

SUPPLEMENTARY RESPONSE TO SUBMISSIONS

LINDFIELD LEARNING VILLAGE (SSD 16_8114)

30 AUGUST 2018
SA6386
FINAL
PREPARED FOR NSW DEPARTMENT OF EDUCATION

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	SA6386
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1. INTRODUCTION

This supplementary “Response to Submissions” Report (“RtS”) addresses further comments raised in agency feedback post referral of the previous RtS for the Lindfield Learning Village at 100 Eton Road, Lindfield (SSDA 16_8114).

Following referral, submissions were received from:

- Department of Planning and Environment (DPE)
- Office of Environment and Heritage (OEH)
- Rural Fire Service (RFS)
- Roads and Maritime Services (RMS)
- Transport for NSW (TfNSW)
- NSW Environment Protection Authority (EPA)
- Ku-ring-gai Council (Council)
- Heritage Council
- Action for Public Transport

This RtS is accompanied by additional specialist assessments to address the issues raised. The specialist consultants have assessed the design and recommend mitigation measures to ensure the proposal will not have any unreasonable or significant traffic, bushfire, heritage, social and environmental impacts on surrounding properties or the public domain.

This RtS should be read in conjunction with the documentation outlined in **Table 1**. The content contained in this RtS and the EIS, demonstrates that the proposal balances environmental impact with community benefit and should be approved.

Table 1 – Supporting Documentation

Appendix	Document Name	Prepared By
Appendix A	Heritage Impact Statement	Urbis Heritage
Appendix B	Remediation Action Plan	EIS
Appendix C	Green Travel Plan	Arup
Appendix D	Amended Landscape Plans	DesignInc
Appendix E	Land Title Document	Sai Global
Appendix F	Bushfire Hazard Report	BlackAsh
Appendix G	Biodiversity Response	EcoPlanning
Appendix H	Biodiversity Assessment Report	EcoPlanning
Appendix I	Aboriginal Cultural Heritage Assessment Report	Urbis Heritage
Appendix J	Flood Emergency Management Plan	EWWF
Appendix K	Bushfire Emergency Management and Evacuation Plan	BlackAsh
Appendix L	Transport Response	Arup
Appendix M	Noise Response	Acoustic Logic

Appendix	Document Name	Prepared By
Appendix N	Landscape Management Plan	Kleinfeld
Appendix O	Heritage Certification	Urbis Heritage
Appendix P	Bushfire Certification	BlackAsh
Appendix Q	Biodiversity Certification	EcoPlanning

2. OVERVIEW OF AGENCY SUBMISSIONS RECEIVED

The RtS for SSD 16_8114 was referred to State and local government agencies following lodgement in June 2018. Agency feedback has been provided in submissions from:

Following referral, submissions were received from:

- Department of Planning and Environment (DPE)
- Office of Environment and Heritage (OEH)
- Rural Fire Service (RFS)
- Roads and Maritime Services (RMS)
- Transport for NSW (TfNSW)
- NSW Environment Protection Authority (EPA)
- Ku-ring-gai Council (Council)
- Heritage Council
- Action for Public Transport

A response to matters raised by DPE and all other government agencies is provided in **Table 2** below.

Table 2 – Response to Agency Submissions

MATTER	ISSUE	COMMENT	REFER TO
Department of Planning and Environment			
Concept Approval and Statement of Commitments	Consent cannot be granted unless it is demonstrated that the proposal is consistent with the concept plan approval for SSD 06_0130.	A modification to MP 06_0130 has been lodged concurrently to this Response to Submissions and is to be determined concurrently. The modification aims remove potential inconsistencies that may arise due to diverse interpretations.	N/A
Heritage Impact Statement	An updated Heritage Impact Statement (HIS) may be required given the new impacts proposed on the landscape element (total clearing). The updated HIS included in the RtS does not make a genuine effort to assess the impacts on the significance of the landscape element.	<p>The HIS has been amended by Urbis to provide a further assessment of the impacts to the landscape elements, including that of meeting the RFS requirements for higher level of APZ clearing.</p> <p>Whilst the impact of the tree removal is acknowledged, the tree removal is required to satisfy RFS' APZ bushfire management regime. A genuine effort has been made to ensure that as much of the existing bushland character as possible is able to be retained. The broader landscape setting would be retained, albeit altered, and will continue to contribute to the significance of the place.</p>	Appendix A
Conservation Management Plan	Conservation management strategies and conservation works should be guided by a Conservation Management Plan (CMP). As such, a CMP should be prepared prior to determination.	<p>The Statement of Commitments for SSD 06_0130 does not require a Conservation Management Plan (CMP). It requires consistency with the Conservation Strategy for the site, prepared by Graham Brooks and Associates. The HIS submitted with SSD 16_8114 assesses the proposal against the Conservation Strategy. The Statement of Commitments has been satisfied and therefore a CMP should not be required.</p> <p>As agreed with DPE on 22 August 2018, a CMP will be a condition of consent to be prepared prior to occupation.</p>	N/A
Contamination	Provide Remedial Action Plan (RAP) for assessment.	A RAP has been prepared by EIS. EIS conclude that the site can be made suitable for the proposed development provided that the RAP is implemented.	Appendix B
Green Travel Plan	Provide a Draft Green Travel Plan	A Draft Green Travel Plan is submitted with this RtS as requested by DPE.	Appendix C
Detailed Landscape Plans	The landscape plans provided are not sufficient.	<p>Detailed landscape plans are show:</p> <ul style="list-style-type: none"> • Landscape works for Phase 1 • Trees for removal • Detail for the entry area 	Appendix D

MATTER	ISSUE	COMMENT	REFER TO
		<ul style="list-style-type: none"> Detail for Level 7 COLA <p>No other formal outdoor play areas are proposed for Phase 1. Children will be able to have supervised play in the natural landscape where it is deemed safe to do so in addition to the entry area play space and COLA.</p> <p>A schedule is provided that includes the number and species of trees to be removed. No new trees are proposed.</p>	
Land Title Documents	DoE have advised that the land title documents for the site include positive covenants for the purposes of bushfire protection. Please provide a copy of the land title documents including any details of easements, positive and/or restrictive covenants.	<p>A Vegetation Management Plan (VMP), dated 8 December 2012, is registered on title pursuant to DP270770, which created a positive covenant numbered 8 in the 88B Instrument. The VMP was prepared to satisfy Condition 55 of the Concept Approval, relating to "Rural Fire Services Condition – Section 100B Asset Protection Zones".</p> <p>Positive Covenant No. 8 appears on every title which is issued as a result of MP06_0130 except for the land the subject of this SSDA.</p> <p>Lot 4 in DP1151638 is an Inner Asset Protection and Outer Asset Protection Zone and no modification is required to the Concept Plan Approval in relation to Lot 4 DP1151638.</p> <p>Lot 2 in DP11451638 consists of the former UTS Lindfield Campus built environment together with the area marked as buff colour on the Ecological Australia Pty Limited plan headed "Management Zones" – the buff coloured zone being nominated as a Strategic Fire Advantage Zone. The Department of Education is requesting modification to the Strategic Fire Advantage Zone as part of this application.</p> <p>Land title documents are submitted with the RtS as requested by DPE.</p>	Appendix E
Office of Environment and Heritage			
Partial approval	Partial approval of Phase 1 will influence approvals of future Phases 2 and 3, without cumulative impacts.	<p>Cumulative impacts will be considered for future phases of the LLV development. However, given the site has previously been used for education establishment for many decades, any additional cumulative impacts are manageable.</p> <p>Phases 2 and 3 are subject to further consultation with RFS and will require assessment.</p>	N/A

MATTER	ISSUE	COMMENT	REFER TO
		In terms of cumulative impacts of bushfire mitigation measures, the APZs required for the Phase 1 school are the same width / separation distance for Phase 2 and 3.	
Asset Protection Zone	Regardless of Phase 1 being given consent, Phases 2 and 3 cannot require or propose APZs in the National Park for any part of the development.	APZs in the National Park are not required. Existing approved APZs under SD 06_0130 are relied on as well as tree removal for APZs within the site. Where APZs cannot be established for phases 2 and 3, alternative solutions will be investigated with the RFS and other stakeholders prior to finalising phases 2 and 3 designs.	N/A
Phase 1 Plan	Figures in Bushfire Assessment to ensure consistency with RtS and architectural plans.	The figures in the Bushfire Assessment have been amended to ensure consistency with the RtS and architectural plans.	Appendix F
Biodiversity likelihood	<i>Darwinia biflora</i> and <i>Epacris purpurascens</i> have not been included in the species credit requiring further assessment.	<i>Darwinia biflora</i> and <i>Epacris purpurascens</i> var. <i>purpurascens</i> have not been included in Table 4.3 as 'species credits requiring further assessment' because they are not candidate species for the two PCTs identified within the subject site. The subject site was sufficiently surveyed by botanists Tom Hickman and Tammy Paartalu to determine the presence of these species. Whilst most surveys are outside the survey months for <i>Darwinia biflora</i> and <i>Epacris purpurascens</i> var. <i>purpurascens</i> (except for 23/11/ 2017), both species can be identified all year round without flowers, especially in a modified environment.	Appendix G
Plot/transect	No justification has been provided for using Plot/transects outside the site.	One plot was completed partially outside the subject site (Plot 1) and one plot was completed totally outside the subject site (Plot 4) due to the subject site boundary being refined several times during the life of the project. Both plots were previously within the project boundary, and although now partially or totally outside the subject site the data captured adequately reflects the condition of the vegetation zone being sampled.	Appendix G
Biodiversity Offset Strategy	Biodiversity Offset Strategy not adequate.	Due to a lack of credits available on the market the proponent intends to offset the project through payment to the Biodiversity Conservation Trust (BCT). Discussions will be held with the BCT to begin this process.	Appendix G and Appendix H
Native over-storey, ground cover and mid-storey	OEH questions the values being offered.	Trees and shrubs can be removed and still maintained within the range of the benchmark for PCT 1782 (Site value score = 3: 14-41%); and for PCT 1776, within >50% - <100% of the benchmark (Site value score = 2: 7-13%). OEH has requested that we assume more clearing is required, as no 'lower limit' is provided in the PBP (RFS 2006). The revised and more	Appendix G

MATTER	ISSUE	COMMENT	REFER TO
Aboriginal cultural heritage	At a minimum consult with Aboriginal Land Council and rewrite ACHIA to meet the requirements of ACHAR	<p>conservative PBP document is consistent with our approach (as provided by Lew Short of Blackash), however OEH correctly state these are the upper limits, not the lower limit.</p> <p>An Aboriginal Cultural Heritage Assessment Report has been prepared in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i>, and includes consultation with the relevant Local Aboriginal Land Council (LALC).</p> <p>The Metropolitan LALC were invited to provide comment and input into the ACHAR and to the assessment of cultural heritage significance and values presented therein. Recommendations made by Metropolitan LALC are incorporated into the ACHAR.</p>	Appendix I
Flood	<p>Provide clear details on methodology and type of model used.</p> <p>Provide comprehensive understanding of the nature of overland flow for full range of flooding, including PMF.</p> <p>Prepare an emergency response plan.</p>	<p>A Flood Emergency Management Plan has been prepared. It is based on flood information obtained from the Ku-ring-gai Council through a Flood Enquiry Application and subsequent correspondence with Council.</p> <p>Flood Modelling was done using HecRas and as per Kur-ing-gai Council's DCP Part 24R.7 and DCP (2005).</p> <p>The site is not currently susceptible to flooding from Blue Gum Creek. The proposal is outside the 1%AEP flood extent and low hazard area in the 1%AEP. The site is impacted by up to 360mm of water in the PMF event and evacuation offsite to nominated refuge points is recommended if water is predicted to inundate or has begun entering the site or travelling along Dunstan Grove.</p> <p>The School will nominate flood wardens to monitor and control the flood situation as well as undertake two evacuation drills per year. This will provide an opportunity to raise awareness of the flood behaviour around the site and what to do in the event of an emergency.</p> <p>EWWF conclude that the proposal adequately minimises the flood risks.</p>	Appendix J
Phases 2 and 3	Confirm APZs are not in National Park. ACHAR to assess Phase 2 and 3 impacts on aboriginal heritage.	<p>The proposal is only seeking approval for Phase 1.</p> <p>APZs in the National Park are not required. Existing approved APZs under SD 06_0130 are relied on as well as tree removal for APZs within the site.</p>	No further response

MATTER	ISSUE	COMMENT	REFER TO
NSW Rural Fire Service			
RFS has endorsed Phase 1 and provided conditions of consent.	General comments	<p>The RFS has provided support for the Phase 1 application subject to conditions including the following key areas:</p> <ul style="list-style-type: none"> • Asset Protection Zones • Water and Utilities • Access • Design and Construction • Evacuation and Emergency Management • Landscaping • Annual Certification <p>The Department is generally supportive of the conditions and is seeking to implement the provided bushfire protection measures as recommended by the RFS. The Department will follow up the RFS to clarify and ascertain the works and expectations involved for each bushfire mitigation measure. There are some exceptions, which have been outlined below.</p> <p>RFS has outlined conditions of consent that require implementation 'prior to construction'.</p> <p>The Department seeks dispensation (where the bushfire protection outcomes are not compromised) for the relevant measures to be deferred until prior to occupation.</p>	N/A
Evacuation and emergency Management plan	Prepare a Bushfire Emergency Management and Evacuation Plan	A Preliminary Bushfire Emergency Management and Evacuation Plan is submitted with the RtS and will be developed with the school principal and the Department's Work Health Safety Directorate.	Appendix K
APZs	<i>'Prior to the commencement of building works for the proposed Phase 1 School, suitably worded instruments shall be created pursuant to section 88b of the Conveyancing Act 1919 to ensure ongoing management of the proposed APZs in perpetuity within the subject site...'</i>	There is no significant bushfire protection (or other) benefit to the proposed Phase 1 school development by implementing the above requirement prior to construction. This condition should be amended to be implemented prior to occupation.	N/A
Access roads	<i>'Prior to commencement of building works the proposed Phase 1 School, the existing internal roads shall be upgraded to comply with section 4.2.7 of Planning for Bush Fire Protection...'</i>	There is no significant bushfire protection (or other) benefit to the proposed Phase 1 school development by implementing the	N/A

MATTER	ISSUE	COMMENT	REFER TO
Access fire trails	'Prior to commencement of building works the proposed Phase 1 School, fire trails shall be provided as shown on Phase 1 Site Plan...'	<p>above requirement prior to construction. This condition should be amended to be implemented prior to occupation.</p> <p>There is no significant bushfire protection (or other) benefit to the proposed Phase 1 school development by implementing the above requirement prior to construction. This condition should be amended to be implemented prior to occupation.</p>	N/A
Landscaping	'Prior to commencement of building works the proposed Phase 1 School, details of landscaping plans shall be prepared to demonstrate compliance of landscaping to the site...'	<p>There is no significant bushfire protection (or other) benefit to the proposed Phase 1 school development by implementing the above requirement prior to construction. This condition should be amended to be implemented prior to occupation.</p>	N/A
Slope over 18 degrees		<p>The proposed Phase 1 LLV development does include some small sections of APZs, adjacent to the southern boundary of the site, where slopes are over 18 degrees. However, it is important to note that these sections are relatively short (less than 20m in width). APZ establishment and maintenance can be undertaken in accordance with PBP 2006 and RFS 'Standards for Asset Protection Zones'.</p> <p>The implementation of APZs of on steep land with slopes greater than 18 degrees, is not permissible as a deemed-to-satisfy outcome, as per Section 4.2.7 of PBP 2006, due to the difficulties in providing ongoing management in these areas and the potential environmental impacts that can occur.</p> <p>However, the relevant Performance Criteria within PBP 2006 also allows for the following:</p> <p><i>"Applicants demonstrate that issues relating to slope are addressed: maintenance is practical, soil stability is not compromised and the potential for crown fires is negated."</i></p> <p>The supporting Blackash Bushfire Assessment Report notes that the majority of the required APZs will not be on land with slope greater than 18 degrees.</p> <p>Any residual steep areas requiring management will be subject to a Landscape Management Plan to ensure management occurs to the appropriate standards with consideration of the ecological / environmental outcomes.</p>	N/A
RMS			

MATTER	ISSUE	COMMENT	REFER TO
Bus turnaround facilities	Buses will be scheduled to arrive ahead of the pick-up time. Buses will therefore wait in order and depart at the same time. These arrangements should be provided to Council's satisfaction.	Noted.	N/A
Footpaths on Eton Road	The footpaths on Eton Road are very narrow. In this regard, the footpath upgrades should be provided to the satisfaction of Council as stipulated in section 3.5.3 of the Traffic and Transport Assessment Report.	Noted.	N/A
Intersection upgrades	The duplication of the right turn bay into Grosvenor Road and upgrading the intersection of Lady Game Drive and Grosvenor Road is required.	DPE confirmed with RMS that they are satisfied the two intersection upgrades would form part of the future stages. Correspondence was provided by Urbis on 21 July 2017 with this confirmation.	N/A
TfNSW			
Bus serviceability	Consult further with TfNSW to address operational requirements for remaining phases.	Noted. The Phase 1 school bus services will develop routes aligned with the catchment. With later phases these same bus routes would be used for the staged arrival and departure times.	N/A
School bus plan for Phase 1	Develop school bus plan in consultation with TfNSW prior to school commencement.	<p>The catchment area will be provided to Transdev as soon as possible so that they can develop the school bus routes. TfNSW will also be involved.</p> <p>If TfNSW cannot meet the school's bussing needs, then an alternative private bus shuttle service may need to be developed in consultation with TfNSW and Department of Education.</p> <p>This can be a condition of consent.</p>	N/A
Cycling access and bicycle parking provision	<p>Details required on location/type of EOTF for staff and students.</p> <p>Identify and assessment potential cycle routes.</p>	<p>The existing bicycle racks at the front door to the school will be retained and are in good condition. These will be augmented as required.</p> <p>A room can be made available for secure storage of bicycles for staff use. Staff will use the gym showers and lockers.</p> <p>Providing an upgraded footpath route suitable for children cycling is one approach, now legal up to 16 years old (Year 10-11). The full width of the verge will be paved and include a pedestrian fence in the vicinity of the school.</p>	Appendix L

MATTER	ISSUE	COMMENT	REFER TO
Changes to parking controls on Eton Road	May require approval from Council's Local traffic committee and should be undertaken as soon as possible.	Noted. This will be a Council approval process and will involve discussion with Transdev about bus operations along this route.	N/A
EPA			
Site contamination	Prior to commencing any work on the development site prepare and implement a procedure for identifying and dealing with unexpected finds of site contamination (including asbestos containing materials and lead-based paint).	Noted. This should be a condition of consent.	N/A
Background noise	Undertake background noise monitoring, including provision of a 'week's worth' of valid monitoring data, in accordance with the guidance material in chapter 3 and appendix B to the New South Wales Industrial Noise Policy. Submit a revised noise impact assessment, including daily logger graphs for each of the monitoring locations.	Additional background noise monitoring has been conducted, with loggers placed adjacent to the eastern façade of the Dunstan Grove apartments (the quietest side) and the eastern façade of the Tubbs View apartments (facing the school). On site observation indicated that the logger position was not impacted by any local noise source (car park ventilation or similar) that would make the measurement inappropriate for determining the Rating Background Noise Level.	Appendix M
Operational Noise	Ensure that campus courtyards and other outdoor spaces on the campus are not made available for community use after 6.00 pm.	Noted.	N/A
Car park noise	Ensure that the underground car park is not made available for community use after 6.00 pm.	Noted.	N/A
Mechanical plant and school bell	Undertake a comprehensive quantitative assessment of operational noise impacts of mechanical plant and equipment and identified the appropriate noise limits that must not be exceeded. Adopt all such measures, including those recommended in the EIS to ensure the school PA system and bell do not emit 'offensive noise', being noise that interferes unreasonably with the comfort or repose of the occupants of surrounding residences.	Detailed plant noise design at DA stage is unreasonable. This is a Detailed Design stage issue. However, an assessment of operational noise impacts of mechanical plant and equipment has been provided. Acoustic impact measures are recommended where necessary.	Appendix M
Respite periods	Need for intra-day respite periods	Respite periods should only be introduced in the event the noise level at a residence exceeds 75dB(A). There should not be a blanket respite period requirement imposed regardless of noise level. Acoustic Logic has discussed this with Larry Clark at the EPA and he has agreed.	Appendix M
Ku-ring-gai Council			

MATTER	ISSUE	COMMENT	REFER TO
External APZs	External APZs should not be relied on.	<p>There is a general preference within areas of new development (such as Phase 1) for APZs positioned within adjoining lands to not be relied upon to provide bushfire protection and compliant APZ outcomes for the benefit of new development proposal. However, PBP 2006 does make allowances for certain types of vegetation and land use to be considered as ‘managed’. Existing APZs on adjoining land can be considered and utilised, provided management can be demonstrated and achieved in perpetuity – with linkages to approved consent conditions.</p> <p>In this particular instance, the APZs that have been implemented as part of the Concept Plan Approval and adjoining Crimson Hill residential development and have been approved by DPE and Council and conditioned to ensure management in perpetuity. PBP states, in relation to APZs for new development, that:</p> <p><i>“As a condition of development consent, the consent authority is required to ensure that a mechanism is established for the maintenance of the APZs over the life of the development”.</i></p> <p>In this instance, various mechanisms have been implemented, including a body corporate carrying responsibility, regular maintenance (as per BMP) and regular auditing to ensure BMP/PBP principles have been implemented.</p> <p>In relation to the Strategic Fire Advantage Zones (SFAZ) – including those with ‘Heavy Landscaping’ – the approved BMP notes that these are still to managed to a level consistent with (at least) an Outer Protection Area (OPA) fuel modification/reduction, as prescribed within PBP 2006.</p> <p>Provided that these areas (APZs & SFAZ) are managed in perpetuity as per the relevant consent, then they can be relied upon as APZs for the Phase 1 proposal.</p> <p>Furthermore, the Phase 1 footprint has been modified to ensure the majority of required APZs are within the boundaries of the DoE / LLV lands.</p> <p>The key exception to the above is to the north east where there is reliance upon management within the adjoining Crimson Hill residential community (DHA).</p> <p>The designated APZs for Crimson Hill have been designated to be managed entirely as APZ use under the governance of a</p>	Appendix F

MATTER	ISSUE	COMMENT	REFER TO
		<p>Bushfire Management Plan (BMP) prepared for the development and conditioned in its consent and that of the Concept Plan approval.</p> <p>The majority of the prescribed APZs is achievable within the boundaries of the LLV site. APZs are not being sought within adjoining NPWS lands.</p> <p>Therefore, in summary, the proposed Phase 1 School development:</p> <p>Provides both existing and newly established APZs within the LLV lands.</p> <p>Relies (in some areas to the east and west of the building footprint) on existing approved APZ's.</p> <p>Relies on areas that are not currently managed / designated APZ's to achieve the prescribed solution for a 100m - this is permissible as these areas are required by consent to managed to APZ standards.</p>	
Minimum APZs	Minimum APZs have been calculated using wrong provisions of PBP 2017.	<p>RFS and Fire Protection Association of Australia (FPAA) have instructed all bushfire consultants in NSW not to use the draft version of Planning for Bush Fire Protection 2018.</p> <p>PBP 2006 was the in-force document at the time of lodgement of the application and as has been correctly used as the reference document.</p> <p>APZs requirements for Phase 1 have been based on the maximum (100m) deemed to satisfy (DTS) requirements of PBP 2006. PBP 2018 also provides a maximum DTS APZ of 100m for schools. The APZs used comply with both PBP 2006 and PBP 2018 prescribed requirements.</p> <p>RFS has confirmed that use of the maximum APZ of 100m, as per PBP 2006 table A2.6, for Phase 1 is acceptable.</p>	
Traffic Study	<p>The revised Bushfire Report references a traffic study which was undertaken for the Crimson Hill residential development and the impacts upon the internal and surrounding road network, both under emergency and normal use conditions, with the findings being the road network was satisfactory.</p> <p>This study did not consider the proposed school. Consideration as to whether a traffic study should be undertaken which</p>	The Bushfire Evacuation Plan has a range of options that can be implemented based on the realisation of various scenarios that limits traffic issues. This includes no attendance at school, early evacuation (by foot or bus) to Lindfield Public School, where available relocation by bus or remaining on site until directed to move by emergency services. If under the direction	Appendix K

MATTER	ISSUE	COMMENT	REFER TO
	<p>considers the existing Crimson Hill residential community and the proposal under emergency conditions</p>	<p>of emergency services, it is not anticipated that traffic will be of consequence.</p> <p>Any cars parked on the site at the time of evacuation will remain on site and not be used for evacuation.</p> <p>Further refinement / development of the Evacuation Plan will occur to cover a range of scenarios, both catastrophic and non-catastrophic and for different risks (bushfire, flooding etc), including investigation of closure of the school during Extreme and Catastrophic Fire Danger Rating / fire weather scenarios. Closure of the school when there is bushfire activity within the vicinity is also being considered.</p> <p>Blackash also expects to undertake consultation with the school principal and the Department's WHS Directorate before finalising all elements of the evacuation plan to ensure the process can be suitably managed. Broader precinct level considerations will be worked through in the Evacuation Plan.</p>	
<p>Consideration matters</p>	<p>Suitability of proposed internal fire stair.</p> <p>Suitability of upgrade measures for the balance of the existing building.</p> <p>Traffic study for Crimson Hill residential and the proposal under emergency conditions.</p>	<p>RFS has not conditioned for Phase 1 School development that the existing buildings are to be upgraded.</p> <p>In this case, the limitation of the future school use to the Phase 1 footprint only, in combination with the internal 'fire separation' from the other portions of the building, mean that upgrades to these areas of the building are less likely to be as effective or necessary.</p> <p>The base building construction already utilises a significant amount of non-combustible materials in the form of masonry / concrete-based materials. The most obvious candidates for upgrades include the windows, doors and other penetrations – vulnerable portions of the buildings.</p> <p>Should Phase 2 and 3 proceed, upgraded construction would be required at that point.</p> <p>Phase 1 is fully compliant and does not rely on upgrades to the rest of the building.</p> <p>The three means of egress do not rely on private vehicles leaving the site: walk, bus, stay in place. Any cars parked on the site by staff or other school visitors at the time of evacuation will remain on site and will not be used for evacuation.</p>	

MATTER	ISSUE	COMMENT	REFER TO
Biodiversity	<p>Amend BAR to provide species credits to offset the loss of habitat for <i>Darwinia biflora</i>, Redcrowned</p> <p>Toadlet and Powerful Owl.</p>	<p><i>Darwinia biflora</i> is not considered a species credit species as it is not a candidate species for either of the two PCTs identified within the site. Given that ERM (2004) recorded the species close to the site, EcoPlanning conducted numerous targeted flora surveys across the subject site:</p> <p>24/03/17 - 7 hours, Lucas McKinnon</p> <p>27/03/2017 - 6 hours, Tom Hickman</p> <p>5/05/2017 - 17 hours, Tom Hickman and Tammy Paartalu</p> <p>23/11/2017 - 2.5 hours, Tammy Paartalu</p> <p>EcoPlanning botanists (Tammy Paartulu and Tom Hickman) identified and counted a number of <i>Darwinia biflora</i> outside of the subject site to the east of Charles Bean oval but no individuals were recorded within the subject site.</p> <p><u>Red-crowned Toadlet</u>: Survey effort for the species is specified in Table 4.3 of the BAR and included call playback conducted over two survey nights on 27/03/2017 and 12/04/2017. Daylight survey was conducted in all areas of potential habitat, including intermittent drainage lines with a build-up of litter or other debris. The location of call playback was outside of the subject land to the west, prior to knowing the current extent of the direct footprint, but within the APZ (Outer Protection Area).</p> <p>Whilst additional survey is not considered necessary, EcoPlanning could conduct further surveys following a reasonable period of rain (survey period (July-March) to address Agency concerns.</p> <p><u>Powerful Owl</u> is not considered a Species credit species following assessment of geographic and habitat features in the credit calculator. Essentially this means there are no hollow bearing trees to constitute suitable breeding habitat within the subject site. The site represents foraging habitat only. Powerful Owl is an Ecosystem credit species for foraging habitat and has been treated as such in the BAR.</p>	Appendix H
Tree removal	Complete tree removal is inconsistent with Arborist report. Arborist report is inadequate.	Kleinfelder Ecology has prepared a plan and schedule of trees to be retained showing girth, height, type and measures for protection during construction.	Appendix N

MATTER	ISSUE	COMMENT	REFER TO
		<p>The approach to tree removal is assessed and endorsed by the project bushfire consultant and heritage consultant.</p> <p>The approach to tree removal was considered acceptable in correspondence from DPE on 13 August 2018.</p>	
Landscape Plan	<p>Detailed landscape plan should identify trees to be removed and trees to be retained or transplanted.</p> <p>Landscape plans are inadequate for various reasons – refer to Council’s letter.</p>	Revised landscape plans are provided and detail the trees to be retained and removed.	Appendix D
Landscape Heritage	Assessment of landscape design has not been provided and HIS is inconsistent with Arborist Report.	The HIS has been amended to include a further assessment of the landscape design and proposed tree removal. This has also been certified.	Appendix O
Certification of landscape design	Bushfire assessment should include certification of landscape design.	This has been provided. Biodiversity certification is also provided.	Appendix P and Appendix Q
Preliminary Construction Management Plan	<p>Inadequate with reference to Phase 1 and 2 works.</p> <p>Show trees to be removed and retained.</p> <p>Swept paths should be provided.</p>	This should be a condition of consent to ensure it captures all environmental conditions identified in the consent itself.	N/A
Flood	<p>Flood study to be revised in accordance with DCP Part 24R.7.</p> <p>Prepare hazard assessment of whole site.</p>	Refer to previous commentary on Flood study.	Appendix J
Stormwater	Consider substantial increases to capacity of the rainwater reuse tanks.	No further changes to the rainwater reuse tanks are proposed.	N/A
Heritage	<p>Extensive intervention</p> <p>CMP</p> <p>Bushland setting</p>	<p>The HIS has been amended to include a further assessment of the landscape design and proposed tree removal.</p> <p>Refer to previous commentary on the CMP.</p>	Appendix A
Private vehicles	How will pick up operation be achieved.	There is extensive queuing area on the site if parents do choose to come early. The school’s communication with parents is to arrive after the finish time so that students are ready to be picked up. A system of matching students to cars, supervised by school staff, is likely to be utilised to assist with efficient operations at pick-up time. This approach has been used at existing schools.	Appendix L
Bicycle Parking	Comply with AS	DesignInc has confirmed that the existing bike racks comply.	N/A

MATTER	ISSUE	COMMENT	REFER TO
On-Street parking	Any changes to parking restrictions on Eton Road need to be approved by Traffic committee.	Noted.	N/A
No parking restrictions	<p>On both sides of Eton Road between Austral Ave and curve of Austral Ave is excessive.</p> <p>Only the southern side of Eton Road be considered for No Parking restrictions between (approximately) 76 Eton Road at the curve west of Austral Avenue, and on a part-time basis (7am-9.30am, 2.30pm-4.3pm, School Days only).</p>	Southern side only as proposed by Council is likely to provide the desired outcome. This should be subject to ongoing monitoring by the bus company to ensure safe passage of vehicles. This will be addressed in post approval consultation with the relevant agencies.	N/A
Pedestrian footpaths	<p>Upgrading the footpath width to 2m would not be satisfactory for subsequent stages when student numbers are projected to reach 2,100.</p> <p>The location of the bicycle racks near the entrance to the main building suggests that the route of the upgraded footpath (between the Eton Road bus stop and the bike racks) would likely be used by children riding bicycles to school, necessitating additional width and possibly some separation.</p>	<p>Footpath to be as wide as can be accommodated within the constraints of the available verge and trees. Up to 2.5m is expected to be achieved between the back of kerb and the property boundary. This will be a good outcome for pedestrian access with occasional use by shared bicycles in the first phase. This will be addressed in post approval consultation with Council.</p> <p>If the buses move into a new bus loop on the site for that is planned for the later phases, this will remove heavy pedestrian flow on this path.</p>	N/A
Pedestrian crossing within the site	The distance pedestrians need to cross is excessive and should be reduced.	Works are needed to reduce the pedestrian crossing distance and slow the vehicles. This will be addressed in post approval consultation with Council.	N/A
Footpath upgrades on the local road network	Footpath works and facilities on the surrounding road network should be funded and implemented by the applicant prior to the commencement of Phase 1.	Department of Education agrees to contribute towards footpath works on the local road system in partnership with Ku-ring-gai Council. This will be addressed in post approval consultation with Council.	N/A
Bus facilities		The future school bus loop requirement will be resolved in planning for the next phases of the school.	N/A
Transport strategies	Provide Green Travel Plan	A Green Travel Plan has been prepared by Arup as requested by DPE.	
Stage 1 revised traffic distribution	Does not address potential impact/growth in traffic on certain local roads.	<p>Arup adopted car rates that were conservative for Phase 1 as follows:</p> <p>Year K – 3 90% car</p> <p>Year 4 – 6 70% car</p> <p>Year 7 – 12 40% car</p>	N/A

MATTER	ISSUE	COMMENT	REFER TO
		The routes used for school access is difficult to determine at this stage. Some local streets will see increases. Bent Street north of Grosvenor Road will collect traffic from the north. Based on 33% arriving from this direction, an additional 49 cars could be expected within a one hour period.	
Stage 2 assessment	Various comments	Additional modelling work may be required but will be subject to a review of how Phase 1 works in actual practice and operation.	N/A
Heritage Council			
Landscape heritage	<p>While the Heritage Council is supportive of the adaptive reuse of the place for its continued conservation and maintenance, there are strong concerns that the amended application would facilitate establishment of the Phase 1 School and removal of large number of trees from a significant landscape without guaranteeing that the remainder of the site will be approved for use in future.</p> <p>Alternative approaches for an appropriate fire solution to the site be canvased which are sympathetic to the heritage significance of the site and its landscape, before works for the extensive or complete removal of trees on the site is approved</p>	<p>Some trees are being retained within the proposed APZ and to ensure a high degree of fire and life safety is afforded to the occupants of the site. This will assist with the landscape setting of the heritage site.</p> <p>The HIS concludes "<i>Whilst the impact of the tree removal is acknowledged, the tree removal is required to satisfy RFS and without it the implementation of the Phase 1 school is not feasible. A genuine effort has been made to ensure that as much of the existing bushland character as possible is able to be retained and it is further noted that the broader landscape setting would be retained, albeit altered, and will continue to contribute to the significance of the place.</i>"</p>	Appendix A
Action for Public Transport			
Public transport options and routes	<p>Don't have staggered starts.</p> <p>Allow buses onto campus.</p> <p>Operate a small fleet of dedicated buses. Offer long-day childcare only.</p> <p>Prohibit parent cars from campus at peak times with exceptions for mobility problems.</p> <p>Kindergarten drop-offs and pickups would have to be (say) 15 minutes after the morning peak and 15 minutes before afternoon peak respectively.</p> <p>Provide drop-off and pick-up facilities at appropriate locations in Eton Road and either Abingdon Road or Westbourne Road. Some cover from rain might be appropriate.</p> <p>Devise tactics for deterring parent and other unessential traffic from Eton west of Austral and Abingdon west of Westbourne</p>	<p>The partial school will not have staggered start times as this is not needed.</p> <p>A school bus loop on campus is being considered for later stages.</p> <p>School buses services will be provided by the Transdev to supplement the regular route service and school drop-off and pick-up times. The need for dedicated bus services for this school only will be considered as part of this service mix.</p> <p>The drop-off/ pick-up arrangements on site are designed for efficient throughput. There is not room on the public road system for this activity to occur.</p> <p>Separate car parking spaces will be allocated to accommodate kindergarten drop-off and pick-up.</p>	N/A

MATTER**ISSUE**

during school peak hours. Efficient shuttle services should be provided inside that area.

Devise a procedure for controlling resident cars on campus in the event of any emergency

COMMENT

It is not considered appropriate to formalise drop-off and pick-up facilities on public roads. There may be a small amount of informal activity with minimal impact expected.

Eton Road is the primary access route to the school and served the site when it was occupied by UTS. It is expected that Eton Road and Grosvenor Road will be the key access routes from the Pacific Highway.

Emergency plans for fire and other events will include procedures for evacuation including any cars on the site.

REFER TO

3. CONCLUSION

This RtS has considered the responses received from DPE, Council and the agencies during referral of the previous RtS for SSDA 8114. Further assessments have been undertaken to respond to comments raised.

The amended proposal is considered appropriate for the location and should be supported by the Minister for the following reasons:

- It provides for the adaptive and sustainable use of a former educational establishment and involves minimal external works to the existing built form and site in general to maintain the architectural integrity of the development.
- It satisfies the educational needs of students in the area and provides increased employment opportunities. Phase 1 will deliver a school for 350 students for Day 1, Term 1, 2019 to meet the demand for student enrolments in this area.
- It is suitable for the site as evidenced by the site analysis and various site investigations, including site contamination, biodiversity and heritage.
- Subject to the various mitigation measures recommended by the specialist consultants, it does not have any unacceptable impacts on adjoining or surrounding properties or the public domain in terms of traffic, heritage, social and environmental impacts.
- The proposal ensures that Phase 1 meets the requirements of Planning for Bushfire Guideline 2006. RFS has provided their conditions of consent to support Phase 1.
- The proposed improvements to public transport services to the site, including a dedicated bus route, will reduce dependence on the private car and encourage alternate modes of travel by public transport and walking.
- It will result in a high quality educational environment for staff and students by:
 - Adopting a collaborative, home base model;
 - Creating adaptable learning spaces that contain state of the art facilities;
 - Providing a range of open spaces for students; and
 - Developing efficient, effective, expressive and environmentally sustainable facilities.

The Department of Education respectfully suggests that there are no sufficient reasons to refuse the partial consent to Construction Stage 1, Phase 1 and the development warrants the support of the Minister. We therefore recommend that approval be granted to the proposed development, subject to conditions.

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APPENDIX A

HERITAGE IMPACT STATEMENT

APPENDIX B REMEDIATION ACTION PLAN

APPENDIX C

GREEN TRAVEL PLAN

APPENDIX D

AMENDED LANDSCAPE PLANS

APPENDIX E LAND TITLES DOCUMENTS

APPENDIX F

BUSHFIRE HAZARD REPORT

APPENDIX G

BIODIVERSITY RESPONSE

APPENDIX H

BIODIVERSITY ASSESSMENT REPORT

APPENDIX I

**ABORIGINAL CULTURAL HERITAGE
ASSESSMENT REPORT**

APPENDIX J

FLOOD EMERGENCY MANAGEMENT PLAN

APPENDIX K

**PRELIMINARY EMERGENCY
MANAGEMENT AND EVACUATION PLAN**

APPENDIX L

TRANSPORT RESPONSE

APPENDIX M NOISE RESPONSE

APPENDIX N

LANDSCAPE MANAGEMENT PLAN

APPENDIX O

HERITAGE CERTIFICATION

APPENDIX P

BUSHFIRE CERTIFICATION

APPENDIX Q

BIODIVERSITY CERTIFICATION



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