

2 September 2020

218064

Nicholas Gunn
Planner
School Infrastructure Assessments
NSW Department of Planning, Industry and Environment
320 Pitt Street, Sydney NSW 2000

Dear Nicholas,

**RE: RESPONSE TO SUBMISSIONS
DARLINGTON PUBLIC SCHOOL REDEVELOPMENT (SSD-9914)**

The Environmental Impact Statement (EIS) for Darlington Public School Redevelopment was publicly exhibited for a period of 28 days, concluding on 13 July 2020. During the exhibition period, four submissions were received from members of the public, while 7 submissions were received from government agencies.

The Department of Planning, Industry and Environment (DPIE) has also prepared a letter setting out additional information and clarifications required prior to final assessment of the project. The proponent, School Infrastructure NSW (SINSW) and its specialist consultant team have reviewed and considered all issues raised in the submissions and DPIE's letter.

The key issues raised were in relation to the number of student bicycle and scooter spaces, clarification of the extent of tree removal proposed, requirements for additional information, an independent audit of the Remediation Action Plan, and clarification of the pick-up and drop-off configuration.

This letter, prepared by Ethos Urban on behalf of the proponent, sets out the responses to the issues raised in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg). The response relates to clarification of certain elements of the proposal and the provision of additional technical assessment to address issues raised. Design modifications have been made to the proposed development in order to accommodate additional bicycle and scooter parking spaces, as well as refinements to the façade, as described in **Section 1.0**. The description of the proposed development remains otherwise the same as originally sought within the EIS.

A detailed response to each submission is provided in the response table below, as well as the request for further information from DPIE. Responses to the key issues mentioned above are also provided in the body of this letter. The letter should be read in conjunction with the following attached documentation:

- Design Report and Amended Architectural Drawings prepared by FJMT (**Attachment A**)
- Amended Planting Schedule prepared by FJMT Landscape (**Attachment B**)
- Amended Landscape Report prepared by FJMT Landscape (**Attachment C**)
- Interim Site Audit Advice prepared by ZOIC (**Attachment D**)
- Amended Remediation Action Plan prepared by Douglas Partners (**Attachment E**)
- Biodiversity Statement prepared by EcoLogical Australia (**Attachment F**)
- Local Council DA Arborist Report prepared by Moore Trees (**Attachment G**)
- Tree Canopy Comparison prepared by FJMT Landscape (**Attachment H**).

1.0 Proposed Design Refinements

Student Bicycle and Scooter Parking

In response to submissions received, the number of proposed student bicycle and scooter parking spaces will be increased from 67 to 145. To accommodate this increase, the dedicated parking area adjacent to the Abercrombie Street has been reconfigured as shown at **Attachment A**. Refer to **Section 2.1** for further discussion.

Façade Development

Since submission of the EIS package, the design of the new school building has been developed slightly, resulting in minor changes to the façade. The changes are described in detail at **Attachment A** and include the following:

- Reduction in height of the southern-most sawtooth roof
- Articulation of the Southern Façade
- Reduction in bulk of the south-eastern wing
- Changes to the Level 1 western façade windows.

The design refinements are minor in nature and the description of the proposed development provided in Section 1.1 and Section 3.0 of the submitted EIS remains otherwise unchanged.

2.0 Key Issues and Responses

2.1 Student Bicycle and Scooter Parking

Issue

Insufficient bicycle and scooter parking provided for the expected future population of the school.

Response

The amount of student bicycle and scooter parking has been increased from 67 spaces to 145 spaces. This is comprised of 63 bicycle parking spaces and 82 scooter spaces in a single, dedicated storage area adjacent to the Abercrombie Street entrance (**Figure 1**). This equates to 35% of the future student population of the school. Since the target mode share for the future student population is 35% of students riding/scootering to school, as outlined in the Green Travel Plan provided with the EIS (Section 9.0 of Appendix L), the increased provision is sufficient to accommodate the future population of the school, considering the target mode share.

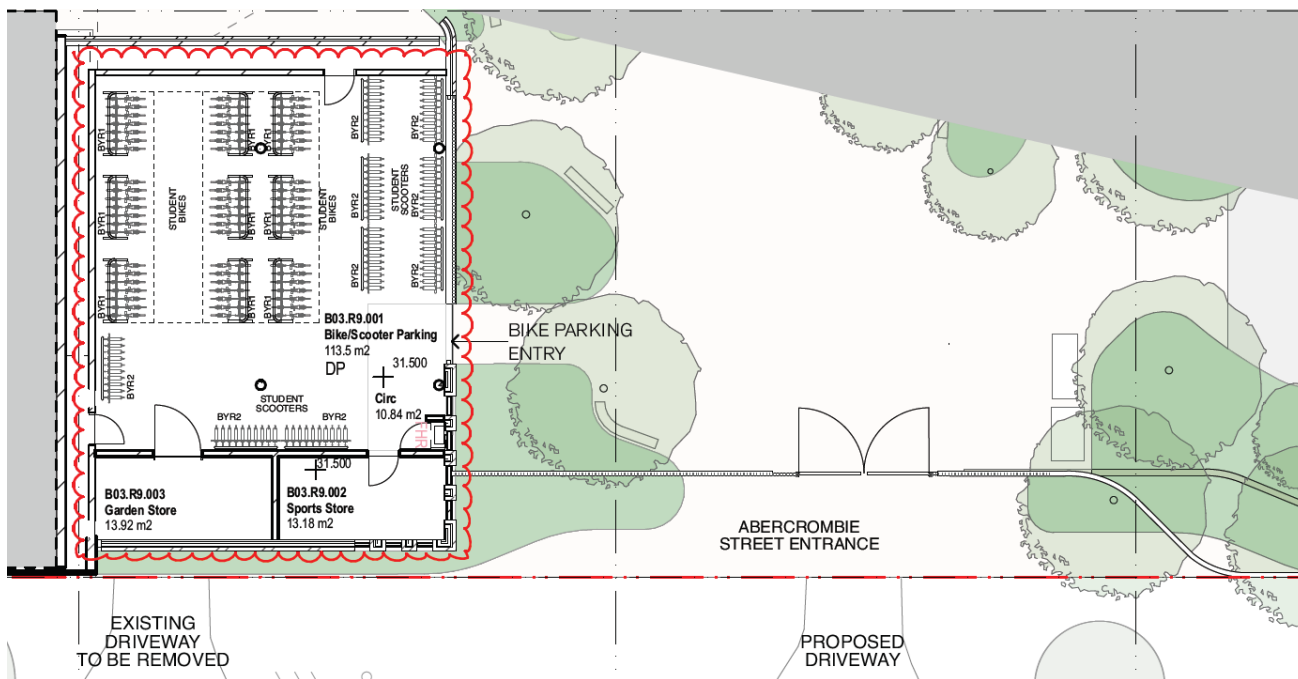


Figure 1 Amended Student Bicycle and Scooter Parking Layout

Source: FJMT

2.2 Extent of Tree Removal

Issue

Clarify the number of trees to be removed and ensure reports consistently reference the correct extent of tree removal.

Response

As described in the submitted EIS (Section 3.4, Section 5.9), the Landscape Tree Management Plan (Appendix J), and the Arborist Report (Appendix CC), 27 trees are proposed to be removed and 19 trees are proposed to be retained as part of the SSDA. These trees are as follows:

- Trees retained: 6, 12-15, 18, 56-68
- Trees removed: 1-5, 7-11, 16, 17, 19, 26-32, 47, 48, 50, 52-55

Reasons for removal of each tree are provided in the Arborist Report provided with the EIS. An Amended Landscape Report is provided at **Attachment C** which corrects inconsistencies in the submitted document.

Tree removal is also proposed as part of a separate Development Application (DA) made to the City of Sydney Council (D/2020/609 – the ‘Council DA’). The Council DA is assessed separately to the SSDA by the City of Sydney and relates to separate works at the school. The extent of the Council DA includes the area surrounding the proposed new sports court – this area is therefore excluded from the SSDA site area. The Council DA proposes the following trees be retained/removed:

- Trees Retained 33, 35-39, 44-46
- Trees Removed 20-25, 34, 40-43, 49-51

The Arborist Report for the Council DA has been provided at **Attachment G** for information.

2.3 Remediation of Site

Issue

Provide more detail regarding the proposed remediation strategy and have an independent, accredited site auditor perform a review of the Remediation Action Plan.

Response

An independent review of the RAP has been carried out by ZOIC and Interim Site Audit Advice is provided with this application. The auditor confirms that the RAP is appropriate and can be carried out to make the site suitable for the proposed use. The auditor's comments are provided in Section 6 of **Attachment D** and will be adopted by the proponent.

2.4 Pick-up and Drop-off Configuration

Issue

The description of the proposed pick-up and drop-off arrangement is inconsistent between the submitted EIS, Architectural Plans and Transport Impact Assessment. Clarify the proposed configuration.

Response

The proposed pick-up and drop-off configuration is shown in **Figure 2** ('Fig 6' in the Transport Impact Assessment submitted as Appendix L to the EIS) and described as follows:

- Golden Grove Street
 - 8x Kiss and Ride only (parents remain in car) spaces between 8.30am and 9.30am and 2.30pm and 4.30pm on school days. Spaces are 1hr parking between 9.30am and 2.30pm.
 - 3x 15 minutes parking between 8.30am and 9.30am and 2.30pm and 4.30pm on school days. Loading Bay between 9.30am and 2.30pm on school days to serve the needs of service vehicles and/or excursion buses
 - 1x accessible 15 minutes parking between 8.30am and 9.30am and 2.30pm and 4.30pm on school days. 1hr parking between 9.30am and 2.30pm.
- Abercrombie Street
 - 3 x 15 minutes parking between 8.30am and 9.30am and 2.30pm and 4.30pm on school days
 - 1x accessible parking space.

An amended Upper Ground Level Plan is provided at **Attachment A** which correctly reflects this arrangement. The above description supersedes the description provided in the submitted EIS and Transport Impact Assessment.



Figure 2 Proposed Parking Arrangements – Signage Plan

Source: TTPA

3.0 Conclusion

The proponent and project team have considered all submissions made in relation to the public exhibition of the proposed redevelopment of Darlington Public School. A considered and detailed response to all submissions has been provided within the accompanying documentation and the table over page.

We trust that this information is sufficient to enable a prompt assessment of the proposed development. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or jdwyer@ethosurban.com.

Yours sincerely,

Jacob Dwyer
Urbanist – Planning

Chris McGillick
Principal – Planning

Name	Type	Issue	Response Strategy/Responsibility	Item
Agency Submissions				
Department of Planning, Industry and Environment (DPIE)	Comments	Active Transport Consideration should be given to increasing the number of bicycle / scooter parking spaces to be provided to accommodate the larger student population, given the:	The amount of student bicycle and scooter parking has been increased from 67 spaces to 145 spaces. This is comprised of 63 bicycle parking spaces and 82 scooter spaces in a single, dedicated storage area. This equates to 35% of the future student population of the school. The target mode share for the future student population is 35% of students riding/scootering to school. The increased provision is sufficient to account for the future target mode share.	1
		<ul style="list-style-type: none"> - Traffic Impact Assessment states that almost 30% of the existing students ride to school. - proposal as submitted includes the provision of 67 bicycle / scooter parking spaces. 		
		Provide details relating to the number and location of lockers to be provided for staff use.	It is proposed that 20 lockers be provided for staff within the staff room on Level 1 (room 1.48). The lockers will be constructed from joinery and located against the wall.	2
		Contamination The Preliminary Site Investigation and Detailed Site Investigation confirmed the presence of contaminants at the site and Remediation Action Plan identified a number of options for remediation of the site. Confirm and provide further details of the selected remediation strategy, including details of locations and methods of containment on site where proposed.	As described in sections 9 and 10 of the Remediation Action Plan lodged with the EIS (Appendix R), the extent of contaminated area is the full site. Containment will be via a suitably thick capping layer as advised by the Contamination consultant and audited by an accredited Environmental Auditor. The strategy will be imposed across the whole site area. Refer to the amended Remediation Action Plan at Attachment E for further detail.	3
		Address Environment Protect Authority (EPA) comments in relation to the provision of interim advice from an EPA-accredited site auditor in relation to the nature and extent of the contamination and what further works are required	Refer to item 23 below.	4
Biodiversity	Refer to item 15-17 below.	5		

Name	Type	Issue	Response Strategy/Responsibility	Item
		Address comments made by the Environment Energy and Science Group of the Department in relation to the Biodiversity Development Assessment Report (BDAR)		
		Address comments made in the public submissions regarding the need to consider cumulative impacts of tree removal on fauna and the application of the precautionary principle.	Refer to item 42 below	6
		Tree removal and landscaping Clarify the number of trees to be removed and correct inconsistencies between the EIS report, Arborist Report, Landscape Report and submitted plans.	As described in the submitted EIS (Section 3.4, Section 5.9), the Landscape Tree Management Plan (Appendix J), and the Arborist Report (Appendix CC), 27 trees are proposed to be removed and 19 trees are proposed to be retained as part of the SSDA. These trees are as follows: <ul style="list-style-type: none"> • Trees retained: 6, 12-15, 18, 56-68 • Trees removed: 1-5, 7-11, 16, 17, 19, 26-32, 47, 48, 50, 52-55 An Amended Landscape Report is provided at Attachment C which corrects inconsistencies in the submitted document.	7
		Provide an updated Arborist Report (including Appendix 2) that: <ul style="list-style-type: none"> - includes details of all existing trees on the existing school site, including those outside the State significant development (SSD) disturbance area. - clearly details each tree to be removed or retained, noting where trees are to be removed or retained under separate assessment processes. - includes the reason / justification for each tree to be removed within the SSD disturbance area. 	Tree removal outside of the SSD disturbance area is proposed as part of a local DA to the City of Sydney (D/2020/609), to accommodate relocation of the existing sports court as exempt development under <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> . The Arborist Report for the Local DA, which covers the remainder of the site area, is provided at Attachment G . As described in the report, a total of 14 trees are proposed to be removed as part of D/2020/609, including trees 20-25, 34, 40-43, 49, 50 and 51. As described at Section 3.13 of the report, trees 20-25, 34 and 40-43 are located within the sports court footprint and trees 49, 50 and 51 are located within an area required to be resumed for the levelling of the sports court area. Refer to Attachment G for further detail. Tree removal under the SSDA is proposed as per item 7 above. As described in Section 3.13 of the SSDA Arborist Report provided as Appendix CC to the EIS, trees proposed to be removed are either within the proposed building footprint or will suffer significant incursions into their Tree Protection Zone areas.	8
		Provide an updated planting schedule that includes the proposed numbers of each tree species to be planted and details of height / canopy spread at maturity.	An indicative planting pallet was submitted with the EIS at Attachment J (drawing 8203). This schedule contains the indicative height at maturity of each plant. The schedule has been updated to include the indicative canopy spread of each tree at Attachment B .	9

Name	Type	Issue	Response Strategy/Responsibility	Item
			Note that the planting schedule is indicative and therefore the height and canopy spread at maturity is also indicative.	
		Provide information to justify the proposed landscaping and tree planting having regard to the Greener Places Design Guide (Government Architect NSW) urban tree canopy cover and including details on the pre-development and post-development tree canopy coverage on-site.	<p>The landscape design has responded to the Greener Places guideline by replacing trees removed through the development process and proposing that an additional 11 trees are installed in the new playground:</p> <ul style="list-style-type: none"> Total canopy trees pre-development = 46 Total canopy trees post-development = 57 <p>A comparison of the area of tree canopy coverage between the existing site and the proposed development (at maturity) is provided at Attachment H. The assessment shows that the existing site has a canopy coverage of approximately 61%, while the proposed development will provide 62% upon maturity. This represents an increase of 1% canopy coverage compared to the existing site conditions.</p> <p>The amount of canopy coverage across the site as proposed will exceed the low-density area target of 40% coverage set by the Greener Places Design Guide and represents an increase over existing site conditions.</p>	10
		Opportunities to retain existing large trees and plant large trees should be maximised.	Tree retention has been maximised where possible while allowing for an appropriate building footprint and the provision of accessible pathways through the playground. Within the playground, existing levels and the locations of steps had to be accommodated and adjusted in the design, and as a result some trees are required to be removed within the playground. The design has maximised tree retention as far as practicable.	11
		Built form Address the comments made by the Government Architect NSW.	<p>It is noted that the Government Architect NSW (GANSW) did not provide a submission to the application. Consultation with GANSW was undertaken through the State Design Review Panel process, with two meetings held in August and November 2019. The GANSW was supportive of the proposal and did not request any further reviews.</p> <p>Responses to the specific points raised by GANSW at these meetings is provided in Appendix A of the Design Report, which was provided as Appendix B of the EIS package.</p>	12
		Related Development Applications	Infrastructure improvement works are required to ensure the ongoing operation of the school during redevelopment and are	13

Name	Type	Issue	Response Strategy/Responsibility	Item
		<p>Provide details relating to site works planned to be undertaken under a local development consent or as exempt or complying development and which do not form part of this application.</p>	<p>separate to the subject SSD works. These works are being undertaken through three planning pathways as outlined below.</p> <ol style="list-style-type: none"> 1. Partial demolition of Block C under Part 5 of the EP&A Act. 2. Relocation of the existing sports court and associated earthworks/landscaping, minor internal alterations and minor landscaping as exempt development under <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> (Education SEPP). 3. Temporary relocation of the existing preschool and removal of 13 trees as a local Development Application to the City of Sydney. <p>Refer to Section 1.2.1 – 1.2.2 of the EIS for further detail.</p>	
		<p>Other Address comments made in the public submissions relating to the reduction of after school care hours. Ensure any related social impacts have been considered.</p>	<p>After school care hours will remain the same as existing at 3:00pm – 6:00pm.</p> <p>Section 3.2 of the EIS proposed that the after school care hours would be 3:00pm – 5:00pm to accommodate some community uses. As described above, the proposed after school care hours will not change from the existing hours and will remain as 3:00pm – 6:00pm. Since no reduction in hours is proposed, additional assessment of social impacts is not required.</p>	14
<p>Environment, Energy and Science Group – Biodiversity and Conservation (EES)</p>	<p>Comments</p>	<p>Biodiversity Plant community types and threatened ecological communities EES supports the assessment by Eco Logical Australia that the vegetation on the development site has been planted sometime since 1943, and most probably since 1975 when the site was cleared of previous buildings to construct the school. EES notes that, in line with guidance in the Biodiversity Assessment Method Operational Manual Stage 1 (OEH May 2018) relating to treatment of planted 'native vegetation', a 'best matching' plant community type (PCT) has been selected for this vegetation, being PCT 1281 'Turpentine Grey Ironbark open forest on shale in the lower Blue Mountains, Sydney Basin Bioregion'. It is not clear as to why PCT 1647 'Red Bloodwood–Smooth-barked Apple heathy woodland on the Central and lower North Coast south-east' was included as one of the four candidates for 'best matching' PCTs. Section 1.4.2.1 of the BDAR cites the Office of Environment and Heritage's 2013 publication of <i>The Native Vegetation of the Sydney Metropolitan Area</i> (OEH 2013) as mapping this PCT 3.5km to the south-east of the development site. However, this PCT was not mapped or documented as occurring anywhere within the Sydney metropolitan study area by OEH 2013. EES notes that in section 1.4.2.2 of the BDAR it is stated that "The BioNet Vegetation Classification lists PCT 1281 as a component of Sydney Turpentine Ironbark Forest which is listed as a critically endangered</p>	<p>A Biodiversity Statement prepared by EcoLogical Australia (ELA) is provided at Attachment F.</p> <p>ELA has provided a map (at Figure 1 of Attachment F) which shows the location of nearest PCT recorded to the development site. A patch of PCT 1647 Red Bloodwood – Smooth-barked Apple Heathy woodland on coastal sands of the Central and lower North Coast was the closest PCT recorded to the development site.</p> <p>PCT 1647 was mapped by OEH 2013 and is approximately 3.5 km south-east of the development site. This was the closest mapped PCT to the development site and as such this was included in the list of candidate PCTs when considering the 'best-fit' PCT for the development site. This PCT was not considered a suitable candidate for the development site as it did not represent the suitable soil landscape or topography.</p> <p>ELA understands that EES have confirmed that the appropriate PCT for the development site is PCT 1281. No additional response is required from ELA regarding this matter.</p>	15

Name	Type	Issue	Response Strategy/Responsibility	Item
		<p>ecological community (CEEC) under the BC Act and EPBC Act.” This statement is only correct with respect to the listing of this CEEC under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). With respect to its listing under the NSW Biodiversity Conservation Act 2016 (BC Act), the BioNet Vegetation Classification states that PCT 1281 is equivalent to the CEEC ‘Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion’ as determined under the BC Act.</p> <p>EES accepts that the assessment that the vegetation within the development site does not form part of the ‘Sydney Turpentine Ironbark Forest’ CEEC as determined under either the BC Act or EPBC Act because the vegetation present in the development site has been established through plantings;</p> <p>the vegetation exists as a mix of planted eucalypt and exotic canopy species and horticultural varieties of native ground cover or shrubs; there is no evidence of remnant vegetation within the development site or surrounding lands; and the soil profile has been substantially modified and does not represent original profile.</p>		
		<p>Microbat habitat and prescribed impacts assessment EES notes that Section 2.1.3 Prescribed biodiversity impacts of the BDAR records that visual surveys of the existing buildings within the development site did not identify any small gaps which may contain potential roost sites for microbats. The BDAR also states that most of the buildings are multi-storey with a corrugated iron flat roof which are not particularly suitable for microbats.</p> <p>However, section 2.2.4 Prescribed biodiversity impacts assesses that there remains a level of uncertainty about whether the buildings contain suitable gaps in the roof cavity, such that the presence of roof-roosting microbats within the development footprint cannot be completely disregarded. There is potential that the removal of the buildings may impact upon roosting resources for microbats, such as the two bent-winged bat species, migrating to breeding or non-breeding habitats.</p> <p>Given that, the measures in Table 21 Measures proposed to mitigate and manage impacts should be revised to consider the possibility that microbats might be encountered. EES recommends that measures such as inclusion of pre-clearing surveys, daily surveys and staged clearing, and the presence of a trained ecological or licensed microbat wildlife handler during clearing events, should apply to demolition of existing structures, not just to clearing of trees, as is currently proposed.</p>	<p>ELA has provided additional BDAR mitigation measures regarding microbats. Refer to Table 2 of Attachment F for details.</p>	<p>16</p>
		<p>Flooding EES have no further flooding comments.</p>	<p>Noted.</p>	<p>17</p>

Name	Type	Issue	Response Strategy/Responsibility	Item
City of Sydney	Comments	The supporting documentation has been reviewed and the City makes no comments on the proposal.	Noted.	18
Ausgrid	Supports	Ausgrid notes that Appendix FF to the EIS identifies that the proponent has made an application for connection to Ausgrid for the new development and has received a connection offer from Ausgrid. We encourage the proponent to continue to discuss their requirements directly with Ausgrid as needed	Noted.	19
Sydney Water	Comments	<p>Water Servicing</p> <ul style="list-style-type: none"> - Potable water servicing should be available via existing watermains in both Golden Grove Street and Abercrombie Street. - Amplifications or extensions to the drinking water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition. 	Noted.	20
		<p>Wastewater Servicing</p> <ul style="list-style-type: none"> - Wastewater servicing should be available via existing wastewater mains within the property boundary. - Amplifications or extensions to the wastewater network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition. 	Noted.	21
NSW Environment Protection Authority (EPA)	Comments	<p>Noise and Vibration</p> <p>The EPA reviewed the SSDA Acoustic Assessment, dated 4 June 2020, prepared by Acoustic Logic, and considers that the noise criteria determined by the loggers appear to be representative of the acoustic environment of residential receivers. Although some of the data is weather affected, the EPA is confident that the noise levels presented within the acoustic assessment are representative of the noise level in the area.</p> <p>Operational noise considerations do not include the preliminary review of noise from service and mechanical plant. However, it is mentioned that noise from mechanical plant can be treated sufficiently following selection of the plant items. The EPA recommends that waste collection occur during the day-time period only.</p> <p>The acoustic assessment requests that the standard construction hours on a Saturday be extended to 3:30 pm to allow site workers time to remove hazardous material that cannot be removed during school hours. The EPA recommends that construction works be limited to standard hours of construction work described in Table 1 of the Interim Construction Noise Guideline (DECC, 2009) (ICNG), unless for the specific purpose of removing hazardous waste. All other construction activities are to cease after standard construction hours.</p>	<p>The proposed recommendations are considered appropriate and can be implemented via conditions of consent.</p> <p>Acoustic Logic note that the design of mechanical plant will be capable of complying with the proposed background +5dB criteria. Required acoustic treatments/specifications will be provided to the Contractor to achieve this.</p>	22

Name	Type	Issue	Response Strategy/Responsibility	Item
		<p>The EPA also recommends that any consent include a condition that noise from mechanical plant should be designed to achieve no greater than background noise + 5 dB.</p> <p>In addition, any consent should require the proponent to adopt the noise mitigation described in:</p> <ul style="list-style-type: none"> • Section 8 Operational Noise Emission of the acoustic assessment to manage operational noise; and • Section 11.8 Construction Noise and Vibration Mitigation Recommendations of the acoustic assessment to manage potential construction noise impacts 		
		<p>Contamination</p> <p>The EPA reviewed the Preliminary Site Investigation – Contamination, dated 16 April 2018, the Detailed Site Investigation for Contamination, dated 19 February 2019, the Remediation Action Plan (RAP), dated 4 June 2020, and the Hazardous Building Materials Assessment, dated 20 April 2018 – all prepared by Douglas Partners, and the Asbestos Register, reviewed 28 February 2017 by Parsons Brinckerhoff.</p> <p>Results of the preliminary and detailed site investigations confirmed total recoverable hydrocarbons (TRH), polycyclic aromatic hydrocarbons (PAH) and lead impacts in fill material across the site. While most of the site is sealed, there are some unsealed areas in the central eastern portion of the site that provide a potential pathway to contamination.</p> <p>The RAP proposes on-site management of contaminated soils through capping and containment to limit ingestion or dermal contact pathways. If required, materials that are considered not suitable to remain on-site would be excavated and disposed of off-site in accordance with the EPA's Waste Classification Guidelines (EPA, 2014).</p> <p>Given the presence of contaminants of concern, the EPA recommends the applicant engages a NSW EPA-accredited site auditor throughout the duration of works to ensure that any work required in relation to contamination is appropriately managed.</p> <p>As part of the Response to Submission, it is recommended the applicant be required to submit interim audit advice from the accredited site auditor commenting on the nature and extent of the contamination and what further works are required.</p> <p>The EPA notes the applicant has committed to develop a Hazardous Materials Management Plan and Asbestos Management Plan prior to the commencement of any demolition or construction works on site. The EPA recommends these requirements be included as conditions of consent. In addition, the EPA reminds the applicant of the following:</p>	<p>An accredited auditor, ZOIC, has reviewed the Remediation Action Plan and confirms that the remediation strategy as proposed is suitable for the site and proposed uses. Refer to Attachment D for detail, including at Section 6 for the auditors comments and recommendations, which will be implemented by the proponent.</p>	23

Name	Type	Issue	Response Strategy/Responsibility	Item
		<p>1. The processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP55) are to be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.</p> <p>2. The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of Contaminated Land Management Act (CLM Act)].</p> <p>3. The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf</p> <p>4. The EPA recommends use of "certified consultants". Please note that the EPA's Contaminated Land Consultant Certification Policy (https://www.epa.nsw.gov.au/-/media/epa/corporatesite/resources/clm/18520-contaminated-land-consultant-certificationpolicy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19DC273A1F7) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.</p>		
		<p>Waste The EPA notes the inclusion of Construction and Operational Waste Management Plans and reminds the applicant of the following:</p> <ul style="list-style-type: none"> - All asbestos waste loads over 100 kilograms or 10 square metres removed from the site must be tracked using the EPA's online "Waste Locate" system, according to the requirements of the Protection of the Environment Operations (Waste) Regulation 2014. Further details on these requirements can be found on the EPA's website at: https://www.epa.nsw.gov.au/yourenvironment/waste/transporting-asbestos-waste-tyres/tracking-asbestos-waste-locate - The applicant must not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal, except Virgin Excavated Natural Material as defined by the Waste Classification Guidelines issued by the EPA that are current at that time, unless expressly permitted by planning legislation and/or approvals and/or consents relevant to the site. - Processing of fill material containing asbestos is prohibited. Any loads of waste from the works that are rejected from a waste facility 	Noted.	24

Name	Type	Issue	Response Strategy/Responsibility	Item
		<p>due to the presence of asbestos must not be reprocessed but transported to a facility that can lawfully receive asbestos waste.</p> <ul style="list-style-type: none"> - It is the EPA's expectation that effective oversight of contractors, sub-contractors and agents is maintained in relation to the lawful disposal of waste from the site 		
Transport for NSW (TfNSW)		<p>Active Transport Considerations</p> <p>Comments</p> <p>Future Transport 2056 emphasises the importance of walking and cycling for short trips and reinforces the importance of walking and cycling to increase the catchment of public transport as part of the whole customer journey.</p> <p>Building Momentum - State Infrastructure Strategy 2018-2038 includes recommendations related to walking and cycling, including integrating transport with land use; managing travel demand; unlocking capacity in existing assets; and improving population health outcomes through more active transport.</p> <p>The Transport Impact Assessment (TIA), addresses Active Transport considerations but could be further refined. Off-street bicycle parking requirements applicable to the existing school and proposed redevelopment are referenced, per an Access Survey, however the TIA proposes a lower number of bicycle parking spaces with two accessible bathrooms with shower for staff use.</p> <p>There appears to be no information about the number of lockers to be provided.</p> <p>There is an opportunity for the redevelopment to promote NSW policies to encourage student and staff mode shift to cycling by providing the maximum number of secure bicycle parking spaces, end of trip facilities and lockers.</p> <p>Recommendations</p> <p>It is requested that the Applicant review the needs of active transport users as noted above and if required provide supplementary information as part of the Response to Submissions. The City of Sydney Council DCP 2012 outlines minimum requirements in this regard</p>	<p>As per the response to Item 1 above, the amount of student bicycle and scooter parking has been increased from 67 spaces to 145 spaces. This is comprised of 63 bicycle parking spaces and 82 scooter spaces in a single, dedicated storage area and to 35% of the future student population of the school. This proposed provision is sufficient to accommodate an increase in mode share to 35% of children cycling and scootering to and from school, as targeted in the Green Travel Plan provided with the EIS package (as part of the Transport Impact Assessment).</p> <p>As per Item 2 above, it is proposed that 20 lockers be provided for staff within the staff unit on Level 1.</p>	25
		<p>Green Travel Plan</p> <p>Comment</p> <p>The TIA provides a framework for the preparation of a Green Travel Plan that will help the Darlington Public School to better manage demand on the transport network. The recommendations below are provided to encourage</p>	<p>A Green Travel Plan will be prepared in accordance with the recommendations. SINSW request that the requirement to provide 'wayfinding measures such as local street signage to identify direction and distance to school' be removed since it falls out of the project remit and would likely require works far outside the site boundary.</p>	26

Name	Type	Issue	Response Strategy/Responsibility	Item
		<p>the use of sustainable transport to the site, which will help reduce the use of single vehicle trips.</p> <p>Recommendation If the development is approved it is suggested that the following condition be applied: Prior to the issue of the first Occupation Certificate, the applicant shall prepare a Green Travel Plan, which must be approved by TfNSW. The Green Travel Plan should be aimed at both staff, students, and visitors and include the following matters:</p> <ul style="list-style-type: none"> - Information on student enrolments- including commencement and forecasted increases, - School enrolment catchment and analysis of proportion of students within walking and cycling distance; - Measures to encourage sustainable transport choices amongst parents, students and staff for example information on walking routes, walking groups, cycling routes and information packs for parents and students; - Wayfinding measures such as local street signage to identify direction and distance to school; - Proportion of students who are eligible for SSTS and promotion of the SSTS and School Term Bus Pass; - Consider storage facilities (for large items and to reduce daily trips with these items) for students; - A behaviour change program to encourage greater sustainable transport choices that target specific student groups e.g. encourage early sustainable behaviours through Bike Ed in primary years; and provide more specific targeted programs for high school students; - Details on the appointment of Travel Coordinator role and responsibilities once the redeveloped school is fully operational - Identify how annual travel surveys will be conducted, an evaluation process and how any mitigations or changes will be implemented; - Identify how any increase of enrolments be managed within the Green Travel Plan and evaluation process; - Information on how travel for special event trips for school activities such as school carnivals, swim school, excursions etc. will be managed; - Incorporate any City of Sydney Council run programs that promote active travel to school; and - Greater detail in the TAG including examples of material to be provided, relevance to target age groups and how it will be distributed. 		

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		<p>Resources to assist can be found here: https://www.mysydney.nsw.gov.au/travelchoices/tdm</p>		
		<p>Construction and Traffic Management Plan Comment Several construction projects are likely to occur at the same time as this development. The cumulative increase in construction vehicle movements from these projects could have the potential to impact on general traffic and public transport operations, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.</p> <p>Recommendation It is requested that the applicant be conditioned to prepare a detailed Construction and Traffic Management Plan (CTMP) for various stages detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control. The CTMP should be submitted to Council for approval prior to the issue of a Construction Certificate.</p> <p>Recommendation It is requested that the applicant be conditioned to prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW and submit a copy of the final CPTMP plan to TfNSW for endorsement, prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier.</p> <p>The CPTMP needs to specify, but not limited to, the following:</p> <ul style="list-style-type: none"> - A description of the development; - Location of any proposed work zone(s); - Location of any crane(s); - Haulage routes; - A detailed plan identifying all construction vehicle access arrangements; - Estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods; - Construction program; - Proposed construction hours; - Consultation strategy for liaison with surrounding stakeholders, including other developments; - Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from the construction of the development; - Cumulative construction impacts of any projects where construction vehicles use Dural Street or Williams Road. Existing CPTMPs for developments within or around the development site should be 	<p>The Contractor will prepare and submit a detailed CTMP for approval as part of their pre-commencement works, in accordance with the proposed condition. The CTMP will be prepared in accordance with the Preliminary Construction Management Plan provided submitted with the EIS and will address the TfNSW recommendations as necessary, including the requirements relating to the preparation of a Construction Pedestrian Traffic Management Plan.</p>	27

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		<p>referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network; and</p> <ul style="list-style-type: none"> - Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP. - Submit a copy of the final plan to the TfNSW for endorsement; and - Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction. 		
Heritage NSW	Comments	<p>The current School is not a listed heritage item. It is adjacent to several local council Heritage Conservation Areas and other locally listed heritage items. GML Heritage have found that the proposed development is generally compatible in scale and form with the adjacent areas and items and have recommended a number of mitigation measures such as archival recording, and specific construction methodologies to protect nearby heritage items. These measures are generally appropriate and could be supported by Conditions of Approval.</p>	Noted.	28
		<p>The Historical Archaeological Assessment by Casey & Lowe Pty Ltd found that the majority of the Darlington Primary School Site does not contain 'relics' within the meaning of the NSW Heritage Act, 1977, and an Unexpected Finds protocol to report any features encountered during building works would be appropriate. Remains associated with the shop on the corner of Abercrombie and Golden Grove Streets may retain some research value and Casey & Lowe have recommended that site should be inspected and tested by an archaeologist after the demolition of the building. If 'relics' are found on the Shop site then a program of archaeological recording is recommended in accordance with the Archaeological Research Design (ARD) provided in Section 6.0 of the Casey & Lowe report, with artefact analysis and final reporting prepared in accordance with Heritage Council guidelines.</p>	An unexpected finds protocol will be incorporated as part of the contractor's detailed Construction Management Plan to ensure that while not anticipated, any features that are found will be reported and managed appropriately.	29
		<p>These recommendations are considered appropriate. Heritage NSW has noted, however, that the recommendations from Casey & Lowe have not been included in the main EIS report by Ethos Urban. Only the GML report has been referenced and the Mitigation Measures in Sections 5.0 and 7.0 of the EIS do not include the matters recommended by Casey & Lowe.</p>	The three recommendations of the Casey & Lowe report, and the Proponent's response to each is provided below. Adoption of an unexpected finds protocol is expected to satisfy the intent of the recommendations in the report, given the low potential for relics to be discovered at the site.	30

Name	Type	Issue	Response Strategy/Responsibility	Item
			<p><i>1. The majority of the Darlington Primary School site does not contain relics and therefore does not require archaeological testing. Provision should be made for the archaeologist to periodically inspect the site to identify any significant archaeological remains and an Unexpected Finds Protocol to report any built features such as wells or cisterns or artefact deposits encountered during civil works to the archaeologist should be included in works specifications.</i></p> <p>Response: Since there is no expectation to find any relics within the site, it is considered inappropriate to require periodic inspections of the site. Implementation of an Unexpected Finds Protocol (UFP) as described in item 30 above will address the intent of this recommendation.</p> <p><i>2. As the site of the shop on the corner of Abercrombie and Golden Grove Streets has potential to contain relics it should be inspected and tested by the archaeologist after the demolition of the building currently in this location. The ground slab covering what was the rear yard of the allotment should be removed under the archaeologist's supervision and the whole allotment tested for the presence of artefact deposits or relics. If relics are found on the shop site then a program of archaeological recording will need to be undertaken in accordance with the Archaeological Research Design (ARD) in Section 6.0.</i></p> <p>Response: Implementation of a UFP will mean that if any relics are discovered in this location, they will be reported and managed appropriately.</p> <p><i>3. A final report should be written on the results of the archaeological program. The report should include a catalogue and analysis of the artefacts recovered from the study area in accordance with best practice and Heritage Council guidelines.</i></p> <p>Response: A final report should only be required if any relics of note are found in the area of interest and reported in accordance with the UFP.</p>	
		Consequently, Heritage NSW recommends that the Department of Planning, Infrastructure and Environment considers Conditioning historical archaeology matters as part of any approval. The recommendations made by Casey & Lowe could be implemented as part of a Construction Environmental Management Plan for the project.	An unexpected finds protocol will be implemented instead of adopting the recommendations of the Casey & Lowe report verbatim. As described above, the UFP is expected to satisfy the intent of the report recommendations. A final report can be prepared if any relics are found.	31

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		As the site is adjacent to other local heritage items, advice should be sought from the relevant local council.	Noted – City of Sydney provided submission separately.	32
Public Submissions				
Rebecca Link	Comments	<p>Ensure enough active transport parking space for scooters and bicycles is provided.</p> <p>The submission also states that 70% of the current student population ride to school.</p>	<p>Section 2.2.6 of the EIS incorrectly stated that '<i>The school has a high existing level of active and public transport use, with approximately 70% of students cycling or riding scooters to school.</i>' As detailed correctly in Section 5.4.1 of the EIS, approximately 29% of students currently bicycle/scooter to school, with over 40% walking. The 70% figure was intended to refer to the combined proportion of students who walk, bike and scooter to school.</p> <p>As per the response to Item 1 above, the amount of student bicycle and scooter parking has been increased from 67 spaces to 145 spaces. This is comprised of 63 bicycle parking spaces and 82 scooter spaces in a single, dedicated storage area and to 35% of the future student population of the school.</p>	33
Withheld	Comments	The submission recommends that a condition be imposed requiring full professional documentary photography be undertaken to preserve a permanent record of the architectural and local significance of the existing school buildings.	<p>The Heritage Impact Statement provided as Appendix M of the EIS package requires that a photographic (and audio) archival recording of the school, its buildings, exterior/interior spaces, artworks and landscape be undertaken in accordance with NSW Heritage Office guidelines while the school is still operational and prior to the issue of a construction certificate. Refer to Section 8.2 of the Heritage Impact Statement.</p> <p>The proponent has adopted these recommendations and is committed to undertaking the archival recording of the school and its connection to the history of the local area.</p>	34
Von Dekker	Comments	<p>Quality of the redevelopment proposal is commended.</p> <p>Consider incorporating an "Indigenous Food Garden" space in the proposal, possibly on the rooftop of the current library or elsewhere within the current grounds.</p>	<p>Support noted.</p> <p>The Indigenous garden design concept responded to feedback from the local Aboriginal community. The concept was to locate food plants as a series of pods/ pockets and create an 'indigenous plant walk' around the site, reflective of how Aboriginal people may have moved around their Country collecting foods as they naturally occurred. The intent is to use the walk to educate how plants can provide food and other uses.</p> <p>Including a large single area dedicated as an 'Indigenous food garden space' would be contrary to the feedback provided by the local Aboriginal community, which recommended pods/pockets</p>	35
				36

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			located around the school presenting the opportunity to walk through the landscape and educate students.	
Withheld	Objects	The proposal has insufficient capacity to cater for expected population growth beyond 2036.	<p>As described in Section 1.4 of the EIS, the school has been designed to accommodate the forecast enrolment of 415 students for the year 2036. Up to 437 students can be accommodated in the proposal, allowing for additional enrolments beyond the forecast.</p> <p>The forecast is based on the fact that the City of Sydney LGA is currently undergoing significant growth, with increased population and housing driving demand for increased infrastructure, including schools. Population forecasts show that in the approximate catchment of the school site, the population of 5 –11 year old children is forecast to grow by approximately 10% between 2016 and 2036 – from 477 to 881 people.</p>	37
		No investigation of a new local primary school site or adaptation of the existing school was provided.	As part of the business case, which was undertaken prior to the preparation of this EIS, consideration was given to a range of potential options including development of new sites and adaptation of the existing school. No suitable sites were identified for a new school and redevelopment was selected over adaptation for the reasons outlined in Item 39 below.	38
		Insufficient/incorrect justification provided relating to the existing 1970s building stock nearing the end of its useable life expectancy. 2021 building stock would be somehow longer lasting. Improved maintenance	<p>Also as part of the business case, which was undertaken prior to preparation of this EIS, the following reasons were identified as reasons to demolish the existing structures and redevelop the school:</p> <ul style="list-style-type: none"> • Opportunity to remove existing hazardous materials • Opportunity to improve standards of core facilities and teaching spaces and address existing compliance issues with the National Construction Code • Key issues with the current facilities prevent adaptability to support Innovative Learning Environments, such as structural load bearing walls, traditional undersized cellular teaching spaces and dated facilities and fixings • Eliminate increasing maintenance costs associated with maintenance issues such as roof leaks and drainage of Building A and Building B. <p>In light of the above, redevelopment of the school provides numerous benefits over retention an adaptation of the existing building stock.</p>	39

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		A portion of the proposal has been split into a separate DA, with reduced transparency as to cumulative impacts of the proposal as a whole, in particular obscuring the number of trees to be removed.	Clarification of the number of trees to be removed is provided in the response to Item 7. Responses to Items 8-10 provide information relating to the trees proposed to be removed in the Council DA, as well as a comparison of the existing and proposed canopy cover at tree maturity across the site.	40
		There are inconsistencies between documents describing the number of trees to be removed. Clarify the number of trees lost on site and the amount of tree canopy cover that will be provided. Also consider the cumulative impact of local loss of trees.		41
		<p>Further consider the impact on native species and ESD, in particular:</p> <ul style="list-style-type: none"> - Consider cumulative impact of surrounding tree removal (feed trees) relating to the grey headed flying fox, a vulnerable species, determined there would be no significant impact due to the loss of their feed trees. - Consider the cumulative impact of removing hollow bearing trees at the site and elsewhere within the surrounding area. - The BDAR concludes that the precautionary principle does not apply. However, there loss of habitat for species such as the flying fox may occur. The precautionary principle should apply in this case. - Intergenerational equity should also apply, as the proposal may result in no mature trees on site until the landscaping reaches maturity. - The proposal does not represent ESD as it requires biodiversity offset credits. Consider cumulative number of trees being removed in calculating the biodiversity credits. 	<p>A Biodiversity Development Assessment Report (BDAR) was undertaken for the proposal in accordance with the SEARs. The BDAR was undertaken in accordance with the <i>Biodiversity Conservation Act 2016</i> and the Biodiversity Assessment Method. The identification of impacted species and calculation of credits was undertaken in accordance with this legislation and methodology, which consider the principles of ecological sustainable development.</p> <p>ELA have provided further detailed responses to these items at Attachment F.</p>	42
		After school care hours are proposed to be changed to end at 5pm, rather than the existing 6pm, to enable community use of the shared space. Clarify and consider any social/amenity impacts caused by this reduction in hours.	Refer to the response for item 14. The after school hours care will retain its existing closing time of 6pm.	43
		Insufficient solar access to the playground, particularly in winter after 3pm when compared to the existing school.	The proposed massing of the new school building has been located so as to preserve solar access to the playground for a majority of the day, as well as to address other factors such as safety and visual privacy. Until 3pm mid-winter, the playground receives no additional overshadowing compared to the existing situation. Between 3pm and 4pm there is a minor increase in shadow in the south-western corner of the play area. From 4pm the existing school playground is within shadow. This is considered a good outcome as sun access to the playground is preserved mid-winter for when children most need it – mornings, recess and lunch.	44
		Insufficient bicycle/scooter parking space proposed.	Refer to Item 1. The proposed number of bicycle and scooter parking spaces has been increased from 67 to 145.	45