to section 3.36(7) of the Transport and Infrastructure SEPP.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
Other land uses	Yes	<p>The existing site includes the provision of 19 car parking spaces.</p> <p>The proposal involves the reduction of 9 car parking spaces to a total of 10 spaces for the remaining commercial tenancies within the building.</p> <p>No car parking is proposed to be allocated to the educational establishment.</p> <p>The proposed reduction in existing commercial car parking spaces is considered acceptable and complies with the relevant development standards.</p>
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	<p>As the development involves alterations to an existing building on residual land to be used for purposes other than residential accommodation and will not result in the creation of more than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The front south-western corner of the site is located on land with class 5 Acid Sulfate Soils and the rest of the site is located on land with class 2 Acid Sulfate Soils.</p> <p>Following a request for information from Council, a Detailed Site Investigation report was submitted. The report identified that limited samples from natural material were collected, and the potential presence of acid sulfate soils could not be ruled out.</p> <p>The Site Auditor recommends implementation of a Construction</p>

Provision	Compliance	Comment
		<p>Environmental Management Plan (CEMP) during construction works to manage any potential acid sulfate soils.</p> <p>The Council's Health Unit has reviewed the information provided and has advised that subject to the recommended conditions, which include preparation of an Acid Sulfate Soils Management Plan and a CEMP, any acid sulfate soils found on site will be able to be appropriately managed.</p>

Development Control Plans

Sydney Development Control Plan 2012

53. In accordance with section 3.36(9) of the Transport and Infrastructure SEPP, the provisions of any development control plan do not apply to developments for the purpose of a school on land in a prescribed zone.

Discussion

Noise management of the outdoor space

54. Following a request for further information regarding noise management of the proposed outdoor terrace, the applicant submitted a more detailed Noise Impact Assessment report, updated Operational Management Plan and amended plans.
55. The following design and management measures are proposed in the amended scheme to ensure that the acoustic amenity of neighbouring properties is maintained during operation of the terrace:
- (a) A maximum of 75 students will occupy the outdoor area in any 15-minute period.
 - (b) Four circular shade structures are to incorporate acoustic absorption to 100 per cent of the underside area.
 - (c) The outdoor area will not be used for high noise generating activities such as ball games and games that have a propensity for the children to use elevated voices.
 - (d) Students will be supervised by a teacher at all times.
 - (e) No playing of music shall be allowed.
 - (f) Indication of start/ end time of breaks will be announced via a light indication system, in lieu of noise generating devices such as a bell or chime.
 - (g) The use of the outdoor area is limited to no more than 4 hours a day between 10am and 2pm Monday to Friday.

56. The submitted amended Noise Impact Assessment report noted the above assumptions and outlined the following:
- (a) There is no specific state or local noise criteria guidelines for schools/ educational establishments. As such the report adopted the noise emission level from the AAAC childcare guideline. This states the contributed LAeq, 15 minute noise level emitted from the outdoor area shall not exceed the background noise level by more than 10 dB(A) at the assessment location for residential receivers. To correct how the AAAC Childcare Centres guideline would be applied relevant to the development, the noise emissions from children are adjusted to Year 7-12 (high school students) scenarios.
 - (b) Long term and short-term noise monitoring were undertaken at the points shown on Figure 24 below:

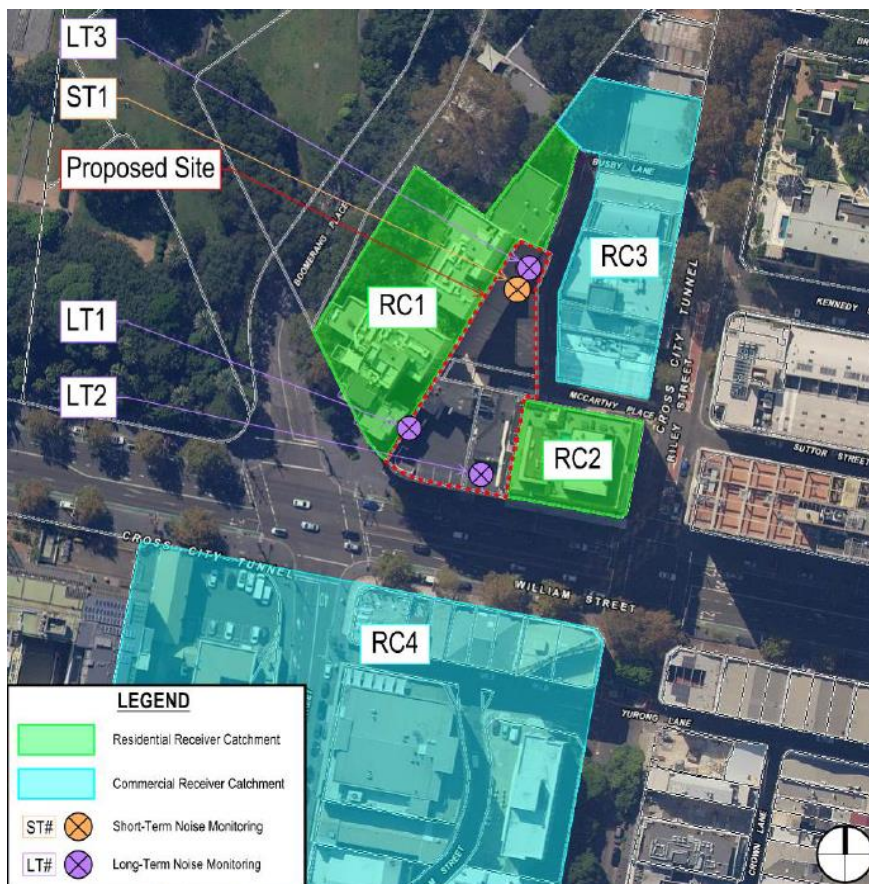


Figure 24: Extract from Noise Impact Assessment report showing the noise monitoring locations.

- (c) The measured rating background noise (RBL) at the residential receivers surrounding the site is 55dB(A) and as such the assumed noise emission limit is 65dB(A).
- (d) Noise monitoring at the existing St Mary's Cathedral College on 30 May 2023 was undertaken during a school outdoor break period which is considered representative of the typical noise level for the proposed space. The measurements were adjusted to reflect the differences between the modelled environment and the subject site as follows:

- (i) Consideration of canyon effects in the area due to hard surfaces surrounding the terrace, including reflections from adjoining buildings. Three dimensional acoustic modelling for noise emissions from the outdoor area were conducted using the software SoundPLAN (Version 9.0).
 - (ii) Canopy reductions.
 - (iii) Consideration of additional noise from the sunken basketball court (at the modelled environment).
 - (iv) The modelling did not include proposed landscaping in order to provide a worst-case scenario.
- (e) Based on the above, the submitted Noise Impact Assessment report concluded the following:
- (i) The most noise affected location will be on the immediate western boundary, within the central portion of the outdoor open space area (refer to Figure 25). This broadly aligns with the eastern facade of the Park Lane Towers building, a residential receiver. Based upon the three dimensional acoustic modelling, the worst-case noise emission level at this receiver is 62dB(A) which complies with the adopted noise emission limit of 65dB(A).
 - (ii) It was noted that based upon a site investigation, this area of the adjoining building features a solid party wall on the site boundary, with no windows or balconies.
 - (iii) As the noise travels upwards, the noise emission levels decrease to approximately 56dB(A) at upper levels which is compliant with the noise emission limit.
 - (iv) At the residential receiver to the east, the Paramount Complex (apartments), the noise emission level is 56dB(A), compliant with the noise emission limit.

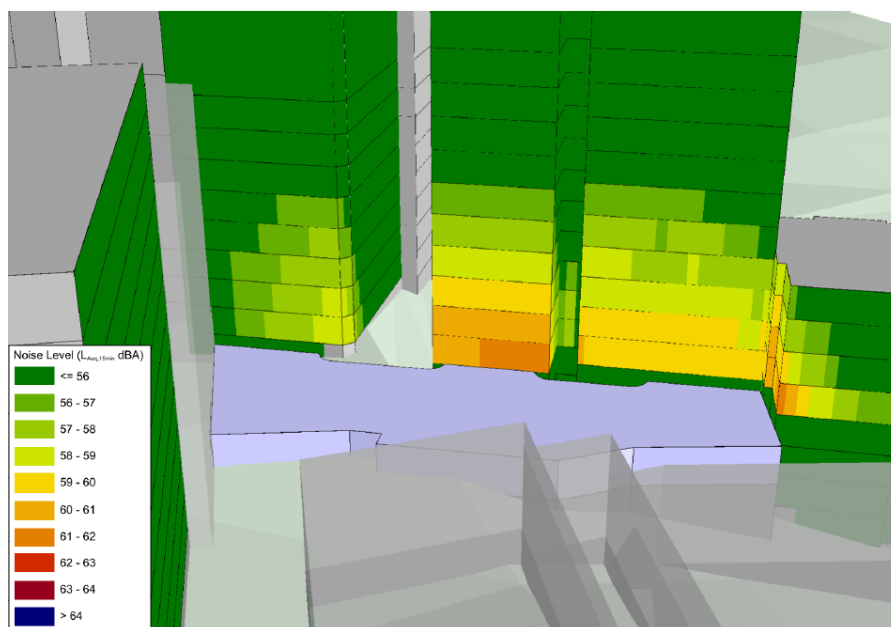


Figure 25: Extract from Noise Impact Report showing 3D modelling of outdoor area noise

57. The report demonstrates that the operation of the development will comply with the relevant noise criteria for the surrounding residential and commercial receivers at the most affected facade.
58. The majority of the design and management measures outlined above are reflected within the Revised Operational Management Plan.
59. A condition is recommended which requires further amendments to the Operational Management Plan to include reference to the restricted hours of operation of the outdoor terrace between 10am and 2pm. A condition requiring compliance with this Operational Management Plan during operation is also recommended.
60. Subject to conditions, the proposal is considered acceptable from a noise management perspective.

Visual Privacy

61. Following a request for further information regarding potential visual privacy impacts from the proposed outdoor terrace, the applicant submitted amended plans. These plans incorporate improved measures from the original design to limit views into and out of the terrace area to adjoining residential properties.
62. The following amendments were made to minimise the potential for overlooking from the development:
 - (a) 1800mm-high planted hedges along the terrace edges.
 - (b) 4 x 6 metre diameter round shade structures over seating nooks.
 - (c) Garden beds between 1.2 metres and 3.6 metres in depth around the majority of the terrace.
 - (d) The raised structure is set approximately 11 metres off the eastern boundary at the southern edge of the terrace.
 - (e) 1.35 metre high timber fence along the western and northern edges of the terrace above a 0.9 metre concrete wall, to provide a height of 2.25 metres (refer to Figure 26).



Figure 26: Extract from the applicant's landscape and architectural strategy showing the proposed location of the timber fence.

63. The nearest residential properties which are likely to be impacted by the proposal from a visual privacy perspective are the rear facing residents at 60 - 70 William Street (Paramount Apartments) and the residents with windows and balconies facing the proposal at 1 Boomerang Place (Park Lane Towers).
64. Due to the proposed setback of the terrace from the eastern boundary at the southern edge, there is a separation distance of approximately 13 metres from the nearest potential viewpoint to the balconies at 60-70 William Street (see Figure 27). There is also an approximate 13 metre separation distance from the proposed external staircase and the balconies at 60-70 William Street.

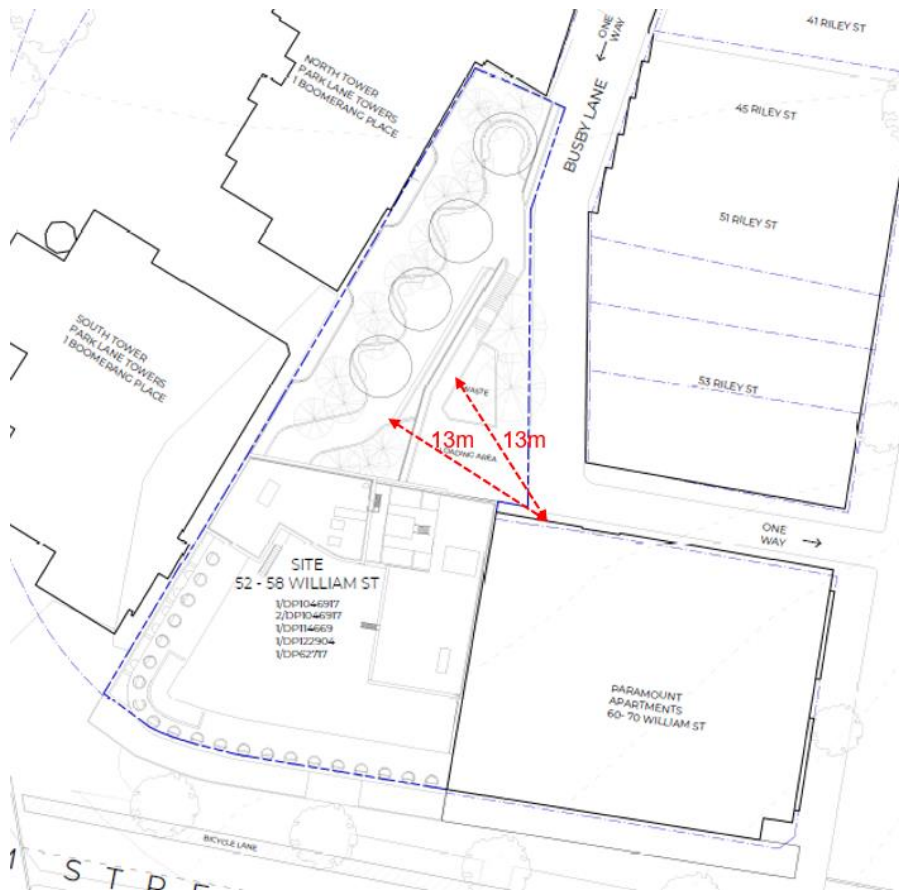


Figure 27: Site plan showing approximate separation distance between the raised terrace and the balconies at 60-70 William Street (Paramount Apartments).

65. Although the requirements of the Apartment Design Guidelines (ADG) do not apply to educational establishments, they can be used as a guide to determine appropriate separation distances to maintain visual privacy between buildings in built up environments. The ADG recommends a minimum separation distance of 12 metres between habitable rooms/balconies up to 12 metres and 4 storeys in height.
66. The proposed 13 metre separation distance from the terrace and the stairs to the residential balconies of 60-70 William Street exceed the required 12 metre separation between buildings with balconies up to 4-storeys. The proposed building separation is therefore considered adequate to ensure visual privacy is achieved for residents of 60-70 William Street. In addition, the proposed 1.8 metre high hedge along the eastern edge of the terrace will further mitigate privacy impacts to these residents.
67. A timber fence is proposed on the northern and western elevations to provide privacy to the adjoining residential properties at 1 Boomerang Place. The proposed fence is 1.35 metres high above a 0.9 metre concrete planter wall, to provide a total height of 22.5 metres. At full height, the proposed landscaping species will provide a hedge barrier of 2 metres in height.
68. Notwithstanding, concerns remain that the proposed terrace will have privacy impacts on the lowest eastern facing window (Figure 28) and the eastern facing ground level private balcony (Figure 29) of the adjoining apartments at 1 Boomerang Place.



Figure 28: Existing eastern facing window of an apartment within 1 Boomerang Place.



Figure 29: Existing eastern facing balcony of an apartment within 1 Boomerang

69. Further discussions with the applicant and amended view analysis demonstrates that increasing the height of the proposed fence along this boundary by 0.45 metres to 1.8 metres in height is the minimum increase necessary to mitigate privacy concerns, while balancing the competing objectives of maintaining views, daylight access and ventilation to the ground floor apartment (see Figures 30 and 31).

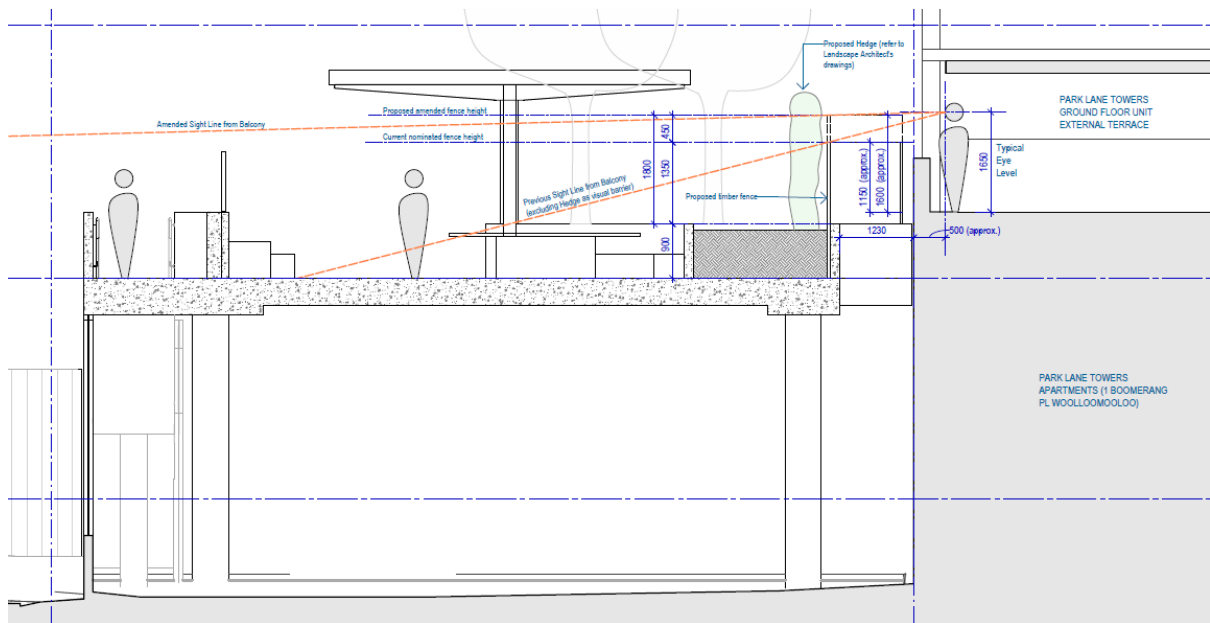


Figure 30: Extract of section showing view impacts of increasing the fence height by 0.45 metres.



Figure 31: Extract of view study indicating proposed impact of increasing the fence by 0.45 metres on the existing adjoining window at 1 Boomerang Place shown in Figure 28.

70. A design modification condition has therefore been included within the recommended conditions of consent to ensure that the fence height is increased to mitigate privacy impacts.
71. The conditioned proposal is considered to provide appropriate visual privacy for residents within 1 Boomerang Place, considering the built-up nature of the context and the fact that this window and balcony currently borrow amenity across the subject site boundary.

Traffic Management

72. Following concern raised from Transport for NSW and Council's Traffic team regarding the originally proposed use of Yurong Parkway for pick-up and drop-off activities, the applicant provided an amended application which proposes the following:
- All pick-up and drop-offs of students are proposed to occur at the existing St Mary's Cathedral College campus, located 300 metres from the site at 2 St Mary's Road, Sydney.
 - Students to travel to and sign in at the primary campus in the morning. Students will then walk to the proposed new campus (see Figure 32).
 - Students will largely travel to the primary campus via public transport (92 per cent travel via bus, ferry or train) or walking (3 per cent walk) as reflected in the student survey of 597 students undertaken in 2022.
 - Students travelling to the primary campus via bicycle will store their bicycle within the existing facilities on the primary campus during the day.

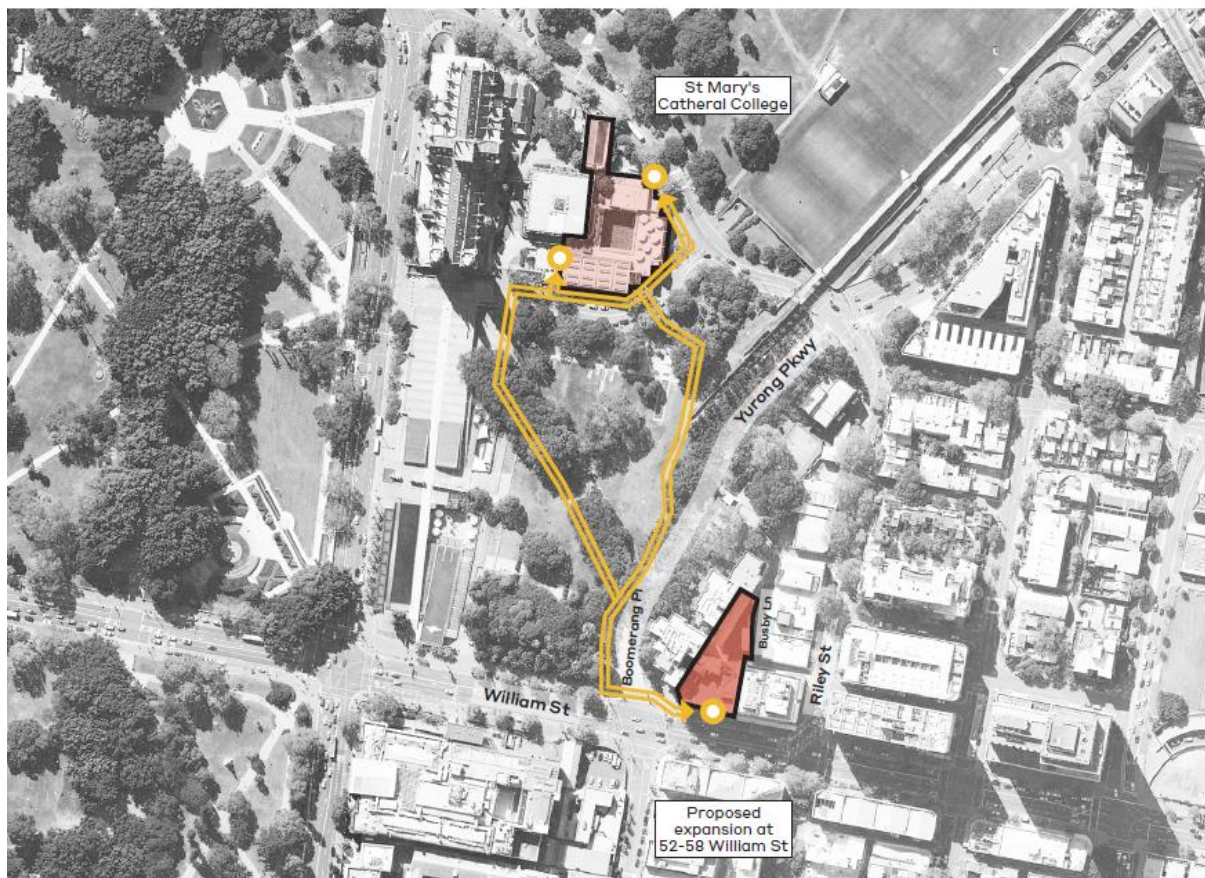


Figure 32: Extract from applicant report showing pedestrian route from the main campus to the proposed campus.

73. Transport for NSW and Council's Traffic team reviewed the amended application and advised that it was acceptable from a traffic management perspective subject to conditions. These conditions have been included within the recommended conditions of consent in Attachment A.

Solar Access

74. Shadow diagrams were submitted with the amended plans for the raised outdoor terrace area. These diagrams demonstrate the impact of the proposed new structure and shade structures on adjoining properties between 9am and 3pm on June 21 (see Figure 33 below).

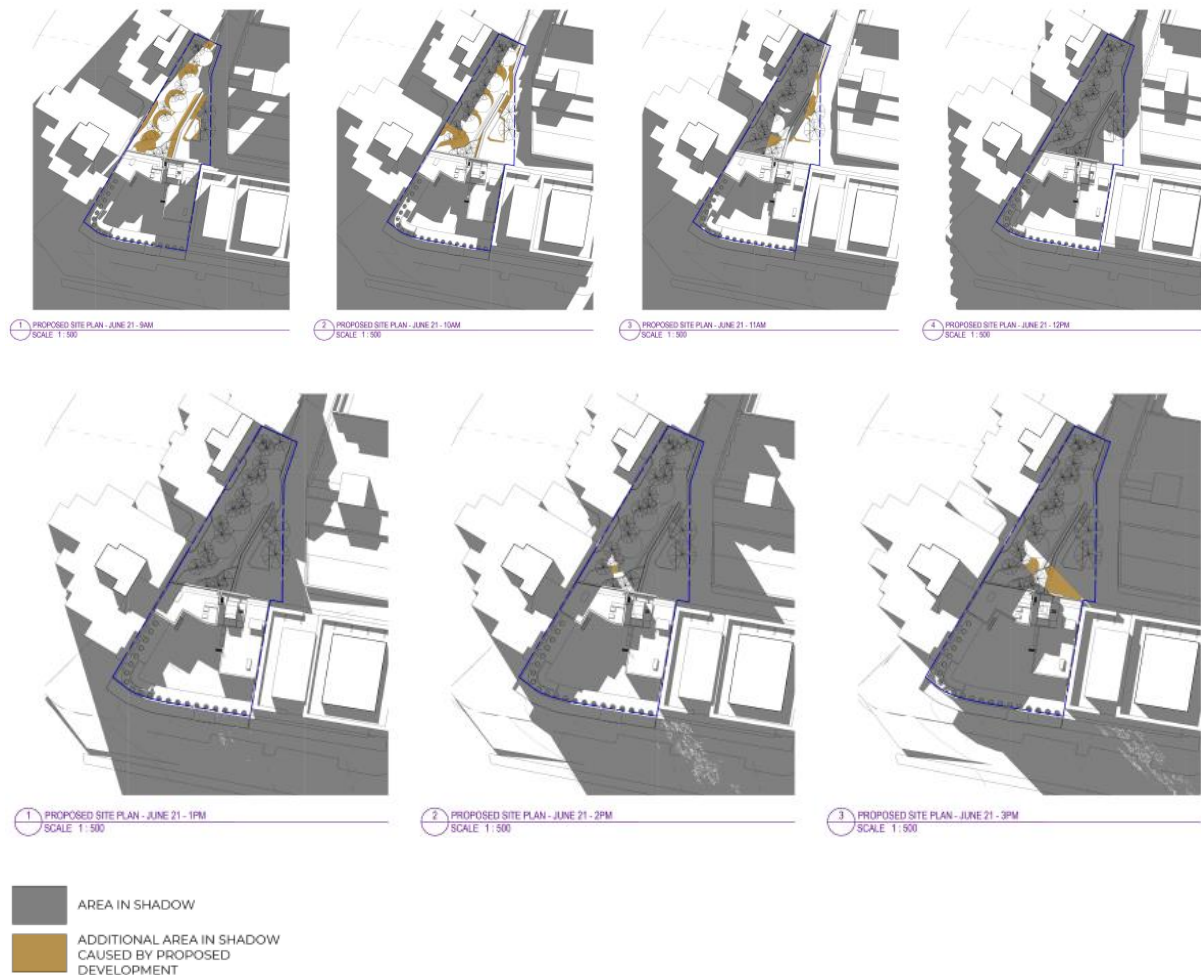


Figure 33: Extract of shadow diagrams showing proposed shadows between 9am and 3pm on June 21.

75. The diagrams show that due to the position of the site, all new shadows cast from the proposed new structures, between 9am and 3pm on June 21, will fall within the subject site. The proposal will not have a shadow impact on the open space areas and living room windows of adjoining properties. The proposal is therefore considered acceptable from a solar access perspective.

Heritage

76. The site is a local heritage item (item number 2198) known as Commercial building "Peejays Building" including interior. It is not located within a heritage conservation area.

77. The building is an example of an inter-war functionalist style commercial building designed by prominent architectural practice of Stephenson and Turner for the Head Office and showrooms for the glass manufacturers Australian Consolidated Industries. It is of historical significance for its association with glass manufacturers who were a leading influence in modelling with glass in the interwar.
78. The proposal involves internal fitout works, reinstatement of an internal staircase, ground floor works to the William Street facade for a fire hydrant booster and construction of a raised outdoor space to the rear.
79. A Heritage Impact Assessment report was submitted in support of the application.
80. The City's Heritage Specialist reviewed the proposal and advised that the proposed works are acceptable, subject to conditions, from a heritage perspective due to the following:
 - (a) The proposed internal works are mainly to remove non-original fabric for the new fitout and reinstatement of the original void and elliptical staircase.
 - (b) The new balustrade which is inspired from the original design of the internal elliptical staircase can be supported subject to a condition requiring the provision of construction level detailed drawings with dimensions including radii for the curvature, and sizes for all elements and annotated materials and finishes.
 - (c) The new fire booster to the William Street facade is supported subject to a condition requiring a materials schedule of the development including details of the cupboard doors and signage to be submitted for approval to Council prior to issue of a construction certificate.
 - (d) The existing roller shutter to the street front has been relocated further inside the opening and glass doors are proposed to be installed on the outside. This is supported as it enhances the presentation of the building to the street.
- (a) The new concrete terrace at the rear has been designed to not be physically supported by the heritage building and at the proposed level, it does not appear to block or obscure any existing fenestration.
- (b) The four areas of glass block insets which are currently obscured by later fit out are proposed to be exposed and conserved.
81. Recommended heritage conditions are included in Attachment A. The conditioned proposal is considered to conserve the heritage significance of the heritage item, including associated fabric in accordance with the heritage requirements of Clause 5.10 of the Sydney Local Environmental Plan 2012.

Consultation

Internal Referrals

82. The application was discussed with Council's;
 - (a) Transport and Access Unit;
 - (b) Waste Management Unit;

- (c) Environmental Health Unit;
- (d) Heritage and Urban Design Unit;
- (e) Landscaping Unit;
- (f) Tree Management Unit;
- (g) Public Domain Unit;
- (h) Surveyors;
- (i) Building Services Unit;
- (j) Safe City.

83. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent in Attachment A.

External Referrals

Transport for NSW

84. Pursuant to Clause 3.58 of the of the Transport and infrastructure SEPP, the application was referred to Transport for NSW (TfNSW) for comment.
85. Comments were received on the amended design on 31 July 2023. Conditions of consent were recommended which are included in the Recommended Conditions of Consent in Attachment A.

Sydney Water

86. Pursuant to Section 78 of the Sydney Water Act, 1994, the application was referred to Sydney Water Corporation for comment.
87. Sydney Water Corporation advised that the proposal was acceptable subject to the inclusion of Sydney Water conditions which have been included within the Recommended Conditions of Consent in Attachment A.

Advertising and Notification

88. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for 28 days between 6 January 2023 and 2 February 2023. A total of 1,354 properties were notified and 63 submissions objecting to the proposal were received during and after the notification period.
89. The submissions raised the following issues:
- (a) **Issue:** Noise impacts from raised outdoor play area

Response: As discussed above in the discussion section of this report, the plans have been amended to include a large amount of soft landscaping including trees, shrubs and hedging as well as noise attenuated shade structures.

Conditions are recommended to ensure that the use of the outdoor terrace is restricted to between 10am and 2pm Monday to Friday by up to 75 students at any one time. A revised acoustic report provided modelling which demonstrated that subject to recommended conditions, the development will comply with the relevant noise criteria at the most affected residential and commercial receivers. Subject to conditions which are included in Attachment A, the proposal is considered acceptable from a noise management perspective.

- (b) **Issue:** Traffic congestion from pick up and drop off and servicing

Response: The applicant has amended the application so that all pick-up and drop-offs of students will occur from the existing St Mary's Cathedral College campus, located 300m from the site at 2 St Mary's Road, Sydney. Students will then walk to the subject campus. A condition requiring that a Construction Traffic Management Plan to be submitted and approved by Council prior to a Construction Certificate has also been recommended. Transport for NSW and Council's Traffic team has reviewed the amended proposal and are satisfied that development will not cause undue traffic congestion, subject to conditions which are included within the recommended conditions of consent in Attachment A.

- (c) **Issue:** Students loitering

Response: A condition ensuring that the outdoor terrace staircase is used in emergency only is recommended to restrict access to Busy Lane by students. A condition is also recommended for an updated operational plan of management to be submitted for Council approval which outlines policies and procedures to prevent student loitering.

- (d) **Issue:** Visual privacy and security from raised outdoor space

Response: The proposed raised outdoor space will incorporate 1800mm-high planted hedges along the terrace edges, 4 x 6 metre diameter round shade structures over seating nooks, garden beds between 1.2 metres and 3.6 metres in depth around the terrace and a timber fence along the western and northern edges of the terrace to mitigate overlooking impacts. A condition is included to ensure that the timber fence is increase in height by 0.45 metres to restrict views from the terrace to the west. As detailed above in the Discussion section of this report, the above measures and the proposed setbacks allow adequate separation to provide acceptable privacy for neighbouring properties. Subject to conditions, the proposal is considered to provide appropriate visual privacy for adjoining residents, considering the built-up nature of the context.

- (e) **Issue:** Possible expansion of the school into the whole building

Response: The subject application only relates to the change of use of the basement, lower ground, ground and level 1 of the building for up to 300 students. Any future proposal would be required to be assessed on its merits at the time of lodgement.

- (f) **Issue:** Noise and dust from construction

Response: A condition is recommended to ensure that a Construction Environmental Management Plan (CEMP) is prepared and submitted to Council for approval prior to issue of a Construction Certificate. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

- (g) **Issue:** Light pollution from proposed decking

Response: A condition requiring that a separate development application is lodged prior to any external floodlighting or illumination of the building or site landscaping is included in Attachment A.

- (h) **Issue:** Heritage impacts to the building

Response: The proposal involves internal fitout works, reinstatement of an internal staircase, ground floor works to the William Street façade for a fire hydrant booster and construction of a raised outdoor space to the rear. As outlined above in the Discussion section of this report, subject to conditions, the proposal is considered to conserve the heritage significance of the heritage item, including associated fabric in accordance with the heritage requirements of Clause 5.10 of the Sydney Local Environmental Plan 2012.

- (i) **Issue:** Visual impact of the raised outdoor terrace

Response: The proposed raised outdoor terrace has been amended to include a large amount of landscaping including hedges, shrubs and trees which have a positive visual impact when viewed from neighbouring properties.

- (j) **Issue:** Safety of children

Response: A condition is recommended to ensure that the stairway from the raised terrace down to Busby Lane is restricted to emergency use only. No bicycle parking for students is provided via the Busby Lane to restrict use of this lane by students. Landscaping and shade structures have been incorporated into the design of the raised terrace to restrict direct overlooking of students by adjoining properties. The application was referred to Council's Safe City team who advised that the proposal was acceptable from a Safe City perspective.

- (k) **Issue:** A social needs analysis for the school has not been undertaken

Response: The site is zoned MU1 Mixed Use, and the proposed Educational Establishment is a permissible use within the zone. The application was referred to Council's Social Strategy team who advised that overall the increase in education/ school floor space in the inner city is a positive and that the proposal will provide newly designed and modern learning spaces for students.

- (l) **Issue:** Waste storage and management

Response: Following a request for further information, an amended waste management plans and amended architectural plans were provided which included a sufficiently sized waste storage area based on calculations from the current waste generation rates of the school.

The amended proposal was reviewed by Council's Waste Team who advised the development is acceptable subject to standard waste conditions included in Attachment A.

90. Following the submission of amended plans, the application was re-notified between 7 August 2023 and 22 August 2023. A total of 1,354 properties were notified and the City received 13 submissions objecting to the amended proposal during and after this notification period.

91. The submissions raised the following issues:

(a) **Issue:** Traffic impacts and waste management impacts on Busby Lane

Response: As discussed above, policies are proposed to ensure that students are dropped off and picked up at the existing St Mary's campus. No drop offs or pickups are to occur from Busby Lane. The on-site waste storage area has been increased in size and waste streams are proposed to be collected 3 times per week which is considered acceptable within the mixed-use context of the site.

(b) **Issue:** Noise impacts of raised outdoor space

Response: Noise management is addressed in detail in the Discussion section of this report. A revised acoustic report provides modelling which demonstrates subject to conditions recommended in Attachment A, the development will comply with the relevant noise criteria at the most affected residential and commercial receivers.

(c) **Issue:** Solar impacts of the raised outdoor structures

Response: Solar diagrams were submitted with the amended proposal. The diagrams show that due to the position of the site, all new shadows cast from the proposed new structures, between 9am and 3pm on June 21, will fall within the subject site and will not impact the open space areas of living room windows of adjoining properties. The proposal is therefore considered acceptable from a solar access perspective.

(d) **Issue:** Security and visual privacy issues

Response: As discussed above in the Discussion section and response to submissions section of this report, subject to conditions, the proposal will provide appropriate visual privacy for adjoining residents.

(e) **Issue:** Overlooking of children

Response: As discussed above, landscaping and shade structures are incorporated into the design of the raised terrace to restrict direct overlooking of students by adjoining properties. The application was referred to Council's Safe City team who advised the proposal was acceptable from a Safe City perspective.

(f) **Issue:** Lack of community engagement

Response: The application was publicly notified between 6 January 2023 and 2 February 2023. 63 public submissions were received during this time. Comments and concerns from this notification period were included in a request for further information sent to the applicant. The applicant also engaged in their own community consultation via letterbox drops, a project hotline and an information session held on 15 May 2023. Following this consultation, amended plans were then submitted to Council. The amended application was then publicly re-notified between 7 August 2023 and 22 August 2023. Community consultation and engagement has occurred in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Act, 1979.

(g) **Issue:** No social benefit of school

Response: As discussed above in this report, the site is zoned MU1 Mixed Use, and the proposed Educational Establishment is a permissible use within the zone. The application was referred to Council's Social Strategy team who advised that overall, the increase in education/ school floor space in the inner city is a positive and that the proposal will provide newly designed and modern learning spaces for students. Recommended conditions, including restriction on hours of operation of the outdoor open space between 10am and 2pm, are included to mitigate amenity impacts of the space on adjoining properties.

(h) **Issue:** Future expansion of school

Response: The subject application only relates to the change of use of the basement, lower ground, ground, and level 1 of the building for up to 300 students. Any future proposal would be required to be assessed on its merits at the time of lodgement.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

92. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
93. Credits have been applied for the most recent approved use of the site as a commercial premises.
94. As the proposed change of use from a commercial premises to an educational establishment will generate less demand for infrastructure, a Section 7.11 development contribution is not applicable in this instance.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

95. The site is located within the residual lands affordable housing contribution area.
96. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Relevant Legislation

97. Environmental Planning and Assessment Act 1979.

Conclusion

98. The application seeks development consent for change of use of the basement, lower ground floor, ground floor and level 1 of the existing building to an educational establishment. The purpose of the application is to facilitate an extension of St Mary's Cathedral College for up to 300 students at any one time.
99. The proposal includes associated fitout and alteration works, heritage conservation works, alterations to the at grade car parking area at the rear, and construction of a raised landscaped play space area over to accommodate 75 students at any one time. Proposed hours of operation of the educational establishment are 7am to 6pm, Monday to Friday.
100. The application is referred to the Local Planning Panel for determination as it is the subject of over 25 unique submissions by way of objection.
101. Following an assessment of the application, the applicant was requested to address a number of issues relating to the proposed floor space ratio, traffic impacts, contamination, noise and privacy from the raised outdoor space, heritage issues, landscaping, public domain, canopy cover, and waste management.
102. Amended plans were received which included internal amendments, a revised design of the outdoor terrace and it was proposed that all pick-up and drop-off of students are to occur from the existing St Mary's Cathedral College campus.
103. The proposed height of the new additions to the building comply with the maximum height control of 40 metres under Clause 4.3 of the Sydney Local Environmental Plan 2012.
104. The proposed density of the development complies with the maximum floor space ratio (FSR) control of 5:1 under Clause 4.4 of the Sydney Local Environmental Plan 2012.
105. As a result of the modifications made to the proposed development and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the conditions of the site and locality.

106. The amended proposal is generally acceptable with regard to the applicable planning controls, results in a form and scale that achieves the desired future character of the area and exhibits design excellence.
107. Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites and generally satisfies the relevant strategy, objectives and provisions of the Sydney Local Environmental Plan 2012 and the Transport and Infrastructure SEPP.

ANDREW THOMAS

Executive Manager Planning and Development

Julia Errington, Senior Planner