



Lindfield Learning Village

*State Significant
Development Assessment
(SSD 8114)*



October 2018

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Glossary

Abbreviation	Definition
ACHIA	Aboriginal Cultural Heritage Impact Assessment
ACHAR	Aboriginal Cultural Heritage Assessment Report
Applicant	Department of Education, or anyone else entitled to act on this consent
AS	Australian Standard
APZ	Asset Protection Zone
BAL	Bushfire Attack Level
BAR	Biodiversity Assessment Report
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BEMEP	Bush Fire Emergency Management and Evacuation Plan
CIV	Capital Investment Value
Consent	Development Consent
CMP	Conservation Management Plan
CEMP	Construction Environmental Management Plan
Council	Ku-ring-gai Council
DCP	Development Control Plan
Department	Department of Planning and Environment
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GTP	Green Travel Plan
GFA	Gross Floor Area
HIS	Heritage Impact Statement
Home-base	A grouping of students from K-12 in one single stream to enable teaching and learning
ICNG	Interim Construction Noise Guidelines

INP	NSW Industrial Noise Policy
IPA	Inner Protection Area
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
KDCP	Ku-ring-gai Development Control Plan 2015
KLEP	Ku-ring-gai Local Environmental Plan 2015
LGA	Local Government Area
Minister	Minister for Planning
NML	Noise Management Level
OEH	Office of Environment and Heritage
OPA	Outer Protection Area
PAMP	Pedestrian Access Management Plan
PBP 2006	Planning for Bush Fire Protection 2006
RAP	Remediation Action Plan
NSW RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No. 55 – Remediation of Land
SFPP	Special Fire Protection Purpose
Site	Lots 2 and 4 DP1151638
SoS	Statement of Significance
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Supplementary RtS	Supplementary Response to Submissions
TfNSW	Transport for New South Wales
TSC Act	Threatened Species Conservation Act 1995
UTS	University of Technology Sydney
UTS Campus	University of Technology Sydney, Ku-ring-gai Campus
WSUD	Water Sensitive Urban Design
VPA	Voluntary Planning Agreement



Executive Summary

This report provides an assessment of a State significant development (SSD) application (SSD 8114) for the reconfiguration and refurbishment of a former university campus for the purposes of a new kindergarten to Year 12 school (Lindfield Learning Village). The site is located at 100 Eton Road, Lindfield and was previously the site of the University of Technology Sydney (UTS) Ku-ring-gai Campus. The Applicant is Department of Education (the Applicant) and the site is located within the Ku-ring-gai local government area (LGA).

The Lindfield Learning Village seeks to provide educational facilities and services for up to 2,100 students from Kindergarten to Year 12, in a new educational model of 'home bases' (which is a grouping of students from Kindergarten to year 12 in one single stream to enable teaching and learning).

The proposal has a Capital Investment Value (CIV) of approximately \$62 million (all development phases) and would generate up to 50 operational jobs and 150 construction jobs (Phase 1 only). The proposal is SSD under clause 15 of the State and Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school with a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The Applicant submitted an Environmental Impact Statement (EIS) in June 2017 that sought approval for a kindergarten to Year 12 school with capacity of up to 2,100 students in addition to a child care centre, with a capacity for up to 94 children. The application was publicly exhibited between Thursday 22 June 2017 and Monday 7 August 2017. The Department of Planning and Environment (the Department) received a total of 26 submissions, including:

- comments from nine public authorities including Ku-ring-gai Council (Council)
- 16 submissions from the public, including one strata committee, with five objecting to the proposal
- comments from one community group.

The key issues raised in the submissions included the suitability of the site as a result of bush fire risk, impact of the proposal on traffic and parking in the locality and the adverse impact of the proposed alterations on the heritage significance of the site.

The Applicant provided a Response to Submissions (RtS) in June 2018. The Applicant's Supplementary RtS provided an alternative approach to meet the Applicant's requirement to deliver a school for the commencement of Term 1, 2019. The amended proposal includes the removal of the childcare centre from the application as well as alternate phasing of the proposal with the first phase, proposed for operation by Term 1, 2019, to include:

- construction and operation of a one home-base (a grouping of students from Kindergarten to year 12 in one single stream to enable teaching and learning) school for 350 students
- construction of all technical spaces to support a full primary and secondary curriculum for 350 students
- construction of a four metre wide access trail to the south and west of the existing building for bush fire management purposes

- traffic and transport infrastructure including upgraded access roads
- tree removal to establish a 100 metre Asset Protection Zone (APZ) around Phase 1 of the school.

The second phase, due for completion by mid-2021, includes two home-bases for an additional 650 students (totalling 1,000 students at the school) as well as all requisite teaching, administrative and outdoor play facilities. The third phase comprises additional facilities on-site to support approximately 1,100 additional students.

The Applicant has proposed a partial approval pathway that would enable the approval of only the first phase to ensure operation of a reduced scale school by Term 1, 2019. Therefore, this report only provides an assessment of Phase 1.

The Department notified public authorities of the RtS and made the documentation publicly visible on its website. An additional seven submissions from public authorities and Council were received in response to the RtS.

A Supplementary RtS was submitted to address the issues raised and five submissions from public authorities were received in response to the Supplementary.

The Department considered all submissions received throughout the assessment of the application, undertook a site inspection and had meetings with key stakeholders. The Department identified the following issues requiring detailed assessment and consideration:

- bush fire
- vegetation removal
- heritage
- traffic and parking.

The Department is satisfied that subject to recommended conditions of consent including the establishment of a 100m APZ; upgrade of the building to meet Bushfire Attack Level 'Flame Zone' requirements; the construction of a fire separation wall; and the implementation of a Bushfire Emergency Management and Evacuation Plan, the bush fire risk for Phase 1 of the school would be appropriately managed.

The Department acknowledges the detrimental heritage impacts of the proposal that would result from the vegetation removal required to support the APZs. However, on the basis that the development enables the adaptive reuse of the heritage significant "brutalist" building with minimal impacts on heritage fabric, and also the public benefit delivered by Phase 1 of the school, the impacts are acceptable.

Traffic and parking impacts associated with the delivery of Phase 1 (accommodating only 350 students) are significantly reduced from the EIS proposal for all stages. The Department is satisfied that the parking and traffic impacts can be adequately managed and mitigated through the recommended conditions of consent.

The application is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (including ecologically sustainable development), State priorities and A Metropolis of Three Cities – the Greater Sydney Region Plan. The Department is satisfied that the subject site is suitable for Phase 1 of the Lindfield Learning Village and therefore considers the proposed development would be in the public interest. The Department recommends that approval only be granted for Phase 1, subject to conditions. Subsequent Phases will require further investigation and resolution of issues in relation to the provision of satisfactory bush fire mitigation measures in accordance with the requirements of *Planning for Bush Fire Protection 2006* before they can be considered for determination.



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1. Introduction

This report provides an assessment of a State Significant Development (SSD) application for the reconfiguration and refurbishment of a former university campus for the purposes of a new Kindergarten to Year 12 school (Lindfield Learning Village) at 100 Eton Road, Lindfield. The site is located within the Ku-ring-gai local government area (LGA).

The Department of Education (the Applicant) seek approval for the adaptive re-use of the existing buildings of the former University of Technology Sydney (UTS) Ku-ring-gai Campus (UTS campus) and a significantly reduced curtilage, to develop a new school with a capacity of up to 2,100 students.

The application, as revised in the Applicant's Response to Submissions (RtS), seeks consent for three phases of works as follows:

- Stage 1, Phase 1 (Phase 1): operation of a school of 350 students from Kindergarten to Year 12
- Stage 1, Phases 2A and 2B (Phase 2): operation of a school of 1,000 students from Kindergarten to Year 12
- Stage 2, Phase 3 (Phase 3): operation of a school of 2,100 students from Kindergarten to Year 12.

Phase 1 of the proposal is to operate a school of 350 students commencing on Day 1, Term 1, 2019. Works required to facilitate Phase 1 include:

- adaptive re-use of part of the existing building to construct one home-base (a grouping of students from Kindergarten to year 12 in one single stream to enable teaching and learning) for 350 students
- construction of all administrative and technical spaces to support a full primary and secondary curriculum for 350 students
- construction of a four metre wide access trail to the south and west of the existing building for bush fire management purposes
- traffic and transport infrastructure including upgraded access roads
- tree removal to establish a 100 metre Asset Protection Zone (APZ) around Phase 1 of the site.

Phase 2, proposed for completion by mid-2021, would include additional home-bases for a further 650 students (totalling 1,000 students at the school) as well as all requisite teaching, administrative and outdoor play facilities.

Phase 3 of the development, construction and operational dates pending enrolments, would include additional administrative and teaching support facilities to provide a full complement of administrative and teaching spaces for approximately 1,100 additional students (totalling 2,100 at the school).

Due to site constraints and outstanding bush fire issues that require resolution, the Department is unable at this stage to undertake a comprehensive assessment of Phases 2 and 3 of the development. To facilitate the operation of a school of 350 students on Day 1, Term 1, 2019, the Applicant in the Supplementary RtS has requested the Department consider granting partial approval for Phase 1 of the proposal. Phases 2 and 3 would be subsequently considered at a later date and would be subject to the submission of further documentation which addresses the outstanding issues.

Consequently, this report provides an assessment of Phase 1 of the proposal only.

1.1 Site description

The subject site comprises two lots, legally described as Lot 2 and 4 DP 1151638 and commonly known as 100 Eton Road, Lindfield (**Figure 1**).

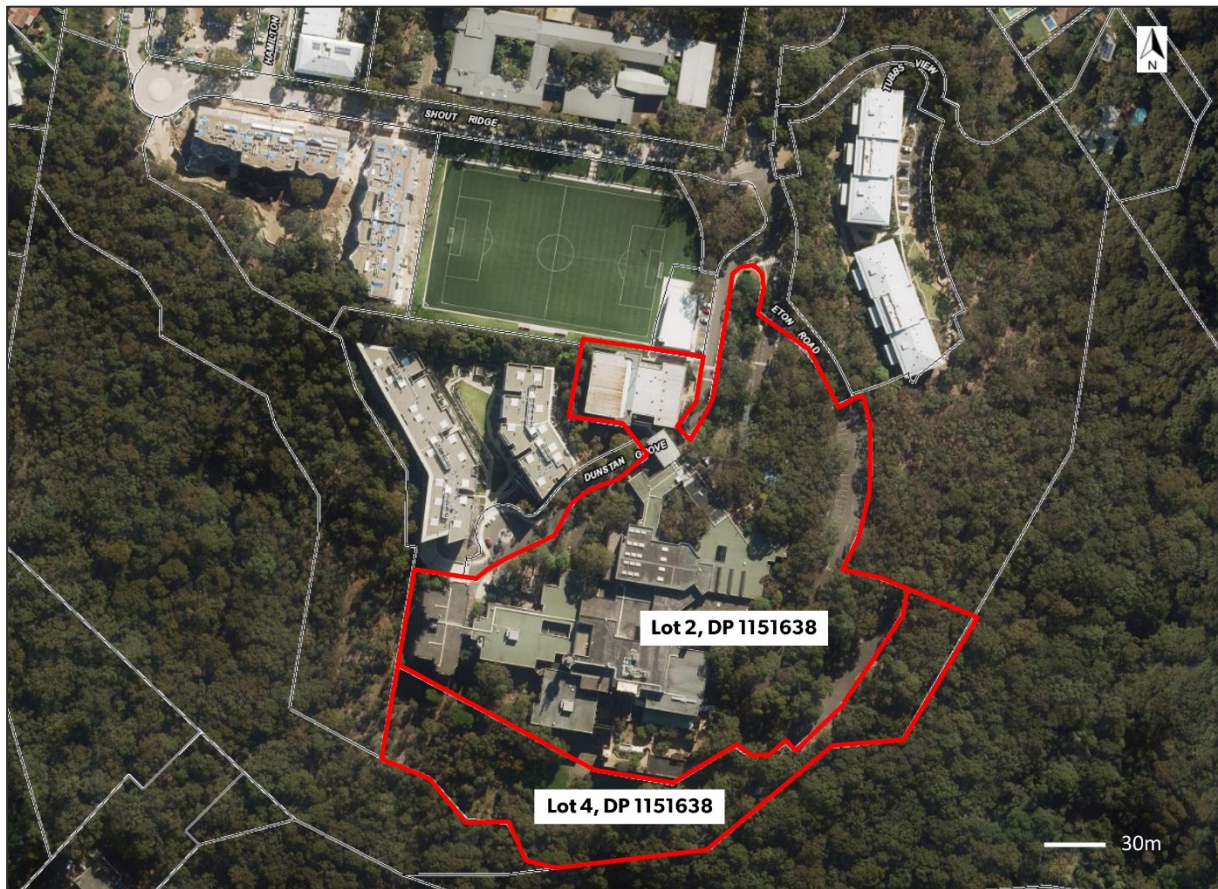


Figure 1 | Lot Boundaries (Base source: SixMaps)

Lot 2 DP 1151638 currently accommodates two connected buildings; the existing gymnasium building and the main campus building (**Figure 2**). Lot 4 DP 1151638 currently contains no buildings or structures and is heavily vegetated.

The topography of the overall site is steep with a fall of 6m from north to east and a further 9m to the south. The ground is characterised by sandstone outcrops with various level changes, and exceptionally steep-sided gullies that slope to the west, east and south at angles greater than 15 degrees.

The former main campus building follows the natural slope of the land varying up to six storeys with the overall building height ranging from 6.3m in the north to 24m in the south. The main campus building has a gross floor area (GFA) of 28,900 square metres (sqm) and comprises:

- an auditorium with a capacity of 750 seats.
- a large lecture theatre with a capacity of 180 seats.
- a small lecture theatre with a capacity of 100 seats.
- a library/resource centre.

- science laboratories, wood and metal technology rooms as well as drama and music facilities.

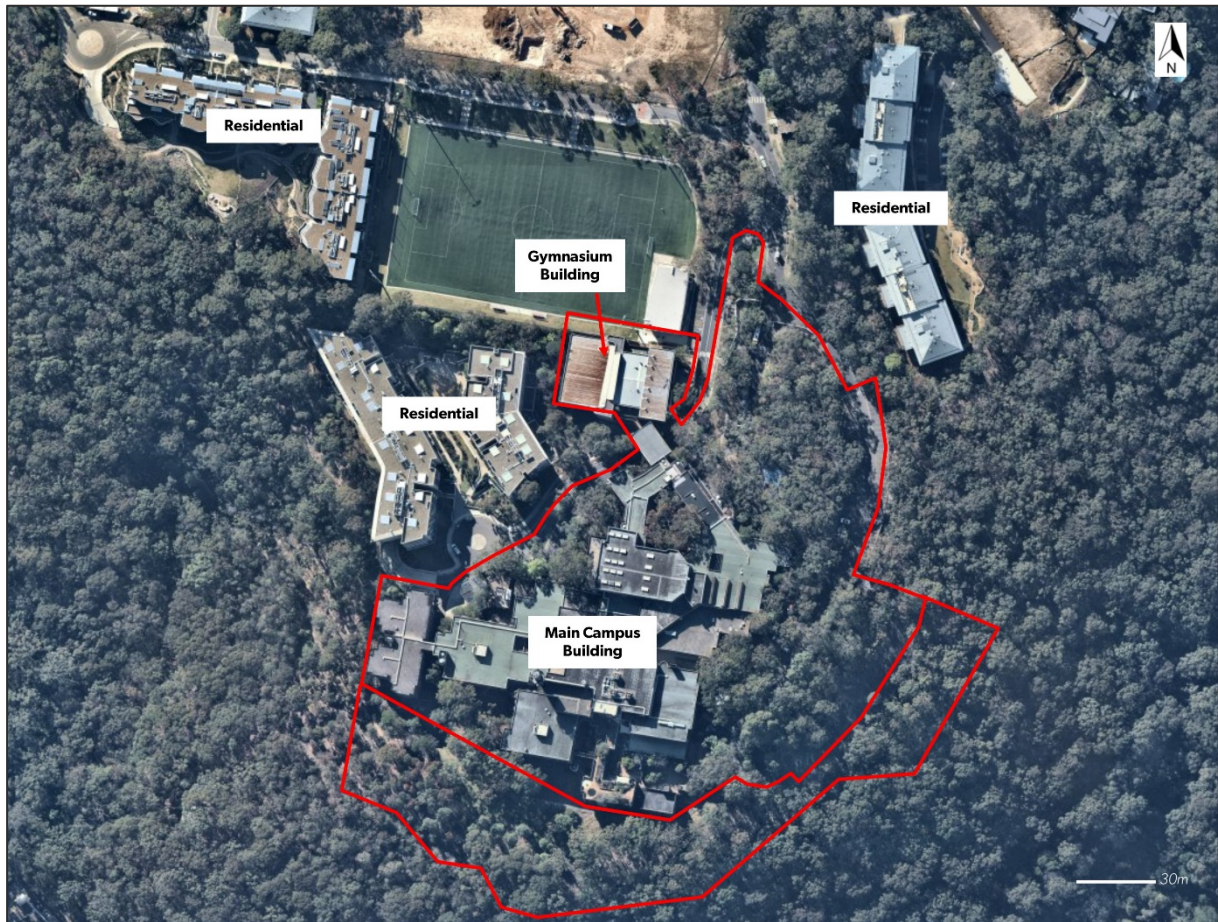


Figure 2 | Aerial view of the site (Base source: NearMap)

The main campus building also comprises roof top plant rooms and an astronomy observation tower. The building mass is intercepted by open courtyards, plazas and is linked by bridges.

The site, including the main campus building, the gymnasium and footbridge connecting the two buildings over Dunstan Grove, form a locally listed heritage item. The main campus building is an example of Brutalist style of architecture, characterised by exposed concrete and brickwork.

Vehicular and pedestrian access to the site is available via Eton Road, with two levels of open car parking along the eastern boundary of the site. A total of 184 marked parking spaces are currently available within the site; comprised of 35 basement car parking spaces along the southern edge of the building and 149 at-grade spaces.

The landscaped areas of the site comprise remnant vegetation, intercepted by modified areas with cleared understorey vegetation and ornamental planting. There are also some large stands of Flooded Gum (*Eucalyptus grandis*) in close proximity to the main campus building. A number of threatened flora species occur close to the site within the Lane Cove National Park. The site is located on bush fire prone land.

1.2 Surrounding development

The subject site is located approximately 13km north-west of the Sydney central business district in the Ku-ring-gai LGA (see **Figure 3**).

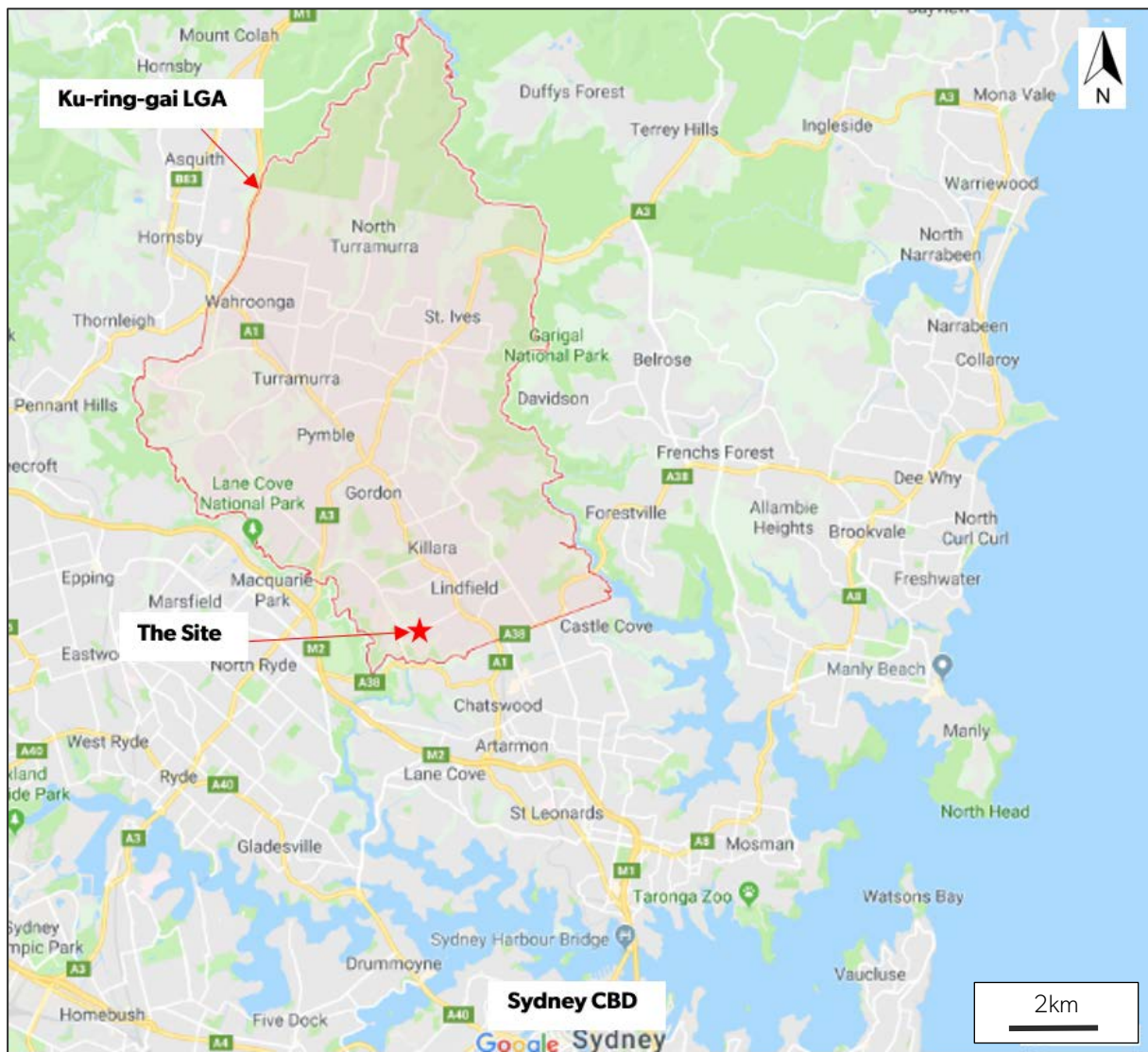


Figure 3 | Regional/Local context map (Source: Google)

The site is located approximately 2km west of Lindfield and Roseville Railway Stations and 4km north-west of Chatswood. Two classified roads provide access to the site; the Pacific Highway (east) and Lady Game Drive (west). Access to Eton Road is provided via Grosvenor Road to the north of the site, that runs between these two classified roadways (see **Figure 4**). The Epping to Chatswood Railway line passes under the western boundary of the site at a minimum depth of 25m below ground.

The site is located at the southern end of Eton Road adjoining the Lane Cove National Park to the east, west and south and Blue Gum Creek is located in close proximity, to the southern boundary of the site.



Figure 4 | Access and surrounds (Source: NearMap)

Medium density residential uses immediately adjoin the site to the north-east and north-west. The buildings on the north-eastern side are four-storeys in height, however, are lower than the site as a result of the topography of the area. The buildings to the north-west are five-storeys high and share vehicular access with the site via Eton Road and Dunstan Grove.

The broader area to the north is characterised by low density residential development primarily comprising one and two storey dwelling houses, and bushland to the east, south and west.



2. Project

2.1 Proposal Phasing

Throughout the development of the proposal and during consultation with key stakeholders, the Applicant acknowledged the potential constraints of the site, particularly in relation to bush fire and the asset protection requirements of the NSW Rural Fire Service (RFS). In recognising the limitations of the site in its current form, the Applicant's RtS provided alternate construction phasing options to enable the Applicant to open a school on Day 1, Term 1 2019.

The Department notes the constraints posed currently by the site, particularly the close proximity of the Lane Cove National Park and the potential bush fire risks. As the Applicant has indicated a willingness to stage the operation of the school to meet their obligations, the Department considers that initial assessment of Phase 1, to operate one home-base for 350 students from kindergarten to Year 12, would be the most suitable option. The Applicant has acknowledged this approach in the Supplementary RtS, and requested the Department consider granting partial approval for Phase 1. As such, the Department has limited its assessment of the proposed development to Phase 1 at this time and subsequent references to the proposed development relate to Phase 1 only.

2.2 Project Details

The key components and features of Phase 1 of the proposal (as refined in the RtS and Supplementary RtS) are provided in **Table 1** and are shown in **Figure 5**.

Table 1 | Main components of the project

Aspect	Description
Project Summary	Refurbishment and redevelopment of the former UTS Ku-ring-gai Campus (UTS campus) at Lindfield to support a full primary and secondary curriculum to cater for 350 students from Kindergarten to Year 12.
Demolition	<ul style="list-style-type: none">Demolition and replacement of most internal brick walls.
Built form	<ul style="list-style-type: none">Phase 1 of the development will occupy the northern section of the existing UTS campus building and the existing gymnasium which is connected by a footbridge.
Site area	<ul style="list-style-type: none">Lot 2 DP 1151638: 3.6 hectaresLot 4 DP 1151638: 1.218 hectares
Gross floor area (GFA)	<ul style="list-style-type: none">Total GFA of 9,847sqm
Uses	<ul style="list-style-type: none">School for 350 studentsAfter-hours access for the community to the existing auditorium and theatres

Access	<ul style="list-style-type: none"> • Vehicular access is obtained from Eton Road. • School buses would operate from the existing bus bay on Eton Road approximately 200m walk from the school building.
Car parking	<ul style="list-style-type: none"> • Utilisation of the existing upper level at grade car park comprising 65 car parking spaces.
Bicycle parking	<ul style="list-style-type: none"> • 42
Public domain and landscaping	<ul style="list-style-type: none"> • To facilitate the establishment of Asset Protection Zones, 872 trees are proposed for removal and 228 are to be retained. No replacement planting is proposed. • A roof top outdoor play area is also proposed on Level 7.
Hours of operation	<ul style="list-style-type: none"> • School hours: 7:30am to 3:30pm • Community uses: 4pm to 10pm Monday to Friday, 7am-10pm Saturday and Sunday.
Jobs	<ul style="list-style-type: none"> • 150 construction jobs • 50 operational jobs
CIV	<ul style="list-style-type: none"> • \$62 million (all development phases)
Remediation	<ul style="list-style-type: none"> • Site remediation proposed

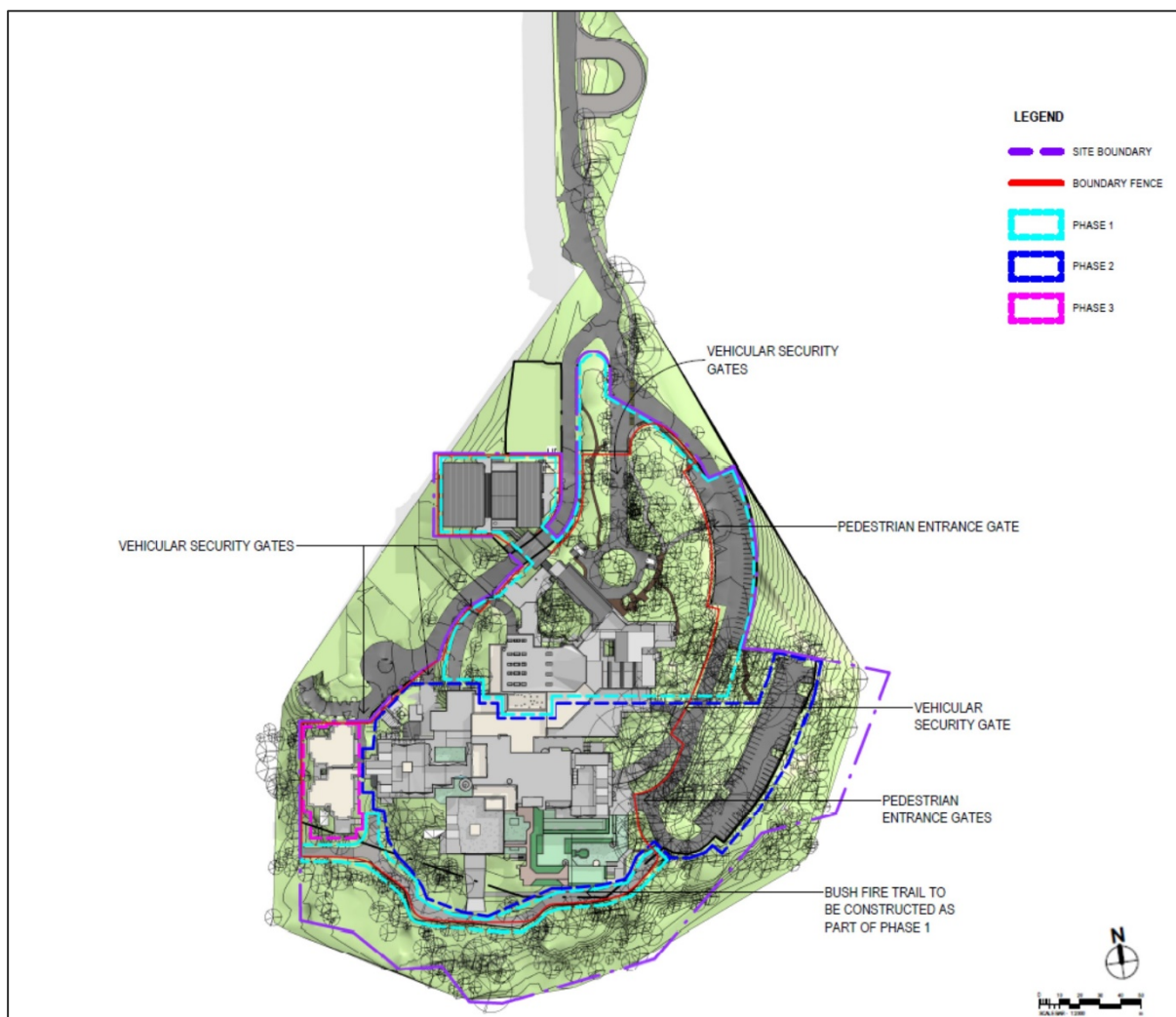


Figure 5 | Site plan and phase boundaries (Source: RtS)

2.1.1 Construction works

Construction works associated with Phase 1 comprise the following:

- replacement of all asbestos affected windows and glass doors with new toughened glass windows and doors.
- new lift and overrun and stair extension to roof level for maintenance access.
- internal fit out works.
- 4m wide fire trail to the south of the building to be constructed in part with concrete and in part with artificial turf.
- upgrades to the footpaths, parking and drop-off/pick-up area.

2.1.2 Physical layout and design

Phase 1 of the school is proposed to be accommodated within the northern section of the former UTS Campus building and sectioned off from the remainder of the building by a proposed two hour rated firewall. Science labs, workshops and a gym are proposed to be located within the existing gymnasium building which is located to the north west of the main building and connected by an existing footbridge (See **Figure 6**).

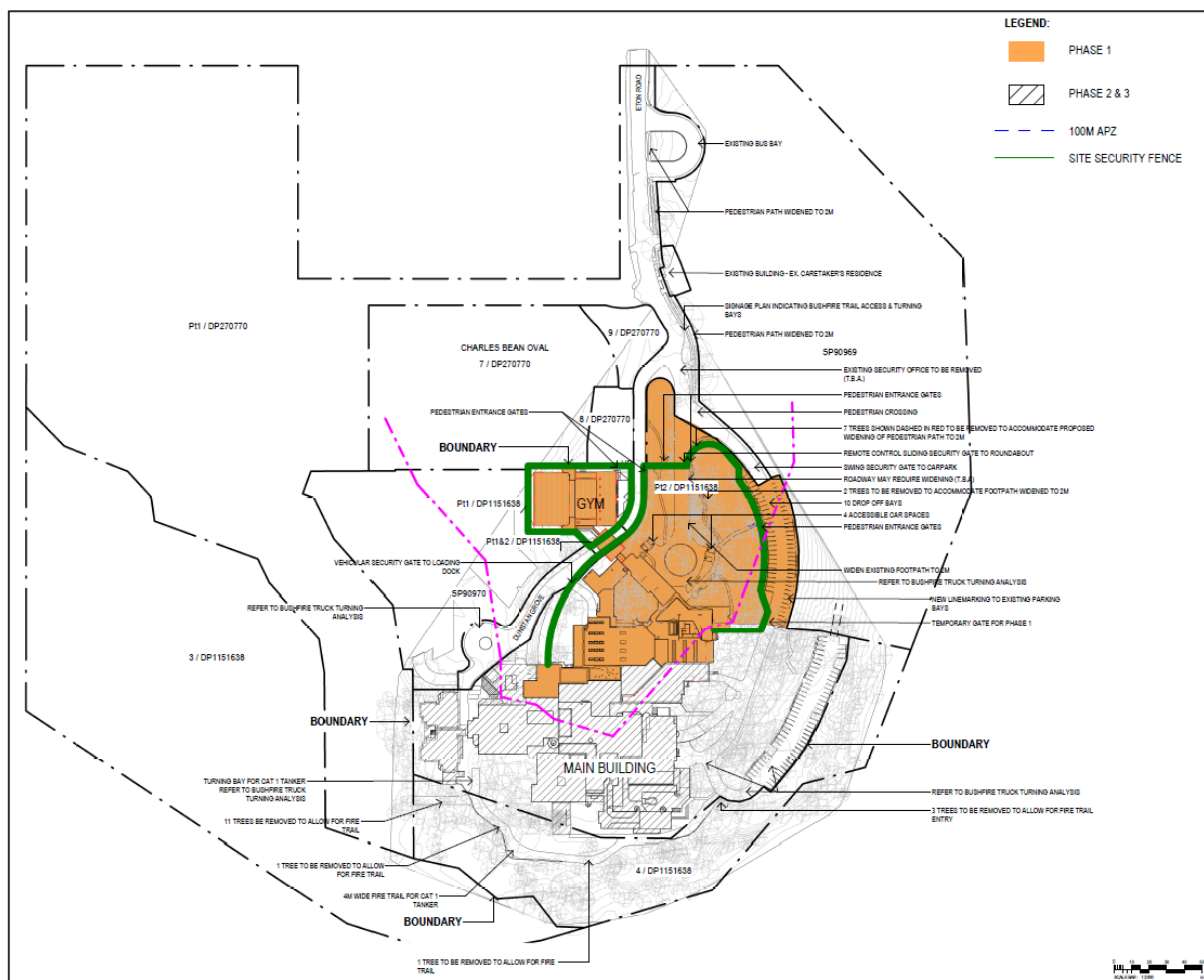


Figure 6 | Site Layout (Source: RtS)

External changes to the building as part of Phase 1 are minimal comprising only a lift and central stair extension for maintenance access to the roof level, and window and door upgrades (See **Figure 7** and **Figure 8**). It is noted that the Applicant has advised that the covered outdoor learning area and associated screening, and fire isolated stair extension to the east side of the building shown in the elevations below are no longer part of Phase 1.

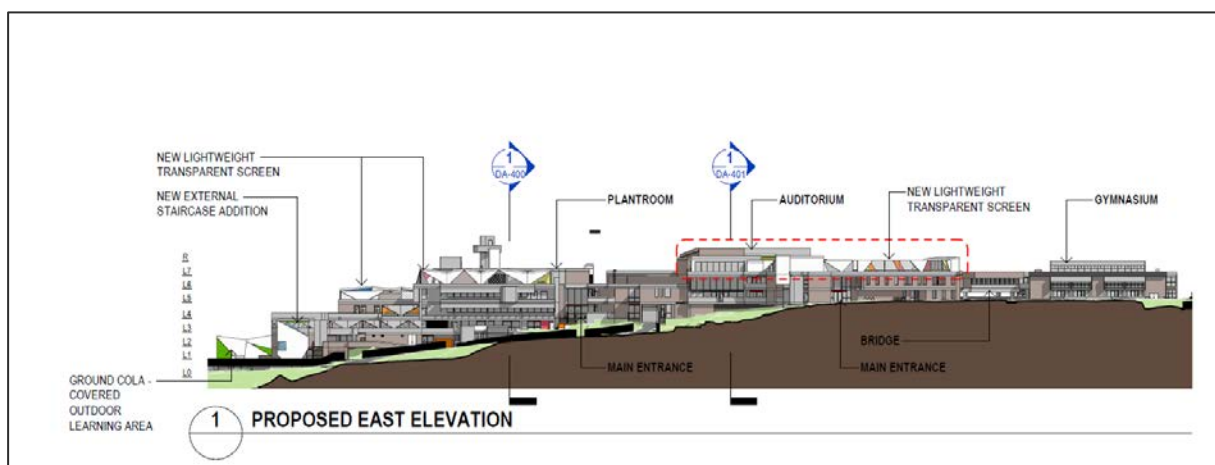


Figure 7 | East elevation – Phase 1 works outlined in red (Source: RtS)

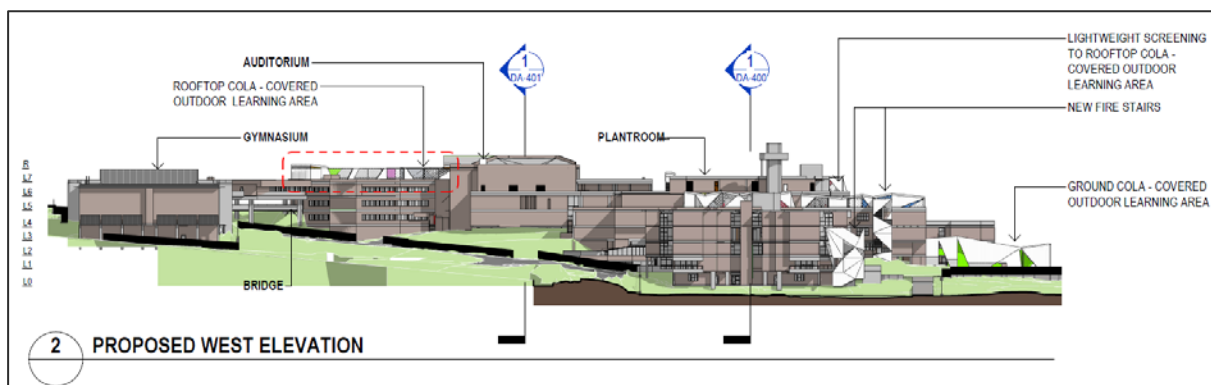


Figure 8 | West elevation – Phase 1 works outlined in red (Source: RtS)

2.1.3 Timing

The Applicant has advised that Phase 1 is anticipated to be completed and operational by Day 1, Term 1, 2019.

2.1.4 Related development

The existing buildings on the site were built circa early-1970s, and initially formed the William Balmain Teachers College, later known as the Ku-ring-gai College of Advanced Education. In 1989 the college amalgamated with UTS, becoming the UTS Ku-ring-gai Campus (UTS campus). The UTS campus accommodated 300 full time staff and had a student capacity of 3,500.

On 11 June 2008, the then Minister for Planning approved a Concept Plan (MP 06_130) for the redevelopment of the UTS campus. The Concept Plan approved the redevelopment of the site to include:

- residential development of up to 345 dwellings.
- adaptive reuse of the main campus building as a mixed-use development.
- demolition of the gymnasium building.
- dedication of the Charles Bean Oval, a community space and internal roads to Council.
- dedication of bushland zoned E1 to the State or Council.
- provision of a 50-60m APZ along the eastern, western and southern boundaries of the site.

The approved Concept Plan (MP 06_130) established the fundamental design and built form parameters applicable to the future development of the overall site.

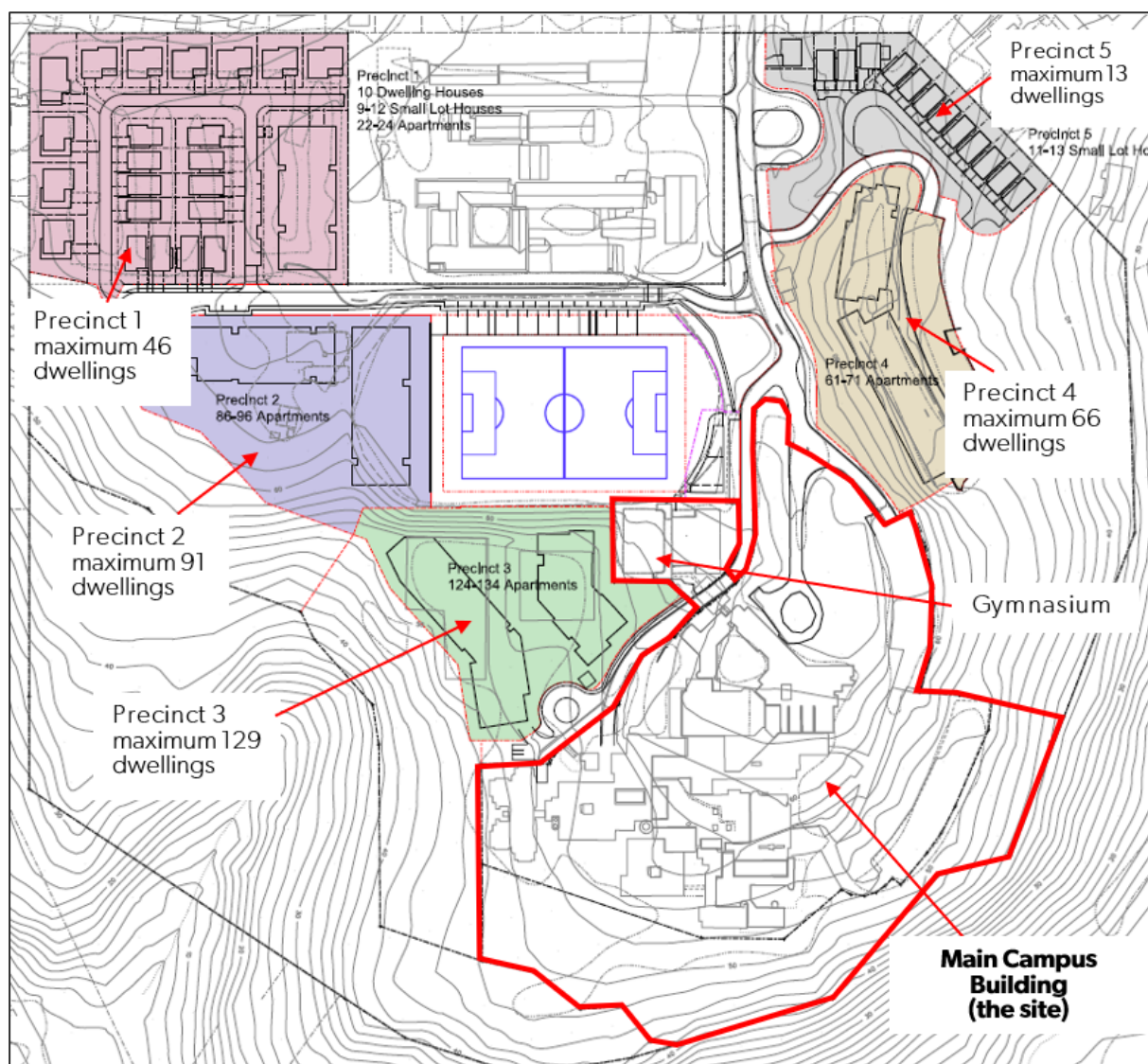


Figure 9 | Concept Plan (as modified) (Source: DEM Architects 2012)

On 11 July 2008, the then Minister for Planning gazetted an amendment to Schedule 3 of the then State Environmental Planning Policy (Major Projects) 2005 to list the UTS campus as a State Significant Site to concurrently rezone the site and facilitate the Concept Plan.

The Concept Plan has been modified on five occasions, as summarised in **Table 2**.

Table 2 | Summary of modifications to the Concept Plan

MOD no.	Summary of Modifications	Approval Date
MOD 1	Correct minor typographical errors and clarify the contribution requirements	7 November 2008
MOD 2	Retain the existing gymnasium and footbridge which had been approved for demolition.	21 May 2010

Reconfigure Precinct 2 in response to dwelling yield reductions and setback requirements by consolidating blocks B, C and D into one building (91 dwellings).

Reconfigure Precinct 3 to delete block F (where the existing gymnasium is located), and enlarge proposed block E (129 dwellings) to incorporate dwellings originally proposed within block F.

Change the Concept Plan to satisfy modifications imposed by the Minister.

	Amended to make community facilities permissible in the Zone RE1 Public	
MOD 3	Recreation to allow for a two storey community facility. Removed height control in the recreation land and made subdivision and demolition permissible with development consent.	19 December 2011
MOD 4	Amended Instrument of Approval regarding maximum dwellings within each precinct and amend Schedule 3 of the Major Development SEPP to allow interim land use for 'Exhibition Sales Office' in Zone RE1 Public Recreation	22 May 2012
MOD 5	Amended conditions and Statement of Commitments to correct errors and allow for the submission of development specific technical reports with future applications for the reuse of the former UTS campus building.	23 October 2018

It is noted that all precincts have now been developed in accordance with the Concept Plan approval.

An assessment of consistency with the Concept Plan is provided in **Appendix C**.



3. Strategic Context

Public school enrolments across NSW are anticipated to be 40,000 students higher in 2019-2020 than they were in 2015-16. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is delivering new schools and upgrading existing schools to meet this demand through the Government's \$1 billion Rebuilding NSW Schools fund.

The proposal is located in an area where the population growth has placed significant demand on existing public schools. The school will take enrolment pressure off surrounding primary schools exceeding student capacity and accommodate future population growth within the Ku-ring-gai LGA.

The Applicant also notes that the approved Concept Plan for the site included adaptive reuse of the main campus building for mixed use purposes, including education. The current proposal provides for the adaptive and sustainable use of the existing educational facilities with high quality classrooms, collaborative learning spaces, open play spaces, sports courts and associated facilities. The proposed works are generally limited to the internal spaces of the buildings to minimise adverse impact on the identified ecological and heritage qualities of the site.

The Applicant states that the reuse and refurbishment of the existing buildings would also provide significant Ecologically Sustainable Development (ESD) benefits with regards to embodied energy and would result in a shorter construction timeframe consequently minimising construction amenity and traffic impacts. The Department considers that the proposal is appropriate for the site given:

- it is consistent with Premiers Priorities to improve education results through the provision of new and improved teaching and education facilities.
- it is consistent with The Greater Sydney Regional Plan, A Metropolis of three cities, as it proposes new contemporary and equitable school facilities to meet the growing needs of Sydney.
- it is consistent with the NSW Future Transport Strategy 2056 as it would provide a new educational facility in an accessible location and provide access to additional new employment opportunities close to public transport.
- it is consistent with the vision outlined in the Greater Sydney Commission's revised North District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community.
- it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum as it provides facilities to support the growth in demand for primary and secondary student enrolments as well as opportunities for facilities sharing with communities.
- it would provide direct investment in the region of approximately \$62 million (all development phases), which would support approximately 150 construction jobs and up to 50 new operational jobs.



4. Statutory Context

4.1 State significant development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$62 million) and is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.

In accordance with the Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Priority Projects may determine this application as:

- the relevant Council has not made an objection.
- there are less than 25 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is zoned R1 (General Residential), B4 (Mixed Use) and E3 (Environmental Management) zones under the Ku-ring-gai Local Environmental Plan (KLEP) 2015. The land use zones for the site and surrounds are shown in

Figure 10.

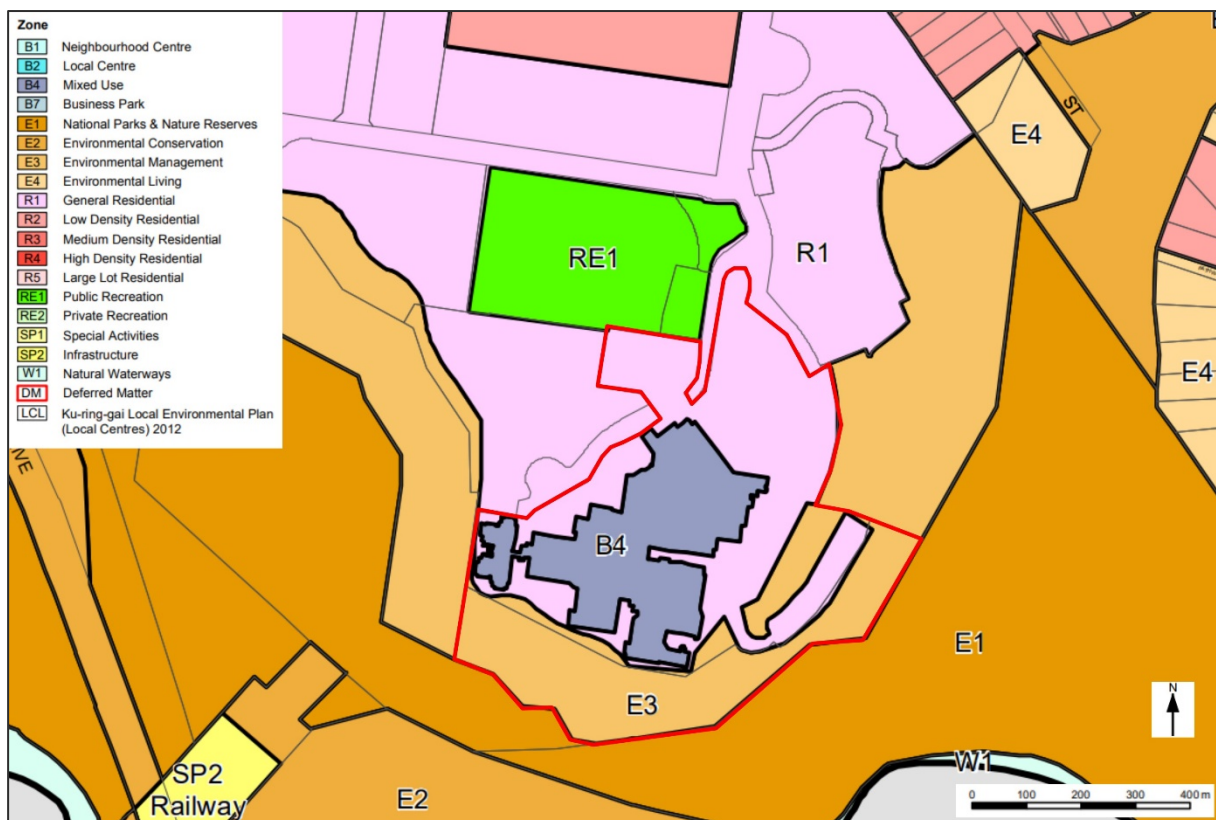


Figure 10 | West elevation – Phase 1 works outlined in red (Source: KLEP)

An educational establishment is permissible with consent within the B4 (Mixed Use) zone. The proposed use is permissible within the R1 zone of the site pursuant to Clause 28(1) of State Environmental Planning Policy

(Infrastructure) 2007 (ISEPP). Educational establishments are prohibited within the E3 Environmental Management zone, however only ancillary works such as the fire trail and APZ are proposed in this location. Even so, as per Section 4.38(3) of the EP&A Act, as the development is only partly prohibited on the site, consent may still be granted. Further consideration of the ISEPP and KLEP are provided in **Appendix B**.

Notwithstanding the permissibility above, the Concept Plan approval also provides for the adaptive reuse of the former campus for education or mixed use purposes. The development is consistent with the terms of the approval as discussed in detail in Appendix C.

Based on the above, the Minister for Planning or a delegate may determine the carrying out of the development.

4.3 Other approvals

Under Section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

Under Section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix D**).

4.4 Mandatory matters for consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the Objects of the EP&A Act is provided at **Table 3**.

Table 3 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) 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	The proposal involves the adaptive reuse of an existing, presently unused, locally listed heritage building for a new school and would provide for the current and future needs of the community. The proposal would also provide for employment

	<p>opportunities close to public transport and would result in economic and social benefits for the locality.</p> <p>The proposed works are restricted to internal areas of the buildings and would not impact on the State's natural or other resources. The proposal will promote a better environment for the users.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes measures to deliver ecologically sustainable development and the adaptive reuse of an existing facility would considerably reduce the use of resources required (Section 4.4.3).</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposed development would facilitate the adaptive reuse of a currently un-used site as an educational establishment and associated ancillary uses including shared community use of the facilities.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The proposed development would result in the removal of native vegetation across 1.74 hectares of the site for the establishment of an APZ. Lots 1 and 2 DP 1151638 do not include any threatened species, populations or ecological communities. The Applicant has provided supporting documentation to demonstrate that the proposed development would not impact upon threatened species, the merits of which are considered in Section 6.2. It is noted the clearing will impact on native vegetation communities, however these are proposed to be offset in accordance with the TSC Act.</p> <p>It is acknowledged that the loss of vegetation is significant however a balance between the benefits gained by the adaptive reuse of the existing education facility are favoured.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal will impact on historic heritage which is discussed in detail in Section 6.3 and found to be acceptable.</p> <p>Aboriginal cultural heritage would not be detrimentally affected by the proposed development and is discussed further in Section 6.5 of this report.</p>

(g) to promote good design and amenity of the built environment,	The proposal includes minor external works and would promote good internal design of the spaces, consistent with the design principles associated with an educational establishment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper maintenance of the existing buildings and would ensure compliance with the National Construction Code to ensure they are suitable for the intended use of the site as a school.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5), which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Applicant has identified the following ESD initiatives, that would be incorporated into the detailed design of the proposal. These initiatives include:

- adaptive re-use of the shells of the existing buildings to reduce the use of additional construction materials and avoid demolition waste
- majority of the teaching spaces to be naturally ventilated and receive natural daylight, reducing energy consumption
- energy efficient lighting and use of solar photovoltaic arrays to be installed
- rainwater harvesting to be utilised for landscape irrigation
- water sensitive urban design measures to be incorporated into the stormwater system
- recyclable water storage facilities to be installed.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is

consistent with ESD principles as described in Appendix K of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has recommended a condition that the details of the final ESD initiatives to be implemented consistent with a four star equivalent (Australian Best Practice) Green Star Design rating be submitted to the satisfaction of the Certifying Authority prior to commencement of works.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 4 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 4 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at Appendix B .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the	Appropriately mitigated or conditioned - refer to Section 6 of this report.

natural and built environments, and social and economic impacts in the locality

(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 of this report.
(e) the public interest	Refer to Section 5 and 6 of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	<p>The SEARs request was lodged, and environmental assessment substantially completed prior to 25 August 2017 (Commencement of <i>Biodiversity Conservation Act 2017</i>). Pursuant to the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the provisions of this Act will not apply.</p> <p>The application includes a Biodiversity Assessment Report (BAR) and impact of the proposal on Biodiversity values are discussed in Section 6.2 of this report.</p>

4.4.7 Threatened Species Conservation Act 1995 (now repealed)

The SEARs for this proposal were issued and the environmental assessment substantially completed prior to the repeal of the *Threatened Species Conservation Act 1995* (TSC Act). As provided by the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the provisions of the TSC Act continue to apply.

A Biodiversity Assessment Report (BAR) has been submitted with the application which addresses the impacts of the proposal on biodiversity values and is considered in **Section 6** of this report.



5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Thursday 22 June 2017 until Monday 7 August 2017 (45 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Ku-ring-gai Council's office. It is noted that at exhibition stage, the application comprised all phases of the development.

The Department placed a public exhibition notice in the Sydney Morning Herald and North Shore Times on Wednesday 21 June 2017 and notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development. The Department also held meetings with the State Government Agencies and the Applicant following receipt of submissions to discuss issues raised regarding the proposal.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

5.2 Summary of submissions

The Department received a total of 26 submissions, comprising 16 submissions from the general public, five of which objected to the development; comments from one organisation; and nine submissions from public authorities including Council. A summary of the issues raised in the submissions is provided at **Table 5** and discussed at **Section 5.3** and **Section 5.4**.

Table 5 | Summary of submissions

Submitters	Number	Position
Public Authority	8	
• Roads and Maritime Services		
• Transport for New South Wales		
• NSW Environment Protection Authority		
• NSW Rural Fire Service		
• Office of Environment and Heritage – Heritage Division		Comment
• Office of Environment and Heritage		
• Sydney Water		
• Optus		

Ku-ring-gai Council	1	Comment
Special Interest Group / Organisations	1	
• Action for Public Transport NSW		Object
Community	16	
	5	Object
	5	Support
	6	Comment
TOTAL	26	

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 6** below and copies of the submissions may be viewed at **Appendix A**. It is noted that these comments were in relation to all phases of the proposed development.

Table 6 | Summary of public authority submissions to the EIS exhibition

Ku-ring-gai Council (Council)

Council does not object to the proposal, however, it provided comments in relation to:

Bush fire

- compliance with *Planning for Bush Fire Protection 2006* (PBP 2006) including:
 - not considered to be an infill development.
 - occupant vulnerability has not been adequately addressed.
 - the development relies on APZs outside the site's boundaries.
 - APZs are proposed on slopes greater than 18 degrees and are not supported.
 - the Bushfire Assessment Report relies on a bush fire evacuation plan however the traffic report does not address impacts on local roads during bush fire evacuation.
 - the proposed mitigation measures are not considered adequate.

Biodiversity

- The Biodiversity Assessment Report (BAR) does not address the indirect impact of the APZ on the significant vegetation on the site.

Traffic and Transport

- The school catchment area has not been clearly defined.

- the extension to the right turn bay on Pacific Highway is contradictory to Council's proposal to install signals at the intersection of Strickland Avenue and Pacific Highway.
- the effect of additional traffic has not been satisfactorily addressed and additional traffic restrictions proposed should be proposed, with concurrence from Council.
- the proposed restrictions to the drop-off zones do not align with the staggered start and finish times.
- a Pedestrian Access Management Plan (PAMP) should be prepared to address safe access to school.
- additional parking must be provided within the site and parking restrictions should be imposed to encourage modal split.
- details of cycling routes should be provided, and the existing bus shelter extended.
- opportunities to increase the frequency of public transport should be investigated.
- a satisfactory Green Travel Plan should be submitted.

Heritage and Built form

- the proposed additional roof-top storey and the expression of the roof-top structures do not respect the heritage significance of the building.
- a Conservation Management Plan (CMP) has not been provided and interpretation of existing elements has not been captured in the design rules established for adaptive re-use.
- the colour palette and the origami geometry of the roof top element/s dominate the building and are unsympathetic to the existing fabric.
- the addition of a storey near the main entry should be screened from the approach by planting.
- the strategy to use fabric awnings is considered inappropriate due to combustibility and durability.
- the demolition of a number internal walls would compromise the original heritage value of the building.
- the design does not consider the impact of the change of materiality to bush fire related requirements.
- a methodology for cleaning the concrete should be provided.

Insufficient Information

- the suitability of the landscape plan and its integration with the heritage significance of the site has not been considered.
- the submitted Arborist Report does not include an assessment of the affected trees.
- the preliminary construction management plan does not identify the trees that may be impacted upon due to materials storage or construction vehicle access.

NSW Rural Fire Service (NSW RFS)

NSW RFS advised that the application cannot be assessed due to the lack of information and requested the following:

-
- information demonstrating compliance of the development with the APZ specifications for “special fire protection purposes” (SFPP) buildings as defined by PBP 2006.
 - identification of the proposal as ‘infill SFPP development’ is not supported and additional assessment is required of the proposal.
 - detailed information regarding provisions of safe ingress and egress arrangements for firefighters and occupants during bush fire emergencies.

Environment Protection Authority (EPA)

The EPA raised the following matters regarding the information provided within the EIS:

- lack of detailed assessment of potential soil contamination, including information about groundwater.
- unsatisfactory assessment of construction phase noise and vibration, and dust impacts on sensitive receivers.
- erosion and sediment control measures to manage and prevent pollution of Blue Gum and Sugarbag Creeks must be provided.
- operational noise impacts on noise sensitive receivers (surrounding residences) from operational activities such as public address/school bell systems, community use of school facilities, waste collection services and mechanical services (especially air conditioning plant) must be considered.
- consideration should be given to noise mitigation and management measures (including time restrictions on the use of the facilities proposed to be available for community use) to minimise operational noise impacts on surrounding residences.
- opportunities to implement water sensitive urban design principles, including stormwater re-use should be considered.
- practical opportunities to minimise consumption of energy generated from non-renewable sources and to implement effective energy efficiency measures should be addressed.

Roads and Maritime Services (RMS)

RMS raised the following concerns:

- clarification regarding emergency vehicle access along Eton Road is required.
- non-standard school hours for “school safety zones” are not supported.
- the existing bus bay/turnaround facility has inadequate holding capacity for the proposal as the proposed bus volumes will queue out onto Eton Road.
- the proposed bus bay is inappropriate due to poor geometry, insufficient size for buses and students, and impacts on public bus services.
- further information regarding modal share is required.
- the proposed time of drop-off is unacceptable and will cause substantial traffic delays.
- the proposal does not clearly identify the total number of staff using the development.

-
- the footpaths accessing the site are narrow and unsafe and therefore upgrades are required.
 - it is not acceptable to remove the bus stop on Pacific Highway to facilitate a right turn extension and alternate intersection upgrade options should be investigated.

Transport for NSW (TfNSW)

TfNSW raised the following concerns regarding the development:

- the proposed intersection upgrade involving extension to the right-hand lane into Grosvenor Road from the Pacific Highway is not supported.
- the Eton Road bus stop design should be altered.
- the Traffic Assessment Report should include details of the modal split and the end-of-trip facilities.

Office of Environment and Heritage (OEH)

OEH raised the following concerns regarding the proposal:

- the proposal would result in loss of vegetation and therefore require bio-banking arrangements in accordance with the offset policy to be in place before vegetation clearing occurs.
- the BAR needs to be amended to assess the affected vegetation as in relation to the impacts associated with each phase of the proposal.
- a lighting study is required to demonstrate that light spill would not impact on the adjoining National Park.
- impact of the stormwater management and treatment system, outdoor play areas and contamination management on national park land needs to be addressed.
- methods of delineating the National Park during construction and operation phases must be included.
- no APZs are allowed on the adjoining National Park.
- only a due diligence Aboriginal heritage assessment was undertaken. The assessment must include a full Aboriginal cultural heritage assessment.

Heritage Council of NSW

Heritage Council of NSW provided the following comments:

- the adaptive reuse of the heritage listed item is supported.
- the proposed design of the alterations and additions with origami theme would unify with the appearance of the building.
- any new works should be reversible in nature.
- a schedule of conservation works should be prepared, and a heritage consultant be nominated.
- grading off significance, maintenance and cleaning of concrete, Interpretation Strategy, photographic archival and the project's landscape philosophy should be conducted.

Sydney Water

Sydney Water raised no objections to the proposal however recommended a number of conditions.

Optus

Optus have received notification that DoE are ending the existing on-site lease allowing the location of an Optus mobile telecommunication facility on the site. Optus have requested the Department require mobile telecommunications be a requirement as coverage would be expected for this type of development.

5.4 Public submissions

A summary of the issues raised in the public submissions is provided at **Table 7** below and copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of the public submissions to the proposal

Issue	Proportion of submissions
Traffic, transport, parking - Congestion	94%
Traffic, transport, parking - Insufficient parking	40%
Traffic, transport, parking - Intersection upgrades	33.3%
Traffic, transport, parking - More frequent public buses	26%
Bush fire	13.3%
Improved community facilities - Cafeteria and gym	13.3%
Noise –Surrounding sensitive receivers	13.3%
Heritage	6.6%
Traffic, transport, parking - Safe cycling for students	6.6%
Restriction of student numbers	6.6%
Limited community consultation	6.6%

5.5 Response to Submissions and supplementary information

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in those submissions.

On 18 June 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) and supplementary legal advice on the issues raised during the exhibition of the proposed development. The Applicant's RtS also provided clarification with regards to the Applicant's requirement to deliver a school for the commencement of Term 1, 2019. As such, the RtS includes the removal of the childcare centre as well as alternate phasing of the

proposal. Technical reports submitted with the RtS are generally focused on Phase 1 and do not address the issues raised in relation to Phases 2 and 3 of the development. As discussed in **Section 2.1**, on the basis of the RtS, the Department's assessment is at this stage restricted to the consideration of Phase 1 only.

The RtS was referred to Council and agencies and placed on the Department's website. Public Authorities were requested to provide comments on Phase 1, separate to any broader comments on the wider development. Further comments were received from the Council, NSW RFS, EPA, RMS, TfNSW, OEH and Heritage Council of NSW. No additional submissions were received from the general public. A summary of the issues raised is provided at **Table 8**.

Table 8 | Summary of public authority submissions to the RtS

Council

Council does not object to the proposal, however, it provided comments in relation to:

Bush fire

- compliance with PBP 2006 including:
 - reiterated previous concerns in relation to APZs outside the site boundaries and on slopes greater than 18 degrees.
 - the revised Bushfire Assessment Report references an outdated traffic study that did not consider the proposed school.
 - compliance with the Acceptable Solutions for Internal Roads cannot be achieved due to the location of the site.
 - the bushfire attack level (BAL) should be upgraded.
 - the compartmentalization of the Phase 1 school through the construction of fire-rated walls through the existing building must comply with the National Construction Code.

Biodiversity/Landscape

- previous flora and fauna investigations identified threatened species on the site. The submitted BAR does not recognise the loss of habitat for these species or apply species credits for these impacts.
- the submitted arborist report is inconsistent with the proposed complete tree removal and is inadequate for assessment purposes.
- the proposed tree removal is inconsistent with the Concept Approval and Statement of Commitments that apply to the site.
- the landscape plans are inadequate.

Traffic and Transport

- existing bicycle racks must comply with Australian Standards and details of cycling routes should be provided.
- the proposal to extend 'no parking' restrictions on both side of Eton Road between Austral Avenue and the curve west of Austral Avenue is excessive in extent and hours of operation. It is recommended that restrictions be limited to the southern side of the road on a part-time basis only.

-
- footpath upgrades should be a minimum 2.5m wide.
 - the proposed upgrade of the existing pedestrian crossing should be reduced in distance, moderate vehicle speeds, cater for bicycle movements, and promote pedestrian priority.
 - footpath upgrades and an improved pedestrian crossing are recommended.
 - a transport strategy/travel plan should be implemented prior to commencement of operation.
 - a Pedestrian Access Management Plan (PAMP) should be prepared to address safe access to the school.
 - alternative public bus routes require travelling on private roads which may be problematic.
 - a Green Travel Plan should be submitted.

Heritage and Built form

- the key issue of the appropriateness of the extensive intervention to the former UTS Ku-ring-gai campus has not been addressed. No CMP has been provided with the application.
- the retention of the bushland setting is fundamental to the historical significance of the item.
- the heritage impact assessment identifies trees are to be retained which conflicts with other documentation which indicates complete tree removal.

Construction Management Plan

- the Preliminary Construction Management Plan is inadequate.

Flooding

- the Flood Risk Assessment report does not provide sufficient detail of how the proposal will be affected by flooding.

Stormwater

- a development of this scale and nature should make a bigger commitment to contribute to environmental sustainability and apply Water Sensitive Urban Design (WSUD) principles to increase the reuse of rainwater onsite.

NSW RFS

In relation to Phase 1, the NSW RFS has provided conditions of consent to address the following:

- asset protection zones.
- water and utilities.
- access, including construction of a fire trail and road upgrades.
- building upgrades to meet the requirements of Bush Fire Attack Level (BAL) – Flame Zone.
- landscape management plan.
- bush fire emergency and evacuation plan.
- annual certification of bush fire protection measures.

EPA

The EPA raised the following matters regarding the information provided within the RtS:

- insufficient assessment of potential site contamination.
- unsatisfactory background noise monitoring.
- operational noise impacts on noise sensitive receivers (surrounding residences) from operational activities such as public address/school bell systems, community use of school facilities, waste collection services and mechanical services (especially air conditioning plant) are likely to be significant.
- conditions have been recommended to implement noise mitigation and management measures (including respite periods during construction, and time restrictions on the use of the facilities proposed to be available for community use) to minimise operational noise impacts on surrounding residences.

RMS

RMS provided the following comments in relation to Phase 1 of the development:

- buses will be scheduled to arrive ahead of the pick-up time and will wait in order and depart at the same time. These arrangements should be provided to Council's satisfaction.
- footpaths on Eton Road are very narrow and upgrades are to be provided to the satisfaction of Council.

TFNSW

TfNSW provided the following comments in relation to Phase 1 of the development:

- a school bus service plan is to be developed in consultation with TfNSW prior to operation.
- the school bus service plan would be subject to physical constraints, interaction with existing services, funding, availability of buses and expected demand for any services by incoming school students.
- changes to parking controls on Eton Road to improve bus manoeuvrability require review and approval from Council via the Local Traffic Committee.
- suggested conditions of consent have been provided.

OEH

OEH provided the following comments in relation to Phase 1:

- APZs are to be located wholly within the site. APZs within Lane Cove National Park are not supported.
- partial consent should not be granted for Phase 1 until it can be confirmed Phases 2 and 3 will not depend on Lane Cove National Park being used as an APZ.
- stormwater runoff is to be adequately treated prior to discharge to Lane Cove National Park.
- the following concerns were raised in relation to the submitted BAR:
 - two flora species identified as likely to occur have not been included as credit species requiring further assessment. Surveys are required to be undertaken for these species.

-
- clarity is required around the chosen plots/transects used.
 - the Biodiversity Offset Strategy is not adequate.
 - the site value scores applied require review.
 - the following comments were provided in relation to the submitted Flood Risk Assessment Report:
 - incorrect catchments and associated flood studies identified.
 - methodology and type of model selected for hydrology and hydraulics
 - flood assessment should provide a comprehensive understanding of the nature of overland flow
 - need to assess overland flow up to PMF. This provides essential information to inform emergency management.
 - the submitted Aboriginal Cultural Heritage Impact Assessment (ACHIA) is not an Aboriginal Cultural Heritage Assessment Report (ACHAR) as required by the SEARs and has not been prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH 2011)* and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Heritage Council of NSW

Heritage Council of NSW provided the following comments:

- adaptive reuse of the heritage listed item is supported.
- the landscape surrounding the buildings is integral to the heritage significance of the campus.
- the proposed tree removal is likely to have an irrevocable impact on the significance and setting of the item.
- significant concerns are raised in relation to the extensive removal of trees from a significant landscape required to facilitate Phase 1, without any guarantee that the remainder of the site will be approved for use in the future.
- conditions are recommended requiring the nomination of a heritage architect to consult during construction and maintenance works; methodologies to be prepared to avoid irreversible impacts on the significant fabric; and unexpected finds protocol to be established for archaeological finds.

5.6 Supplementary Response to Submissions and additional information

Following consultation of the RtS, and further assessment of the application, the Department requested the Applicant provide an additional, supplementary response to the issues raised.

On 31 August 2018, the Applicant provided a Supplementary Response to Submissions (Supplementary RtS). The Supplementary RtS provided additional responses to the issues raised by agencies and Council, with supporting technical reports.

The Supplementary RtS was referred to agencies and placed on the Department's website. Agencies and Council were requested to provide comments specific to Phase 1. Further comments were received from Council, EPA, RMS, TFNSW and OEH. No additional submissions were received from the general public. A summary of the issues raised is provided at Table 8.

Table 9 | Summary of public authority submissions to the Supplementary RtS

Council

Council provided the following comments in relation to the Supplementary RtS:

Biodiversity/Landscape

- the removal of 872 trees is inconsistent with the arborist report submitted with the RtS.
- the tree survey undertaken in the Landscape Management Plan only addresses tree removal in terms of bush fire considerations and girth of tree. The tree survey has not considered tree health and condition, heritage or cultural matters, or visual prominence in accordance with AS4970-2009 Protection of trees on development sites.
- a visual impact assessment/view analysis should be provided to consider the significant loss of trees and the impacts on the heritage significance of the building and the bushland entry of the proposed bus loop.
- the proposed turfed areas to the northeast entry, conflict with the recommendations of the Heritage Impact Statement which recommended native grasses.
- further details of levels, rock outcrops etc. should be provided to guide an appropriate landscape response to the site.
- the Concept Approval recognised the significance of rock outcrops and drainage lines in relation to fire trails. These elements have not been considered in the application.
- the submitted landscape plans are inadequate.

Traffic and Transport

- reiterated previous comments relating to bicycle racks, footpath upgrades and pedestrian crossings.

Construction Management Plan

- reiterated its previous comments that the Preliminary Construction Management Plan is inadequate.

EPA

The EPA raised the following matters regarding the information provided within the Supplementary RtS:

- insufficient assessment of potential site contamination and further testing is required across the site.
- the submitted Remediation Action Plan is inadequate.
- an Asbestos Management Plan and Validation Assessment are to be provided.
- the EPA reiterates its previous comments in relation to potential noise impacts.
- the assessment in relation to school PA systems and bells, and operation noise lacks sufficient detail.

RMS

RMS reiterated their previous comments provided in response to the RtS.

TFNSW

TfNSW provided the following comments in response to the Supplementary RtS:

- a school bus service plan is to be developed in consultation with TfNSW prior to operation.
- a Construction Pedestrian Traffic Management Plan is to be provided.
- bicycle parking is to be provided in accordance with Cycling Aspects to Austroads Guides and to Australian Standards.
- parking restrictions must be installed to enable two buses to pass each other on all roads in the vicinity of the school.
- the provision of 3.5m bi-directional travel lanes (preferred to be without a centre median) are required for the safe through passage of buses.

OEH

OEH provided the following comments:

- concerns are raised with the significant removal of trees for Phase 1 if the remainder of the development is not approved.
- reiterated previous comments that partial consent should not be granted for Phase 1 until it can be confirmed Phases 2 and 3 will not depend on Lane Cove National Park and creation of an APZ.
- reiterated previous comments in relation to stormwater runoff into Lane Cove National Park.
- biodiversity has been adequately addressed.
- the submitted flood study contains a number of errors that require correction.
- the location of the AHIMS site in the submitted ACHAR is unclear and the Aboriginal Heritage Area identified in the Landscape Management Plan is not mentioned in the ACHAR.



6. Assessment

The Department has considered the EIS, the issues raised in submissions, the Applicant's RtS, supplementary RtS and additional information in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- bush fire
- vegetation removal
- heritage
- traffic, access and parking.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.5**.

6.1 Bush fire

The site is identified as bush fire prone land (See **Figure 11**) and the proposed school use is identified as a Special Fire Protection Purpose (SFPP) in accordance with PBP 2006.

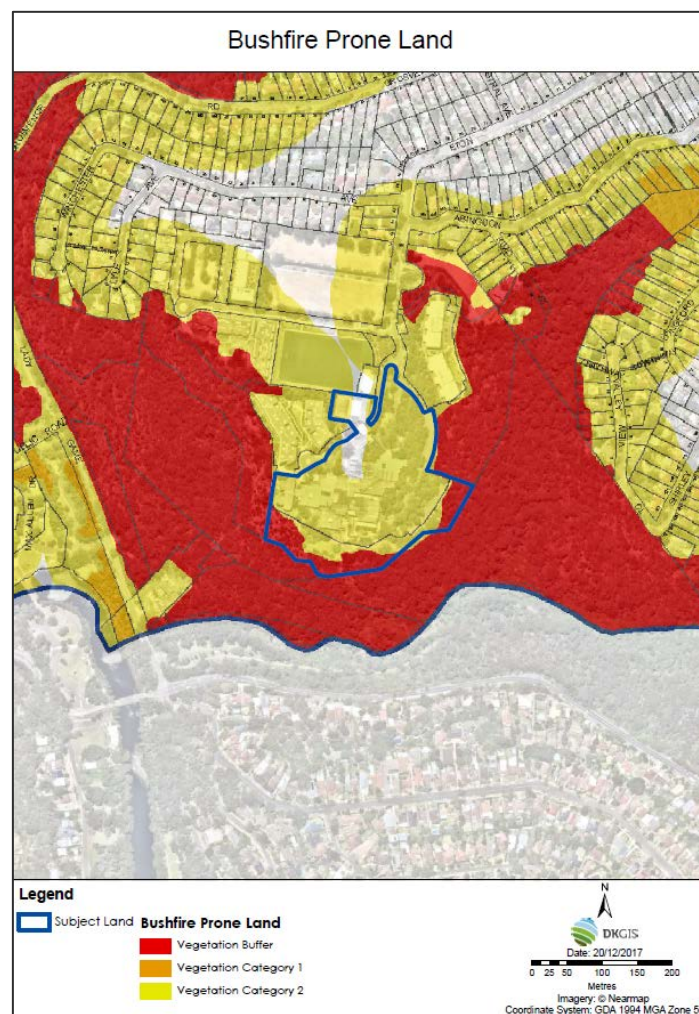


Figure 11 | Bush fire Prone Land Map (Source: Supplementary RtS)

It is noted that the application as submitted with the EIS for all phases of the development required the implementation of bush fire protection measures including the establishment of an extensive APZ outside of the site boundaries and including Lane Cove National Park. This proposal received objections from both OEH and the NSW RFS and the Applicant was advised that any APZ that included land within Lane Cove National Park would not be supported. The phasing of the development was therefore introduced with the RtS to allow for the consideration of Phase 1 while the bush fire measures required for Phases 2 and 3 are being resolved by the Applicant.

The site is heavily vegetated, and also bound to the east, west and south by Dry Sclerophyll Forests including the vegetation in Lane Cove National Park. Additionally, the location of the building is elevated with the land sloping downward to the east, west and south influencing fire behaviour. The Bushfire Assessment prepared by Blackash Bushfire Consulting, dated 23 August 2018 and submitted with the Supplementary RtS, provides that the configuration of the development and surrounding environment results in the potential risk of a high intensity bush fire impact, or prolonged bush fire attack in the form of an ember attack, smoke and radiant heat.

On the basis of the surrounding environment and site topography, the Bushfire Assessment identifies that an APZ of 100m from unmanaged bushland is required to be established to meet the requirements of PBP 2006. The APZ as proposed is shown in **Figure 12**.

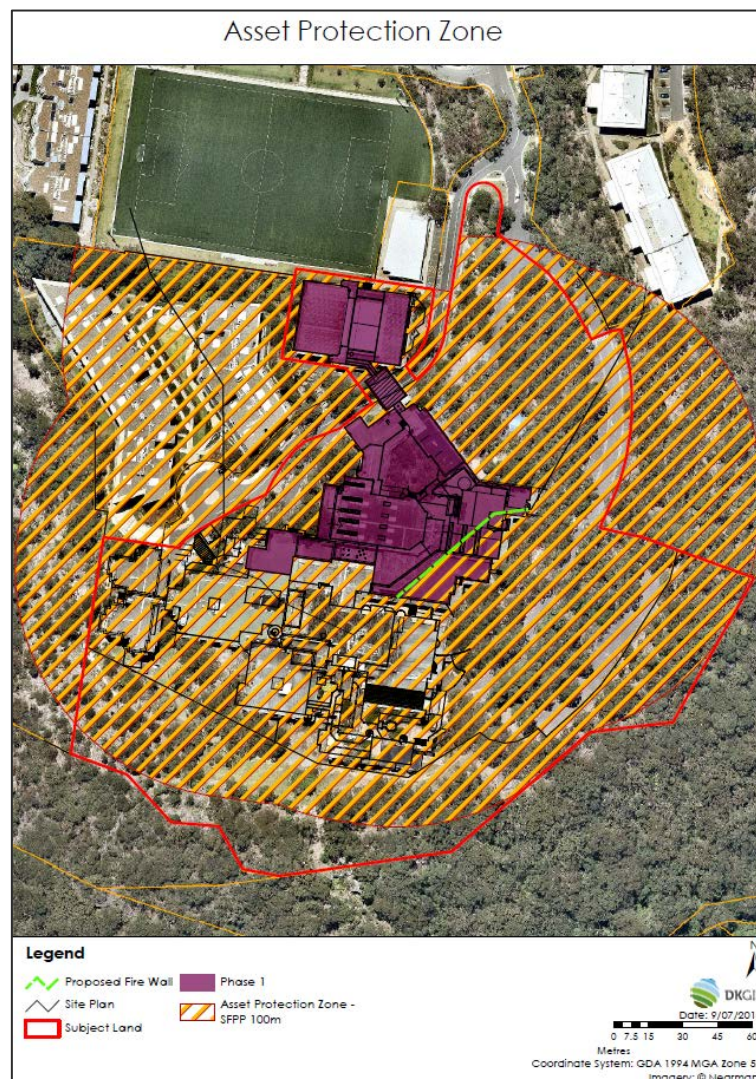


Figure 12 | APZ (Source: Supplementary RtS)

The establishment of the APZ relies on land outside of the subject site to the north, east and west. This is possible as the bush fire management strategy approved under the wider Concept Plan for the site and with the subsequent consents for the adjoining residential uses, established these lots as mutually beneficial APZs (See **Figure 13**). On site, significant vegetation removal is required to meet APZ standards. The APZ is proposed to be comprised of an inner protection area (IPA) and outer protection area (OPA). An IPA requires high level vegetation management with minimal canopy and ground cover, while an OPA has a lower level of vegetation management. The management of the APZ would be required to be maintained to the satisfaction of a suitably qualified bush fire consultant.



Figure 13 | APZ on adjoining land (Source: Supplementary RTs)

The bush fire protection measures also include utilising the sections of the building that are to remain vacant to provide shielding for Phase 1 of the school. This would require the construction of a temporary fire rated wall internally on levels four, five and six to align with the 100m APZ (**Figure 12**). The building is also proposed to be upgraded to meet the construction requirements for Bushfire Attack Level (BAL) 29.

To facilitate access for fire services to the site, a fire trail is also proposed to the south and west of the existing building to comply with PBP 2006 (**Figure 14**).

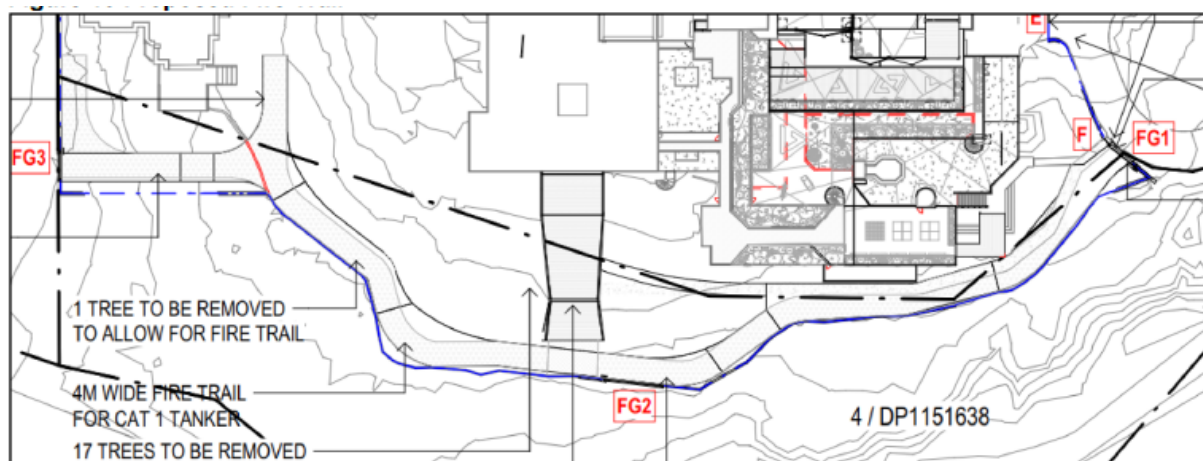


Figure 14 | Location of propose fire trail (Source: Supplementary RtS)

The Bushfire Assessment also provides that a Bush Fire Emergency Management and Evacuation Plan (BEMEP) is to be prepared for the school, a draft of which was submitted with the Supplementary RtS. The draft BEMEP indicates pre-emptive measures such as the closure of the school on days when a total fire ban is declared or an 'extreme' or 'catastrophic' fire danger rating is issued. The draft BEMEP also provides that in the case of imminent bush fire, the Phase 1 school would not provide an on-site refuge point and as such, off-site evacuation is to take place. In this situation, students and staff would evacuate to Lindfield Primary School, located at 218 Pacific Highway, Lindfield, approximately 1.3km from the site. Evacuation is likely to take place on foot, however if time permits, buses may be organised.

The Bushfire Assessment concludes that the Phase 1 school satisfies the requirements of PBP 2006.

Council reviewed the submitted bush fire documentation and raised a number of concerns in relation to the accuracy of the assessment, and acceptability of off-site APZs.

The NSW RFS reviewed the RtS and Supplementary RtS for the Phase 1 school. Following extensive assessment of the proposal and meetings with the Applicant and the Applicant's accredited bush fire consultant, NSW RFS has now provided conditions of consent for Phase 1 only. The Department notes the bush fire protection measures relate to APZs (including annual monitoring and certification of maintenance), preparation of a vegetation management plan and landscape management plan, provision of waste and utilities, upgrade of internal roads to meet PBP 2006 requirements, the construction of a fire trail, building upgrades, and the preparation of an evacuation and emergency management plan. Of particular note are the building upgrade requirements which require all elements of the Phase 1 school to be upgraded to meet the construction requirements of BAL – Flame Zone which are far more stringent than the BAL – 29 requirements recommended by the Applicant.

The Department accepts the APZs proposed in the Bushfire Assessment including the utilisation of the existing APZs on adjoining lots subject to annual monitoring and certification. The Department notes that in the event of a bush fire the draft BEMEP requires evacuation of staff and children to the Lindfield Primary School on foot. Following a visit to the site, it is evident that the footpaths along this route are not continuous and require upgrade. As such, to maximise efficiency in the event of an evacuation and ensure the safety of staff and students, a condition of consent is recommended to provide a continuous footpath from the site to Lindfield Primary School. The condition has been drafted to require infilling of any 'gaps' in the current network prior to the

commencement of operations (including crossings) and the remainder of the existing footpaths are to be upgraded to current standards prior to the commencement of Term 2.

It is acknowledged that the bush fire construction requirements to satisfy BAL – Flame Zone recommended by the NSW RFS are more stringent than those recommended by the Applicant, however the Department is supportive of the additional measures given the high-risk location and sensitive use of the school and has recommended appropriate conditions. These conditions require detailed elevations, roof plans and firewall plans be certified by an accredited bush fire consultant prior to the commencement of construction with the upgrades to be completed by commencement of operation.

Subject to the conditions recommended by the NSW RFS and the recommendations of the Bushfire Assessment, the Department is satisfied that Phase 1 is consistent with the aims and objectives of PBP 2006 which would ensure the safety of students and staff during operation of the school.

6.2 Vegetation Removal

To facilitate the establishment of the APZs, extensive tree removal is required across the site due to its current heavily vegetated state.

The application as submitted with the EIS required minimal vegetation removal to support the bushfire protection measures proposed at that stage. However, following significant issues identified by the NSW RFS during exhibition of the EIS, the RtS identified the actual extent of the APZs required to support Phase 1 and total clearing of the site was subsequently proposed.

In considering the RtS, the Department, OEH and the Heritage Council of NSW considered that total clearing of the site was excessive, and given the heritage significance of the bushland setting (discussed in **Section 6.3** below) urged the Applicant to investigate the possibility of some tree retention across the site.

The Applicant submitted a Supplementary RtS which further refined the proposal and included a Landscape Management Plan (LMP) that had been prepared to analyse the optimal tree retention and tree removal for the APZs. The LMP provided recommendations for preservation of key vegetation within the APZ while still maintaining APZ requirements. Although requiring the removal of 872 trees, the LMP also enabled the retention of 228 trees across the site which was endorsed by the Applicant's bush fire consultant, ecologist and heritage consultant (See).

As part of the Supplementary RtS, the Applicant also submitted a Biodiversity Assessment Report (BAR) prepared by ecoplanning, dated 23 August 2018. The BAR identified two native vegetation types (*Dwarf Apple – Broad-leaved Scribbly Gum* and *Smooth-barked Apple – Red Bloodwood*) on the site that would be impacted by the proposal. As a result of the revised tree removal, the BAR determined that 71 ecosystem credits are required to offset the impacts of the proposal in accordance with the TSC Act. The proposed off-set strategy includes payment into the biobank scheme.

It is noted that although OEH maintained their concerns in relation to the extent of tree loss required for Phase 1 of the development, they are satisfied with the BAR and proposed offset strategy.

The Department acknowledges the extensive tree removal required to form the APZs and notes that no replacement planting is proposed. The Department is also conscious that the extensive tree removal would significantly modify views of the site and the heritage significance of the item. However, the refinements to the proposal as outlined in the LMP allows for the retention of 228 trees across the site to provide a reference to the existing bushland environment. The heritage impacts of the vegetation loss are considered in detail in **Section 6.3** below.

With the offset strategy in place and recommended conditions requiring the retiring of ecosystem credits, the Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset. Conditions are also recommended requiring the final LMP to be subject to approval by the NSW RFS. On balance, the Department considers that ensuring the safety of staff and students, and the resulting public benefit resulting from the delivery of school places justifies the proposed loss of vegetation.

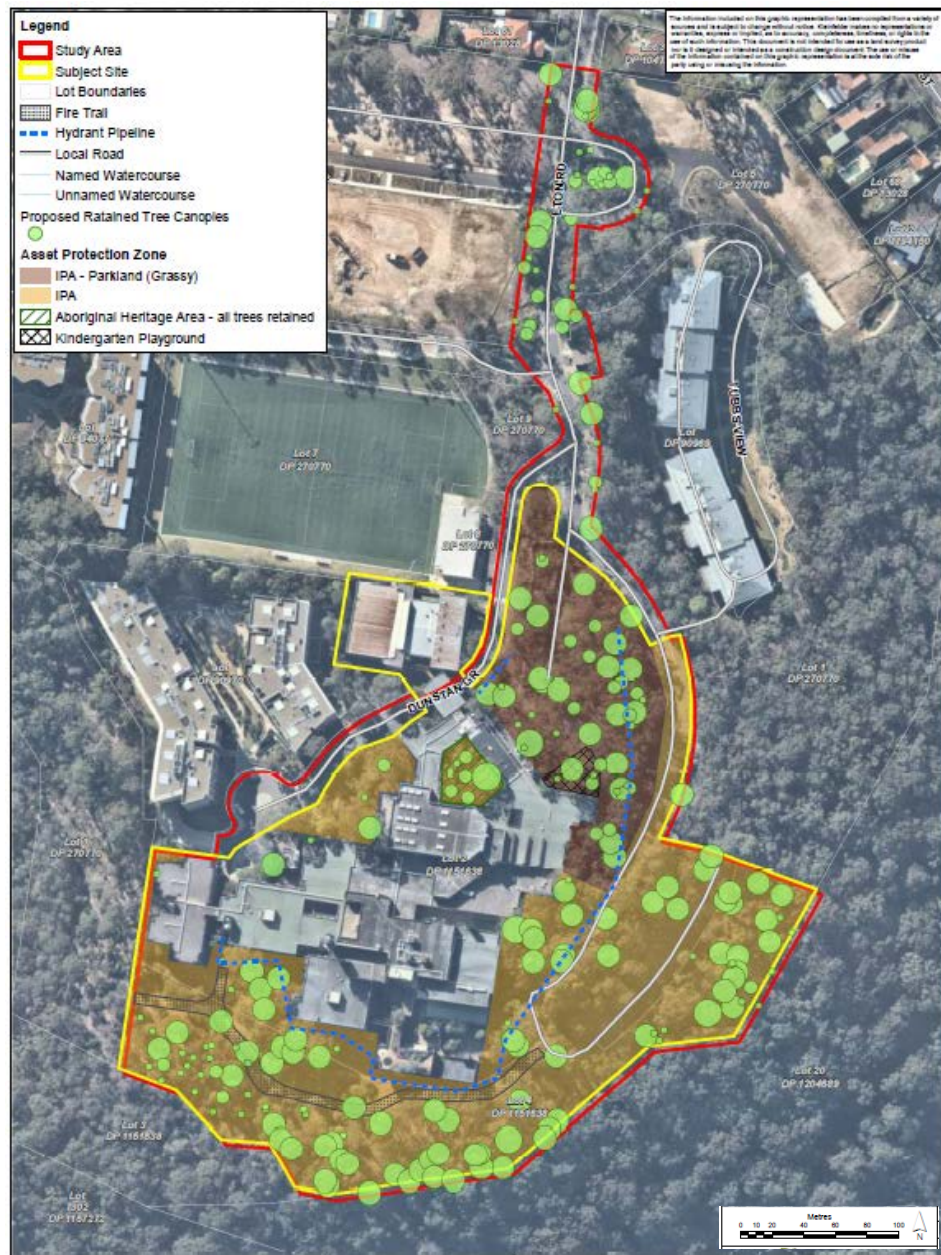


Figure 15 | Proposed trees to be retained (Source: Applicant's Supplementary Rts)

6.3 Heritage

The 'UTS Ku-ring-gai Campus main building, including the gymnasium and footbridge' at 100 Eton Road, Lindfield, is identified as a locally listed heritage item under KLEP (**Figure 16**). The Heritage Council of NSW has also advised that the site was included on the priority list in 2013 for progression to listing on the State Heritage Register.

The fit out and occupation of the building as a school and the associated works for the establishment of the APZ has the potential to impact on the heritage significance of the item.

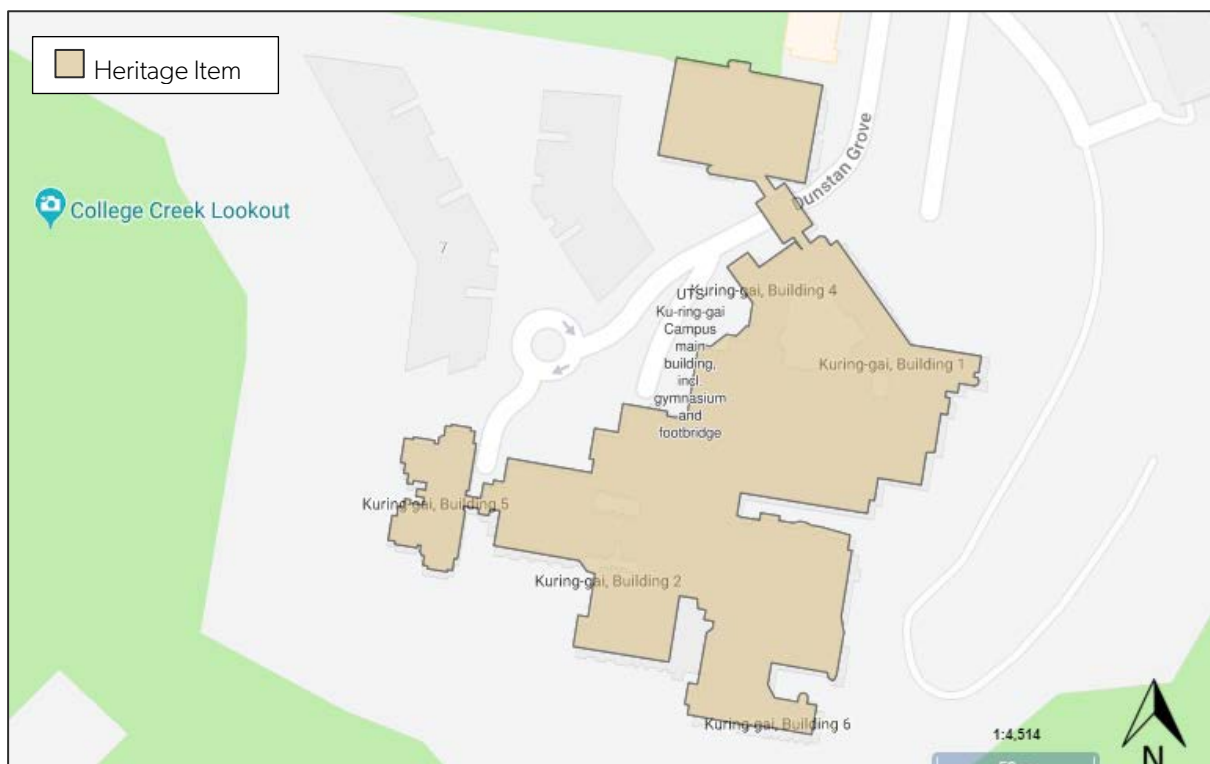


Figure 16 | Heritage listed item under the KLEP (Source: NSW Planning Portal 2018)

The Heritage Impact Statement (HIS) prepared by Urbis, dated 7 June 2017 and submitted with the EIS provided a Statement of Significance (SoS) for the site. The SoS identifies the site to have a high level of historic, associative and aesthetic significance at a State and local level. The heritage values of the site as provided in the SoS are summarised as follows:

- The campus had an important role in the development of Australian Architecture in the second half of the 20th century (historic).
- The campus had a significant role in the development of Australian landscape architecture and appreciation of bushland settings revered by the influential Sydney School (historic).
- The campus influenced the use of spatial planning to provide a social environment in the design of education buildings (historic and aesthetic).
- The campus represents substantial investment by the State and Federal Governments into higher education and is significant for its role in the development of teachers' education in NSW and the provision of education generally on the north shore (historic).
- The campus has important links to both Government and private architects and retains the important landscape design and techniques employed by Bruce Mackenzie, an influential landscape designer (associative).
- The campus is a seminal example of Australian Neo-Brutalist architecture influenced by the Sydney School, and is the recipient of numerous awards including the Sulman Medal in 1978 (aesthetic).
- The integration of the building with the natural bushland setting and topography of the site is of particular significance (aesthetic).

The SoS concludes that:

'The College is both a representative example of the design influences present in the building and its landscaped setting, and also rare in the combination of Neo-Brutalist and Sydney School influences on such a scale and with such a high degree of success. The presence of protected, rare, vulnerable and uncommon indigenous plant species in the vegetation of the site and its surroundings adds to the rarity value.'

The internal modifications to the building relevant to Phase 1 are primarily limited to the reconfiguration of work spaces requiring demolition, heritage salvage, upgrade of bathrooms and replacement of brick and lightweight partition walls, and the construction of a fire rated internal wall. Existing internal walls would be replaced with glazed walls to achieve visibility into classrooms and allow widening of spaces. In the significant public areas such as the circulation spine, the atrium and the auditoriums, many of the walls would follow the same alignment of the existing brick walls to preserve and interpret the essential heritage layout of these spaces and the off-form concrete planes and columns would be retained.

The HIS indicates that the significant original stair cases and waffle slab ceiling would be preserved. The existing bathrooms in the building would be replaced with new facilities to meet current Australian Standards, however the HIS notes the fittings are not significant in their own right, but a similar colour scheme is recommended. The green carpets which are prominent throughout the building are also recommended for retention or replacement with a similar coloured carpet to protect the design intent to bring the outside in. The HIS also recommends the retention of all built in furniture.

As part of the supplementary RtS, the Applicant provided additional information to the HIS, prepared by Urbis and dated 24 August 2018, to address the heritage impacts of Phase 1 specifically construction works. The additional heritage information considers the impacts of the fire rated wall proposed to provide internal fire separation for Phase 1. The wall is proposed to follow the alignment of the fire protection zone and would intersect significant spaces including the cafeteria and circulation spine. The wall is proposed by the Applicant as a temporary solution to allow the progression of Phase 1. Notwithstanding, its reference as temporary, the wall would need to be compliant with relevant Australian Standards for a two hour fire rated wall.

The additional information concludes that the fire wall would present as an 'ad hoc' addition to the building, but it is considered the heritage impact is acceptable on a temporary basis provided the balance of the site works are completed in the future and the wall is removed. In this regard, the additional information recommends a methodology is prepared in consultation with the heritage consultant to ensure the wall is entirely reversible, and any removal of parquet flooring, ceiling materials or other heritage significant fabric required to facilitate the wall is to be salvaged and reinstated following removal should further approvals be granted.

Externally, Phase 1 works to the existing building are limited to a new lift with overrun and central stair extension to the roof level, and replacement of asbestos affected windows and doors. The lift overrun and stair extension adopt a simple contemporary form. The HIS provides that the *'existing building is of such a robust character that it lends itself well to necessary contemporary additions whilst still presenting as a unified series of modulated elements which culminate in a fine representation of the Brutalist style'*.

The replacement of asbestos affected windows are to match the existing and do not seek to change proportions. To facilitate access to the proposed kindergarten playground as part of Phase 1, a bay of windows on the northern elevation of the building is required to be converted to a door, however would be designed to match other existing doors on this elevation.

The HIS concludes that the external modifications would not obscure important elements of the existing structure and would not notably change the form of the building thus preserving its significant character.

As discussed earlier in this report, Phase 1 of the school requires the establishment of extensive APZs which equates to the removal of 872 trees from the site. The northern half of the site is also proposed to be managed as an inner protection area (IPA) – Parkland comprising retained trees surrounded by mown buffalo lawn and a fire

trail is to be constructed to the south of the main building. A kindergarten play area is proposed to the north of the building adjacent to a significant façade, to comprise soft fall paving bordered by retained native planting. The additional information submitted with the Supplementary RtS provides an assessment of the impacts resulting from this vegetation removal and proposed landscaping on the heritage significance of the site and building.

The additional information notes that *'the design intent for the place was that the building responded to and was nestled within an untouched landscape setting. The significance of the site is therefore directly vested in the relationship between the building and the landscape.'* In this regard, it is also acknowledged that the tree removal would potentially have an irrevocable impact on the setting of the building, without enabling the full future use of the building.

Even so, although the vegetation removal is extensive, 228 trees are to be retained across the two lots including concentrations around the main entry and eastern façade. The additional information provides that the retention would ensure the building remains visible within the context of native trees and legible in a bush setting. The use of native grasses to provide an unmanicured and natural appearance is preferred to the proposed lawn in the IPA - Parkland location, however it is acknowledged that the buffalo lawn is the only option for bush fire purposes in this area.

Black palisade fencing is also proposed around the site and is considered acceptable by the Applicant's heritage consultants.

In terms of impacts on the landscape, the Supplementary RtS concludes that while the holistic use of the site is preferred, the meaningful adaptive reuse will ensure conservation and ongoing maintenance. Further, a genuine effort has been made to retain the landscape setting (albeit altered) to continue to contribute to the significance of the site.

Following amendments to the EIS and the refocusing of the proposal to Phase 1, Council and the Heritage Council of NSW were consulted on heritage matters.

The Heritage Council of NSW have advised they are supportive of the adaptive reuse of the building subject to conditions of consent requiring:

- the nomination of a heritage consultant to advise on detailed design and maintenance.
- the preparation of a schedule of conservation works, interpretation strategy, and photographic archival recording.
- implementation of methodologies provided in the RtS to avoid irreversible impacts on significant fabric.
- preparation of an unexpected finds strategy for archaeological finds.
- all new works are to be reversible.

The Heritage Council of NSW have raised significant concern with regard to the impact of the tree removal proposed given the proposal is for Phase 1 only. In this regard, the Heritage Council of NSW has recommended that the Applicant investigate alternative approaches for a bush fire solution sympathetic to the heritage significance of the site.

In their response to the RtS and Supplementary RtS, Council raised concerns in relation to the appropriateness of the intervention required. Council noted that a CMP has not been provided for the site, and that the proposal would significantly impact on the heritage significance of the landscape. Further, Council contend that the findings of the Supplementary RtS in relation to the landscape setting are inaccurate, and that a visual impact analysis should be provided.

The Department agrees with the findings of the Applicant and the Heritage Council of NSW that the adaptation of the building for the purposes of a school provides an opportunity for its preservation in a manner that is consistent with its historical use as an education facility. It is also considered that the proposed additions are well designed to preserve the architectural character of the building through the adoption of contemporary, contrasting elements that provide clear delineation from the existing, significant Brutalist style architecture but remain sympathetic to the established geometry of the building.

Although, the tree removal across the site would have a significant impact on the setting of the building and compromise the established bushland setting, the Department recognises the benefits of the proposed school in the preservation of the building and acknowledges that bush fire protection for the safety of staff and students is essential to the adaptive reuse. The Department acknowledges Council's concerns in relation to the accuracy of the Applicant's assessment and provision of a visual analysis, however is satisfied that the proposed retention of some trees, particularly around the entry and the more visible sides of the building, would reference the bushland setting.

The Department is supportive of the conditions recommended by the Heritage Council of NSW and concurs with Council in that a CMP should be prepared. As such, conditions of consent are recommended including the requirement to prepare a CMP, Heritage Interpretation Strategy and Schedules of Conservation Works prior to the commencement of construction. The Department notes that sufficient information exists in various SSD documents to formulate a draft CMP (e.g. the heritage values of the site are known), however this needs to be compiled into a single CMP document by an appropriately qualified heritage practitioner.

The Department acknowledges that the extensive tree removal required to establish bush fire safety measures would apply to almost all possible alternative reuse scenarios for the site. The Department considers the adaptive reuse of the site for educational purposes essential to the preservation of the architecturally significant building, and the proposed school would minimise intrusive intervention on significant building fabric. Subject to the conditions recommended above, the Department is satisfied that in the context of delivering much needed school places in a safe environment, on balance, the public benefit of the development justifies the heritage impact of the proposal.

6.4 Traffic, Access and Parking

A Traffic and Parking Assessment of the proposed development was undertaken by ARUP. The assessment documented the existing roads and accessibility of the site and the impact of the proposed development. Whilst comments received during the exhibition of the EIS related to the full development of the proposal for 2,100 students, comments received in relation to the RtS and Supplementary RtS and the following assessment is focused on Phase 1 only (350 students and 30-50 staff).

6.4.1 Existing

The site is accessible by classified roads including the Pacific Highway (State Road), Lady Game Drive (Regional Road) and directly from the local roads Grosvenor and Eton Roads (See **Figure 4**).

Typically, the Pacific Highway in the vicinity of the site, operates efficiently during school peak periods and evening peak. During the AM peak period, there is increased use of the southbound lane towards the Sydney CBD. During surveys undertaken by the Applicant, southbound vehicles were prevented at times, from crossing from the Pacific Highway to Grosvenor Road as a result of the constant slow rolling queue.

The Lady Game Drive/Grosvenor Road intersection consists of a three-leg roundabout, performing at capacity. Lady Game Drive provides access to North Ryde, via Delhi Road and to Chatswood via Millwood Avenue and the high southbound traffic demand during the AM peak can result in significant queueing extending through the roundabout.

The local roads directly to the site are mainly single-lane carriageways, forming un-signalised intersections and roundabouts within low density residential areas. Eton Road provides direct access to the site as well as access into and out of the adjoining medium density residential areas. The Applicant considered that the local roads were presently operating efficiently, with no delays observed during surveys. The site presently contains 184 car parking spaces as shown in **Figure 17**.

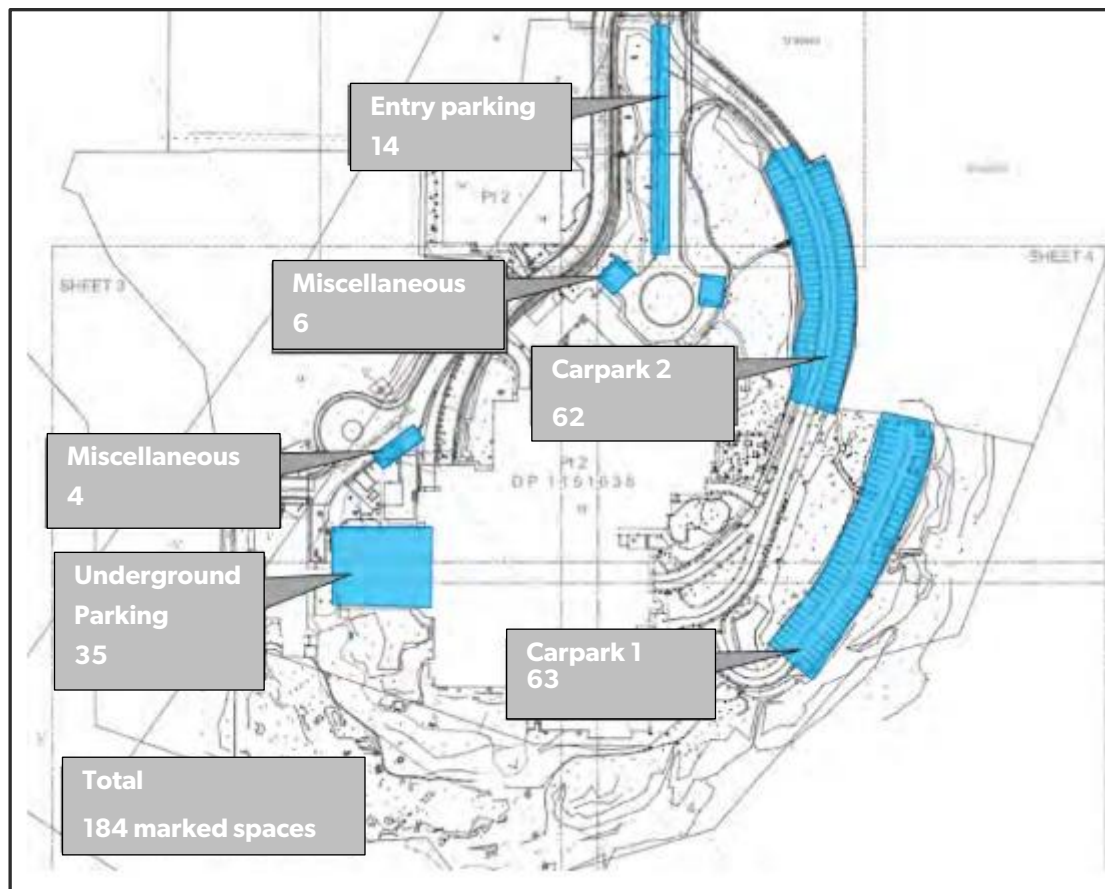


Figure 17 | Existing car-parking (Source: Applicant's EIS)

The site is serviced by public bus route 565, with the bus stop located just to the north of the site at the existing bus loop on Eton Road. Route 565 is an hourly service between Chatswood and Macquarie University, predominantly travelling along the Pacific Highway and services the residential areas around the site. The site is also located approximately 2km (approximately 20 minute walk) from both Lindfield and Roseville Railway Stations, on the T1 North Shore Line.

Generally, the site has poor pedestrian accessibility, with sections of narrow, uneven and non-compliant footpaths and limited appropriate pedestrian crossings.

6.4.2 Construction

The Applicant's EIS provided an outline of the proposed construction traffic management measures for all phases of the development. As the proposed school is to be located within the existing building, construction activities were considered to be minor and would be unlikely to impact significantly upon the efficiency of the surrounding road network.

An outline of the areas of the site to be utilised to facilitate construction works is provided within **Figure 18**.

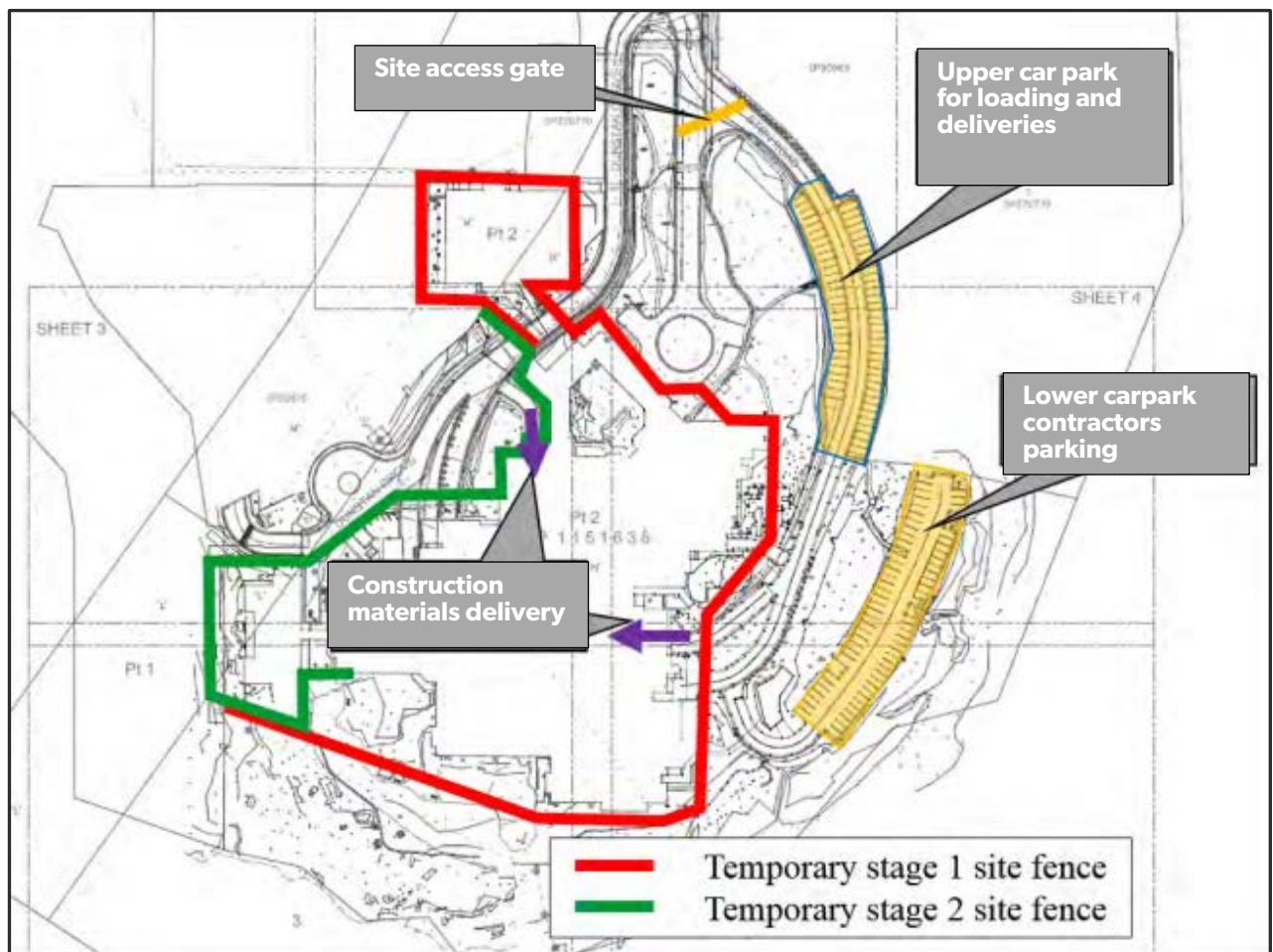


Figure 18 | Construction traffic management (Source: Applicant's EIS)

The Supplementary RtS sought extended construction hours beyond those recommended by the *Interim Construction Noise Guideline* (ICNG) (DECC, 2009). The proposed construction hours being Monday to Friday from 7am to 10pm, Saturday between 7am and 5pm, Sunday between 8am and 5pm and no works public holidays. Construction workers would arrive during these hours and park within the gated lower car park area, a car park of 63 marked spaces.

Loading and deliveries would be undertaken in the upper car park to minimise interactions between the increased movements associated with deliveries. Loading and deliveries are proposed to be undertaken during ICNG standard construction hours only to minimise impacts on neighbours.

Construction works are unlikely to generate significant large vehicle movements, with up to two truck movements anticipated per hour during peak construction times (i.e. removal of demolished materials and delivery of new materials to the site).

The Department supports the proposed access and parking arrangements proposed by the Applicant during construction. However, the Department does not support the extended construction hours due to potential noise and disturbance impacts on nearby residential receivers and instead recommends standard construction hours as per the ICNG with a short extension to 3.30pm on Saturdays. The Department has also recommended a condition of consent requiring the preparation of a Construction Traffic and Pedestrian Management Plan to ensure the traffic generated by construction workers and large vehicles does not impact upon the surrounding road network.

Provision is made for approval to be granted by the Planning Secretary for isolated activities outside the core hours where it can be demonstrated that there is minimal impact on residents.

6.4.3 Operational Traffic

During the exhibition of the EIS, the majority of submissions received from the general public raised issues with the general traffic congestion in the area with a third of submissions requesting intersection upgrades to facilitate the proposed development. Public authorities also highlighted the need for intersection improvements. It is noted that these concerns were raised in relation to the cumulative impact of all three phases of the school.

The Applicant undertook additional intersection analysis as part of the RtS and focussed subsequent assessment on the delivery of Phase 1 of the proposed development.

In order to facilitate the traffic movements generated to the site, whilst minimising disturbance to the surrounding road network, the Applicant proposes the early implementation of convenient and accessible public and active transport options to the site. The Applicant considers that the establishment of sustainable travel habits from inception will be crucial to the successful adoption of these habits. As such, the Applicant's RtS proposes to:

- establish an appropriate school bus route in consultation with TfNSW, bus companies and surrounding schools
- improve the frequency of the existing 565 bus route, in consultation with TfNSW
- establish a car pooling program
- encourage active transport.

The Applicant has reviewed the transport arrangements of nearby schools and considers that reliance on private vehicle use can be considerably reduced by providing effective travel options.

Based on an assessment of the modal split of traffic generated by nearby schools and in considering the implementation of sustainable travel initiatives similar to those proposed by the Applicant, the Applicant estimated that the traffic generated by 350 students and 30 to 50 staff would be approximately 189 vehicles per hour. In order to quantify the directional split of vehicle movements entering and leaving the site, the Applicant undertook an analysis of the anticipated enrolments based on the indicative school catchment. The results indicated that the directional traffic flows would most likely be travelling to the site from the following directions:

- East southeast and south – 46%
- North – 33%
- West and southwest – 12%
- Northeast and east – 9%

A SIDRA analysis of vehicle movements was undertaken for Phase 1 of the proposed development. The results indicated that the performance of the Pacific Highway/Grosvenor Road intersection (likely to be utilised by arrivals from the east, southeast and south) would continue to perform satisfactorily at Level of Service C. As the anticipated split of movements from the west and southwest via Lady Game Drive/Grosvenor Road is anticipated to be fairly minor, the Applicant did not consider there to be any further significant impacts upon this intersection, nor the requirement for any intersection upgrades for Phase 1 of the proposed development.

RMS raised no concerns in relation to traffic impacts for Phase 1. It was however noted that intersection upgrades would likely be required to facilitate later stages. TfNSW recommended conditions of consent including bicycle parking and the implementation of a Green Travel Plan to reduce to the use of private vehicles and minimise traffic impacts.

The Department considers that for Phase 1 of the development, the potential operational traffic impacts can be managed particularly with the implementation of the sustainable travel initiatives proposed by the Applicant. The Department acknowledges the views of both TfNSW and RMS and recommends conditions in accordance with

their advice. The Department supports the Applicant's approach to encouraging alternative sustainable transport options to the site and has recommended a condition for the implementation of a Green Travel Plan including the continued monitoring of these initiatives to establish their success or otherwise. Noting the small scale of the school at Phase 1, the Department is satisfied that traffic impacts on the road network are acceptable, however emphasises that subsequent stages may require significant upgrades to intersections.

6.4.4 Access

The EIS proposed to use the existing Eton Road bus bay for bus drop-off and pick-up with alterations to its design to allow for queuing and manoeuvring of buses. The bus bay would be shared between scheduled Route 565 public bus services and school buses.

The proposed drop-off and pick-up location was proposed to occupy the upper level car park with provision for 10 vehicles to queue at the drop-off/pick-up bay at any one time. The upper level car park provides a queuing capacity that could accommodate up to 60 vehicles at one time. Outside of peak drop-off/pick-up periods, the upper level car park was proposed to be used for staff and visitor parking.

The EIS acknowledged that pedestrian access to the site is poor due to inadequate footpaths and crossing facilities available within the surrounding local road network. It was noted that a comprehensive Pedestrian Accessibility Mobility Plan (PAMP) is required to adequately assess the required safety improvements.

In response to the EIS, RMS raised the unacceptability of a potential 14 minute delay associated with the drop-off of children at school as well as the potential safety risks associated with the narrow footpaths leading to the site. RMS also noted that the Eton Road bus bay has inadequate holding capacity for the number of services required for the school. Additionally, RMS noted that emergency vehicles may have difficulty manoeuvring along the narrow Eton Road and sought clarification regarding emergency vehicle access to the site. TfNSW recommended a number of conditions associated with improving safe access to the site, particularly in relation to pedestrian safety and accessibility improvements.

In response to the comments received during the exhibition of the EIS, in addition to the revised scope of the proposed development, the Applicant's RtS clarified the drop-off and pick-up approach (See **Figure 19**). As can be seen in the blue and yellow respectively, this approach clearly separates the bus bay from the private vehicle drop-off/pick-up area.

For Phase 1 of the proposed development, the Applicant proposes to continue to utilise the existing bus bay loop at Eton Road. Students would then walk approximately 200m to the site. The Applicant considers that for Phase 1 of operations, approximately five school buses would arrive at the site between 8:30 am and 8:45 am. During this period, there are no route 565 services scheduled to arrive or depart. During the afternoon period, the Applicant anticipates five buses would arrive between 3:15 pm and 3:30 pm and would depart by 3:45 pm. During this period, only 1 route 565 bus is scheduled. The Applicant considers that the limited interactions between the services would enable the existing bus bay infrastructure to provide sufficient capacity for both bus services.

In response to the proposal for Phase 1, TfNSW requested the Applicant prepare an appropriate school bus service plan prior to operation. RMS reiterated their safety concerns in relation to the bus bay, however noted that the design is to be to the satisfaction of Council and TfNSW. Council have confirmed that the existing bus bay arrangement is satisfactory for the Phase 1 school.

The Department notes that whilst there are no scheduled services of the route 565 service during the morning school bus arrival times and only one in the afternoon period, there are a number of services within a couple of minutes of these times. Given the potential delays associated with AM and PM peak, particularly along the Pacific

Highway, the Department is concerned there may be a conflict with services, especially given the inability of buses to overtake one another and the potential for queuing outside of the site. However, in line with agency comments, the Department accepts that subject to conditions requiring the preparation of a school bus plan in consultation with TfNSW, these conflicts can be resolved, and the bus bay arrangement is acceptable.

The proposed drop-off/pick-up area (as shown in yellow in **Figure 19**) is the location of the existing upper level car park. The RtS also outlines the drop-off bay arrangement and proposed turning head that would facilitate U-turns (See **Figure 20**).

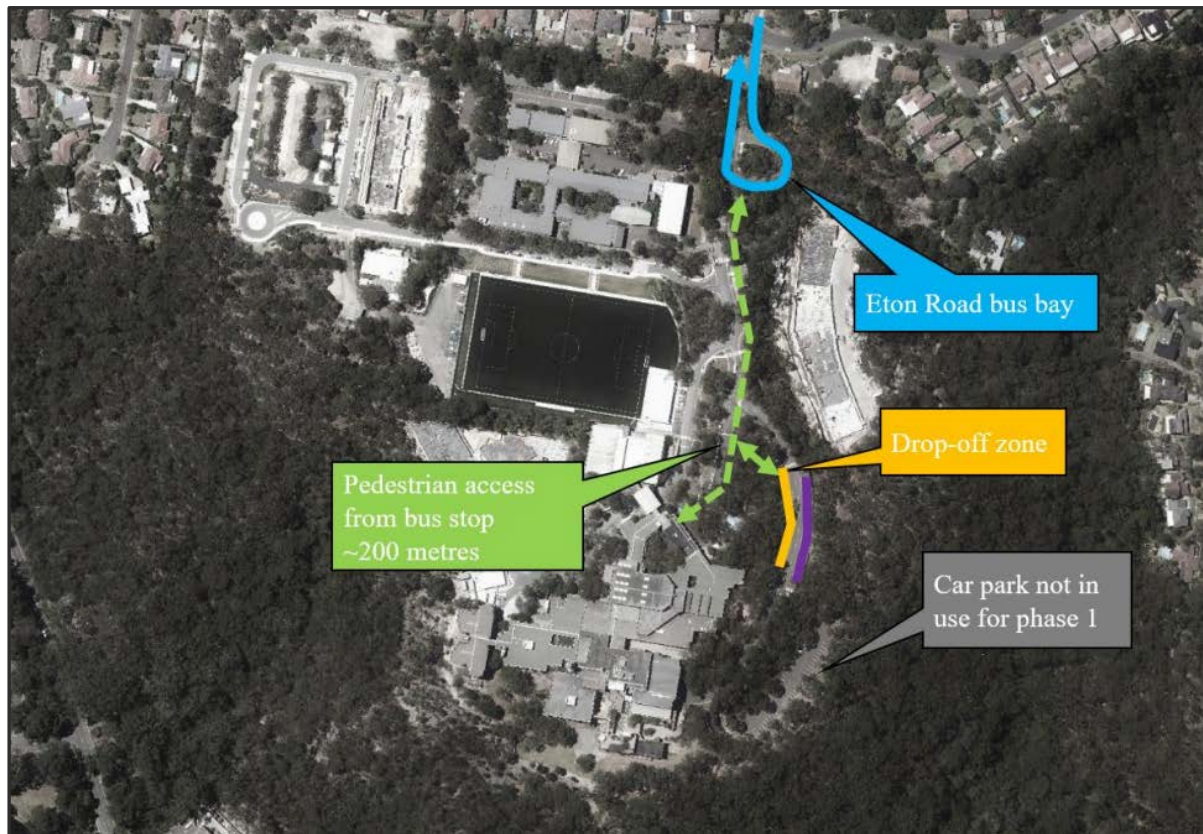


Figure 19 | Drop-off and pick-up areas (Source: Applicant's RtS)

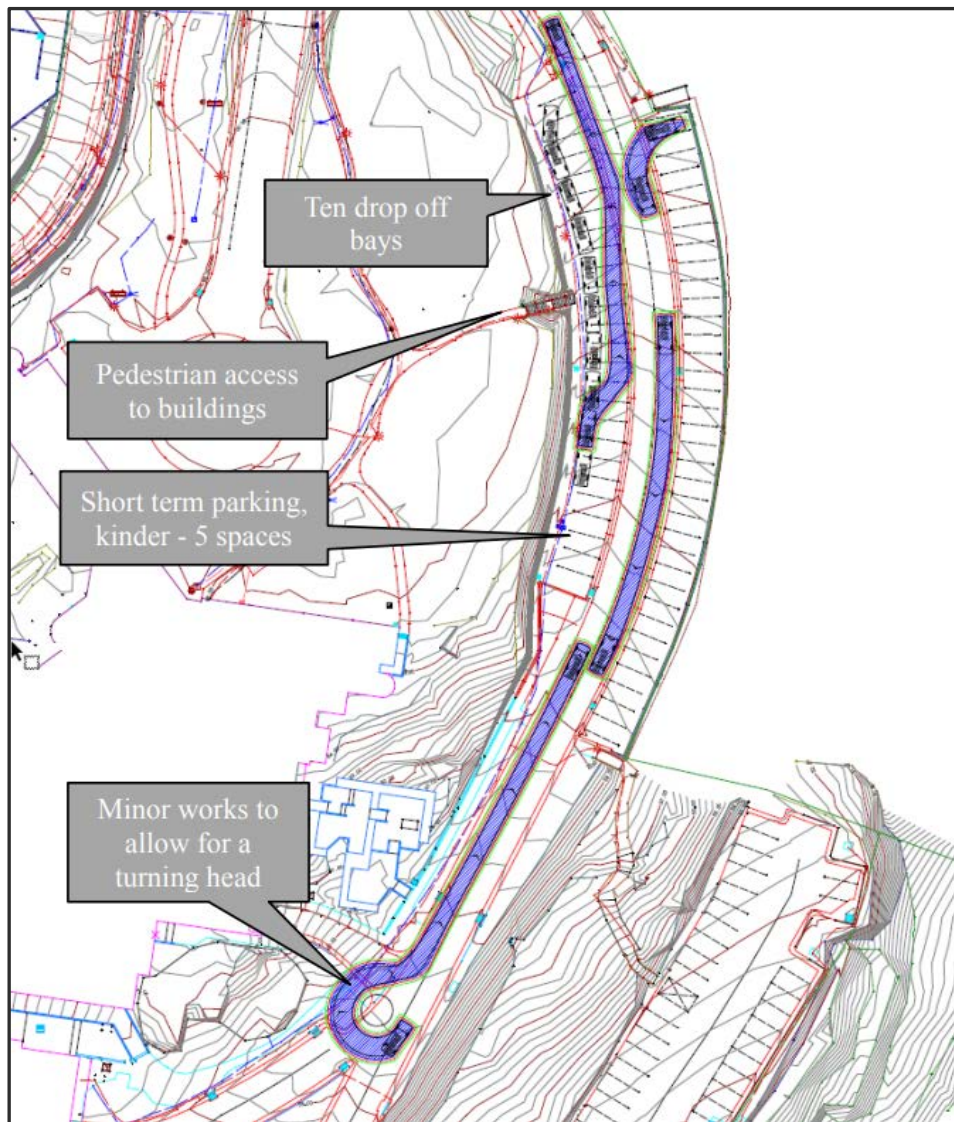


Figure 20 | Drop-off arrangement with a proposed turning head (Source: Applicant's RtS)

The public authorities including Council did not raise any concerns with the revised drop-off/pick-up arrangements. Given, that the Phase 1 school is only proposed to accommodate 350 students, the Department is satisfied that the 10 drop-off/pick-up bays and available queuing area are of sufficient capacity.

To facilitate safe pedestrian access to and from as well as around the site, the Applicant has proposed to install a gate to separate Eton Road and the roundabout in front of the main entrance to minimise any potential interactions between students, staff and vehicles. Further, the Applicant has proposed to upgrade pedestrian infrastructure around the site (**Figure 21**). The works proposed include two pedestrian crossings in addition to a pedestrian access gate and the widening of footpaths and stairs leading from the bus bays and private vehicle drop-off areas to the main building.

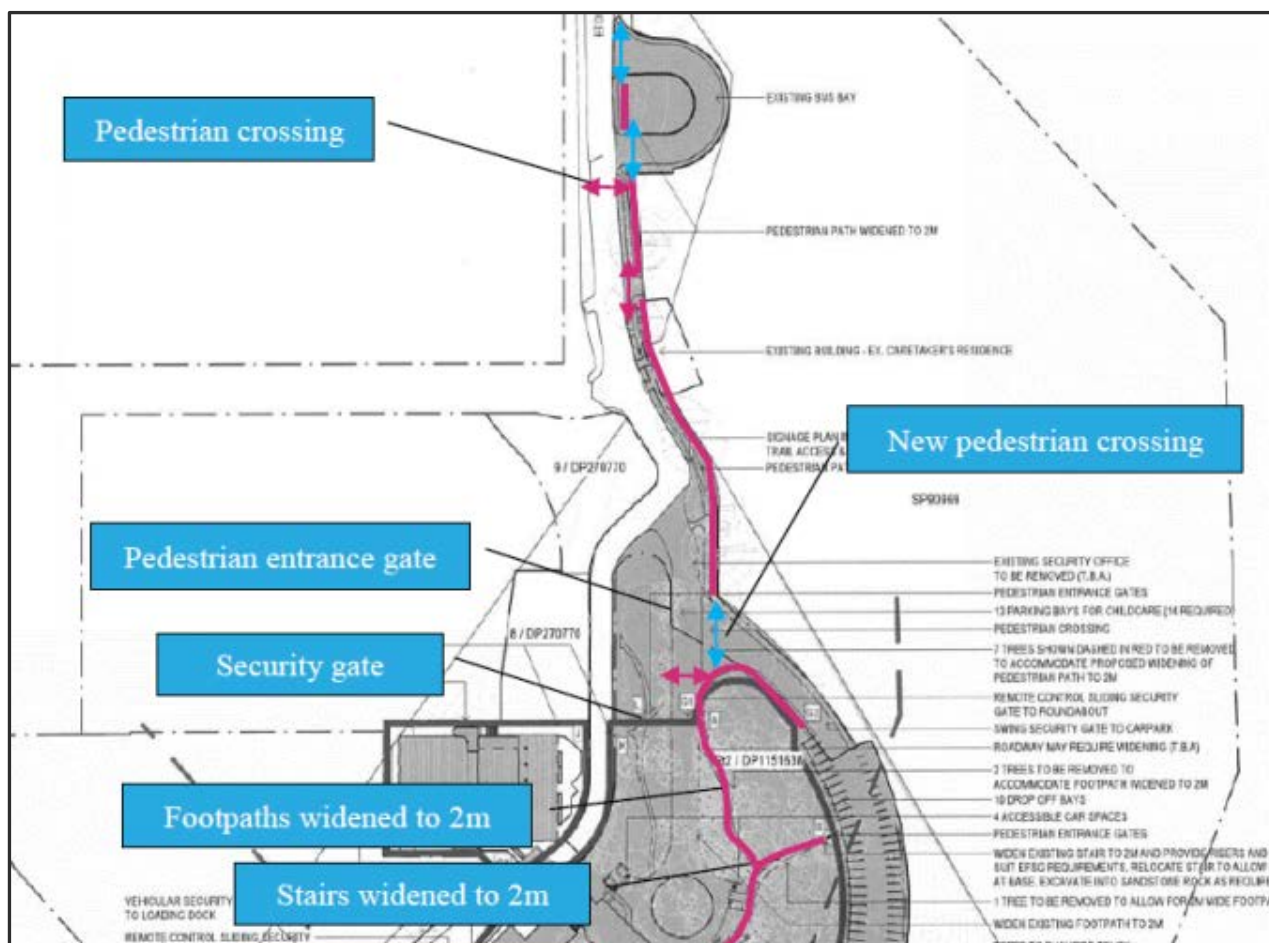


Figure 21 | Pedestrian upgrades for Phase 1 (Source: Applicant's RtS)

Council raised concerns that the proposed footpath widths of 2m and the pedestrian crossing design would be unsatisfactory to ensure student safety. Council recommended minimum footpath widths of 2.5m and specified design details for the pedestrian crossing. The Applicant in the Supplementary RtS has committed to the Council's recommendations. The Department has recommended conditions requiring the footpath upgrades within the site and design of the crossing to Council's satisfaction.

The Applicant has also identified potential footpath upgrades outside of the site that would improve walkability in the area and to the site and for emergency evacuation in the event of a bush fire. The Applicant has indicated a willingness to work with Council to improve pedestrian access in the area.

The Department notes that the Applicant is reliant upon sustainable transport options to access the site and reduce potential impacts upon the surrounding road network, and also that the bush fire evacuation strategy requires students to walk to Lindfield Public School. As such, the Department recommends the Applicant provide a continuous footpath (with crossing points) to Lindfield Public School, designed in accordance with Council's specifications, prior to the commencement of operation of Phase 1. Subject to these conditions, the Department is satisfied that acceptable pedestrian safety for staff and students will be achieved.

6.4.5 Parking

The Applicant does not propose any alteration to the 184 existing car parking spaces presently provided, due to the topographic and heritage constraints posed by the site. Additionally, the utilisation of existing facilities is considered to have a negligible construction impact.

During the exhibition of the EIS, comments were received from Council in relation to car parking. Council noted that there has been a history of parking issues associated with the site that impact upon nearby residents. This was also evidenced by 40% of submissions from the general public raising insufficient parking in the area of the site. Council's submission encouraged the Applicant to consider the implementation of parking restrictions on one side of Eton Road and improve access to the site by public transport and school bus services and did not support the use of on-street parking to manage any overflow parking. Additionally, Council noted that the proposed allocation of car parking spaces was incorrect and should be 213, which aligns closely to the proposed provision for the full development of the site.

The Applicant considered the comments raised by Council within the RtS. To facilitate the manoeuvring of buses to and from the site, allowing buses to pass each other, the Applicant has proposed on-street parking changes along Austral Avenue, at the intersection of Austral Avenue/Eton Road and heading south along Eton Road into the site. The proposed changes would result in the removal of 15 car parking spaces along Eton Road (**Figure 22**).



Figure 22 | Proposed on-street parking changes (Source: Applicant's RtS)

Council does not support the extent and hours of operation of the proposed 'no parking' restrictions. To allow for passing of buses during peak periods, Council has recommended that only the southern side of Eton Road be restricted, and only during the hours of 7.00am - 9.30am and 2.30pm - 4.30pm school days. The Department has recommended conditions accordingly.

With the staging of the proposed development (as outlined in **Section 2.1**), to facilitate the operation of Phase 1 the Applicant has proposed to provide a total of 65 on site car parking spaces (**Figure 23**).

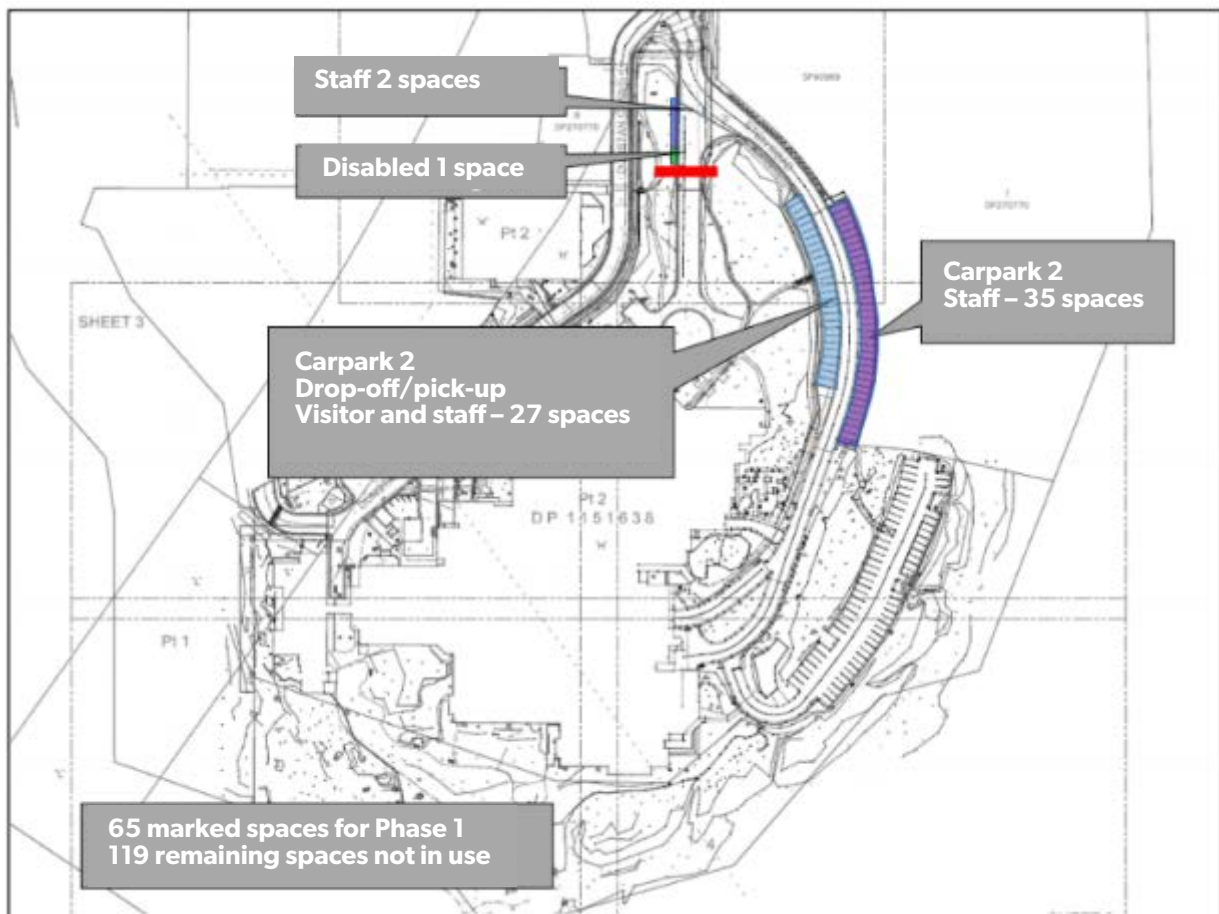


Figure 23 | Phase 1 Car-parking provision (Source: Applicant's RtS)

Of the 65 spaces, this would include 35 spaces for teaching staff, 27 for staff/visitors and 1 accessible parking space, generally aligning with the requirements of the Ku-ring-gai Development Control Plan 2015 (KDCP). The KDCP encourages the provision of parking for Year 12 students and based on the 350 total students anticipated in Phase 1, this would result in a shortage of four spaces for Year 12 students.

The Applicant indicated that the provision of additional car parking spaces for students would encourage car use to the site and has the potential to impact upon pedestrian safety within the school and in the vicinity of the site. As such, the Applicant committed to implementing alternative transport strategies to discourage students from driving and noted that in the event that these strategies were unsuccessful, the use of on-street parking for Phase 1, if required, would have a negligible impact upon nearby parking provisions.

In considering the Applicant's commitment to implementing sustainable transport options for staff and students to the site, the Department is generally satisfied that the proposed parking provision for Phase 1 would be satisfactory. Notwithstanding, the Department has recommended the implementation of a Green Travel Plan and monitoring of its success to minimise parking demand.

6.4.6 Active transport

The Department considers that a Green Travel Plan would play a critical role in promoting a greater share of travel modes, provided it is appropriately drafted, implemented and monitored. A draft Green Travel Plan was submitted with the Supplementary RtS, however does not commit to specific initiatives. As such, the Department has recommended a condition requiring the Applicant to develop a Green Travel Plan in consultation with

Council, in order to clearly outline mode share targets and provide detail regarding the delivery of sustainable travel options to the site prior to the commencement of operation.

6.5 Other Issues

The Department's consideration of other issues is provided at **Table 10**.

Table 10 | Department's assessment of other issues

Issue	Findings	Departments Consideration and Recommended Condition
Noise	<ul style="list-style-type: none"> The EIS included a Noise Impact Assessment prepared by Acoustic Logic that was further refined by the RtS and Supplementary RtS. The Noise Impact Assessment identified the sensitive receivers to be the residential flat buildings located to the north east and north west of the school site. The Noise Impact Assessment considered the impacts of the development in terms of construction and operational noise. Both attended and unattended noise monitoring was undertaken to quantify the existing acoustic environment at the site and at the nearest sensitive receiver location. Attended background monitoring was undertaken at two locations surrounding the site and three long-term unattended loggers were installed, two in the site and one outside from 1 April 2016 to 8 April 2016 and again between 6 June 2017 and 13 June 2017. Additional unattended noise monitoring was undertaken at two locations outside the site, adjacent to sensitive residential receivers between 9 August 2018 and 17 August 2018. 	See below in relation to the construction and operation phases.
Construction		
	<ul style="list-style-type: none"> The ICNG outlines the process of establishing noise management levels (NMLs) to minimise construction noise 	<ul style="list-style-type: none"> The Department considers that the construction works associated with Construction Stage 1, Phase 1 would be unlikely to generate continuously noisy

impacts on sensitive receivers.

- The NML (Noise Affected) during standard construction hours at the nearest residential receivers adjoining the site, based on background noise levels, ranges from 52 dB LAeq(15min) to 54 dB LAeq(15min) (i.e. Rating Background Level (RBL) $42 + 10\text{dB} = 52\text{ dB LAeq(15min)}$) during the day time period.
- As part of the Supplementary RtS, the Applicant has requested construction hours as follows:
 - 7am to 10pm Monday to Friday
 - 7am to 5pm Saturday
 - 8am to 5pm Sunday.
- Works during the extended hours (i.e. outside of ICNG standard construction hours of 7am to 6pm Monday to Friday and 8am to 1pm Saturday) are proposed to be primarily internal only with limitations on the use of tools.
- Deliveries would be limited to ICNG standard construction hours only.
- The Applicant has indicated that there is potential for noise generated by construction activities to impact upon the surrounding residential buildings and has proposed to notify residents of periods of noisy works and implement respite periods if necessary.
- The EPA recommended the implementation of standard construction hours in accordance with the ICNG. Additionally, the EPA made recommendations to minimise noise impacts upon sensitive receivers including the introduction of intra-day respite periods be implemented for works identified in the ICNG as particularly annoying and intrusive.
- works as activities would predominantly be located inside buildings or would be associated with clearing activities.
- Notwithstanding, the Department acknowledges that a development within an established environment, will likely result in some noise impacts and that there would be times when the closest sensitive receivers would be “highly noise affected”.
- The Department has recommended conditions limiting construction to standard ICNG construction hours only with an extension until 3.30pm on Saturdays. However, works that are inaudible at sensitive receivers are allowed outside of these hours.
- The Department has also recommended conditions requiring respite periods and limitations on vehicle arrival and departure times to ensure that impacts upon the nearby sensitive receivers are mitigated and managed.
- Given the distance to surrounding buildings, construction vibration is not expected to be significant for the proposed works.
- Notwithstanding, the Department has recommended the development of a Construction Noise and Vibration Management Plan to ensure that the potential vibration impacts of the construction activities are adequately mitigated and managed.
- The Department has recommended conditions of consent requiring the Applicant:
 - only undertake construction between 7 am to 6 pm Monday to Friday and 8 am to 3.30 pm Saturday.

- restrict arrival times of construction delivery vehicles to construction hours.
- implement ‘respite periods’ for works that generate noise with particularly annoying or intrusive characteristics.

Operation

- Typical hours of operation of the proposed development would be from 7.30am to 3.30pm with community uses (use of the auditorium and theatre spaces) proposed from 4pm to 10pm Monday to Friday, 7am-10pm Saturday and Sunday.
- In its assessment of operational noise, the Applicant considered the relevant provisions of the NSW Industrial Noise Policy (EPA, 2000) (INP), the Ku-ring-gai Planning Scheme Ordinance PART IIID Ku-ring-gai Campus site and Draft LEP 2013 and the EPA Road Noise Policy.
- The EPA considered that the noise assessment did not include an assessment of potential operational noise impacts upon sensitive receivers off-campus.
- In response to concerns raised by the EPA, the Applicant’s RtS established the project specific amenity and intrusiveness criteria for the nearest sensitive receivers.
- The Supplementary RtS also included additional noise monitoring and further assessment of operational noise impacts.
- The EPA remained unsatisfied that the noise impact assessment was sufficient to determine operational noise impacts, particularly in relation to mechanical plant and equipment, school bells and community use of the facilities after school hours.
- The EPA recommended conditions of consent to ensure the design of mechanical plant and equipment and the
 - In considering the information presented and commitments of the Applicant within the EIS and RtS as well as the comments from the EPA, the Department considers that the operational noise impacts of the proposed development can be adequately managed with adoption of mitigation measures and adherence to specified noise limits.
 - As such, the Department has recommended conditions in accordance with the EPA recommendations and requiring the implementation of an Out of Hours Event Management Plan, to ensure minimal noise impacts both on- and off-campus.
 - The Department has recommended conditions of consent requiring the Applicant:
 - design and operate plant and equipment (including school bells and public address systems in accordance with the established project specific noise limits outlined within the additional noise response submitted with the Supplementary RtS prepared by Acoustic Logic dated 13 August 2018.
 - limit use of courtyards and outdoor areas used in association with events after 6pm.
 - limit use of the gymnasium and squash courts to 7:00 am and 8:00

school address system met the accepted acoustic criteria, and to reduce the hours of operation for use of the outdoor areas, gym and squash courts.

pm Mondays to Fridays, and 8:00 am and 6:00 pm Saturdays.

- The Department concludes that noise impacts of the proposed development can be appropriately managed through the implementation of the commitments made by the Applicant and the recommended conditions of consent.

Contamination	<ul style="list-style-type: none"> • The EIS included a Preliminary Environmental Site Assessment prepared by Environmental Site Investigation Services. • In its submission on the EIS, the EPA noted the previous use of part of the site as an army rifle range and the need for a Stage 2 investigation. • The EPA also raised the age of the structures identified for demolition and as a result, lead-based paints, potential for asbestos containing materials and PCB capacitors that may be encountered. • A Preliminary Stage 2 Environmental Site Assessment was prepared as part of the RtS and a Remediation Action Plan (RAP) was submitted with the Supplementary RtS. • The EPA raised concerns with the limited extent of testing and identified issues with the RAP. • On this basis, the EPA recommended a number of conditions requiring: <ul style="list-style-type: none"> – undertaking additional site assessment to cover previously untested areas including testing for unexploded ordinance. – update the RAP to include estimates of contaminated fill, an asbestos management plan, and site validation reporting. – implement an unexpected finds protocol. 	<ul style="list-style-type: none"> • The Department acknowledges that the potential risk of contamination at the site and supports the recommendation of the EPA. • The Department also recommends the Applicant engage a site auditor to undertake an independent review of the site. • The Department has recommended conditions of consent requiring the Applicant: <ul style="list-style-type: none"> – undertake additional site assessment for targeted contaminants across the site. – undertake a site assessment for unexploded ordinance, exploded ordinance, and exploded ordinance waste. – update the RAP to include the results and recommendations of the above, a cost benefit analysis of remediation options, estimates of contaminated material to be removed of the site, and an Asbestos Management Plan. – implement an unexpected finds protocol. – engage an independent site auditor.
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Aboriginal
Cultural
Heritage

- Urbis, on behalf of the Applicant, prepared a due diligence Aboriginal heritage assessment for the former UTS Ku-ring-gai Campus.
- The assessment was undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects (DECCW, 2010).
- The assessment was undertaken as a result of the close proximity of the proposed development to Aboriginal sites, as well as the sites association with landscape features and included a desktop review of the site in addition to a site inspection.
- The desktop assessment concluded that the site had no documented evidence of Aboriginal use, however areas of potential archaeological sensitivity were identified. The visual inspection of the site identified that the site had been severely disturbed from its previous uses (farm, part of a rifle range, tertiary education establishment).
- OEH advised that a 'due diligence' assessment is unsatisfactory in this instance and an Aboriginal Cultural Heritage Assessment Report (ACHAR) in accordance with the relevant guidelines be prepared.
- OEH also identified the proximity of the development to a site of Aboriginal importance identified on the AHIMS database.
- In response, the Applicant submitted an ACHAR which identified the exact location of the AHIMS registered item and included consultation with the Local Aboriginal Land Council.
- The Applicant considers that the potential for Aboriginal cultural heritage impacts as a result of the proposed development are negligible.
- The Department notes that the site has been substantially disturbed in some locations, however does contain rock outcrops and natural features of potential Aboriginal importance in undisturbed areas.
- Even so, the Department accepts the Applicant's conclusion regarding the limited potential for Aboriginal cultural heritage impacts of the proposed development limited external works proposed as part of the Phase 1 development and supports the implementation of recommendations made by the ACHAR.
- Notwithstanding, the Department also considers that an unexpected finds protocol should be prepared and that works should cease on the site and relevant stakeholders consulted if any objects are found.
- The Department has recommended conditions of consent requiring the Applicant:
 - cease works if any unexpected archaeological relics are uncovered during the work and contact OEH immediately.
 - have a representative from the LALC in attendance when undertaking any excavations greater than 1m in depth.

Tree Removal / Biodiversity	<ul style="list-style-type: none"> • To facilitate the establishment of the APZs, 872 trees are proposed to be removed from the site. • As part of the Supplementary RtS, the Applicant submitted a Biodiversity Assessment Report (BAR) prepared by ecoplaning, dated 23 August 2018. • The BAR identified two native vegetation types (<i>Dwarf Apple – Broad-leaved Scribbly Gum</i> and <i>Smooth-barked Apple – Red Bloodwood</i>) on the site that would be impacted by the proposal. • • The BAR determined that 71 ecosystem credits are required to offset the impacts of the proposal. • It is noted that OEH raised no concerns with the BAR and proposed offset strategy. 	<ul style="list-style-type: none"> • The Department acknowledges the extensive tree removal required to form the APZs and notes that no replacement planting is proposed. • The off-set strategy includes payment into the biobank scheme. • With the offset strategy in place and recommended conditions requiring the retiring of ecosystem credits, the Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset. • The Department is conscious that the extensive tree removal will significantly modify views of the site and the heritage significance of the item. However, 228 trees are proposed to be retained to provide a reference to the existing bushland environment. • The Department considers that ensuring the safety of staff and students, and the resulting public benefit resulting from the delivery of school places justifies the proposed loss of vegetation. • The Department has recommended conditions of consent requiring the Applicant to retire 71 ecosystem credits as per the BAR.
Flooding / Stormwater	<ul style="list-style-type: none"> • For Phase 1 of the school development, no stormwater management system is proposed due to construction works being located within the footprint of the building and being primarily internal. • OEH have requested that all stormwater runoff from artificial surfaces, such as the playground proposed to the north of the school building, is to be treated prior to discharge into the Lane Cove NP. • The Applicant has deleted all artificial surfaces from playground areas which have been replaced by natural materials 	<ul style="list-style-type: none"> • The Department notes that the proposal includes the expansion of impervious surfaces across the site which may require stormwater management works, at the very least requiring connection into the existing system. • The Department also notes that the vegetation removal across the site may increase stormwater runoff. • In this regard, the Department is satisfied that subject to conditions requiring stormwater to be managed in accordance with <i>The Blue Book – Managing Urban Stormwater: Soils and</i>

such as sand and grass.

- OEH have also reviewed the submitted flood study and identified a number of errors in the document that require correction.

Construction (2004) the proposal would not result in downstream stormwater impacts subject to conditions.

- The Department acknowledges the issues raised by OEH in relation to the submitted flood study. To address these concerns, the Department recommends a revised flood study be submitted as a condition of consent.
- It is noted that a flood emergency management plan was submitted with the Supplementary RtS which includes options for in place refuge and evacuation during a flood event. Subject to conditions requiring it be updated once the flood study is finalised, the Department is satisfied that floor risk would be appropriately managed.
- The Department has recommended conditions of consent requiring the Applicant:
 - comply with *The Blue Book – Managing Urban Stormwater: Soils and Construction (2004)*.
 - submit a flood report prepared by a qualified engineer to the satisfaction of the Department and implement any recommendations made prior to commencement of operations.
 - prepare a final Flood Emergency Management Plan prior to commencement of operations.

-
- Public Interest
- The proposal addresses the directions and actions of The Greater Sydney Region Plan, the State Infrastructure Strategy and the North District Plan.
 - The proposal would have a positive economic and social impact, including direct investment of approximately \$62 million (all development phases), the

The proposal is in the public interest as it would provide 350 additional school places with contemporary teaching and learning facilities designed to improve educational outcomes consistent with the Premiers Priorities to improve education results through the provision of new and improved teaching and education facilities.

creation of up to 150 construction jobs and 50 operational jobs.

Other
Submission
Issues

- Two submissions requested shops, restaurants and cafés also be included as part of the development.
 - It is not the Departments role to force the inclusion of other uses within the proposed school development, nor determine the appropriateness of such uses co-existing on the site.
-
- Optus requested the Department intervene in the ending of their lease with DoE to locate a telecommunications facility on the site on the basis that mobile telecommunications are expected for school uses.
 - The Department agrees that mobile telecommunications are essential for the operation of a school in the current environment. However, the lease is a commercial matter between the two parties and is not a material planning consideration.



7. Evaluation

The Department has reviewed the EIS, RtS, Supplementary RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been satisfactorily addressed.

Conditions have been recommended to satisfactorily address any outstanding, residual construction or operational issues.

Phase 1 of the proposed school is consistent with the objects of the EP&A Act (including ecologically sustainable development) and is consistent with the State's strategic planning objectives for the site as set out in the NSW Premier and State Priorities A Metropolis of Three Cities – the Greater Sydney Region Plan and the North District Plan as it will provide improved education facilities and much needed school infrastructure.

The Department also considers that the proposal would provide significant public benefits through the provision of a cultural and education facility in an accessible location, and economic benefits through the generation of approximately 150 construction jobs.

The Department's assessment concludes that bush fire risk associated with Phase 1 of the proposed development whilst significant, can be appropriately managed, subject to recommended conditions. The Department notes that the establishment of the APZs to manage the bush fire risk would affect the bushland setting, however it enables the adaptive reuse of the heritage significant "Brutalist" building with minimal impacts on heritage fabric.

The tree clearing proposed to be undertaken in relation to the APZ has been refined by the Applicant following discussions with the NSW RFS, and following further investigations and refinement, a detailed Landscape Management Plan was subsequently prepared with input by ecological and bush fire consultants. The Landscape Management Plan has enabled the retention of a number of significant trees within the APZ. The Landscape Management Plan would be subject to final approval by the NSW RFS.

The Department is satisfied that the Applicant has satisfactorily responded to the issues raised and recommends the partial approval of the SSD application for Phase 1 of Lindfield Learning Village, subject to recommended conditions.

Consequently, the Department considers Phase 1 of the proposed Lindfield Learning Village is in the public interest and should be approved subject to conditions.



8. Recommendation

It is recommended that the Executive Director, Priority Projects Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant partial consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants partial consent** for the application in respect of Phase 1 of Lindfield Learning Village (SSD 8114).
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Teresa Gizzi

Senior Planner, Social and Other Infrastructure Assessments

Recommended by:


Andrew Beattie 24/10/18

Team Leader

Social Infrastructure Assessments

Recommended by:


Karen Harragon 24/10/18

Director

Social and Other Infrastructure Assessments



9. Determination

The recommendation is: **Adopted** / Not adopted by:

David Gainsford

Executive Director

Priority Projects Assessments

24/10/18



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Environmental Impact Statement
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8114
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8114
3. Applicant's Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8114
4. Applicant's Supplementary Response to Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8114

Appendix B - Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Ku-ring-gai Local Environmental Plan (KLEP) 2012.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The proposal is for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$20 million, under clause 15 of Schedule 1.	Yes

The proposal is SSD in accordance with section 4.36 of the EP&A Act because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$20 million, under clause 15 (educational establishments) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011, as in force at the time of lodgement.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes traffic generating development in accordance with clause 104 of the Infrastructure SEPP as it comprises an educational establishment with more than 50 students. The Infrastructure SEPP requires traffic generating development to be referred to RMS for comment.

The application was referred to RMS in accordance with the Infrastructure SEPP. Their comments are discussed in **Sections 5 and 6** of this report.

The proposal is therefore consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (see **Appendix D**).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The aim of the Education SEPP is to facilitate the effective delivery of educational establishments across the state by improving regulatory certainty and efficacy, simplifying and standardising approval pathways, establishing consistent state-wide assessment requirements and design considerations, allowing for the efficient development, redevelopment or use of surplus government-owned land and encouraging the joint and shared use of the facilities.

Pursuant to the savings and transitional provisions of Schedule 5 of the Educational SEPP, this policy does not apply to the proposal, as at the time of the lodgement of the SSD application under Part 4 of the EP&A Act on 14 June 2017, the Education SEPP had not been gazetted or commenced.

The Department is satisfied that the proposed Lindfield Learning Village complies with the design principles and requirements of the Education SEPP, in particular Part 4 Schools – specific development controls and Schedule 4 Schools – design quality principles.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Contamination is considered in **Section 6.5** of this report.

The Department has recommended conditions requiring additional site investigations including testing for ordnance (unexploded, exploded and waste), an updated remediation action plan to respond to the testing, development an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during works and the appointment of an independent site auditor. Subject to conditions, the Department is satisfied the development would be suitable for the proposed school use in accordance with SEPP 55.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area.

The proposal is consistent with the relevant Planning Principles of the SHC SREP and would not have any significant adverse impact on the Sydney Harbour Catchment.

Ku-ring-gai Local Environmental Plan (KLEP) 2015

The KLEP 2015 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Ku-ring-gai LGA. The KLEP 2015 also aims to conserve and protect natural, heritage and cultural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the KLEP 2015 and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the KLEP 2015. Consideration of the relevant clauses of the KLEP 2015 is provided in **Table B2**.

Table B2 | Consideration of the KLEP 2015

KLEP 2015	Department Comment/Assessment
Clause 4.3 Building height	The footprint of the existing building (B4 Mixed Use zoned land) is subject to a maximum height limit of 20m. The remainder of the site (R1 General Residential zoned land) is subject to a maximum height limit of 9.5m. The proposed additions that form part of Phase 1 are all located within the footprint of the building and have a maximum height limit of 12.694m.

Clause 4.4 Floor Space Ratio	N/A
Clause 5.10 Heritage conservation	Heritage has been considered in Section 6.3 and 6.5 of this report. It is noted that the loss of vegetation would impact on the significant bushland setting of the building, however subject to conditions of consent requiring retention of significant fabric within the building, and the preparation of various conservation documents, the heritage impacts of the development are found to be acceptable.
Clause 6.2 Earthworks	No significant earthworks are proposed to facilitate the Phase 1 school.
Clause 6.3 Biodiversity	<p>The subject site is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. Biodiversity and tree removal has been considered in Section 6.2 of this report. A BAR was submitted with the application to address the proposed loss of vegetation across the site and subsequent impacts on flora and fauna habitat. Two native vegetation communities were identified on the site and will be affected by the tree removal. In accordance with the TSC Act, the BAR established that 71 ecosystem credits are to be retired to mitigate the loss. OEH have also considered the proposal and are now satisfied with the proposed offset.</p> <p>The Department has recommended conditions requiring the Applicant to retire the ecosystem credits prior to commencement of works, and a flora and fauna management plan is to be developed for the construction and operational phases of the development.</p>
Clause 6.5 Stormwater and Water Sensitive Urban Design	No stormwater works are proposed as part of the Phase 1 development due to the majority of works being located within the existing building footprint. Even so, the Department has recommended conditions requiring the installation of a rainwater reuse/harvesting system, and management of stormwater in accordance with <i>The Blue Book – Managing Urban Stormwater: Soils and Construction (2004)</i> .

Other policies

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development.

Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the SEARs and are considered below.

Ku-ring-gai Development Control Plan

Table B3 | Consideration of the Ku-ring-gai DCP

Section	Department Comment
Part 2 Site Analysis	An acceptable site analysis was submitted with the application.

Part 13 Tree and Vegetation Preservation	The proposed tree removal and the subsequent heritage and biodiversity impacts are discussed in detail in Sections 6.2 and 6.3 .
Part 15 Land Contamination	Contamination is discussed in detail in Section 6.5 of this report.
Part 16 Bush fire Risk	Bush fire is discussed in detail in Section 6.1 of this report. Subject to conditions, NSW RFS are satisfied that bush fire risk for Phase 1 of the school is acceptable.
Part 18 Biodiversity	The proposed tree removal and biodiversity impacts are discussed in Sections 6.2 . The loss of vegetation is significant, however is proposed to be offset in accordance with the TSC Act to the satisfaction of OEH. A Landscape Management Plan has also been prepared for the site.
Part 19 Heritage Items and Heritage Conservation Areas	A detailed assessment of heritage is provided in Section 6.3 of this report.
Part 21 General Site Design	<p>The application does not propose to make significant changes to the topography of the site through cut and fill.</p> <p>Minimal landscaping is proposed to support Phase 1 of the school, as the landscape is generally characterised by the remaining vegetation on the site.</p>
Part 22 General Access and Parking	<p>The application proposes to use the existing car parking available on the site as there are a sufficient number of spaces available for the Phase 1 school. The design and layout of the car park is considered acceptable subject to conditions of consent.</p> <p>Conditions are also recommended to ensure the bicycle parking complies with the relevant Australian Standards.</p>
Part 24 Water Management	The Department has recommended conditions of consent requiring the management of stormwater in accordance with <i>The Blue Book – Managing Urban Stormwater: Soils and Construction (2004)</i> .

Appendix C – Consistency with Concept Plan Approval

Consistency of the proposed development with the Concept Plan Approval is examined in **Tables C1, C2** and **C3** below.

Table C1 | Consideration of the Relevant Concept Plan Conditions

Condition	Department Comment/Assessment
PART A. TERMS OF APPROVAL	
A1. Development Description	
(1) Except as modified by this Consent, Concept Plan approval is granted only to the carrying out of development solely within the Concept Plan area as described in the document titled Preferred Project Report and Statement of Commitments UTS Kuring-Gai Campus Lindfield, SEPP Major Projects and Concept Plan Volumes 1 and 2 dated February 2008 and prepared by JBA Planning Consultants and DEM Architects.	The proposed development is consistent with that described in the Concept Plan approval.
A2. Development in Accordance with Plans and Documentation	
(1) Except as modified by this approval, the development shall generally be in accordance with the following plans and documentation (including any appendices therein): (a) Preferred Project Report and Statement of Commitments UTS Kuring-Gai Campus Lindfield, SEPP Major Projects and Concept Plan Volumes 1 and 2 dated February 2008 and prepared by JBA Planning Consultants and DEM Architects; and (b) Modification report by JBA Urban Planning Consultants dated February 2010 and its revised appendices, including University of Technology Sydney Ku-ring-gai Campus State Significant Site Amendment Concept Plan, DEM, April 2010, letter from JBA Urban Planning Consultants dated 24 March 2010 and its attachments; (c) Modification report by JBA Urban Planning Consultants dated 26 July 2011 and its appendices; and (d) Modification report by JBA Urban Planning Consultants dated 26 April 2012 and its appendices.	The proposed development is consistent with that described in the Concept Plan approval.
(2) In the event of an inconsistency between: (a) the modifications of this approval and any document listed from clause A2(1)(a) to A2(1)(b) inclusive of this Instrument, this approval shall prevail to the extent of the inconsistency; (b) any document listed from condition A2(1)(a) to A2(1)(b) inclusive, the most recent document shall prevail to the extent of the inconsistency; and	

- (c) the Statement of Commitments, referenced in condition A2(1)(a) and this approval, then the approval shall prevail to the extent of the inconsistency.

PART B MODIFICATIONS TO THE CONCEPT PLAN

B2. Landscaping

- (1) The Landscape Management Plan referred to on page 5 of the revised Statement of Commitments is to be integrated with the urban design guidelines referred to in B1 (1) of this Consent and is to demonstrate:
- (a) maintenance of the bushland setting of the Site;
 - (b) heavy landscaping between the access road and proposed adjoining development; and
 - (c) heavy landscaping between the existing main building and any future development on its northern side.
- (2) The Plan referred to in B2(1) is to be provided prior to or with the first application for development on the Site.
- (3) Development is to be in accordance with the Landscape Management Plan referred to in the revised Statement of Conditions.
- The submitted Landscape Management Plan is generally consistent with the urban design guidelines that have been established for the site. Notwithstanding the tree removal required to establish the APZs, where possible, trees are proposed to be retained to reference a bushland setting.

B7. Stormwater Management

- (1) The Concept Plan is modified such that the Stormwater Management Plan referred to on page 6 of the revised Statement of Commitments is:
- (a) integrated with the Threatened Species Management Plan referred to on page 3 of the revised Statement of Commitments; and
 - (b) revised in accordance with any modifications undertaken as part of this Consent.
- (2) The Plan referred to in B7(1) of this Consent is to be provided prior the first application for development on the Site.
- (3) Stormwater Plans are to be prepared for any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).
- (4) A Flood Emergency Management Plan is to be prepared for any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).
- It is noted that minimal stormwater works are proposed. However, the Department has recommended a condition of consent requiring stormwater to be managed in accordance with *The Blue Book – Managing Urban Stormwater: Soils and Construction (2004)*.
- A Flood Emergency Management Plan has been submitted with the application and reinforced by recommended conditions of consent.

B8. Bush fire Protection

- (1) The Concept Plan is to be modified in consultation with Rural Fire Service to include:
- (a) an appropriately located and sized turning circle;
 - (b) an appropriately located staging area for emergency vehicles;
- A Bushfire Management Plan was submitted with the application specific to the use of the building as a school. Even so, the Bushfire Management Plan is generally consistent with that

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| <ul style="list-style-type: none"> (c) the provision of a reservoir of 50,000 Litres central to the Site entrance; and (d) the detailed Fire/ Emergency Evacuation Plan referred to on page 7 of the revised Statement of Commitments. | <p>approved for the wider Concept Plan site with increased protection purposes and APZs in place for the reuse of the building.</p> |
| <ul style="list-style-type: none"> (2) The modifications referred to in B7(1) of this consent are to be undertaken prior to the lodgement of the first application for development on the Site. | <p>NSW RFS has recommended conditions in relation to vehicular access and provision of water and utilities for bush fire purposes.</p> |
| <ul style="list-style-type: none"> (3) The Bush fire Management Plan referred to on page 7 of the revised Statement of Commitments is to address the management of existing vegetation islands and is to be prepared to the satisfaction of the NSW Rural Fire Service. | <p>A draft Bushfire Emergency and Evacuation Plan was submitted with the application and a final plan is required as a condition of consent.</p> |
| <ul style="list-style-type: none"> (4) Development is to be in accordance with the Bush fire Hazard Assessment and Bushfire Emergency Management and Evacuation Plan referred to in the revised Statement of Commitments. | |

B10. Traffic, Transport and Parking

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| <ul style="list-style-type: none"> (1) A TMAP is to be prepared, in consultation with the RTA, in accordance with Ministry of Transport Guidelines, prior to or with the lodgement of an application for any future works on the site. | <p>A Transport Impact Assessment and draft Green Travel Plan for Phase 1 was submitted with the application and considered satisfactory. The Department has recommended conditions of consent requiring the submission of a final Green Travel Plan prior to the commencement of operations.</p> |
| <ul style="list-style-type: none"> (2) The Proponent must, in consultation with RTA undertake further modelling in order to improve phasing efficiencies to benefit local traffic prior to the lodgement of an application for the development of habitable space on the Site. | |
| <ul style="list-style-type: none"> (3) Development is to be in accordance with the Transport Impact Assessment and Green Travel Plan referred to in the revised Statement of Commitments. | |

B11. Staging, Construction and Demolition

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| <ul style="list-style-type: none"> (1) The Staging Plan referred to on page 1 of the revised Statement of Commitments is to apply to the approved Concept Plan and is to detail bulk earthworks proposed. | <p>The Department has recommended a condition requiring the preparation of a flora and fauna management sub-plan to form part of the construction management plan for Phase 1.</p> |
| <ul style="list-style-type: none"> (2) A Construction Management Plan must be submitted prior to or with an application for the first development on the Site to the satisfaction of Council and is to: <ul style="list-style-type: none"> (a) be integrated with the Threatened Species Management Plan referred to on page 3 of the Revised Statement of Commitments; and integrated with the Staging Plan referred to in B11(1) of this Consent | |

B12. Utilities

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| <ul style="list-style-type: none"> (1) The Concept Plan is modified to ensure all electricity and gas lines shall be accommodated underground where ecological or landscape outcomes are not compromised. | <p>Existing utilities are available to the site.</p> |
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B16. Gymnasium Building

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| (1) The retained gymnasium building shall not be used for any use other than indoor recreation, related community activities, and educational uses. | Complies |
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SCHEDULE 3 – FUTURE APPLICATIONS

A2. Design Guidelines

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| (1) Future development applications are to be in accordance with the design guidelines referred to on page 2 of the revised Statement of Commitments. | Consideration of the Edgelea Estate Urban Design Guidelines are considered in Appendix B of this report. |
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A4. Flora and Fauna

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| (1) All future development is to be undertaken in accordance with the ' <i>Guidelines for Developments Adjoining Department of Environment and Conservation Land</i> ' by DECC dated August 2006. | <p>OEH have considered the application and subject to conditions requiring treatment of stormwater from artificial surfaces before discharge onto Lane Cove National Park land, has not raised any issues with the application in this regard.</p> <p>The Applicant has since deleted artificial surfaces from the proposal negating the need for this condition.</p> |
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A5. Bush fire Protection

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| (1) Future uses are not to require the extension of Asset Protection Zones provided in the PPR. | As the proposed school is identified a 'Special Fire Protection Purpose' in consultation with NSW RFS, an APZ of 100m is proposed to be established around the building. |
| (2) Uses constituting 'Special Fire Protection Purposes' as defined in <i>Planning for Bush Fire Protection 2006</i> are to be undertaken in consultation with the NSW Rural Fire Service. | |

Table C2 | Consideration of the Statement of Commitments

Commitment		Department Comment/Assessment
Planning Agreements	A Voluntary Planning Agreement (VPA) will be negotiated that addresses the current plans to offset section 94 contributions by the provision of the soccer field and the community space which can accommodate a child care centre.	N/A

Ecological Sustainable Development	Any proposed dwellings within the site will comply with BASIX requirements for water conservation and thermal and energy efficiency.	N/A
Staging	<p>Consideration will need to be given to the staging and delivery of the development of the Concept Plan. The staging of the development components will need to have regard to:</p> <ul style="list-style-type: none"> • Minimisation of construction impacts upon adjoining properties; • Protection of existing public benefits and access; • Construction access; and • Timing of infrastructure provision. • A detailed project staging plan will be submitted with the first project application. <p>A separate Construction Management Plan for the existing UTS Building (Lots 2 and 4 DP1151638) will be prepared prior to construction.</p>	A draft Construction Environmental Management Plan was submitted with the application and the Department has recommended the preparation and submission of a final Construction Environmental Management Plan as a condition of consent.
Built Form	<p>Floor to ceiling heights will be limited to 3.5 metres.</p> <p>Urban design guidelines will be developed for single lots, integrated lots, and residential flat buildings prior to the first stage of development, to be outlined in the project staging plan to be submitted with the first project application.</p>	Phase 1 would occupy part of the existing building with minimal alterations or additions proposed.
Contamination	<p>A hazardous material audit which will include sampling and identification of asbestos and Polychlorinated Biphenyls (PCBs) will be completed to determine the extent and integrity of the hazardous building materials which exist on the site;</p> <p>Any demolition/removal of Polychlorinated Biphenyls (PCBs) and asbestos containing material will be conducted in accordance with current NSW EPA waste classification and</p>	Contamination has been addressed in Section 6.5 and Appendix B of this report. The Department has recommended a suite of conditions requiring further site investigation and amendments to the submitted Remedial Action Plan.

disposal guidelines, and WorkCover occupation health and safety procedures:

At the project or development application stage, a limited and targeted Phase 2 intrusive contamination assessment at the northern property boundary will be undertaken to assess whether any contamination, from potential sources identified on the Film Australia site, has migrated onto the UTS property. This would involve the drilling and collection of soil samples as the installation of ground water wells. In addition, limited surface soil sampling will be conducted across the sports oval and any other sporting fields which may have been treated with organochlorine/organophosphate pesticides. The results of Phase 2 soil and groundwater investigation will be assessed against the relevant land use criteria stated by NSW EPA, NEPM and ANZECC guidelines. If concentrations of contaminants exceed the relevant land use guideline a remedial action plan will be developed, with remediation and validation works completed in accordance with NSW EPA guidelines, CLM Act (1997) and SEPP 55.

Notwithstanding the above, a separate Remediation Action Plan is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).

Flora and Fauna	<p>Indirect impacts on bushland such as weeds, feral and domestic animals and fire will be managed by the implementation of management plans and strategies including:</p> <p>A Threatened Species Management Plan that will address:</p> <ul style="list-style-type: none">• Feral and domestic management strategies to minimise habitats post construction for feral animals and restrictions and controls for domestic cats and dogs.• Retention of areas of native vegetation and habitat for threatened flora and fauna within the site, including retention of D.	<p>A Biodiversity Assessment Report and Landscape Management Plan were submitted with the application which generally address the flora and fauna requirements and are considered to be acceptable. The Department has also recommended the preparation of Flora and Fauna management plans for the construction and operational phases of the development.</p>
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biflora plants and habitat;

- Fencing and flagging of all D. biflora plants to be retained within the development area. A minimum of two D.biflora habitats will be retained to the east and west of the village green. Any D.biflora habitats located in the APZ will be managed accordingly;
- Translocation of soil and seeds from D.biflora habitat where this will be impacted by the development area. Translocation will be detailed within a plan prior to any works beginning on the site;
- A monitoring program will be developed to ensure the viability of the D.biflora and determine the success of translocation of seeds.

A Weed Management Plan will be prepared as part of project applications to link into storm water control strategies.

An Erosion and Sedimentation Control Plan will be developed to address both the construction phase and subdivision phase to ensure erosion and sedimentation controls will be put in place prior to any works beginning to ensure that any potential increase in runoff from removal of vegetation or leaf litter does not impact on downstream or off-site environments and development does not contribute to environmental damage of the waterways, bushland or air quality.

A Vegetation Management Plan for the site that will address:

- Retention and protection of trees, particularly hollow bearing trees within the development area where possible;
- Retention of existing understorey vegetation within landscaped areas. These pockets will be rehabilitated as required to remove exotic species and enhance native shrubs and ground covers;

- Pre-clearance surveys will be conducted by ecologists to ensure all fauna are removed prior to clearance and ecologists on site during all vegetation clearance activities to capture any displaced fauna;
- Harvesting of seed banks for the purposes of on-site regeneration. Greening Australia would be consulted regarding the best way to salvage soil seeds and canopy held seeds. These could be used in landscaping or regeneration of disturbed bushland areas adjacent to developed areas.
- All riparian corridors will be protected and maintained.
- The Red Crowned Toadlet breeding habitat and surrounding habitat will be protected and managed.
- Fencing during construction of all areas of native vegetation that will not be removed for development, as protection from machinery and personnel.

Before future residents move in, information packages detailing the environmental sensitivity of the site including information on the threatened species and habitats will be provided to ensure greater awareness and involvement.

In addition, no activities will be undertaken within DECC land.

All non-APZ bushland on the site, south west of the 50 metre APZ will be dedicated to DECC with their approval, and will be initiated with the approval of the first Project or Development Application.

Notwithstanding the above, a separate Landscape Management Plan (including vegetation management, threatened species management and weed management) is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).

Trees	<p>A Landscape Management Plan for the site that will address:</p> <ul style="list-style-type: none"> • Retention or replacement of planting around the oval. • Long term preservation and maintenance of tree assets. • Retention and maintenance of planting along the entry road from Eton Road. • Retention of the planted retaining wall between the existing oval and tennis courts retained. <p>Notwithstanding the above, a separate Landscape Management Plan is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).</p>	<p>A Landscape Management Plan was submitted with the application which reflects the constraints of the APZs that are required to be established and identified trees for retention.</p>
Infrastructure	<p>A comprehensive infrastructure delivery plan will be prepared to ensure that the site can be adequately serviced with all utility services including gas, electricity, water, sewer and telecommunications, etc. The Plan will demonstrate that:</p> <ul style="list-style-type: none"> • Sewer infrastructure will be augmented to service the new development. • Gas, Power and Potable water will be augmented where required to meet the requirements of new development. <p>A comprehensive stormwater management plan will be prepared which addresses:</p> <ul style="list-style-type: none"> • Water flow; • Water quality; • Water catchments; • Water conservation; • Water retention; and • Water treatment and re-use. 	<p>For Phase 1 of the proposed development, no stormwater works are as proposed as the development will make use of the existing system. A report on existing drainage infrastructure was submitted with the application certifying its adequacy and outlining maintenance upgrades that may be required once construction is underway.</p> <p>No cut and fill is proposed as part of the development.</p> <p>A separate Infrastructure and Services report was submitted with the application in accordance with the commitments.</p>

Above ground swales are to be constructed and vegetated with native species and indigenous flora conserved wherever possible.

Water detention areas are to be provided within the development area.

Cut and fill will be balanced across the site, any fill that is required will be clean fill.

Notwithstanding the above, a separate Infrastructure & Services Report is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).

<p>Bush fire</p>	<p>All development on the site will be carried out in accordance with <i>Planning for Bush Fire Protection 2006</i> guidelines.</p> <p>An APZ to be incorporated and maintained, as per the requirements of the <i>Planning for Bush Fire Protection 2006</i>, and the recommendations of the consultant report prepared by Barry Eadie Consulting;</p> <p>An APZ of a minimum width of 50 metre will be maintained between the south-east edge of the existing building and the north-west edge of the site;</p> <p>An APZ of a minimum width of 60 metres is to be maintain to the east of the residential development, to the north east of the site.</p> <p>Detailed management practices will be outlined in a Bushfire Management Plan including management practices within the APZ prior to occupation of the site.</p> <p>Detailed Fire Emergency/ Evacuation plan will be developed prior to occupation of the site.</p> <p>The existing fire trail will be upgraded to meet <i>Planning for Bush Fire Protection 2006</i> and will be extended to connect with proposed residential development to the NW to provide adequate access for fire fighting and management procedures.</p> <p>Prior to any clearance for the Asset Protection Zone (APZ) and fire trail creation, a survey will be conducted to identify any hollow bearing</p>	<p>Bush fire is discussed in detail in Section 6.1 of this report. NSW RFS are satisfied that subject to conditions, the Phase 1 school would satisfy the provisions of <i>Planning for Bush Fire Protection 2006</i>. Additionally, a final Bush Fire Emergency Management and Evacuation Plan to the satisfaction of NSW RFS is required by a condition of consent.</p>
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trees or trees considered to provide important fauna habitat. Such trees will be flagged and locations recorded with a GPS and mapped. These trees will be avoided.

Small shrubs and ground cover to 50cm will be retained within the APZ. Large shrubs can be retained in vegetation clumps where they will not result in fore spreading to tree canopies;

Rocky outcrops and rock will be avoided by the fire trail. No rock will be removed from the APZ or fire trail areas; and

Wooden bridges will be built over the drainage lines for construction of the fire trail so that these environments are not disturbed.

Significant trees will be retained within the development area where possible and all trees will be retained in the APZ.

All *D.biflora* will be flagged and locations recoded with a GPS and protected. A map and works plan will then be devised prior to any vegetation clearance or modification for the APZ creation. Areas within the APZ where soil seed banks or plants could be translocated will also be investigated and identified prior to any works beginning;

Construction of all buildings will be Level 3 construction.

Notwithstanding the above, a separate bush fire assessment and emergency management evacuation plan is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).

Transport

A minimum of 184 car-parking spaces to be retained for the adaptive re-use of the existing UTS building.

Car-parking for the reuse of the existing building will be fully assessed in the future Project Application.

Retention of existing access and bus turnaround loop to ensure public transport services are retained, where practical.

The application proposes to retain 184 car-parking spaces on site, however it is noted that only 65 are proposed to be operational for Phase 1. The 65 spaces are considered sufficient to cater for this phase.

A Transport Impact Assessment (with addendums) has been submitted with the application, as has a draft Green Travel Plan

A Sustainable Transport Plan will be prepared at the Project (or Development) Application Stage which examines methods to promote the use of non-motorised and public transport to access the site for the reuse of the main campus building. This could include the development of Transport Behavioural Program to be distributed to future residents to encourage objectives outlined in the Sustainable Transport Plan.

A separate Transport Impact Assessment and Green Travel Plan (or similar) is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).

in accordance with the Statement of Commitments.

Heritage	<p>A copy of UTS Kuring-Gai, Rezoning Application Indigenous Heritage Issues Report prepared by Jo McDonald Cultural Heritage Management Pty Ltd will be made available to Metropolitan Local Aboriginal Land Council and three copies to Cultural Heritage Division of the Sydney Zone of the Department of Environment and Climate Change.</p> <p>The Metropolitan Local Aboriginal Land Council will be requested to monitor surface works during initial construction phase and promoted.</p> <p>The adaptive reuse of the main building is to respect the architectural integrity and quality and not adversely affect the significance of the building including retention of external materials</p> <p>Any future use of the building is to be in accordance with the Heritage Impact Assessment, as well as the Conservation Strategy for the site, prepared by Graham Brooks and Associates, heritage consultants.</p> <p>Original light fittings will be retained and upgraded</p> <p>Planter boxes on roof terraces will be recovered and maintained, where possible</p> <p>Interim heritage listing of the Site to be progressed.</p>	<p>Heritage is discussed in detail in Section 6.3 of this report. A separate Heritage Impact Statement and a Schedule of Significance was submitted with the application, and the Department has recommended a number of conditions to ensure retention of significant fabric and general consistency with the Concept Plan.</p>
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Further recognise the architectural and heritage values of main campus of UTS complex on the National Trust Register.

Any archaeological findings will be referred to Heritage Office.

Notwithstanding the above, a separate Heritage Impact Statement is to be submitted with any future application for the reuse/redevelopment of the existing UTS Building (Lots 2 and 4 DP1151638).

Geotechnical	A detailed geotechnical investigation will be submitted with the first Project Application.	N/A
Community Facilities	<p>A full-size adult soccer field that is capable of accommodating either two junior cricket fields or two junior soccer fields will be provided and dedicated to Council.</p> <p>Use of the playing field will be consistent with other playing fields in the Ku-ring-gai local government area to ensure uses are compatible and conflicts do not arise.</p> <p>Council will be responsible for the maintenance of the playing field to the current standard and provision of appropriate facilities.</p>	N/A

The subject site forms part of the Edglea Estate which was established under the Concept Plan approval. The development of the associated urban design guidelines was a requirement of the approval. **Table C3** below provides an assessment of the provisions relevant to the proposed school.

Table C3 | Consideration of the Edglea Urban Design Guidelines

Section	Department Comment
3.1 Landscape for Biodiversity and Bushfire Management	<p>Significant vegetation removal is proposed to establish the APZs required for the school in line with current bush fire legislation. The trees to be removed have been chosen in consultation with an ecologist, to ensure trees of the highest significance or quality are retained where possible. The Applicant is required to retire 71 ecosystem credits in accordance with the TSC Act, to offset the loss.</p> <p>The Department considers the proposal to be generally consistent with this section.</p>
3.2 Earthworks and Slope	No significant changes are proposed to the topography of the site.

3.3 Materials, Finishes and Colours	The proposed alterations and additions to the building are considered minor and the colours, material and finishes have been chosen to respect the historic character of the heritage listed building consistent with the UDG.
3.4 Sustainability of Building Materials	The school is proposed to occupy the existing building and maximises reuse of the existing fabric consistent with this clause.
3.6 Vehicle Access	The proposed school will make use of the existing vehicular access points into the site with only minor upgrades proposed.
3.9 Parking for People with a Disability	Complies.
3.10 Pedestrian Movement within Car Parks	The proposed pedestrian pathways between the car parking, drop off areas, and bus bay are acceptable.
3.11 Bicycle Parking and Facilities	Satisfactory subject to conditions requiring compliance with relevant Australian Standards.
3.12 Building Services	Existing services are available to the site.
3.13 Waste Management	Generally complies.
5.1 Landscape Character	Extensive vegetation removal is required to establish the APZ's to support the proposed school. However, attempts have been made to retain some trees in reference to the existing bushland setting.
5.5 Tree Canopy	Tree canopy is to be reduced in accordance with the requirements of the APZs. Small areas of tree canopy are proposed to be retained away from the school building where possible.

Appendix D - Recommended Instrument of Consent/Approval