




 DEVELOPMENT ASSESSMENT REPORT				
Application No.	DA/2021/1023			
Address	68-86 The Boulevarde LEWISHAM NSW 2049			
Proposal	Change of use to an educational establishment with associated works.			
Date of Lodgement	18 October 2021			
Applicant	Trustees of Edmund Rice Education Australia			
Owner	Trustees Of Edmund Rice Education Australia			
Number of Submissions	Prior to Notification: 21 Initial Notification: 44 Renotification: 13			
Value of works	\$158,400.00			
Reason for determination at Planning Panel	Number of submissions Variation greater than 10%			
Main Issues	Loss of existing affordable rental housing Tree removal Non-compliance with FSR development standard No Clause 4.6 submitted Acoustic impacts Community safety Submissions			
Recommendation	Refusal			
Attachment A	Reasons for Refusal			
Attachment B	Without Prejudice Conditions of Consent			
Attachment C	Plans of proposed development			
Attachment D	Plan of Management			
Attachment E	Acoustic Assessment			
				
LOCALITY MAP				
Subject Site		Objectors		 N
Notified Area				
Note: Due to scale of map, not all objectors could be shown.				

1. Executive Summary

This report is an assessment of the application submitted to Council for a change of use to an educational establishment with associated works at 68-86 The Boulevard, Lewisham.

The application was notified to surrounding properties and Forty-four (44) submissions were received in response to the initial notification. Thirteen (13) submissions were received in response to the renotification of the application. It is noted that 21 submissions were also received prior to the initial formal notification of the proposed development.

The main issues that have arisen from the application include:

- Insufficient information has been submitted to demonstrate that the proposal does not result in the loss of existing affordable rental housing;
- Removal of Tree 1, located within the frontage of no. 86 The Boulevard;
- Non-compliance with Clause 4.4 Floor space ratio of *MLEP 2011*;
- A written request in accordance with Clause 4.6 of *MLEP 2011* has not been submitted to consider the breach to the floor space ratio development standard;
- Acoustic impacts;
- Insufficient information has been submitted to demonstrate appropriate fencing is provided to maintain community safety; and,
- A total of 78 submissions were received.

In addition to the matters noted above, the proposal is not considered to satisfy the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Marrickville Local Environmental Plan 2011*, and *Marrickville Development Control Plan 2011*.

The application is considered unsupportable and in view of the circumstances, it is recommended that the application be refused.

2. Proposal

The application proposes a change of use of an existing residential flat building to an administration building to be used in conjunction with Christian Brothers High School. Alterations and additions are also proposed to the existing high school to enable pedestrian access to the new administration building.

Specifically, the following works are proposed:

- Internal alterations and additions to the existing building at no. 86 The Boulevard for use as an administration, staff, and seminar building;
- Demolition of existing bin storage and hardstand area at rear of no. 86 The Boulevard;
- Construction of a new pedestrian walkway between the building at no. 86 The Boulevard and the existing adjacent building at no. 68-84 The Boulevard;
- Alterations and additions to an existing building at no. 68-84 The Boulevard to accommodate the new pedestrian access;
- New fencing and pedestrian access gate along the frontage of no. 86 The Boulevard;
- Removal of eight (8) trees; and,
- Landscaping works.

The proposed hours of operation of the building at no. 86 The Boulevard are as follows:

- Monday to Friday 7.30am – 6.00pm
- Saturday 7.30am – 12.00pm

The administration building at no. 86 The Boulevard is proposed to be used by a maximum of 5-10 staff at any one time, with no more than eight (8) students attending mentoring seminars within the building.

3. Site Description

The subject site is located on the north-western side of The Boulevard, Lewisham. The site is irregular in shape and comprises two allotments, being Lot 1 in DP 1089520 (known as no. 68-84 The Boulevard) and Lot 12 in DP 499712 (known as no. 86 The Boulevard).

The site has a 162m wide south-eastern frontage to The Boulevard, a 184m wide north-western frontage to Denison Road, and a 37m wide north-eastern frontage to Toothill Street. The site has a total area of approximately 15,540sqm.

No. 68-84 The Boulevard is currently occupied by Christian Brothers High School, with part of the site being listed as a local heritage item, being I62 – Christian Brothers High School, including interiors. No. 86 The Boulevard is currently occupied by a three storey residential flat building. Development surrounding the site predominately consists of single and two storey dwellings and multi storey residential flat buildings.

The site currently comprises two land use zones. No. 68-84 The Boulevard is zoned SP2 Educational Establishments, and no. 86 The Boulevard is zoned R2 Low Density Residential under *MLEP 2011*.

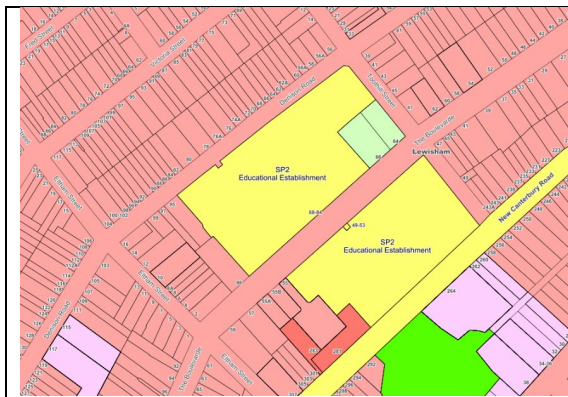


Figure 1: Zoning map



Figure 2: Aerial map

4. Background

4(a) Site history

The following outlines the relevant development history of the subject site.

No. 68-84 The Boulevard, Lewisham

Application	Proposal	Outcome
DA201800243	To remove a Poplar tree facing Denison Road	Approved 30/10/2018
DA200300504.01	To modify condition 3 of Determination No. 200300504, dated 3 June 2004, under Section 4.55 of the Environmental Planning and Assessment Act so as to increase the student numbers from 1200 to 1350 students.	Approved 24/04/2018
DA201200236	To erect a new entry to the administration area of Christian Brothers High School off The Boulevard, demolish and rebuild existing property boundary walls to Denison Road	Approved 05/10/2012
DA201100540	To erect a new front fence along part of the Toothill Street boundary	Approved 19/12/2011
DA200900196	To carry out refurbishment works to the Treacy Building within Christian Brothers High School to provide a multi purpose hall for the primary school	Approved 13/07/2009
DA200300504	to demolish the print house, library and the dwellings of 82 and 84 The Boulevard and carry out alterations and additions to a school including the construction of a multipurpose facility and additional classrooms. The consent became operative on 15 April 2005.	Deferred commencement 03/06/2004
Determination No. 19901653	to carry out alterations and additions and associated works to the Christian Brothers High School including refurbishment works to the Gallagher Building, lift and link to the Administration Building, covered seating in front of the Gallagher Building, lowering of the tennis court and roofing such area, additions to the Wynne building and demolition of the Doody Building.	Approved 20/12/1999
Determination No. 18456	to demolish part of the existing building fronting Toothill Street and to carry out alterations and additions to the school to provide a creative and performing arts centre for use in association with the school	Approved 10/05/1999
Determination No. 17863	demolition of the former dwelling house at 22 Toothill Street.	Refused 29/09/1998
Determination No. 17862	to demolish the former dwelling house at 78 The Boulevard but refused consent to demolish the former dwelling house at 20 Toothill Street.	Approved 29/09/1998
Determination No. 17226	To create a playground for use in association with the school incorporating a hard paved area surrounded by grass areas and landscaped mounding along the Denison Road frontage and south-western boundary to erect fencing and a gate.	Approved 18/08/1997

No. 86 The Boulevard, Lewisham

Application	Proposal	Outcome
Determination No. 5690	Erection of a two storey residential flat building containing eight (8) two-bedroom flats with eight (8) garages and two (2) spaces in the yard	Approved 14/02/1973

4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
4 November 2021	Application accepted.
9 November – 30 November 2021	Application notified.
27 January 2022	Council issued a letter requesting additional information to address the following matters: <ul style="list-style-type: none"> • Clarification of proposed development • Acoustic Report • Tree impacts • Vehicular access and parking • Retention of affordable housing • Existing development consents • Submissions
4 March 2022	Additional information was submitted by the applicant. This information forms the basis of the following assessment.
17 March – 7 April 2022	Application renotified.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

5(a)(i) *State Environmental Planning Policy (Affordable Rental Housing) 2009*

The application proposes a change of use of the existing building at no. 86 The Boulevard from a residential flat building comprising eight (8) units to an educational establishment, being an administration, staff, and seminar building for the adjacent Christian Brothers High School.

During the assessment of the proposal, Council requested that evidence be submitted to demonstrate whether or not the provisions of Part 3 Retention of existing affordable rental housing, of the *ARH SEPP 2009* were applicable to the proposed development.

Insufficient information was submitted to demonstrate:

- That the provisions of Part 3 of the *ARH SEPP 2009* do not apply to the proposed development, or,
- That the provisions of Part 3 of the *ARH SEPP 2009* do apply, but that there is no loss of existing affordable rental housing, or,

- That the provisions of Part 3 of the *ARH SEPP 2009* do apply and there is a loss of existing affordable rental housing, and a monetary contribution is applicable.

Given the above, it is considered that the proposed development does not satisfy the relevant provisions of the *ARH SEPP 2009*, as a result this is a reason the application is recommended for refusal.

5(a)(ii) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

5(a)(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 Educational establishments and childcare facilities

The proposal does not rely on Section 3.15 of *SEPP (Transport and Infrastructure) 2021* for permissibility.

Section 3.36(6) of the SEPP requires the consent authority to take the following 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.*

The following is an assessment against the seven design quality principles.

Principle	Comment	Compliance
1 – context, built form and landscape	The proposal does not satisfy this principle as the existing landscaping and trees have not been integrated into the design and as such the removal of Tree 1 results in adverse impacts to the character of the streetscape. The site is also located in an area of terrestrial biodiversity and the proposal has not been designed to protect the aesthetic and ecological qualities of the natural environment in the locality.	No
2 – sustainable, efficient and durable	The proposal generally satisfies this principle as follows: <ul style="list-style-type: none"> The proposal involves the adaptive reuse of an existing building, and as such minimises the use of resources required to demolish the existing building and construct a new building. 	Yes
3 – accessible and inclusive	The proposal generally satisfies this principle as follows: <ul style="list-style-type: none"> Appropriate access is provided to the building for people with differing needs and capabilities. 	Yes
4 – health and safety	The proposal does not satisfy this principle as insufficient information has been provided to demonstrate that appropriate fencing is provided to optimise safety and security while having a positive impact on the streetscape.	No
5 – amenity	The proposal does not satisfy this principle as insufficient information has been provided to demonstrate that the development will not result in adverse acoustic impacts to the nearby residential properties.	No
6 – while of life, flexible and adaptive	The proposal generally satisfies the relevant provisions of this clause as follows: <ul style="list-style-type: none"> The proposal does not preclude the future adaptation of the existing building. 	Yes
7 – aesthetics	The proposal does not satisfy this principle as the proposed removal of Tree 1 results in adverse impacts to the character of the streetscape and is contrary to the desired future character of the area, as discussed in Part 9.5 below.	No

Given the above, the proposed development is not considered to satisfy the relevant design quality principles and as a result is recommended for refusal.

5(a)(iv) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Biodiversity and Conservation SEPP concerns the protection and removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions contained in the Inner West Council (IWC) Tree Management DCP.

The application seeks the removal of eight (8) trees from the site. The proposed tree removal generally satisfies the relevant provisions subject to appropriate replacement plantings, which

could be conditioned as part of a development consent if the application were approved, except for the proposed removal of Tree 1.

Tree 1 is a large mature tree (*Eucalyptus nicholii* (Narrow-Leafed Peppermint)) located within the frontage of no. 86 The Boulevard and is in average health and condition. The tree makes a positive contribution to the streetscape and existing canopy cover. Furthermore, the removal of the tree is contrary to objectives O3, O4, and O5 and control C12 of IWC Tree Management DCP.

Given the above, the removal of Tree 1 is not supported, and it is not considered that the relevant provisions of the IWC Tree Management DCP, nor the *Biodiversity and Conservation SEPP 2021*, have been satisfied and as a result the application is recommended for refusal.

5(a)(v) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

The application was assessed against the following relevant clauses of *Marrickville Local Environmental Plan 2011 (MLEP 2011)*.

Part 1 – Preliminary

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The application is not considered to satisfy the following relevant aims of the plan: <ul style="list-style-type: none"> • (e) – as insufficient information has been provided to demonstrate that the proposal does not result in the loss of existing affordable rental housing; and, • (f) – as the proposed removal of Tree 1 results in adverse ecological impacts and is not necessary to enable the proposed development. 	No

Part 2 – Permitted of prohibited development

Control	Proposed	Compliance
Clause 2.3 Zone objectives and Land Use Table <i>R2 Low Density Residential</i> <i>SP2 Educational Establishment</i>	The proposal satisfies the relevant provisions of this clause as follows: <ul style="list-style-type: none"> • The application proposes the use of an existing building as an administration building ancillary to an educational establishment, which is permissible with consent in the R2 Low Density zone; • The application proposes alterations and additions to an existing educational establishment, which is permissible with consent in the SP2 Educational Establishment zone; • The proposal meets the relevant objectives of the R2 zone as it provides a service that meets the day to day needs of residents; and, 	Yes

	<ul style="list-style-type: none"> The proposal meets the relevant objectives of the SP2 zone as it provides for infrastructure and related uses. 	
Clause 2.7 Demolition requires development consent	<p>The proposal satisfies the clause as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and, Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes – subject to conditions

Part 4 – Principal development standards

Control	Proposed		Compliance
Clause 4.3 Height of building	Maximum	<u>R2 Low Density Residential</u> J – 9.5m <u>SP2 Educational Establishments</u> N/A	No – however, existing variation and no changes proposed
	Proposed	<u>R2 Low Density Residential</u> 10.6m (existing) <u>SP2 Educational Establishments</u> N/A	
	Variation	<u>R2 Low Density Residential</u> 11.6% (1.1m over) <u>SP2 Educational Establishments</u> N/A	
Clause 4.4 Floor space ratio	Maximum	<u>R2 Low Density Residential</u> F – 0.6:1 (597.6sqm) <u>SP2 Educational Establishments</u> N/A	No – see Clause 4.6 discussion below
	Proposed	<u>R2 Low Density Residential</u> 0.76:1 (754sqm) <u>SP2 Educational Establishments</u> N/A	
	Variation	26.2% (156.4sqm over)	
Clause 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the clause.		No – see below

As noted above, the application proposes alterations and additions to the existing residential flat building at no. 86 The Boulevard and change of use to an administration, staff, and seminar building to be used in conjunction with the existing high school. These works include the conversion of the existing eight (8) garages into storage areas.

The ‘gross floor area’ (GFA) definition contained in *MLEP 2011* is reproduced below:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and

- (b) *habitable rooms in a basement or an attic, and*
 - (c) *any shop, auditorium, cinema, and the like, in a basement or attic,*
- but excludes—*
- (d) *any area for common vertical circulation, such as lifts and stairs, and*
 - (e) *any basement—*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
 - (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
 - (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
 - (h) *any space used for the loading or unloading of goods (including access to it), and*
 - (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
 - (j) *voids above a floor at the level of a storey or storey above.*

Per the definition, ‘storage’ areas are explicitly excluded from the calculation of GFA only when they are located within a basement. As the proposed storage areas are not located within a basement and do not fall under any of the other areas to be excluded, it is considered that they are to be included in the calculation of GFA.

Furthermore, it is considered that if the existing residential flat building use were being continued, the existing garages would be excluded from the calculation of GFA as they are considered “*car parking to meet any requirements of the consent authority*”. Under Part 2.10 of MDCP 2011, the site is located in Parking Area 3 and the residential flat building would require car parking to be provided at a rate of 1.2 parking spaces per 2 bedroom units for residents, plus 0.1 parking spaces per unit for visitors. In total, a minimum of 10 car parking spaces would be required. Given this requirement, all of the existing eight (8) garages would be excluded from the calculation of GFA.

Additionally, the proposed alterations and additions include the conversion of an existing laundry to a meter room. Per the GFA definition, this area of approximately 7sqm has been excluded from the calculation of GFA.

Accordingly, it is considered that the proposed development results in a total GFA of approximately 754sqm, which is an increase of 140sqm, and which represents a FSR of 0.76:1 and a variation of 26.2% (156.4sqm over).

<p>Clause 4.6 Exceptions to development standards</p>	<p>The applicant has not submitted a variation request in accordance with Clause 4.6 to vary Clause 4.4 Floor space ratio of <i>MLEP 2011</i>. As such, it has not been demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and the variation cannot be supported.</p>	<p>No</p>
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Part 5 – Miscellaneous provisions

Control	Proposed	Compliance
Clause 5.10 Heritage conservation	<p>The subject site contains a listed heritage item, namely Christian Brothers High School, including interiors (I62). The heritage item is located at no. 68-84 The Boulevard at the northern corner of the site.</p> <p>The subject application does not propose any works or changes within proximity of the heritage item. As such, the development does not adversely impact the significance of the heritage item and it is considered that the development preserves the environmental heritage of the Inner West.</p>	Yes

Part 6 – Additional local provisions

Control	Proposed	Compliance
Clause 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Clause 6.4 Terrestrial biodiversity	As discussed under <i>Biodiversity and Conservation SEPP</i> above, the application proposes the removal of Tree 1, which is considered to be in average health, and which contributes positively to the existing canopy cover and terrestrial biodiversity of the area. The proposed removal of the tree is considered contrary to the relevant provisions of this Clause as it will not maintain terrestrial biodiversity by preserving existing vegetation on the site.	No
Clause 6.5 Development in areas subject to aircraft noise	The site is located within the ANEF 15-20 contour and as such the provisions of this clause are not applicable.	N/A

As identified in the table, the proposal does not satisfy Clauses held within *MLEP 2011* and as a result, the application is recommended for refusal.

5(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below:

5(b)(i) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *EPA Act 1979*.

The proposed development has been considered against the amended provisions contained in the Draft IWLEP 2020 and it is considered that the proposal is inconsistent with, and does not demonstrate compliance with, the following provisions:

- Clause 1.2 Aims of Plan, as insufficient information has been submitted to demonstrate that the proposal does not result in the loss of existing affordable rental housing, and the proposed removal of Tree 1 is considered to result in adverse ecological impacts and does not protect the biodiversity of the locality;
- Clause 4.4 Floor space ratio, as the proposal results in a variation to the development standard;
- Clause 4.6 Exceptions to development standards, as a written variation request meeting the requirements of this Clause has not been submitted to vary Clause 4.4; and,
- Clause 6.4 Terrestrial biodiversity, as the proposed removal of Tree 1 results in adverse impacts to the terrestrial biodiversity of the locality.

Having regard to the above, the proposal fails to satisfy the provisions of Draft IWLEP 2020.

5(b)(ii) Draft State Environmental Planning Policy (Housing) 2021

The subject application was lodged on the NSW Planning Portal on 18 October 2021. At this time, Draft State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was a draft Environmental Planning Instrument, had been publicly exhibited, and was imminent and certain. Housing SEPP commenced on 26 November 2021.

In accordance with the findings in *Tamvakeras v Inner West Council* [2022] NSWLEC 1140, *SEPP ARH 2009* and Housing SEPP are not required to be considered concurrently. However, the Housing SEPP should be considered on the basis that it is imminent and certain, and in the public interest that it be considered, as it concerns the retention of existing affordable rental housing.

Chapter 2, Part 3 Retention of existing affordable rental housing

The provisions of Part 3 of the *ARH SEPP 2009* remain largely unchanged from those in Part 3 of the Housing SEPP, which have been considered above. In summary, insufficient information has been submitted to determine whether or not the application results in the loss of existing affordable housing and as such the proposed development is not considered to satisfy the relevant provisions of the Housing SEPP. It is recommended that the application be refused in this regard.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011).

Part 2 – Generic Provisions

Control	Proposed	Compliance
Part 2.1 – Urban Design	The proposal satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> • The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form and siting; and, • The proposal preserves the existing character of the streetscape, as the proposed works will not be highly visible from the public domain. 	Yes
Part 2.5 – Equity of Access and Mobility	The proposal satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> • Appropriate access is provided for all persons through the principal entrance to the premises; • A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provided which allows a person with a disability to gain access; and, • Suitable accessible sanitary facilities are provided. 	Yes
Part 2.6 – Acoustic and Visual Privacy	See below.	No
<p><u>Acoustic privacy</u></p> <p>The application proposes the following hours of operation for the building at no. 86 The Boulevard:</p> <ul style="list-style-type: none"> • Monday to Friday 7.30am – 6.00pm; and, • Saturday 7.30am – 12.00pm. <p>Although the proposed hours are consistent with the existing approved hours of operation of the school, insufficient information has been submitted to demonstrate that the proposal will not result in adverse acoustic impacts to the adjoining residential properties.</p> <p>The submitted Plan of Management prepared by Willowtree Planning and dated 4 March 2022 notes “noise management to be implemented in accordance with the acoustic recommendations of Day Design Pty Ltd”. However, the submitted Acoustic Assessment prepared by Day Design Pty Ltd dated 3 March 2022 notes that a detailed Environmental Noise Impact Assessment has not been undertaken and that one is required to establish appropriate noise criteria and to assess the proposed development against the relevant provisions.</p> <p>Accordingly, insufficient information has been submitted to demonstrate that the proposed development will not result in any adverse acoustic privacy impacts to the adjoining residential properties. The proposed development therefore does not satisfy objectives O1 and O3 of this Part, Having regard to the above, the application is recommended for refusal.</p> <p><u>Visual privacy</u></p> <p>The subject application does not propose any changes to the existing windows and privacy treatments of the building at no. 86 The Boulevard. As the existing 4.9m-5.1m setback to the south-western side boundary and the 10.2m-10.8m setback to the north-western rear boundary is maintained, it is considered unlikely that the proposal will result in any adverse visual privacy impacts.</p>		

Part 2.7 – Solar Access and Overshadowing	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The application does not propose any changes to the envelope of the existing building at no. 86 The Boulevard that would result in any changes to the existing overshadowing impacts on adjoining residential properties; and, • The proposed works to the existing building at no. 68-84 The Boulevard and the new pedestrian walkway connecting the buildings is considered unlikely to result in any significant impacts to solar access or overshadowing of the site. The existing building at no. 86 The Boulevard is considered to receive adequate direct solar access to reduce reliance on artificial lighting and heating. 	Yes
Part 2.9 – Community Safety	See below.	No
<p>The submitted architectural plans indicate new fencing and access gates are proposed to be provided along the frontage of no. 86 The Boulevard. However, elevation plans have not been submitted to demonstrate any details of the proposed fencing, such as design, height, or materials.</p> <p>Accordingly, insufficient information has been submitted to demonstrate that the proposed fencing has been appropriately designed and located to restrict unintended or unauthorised access to the site. The proposed development therefore does not satisfy objectives O9 and O10 of this Part and is recommended for refusal.</p>		
Part 2.10 – Parking	See below.	Yes
<p>The site is located in Parking Area 3 under this Part. Control C1 requires car parking to be provided at a rate of 1 space per 2 staff.</p> <p>The subject application does not propose any changes to the existing number of staff, as approved by previous development consents. The application also does not propose any change to the existing provision of car parking. As noted above, the eight (8) existing garages of the building at no. 86 The Boulevard are proposed to be used as storage spaces and not additional car parking. If the application were being recommended for approval, a condition could be included in the consent to remove the redundant vehicular crossing to this property.</p> <p>Given the above, the proposal is considered to satisfy the provisions of this Part.</p>		
Part 2.11 – Fencing	As noted above, details of the proposed fencing along the frontage of no. 86 The Boulevard have not been submitted. Accordingly, insufficient information has been provided to demonstrate that the proposal satisfies objectives O3 and O5 and control C1 of this Part. As a result, the application is recommended for refusal.	No
Part 2.13 – Biodiversity	As discussed under <i>Biodiversity and Conservation SEPP</i> above, the application proposes the removal of Tree 1, which is considered to be in average health, and which contributes positively to the existing canopy cover and terrestrial biodiversity of the area. The proposed removal of the tree is considered contrary to the relevant provisions of this Part as it will not maintain terrestrial biodiversity by preserving existing vegetation on the site.	No

Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The application was accompanied by a waste management plan in accordance with the Part; and, • If the application were being recommended for approval, standard conditions could be included in the consent to ensure the appropriate management of waste during the construction of the proposal. 	Yes – subject to conditions
Part 2.25 – Stormwater Management	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • If the application were being recommended for approval, standard conditions could be included in the consent to ensure the appropriate management of stormwater. 	Yes – subject to conditions

Part 8 – Heritage

Control	Assessment	Compliance
Part 8.1.7 – Heritage Items	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The heritage item on the site will be appropriately conserved as the proposed works are not located within proximity of the item; and, • The proposal has been appropriately designed so as to not adversely impact the significance of the heritage item. 	Yes

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.5 – Lewisham South	<p>The proposed development is considered to be contrary to the following element of the desired future character of the precinct:</p> <ul style="list-style-type: none"> • 10. To ensure that new development considers all potential impacts to biodiversity – as the proposed removal of Tree 1 results in adverse impacts to the terrestrial biodiversity of the locality. 	No

5(e) The Likely Impacts

As discussed in the assessment above, the proposed development will have an adverse impact on the locality. As a result, the application is recommended for refusal.

5(f) The suitability of the site for the development

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with the *Community Engagement Framework* for a period of 21 days to surrounding properties. 44 submissions were received in response to the initial notification. The application was subsequently renotified and a further 13 submissions were received. It is noted that 21 submissions were also received prior to the initial formal notification of the proposed development.

The following issues raised in submissions have been discussed in this report:

- Does not satisfy requirements of relevant planning provisions.
- Notification of proposed development.
- Traffic and parking.
- Streetscape.
- Building form.
- Accessibility.
- Suitability of the site.
- Amenity impacts.
- Visual privacy.
- Acoustic impacts.
- Waste management.
- Not in the public interest.
- Loss of affordable housing.
- Tree removal and landscaping.
- Public safety.

In addition to the above issues, the submissions raised the following concerns:

Concern	Comment
Number of staff and students	The subject application does not propose any increase to the maximum number of staff or students as stipulated in previous development consents.
Stealth expansion	Concern was raised that approval of the subject application would lead to further expansion of the school and increased staff and student numbers. As identified above, the proposal does not seek to increase student or staff numbers
Compliance with existing conditions of consent	Concerns were raised that the school is currently not operating and complying with the existing conditions of development consent. This matter has been referred to Council’s Regulatory and Compliance team to investigate.
Rezoning of land	The subject application does not propose to rezone the existing R2 Low Density Residential zoning of the land at no. 86 The Boulevard nor would it be required.
Insufficient playground/open space	The subject application does not propose any changes to the existing provision of playgrounds/open spaces at the school. Additionally, there is no nexus to request additional playgrounds/open spaces be provided as part of the current application.

Insufficient infrastructure	Concern was raised that existing road and transport infrastructure is insufficient. As noted above, the subject application does not propose any increase to the existing approved number of staff and students and as such it is considered that the proposal does not result in any additional demand on existing infrastructure and services.
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5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal officers and issues raised in those referrals have been discussed in section 5 above where relevant.

- Building Certification;
- Development Engineer;
- Environmental Health;
- Regulatory;
- Urban Design;
- Urban Ecology;
- Urban Forest;
- Waste Management (Commercial);
- Waste Management (Residential).

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above where relevant.

- Department of Education.

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies would be payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$792.00 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. If the application were being recommended for approval, conditions could be included in the consent requiring that contribution be paid.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011, and the relevant environmental planning instruments.

The development would result in significant impacts on the amenity of the adjoining properties and the streetscape and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2021/1023 for a change of use to an educational establishment with associated works at 68-86 The Boulevard, Lewisham for the reasons listed in Attachment A.

Attachment A – Reasons for Refusal

1. Insufficient information has been submitted to demonstrate that the proposal does not result in the loss of existing affordable rental housing and as such does not result in adverse social impacts in the locality.

Therefore, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(a)(ii), and 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not demonstrated compliance with:

- a. Part 3 Retention of existing affordable rental housing, of *State Environmental Planning Policy (Affordable Rental Housing) 2009*;
 - b. Clause 1.2(2)(e) Aims of Plan, of *Marrickville Local Environmental Plan 2011*;
 - c. Clause 1.2(2)(g) Aims of Plan, of Draft Inner West Local Environmental Plan; and,
 - d. Chapter 2, Part 3 Retention of existing affordable rental housing, of Draft State Environmental Planning Policy (Housing) 2021, respectively.
2. The proposed removal of Tree 1 will result in adverse biodiversity impacts and reduce the existing canopy cover of the locality.

Therefore, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(a)(ii), 4.15(1)(a)(iii), and 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with, and has not demonstrated compliance with:

- a. Chapter 2 Vegetation in non-rural areas, of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- b. Section 3.36(6)(a), Principles 1 and 7 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- c. Clause 1.2(2)(f) Aims of Plan, of *Marrickville Local Environmental Plan 2011*;
- d. Clause 6.4 Terrestrial biodiversity, of *Marrickville Local Environmental Plan 2011*;
- e. Clauses 1.2(2)(a)-(c) Aims of Plan, of Draft Inner West Local Environmental Plan 2020;
- f. Clause 6.4 Terrestrial biodiversity, of Draft Inner West Local Environmental Plan 2020;
- g. Part 2.13 Biodiversity, of Marrickville Development Control Plan;
- h. Part 9.5 Lewisham South Precinct, of Marrickville Development Control Plan 2011; and,

- i. Inner West Council Tree Management Development Control Plan 2020.
3. The proposed development results in a variation of approximately 26.2% to the maximum floor space ratio development standard applicable to no. 86 The Boulevard, Lewisham.

Therefore, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with, and has not demonstrated compliance with:

- a. Clause 4.4 Floor space ratio, of *Marrickville Local Environmental Plan 2011*; and,
 - b. Clause 4.4 Floor space ratio, of Draft Inner West Local Environmental Plan 2020.
4. Written justification has not been provided to consider the breach to the floor space ratio development standard.

Therefore, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with, and has not demonstrated compliance with:

- a. Clause 4.6 Exceptions to development standards, of *Marrickville Local Environmental Plan 2011*; and,
 - b. Clause 4.6 Exceptions to development standards, of Draft Inner West Local Environmental Plan 2020, respectively.
5. There is insufficient information to demonstrate that the proposed development will not result in adverse acoustic privacy impacts to the adjoining residential properties.

Therefore, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not demonstrated compliance with:

- a. Section 3.36(6)(a), Principle 5 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*; and,
 - b. Part 2.6 Acoustic and Visual Privacy, of *Marrickville Development Control Plan 2011*.
6. The application fails to provide sufficient information to demonstrate that appropriate fencing is provided to no. 86 The Boulevard, Lewisham that complements the streetscape character, addresses the relevant CPTED principles, and which ensures unauthorised access to the school is minimised.

Therefore, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not demonstrated compliance with:

- a. Section 3.36(6)(a), Principle 4 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
 - b. Part 2.9 Community Safety, of Marrickville Development Control Plan 2011;
and,
 - c. Part 2.11 Fencing, of Marrickville Development Control Plan 2011.
7. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the application has not provided sufficient information to demonstrate that the proposed development is suitable for the site.
 8. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the application has not provided sufficient information to demonstrate that it is in the public interest.
 9. The outstanding fees for the assessment of the additional information and renotification of the application has not been paid.

Attachment B – Without Prejudice Conditions of Consent

WITHOUT PREJUDICE CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
2130 CD200 Issue A	Ground Floor - Existing	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD201 Issue A	Ground Floor - Proposed	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD202 Issue A	First Floor - Existing	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD202 Issue A	First Floor - Proposed	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD203 Issue A	Second Floor - Existing	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD204 Issue A	Second Floor - Proposed	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD300 Issue A	Elevations	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD350 Issue A	Sections	03/03/2022	Quinn O'Hanlon Architects Pty Ltd
2130 CD800 Issue A	Landscape Plan & Details	01/03/2022	Quinn O'Hanlon Architects Pty Ltd
	Arboricultural Impact Assessment Report	02/03/2022	Glenyss Laws Consulting Arborist
WTJ21-346 Version 1	Plan of Management	04/03/2022	Willowtree Planning

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of

carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2254.00
Inspection Fee:	\$241.50

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

3. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

Note: Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$792.00

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).* It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

4. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

5. Stormwater Drainage System – Simple

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road or may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensuring no concentration of flows or nuisance to other properties.

6. Hazardous Materials Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

7. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
1	<i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint)	Front
3	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	Side
4	<i>Corymbia ficifolia</i> (Flowering Gum)	Side
5	<i>Eucalyptus cinerea</i> (Argyle Apple)	Side
6	<i>Lophostemon confertus</i> (Brush Box)	Rear
7	<i>Lophostemon confertus</i> (Brush Box)	Rear
8	<i>Pittosporum undulatum</i> (Native Daphne)	Rear
9	<i>Lophostemon confertus</i> (Brush Box)	Council verge
14	<i>Elaeocarpus eumundi</i> (Eumundi Quandong)	Rear
15	<i>Elaeocarpus eumundi</i> (Eumundi Quandong)	Rear

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;

NOTE: Reference should be made to the *Arboricultural Impact Assessment Report* prepared by Glennys Laws, dated 02/03/2022 for tree numbering and locations.

8. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

9. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
10 - <i>Elaeocarpus eumundi</i> (Eumundi Quandong) - Side	Removal

11 - <i>Elaeocarpus eumundi</i> (Eumundi Quandong) - Side	Removal
12 - <i>Elaeocarpus eumundi</i> (Eumundi Quandong) - Side	Removal
13 - <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

10. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

11. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

12. Works Outside the Property Boundary

This development consent does not authorise works outside the property boundaries on adjoining lands.

13. Use of Administration Building

The use of the administration building at no. 86 The Boulevard, Lewisham, must be limited to a maximum of 10 staff and eight (8) students at any one time.

PRIOR TO ANY DEMOLITION

14. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

15. Advising Neighbours Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE**17. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

18. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

19. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

20. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

DURING DEMOLITION AND CONSTRUCTION

21. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

22. Tree Protection Zone

Additional to protection measurements in Arboricultural Impact Assessment, to protect the following tree, no work must commence until its Protection Zone is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area in accordance with Council's *Development Fact Sheet—Trees on Development Sites*. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint)	3m

23. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
1 - <i>Eucalyptus nicholii</i> (Narrow-leaved Black Peppermint) - Front 3 - <i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark) - Side 4 - <i>Corymbia ficifolia</i> (Flowering Gum) - Side 5 - <i>Eucalyptus cinerea</i> (Argyle Apple) - Side 6 - <i>Lophostemon confertus</i> (Brush Box) - Rear 7 - <i>Lophostemon confertus</i> (Brush Box) - Rear 8 - <i>Pittosporum undulatum</i> (Native Daphne) - Rear 9 - <i>Lophostemon confertus</i> (Brush Box) Council verge 14 - <i>Elaeocarpus eumundi</i> (Eumundi Quandong) - Rear 15 - <i>Elaeocarpus eumundi</i> (Eumundi Quandong)- Rear		<ul style="list-style-type: none"> In accordance with the approved Tree Protection Plan (Impact Assessment Report) prepared by Glennys Laws, dated 02/03/2022 and section 4 of AS4970—<i>Protection of trees on development sites</i>.

24. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

25. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE

26. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

27. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority's Noise Policy for Industry and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and

experienced acoustic consultant and any recommendations must be consistent with the approved plans.

28. Noise From Road, Rail & Aircraft – Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- b. NSW Planning, Development near Rail Corridors and Busy Roads – Interim Guideline;
- c. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction;
- d. conditions of development consent; and
- e. Recommendations of

29. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of five (5) x 75 litre size additional trees, which will attain a minimum mature height of six (6) metres, must be planted in a more suitable location on the property. They should not be planted less than 2.5m from a dwelling house or garage, and may not be planted less than 1m from other structures or services, allowing for future tree growth. Trees not to be located within drip line of existing canopy trees, *i.e.* not to be located below canopy of Tree 7 to allow full development at maturity.

The trees are to conform to AS2303—*Tree stock for landscape use*. Tree species listed on C7 Tree Minor Works, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements. If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

30. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

ON-GOING

31. Bin and Re-usable Item Storage

All bins and re-usable items such as pallets and crates are to be stored within the site.

32. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

33. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

34. Commercial Waste/Recycling Collection

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

35. Hours of Operation

- a. The hours of operation of the premises at no. 86 The Boulevard, Lewisham, must not exceed the following:

Day	Hours
Monday to Friday	7.30am - 6.00pm
Saturday	7.30am - 12.00pm

36. Plan of Management

The operation of the premises at no. 86 The Boulevard, Lewisham, complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

37. No Bells or Speakers

No external bells, speakers, or the like are to be installed at the administration building at no. 86 The Boulevard, Lewisham.

ADVISORY NOTES

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and

- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Mechanical Ventilation System Certification

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Transport and Disposal of Hazardous and Dangerous Goods

Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Storage of Hazardous and Dangerous Goods

Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

- a. The Council must be notified of the following particulars:
 - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

Notification of commencement of works

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder; and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Amenity Impacts General

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a. Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b. Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute

child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Useful Contacts

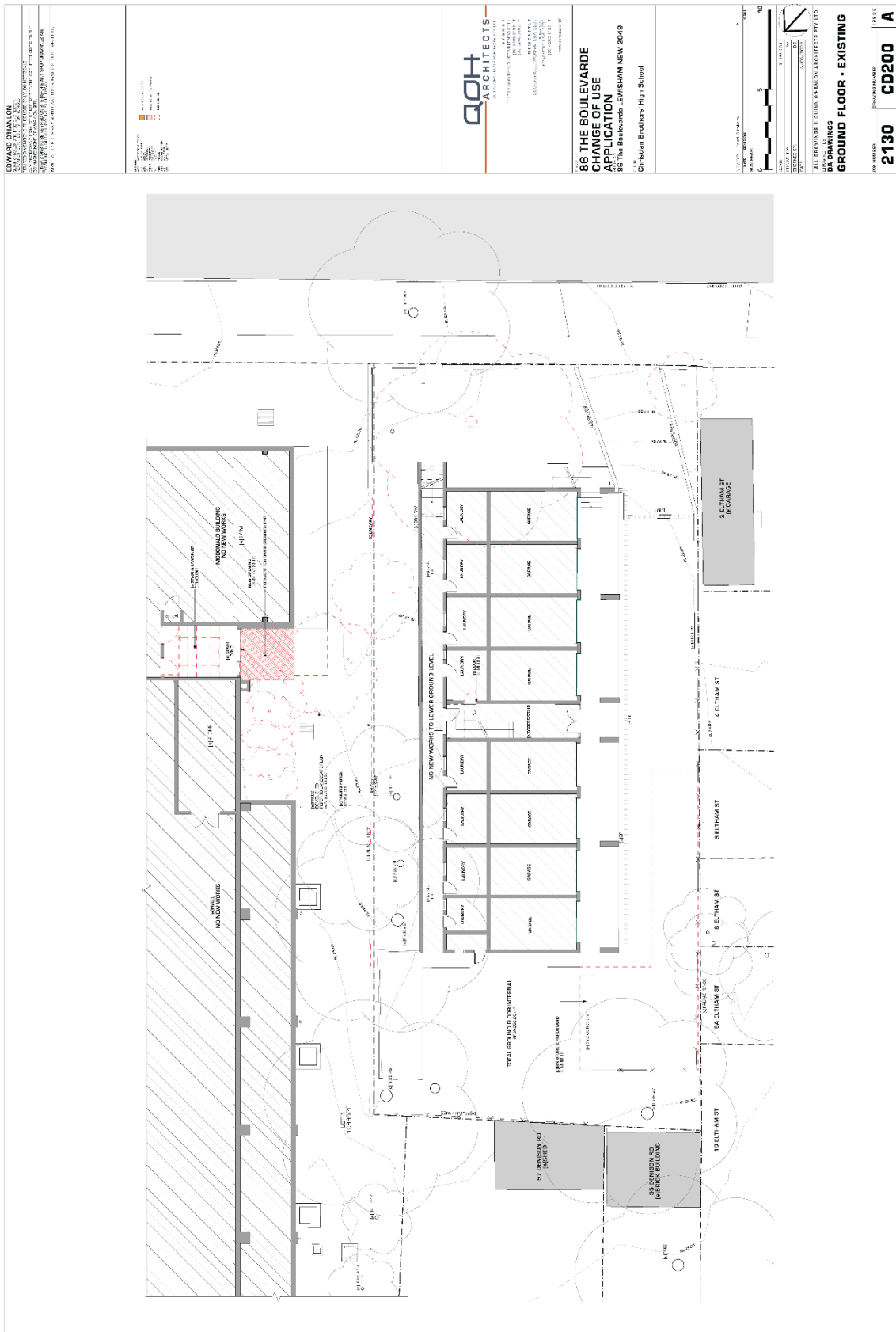
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 www.environment.nsw.gov.au
Sydney Water	13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au

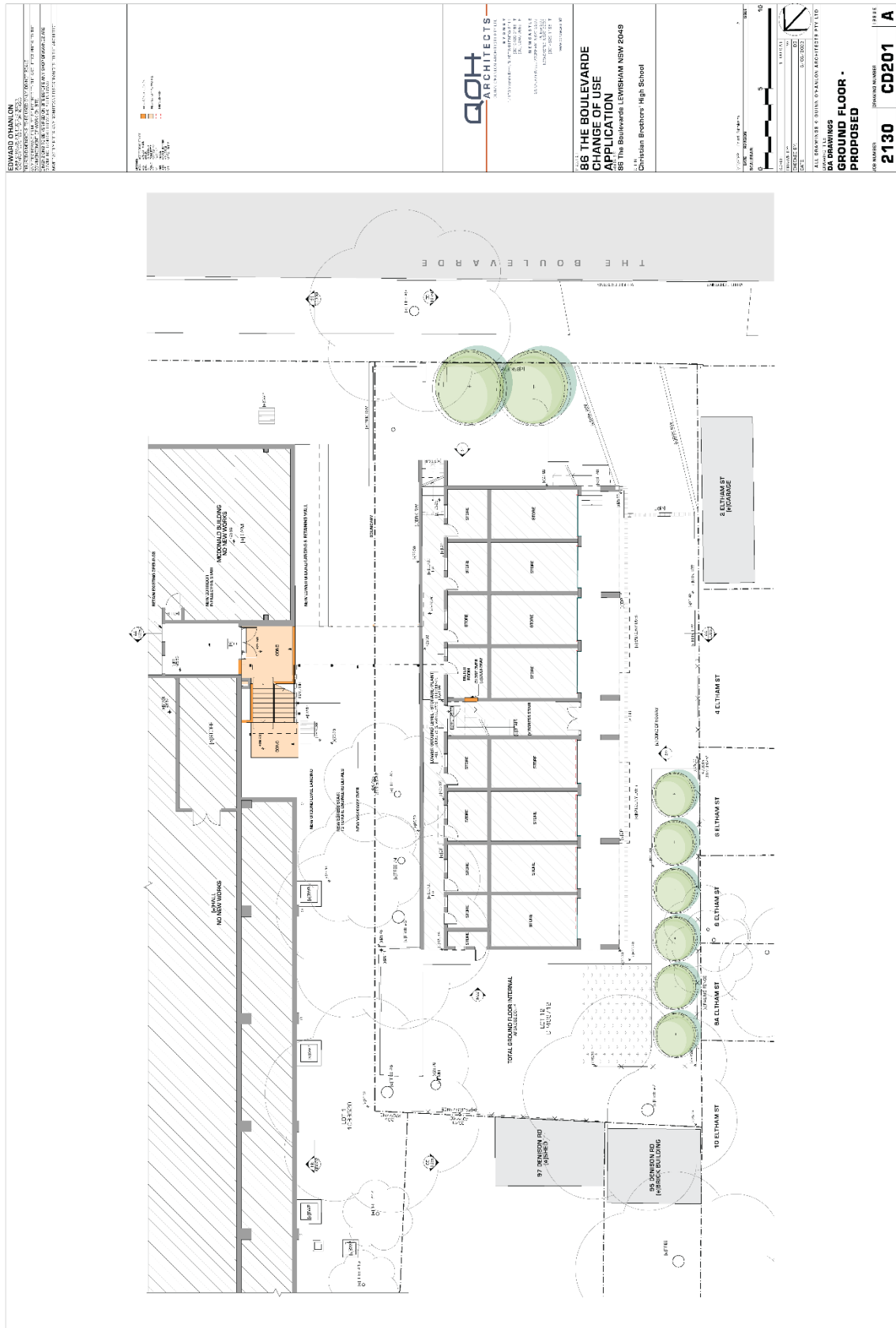
WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos
removal and disposal.

Attachment C – Plans of proposed development





EDWARD O'HANLON
 ARCHITECT
 1/100 ROYAL AVENUE, ST. LEONARDS, NSW 2238
 TEL: (02) 9439 3333
 FAX: (02) 9439 3334
 WWW.EDWARDHANLON.COM.AU

GQH ARCHITECTS
 ARCHITECTS
 GUY CARROLL ARCHITECTS PTY LTD
 1/100 ROYAL AVENUE, ST. LEONARDS, NSW 2238
 TEL: (02) 9439 3333
 FAX: (02) 9439 3334
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86 THE BOULEVARDE
CHANGE OF USE APPLICATION
 86 The Boulevard, LEWISHAM NSW 2049
 Christian Brothers High School

PROJECT NUMBER: 2130
 DRAWING NUMBER: CD201
 SHEET NUMBER: A

DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

CLIENT: LEWISHAM CITY COUNCIL
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
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DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

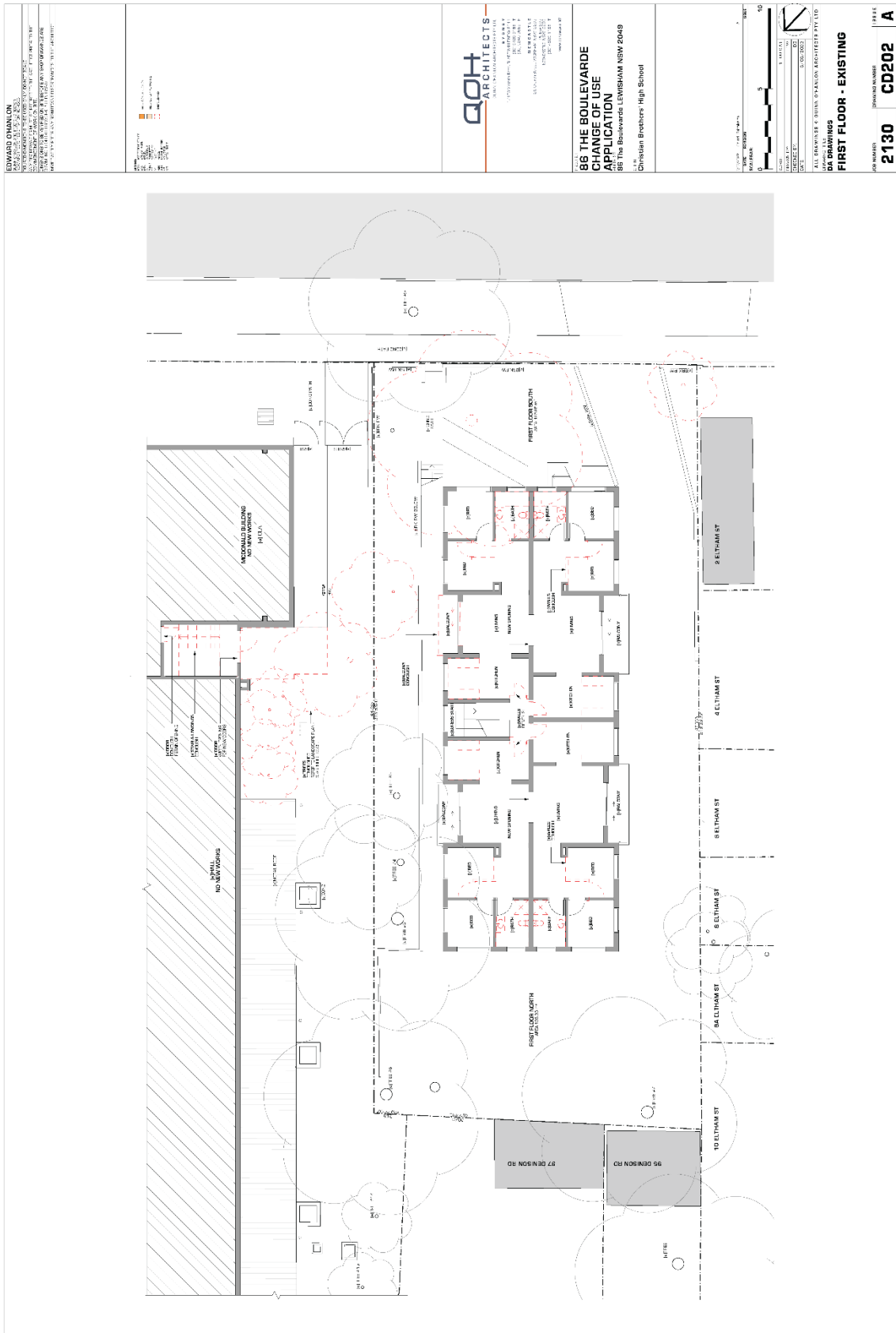
DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

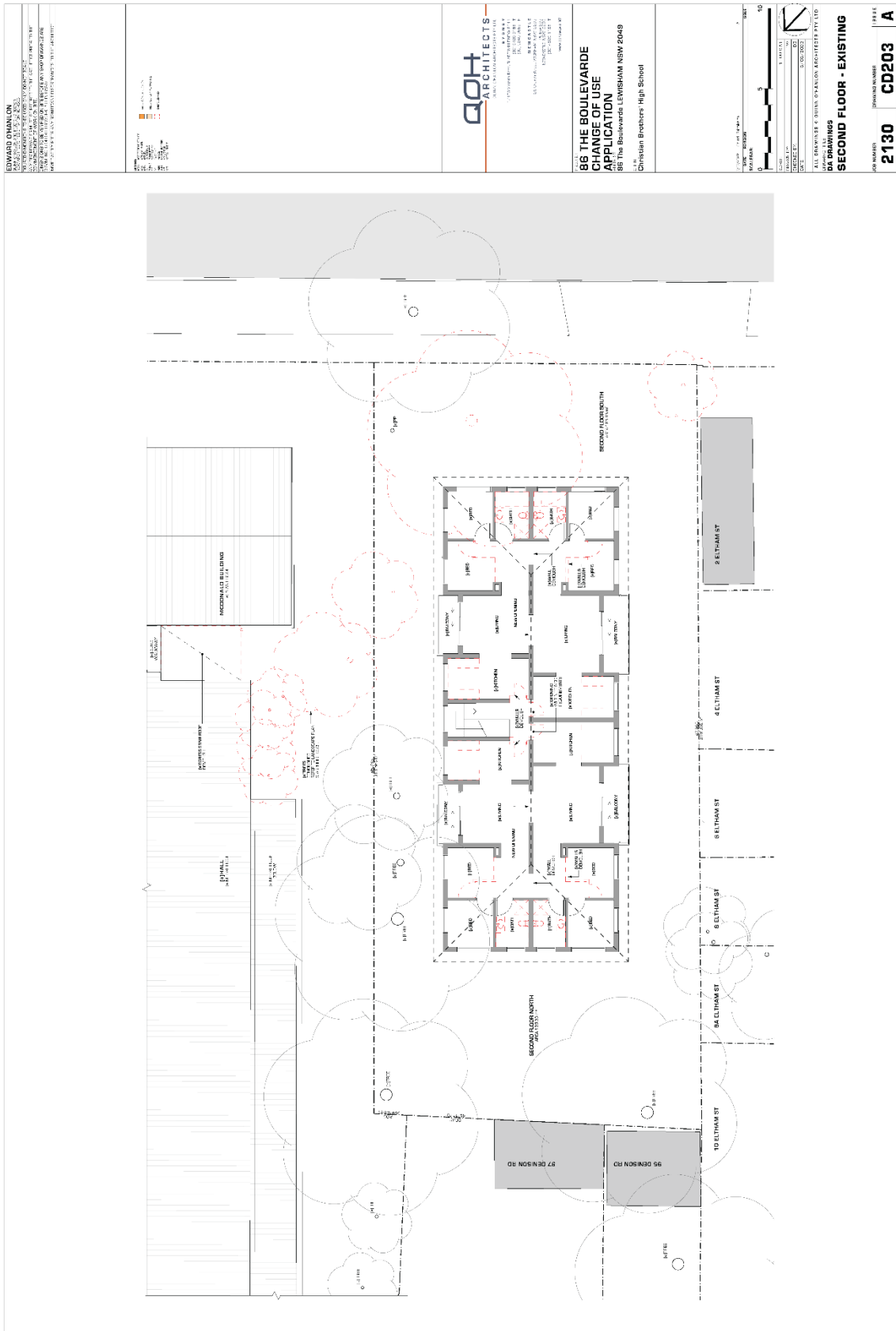
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 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED

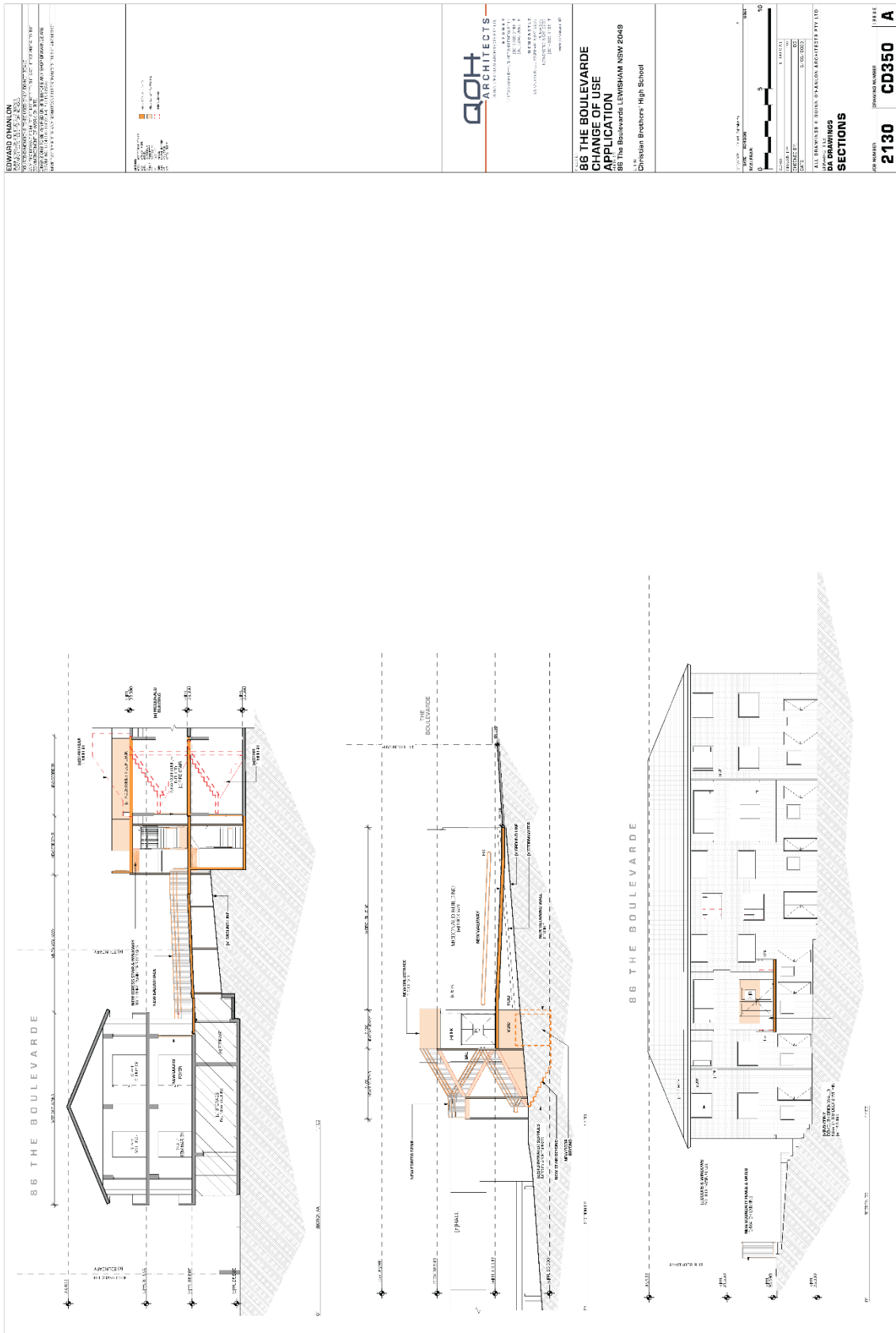
DATE: 15/10/2020
 SCALE: 1:100
 PROJECT: 86 THE BOULEVARDE
 DRAWING: GROUND FLOOR - PROPOSED











JANE CHAMBLON
 LANDSCAPE ARCHITECT
 17/221 BROADWAY
 COOMBE GROVE NSW 1510
 TEL: 02 9388 5577
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 PROJECT NO: 2130

OHD LANDSCAPE ARCHITECTS
 10/452 WILSON AVENUE
 HOVEA NSW 1500
 TEL: 02 8958 5800
 WWW.OHDARCHITECTS.COM.AU

88 THE BOULEVARDE
CHANGE OF USE APPLICATION
 88 The Boulevarde LEWISHAM NSW 2149
 Christian Brothers' High School

DATE: 15/05/2024
 SCALE: 1:100 (LANDSCAPE)
 ALL DRAWINGS TO BE CHECKED AGAINST THIS TITLE
LANDSCAPE PLANS & DETAILS
2130 CD800 A

PROPOSED PLANTING SCHEDULE

NO.	NAME	TYP.	SPACING	SPACING	SPACING	NO. PLANTS PER M ²	TOTAL NO. PLANTS	REMARKS
01	CORONA	TREE	10M	10M	10M	0.01	1	10M
02	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
03	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
04	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
05	WESTRING BAY	TREE	10M	10M <td 10M	0.01	1	10M	
06	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
07	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
08	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
09	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
10	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
11	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
12	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
13	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
14	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
15	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
16	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
17	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
18	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
19	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M
20	WESTRING BAY	TREE	10M	10M	10M	0.01	1	10M

TYP. TREE DETAILS

TYP. PLANTING DETAILS

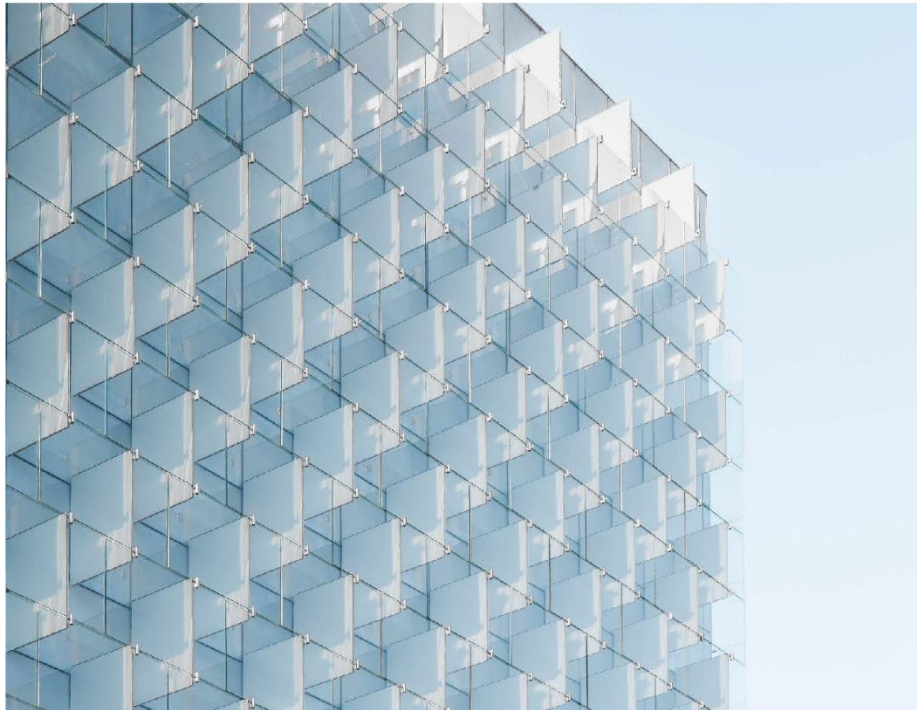
Attachment D – Plan of Management

WILLOWTREE PLANNING



4 March 2022

Ref: WTJ21-346
Contact: Sophie Litherland



PLAN OF MANAGEMENT

Educational Establishment

68 & 86 The Boulevard, Lewisham
Lot 12 DP 499712

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Christian Brothers' High School

ACN: 146 035 707 ABN: 54 146 035 707
Suite 4, Level 7, 100 Walker Street
North Sydney, NSW 2060

enquiries@willowtp.com.au
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02 992 9 6974



Educational Establishment - Existing Christian Brothers High School
 68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



DOCUMENT CONTROL TABLE			
Document Reference:	WTJ21-296		
Contact	Sophie Litherland - Associate		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 - 4/03/221	Sophie Litherland	Sally Prowd	Sally Prowd

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Educational Establishment - Existing Christian Brothers High School
68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



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Educational Establishment - Existing Christian Brothers High School
 68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



PART A PRELIMINARY

1.1 INTRODUCTION

This Plan of Management is submitted to Inner West Council on behalf of Christian Brothers High School (CBHS) to support the proposed change of use of an existing residential flat building to an educational establishment 86 The Boulevard, Lewisham (the Site). The Site is legally described as Lot 12 DP499712. The scope of works includes:

The proposed change of use to the existing residential flat building (RFB) to create an expansion of the adjoining Christian Brothers High School will include the following:

- Conversion of existing residential units to administration and general learning/seminar spaces across the first and second floors.
- Provision of the elevated walkways to connect to the existing school campus at 68-84 The Boulevard at the first and second floors.
- New repositioned fire stair on existing CBHS Campus grounds.



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Educational Establishment - Existing Christian Brothers High School
 68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Site is identified as 86 The Boulevard, Lewisham, and is located to the west of Christian Brothers High School. The Site is located within the Inner West Local Government Area (LGA) and situated within the southern portion of Lewisham.

The Site is located within the R2 Low Density Residential Zone pursuant to the Marrickville Local Environmental Plan (MLEP 2011).

The Site is legally described as Lot 12 in DP 499712. The Site is located on the southern side of the Great Western Highway and to the south of Lewisham train station and town centre.

The Site is rectangular in shape, and exhibits an area of 996m², approximately measured from SIXMaps. The Site has a frontage to The Boulevard of 21 metres.

Existing improvements on the Site consist of an existing three storey walk up apartment building. The surrounding allotments are generally occupied by low density housing with CBHS located to the north east and Lewisham Public School located to the east.

The CBHS Site is located at 68-84 The Boulevard, Lewisham and is legally defined as Lot 1 DP1089520. The Site is typical to that of a suburban school with the main school building comprising and multiple interconnected wings, outdoor learning and sports courts, an at-grade car parking area, and detached ancillary structures. Mature trees are situated throughout the School grounds and adjacent to the street frontages.

The location of the Site, location of existing buildings and local context are depicted in **Figures 1 and 2**.



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Educational Establishment - Existing Christian Brothers High School
68 & 86 The Boulevarde, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



Figure 1 Cadastral Map (SIX Maps 2021)



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Educational Establishment - Existing Christian Brothers High School
68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



Figure 2 Aerial Map (NearMap, 2021)



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Educational Establishment - Existing Christian Brothers High School
 68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



PART C PROPOSED DEVELOPMENT

3.1 OVERVIEW

This application seeks consent for the change of use of the existing residential flat building (RFB) to an educational establishment for use of the adjoining Christian Brothers High School. The proposed development will involve the adaptive reuse of parts of existing RFB and new access bridges to link the Site to the adjoining school. The proposal will provide for upgraded facilities and improvement to the overall functionality of the building. Furthermore, the proposal will ensure minimal environmental and amenity impact.

3.2 DEVELOPMENT OVERVIEW

The proposed change of use to the existing residential fat building to create an expansion of the adjoining Christian Brothers High School will include the following:

- Conversion of existing residential units to administration and general learning/seminar spaces across the first and second floors.
- Provision of the elevated walkways to connect to the existing school campus at 68-84 The Boulevard at the first and second floors.
- New repositioned fire stair on existing CBHS Campus grounds.

3.3 DEVELOPMENT STATISTICS

The proposed refurbishment of the existing Congregational Centre includes works as identified in **Table 1** below.

TABLE 1. DEVELOPMENT PARTICULARS	
Component	Proposed
Site Area	996m ² (86 The Boulevard)/ 1.46ha (CBHS)
Building Type	Educational Establishment (School)
Gross Floor Area	500m ²
Floor Space Ratio	0.5:1
Car Parking	The existing parking facilities are unchanged.
Cost of works	\$158,400

3.4 OPERATIONAL DETAILS

The proposed change of use to all for the extension of the adjoining CBHS and associated spaces will be utilised entirely by the School for administration, training, counselling and seminar spaces. The proposal will operate in the same manner as the existing school with no change in student or staff numbers.



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Educational Establishment - Existing Christian Brothers High School
68 & 86 The Boulevard, Lewisham (Lot 1 DP 1089520 & Lot 12 DP499712)



PART D PLAN OF MANAGEMENT

4.1 HOURS OF OPERATION

The site will operate the same hours as CBHS as follows:
Monday - Friday: 7.30am to 6:00pm
Saturday: 7:30am to 12:00pm

4.2 STAFFING NUMBERS AND TYPE

The area will be utilised by 5- 10 staff at any one time and no more than 8 students attending mentoring seminars within the building.

4.3 MANAGEMENT OF NOISE AND AMENITY TO RESIDENTIAL PROPERTIES

No external bells or speakers are to be installed.

Noise management to be implemented in accordance with the acoustic recommendations of Day Design Pty Ltd.

No parking on site.

4.4 USE OF SITE AND EXISTING USE OF CBHS

The building will be used for staff meeting and/or low number seminar styled mentoring sessions (maximum of 8 students). No formal classroom sessions are proposed due to the configuration of the building layout. Fencing to main CBHS site will be removed allowing improved circulation for passive recreation around existing trees and garden areas and maintenance. Grounds may be used by staff and students subject to availability of supervision suitable to manage the nature of the open spaces.

No unsupervised student use.



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Attachment E – Acoustic Assessment



SUITE 17, 808 FOREST ROAD, PEAKHURST 2210 ABN 73 107 291 494
 P. 02 9046 3800 ACOUSTICS@DAYDESIGN.COM.AU WWW.DAYDESIGN.COM.AU

Christian Brothers High School
 C/- Quinn O'Hanlon Architects Pty Ltd
 1/153 Victoria Road
 Gladesville NSW 2111

3 March 2022

Refer: 7442-1.1L

Attention: Mr Derek Georgeson
 Telephone: 9420 3155

Email: dgeorgeson@qoh.net.au.com.au

Dear Sir,

86 THE BOULEVARDE, LEWISHAM

ACOUSTIC ASSESSMENT

Day Design Pty Ltd has been engaged to prepare an Environmental Noise Impact Assessment for a proposed change of use application (DA/2021/1023) at 86 The Boulevard, Lewisham, NSW, to change an existing multi-residential dwelling into an education facility.

The change of use will involve minor internal construction to convert the existing residences to staff studies, seminar rooms, offices and general learning areas (GLAs), as well as the construction of new walkways to connect the proposed education building at 86 The Boulevard with the adjacent Christian Brothers High School at 68 The Boulevard, Lewisham, NSW.

The proposed alterations and additions can be seen in the architectural drawings prepared by Quinn O'Hanlon Architects, dated 3 March 2022, attached as Appendix A.

The Scope of Work for Day Design's engagement in the change of use application involves the measurement of background noise levels within the area of the development, preparation of a site plan following a site inspection, determination of acceptable noise levels, the design of noise controls to comply with the relevant noise levels, and the preparation of an Environmental Noise Impact Assessment.

An initial site visit was conducted on Monday 28 February to install an environmental noise monitor within the rear yard of 86 The Boulevard, Lewisham, NSW. This noise monitor will be collected after 5 full days of weekday background noise has been measured, in the absence of adverse weather conditions such as high wind speeds or rainfall. Due to heavy rainfall, completion of this stage has been delayed.

Following the collection of the environmental noise monitor, acceptable noise criteria will then be derived based upon the State Environmental Planning Policy (SEPP) (Education Establishments and Child Care Facilities) 2017 published by the Department of Planning and Environment, and the Noise Policy for Industry (NPI), published by the NSW Environment Protection Authority.



• AIRCRAFT, ROAD TRAFFIC AND TRAIN NOISE CONTROL
 • ARCHITECTURAL ACOUSTICS • INDUSTRIAL NOISE AND VIBRATION CONTROL
 • ENVIRONMENTAL NOISE IMPACT INVESTIGATION AND CONTROL
 • OCCUPATIONAL NOISE INVESTIGATION • QUIET PRODUCT DEVELOPMENT



Document Set ID: 36374041

Version: 1, Version Date: 27/05/2022

Christian Brothers High School

86 The Boulevard, Lewisham

Page 2 of 2

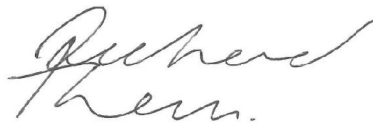
Once appropriate noise criteria have been established, the noise emission from the proposed use will be modelled and assessed against these criteria to verify compliance with the SEPP and NPI. In the event that the potential noise emission exceeds the relevant noise criteria, noise controls will be designed to ensure compliance with the acceptable criteria.

All of the above will be summarised and presented, along with calculations and predicted noise emissions, within the Environmental Noise Impact Assessment, to then be submitted for the change of use development application (DA/2021/1023).

Given the current weather and forecast within the Lewisham area, it is expected that the environmental noise monitor will be ready for collection within 2-3 weeks, with the production of the Environmental Noise Impact Assessment occurring that same week of collection.

We expect to be able to deliver support for the application, provided appropriate noise controls are included.

We hope that this clarifies Day Design’s engagement for the change of use application, and provides a timeframe for submission of the Environmental Noise Impact Assessment.




Ricky Thom, BA, BE(Mech)Hons, GradIEAust
 Acoustical Engineer
 for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

Attachments

- **Appendix A** – Architectural Drawings

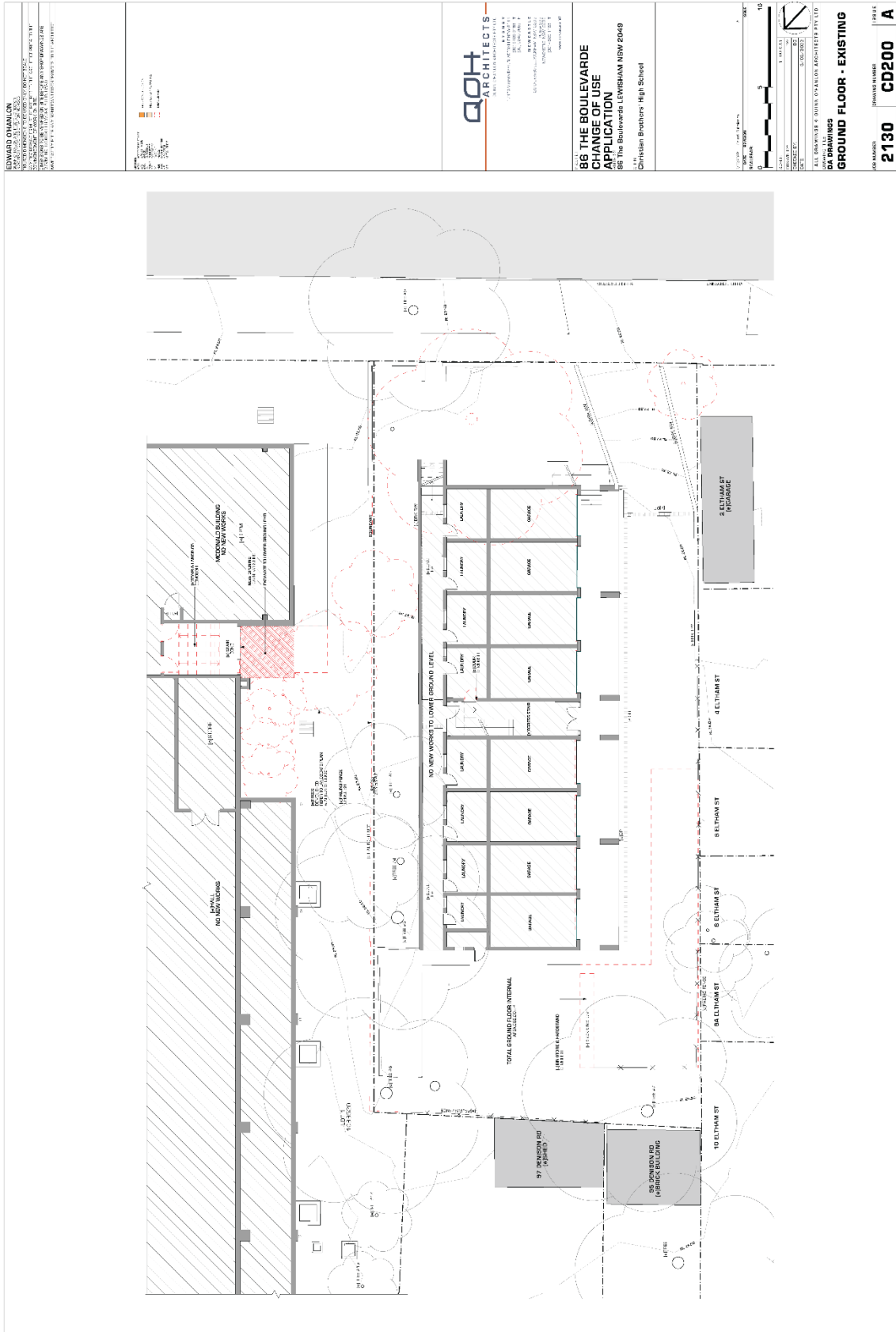


The undersigned hereby certifies that this Report has been checked and approved in accordance with our Quality Management System.

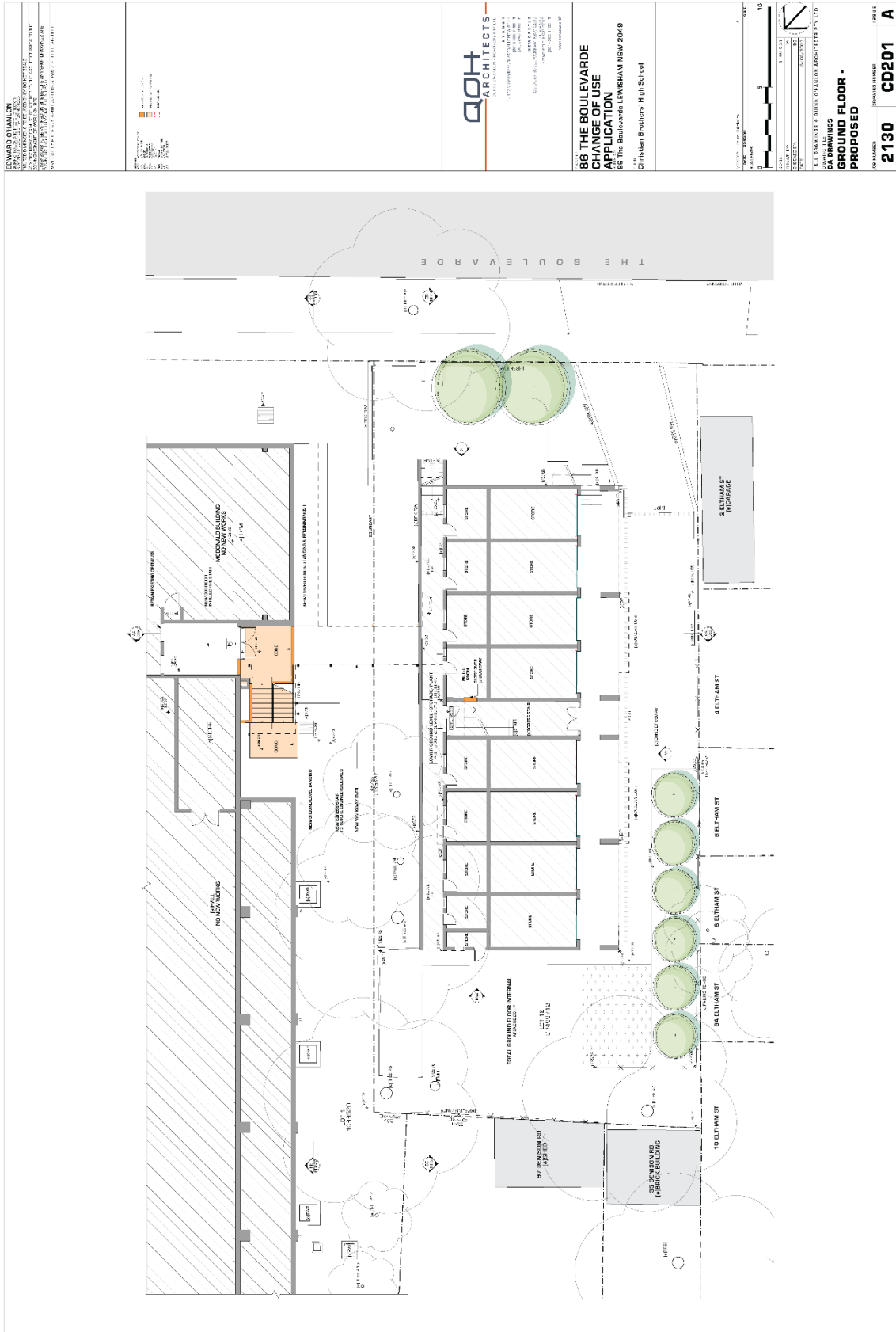
Stephen Cant

Date: 03/03/22

7442-1 Appendix A



7442-1 Appendix A



EDWARD CHANLON
 ARCHITECT
 1/100 ELTHAM ST, ELTHAM NSW 2106
 PH: (02) 9387 1111
 WWW.EDWARDCHANLON.COM.AU
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 WWW.EDWARDCHANLON.COM.AU

DATE: 15/05/2023
 DRAWING NO: 2130 CD201 A
 PROJECT NO: 2130 CD201 A
 SHEET NO: 1 OF 1

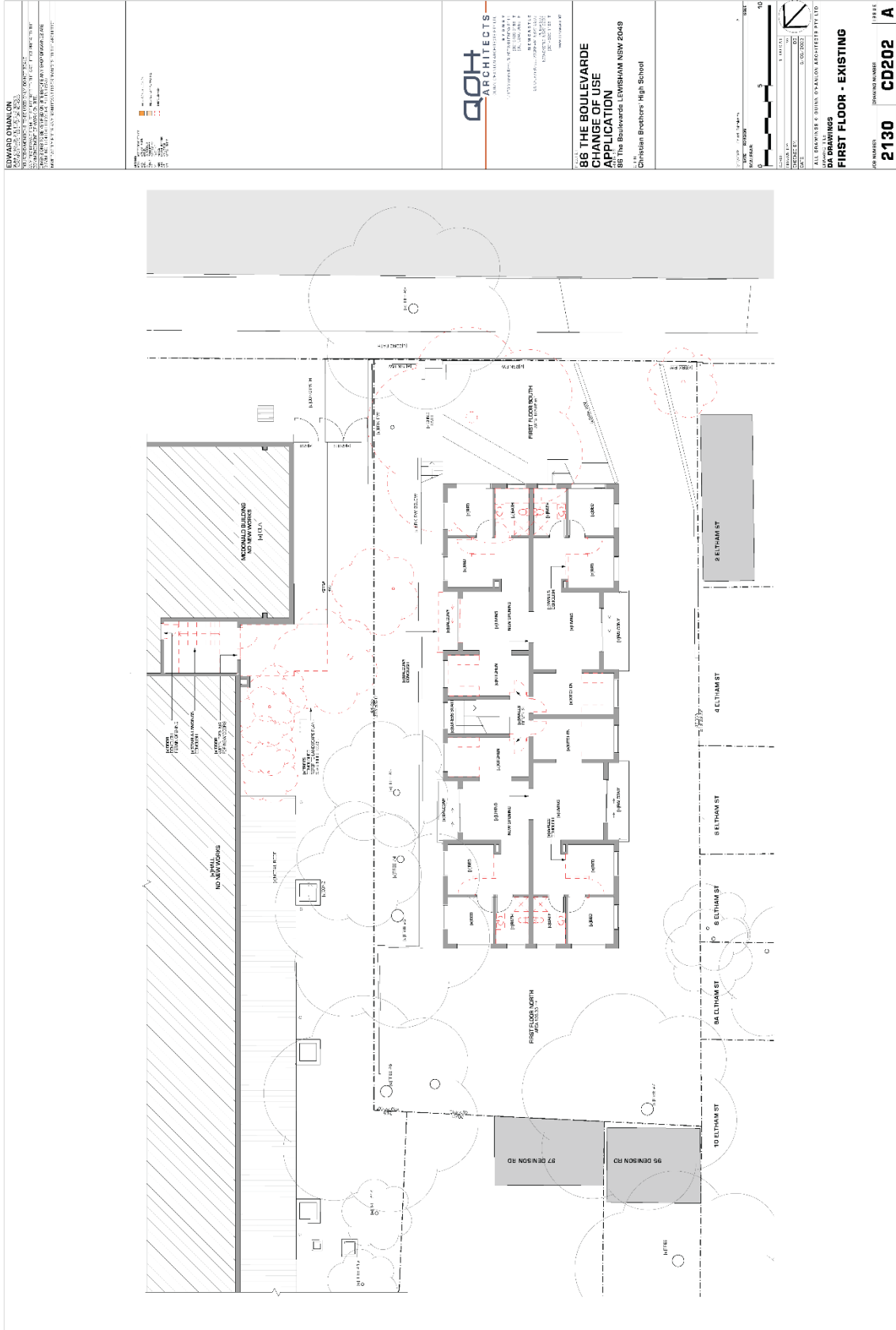
GQH ARCHITECTS
 1/100 ELTHAM ST, ELTHAM NSW 2106
 PH: (02) 9387 1111
 WWW.GQHARCHITECTS.COM.AU

86 THE BOULEVARDE
CHANGE OF USE
APPLICATION
 86 The Boulevard, LEWISHAM NSW 2049
 Christian Brothers High School

DATE: 15/05/2023
 DRAWING NO: 2130 CD201 A
 PROJECT NO: 2130 CD201 A
 SHEET NO: 1 OF 1

EDWARD CHANLON ARCHITECTS PTY LTD
 1/100 ELTHAM ST, ELTHAM NSW 2106
GROUND FLOOR - PROPOSED
 DRAWING NUMBER: **2130 CD201 A**
 SHEET NUMBER: **A**

7442-1 Appendix A



7442-1 Appendix A



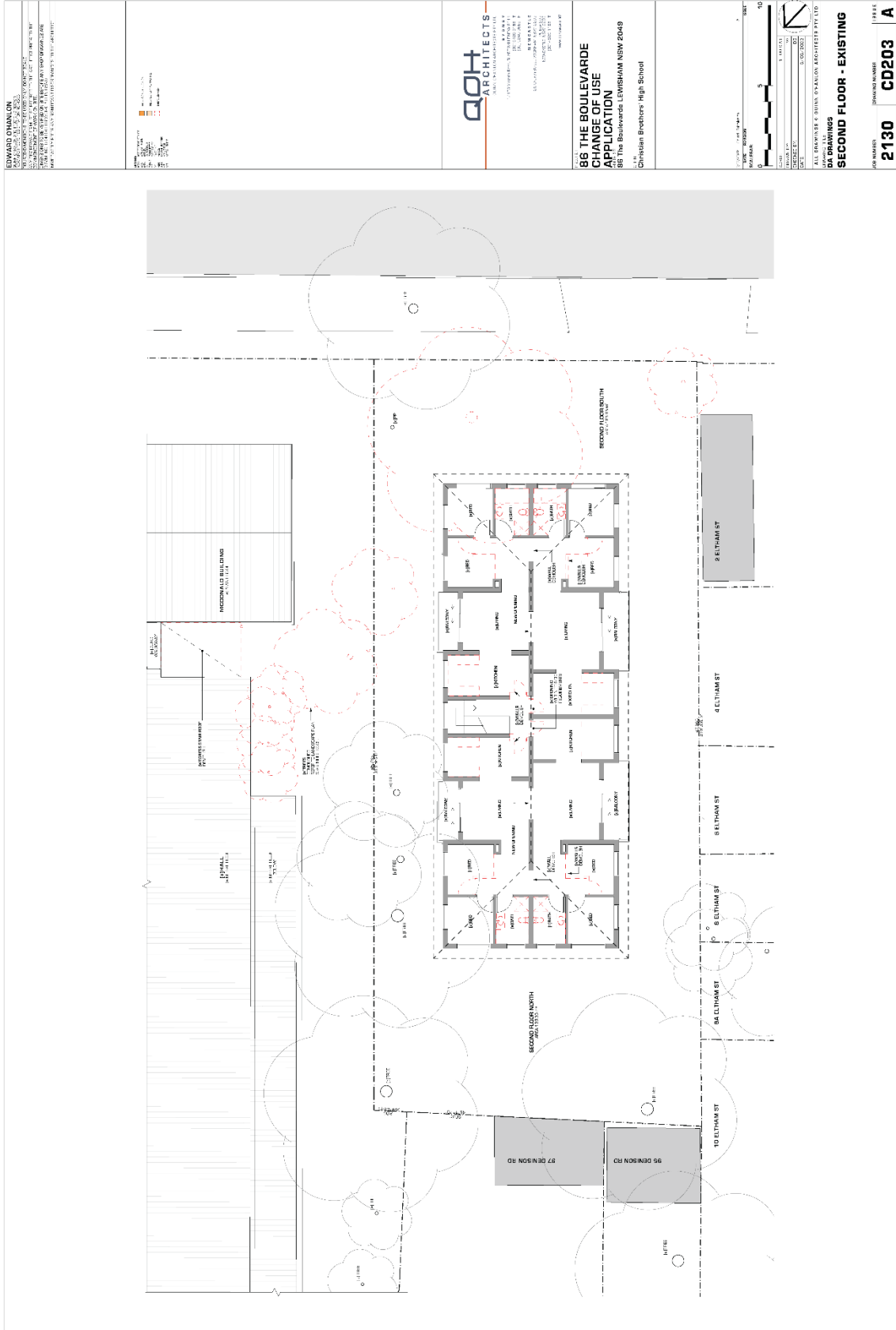
EDWARD CHANLON
 ARCHITECT
 1/115 THE BOULEVARD, LEVENSHAM NSW 2049
 PH: (02) 9550 1111
 WWW.CHANLONARCHITECTS.COM.AU
 PROJECT NO. 7442-1

CDH ARCHITECTS
 1/115 THE BOULEVARD, LEVENSHAM NSW 2049
 PH: (02) 9550 1111
 WWW.CDHARCHITECTS.COM.AU
 PROJECT NO. 7442-1

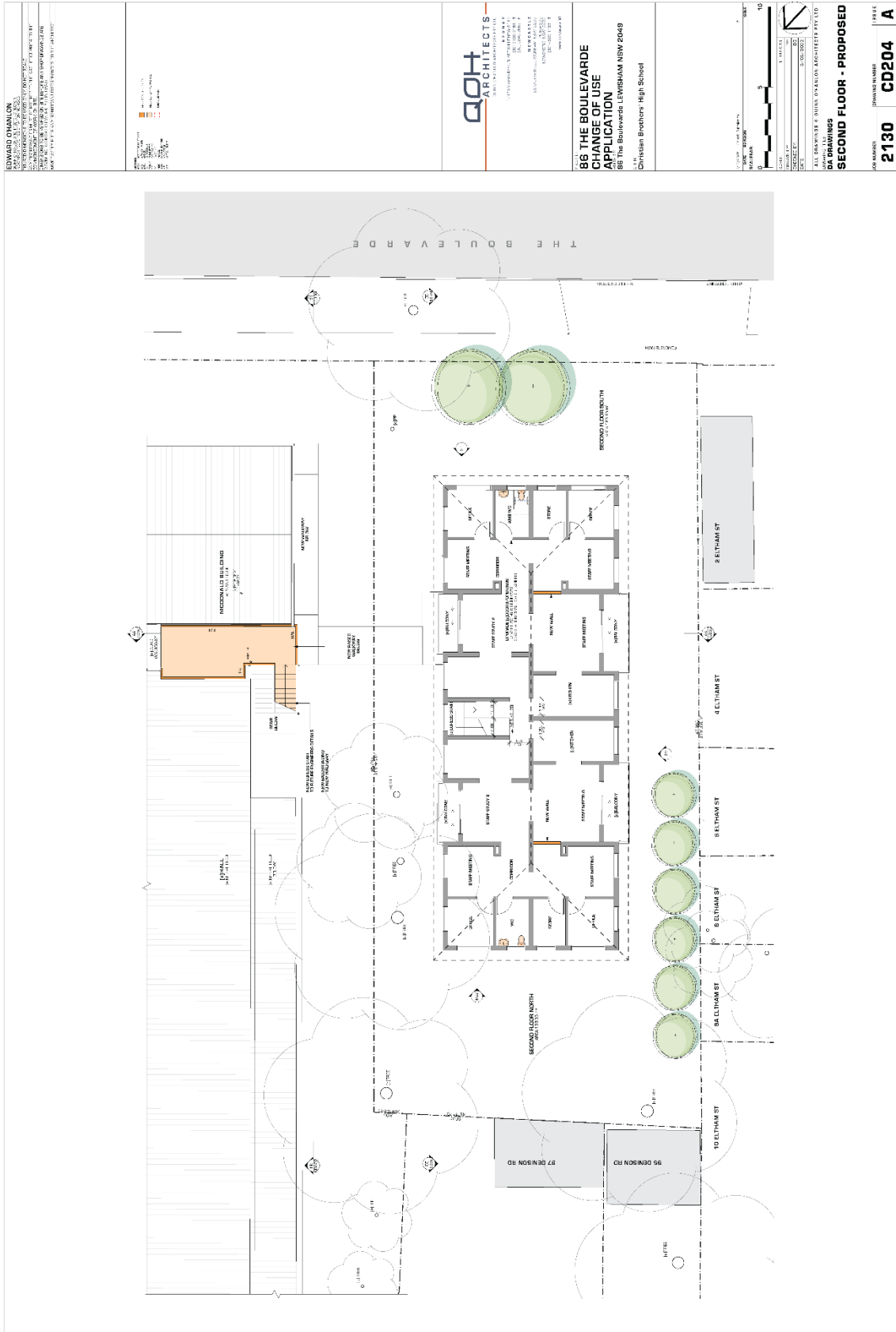
86 THE BOULEVARDE
CHANGE OF USE
APPLICATION
 86 The Boulevard, LEVENSHAM NSW 2049
 Christian Brothers High School

DATE: 15/05/2023
 DRAWING NO: 101
 SCALE: 1:100
 SHEET NO: 1 OF 1
 PROJECT NO: 7442-1
 CLIENT: CHRISTIAN BROTHERS HIGH SCHOOL
 PROJECT: 86 THE BOULEVARDE
 DRAWING: FIRST FLOOR - PROPOSED
 DRAWING NUMBER: 2130
 SHEET NUMBER: CD202
 SHEET LETTER: A

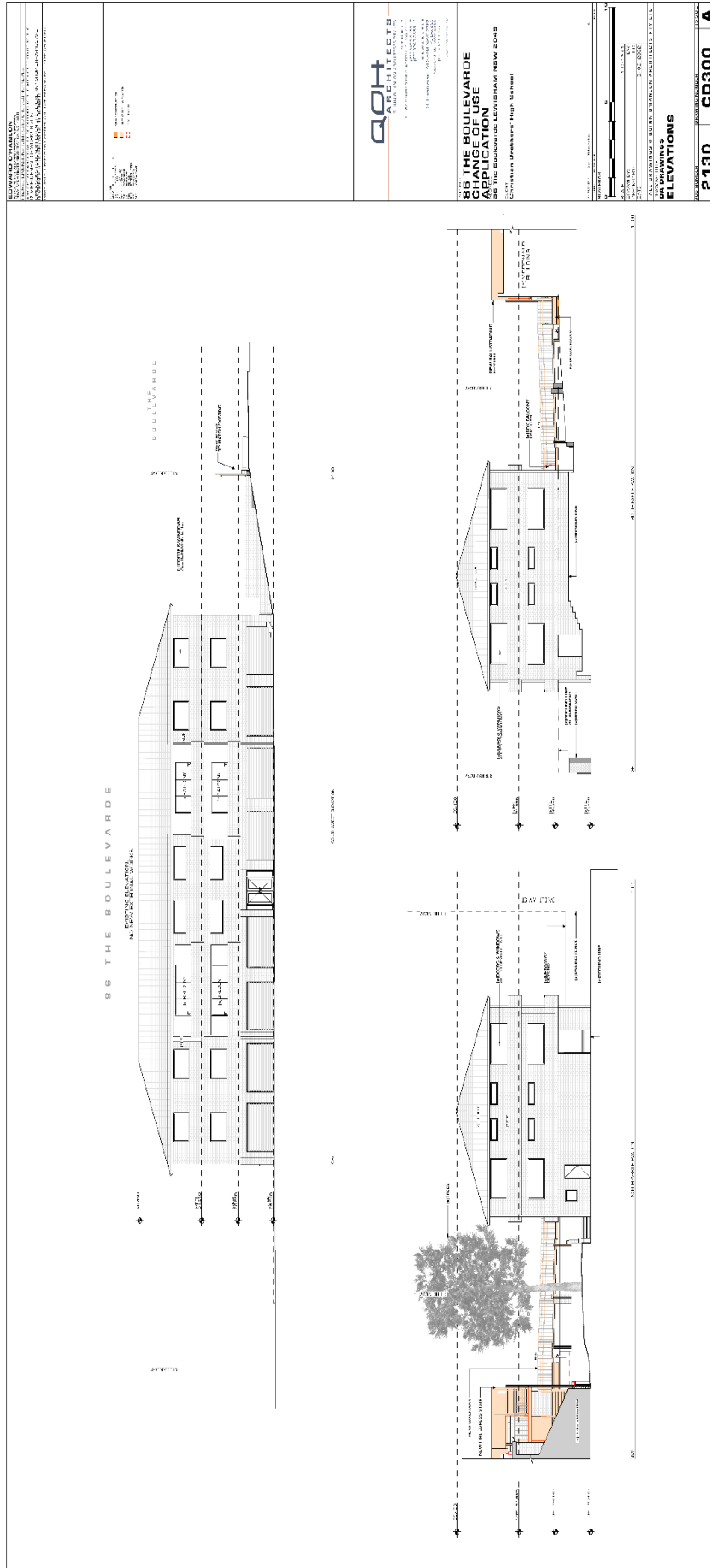
7442-1 Appendix A



7442-1 Appendix A



7442-1 Appendix A



7442-1 Appendix A

