

RESPONSE TO SUBMISSIONS

LINDFIELD LEARNING VILLAGE (SSD 16_8114)

14 JUNE 2018
SA6386
FINAL
PREPARED FOR NSW DEPARTMENT OF EDUCATION

URBIS

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EXECUTIVE SUMMARY

SSD 16_8114 for the Lindfield Learning Village at 100 Eton Road, Lindfield has been on exhibition and the Department of Planning has received submissions, and the Department of Education (DoE) has addressed issues raised in community and stakeholder forums and meetings. This "Response to Submissions Report" ("RtS") addresses all issues raised in the submissions, or in community or stakeholder meetings.

SSD 16_8114 is for Construction Stage 1, and Construction Stage 2 including a Childcare Centre and approximately 2,000 students from Year K-12. This RtS sets out the DoE's detailed response to issues raised by the community, government agencies and Ku-ring-gai Council.

In summary, a new school is required in Lindfield to meet the forecast demand for the growing residential population in the area. DoE is already receiving significant enquiries to enrol students at the Lindfield Learning Village. A school must be open on Day 1, Term 1, 2019 to meet demand and to meet the legislative responsibilities of the DoE.

After detailed consideration of the issues surrounding SSD 16_8114, DoE suggests an alternative approval pathway for the Department of Planning as follows:

1. Pursuant to section 4.16 of the *Environmental Planning & Assessment Act 1979*, DoE is seeking partial consent for Construction Stage 1, Phase 1 in accordance with the DesignInc plans set out in **Appendix A**. The childcare centre is to be removed from the SSD Application and Construction Stage 1, Phase 1 will comprise:
 - a. one home base accommodating 350 students from K-12.
 - b. all requisite technical spaces to support a full primary and secondary curriculum.
 - c. administration space for approximately 30-50 staff.
 - d. construction of a 4m wide access trail for bushfire trucks to the south of the building.
 - e. fencing of the green space around the perimeter of the site.
 - f. remediation of targeted roof areas to create additional outdoor play areas.
 - g. traffic and transport infrastructure associated with the parking and drop-off/pick-up area.
 - h. tree removal to establish a 100m APZ around the Phase 1 school.
2. The remainder of the school, being Construction Stage 1 Phases 2A and 2B and Construction Stage 2, shall not be determined until later.

By granting partial approval to SSD 16_8114, DoE will be able to carry out the adaptive fitout of that part of the former UTS building as shown in orange on the DesignInc plan under **Appendix A** and meet its commitment to open a school on Day 1, Term 1, 2019.

1. INTRODUCTION

This “Response to Submissions” Report (“RtS”) addresses the issues raised in community and stakeholder feedback received during and post exhibition of the Environmental Impact Statement (EIS) for the Lindfield Learning Village at 100 Eton Road, Lindfield (SSDA 16_8114).

The EIS was on public exhibition between 22 June 2017 and 7 August 2017. During this period, eight submissions were received from government agencies and local council. These included submissions from:

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

A number of public submissions were also received. The key matters raised in the agency and public submissions include:

- Traffic and transport;
- Bushfire risk;
- Heritage impacts to the existing building;
- Noise; and
- Biodiversity.

In response to the submissions from Council and RFS (and subsequent engagement), the application has been amended so a school of 350 students can be opened for the commencement of Term 1, 2019. The amended application is summarised in detail in **Section 2** of this RtS and broadly involves:

- Removal of the childcare centre from the SSD application; and
- New phasing within Construction Stage 1:
 - Phase 1: School for 350 students accommodating a 100m Asset Protection Zone (APZ).
 - Phase 2a: The remaining area of Construction Stage 1 as previously proposed (minus the childcare centre).
 - Phase 2b: Repurposing of the Phase 1 area.

Phase 2 will accommodate 1,000 students (inclusive of the 350 students in Phase 1) in three home-bases. Stage 2 of the proposal remains as previously proposed.

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.

Whilst this RtS requests full approval of Construction Stages 1 and 2 (as amended), an alternative approvals pathway is put forward to ensure Phase 1 can be constructed and opened for Day 1, Term 1, 2019. The alternative pathway would allow approval for Phase 1 of the development under Section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and defer a decision on the remainder of the

development until a later date to allow ongoing engagement with the agencies. This is discussed in more detail in **Section 5**.

This RtS should be read in conjunction with the documentation outlined in **Table 1**.

Table 1 – Supporting Documentation

Appendix	Document Name	Prepared By
Appendix A	Amended Architectural Plans	DesignInc
Appendix B	Landscape Concept Plan – Phase 1	DesignInc
Appendix C	Amended Landscape Plans	DesignInc and Lacoste Stevenson
Appendix D	Legal Advice	Hunt & Hunt Lawyers
Appendix E	Traffic and Transport Assessment – Submissions Response	Arup
Appendix F	Supplementary Traffic and Transport Assessment – Phase 1	Arup
Appendix G	Bushfire Assessment – Phase 1	Blackash
Appendix H	Preliminary Emergency Management and Evacuation Plan	Blackash
Appendix I	Noise Response to EPA and DPE Submissions	Acoustic Logic
Appendix J	Addendum Noise Impact Assessment	Acoustic Logic
Appendix K	Flood Risk Assessment	EWWF
Appendix L	Revised Biodiversity Assessment Report	Ecoplanning
Appendix M	Addendum Heritage Assessment and Schedule of Significance	Urbis Heritage
Appendix N	Supplementary Heritage Response – Phase 1	Urbis Heritage
Appendix O	Aboriginal Cultural Heritage Impact Assessment	Urbis Heritage
Appendix P	Preliminary Stage 2 Environmental Site Assessment	Environmental Investigative Services
Appendix Q	Report on Existing Drainage Infrastructure and Stormwater Plans	Birzulis Associates
Appendix R	Integrated Water Management Plan	DesignInc and Birzulis Associates
Appendix S	Revised Construction and Demolition Waste Management Plan	Foresight Environmental
Appendix T	Revised Operational Waste Management Plan	Foresight Environmental
Appendix U	Arborist Report	Rain Tree Consulting
Appendix V	Response to Concept Approval MP 06_130	Urbis
Appendix W	Approved Subdivision and Bushfire Management Plan	

The content contained in this RtS and the EIS, demonstrates that the proposal balances environmental impact with community benefit and should be approved.

2. AMENDED PROPOSAL

2.1. OVERVIEW

There is significant pressure on existing schools in the north shore. A new school is required in Lindfield to meet the forecast demand for the growing residential population in the area. NSW Department of Education (DoE) is already receiving significant enquiries to enrol students at the Lindfield school. A school must be open on Day 1, Term 1, 2019 to meet demand, and the legislative responsibilities of DoE.

To address submissions from Council and RFS (and subsequent engagement) and to ensure a school can open in time for Term 1 2019, the proposal has been amended as follows:

- Removal of the childcare centre from the SSD application; and
- New phasing within Construction Stage 1, detailed below and shown in **Figure 1**. Construction Stage 2 remains as previously proposed.

2.1.1. Staging

Construction Stage 1

Phase 1 will comprise

- One home-base accommodating 350 students from Kindergarten to Year 12.
- All requisite technical spaces to support a full primary and secondary curriculum.
- Administration space for approximately 30-50 staff.
- Construction of a 4m wide access trail for bushfire trucks to the south of the building.
- Fencing of the green space around the perimeter of the site.
- Remediation of targeted roof areas to create additional outdoor play areas.
- Traffic and transport infrastructure associated with the parking and drop-off/pick-up area.
- Tree removal to establish a 100m APZ around the Phase 1 school.

Phases 2A and 2B:

Phase 2A includes works to deliver the remainder of the original Construction Stage 1 and Stage 2B includes works to repurpose Phase 1. Phases 2A and 2B will comprise:

- Three home-bases for approximately 1,000 students (inclusive of the 350 students in Phase 1) from K-12 in the eastern wing of the building.
- All requisite technical spaces to support a full primary and secondary curriculum for 1,000 students;
- Administration space for approximately 80 staff.
- Fencing of the green space around the perimeter of the site, if any remains to be fenced after Phase 1 fencing has been completed.
- Remediation of any targeted roof areas to create additional outdoor play areas if they have not already been remediated under Phase 1.
- Traffic and transport infrastructure associated with the parking and drop-off/pick-up area if it has not been provided under Phase 1.

Construction Stage 2

Phase 3 will comprise:

- Three home-bases totalling approximately 1,100 students from K-12 in the western wing of the building.
- Additional administration space for approximately 80 staff.

- Remediation of targeted roof areas to expand outdoor play areas.

An amended package of architectural plans has been prepared by DesignInc and is provided at **Appendix A**. The package of plans includes the proposed floor plans for Phase 1 and construction staging plans for the proposed development. The landscape concept plan for Phase 1 is provided at **Appendix B** and landscape plans for subsequent phases provided at **Appendix C**.

The expected completion timeframes of each phase have been provided by DoE:

- Stage 1 - Phase 1 – Term 1, 2019
- Stage 1 - Phase 2A (Remainder of Stage 1) – End Quarter 4, 2020
- Stage 1 - Phase 2B (re-fit of Phase 1) - End Quarter 2, 2021
- Stage 2 – Phase 3 (Stage 2) - 2026 (dependent on enrolments)

2.1.2. Staging Employment

The proposal will generate the following construction and operation jobs:

Table 2 – Proposed Construction Numbers

Phase	Construction	Operation
Phase 1	150 people for 6 months	30-50
Phase 2a	75 people for 12 months	80
Phase 2b	40 people for 6 months	
Phase 3	100 people for 18 months	80

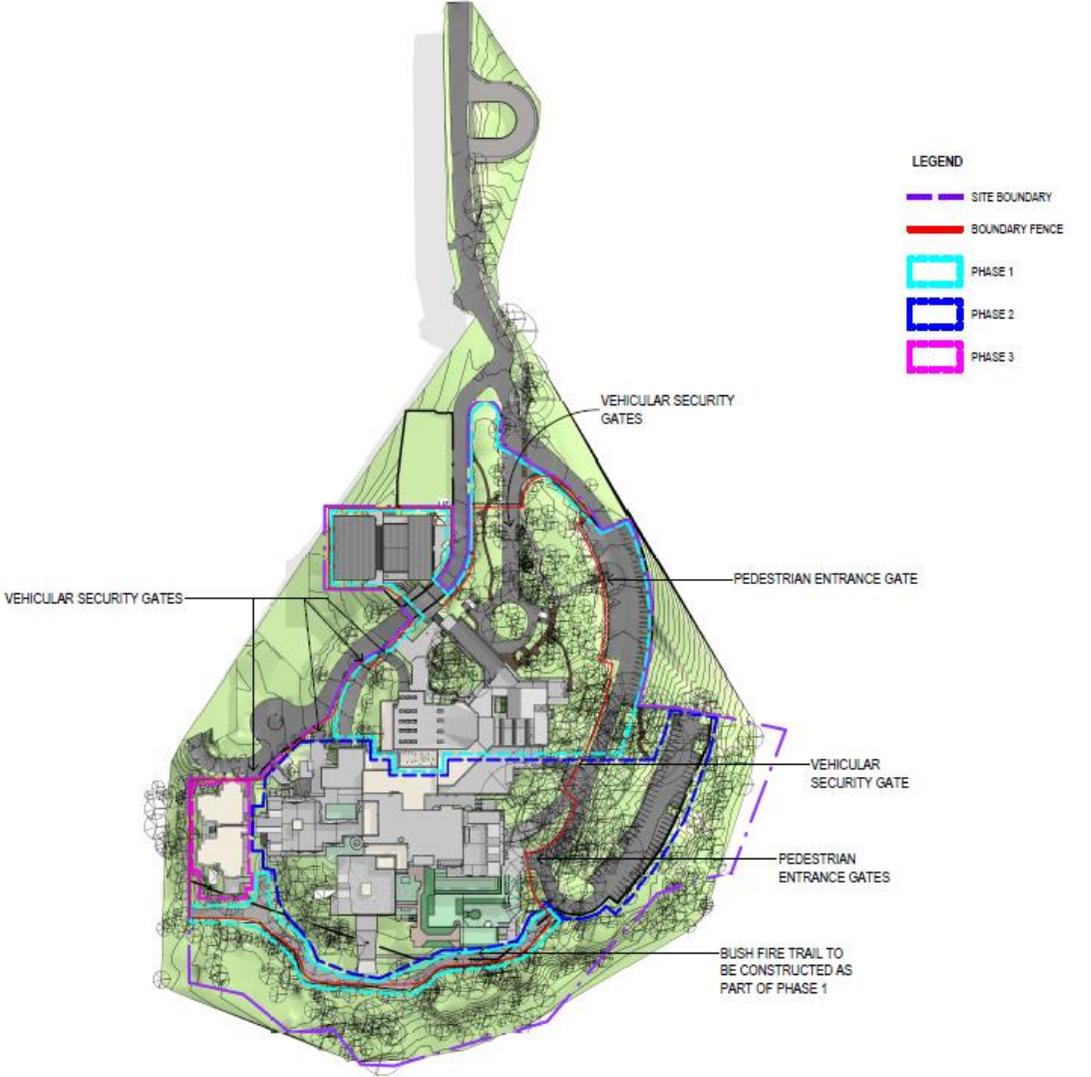
2.2. SITE BOUNDARY

The site boundary encompasses Lots 2 and 4 in DP1151638 as illustrated in **Figure 1**. These land parcels are owned by DoE and accommodate the proposed works as follows:

- Lot 2 DP1151638: Internal and external alterations to the existing building, parking alterations.
- Lot 4 DP1151638: Covered outdoor learning area (COLA) associated with Construction Stage 2 and fire trail to the south of the existing building.

The site boundary illustrated in **Figure 3** is different to the site boundary detailed in specialist assessments, including the Bushfire Assessment (Blackash, May 2018), Biodiversity Assessment Report (Ecoplanning, May 2018) and Aboriginal Cultural Heritage Assessment (Urbis, May 2018) that accompany the RtS. The subject site identified in these reports more appropriately relates to the 'study area' rather than the site boundary and therefore includes a broader area than shown in **Figure 1**.

Figure 1 – Site Boundary Plan



Source: DesignInc

2.3. PHASE 1

Phase 1 has been designed to satisfy RFS' requirement for a 100m APZ. Phase 1 is illustrated in **Figure 2**.

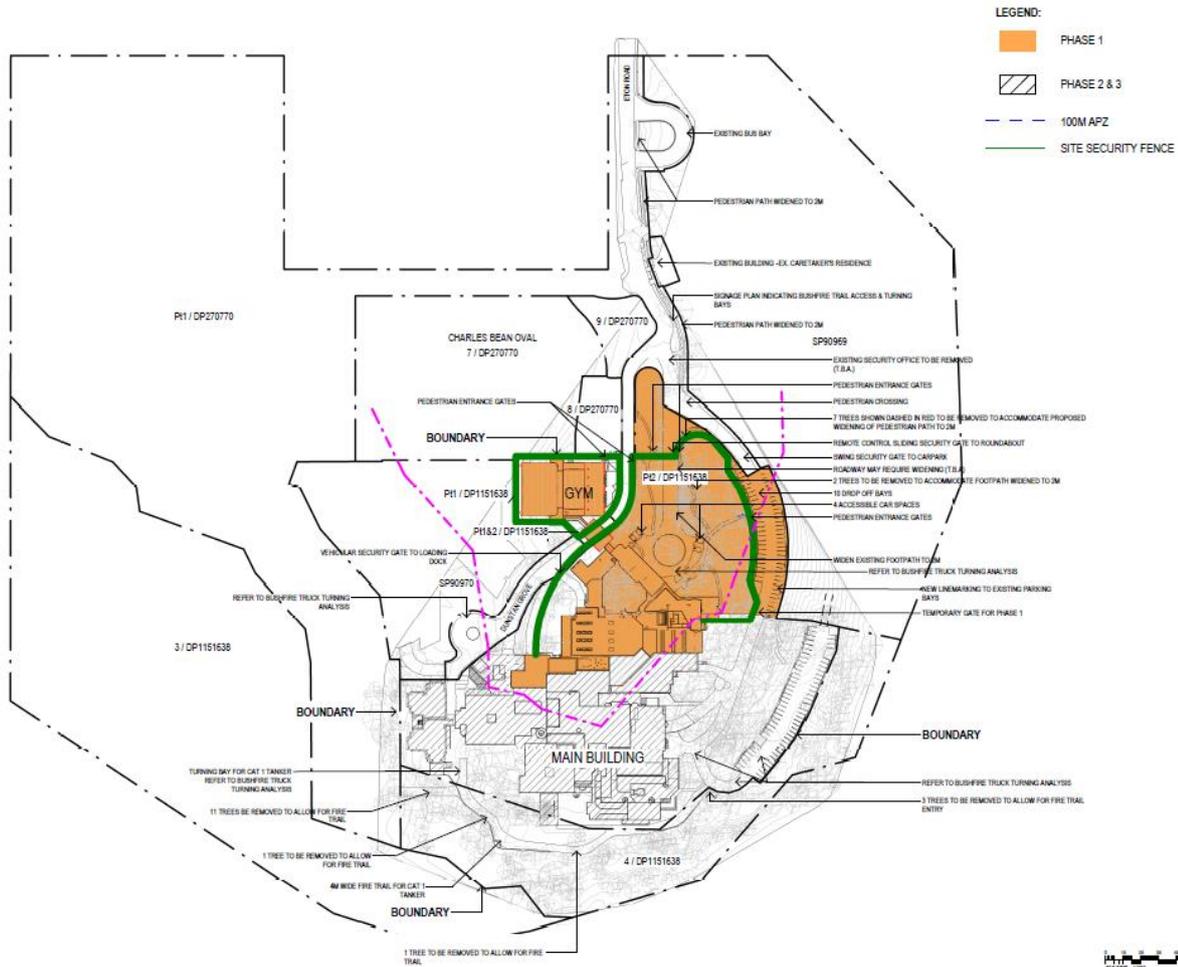
2.3.1. External Works

External alterations required for Phase 1 are the same as the original proposal, as they relate to the same part of the building and include:

- Roof addition and screen to the rooftop COLA. The roof structure and screens will be fabricated powdercoated aluminium or pre-painted panels fibre cement or steel.
- New lift overruns.
- New fire isolated stair extension.
- Replacement of all asbestos affected windows and glass doors with new toughened glass windows and doors.
- 4m wide fire trail to the south of the building. The track will be constructed in part of concrete and in part of Turfpave XD (soil and sand mix with artificial turf).
- Upgrades to the footpaths, parking and drop-off/pick-up area.

The proposed external alterations are detailed in the building elevation plans (Drawing Nos. DA-300 and DA-301) at **Appendix A**.

Figure 2 – Site plan detailing Phase 1



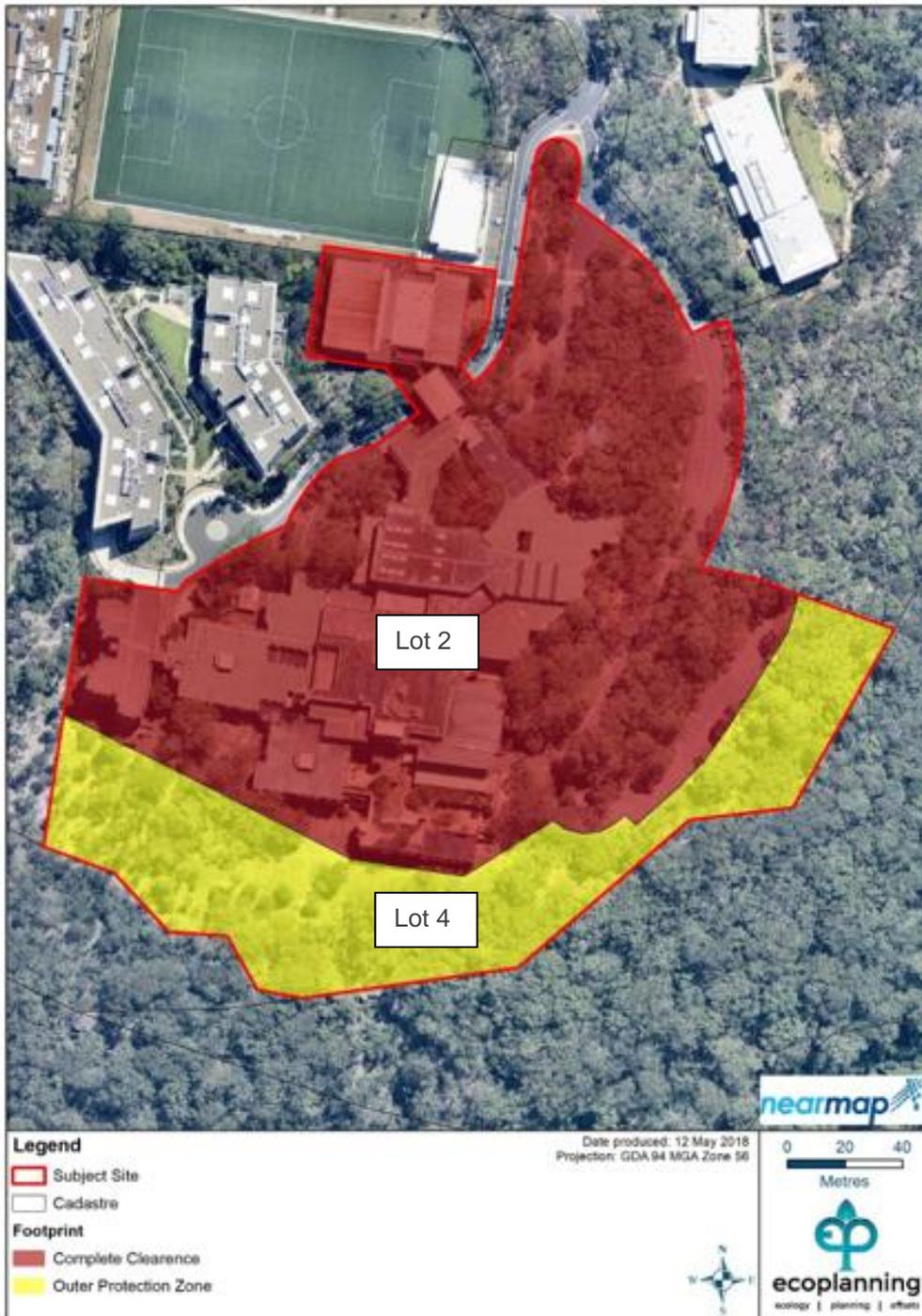
Source: DesignInc

2.3.2. Tree Removal and Landscaping Works

To establish a 100m APZ, significant tree removal will be required across portions of the site as illustrated in Figure 3. For the purposes of the Biodiversity Assessment (refer **Appendix L**) and to assess the worst-case scenario, complete tree removal within Lot 2 has been assessed (Refer to area shaded red in **Figure 3**). However, it is expected that some trees and vegetation will remain, subject to being able to meet the inner protection area standards.

Phase 1 will include new landscaping to the immediate north of the building and roundabout to allow outdoor play by students. The proposed landscaping for Phase 1 is detailed in the Landscape Concept Plan at **Appendix B**.

Figure 3 – Proposed Tree Removal



2.3.3. Internal Works

A 2-hour fire wall is proposed to separate Phase 1 from the remaining section within the APZ (shown in the Phase 1 plans in **Appendix A**). A small area of the Phase 1 school is outside the 100m APZ. This area is for staff administration area and will not be accessible by students at any time. This satisfies Planning for Bushfire Protection 2006.

2.4. SUBSEQUENT PHASES

External alterations and additions to the existing building associated with Phases 2A and 3 include:

- Construction of a new COLA to the south of the existing building. The external cladding and roof will have a zincalume finish and the internal space will comprise concrete steps and ramps. The COLA will have a maximum height of 8.1m and a total floor area of 261sqm.
- The rooftop terrace areas will be used for outdoor play and learning by students and will be covered with 'soft play' material and comprise COLA structures in a zincalume finish and lightweight unobtrusive mesh screens to prevent falls and thrown objects. Two of these areas will be located on Level 5 and one each on Level 3, 4 and 6. Existing landscaped planters at these levels will largely be retained and upgraded where necessary for access and safety. New toilet facilities will be constructed on the rooftop terrace areas.
- Minor demolition works to accommodate new access stairs and fire stairs within the eastern, western and southern elevations to enable access to the roof levels.
- New external cladding and awnings with a zincalume finish applied to facades of the building.
- Existing courtyard tiles will be replaced with soft play in patterns to create a uniformity of surface.
- Accessible roofs and roof terraces for outdoor child play will be repaired with new waterproofing membranes topped with soft play and new covered learning space with zincalume finish cladding.
- Non-accessible roofs will be cleaned and repaired with new waterproofing membranes protected by a layer of pebbles.
- Replacement of all asbestos affected windows and glass doors with new toughened glass windows and doors. In various areas, it is proposed to alter the proportions of the existing openings such that the roof terraces beyond are accessible from a wider area.

2.5. DESIGN AMENDMENTS

The following changes have been made to the proposed development since the exhibition of the EIS and are generally in response to the submissions received:

- The extent of 'coloured' external cladding has been reduced and has been applied to discrete areas of the external facades and covered outdoor learning area (COLA) structures to minimise the prominence and visual impact on the heritage significance of the building. **Figure 4** includes a comparison of the changes to the plans submitted with the EIS and the revised plans that accompany the RtS.
- The proposed landscaping and design of the rooftop terrace areas has now been resolved and is documented in the landscape plans that accompany the RtS.
- The proposal now incorporates a designated fire track around the southern perimeter of the site to provide adequate access for emergency services.

Figure 4 – Proposed Changes to the External Cladding Treatments



Picture 1 – Original View from Main Entrance



Picture 2 – Revised View from Main Entrance



Picture 3 – Original Main COLA Roof Structure



Picture 4 – Revised Main COLA Roof Structure



Picture 5 – Original Home Base 2 Entrance

Source: DesignInc



Picture 6 – Revised Home Base 2 Entrance

3. OVERVIEW OF AGENCY SUBMISSIONS RECEIVED

The EIS for SSD 16_8114 was placed on public exhibition between 22 June 2017 and 7 August 2017. During this period, government agencies, Ku-ring-gai Council, key infrastructure stakeholders and the community were invited to make written submissions on the Project to DPE.

A total of 25 submissions were received during the EIS exhibition period. Of these submissions, eight were provided by government agencies and Council. The remaining submissions were made by community members or organisations, mostly in support or providing comment on the Project.

3.1. AGENCY SUBMISSIONS

Agency submissions have been received from:

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

DPE provided further matters to be addressed in an email of 24 May 2018. A response to matters raised by DPE and all other government agencies is provided in **Table 3**.

3.2. PUBLIC SUBMISSIONS

The public submissions were reviewed and categorised according to key issues, being:

- Traffic and transport.
- Heritage Impacts.
- Noise.
- Heritage impacts on the existing building.
- Optus mobile phone facility.
- Use of facilities for the community.
- Inadequate community consultation.

The key issues raised by the public generally aligned with those which were raised by the agencies. While the exact wording of the submissions may not be captured in this RtS, the intent and the issues raised have been identified and addressed in **Table 3**.

Table 3 – Response to Agency Submissions

ISSUE	COMMENT	RESPONSE	REFER TO
Department of Planning and Environment			
Employment	<p>The EIS does not specify how many construction jobs will be created by the development.</p> <p>The EIS states that 160 operational jobs will be generated whereas the Application form states 100 operational jobs.</p>	A summary of construction and operational jobs was provided at Section 2.1.2 .	Section 2.1.2
New Objects of the Act	The RtS should address the New Objects of the Act and the New State Policies that are in force.	The Objects of the Act are addressed in Section 4.1	Section 4.1
Consistency with the original concept proposal	Given that the child care is to be deleted from the proposal, the RtS should include a response regarding consistency with the original concept proposal in terms of provision of a community use.	The proposal is consistent with the original proposal. A childcare centre is not mentioned in the VPA.	Appendix V
Traffic and transport	Investigate alternate upgrade works at the Pacific Highway/Grosvenor Road intersection and Grosvenor Road/Lady Game Drive intersection. Evidence of consultation with TfNSW, RMS and Council required.	<p>Meetings with TfNSW and RMS (27 September 2017 and 31 May 2018) and Council (5 October 2017 and 31 May 2018) were held to discuss the various traffic matters.</p> <p>Sections 3 and 4 of the Arup Report at Appendix E detail the revised traffic modelling and includes information on road upgrade options. This information is provided for the benefit of RMS and Council and does not form part of the proposed development.</p>	Sections 3 and 4 of Appendix E

ISSUE	COMMENT	RESPONSE	REFER TO
	<p>Traffic assumptions to be updated to account for the future traffic volumes generated by a residential redevelopment of the former Screen Australia site.</p>	<p>The former Screen Australia site is likely to consist of no more than 100 apartments. Applying a trip generation rate of 0.19 vehicles per unit in the peak hour would result in only 19 vehicles and is deemed negligible and arbitrary in the assessment. The revised modelling considers a highly conservative volume assumption which more than compensates for the 19 vehicles.</p>	<p>Section 7 of Appendix E</p>
	<p>Assess impact on the following local roads: Eton Road, Shout Ridge, Hamilton Corner, Winchester Avenue, Lyle Avenue, Abingdon Road, Kimo Street, Austral Avenue, Westborne Road, Ortona Road.</p>		
	<p>Staged opening of school operations to allow for traffic impact monitoring and the implementation of suitable traffic management measures.</p>	<p>DoE proposes to deliver Lindfield Learning Village in phases.</p> <p>Phase 1 is due to open in time for Term 1, 2019. This stage will accommodate 350 students from K-12 in the eastern wing of the building.</p> <p>Phases 2A and 2B are intended to commence in 2020-2021 and comprise three home-bases accommodating 1,000 students from K-12 (inclusive of Phase 1 - 350 students). The commencement of Phase 3 is currently estimated for 2026 and will be dependent on further forecasting analysis and enrolments.</p>	<p>N/A</p>
<p>Bushfire</p>	<p>Require Bushfire Emergency Management and Evacuation Plan.</p>	<p>A Preliminary Emergency Management and Evacuation Plan has been prepared by Blackash. This Plan is DRAFT as it is preliminary and a document that needs to be developed with the school, staff and principal. A condition of consent is to be imposed requiring the Bushfire Emergency Management and Evacuation Plan to be finalised with key stakeholders.</p>	<p>Appendix H</p>

ISSUE	COMMENT	RESPONSE	REFER TO
Noise monitoring	Further noise monitoring required to establish accurate rating background levels (RBLs) for residential receivers along Tubbs View.	Additional noise monitoring has been undertaken near the residential receivers along Tubbs View and is included in the Addendum Noise Impact Assessment undertaken by Acoustic Logic.	Appendix J
Flooding	<p>Flood Risk Assessment required to address:</p> <ul style="list-style-type: none"> • details of the existing flood behaviour across the site and broader catchment, • determine the flood risk of the site for a range of potential flood events. • identify the flood planning level for the site (1% AEP + freeboard). 	A Flood Risk Assessment has been prepared by EFWW Consulting Engineers and addresses DPE's requirements. The Flood Risk Assessment confirms that the current overland flow paths do not have any impacts on the proposed development.	Appendix K
Pedestrian access	Upgrades to the existing pedestrian footpath network and pedestrian crossing facilities. Evidence of consultation with Council required.	<p>Meetings with Council (5 October 2017 and 31 May 2018) were held to discuss the proposed pedestrian network upgrades and bus bay arrangements.</p> <p>It is acknowledged that the footpath upgrades to the local road network need to be considered to improve walkability. Arup have identified potential footpath upgrades in their Report, including upgrades, pedestrian crossings and new footpaths to address gaps. DoE are keen to work with Council to identify ways of funding and including these works on the forward works program.</p>	Appendix F
RMS			
Traffic and transport	Clarification on emergency vehicle access in emergencies given narrow nature of the Eton Road access.	Emergency vehicle swept paths have been prepared by Arup and are provided at Appendix A of the Traffic and Transport Assessment. The analysis has	Section 2. 1 of Appendix E

ISSUE	COMMENT	RESPONSE	REFER TO
	Proposed bus bay has inadequate holding capacity and the design should be reconsidered.	<p>indicated that there are multiple opportunities for emergency vehicles to turnaround efficiently.</p> <p>The operation of Phase 1 will utilise the existing bus bay arrangement and will manage the arrival and departure of public bus services and school buses.</p> <p>Future bus arrangements for subsequent phases and stages are discussed in Section 5.2 of Appendix E. In summary:</p> <ul style="list-style-type: none"> • The proposed extension to the cantilevered bus bay is no longer proposed. • An alternative design is currently being investigated with Council and TfNSW that involves expanding the existing entry driveway to accommodate bus zones and turnaround. This provides the school with a dedicated bus zone on the site with direct student access to the front door of the school. 	Appendix E
	Non-standard school time zones are not supported.	Based on consultation between Arup and RMS, we understand that RMS is unsupportive of school zones given it is a policy change issue which will take time to implement. It was agreed during the meeting with RMS on 27 September 2017 that temporary measures will be investigated and implemented, such as appropriate signage to calm traffic in the area. This will be necessary until a change in school zone policy is made in the future.	Appendix E

ISSUE	COMMENT	RESPONSE	REFER TO
		<p>For the Phase 1 school, standard school time can be used. The need to implement school zones will be reviewed during initial operations.</p>	
	<p>Further information on mode sharing (evidence of bus travel for K-6) required.</p>	<p>Mode share information has been provided in the Traffic and Transport Assessment. It has been assumed that 50% will use school buses to allow for a more conservative school bus requirement based on a survey undertaken at Lindfield Public School.</p>	<p>Appendix E</p>
	<p>14 minute delay for drop off is unacceptable.</p>	<p>For the Phase 1 School, the drop-off arrangement allows for 10 vehicles to queue at the drop-off bay at any one time. This would require 22 spaces to be converted into drop off bays during the morning peak. These bays can then function as parking spaces for visitors, outside of the school peak hours.</p>	<p>Appendix E</p>
	<p>Confirm if modelling includes 160 staff and impacts of child care.</p>	<p>Arup has confirmed that the modelling includes 160 staff. The childcare centre is no longer proposed as part of the SSD application.</p>	<p>Appendix E</p>
	<p>Narrow footpaths along Eton Road raise safety concerns for students.</p>	<p>Refer to comments above.</p>	<p>Appendix E</p>
	<p>Not acceptable to remove the bus stop on Pacific Highway to facilitate right turn extension. Further information required as follows:</p> <ul style="list-style-type: none"> • Civil investigation, property impacts and cost of works to be provided. • Queuing will block through traffic on the Pacific Highway and cause delays. 	<p>Appendix F includes an assessment of Phase 1 and confirms that road upgrades surrounding the site are not required for Phase 1.</p> <p>Section 4.1 of the Traffic and Transport Assessment (Appendix E) details the revised traffic modelling undertaken by Arup to understand the proposed traffic impacts on the surrounding road network based on the student population of 2,100 students.</p>	<p>Appendix E</p>

ISSUE	COMMENT	RESPONSE	REFER TO
	<p>Investigate congestion alleviation upgrades as follows:</p> <ul style="list-style-type: none"> • Duplicate the Pacific Highway right turn bay into Grosvenor Road. • Upgrade the intersection of Lady Game Drive and Grosvenor Road. 	<p>Based on the assumption that traffic would use Lady Game Drive to access the site, the Pacific Highway/Grosvenor Road would not require any additional upgrades to the intersection.</p> <p>The Traffic and Transport Assessment (Appendix E) include road upgrade options identified by Arup. This information is provided for the benefit of RMS and Council and does not form part of the proposed development.</p>	
TfNSW			
Traffic and transport	<p>Alternative improvements should be investigated as TfNSW does not support suggested intersection upgrade.</p>	<p>This has been addressed previously as part of the response to the RMS submission.</p>	<p>Sections 3 and 4 of Appendix E</p>
	<p>The proposed bus stop design should be revised or relocated having regard for the number of school buses potentially using the proposed bus bay at the same time.</p>	<p>This has been addressed previously as part of the response to the RMS submission.</p>	<p>Section 2.2 of Appendix E</p>
	<p>Details required on location, type and quantity of end of trip facilities for staff and students.</p> <p>Potential cycle routes and assessment of the safety of these routes should be identified.</p>	<p>Cycling access and bicycle parking facilities are addressed in the Traffic and Transport Assessment. End of trip facilities are accommodated within the existing gymnasium.</p>	<p>Section 5 of Appendix E</p>
	<p>Alternate public bus route and public bus accessibility</p>	<p>The bus bay currently serves one public bus service, Route 565. As illustrated in Table 2 of Arup's report, only one public bus service coincides with the drop-off (8.30-8.45am) and pick-up (3.15-3.45pm) times. Given that only one Route 565 service (3.26pm service to Macquarie University) will be impacted, Arup is currently in discussions with TfNSW regarding the possibility of bypassing this stop for</p>	<p>Section 5.3 of Appendix F</p>

ISSUE	COMMENT	RESPONSE	REFER TO
		<p>this single afternoon service. This would mean that bus patrons on this service would need to walk an additional 120m to gain access to the Crimson Hill Estate.</p> <p>Further investigation has been undertaken by Arup for future bus operations associated with Phase 2A and 2B to enable public bus route 565 to operate independently of the school bus services. It is noted that these arrangements would not be required for Phase 1. Options are:</p> <ul style="list-style-type: none"> • Option 1: A 30 metre diameter roundabout at the Dunstan Grove / Eton Road intersection • Option 2: A new bus road and including bus bays at the main school entry. <p>Discussions with TfNSW regarding the options are ongoing and can be resolved prior to the issue of a construction certificate as suggested in the submission from TfNSW.</p>	
	<p>Bus timetable constraints</p>	<p>As highlighted above, the drop-off and pick-up times proposed for Phase 1 will coincide with only one, afternoon public service (Route 565 3.26pm service to Macquarie University). This is considered acceptable, with a proposal put forward by Arup for this single service to bypass the school's bus stop.</p> <p>Arup has also identified a preferred option for future bus operations associated with Phase 2A and 2B to enable public bus route 565 to operate independently of the school bus services. The</p>	<p>Section 5 of Appendix F</p>

ISSUE	COMMENT	RESPONSE	REFER TO
		proposal would ensure that the regular public bus services are no impeded by school services.	
	Suggested upgrades to Pacific Highway/Grosvenor Road/Burleigh Street	As outlined at Section 7.4 of Appendix F , traffic generated by the operation of Phase 1 is not expected to impact on the surrounding road network to the extent that upgrades are required to the Pacific Highway, Grosvenor Road and Burleigh Street.	Section 7.4 of Appendix F
	Traffic and Parking Management Plan	This can be addressed by way of a condition of consent.	N/A
EPA			
Contamination	Require Stage 2 Environmental Assessment.	<p>A Stage 2 Environmental Assessment has been prepared by Environmental Investigation Services. The investigation encountered a single fibre cement fragment (FCF) containing asbestos in one of the borehole samples. The assessment concludes that <i>“the site can be made suitable for the proposed development provided that the following recommendations are implemented to minimise the risks:</i></p> <ul style="list-style-type: none"> • <i>Prepare a Remediation Action Plan (RAP) to outline remedial measures for the site;</i> • <i>Prepare an Asbestos Management Plan to outline safety measures to be undertaken during remedial works; and</i> • <i>Prepare a Validation Assessment report on completion of remediation.”</i> 	Appendix P

ISSUE	COMMENT	RESPONSE	REFER TO
		These recommendations can be addressed by way of conditions of consent.	
	Hazardous building material assessment required prior to any refurbishment works	This can be addressed by way of a condition of consent.	N/A
	Satisfy Protection of Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'.	This can be addressed by way of a condition of consent.	N/A
Construction noise	Standard construction hours: <ul style="list-style-type: none"> • 7am – 6pm Monday to Friday • 8am – 1pm Saturday • No work on Sunday and public holidays. 	The standard construction hours can be imposed by way of a condition of consent.	N/A
	Respite periods required for construction activity.	Acoustic Logic has recommended a Condition of Consent requiring the preparation of a Construction Noise Management Plan (CNMP) prior to commencement of on-site work. Once a construction contractor has been appointed, the need for respite periods should be determined and incorporated into the CNMP.	Section 3.1 of Appendix I
	Construction vehicles not to arrive outside approved hours.	This can be addressed by way of a condition of consent.	N/A
	Safety risk assessment of site preparation to minimise noise impacts.	This is a matter for the contractor and can be addressed by way of a condition of consent.	N/A
Dust and sediment control and management	General comments	These matters be addressed by way of a condition of consent.	N/A

ISSUE	COMMENT	RESPONSE	REFER TO
Waste control and management (general)	General comments	These matters can be addressed by way of a condition of consent.	N/A
Waste control and management (concrete and concrete rinse water)	Concrete waste and rinse water are not to be disposed of on the development site and prevented from entering waters.	These matters can be addressed by way of a condition of consent.	Section 5.1 of Appendix S
Operational noise and vibration impacts	Background noise measurement	Acoustic Logic has reviewed the background noise levels and amended the Noise Impact Assessment accordingly to address the comments from the EPA.	Section 3.2 of Appendix J
	Quantitative assessment of noise generation from internal areas.	<p>An assessment of noise generated from internal areas has been undertaken by Acoustic Logic. In summary, we highlight the following:</p> <ul style="list-style-type: none"> Noise emissions from after-hours use of the auditorium will comply with the EPA Industrial Noise Policy. The gymnasium was approved and operated prior to the construction of the apartments to the west. To reduce potential noise emissions from after-hours use of the gymnasium, the construction of a 2m high screen has been recommended by Acoustic Logic. Given that a completely full car park after 10pm would be infrequent, vehicle noise impacts having regard to the EPA Sleep Disturbance Guidelines are expected to be minimal. <p>These recommendations do not relate to Phase 1. They are for future phases.</p>	Section 3.2 of Appendix J

ISSUE	COMMENT	RESPONSE	REFER TO
	Detailed noise assessment of mechanical plant and school bell system.	It is not considered reasonable to require a detailed assessment of plant noise and the school bell system at this stage of the design process. It is typical practice that a condition of consent be imposed requiring that plant and equipment be designed such that compliance with the EPA Industrial Noise Policy be achieved.	Section 3.2 of Appendix J
	Waste collection services are not to be undertaken outside the hours of 7.30am to 6.00pm Monday to Friday.	This can be addressed by way of a condition of consent.	N/A
	Grounds maintenance involving the use of powered equipment not to be undertaken outside the hours of 7.30am to 6.00pm Monday to Friday.	This can be addressed by way of a condition of consent.	N/A
Waste management	Identify and implement feasible and reasonable opportunities for the re-use and recycling of waste, including food waste.	Opportunities for the re-use and recycling of waste have been identified in the revised Operational Waste Management Plan prepared by Foresight Environmental. This includes installing organics bins in food preparation areas and the potential for onsite composting facilities.	Section 7 of Appendix T
Office of Environment and Heritage			
Biodiversity	The two impacted vegetation zones identified in the Biodiversity Assessment Report to be assessed separately.	<p>The Biodiversity Assessment Report has been amended to separately assess the two native vegetation types identified in the subject site:</p> <ul style="list-style-type: none"> • <i>Dwarf Apple - Broad-leaved Scribbly Gum - Sydney Peppermint low open woodland on sandstone ridges with subtle enrichment in northern Sydney; and</i> 	Section 5 of Appendix L

ISSUE	COMMENT	RESPONSE	REFER TO
Impacts on Lane Cove National Park		<ul style="list-style-type: none"> <i>Smooth-barked Apple - Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast</i> 	
	Biodiversity Offset Strategy should set out how the credit requirements will be met.	The various options for the Biodiversity Offset Strategy are set out in Section 7.2 of the Biodiversity Assessment Report.	Section 7.2 of Appendix L
	Stormwater management and treatment for the site. Proposed outdoor play areas which will have synthetic surfaces will require stormwater treatment prior to discharge into the Lane Cove National Park.	This can be addressed by way of a condition of consent.	N/A
Aboriginal Cultural Heritage	Due diligence report is not adequate to assess the impacts of the development on Aboriginal archaeological and cultural values of the subject land.	<p>An Aboriginal Cultural Heritage Impact Assessment has been prepared by Urbis Heritage. The Assessment concludes:</p> <p><i>“Overall, the archaeological potential and sensitivity of the Study Area has been assessed as low. No Aboriginal sites or objects were identified within the Study Area as part of the current assessment, and no previously recorded sites, as registered on AHIMS, are located in Study Area or in proximity to proposed impact areas.</i></p> <p><i>Based on the above, there is no identified risk of harm to any Aboriginal sites or objects associated with the proposed works. It has therefore been determined that no further Aboriginal archaeological investigation is required for the currently proposed works.”</i></p> <p>In relation to consultation, we note that the initial SEARs response from OEH stated at Item 4.2:</p>	Appendix O

ISSUE	COMMENT	RESPONSE	REFER TO
Heritage Council of NSW			
Built Heritage	A suitably qualified heritage consultant should be nominated for this project and provide input into the detailed design resolution and conservation methodologies adopted to minimise impacts to heritage values.	Urbis Heritage have been consulted and provided input into the detailed design of the development.	N/A
	New works should be designed to be reversible in the future.	As outlined in Addendum Heritage Assessment, the Phase 1 works are considered to be reversible in that the existing fabric is utilitarian in character and can be reinstated in the future if required.	Section 3 of Appendix M
	A schedule of conservation works should be prepared for existing buildings.	This can be addressed by way of a condition of consent.	N/A
	Proposed maintenance works should be guided by appropriate methods prepared by a qualified heritage consultant.	This can be addressed by way of a condition of consent.	N/A

ISSUE	COMMENT	RESPONSE	REFER TO
Historical archaeology	A detailed grading of significance should be prepared in accordance with the Heritage Council’s publication Assessing Heritage Significance 2001.	Refer to the Schedule of Significant Elements that accompanies the Addendum Heritage Assessment.	Section 3 of Appendix M
	An Interpretation Strategy for the building should be prepared to guide how information on the history and significance of the building will be provided for the students and general public.	This can be addressed by way of a condition of consent.	N/A
	A photographic archival recording of the building should be prepared prior to the commencement of works.	This can be addressed by way of a condition of consent.	N/A
	David Turner, former GAO project architect, should be consulted.	Multiple attempts have been made by DesignInc and Urbis to contact David Turner, however these attempts were unsuccessful. A summary of the steps taken to contact David Turner are outlined in the Addendum Heritage Assessment.	Appendix M
	Historical archaeology to be addressed.	<p>A Historical Archaeological Assessment has been undertaken by Urbis. This assessment concludes:</p> <p><i>“Overall, and due to both the extent of disturbance that has occurred and the nature of the past uses of the site, the historical archaeological potential of the subject site is assessed as low to nil. It would be difficult to understand the context of any fragmentary remains exposed within the proposed isolated areas of excavation, in the unlikely event that this were to occur. Any remains, if present, are likely to be of little to no research potential as a result of their isolation and probable disturbed and fragmentary nature.</i></p>	Attachment A of Appendix M

ISSUE	COMMENT	RESPONSE	REFER TO
NSW Rural Fire Service			
APZs for special fire protection purpose (SFPP) developments	Demonstrate compliance with the minimum specifications for Asset Protection Zones (APZs) for SFPP developments as defined in Table A2.6 of <i>Planning for Bush Fire Protection (PBP) 2006</i> .	The APZ requirements are addressed in the revised Bushfire Assessment Report prepared by Blackash. The assessment concludes that Phase 1 can comply with the minimum specifications for APZs.	Pages 8-13 of Appendix G
Safe access arrangements	Comply with Section 4.2.7 of PBP 2006 by providing alternative access or egress for firefighters and occupants during a bush fire emergency.	Access arrangements for firefighters are addressed in the Bushfire Assessment Report. The proposal has been amended and now incorporates a designated fire track around the southern perimeter of the site to provide adequate access for emergency services. In addition, an access plan detailing the swept path for a CAT 1 Tanker has been provided and demonstrates that adequate access is available.	Pages 17-23 of Appendix G
Sydney Water			
Wastewater	A detailed planning study must be carried out to determine whether augmentation of the existing local wastewater system is required.	This can be addressed by way of a Condition of Consent. The Condition of Consent should state that the S73 Notice of Requirements (NOR) is required prior to works commencing on-site. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.	N/A

ISSUE	COMMENT	RESPONSE	REFER TO
Ku-ring-gai Council			
Bushfire	The development does not satisfy <i>Planning for Bushfire Protection 2006 (PBP 2006)</i> .	A revised Bushfire Assessment for Phase 1 has been prepared by Blackash and includes detailed responses to each bushfire related issue raised by Council at Appendix 2. The report includes an assessment against the requirements of PBP 2006.	Appendix 2 of Appendix G
	The Bushfire Assessment Report primarily relies on a comprehensive Emergency Evacuation Plan and this should form part of the submission.	A Preliminary Bushfire Emergency Management and Evacuation Plan has been prepared by Blackash.	Appendix H
	The development relies APZs outside the site's boundaries which are currently not maintained to the standard of an APZ and would require significant tree removal to do so.	<p>The majority of required APZs for Phase 1 have been modified to be within the boundaries of the DoE land. The key exception is to the north east where there is reliance upon management within the adjoining Crimson Hill residential community (DHA). The designated APZs for Crimson Hill have been designated to be managed entirely as APZ use under the governance of a Bushfire Management Plan prepared for the development.</p> <p>The APZs in these areas have been managed as IPAs in close proximity to the residential buildings, with the majority of the remaining APZ being an OPA to ensure environmental sensitivity is achieved through the bushfire mitigation of the site.</p>	Appendix 2 of Appendix G
	Significant vegetation removal / management is required to create the APZs onsite which has not been reflected in the EIS or accompanying Biodiversity Assessment Report.	The proposed vegetation clearing is addressed in the revised Biodiversity Assessment Report prepared by Ecoplanning.	Appendix L

ISSUE	COMMENT	RESPONSE	REFER TO
	Heritage impact assessment of landscape design.	The Addendum Heritage Assessment includes an assessment of the detailed landscape design.	Section 4 of Appendix M
	Bushfire assessment to certify landscape design	The landscape plans have been reviewed by Blackash as part of the revised Bushfire Assessment.	Appendix G
	Preliminary Construction Management Plan to be amended to identify trees to be removed/retained.	The Preliminary Construction Management Plan has been updated to identify the trees required to be removed for construction access.	Appendix A
	Integrated Water Management Plan to be submitted.	<p>As outlined in the Report on Existing Drainage Infrastructure (Appendix Q), the proposed development at 100 Eton Road, Lindfield is not expected to increase the loads on the existing stormwater infrastructure at the site.</p> <p>Notwithstanding this, the development includes 4 x 1,100 litre rainwater tanks to mitigate any additional loads from the covered outdoor learning centre (COLA) proposed to the south of the existing building.</p> <p>As the proposal does not intend to alter the existing stormwater infrastructure, the introduction of new water sensitive urban design (WSUD) is not proposed. An Integrated Water Management Plan has been prepared for the development, however this is limited to the new rainwater tanks.</p>	Appendix R
	Stormwater concept plan to be submitted.	As mentioned previously, the proposal does not intend to alter the existing stormwater infrastructure. Plans detailing the existing stormwater infrastructure are provided.	Appendix Q

ISSUE	COMMENT	RESPONSE	REFER TO
Transport and Accessibility	Clarification required for school catchment area.	The final catchment area is still being determined and will be submitted to Council at a later stage. It is not expected to affect the traffic and transport assessment.	N/A
	Proposed times for the drop-off and pick-up access areas are not supported.	<p>The parking restrictions have been reviewed as part of the Traffic and Transport Assessment and suggested changes are as follows:</p> <ul style="list-style-type: none"> No parking permitted from 7:30am to 9:30am and 2:00pm to 3:30pm on school days. This arrangement creates an efficient turnover. Ten spaces on the eastern side of the car park would be used for short term, 5 minute parking from 7:30am to 9:30am and 2:00pm to 3:30pm on school days. This would allow parents with younger children to walk with their kids to school. 	Section 6 of Appendix E
	Proposed widening of the Eton Road bus bay is supported, however further clarification on design required.	Discussions with Council regarding the amendments to the bus bay are ongoing. However, the bus bay is not likely to be altered as alternatives are being explored with Council and TfNSW.	Section 2.2 of Appendix E
	Proposal to avoid spill over parking to minimise impacts on neighbouring properties.	The required parking provisions for Phase 1 have been addressed by Arup in the Traffic and Transport Assessment. This assessment concludes that parking can be contained within the site.	Section 4 of Appendix F
	Existing cycling routes in the vicinity of the site are limited.	It is agreed that existing cycle routes are limited. Council should investigate the possibility of upgrading key routes leading to the school.	N/A

ISSUE	COMMENT	RESPONSE	REFER TO
	The frequency of Bus Service 565 should be improved to make attractive connections to the nearby railway stations.	TfNSW would consider the additional services of the current route; subject to the TfNSW Growth Services Initiative. This would also require further discussion and assessment with the DoE prior to any agreement.	N/A
	A Green Travel Plan should be prepared and submit it to Ku-ring-gai Council for concurrence.	This can be addressed by way of a Condition of Consent.	N/A
	Traffic modelling and distribution for Pacific Highway and Grosvenor Road.	This has been addressed previously as part of the response to the RMS submission.	Section 4.1 of Appendix E
	Impacts on planned upgrades to Lady Game Drive.	As outlined in the Traffic and Transport Assessment, the congestion along Lady Game Drive is an existing issue and is present despite the site being vacant. On this basis, it is not considered reasonable for the proposed development to provide or contribute to the planned upgrades.	N/A
	Construction traffic management.	Construction traffic routes will be incorporated into a detailed Construction Management Plan which can be addressed by way of Condition of Consent.	N/A
Heritage, Built Form and Environmental Amenity	The application does not demonstrate how the proposed external alterations reflect the heritage significance of the building.	As detailed in Section 2 of this RtS, the proposed external alterations have been amended including the significant reduction in the 'coloured' external cladding. The amendments to the proposal are addressed in the Addendum Heritage Assessment.	Appendix A and Section 4 of Appendix M
	Advice from landscape architect and heritage consultant sought for firefighting access routes.	This is addressed in the Addendum Heritage Assessment and revised landscape plans. The bushfire response requires the removal of trees, to allow for the building to be continually used. Without the stipulated bushfire precautions, the use of the	Section 4 of Appendix M

ISSUE	COMMENT	RESPONSE	REFER TO
		building for educational purposes would not be possible.	
	External colours should be muted reflecting residential and landscape setting.	The 'coloured' external cladding has been significantly reduced in accordance with Council's recommendations and has been applied to discrete areas of the external facades and COLA structures. This will minimise the prominence and visual impact of the new elements on the heritage significance of the building. The outward planes of the new cladding is proposed to be silver/grey zincalume as detailed in Figure 4 and the revised architectural plans at Appendix A .	Appendix A and Section 4 of Appendix M
	Recommendations related to the building and landscaping.	Council's detailed list of comments are addressed in the Addendum Heritage Assessment.	Section 4 of Appendix M
Moral Rights	Confirm consultation with original architects.	Multiple attempts have been made by DesignInc to contact David Turner, however these attempts were unsuccessful. A summary of the steps taken to contact David Turner are outlined in the Addendum Heritage Assessment.	Section 3 of Appendix M
Conservation Management Plan	A conservation management plan for the former UTS Ku-ring-gai campus should be prepared.	This is addressed in the Addendum Heritage Assessment, however is not considered feasible at this stage of the design process.	Section 4 of Appendix M

Table 4 – Response to Additional Issues Raised in Public Submissions

ISSUE	COMMENT	RESPONSE	REFER TO
Traffic and transport	<ul style="list-style-type: none"> • Public bus services • Intersection of Eton/Abington, Dunstan/Eton and Shout Ridge/Eton • Transport on Abington and Shirley • Impact on Lady Game Drive • Bus stops and timetables 	Addressed in Arup’s reports.	Appendix E and Appendix F
Optus Mobile Phone Facility	Current leasing arrangement for the mobile site will be terminated in May 2018.	DoE has confirmed that the current lease has been terminated and will not be accommodated as part of the Linfield Learning Village.	N/A
Use of Facilities	The gymnasium, library and other facilities should be available for use by the public after-hours.	<p>As outlined in the EIS, it is anticipated that some facilities will be available for community use after-hours. These facilities are likely to include the auditorium, theatres and gymnasium.</p> <p>The Statement of Commitments for MP 06_0130 (UTS Campus Redevelopment)</p>	N/A
Community Consultation	Community engagement has not been adequate and included a single information both in late 2016..	<p>As outlined in the Stakeholder Consultation Summary that accompanied the EIS, engagement activities included three information booths between October and November 2016 and multiple newspaper advertisements.</p> <p>Since the lodgement of the EIS in early June 2017, additional information booths were held on the following dates:</p> <ul style="list-style-type: none"> • Venue: Dunstan Grove, Lindfield (next to Charles Bean Oval Pavilion) <p>Date: Saturday 3rd June 2017</p>	N/A

ISSUE	COMMENT	RESPONSE	REFER TO
		<p>Time: 10:00am to 1:00pm</p> <ul style="list-style-type: none"> <li data-bbox="1218 288 1704 352">• Venue: Dunstan Grove, Lindfield (next to Charles Bean Oval Pavilion) <p>Date: Saturday 17th June 2017</p> <p>Time: 10:00am to 1:00pm</p> <ul style="list-style-type: none"> <li data-bbox="1218 472 1630 536">• Venue: Lindfield Train Station <p>Date: Wednesday 28th June 2017</p> <p>Time: 4:30pm to 6:30pm</p>	

4. PHASE 1 ASSESSMENT

4.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

On 1 March 2018, the EP&A Act was amended. The amended EP&A Act has 10 objects. The objects and a response are provided below. The proposal satisfies the objects of the EP&A Act.

Table 5 – Objects of EP&A Act

Object	Response
a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal supports the welfare of the community with new school facilities and additional student places for students in the North Shore. The proposal achieves this without impacting State natural and other resources.
b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	The ESD initiatives are imbedded in the project. The proposal adapts the existing building for a new purpose, which is the most appropriate social, economic and environmental use for the site.
c) <i>to promote the orderly and economic use and development of land</i>	The proposal continues the education use, which is the highest and best use of the site.
d) <i>to promote the delivery and maintenance of affordable housing</i>	N/A
e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The traffic, biodiversity, bushfire and heritage impact of Phase 1 has been assessed in the following sections and appendices.
f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	Heritage and Aboriginal heritage impacts of the proposal are addressed in the appendices. The continued use of the site for education preserves the built and cultural heritage.
g) <i>to promote good design and amenity of the built environment</i>	The proposal has been through an engagement process with the broader community to deliver a good quality school. The amenity of adjoining properties has been considered and addressed in the EIS and RtS.
h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	Conditions of consent will be adhered to during construction to protect health and safety.
i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The project is a State development and DoE has engaged with State and Local government.
j) <i>to provide increased opportunity for community participation in environmental planning and assessment</i>	The community has been consulted with throughout the project. The community had opportunities to comment on the project. Their comments have been addressed in this RtS.

4.2. BUSHFIRE

As outlined in its submission dated 4 July 2017, the RFS objects to the SSD application on the basis that the proposal has not adequately demonstrated how the proposal complies with the requirements outlined in *Planning for Bush Fire Protection 2006* (PBP 2006). The submission from RFS states:

"The proposed development has been incorrectly assessed as an SFPP infill development. As noted in section 4.2.5 of PBP 2006, SFPP infill development relates to the alterations and additions to existing SFPP facilities. Under section 4.2.3(a) of PBP 2006, universities and technical colleges are not defined as a school (SFPP facility) within Local Environment Plans (LEPs). As such, the proposed development does not meet the prerequisites for SFPP infill."

The Department of Education (DoE) has obtained legal advice from Hunt & Hunt Lawyers to advise on whether there has been a change of use and to consider how to meet the concerns of RFS so the proposal for the site can proceed. This advice is provided at **Appendix D** and states the following:

"PBP 2006 incorrectly excludes universities and technical colleges from the definition of educational establishment. Educational establishment includes a school and a tertiary institution, including a university or TAFE establishment, that provide formal education and is constituted by or under an Act.

The use of this land is as an educational establishment. The purpose is for a school.

Therefore, the RFS has an incorrect statement in the PBP 2006 which misconstrues the definition of educational establishment which leads to it believing that the change of purpose from university to school is a change of use. It is not a change of use.

However, for the purposes of this application it is necessary to consider the submissions by RFS and the applicable controls to Special Fire Protection Purpose Developments.

The school falls within the Special Fire Protection Purpose Development (SFPP). Infill development by its definition is confined to residential properties. Technically it is not a change of use, it is an adaptive reuse of a university to a school. Adaptive reuse would usually attract a lesser control than the controls being pressed by RFS. As per The Hon. Anthony Bernard Kelly, MLC in the Forward to the PBP 2006 states, inter alia:

Key features of the revised edition include the emphasis on a performance based approach to development through focusing on safer outcomes rather than simply meeting prescriptive requirements.

This approach to planning allows for considerable flexibility and innovation that links the bush fire hazard for a site with the implementation of appropriate bush fire protection measures.

There is no change of use. Technically it is not an infill development because of the "Infill" definition. However, it has the characteristics of an infill development, and less stringent controls should be applied ie. Bushfire protection measures in combination, defensible space, and deemed to satisfy APZ measures."

The RtS requests full approval of Construction Stages 1 and 2 (as amended) and therefore, in order to address the RFS issues, the Department of Education (DoE) will accept the following Conditions of Consent:

Construction Stage 1, Phase 1

1. *Consent to utilise those buildings in Construction Stage 1, Phase 1 as shaded blue and marked Phase 1 on the plan attached Appendix 1 and marked "Blue zone on the plan above represents portions of the building and site greater than 100 metres from unmanaged vegetation. The green dashed line represents the extent of the APZ management within the site or secured under covenants on adjoining land."*
2. *A certificate can be issued under s.6.28 for Construction Stage 1, Phase 1 after consultation with RFS.*

Construction Stage 1, Phase 2A and 2 B:

1. *Prior to the issue of a Construction Certificate*
Department of Education shall deliver a Bushfire Management Plan after consultation with RFS to the Secretary setting out how it will comply with Planning for Bushfire Protection, NSW Rural Fire Services 2006.
2. *A certificate can be issued under s.6.28 for Construction Stage 2.*

These conditions would allow DoE to open a school for 350 students for the commencement of Term 1, 2019 (Construction Stage 1, Phase 1).

Phase 1 of the proposed development has been assessed by Blackash as being able to meet the requirements of Planning for Bushfire Protection 2006. Blackash acknowledge that beyond Phase 1, more work needs to be done in consultation with RFS to meet the requirements of Planning for Bushfire Protection 2006. The Blackash report is provided at **Appendix G**. The report concludes:

Phase 1 meets the requirements of Planning for Bushfire Protection 2006. It is appreciated that a significant amount of work needs to be undertaken to provide surety for Construction Stage 1, Phase 2A and 2B. These additional areas will be worked through for compliance with PBP 2006/ 2018 and to meet RFS requirements. The DoE have advised Blackash that occupation of areas outside the designated orange areas as per Appendix 1 will not occur until satisfactory resolution of outstanding issues and with concurrence from the RFS.

The following recommendations have been identified by Blackash and should be incorporated as Conditions of Consent:

1. *Consent is issued to utilise those buildings in Phase 1 as shaded orange and marked "Phase 1" on the plan attached Appendix 1 which represents portions of the buildings and site greater than 100 metres from unmanaged vegetation.*
2. *Prior to the issue of a Construction Certificate for the Phase 1 School, the Department of Education shall deliver a Bushfire Management Plan, including Vegetation Management Plan setting out how it will comply with the provision and ongoing management of Asset Protection Zones in accordance with Planning for Bushfire Protection, 2006.*
3. *Prior to the issue of a Construction Certificate for the Phase 1 School, the Department of Education shall deliver a Bushfire Emergency Management and Evacuation Plan that is locally relevant and tailored with key stakeholders to a range of scenarios.*
4. *Prior to occupation and in perpetuity, an Asset Protection Zone shall be established and maintained to the site boundaries. The APZ shall be established and maintained as an inner protection area as outlined within PBP and the NSW RFS document 'Standards for Asset Protection Zones'. The areas adjacent to buildings and between the private access road will be managed as open space above APZ Standards to provide an outcome that is in keeping with a highly managed parkland environment.*

Phase 1 complies with the requirements of Planning for Bushfire Protection 2006 and has adequately addressed the submissions from RFS and Council.

4.3. TRAFFIC

The Traffic and Transport Assessment prepared by Arup for Phase 1 (refer **Appendix F**) concludes the following:

- *The drop-off arrangement allow for 10 vehicles to queue at the drop-off bay at any one time. This would require 22 spaces to be converted into drop off bays during the morning peak. These bays can then function as parking spaces for visitors, outside of the school peak hours.*
- *The number of school buses serving the school in Phase 1 is subject to sharing the school buses with other schools. A total of 5 school buses should be designed for, based on the final built form requirements.*
- *Phase 1 would utilise the upper level car park, and part of the on-street parking outside the roundabout. There will be a total of 65 car parking spaces which meets the DCP parking requirements.*

- *Establishing sustainable transport habits to and from the school, at early inception stages, will be crucial to the success of the school both in early and later stages. Providing highly efficient public transport for students from opening day, would attract cultivate sustainable public transport based commuting habits.*
- *The school shall provide travel surveys to students and parents at 3, 6 and 12 months upon opening of the school.*
- *The questionnaire surveys should be aimed at understanding how students are travelling to school. It should also assess the reason for not taking public transport. Based on the findings, the transport strategies should be improved and customised to suit the needs of these students.*
- *The estimated traffic generated by 350 students and 20-30 staff is estimated to be 79 cars per hour*
- *The modelling results shows that Phase 1 of the school's opening results in a slight increase in average delay of two seconds. The 70 metre right turn bay from Pacific Highway into Grosvenor Road is not expected to experience a spillover in traffic. This 95%ile queue is predicted to increase from 57 metres to 62 metres. The overall intersection performance is predicted to perform at an efficient level of service C.*
- *Future options for separating public and school bus operations have been investigated and further consultation will be undertaken with Transport for NSW regarding a suitable outcome.*

Having regard to the above, adequate on-site car parking is available and the proposal will not adversely impact on the traffic network surrounding the site.

4.4. BIODIVERSITY

To establish a 100m APZ for Phase 1, significant tree removal will be required within the site. For the purposes of the revised Biodiversity Assessment (refer **Appendix L**) and to assess the worst-case scenario, complete tree removal within Lot 2 has been considered. The revised Biodiversity Assessment has considered the complete removal trees to be managed as an APZ. The impacts of the proposal are summarised as:

- APZ management will be conducted in a way to reduce impacts, with hollow bearing trees maintained, where possible, and limited clearing of over-storey and mid-storey. Areas already adequately managed as an APZ will not be impacted by this proposal.
- Completely avoiding impacts to native vegetation within the development site is, in this case, not considered feasible. The impacts from the proposal are based solely on the requirement to meet bushfire standards for existing building.
- Where possible impacts to important features (such as hollows) will be avoided, and in many cases the cover requirements of the APZ still fall within the benchmarks for the plant community types (PCTs) being impacted.
- The proposal will remove potential foraging and roosting/sheltering/breeding habitat (small tree hollows and stags) for fauna. The likelihood of threatened fauna utilising the study is generally low based on-site assessment, expert opinion and analysis of the likelihood of occurrence from Atlas records over the past 20 years.
- The site is already predominantly developed with significant areas of buildings, concrete walkways and car parks already in place. As this proposal predominantly involves the refurbishment of existing buildings, indirect impacts are not expected and area considered to be negligible or non-existent.
- The proposal requires 68 ecosystem credits to offset the impact of development, including 0.74 ha of complete clearing and 1.00 ha for APZ management requirements. The options for the credit requirement to be satisfied are:
 - The purchase of matching credits from the Biobank market;
 - The use of residual lands (either within the 100 Eton Road property or alternate locations) as an offset site to generate the required credits, with the land being secured under a Biodiversity Stewardship Agreement (or equivalent);

- Payment into the Biodiversity Conservation Fund (BCF) which is administered by the Biodiversity Conservation Trust (BCT). This option would allow the payment of funds to satisfy the offset obligation, with the BCT required to obtain the biodiversity credits to satisfy the offset requirement.
- The final offset solution to be used will be determined as the development application process proceeds.

The Biodiversity Assessment Report states: “*The impacts caused through the management of native vegetation within the APZ can also not be avoided. The protection of the facility from bushfire attack is essential, and therefore ongoing management of the native vegetation within the APZ is required. Where possible impacts to important features (such as hollows) will be avoided, and in many cases the cover requirements of the APZ still fall within the benchmarks for the PCTs being impacted.*”

Biodiversity impacts are balanced with the need to protect the facility.

4.5. HERITAGE

A Supplementary Heritage Response has been prepared by Urbis for the amended proposal and is provided at **Appendix N**. The only works in addition to those previously assessed in the Heritage Impact Statement dated June 2017 include the tree removal to establish the APZ, proposed landscaping to the north of the building, and the fire wall to separate the Phase 1 school from the sections of the building within the APZ. These additional works have been assessed by Urbis and the following comments provided:

Tree Removal

It is appreciated that the subject proposal to remove the trees will allow for the implementation of the Phase 1 School, which will accommodate the student intake for 2019 while the appropriate measures for the reuse of the remainder of the school, from a bushfire perspective, are developed. It is also appreciated that although the trees within the immediate context of the school would be removed, the broader landscape setting would be retained and would contribute to the significance of the place.

However, it is noted that part of the design intent for the place was that the building responded to and was nestled within an untouched landscape setting... Denuding the site of any trees will have an impact on the setting.

The complete tree removal is recognised as necessary for the immediate use of the school however the impact on the significant setting of the item as quoted above in this letter should be acknowledged.

Landscaping

There will be some new landscaping to the immediate north of the building and roundabout to allow outdoor play by students. Concept plans have been provided to Urbis at this stage for review. It is not considered that a play area in this space would have a detrimental impact. However, the space is located adjacent to a significant and characteristic façade. It should continue to contribute to the natural bush setting of the subject building. Specifically, it should retain a predominance of native vegetation.

Temporary Fire Wall

There is a fire wall proposed on the alignment of the fire protection zone.

The fire wall would intersect key spaces including the cafeteria and would present as an ad hoc addition. Notwithstanding this, it is recognised as a necessary measure to ensure the school is able to function and is therefore an acceptable impact provided the balance of site works are completed in the future, which would allow the removal of the fire wall.

It is noted however that the use of the balance of the site is contingent on the implementation of an appropriate fire solution. Similar to the removal of the trees assessed above, this action does not guarantee the future adaptive reuse of the remainder of the building. It is however understood that there is a requirement to accommodate the first intake of students for 2019 and that failure to do this may result in the site not being reused as proposed.

Recommendations

The following additional recommendations are set out in response to the amended proposal:

- *Complete tree removal is proposed under this application as a 'worst case scenario'. To mitigate some of the negative heritage impact of denuding the site of all trees Urbis strongly recommends that the number of trees for removal be considered carefully and minimised as much as possible.*
- *A methodology should be prepared for the installation of the fire wall in conjunction with the heritage consultant such that it is entirely reversible.*

5. ALTERNATIVE APPROVALS PATHWAY

This RtS requests full approval of Construction Stages 1 and 2 (as amended). However, an alternative approval pathway is put forward to ensure Phase 1 can be completed and opened for the commencement of Term 1, 2019. The alternative pathway would allow DPE to approve Phase 1 and defer a decision on Construction Stage 1 (Phase 2A and 2B) and Construction Stage 2 to allow ongoing engagement with the agencies and Council.

Section 4.16 of the EP&A Act allows a consent authority to grant total or partial development consent as follows:

(4) Total or partial consent

A development consent may be granted:

- (a) for the development for which the consent is sought, or*
- (b) for that development, except for a specified part or aspect of that development, or*
- (c) for a specified part or aspect of that development.*

(5) The consent authority is not required to refuse consent to any specified part or aspect of development for which development consent is not initially granted under subsection (4), but development consent may subsequently be granted for that part or aspect of the development.

DPE could issue a partial consent for Phase 1 of SSD_8114 (as amended), with Construction Stage 1, Phase 2A and 2B and Construction Stage 2 to contain a Deferred Condition of Consent to be processed and approved at a later date

Legal advice prepared by Hunt & Hunt confirms this is a viable alternative approval approach.

6. CONCLUSION

This RtS has considered the responses received from DPE, Council, the agencies and the community during the exhibition of SSDA 8114 for the development of the Lindfield Learning Village. Further assessments have been undertaken to respond to comments raised by all stakeholders. The proposal has also been revised, particularly in response to the bushfire related issues raised by RFS and Council.

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 amended proposal ensures that Phase 1 meets the requirements of Planning for Bushfire Guideline 2006.
- 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.
- It will contribute positively to energy efficiency and environmental sustainability. The design has adopted and incorporated many ESD features to reduce energy consumption during the life of the proposed development.

The DoE 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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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A AMENDED ARCHITECTURAL PLANS

APPENDIX B LANDSCAPE CONCEPT PLAN – PHASE 1

APPENDIX C AMENDED LANDSCAPE PLANS

APPENDIX D LEGAL ADVICE

APPENDIX E TRAFFIC AND TRANSPORT ASSESSMENT – SUBMISSIONS RESPONSE

APPENDIX F SUPPLEMENTARY TRAFFIC AND TRANSPORT ASSESSMENT – PHASE 1

APPENDIX G

BUSHFIRE ASSESSMENT REPORT – PHASE 1

APPENDIX H PRELIMINARY EMERGENCY MANAGEMENT AND EVACUATION PLAN

APPENDIX I

NOISE RESPONSE TO EPA AND DPE SUBMISSIONS

APPENDIX J ADDENDUM NOISE IMPACT ASSESSMENT

APPENDIX K FLOOD RISK ASSESSMENT

APPENDIX L REVISED BIODIVERSITY ASSESSMENT REPORT

APPENDIX M

ADDENDUM HERITAGE ASSESSMENT AND SCHEDULE OF SIGNIFICANCE

APPENDIX N SUPPLEMENTARY HERITAGE RESPONSE – PHASE 1

APPENDIX O ABORIGINAL CULTURAL HERITAGE IMPACT ASSESSMENT

APPENDIX P PRELIMINARY STAGE 2 ENVIRONMENTAL SITE ASSESSMENT

APPENDIX Q

REPORT ON EXISTING DRAINAGE INFRASTRUCTURE AND STORMWATER PLANS

APPENDIX R INTEGRATED WATER MANAGEMENT PLAN

APPENDIX S

REVISED CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT PLAN

APPENDIX T REVISED OPERATIONAL WASTE MANAGEMENT PLAN

APPENDIX U ARBORIST REPORT

APPENDIX V

RESPONSE TO CONCEPT APPROVAL MP 06_130 – STATEMENT OF COMMITMENTS

APPENDIX W APPROVED SUBDIVISION AND BUSHFIRE MANAGEMENT PLAN



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