



Oakhill College, 423-521 Old Northern Rd, Castle Hill

DA/509/2020 - Objecting Submission - 03/08/20

We object to this Development Application on the following grounds.

SUMMARY

- The proposal is inconsistent with the requirements for a *Rural Fire Service Planning for Bushfire Protection 2019* Asset Protection Zone Inner Protection Area. The Bushfire Assessment has identified the area as needing to comply with IPA requirements. The tree canopy coverage must therefore be less than 15%. To achieve this coverage significantly more trees will need to be removed than are shown in either the Landscape Plan or the Arboricultural Impact Assessment.
- The environmental impacts of the removal of such a large number of trees for the proposal to be consistent with the RFS IPA requirements, which is not identified in any of the proposal documents, would be unacceptable.
- The proposal includes removal of Blue Gum High Forest, identified by the Flora and Fauna Assessment as being part of the Critically Endangered Ecological Community of Blue Gum High Forest in the Sydney Basin Bioregion. Removal of any of this identified Serious and Irreversible Impact entity, regardless of size or condition, is inconsistent with the Biodiversity Conservation Act 2016 - "Development consent cannot be granted to proposals which impact on SAll entities" (OEH 2019).
- The Landscape Plan is inconsistent with the requirements for a *Rural Fire Service Planning for Bushfire Protection 2019* Asset Protection Zone Inner Protection Area. The tree canopy covers to large a percentage of the area, tree canopies are touching and there are shrubs under the trees.
- The Clause 4.6 Variation - Height of Buildings is unnecessary, unreasonable and unfounded.
- There would be a shortfall of 78 car parking spaces if the proposed car spaces are removed.
- No application has been made that we are aware of to amend Council's Control Order SR 56659KR to permit garbage truck access via Armidale Crescent. No details have been provided regarding the frequency and times of garbage collection.

BUSHFIRE

- The applicant's Bushfire Assessment states in Section 4.2 Recommendations (page 13 of the Assessment) that "Proposed landscaping is to satisfy an IPA standard as listed at Appendix 4 of PBP (Section A4.1.1)". However the applicant's Bushfire Assessment has omitted the most crucial first point of the RFS IPA standard. Comparing the applicant's Bushfire Assessment with the RFS Section A4.1.1 (both below), it can be seen that the first requirement is that "canopy cover should be less than (15% at maturity)". This would mean that the majority of trees within the subject site would have to be removed to be compliant with the RFS IPA requirements.

The environmental impact of such extensive removal of mature trees to meet RFS IPA requirements would have an unacceptable environmental impact.

The Bushfire Assessment CANNOT simply pick and choose which RFS IPA requirements it will apply and in particular it cannot just leave out the most important requirement of less than 15% tree canopy cover.

Applicant's Bushfire Assessment -

4.2 Recommendations

The recommendations made within Section 3 of this assessment are repeated below:

1. Proposed landscaping is to satisfy an IPA standard as listed at Appendix 4 of PBP (Section A4.1.1). The following landscaping specifications are recommended:

Trees

- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should not be connected between the hazard and the building. Gaps between crowns or groups of crowns are to be maintained at distances of 2 to 5m; and
- Preference should be given to smooth barked and evergreen trees.

Shrubs

- Ensure gaps in the vegetation, such as between garden beds, to prevent the spread of fire towards buildings;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Groundcovers

- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height);
- Leaves and vegetation debris should be removed;
- Mulch is not to be used within 2 m of the building.

Rural Fire Service (RFS) requirements for a bushfire Inner Protection Area as per Planning for Bushfire Protection 2019 -

Inner protection areas (IPAs)

The IPA is the area closest to the asset and creates a fuel-managed area which can minimise the impact of direct flame contact and radiant heat on the development and be a defensible space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is typically the curtilage around the dwelling, consisting of a mown lawn and well maintained gardens.

When establishing and maintaining an IPA the following requirements apply:

Trees:

- canopy cover should be less than 15% (at maturity)
- trees (at maturity) should not touch or overhang the building
- lower limbs should be removed up to a height of 2m above ground
- canopies should be separated by 2 to 5m
- preference should be given to smooth barked and evergreen trees.

Shrubs:

- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings
- shrubs should not be located under trees
- shrubs should not form more than 10% ground cover
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Grass:

- should be kept mown (as a guide grass should be kept to no more than 100mm in height)
- leaves and vegetation debris should be removed.

- It is not as if Hornsby Shire Council is unaware of this issue of requiring less than 15% canopy coverage in an RFS bushfire Inner Protection Area. On 17 July 2020 the Delegate for the Planning Secretary of the Department of Planning, Industry and Environment raised this same issue with regard to the Hornsby Shire Council DA/1119/2019 (subsequently SSD-10444), an application for another school, after we raised it in our submission to the Department for that DA.

Hornsby Shire Council must make itself fully conversant with the requirements of the *Rural Fire Service Planning for Bushfire Protection 2019* and ensure that any assessment and/or report that it provides is consistent with that document. **Otherwise Hornsby Shire Council itself will be providing information that is incorrect and/or incomplete with regards to the requirements for bushfire protection.**

- It can be seen from the satellite image of the subject site below, that not only are the majority of tree canopies touching one or more adjacent tree canopies, but the area of the subject site is more than 15% covered by tree canopy. To fulfil the requirements of an RFS bushfire Inner Protection Area (IPA), a significant number of additional mature trees would need to be removed than are described in the Arboricultural Impact Assessment, the Flora and Fauna Assessment and the Statement of Environmental Effects. **The environmental impact of the removal of so many mature trees is inconsistent with the HDCP 1B.6.1 Tree Preservation and is unacceptable.**



Location of the Subject Site

-  Subject Site
-  Subject Property
-  Development Footprint

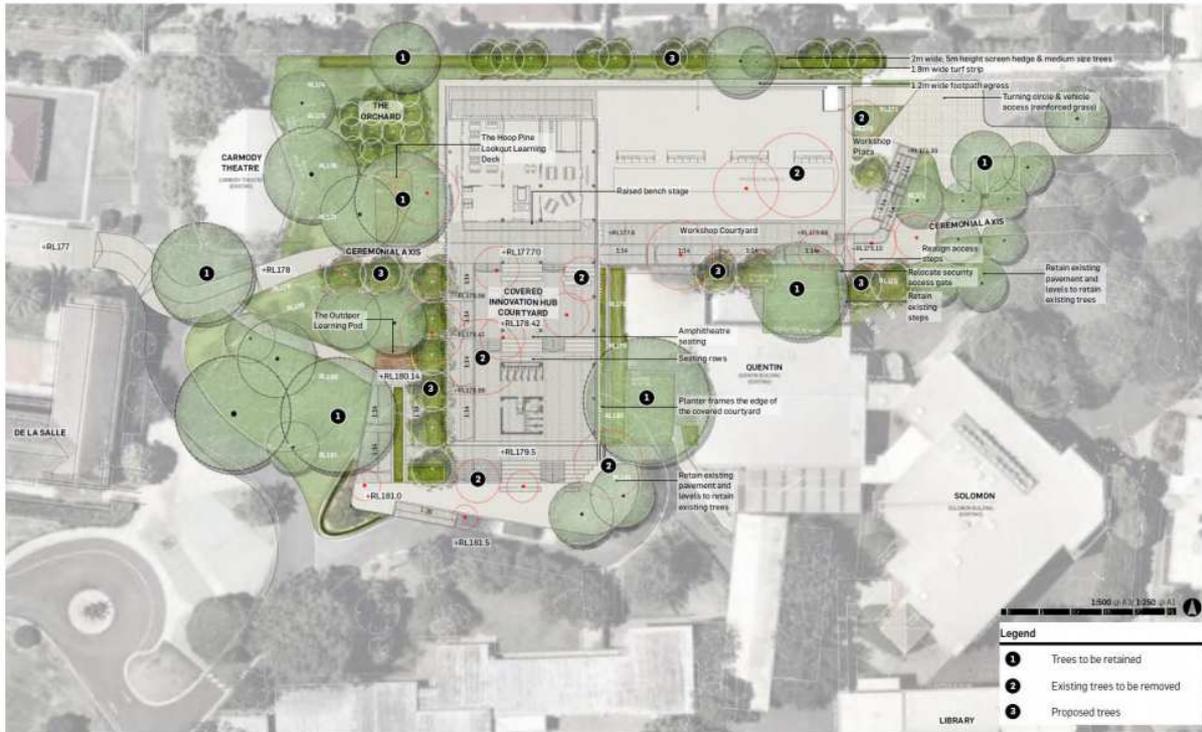
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NARLA
environmental

- Furthermore, the Landscape Plan (below) increases the number of trees within the subject site as well as the connectivity of the tree canopy, which is shown to be almost continuous at maturity. **The Landscape Plan is inconsistent with the RFS IPA requirements and must be amended to show the stark open area that it will need to be to meet the IPA requirements.**

Figure 12 Landscaper Concept Plan



- Consistency with the *Rural Fire Service Planning For Bushfire Protection 2019* requirements for an Asset Protection Zone Inner Protection Area, is not just a theoretical abstract. Rural Fire Service General Terms of Approval (GTA) will require consistency with PBP 2019 requirements. *PBP 2019 Section A4.1.1* states that "When establishing and maintaining an IPA the following requirements apply". The excerpt of those requirements is shown previously.

The Environmental Planning and Assessment Act Section 4.14 Consultation and development consent - certain bush fire prone land requires that the consent authority must be satisfied that the development (1)(a) "conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service" or that the consent authority (1)(b) "has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements".

Legal requirements

Section 4.14 of the Environmental Planning and Assessment Act 1979 requires that a council does not approve any development in a bush fire prone land area unless the development application complies with Planning for Bush Fire Protection (PBP) requirements.

Should the development in question be damaged by bushfire in the future, and the RFS GTA requirements have not been applied to the development, potentially any insurance cover for the buildings could be invalidated. **It is unacceptable that so many of the applicant's Reports have failed to be consistent with RFS requirements.**

ENVIRONMENTAL IMPACT

- The development requires the removal of 300m² of Blue Gum High Forest. The applicant's Flora and Fauna Assessment Section 4.1.1 states that "The Blue Gum High Forest within the Subject Site conforms to the BC Act 2016 listed CEEC Blue Gum High Forest in the Sydney Basin, as it contains species indicative of this CEEC and occurs within the associated geology and landscape position".

The following species listed within the Final Determination (NSW Scientific Committee 2011) were identified within the Subject Site:

- *Dichondra repens*;
- *Eucalyptus pilularis*; and
- *Microlaena stipoides*.

The Blue Gum High Forest in the Sydney Basin Bioregion is classified under the *Biodiversity Conservation Act 2016* as a Serious and Irreversible Impact (SAIL) entity. Office of Environment and Heritage advice is that "Development consent cannot be granted to proposals which impact on SAIL entities". It must be noted that there is no minimum size or condition threshold for the Blue Gum High Forest as an SAIL entity.

Therefore regardless of the size of the Blue Gum High Forest, having been identified in the Flora and Fauna Assessment as conforming to the BC Act 2016 listed CEEC Blue Gum High Forest in the Sydney Basin, the 300m² of Blue Gum High Forest CANNOT be removed. **The design must be amended so that it does not have any impact on this area of Blue Gum High Forest.**

- It is very disappointing that the Arboricultural Impact Assessment fails to make any reference whatsoever to Blue Gum High Forest species. It is the role of the Project Arborist, as described in *AS 4970-2009 Protection of Trees on Development Sites*, to identify "Trees suitable for retention", not simply record the trees that the applicant's design will or will not impact. Arguably, Blue Gum High Forest species, which cannot be removed, would come into that category.

Furthermore *AS 4970-2009 Section 2.3.2* states that in the preliminary tree assessment, ecological matters should be considered and that "Input from other specialists may be required". However from the list of references in the Arboricultural Impact Assessment, that Assessment made no reference whatsoever to the ecological specialists that identified the Blue Gum High Forest species. That being said it would have been expected that the AIA would have been able to identify Blue Gum High Forest species.

- It is unacceptable that the Arboricultural Impact Assessment has classified one of the Blue Gum High Forest species trees (*Eucalyptus pilularis*) that are flagged for removal as being of "Low Landscape Significance" and "Low Retention Value" when it is 20 metres in height and in "Good Health" with "Good Structure". Equally it is not acceptable when another *Eucalyptus pilularis* that are flagged for removal is classified as being of "Medium Landscape Significance" and "Medium Retention Value" when it is 30 metres in height and in "Good Health" with "Good Structure".

These inaccurate classifications of Critically Endangered Ecological Community (CEEC) species, within the Tree Schedule of the Arboricultural Impact Assessment, should raise doubts about the accuracy of the rest of the Tree Schedule classifications. **Hornsby Shire Council should check the accuracy of the Arboricultural Impact Assessment by undertaking its own site assessment.**

- It is unacceptable that sixteen mature trees (one "tree" is actually a "group" of nine trees) are to be removed simply for site sheds and access. This represents very poor building construction methodology. The majority of these trees are between 10 metres and 15 metres in height, all are in "Good" health, most of them are of high value in nectar production for wildlife (including the group of 9 trees - again there appears to have been no interaction with the ecologist) and/or provide summer shade/winter sun with their deciduous habit. Therefore to classify them as "Low Landscape Significance" and "Retention Value" is inconsistent with Safe and Useful Life Expectancy (SULE) values or the often-referenced Barrell A-Z rating system. **The site sheds should be positioned so that trees do not have to be removed just for placement of temporary site sheds.**
- It appears from the inconsistencies between the applicant's various Reports and Assessments, that not only did the Arboricultural Impact Assessment not take any notice of the Bushfire Assessment or the Flora and Fauna Assessment, neither did the Statement of Environmental Effects nor the Landscape Plan.

The Statement of Environmental Impacts states "the proposal will result in substantial additional landscaping and planting" which is inconsistent with the requirements of the RFS IPA. It states that "A planting palette has been provided which outlines the species chosen", almost all of which are non-natives. "While the proposal requires the removal of mature vegetation, the offset planting strategy is proposed to manage this loss and result in a balanced outcome". There is nothing "balanced" about replacing the range of native species with just lilly pillys, or 30 metre high Blue Gum High Forest species trees with 10 metre high lilly pillys. Not even the ground covers are species from the Blue Gum High Forest.

The Landscape Plan appears to not be sufficiently conversant with bushfire IPA requirements nor with providing foraging for birdlife. "Luscious planting" may sound good but there is little in the way of shade, nectar, or bushfire protection being considered. A Landscape Plan should be much more than just pretty.

- The four Canary Island Date Palms (*Phoenix canariensis*) can and should be successfully transplanted elsewhere on the site if the development is approved. They are considered to be of High Retention Value and are mentioned as being significant in the Heritage Impact Assessment.

Palms have a very small diameter root ball. Hence the reason that the Arboricultural Impact Assessment designates the Tree Protection Zone (TPZ) as being just 1m beyond the crown projection. Of all mature trees, Palm Trees are the most successfully replanted.

Given the cost of the development is approximately \$20 million, the cost of transplanting these significant impressive heritage trees would be comparatively minor. **The Canary Island Date Palms should be preserved by Council including a Condition of Consent that requires transplanting them if the development is approved.**

- **It reflects very poorly on the applicant when its documentation is so inconsistent that it makes assessment of the application nigh on impossible.**

Which documents are the public and Hornsby Shire Council supposed to accept as being correct so that an assessment of the proposal can be made?

- **Hornsby Shire Council should not have accepted such conflicting documentation in the first place. Now that it has, Council must request further information on the following matters so that the proposal can be properly assessed.**

These documents should be re-exhibited so that the public can have confidence in the documentation being correct:

- An amended Bushfire Assessment that -
 - accurately describes ALL of the requirements for an *RFS Planning for Bushfire Protection 2019* Asset Protection Zone Inner Protection Area;
 - considers whether the applicant's current bushfire maintenance scheme can be applied to this new development in regard to the RFS PfBP 2019 IPA requirements.
- An amended Arboricultural Impact Assessment that -
 - lists and shows ALL of the trees that will need to be removed to meet the requirements of the RFS Planning for Bushfire Protection 2019 Inner Protection Areas;
 - correctly identifies, retains and protects the Blue Gum High Forest species;
- An amended Landscape Plan that -
 - shows ALL of the trees that will need to be removed to meet the requirements of the RFS Planning for Bushfire Protection 2019 Inner Protection Areas;
 - ensures that the landscaping is not inconsistent with the RFS IPA requirements, including in terms of the quantity and placement of new trees and shrubs;
 - uses "locally native species with a tree of the like habitat and indigenous to Hornsby Shire", in accordance with Hornsby's Green Offsets Code;
 - provides a species list that is suitable for sustaining wildlife, particularly the birdlife that would currently forage on the "group" of Weeping Bottlebrush;
 - replaces any trees removed with the appropriate number of trees in accordance with the Offset Multiplier in the Hornsby's Green Offsets Code (hint: the BGHF species have a multiplier of 5 for "Remnant EEC Trees" and "Other Native Trees" have a multiplier of 2).
- An amended Flora and Fauna Assessment/statement that -
 - correctly identifies the number of Blue Gum High Forest tree species that are proposed to be removed/retained.
- Amended Architectural Plans that do not impact on the Blue Gum High Forest.

CLAUSE 4.6 VARIATION - HEIGHT OF BUILDINGS

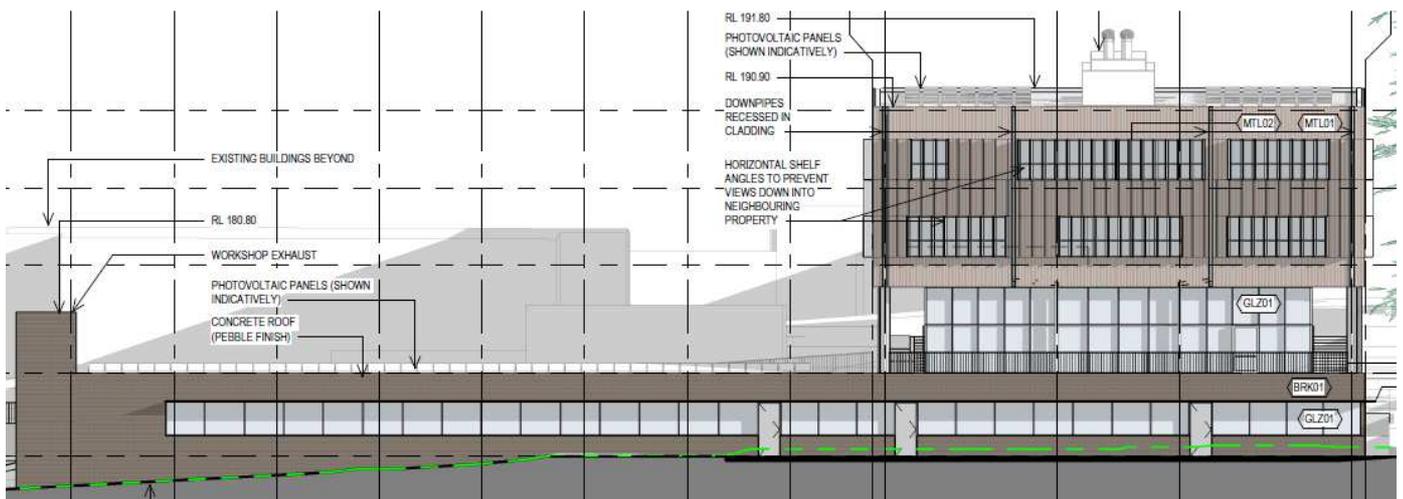
We maintain that compliance with development standards is not unreasonable or unnecessary:

- Section 4.1 - *Compliance with development standards is unreasonable or unnecessary because the objective of the development standards are achieved*

Clause 4.33 of the HLEP 2013 Objective for the height of building development standards is “to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.” The height of the proposed building is inappropriate for the site constraints. The proposed height is 17.291 metres with an indicative roof plant height of over 21 metres. The maximum building height for the site is 8.5 metres. That is a non-compliance of 11.5 metres, not 8.151m as suggested in the applicant's Clause 4.6 Variation.



- The Variation states that "the site falls approximately seven metres over the footprint of the building" and that "the sloping topography of the site is a key factor in the extent of non-compliance". We do not agree with those propositions. The building is L-shaped. Along one axis of the building the ground level is almost flat under the four-storey section of the building. Along the whole length of the building on that axis, the fall in ground level is only a total of 1.5 metres. Yet that axis of the L-shaped building is designed as being only a single storey.

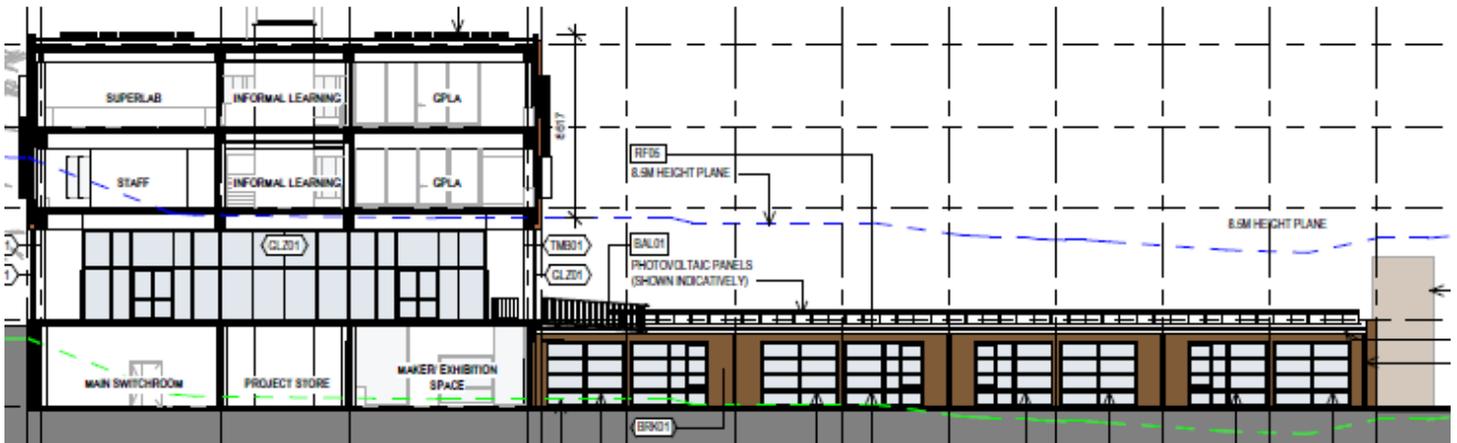


- To justify why the height of the building at 21m is not inappropriate, the Variation states that the De La Salle Building has an average height of RL 193.77. That is half a metre lower than the proposed building. Not only that, the De La Salle Building was built in 1936. It is doubtful whether there were any building standards relating to height in 1936, let alone any R2 residential zoning on and surrounding the site. Quoting the height of an 85 year old building in regards to height variations is not relevant. And the De La Salle Building is still shorter than the building proposed.

The Performing Arts Centre that is quoted is on the other side of the campus, close to the main arterial road of Old Northern Road. That building is not directly adjacent to low density housing. Quoting the height of that building is also irrelevant. And the Performing Arts Centre is still 7.5m lower than the proposed building.

- The Variation states that the "the design has incorporated a stepped design to deliver the required learning space, while aiming to keep the developments footprint low". However the "required learning space" could have been more equally distributed across the two axis, which in itself would have reduced the four storey component by one storey, and the second axis would have still been within the 8.5m height limit.

If even more space was required, that second axis could have been extended further into the carpark to accommodate the "required learning space" of the third storey, bringing the whole L-shaped building within, or close to, the 8.5m height limit. There is more than enough room on the site to have parking elsewhere. Preserving parking in that particular spot should not be considered as a valid reason for not designing a building that is within the height limit.



- It is likely that the non-compliance will result in unreasonable increase in infrastructure and service capabilities. The Statement of Environmental Effects shows that Hornsby Shire Council requested that the applicant provide an assessment of "why the development should not be considered as "traffic generating development" ". The applicant's response was "It is acknowledged that the proposal will result in the educational establishment 'being able to accommodate 50 or more additional students', however this is not the intention".

We do not agree with that proposition. On page 15 of the Statement of Environmental Effects it states that the "operational details for the Innovation Hub are: Number of Staff at any time while in operation: approximately 30 staff". We believe that it is unlikely that its staff to student ratio for the Innovation Hub will be one staff member for each 1.6 students.

This has the potential to be a traffic generating development which would result in an unreasonable increase in infrastructure and service capabilities.

- Section 4.3 - *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*

The Variation does not demonstrate that compliance with the height standard would defeat or thwart the underlying objective of the standard. The proposition that if the building was reduced in height a greater footprint would be required to facilitate additional learning spaces is simply not true. As demonstrated above, the height of the building could be lowered considerably by having the second axis as two storeys instead of only one. The underlying objective of a building that responds to the site constraints is not defeated by the compliance with the height limit. Compliance in the circumstances is therefore perfectly reasonable.

- Section 4.5 - *The zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate.*

The Variation includes the interesting "objectives of the R2 Low Density Residential zone" below. We are unsure just where the applicant got these interesting objectives from but they are not from the Hornsby LEP. The two highlighted objectives below do NOT appear in the HLEP for R2 Low Density Residential Zone. The actual objectives of the R2 zone in the HLEP are below that.

The objectives of the R2 Low Density Residential zone primarily focus on providing housing in a low-density environment. These are not relevant to the proposal. The relevant objectives are:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.*
- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*

Hornsby Local Environmental Plan 2013

Current version for 17 April 2020 to date (accessed 2 August 2020 at 23:59)

[Land Use Table](#) > [Zone R2](#)



Zone R2 Low Density Residential

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water reticulation systems

The Variation then proceeds to use these non-existent objectives as a justification to demonstrate that the height variation serves "the educational needs of the school community", rather than the day to day needs of the residents, which is the objective. Furthermore **it cannot be said that the zoning of the land is unreasonable or inappropriate, because educational establishments are permitted within that zoning** (above).

- Section 4.6 - *Compliance with the development standard is unreasonable and unnecessary in the circumstances of the application*

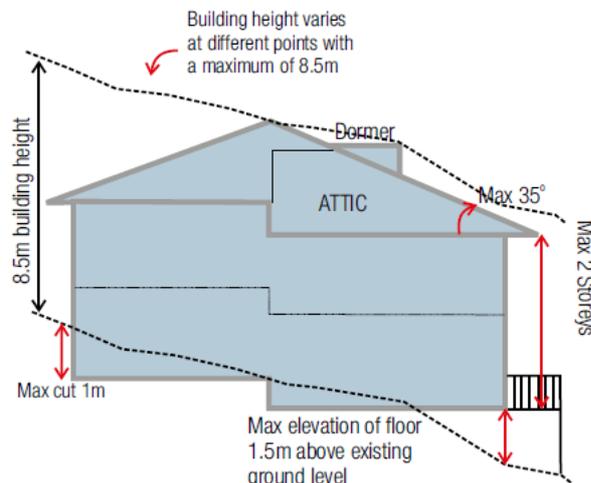
The Variation has failed to demonstrate that the proposal:

- is consistent with the objectives of the development standard as provided in clause 4.3 of the HLEP 2013 and the relevant objectives of the R2 low density residential zone'
- provides for the day to day needs of residents, only that it provides additional learning space for a private school;
- responds to the topography of the site;
- needs the additional height to provide additional learning space when there is a whole axis of the building that is only one storey, well below the 8.5m height limit.

- Section 5 - *Sufficient Environmental Planning Grounds*

The Variation fails to provide sufficient planning grounds "to justify contravening the development standard". The Variation repeatedly states that the planning controls for height respond to the topography of the sloping site by using a "stepped design". Whether the applicant does not understand the concept of responding to a sloping site by using a stepped design is a moot point. The reality is that the building design used **INCREASES** in height and number of storeys as it steps down the slope (first diagram below), rather than keeping the same height and number of storeys as it steps **DOWN** the slope, as shown in the HDCP (second diagram).

If the building was one less storey to the south on that axis, and the building then followed the principle of following the topography of the site, there would be **NO** height variation.



Sloping Site Example

- The Variation completely ignores the planning grounds of bulk and scale of the four storey 21 metre high building which is totally incompatible with the surrounding low density residential environment of 8.5 metres high. There is no articulation, no step back to the roof line, just a flat square block.
- Section 5.1 - Privacy

Clear standard glass is proposed for the top three levels of the building. Vertical fins do not block the sightlines of someone standing at the windows. There will be direct views from the windows into the private open spaces of the adjacent residences.

The Variation states that these fins "have been designed in both a horizontal and vertical alignments to reduce the ability to look from the learning spaces down into residential properties. Rather, views are directed out horizontally from these spaces above the residential properties". How a single horizontal fin can reduce sightlines is not explained but the northern elevation below shows that any reduction in the ability to look into residential properties would be minimal.

Privacy will be a major issue for the adjoining residential properties. The design is not sufficient to provide privacy, particularly from the third and fourth storeys. Furthermore, most of the adjoining properties have swimming pools that will be clearly visible to students and teachers. Residents private amenity will be impacted by having their swimming hours curtailed as they would justifiably be concerned about being watched from the school building directly overlooking their swimming pools, particularly those residents that have young children.



- Section 5.3 - Noise Impacts

It is proposed that the "workshops and areas which pose the potential for increased noise levels are located in the lower levels of the building". These lower levels are the levels at which the residences occur. There is no acoustic barrier being proposed. The existing timber fencing will do nothing to ameliorate the noise of power tools and the like. It does not matter what "glazing" is used, it will not prevent the noise of grinders from reaching the residences. **Noise impacts have not been ameliorated.**

- Section 5.4 - Public Benefit

The aim of the proposal is to provide additional learning space for a private school, not to provide services to meet the day to day needs of residents.

The proposed variation will result in loss of amenity to the adjoining properties from privacy and noise impacts.

"The environmental planning grounds advanced in the written request must justify the contravention of the development standard (in this case height), not simply promote the benefits of carrying out the development as a whole" (Four2Five Pty Ltd v Ashfield Council (2015) NSWCA 248). Yet in this section the Variation simply promotes the benefits of the whole development by stating it will provide:

- Improved educational facilities for an existing education establishment;
- Encouragement of science and engineering subjects to further the education of students of the college (that's as far removed from height control standards as one could get);
- The development results in a highly attractive design which blends into the college grounds;
- The proposal is an envisaged land use for the site.

None of which has anything to do with the development standard for height controls.

- Conclusion regarding the Clause 4.6 Variation

The Variation has failed to demonstrate that strict (or even anywhere close) compliance with the HLEP in this case is unreasonable and unnecessary.

- The proposal is inconsistent with the objectives of Clause 4.3 and the R2 low density residential zone;
- The potential for adverse privacy and noise impacts is considerable as a result of poor building design and lack of any acoustic barrier and it has an unnecessary bulk and scale;
- The design does not respond to the site conditions because it does not follow the topography and it has an unbalanced distribution of storeys, one storey on one axis and four storeys on the other axis;
- The proposal has a negative impact on the surrounding environment because a significant number of mature trees (a far greater number than described in any of the applicants documents) will need to be removed to meet the requirements of the RFS Planning for Bushfire Protection bushfire Inner Protection Area, and 300m² of critically endangered ecological community of Blue Gum High Forest would need to be removed.

The Clause 4.6 Variation is unfounded and should not be supported.

TRAFFIC, PARKING AND ACCESS

- The HDCP 2013 Part 1 General requires educational establishments to provide 1 parking space per full time teacher and 1 parking space per 2 students of driving age. According to the Traffic Impact Assessment there are currently 319 car parking spaces. In 2019 there were 127 teachers and 1667 students. The report does not clarify how many of those students are of driving age. In light of the Assessment's apparent oversight in providing the number of students of driving age, the following numbers are assumed -

1667 ÷ 6 years = 277 students per year

Year 12 all students of are driving age: 277 students

Year 11 half of the students are of driving age: 138 students

Total students of driving age: 415 students

Number of car parking spaces for students: $415 \div 2 = 207$

Therefore total number of car spaces required: $127 + 207 = 334$ spaces

Current shortfall of car parking spaces: $334 - 319 = 15$ spaces

The proposal would remove 63 spaces

Proposed shortfall of car parking spaces: $63 + 15 = 78$ car parking spaces shortfall

This is not an acceptable size of shortfall. **Provision for the 78 car parking spaces must be made onsite.** Otherwise any overflow parking will be in surrounding residential streets. Additional parking for construction vehicles must also be made available onsite.

- The Chart 1 Parking Survey Results 2014 provided in the Traffic Impact Assessment provides insufficient information to be a reliable basis for car parking usage. No date is provided, nor any information as to what school activities were taking place on that day that might impact car parking usage eg district swimming or athletics carnivals.
- The Traffic Impact Assessment mentions on page 12 that "Refuse Collection" will be via the existing driveway to Armidale Crescent. However it does not provide any indication of the frequency or times of refuse collection. It simply emphasises that deliveries of "goods for the laboratories" will be undertaken approximately 1-2 times per semester. **This oversight in providing information on the frequency and times of refuse collection must be provided in an amended Traffic Impact Assessment.**
- The driveway to Armidale Crescent is approved "for emergency, funeral and special events vehicles only as required under Council's Control Order (Ref: SR 56659 KR)". Garbage trucks do not fall into any of these three categories. **No application has been made with this proposal, to amend Control Order SR 56659KR to permit garbage truck access via Armidale Cres.**
- The Traffic Impact Assessment refers to six bus stops located within 400m of the school. However four of those bus stops are located within the adjacent Anglicare Retirement Village and do not service the school. **An amended Traffic Impact Assessment or statement must be provided to rectify this error.**

FINAL CONCLUSION:

The environmental and public amenity impacts of this proposal are unacceptable and the proposal should therefore be refused.