

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS



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SA6386
FINAL
PREPARED FOR DESIGNINC SYDNEY PTY LTD



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1. INTRODUCTION

In accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this document is a request for Secretary's Environmental Assessment Requirement (SEARs) to guide the refurbishment of the former University of Technology (UTS) Ku-ring-gai campus at 100 Eton Road, Lindfield for the purposes of the Lindfield Learning Village.

This development has a capital investment value (CIV) in excess of \$30 million. Pursuant to Schedule 1 Clause 15 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), development for the purposes of educational establishments (including schools) with a CIV in excess of \$30 million is state significant development for the purposes of the SRD SEPP.

The site is adjoined to the north-west and north-east by Edgelea, a medium density residential community recently constructed on the balance of the former UTS Ku-ring-gai campus. Low density residential development is located further north.

The development of the new Lindfield Learning Village by the Department of Education (DoE) reflects the significant need for additional public education infrastructure in this area. Across New South Wales, the DoE is funding new schools, upgrades to existing schools and improved facilities as public school enrolments are anticipated to be 40,000 students higher in 2019-20 than 2015-16. The Lindfield area is a location where significant residential growth will result in a concentration of new student enrolments. To meet the future demand, the DoE is required to provide a school at this location with the modern facilities required for a contemporary teaching and learning environment. The proposed Lindfield Learning Village will involve the following:

- Reconfiguration and refurbishment of the internal spaces of the former UTS Ku-ring-gai campus and grounds;
- Potential construction of additional floor space;
- Upgrades to the existing facilities to address the Building Code of Australia (BCA) and access requirements; and,
- Landscaping and open space throughout the site.

The purpose of this report is to provide information to support the request to the Secretary. To assist in identifying the SEARs for the preparation of an Environmental Impact Statement (EIS) for the proposed development, this report provides:

- An overview of the site and context;
- A description of the proposed development;
- An overview of the relevant planning framework and permissibility; and
- An overview of the likely environmental and planning impacts.

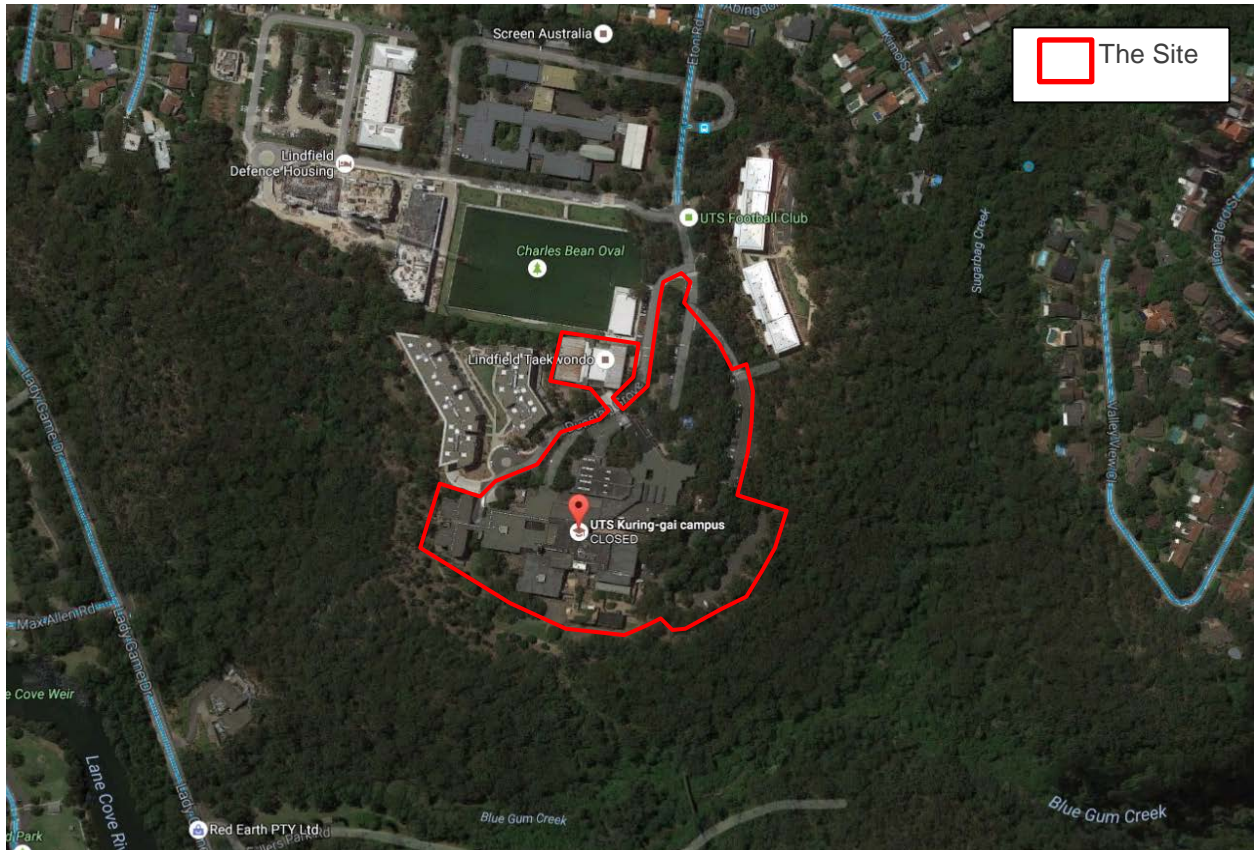
In addition, a Cost Report is attached at Appendix A and Preliminary Concept Plans are attached at **Appendix B**.

2. SITE AND SURROUNDING CONTEXT

2.1. SITE LOCATION

The former UTS Ku-ring-gai campus is located at 100 Eton Road, Lindfield (refer Figure 1). The site is situated at the southern end of Eton Road and has a frontage to Dunstan Grove. The site is legally described as Lot 2 DP1151638 and covers an area of approximately 35,610m².

Figure 1 – Site Location



2.2. EXISTING DEVELOPMENT AND VEGETATION

The existing campus was constructed in the early 1970s and originally opened as the William Balmain Teachers College. The facilities later became the Ku-ring-gai College of Advanced Education and in 1989 it was amalgamated into the UTS. The building consists of a single concrete structure and has five main floors with basement plant rooms and an astronomy observation tower. Lower levels of the building have rooms that open onto roof decks and the massing of the building is broken by small courtyards and concrete linking bridges. The building comprises the following specialised spaces:

- Greenhalgh Auditorium (750 seat capacity);
- Large Lecture Theatre (180 seat capacity);
- Small Lecture Theatre (100 seat capacity);
- Library;
- Drama and Music Facilities;
- Gymnasium building comprising dance studio and weights room;
- Science labs.

UTS Ku-ring-gai Campus is a local heritage item under the *Ku-ring-gai Local Environmental Plan 2015* (KLEP). The heritage listing includes the main building, the gymnasium and footbridge. The setting of the site is the Lane Cove National Park, which surrounds the campus with native vegetation.

Vehicular and pedestrian access to the campus is available via Eton Road, with rows of car parking located to the east of the existing building reflecting the topography of the site and dense pockets of native vegetation. A pedestrian footbridge over Dunstan Grove links the main campus building to the gymnasium.

Photographs of the internal and external exterior of the existing building are provided at Figure 2.

2.3. SURROUNDING DEVELOPMENT

Surrounding the site to the **east**, **west** and **south** is native vegetation associated with the Lane Cove National Park. The Blue Gum Creek is also located to the **south** of the subject site.

The site is surrounded to the **north-west** and **north-east** by Edgelea, a medium density residential development recently constructed on the balance of the former UTS Ku-ring-gai campus. Photographs of the interface with the residential development across Dunstan Grove to the north are provided at Figure 3.

Land further **north** includes the Charles Bean sports field, Screen Australia complex and an established low-density residential environment.

The site is located approximately 2.2 kilometres from Lindfield Railway Station and there is an established bus route between Roseville, Chatswood and Lindfield stations and the campus.

Figure 2 – Photographs of Existing Development



Picture 1 – External view of existing building



Picture 2 – Grassed area to the south of the campus



Picture 3 – Internal space, main foyer



Picture 4 – Internal space



Picture 5 – View towards the internal footbridges



Picture 6 – Footbridge over Dunstan Grove



Picture 7 – Residential development across Dunstan Grove



Picture 8 – Interface with neighbouring residential development

3. DESCRIPTION OF THE PROPOSAL

The proposal will involve the refurbishment of the former UTS facilities and the potential construction of additional floor space for the purposes of the Lindfield Learning Village. The proposal is still subject to design development.

The proposed development provides an opportunity to deliver a new educational model within a unique campus setting and will include of up to 24,000m² of floor space across seven levels that is likely to accommodate:

- Classroom homebases, collaborative learning spaces and library areas for between 2000 and 3000 students across Kindergarten to Year 12;
- Childcare facilities such as a pre-school or long day care centre for at least 40 children;
- An Intensive English Centre for up to 350 students;
- DoE offices;
- A centre for education research;
- Conference and training centre; and
- New outdoor areas, including the potential to accommodate some of these spaces on the rooftop of the existing building.

This application does not seek a staged development, with consent sought for the detailed redevelopment of the entire school site. Preliminary Concept Plans are provided at **Appendix B**.

4. PLANNING FRAMEWORK

The relevant state and local planning instruments applying to the proposed development are identified as follows:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No 55—Remediation of Land*;
- *Ku-ring-gai Local Environmental Plan 2015 (KLEP)*; and
- *Ku-ring-gai Development Control Plan 2015 (KDCP)*.

4.1. STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Pursuant to Schedule 1 Clause 15 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), development for the purposes of educational establishments (including schools) with a CIV in excess of \$30 million is declared state significant development. The proposal has a CIV in excess of \$30 million and is therefore SSD for the purposes of the SRD SEPP.

4.2. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) provides the legislative planning framework for infrastructure and the provision of services across NSW. Clause 32 of the Infrastructure SEPP provides the relevant matters for consideration in the determination of a development application for 'educational establishments'.

Clause 32(2) states that before determining a development application for the purposes of a school, the consent authority must take into consideration all relevant standards in the *School Facilities Standards—Landscape Standard—Version 22* (March 2002), *Schools Facilities Standards—Design Standard* (Version 1/09/2006) and *Schools Facilities Standards—Specification Standard* (Version 01/11/2008). Clause 32(3) states that if there is an inconsistency between a standard referred to in Clause 32(2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.

The above standards are no longer relied on as the guidelines for school design. The proposal has been designed with regard to a number of industry and government benchmarks including the NSW Educational Facilities Standards and Guidelines (EFSG).

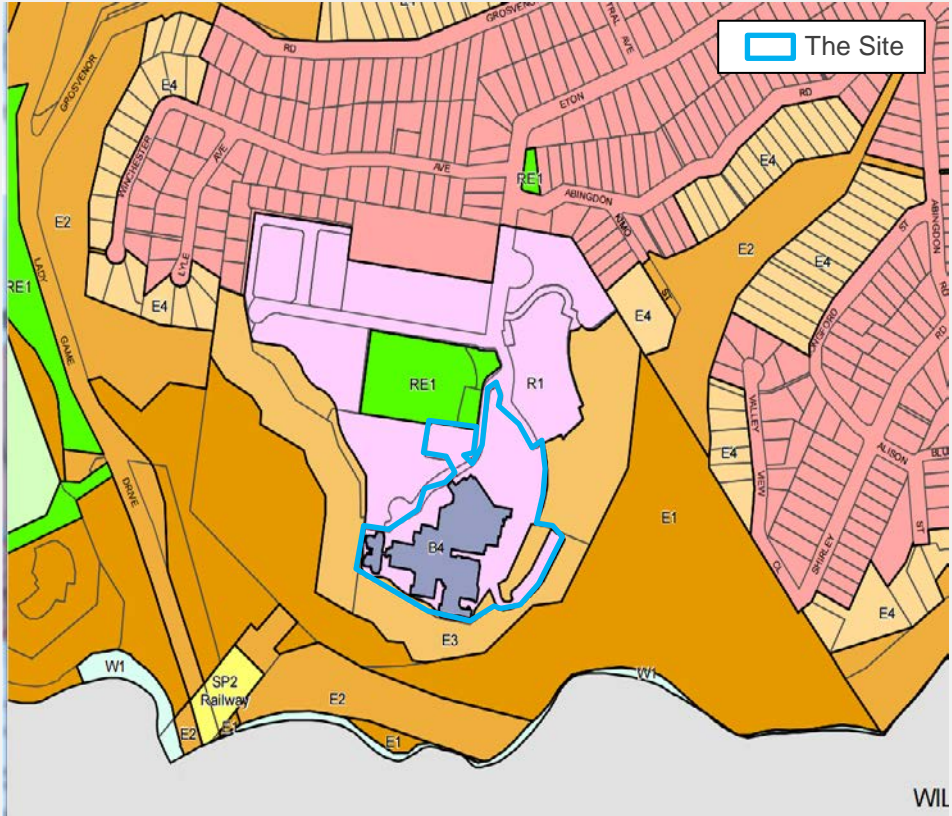
4.3. STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

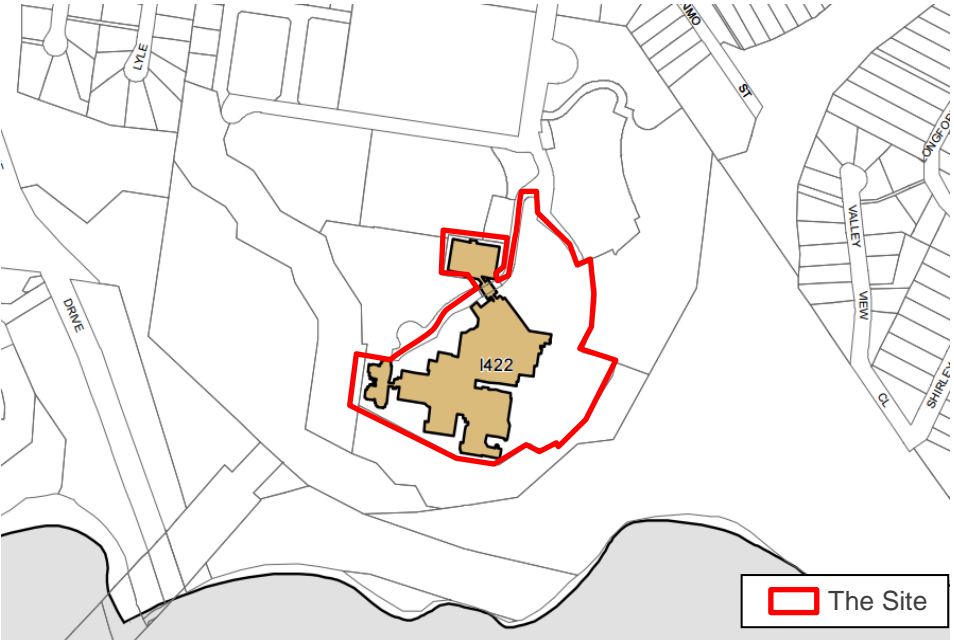
State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) provides a state-wide planning approach to the remediation of contaminated land. SEPP 55 requires the consent authority to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, the consent authority must be satisfied that the land can and will be remediated before the land is used for that purpose. Whilst the proposed works are primarily internal refurbishments to the existing building, geotechnical and contamination investigations will be undertaken as part of the preparation of the EIS.

4.4. KU-RING-GAI LOCAL ENVIRONMENTAL PLAN 2015

KLEP is the principal environmental planning instrument applying to the site. The zoning, permissibility and key built form controls are addressed in Table 1.

Table 1 – KLEP 2015 Key Built Form Controls

Control	Comment
<p><u>Zoning</u> (refer Figure 4)</p> <p>B4 Mixed Use</p> <p>R1 General Residential</p> <p>E3 Environmental Management</p>	<p>The proposed development comprises an ‘educational establishment’. This is permissible with consent in the B4 Mixed Use zone, which comprises the majority of the built form within the site.</p> <p>‘Educational establishments’ are prohibited in the R1 General Residential. The proposal will be permissible within the R1 zoned portions of the site by virtue of Clause 28 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</p> <p>‘Educational establishments’ are prohibited within the E3 Environmental Management zone. No works will be permitted in this zone.</p> <p>Figure 4 – Extract of KLEP 2015 Zoning Map</p>  <p>The map shows a residential area with various zoning districts. A blue outline highlights 'The Site', which is primarily in the B4 Mixed Use zone. Surrounding zones include R1 General Residential, E3 Environmental Management, E4, E1, E2, RE1, W1, and SP2. A legend in the top right corner indicates that the blue outline represents 'The Site'.</p>
<p><u>Height of Buildings</u></p> <p>B4 Mixed Use - 20m</p> <p>R1 General Residential – 9.5m</p>	<p>The main building within the site has a maximum height limit of 20m, whilst the remainder of the site (including the gymnasium) has a maximum height limit of 9.5m.</p> <p>The proposal generally involves the internal reconfiguration and refurbishment of the existing building and does not involve any increase in the permissible building height.</p>
<u>FSR</u>	There is no FSR control that applies to the site.

Control	Comment
<p><u>Heritage</u></p>	<p>The existing building within the site, including the gymnasium and footbridge is designated a local heritage item I422 - UTS Ku-ring-gai campus (refer Figure 5).</p> <p>Figure 5 – Extract of KLEP 2015 Heritage Map</p> 
<p><u>Biodiversity</u></p>	<p>The site is identified as containing and is located adjacent to biodiversity land (refer Figure 6). Sensitive flora and fauna species are identified as being mapped on the site, including an owl species.</p> <p>Figure 6 – Extract of KLEP 2015 Biodiversity Map</p> 

Control	Comment
<u>Bushfire</u>	The subject site has been identified within a 'buffer' area for bushfire prone land.
<u>Flood Prone Land</u>	The subject site is not identified as flood prone.

4.5. KU-RING-GAI DEVELOPMENT CONTROL PLAN

Ku-ring-gai Development Control Plan 2015 (*KDCP*) provides guidelines to guide the design and assessment of development applications for land covered by the KLEP. The DCP does not contain any specific controls for education establishments. Accordingly, there are few controls relevant to the proposal. The key controls applicable to the development of Lindfield Learning Village on the site are:

- Non-residential and Office Buildings (Section A Part 9);
- Bushfire Management (Section B Part 16);
- Heritage (Section B Part 19); and
- Parking (Section C Part 22).

The EIS will assess the proposal against the relevant DCP provisions.

5. LIKELY ENVIRONMENTAL PLANNING ISSUES

5.1. ARCHITECTURAL QUALITY AND BUILT FORM

The site design has been subject to significant consideration by the DoE and the project team, and demonstrates DoE's commitment to the reuse and re-purposing of existing educational assets. Whilst the primary works will be internal to the existing building, the assessment of the architectural quality and built form will focus on the significant heritage fabric, height, scale, setbacks and building materials of any potential new development and the introduction of rooftop open space and play areas.

5.2. ECOLOGICAL SUSTAINABLE DEVELOPMENT (ESD)

The EIS will detail how ESD principles will be incorporated into the design and ongoing operation phases of the development. The EIS will also detail how measures will be implemented to minimise consumption of resources, water and energy.

5.3. TRANSPORT, TRAFFIC AND PARKING

The proposal will utilise the existing vehicular access from Eton Road and on-site car parking provided within the eastern portion of the site. A full Traffic and Parking Assessment will be prepared, which addresses parking requirements, intersection analysis, vehicular and pedestrian access, sustainable transport measures and loading and unloading.

5.4. FLORA AND FAUNA

Given the relationship of the site to the Lane Cove National Park, the EIS will consider the impact of the proposal on any native vegetation communities, the habitat of any threatened species, population or ecological community, and any regionally significant species of plant, animal or habitat and any biodiversity corridor.

5.5. EUROPEAN HERITAGE

The former UTS Ku-ring-gai campus is identified as a local heritage item. The significance reflects the ethos of the Sydney School style applied to a large-scale public building and concrete construction within a substantially intact native bushland setting. The EIS will include an evaluation and assessment of the proposed impacts associated with the reconfiguration and adaptive re-use of the heritage item.

5.6. ABORIGINAL CULTURAL HERITAGE

The Guringai people lived in the area from Newcastle down to Sydney and developed a rich and complex culture. In metropolitan Sydney there are close to 5,000 Aboriginal sites, including rock art, shell middens, axe grinding grooves, ceremonial grounds, burial sites, stone quarries, fish traps and water holes. Many sites in Ku-ring-gai are still in good condition. An Aboriginal Cultural Heritage Assessment will be undertaken as part of the EIS.

5.7. BUSHFIRE MANAGEMENT

The site is identified within a bushfire prone buffer area and the EIS will address bushfire risk and management associated with the proposed development.

5.8. IMPACT ON SURROUNDING SITES

While the impact of the proposal on surrounding development is anticipated to be minimal, given the proximity to neighbouring residential developments, the following impacts will be assessed:

- Acoustic impact;
- Visual privacy impact; and
- Overshadowing impact.

5.9. SOCIAL AND ECONOMIC IMPACTS

The social and economic impacts of the proposal will be detailed in the EIS. The anticipated social impacts will be related to the provision of contemporary public school infrastructure, whilst the economic impacts will be related to employment generated during construction and operational phases.

5.10. BUILDING CODE OF AUSTRALIA

A BCA Report will be submitted as part of the EIS to confirm that the proposed development and its respective components will comply with the relevant provisions of the BCA.

5.11. CONSTRUCTION MANAGEMENT

A Preliminary Construction and Environmental Management Plan will be submitted with the EIS and will outline the key management measures used during construction. This will address relevant issues such as construction traffic, noise, soil erosion, dust control, stormwater management, etc.

5.12. WASTE MANAGEMENT

A Waste Management Plan will be submitted with the EIS to outline the management and monitoring of waste generated as part of the proposed development.

5.13. STORMWATER MANAGEMENT

A Stormwater Management Plan and Erosion and Sediment Control Plan will accompany the EIS detailing a comprehensive management process.

5.14. CIVIL ENGINEERING DETAIL

Civil engineering matters will be addressed in relevant Civil Engineering Plans.

5.15. CONTAMINATION AND GEOTECHNICAL

As discussed in relation to SEPP 55, the works are primarily internal refurbishments to the existing building and therefore limited ground disturbance works are proposed. Geotechnical and contamination investigations will be undertaken as part of the preparation of the EIS.

5.16. SAFETY AND SECURITY (CPTED)

The EIS will outline the specific measures which have been integrated into the design to ensure the safety of students and the security of the broader site both in and out of school hours.

5.17. CONTRIBUTIONS

Ku-ring-gai Council holds the view that development by the Crown is subject to development contributions in the same manner as development by a private developer. However, Council's Section 94 Plans states that in respect of education projects, the policy position of the NSW Government is as follows:

"Education projects The Policy for both government and non-government education projects approved under the Nation Building and Jobs Plan Act is that:

- neither government nor non-government projects will be required to pay development contributions for the component that is funded by the Nation Building Stimulus Plan;*
- the Infrastructure Coordinator General may apply conditions requiring contributions to school projects that contain components that are not funded by the Nation Building Economic Stimulus Plan.*

The Minister for Planning has formalised this policy position by the issue of a s94E Direction on 9 September 2009 to the effect that any component of a development that is a BER project is not subject to development contributions in the manner of other comparable developments. BER projects were completed between 2009 and 2011. However, the above principles are still applicable to current education projects.

Government schools provide enormous economic and non-economic benefits to the local Council and its community in the form of community infrastructure, and it is considered such benefits far outweigh any additional costs that it might cause for the Council. The following planning policies support the best practice of exempting community infrastructure from paying contributions:

Development Contributions Practice Note – July 2005

In relation to the principles underlying development contributions and exemptions, the Practice Note states that there are some specific exclusions from s94, including Crown development:

1. Crown development

The current limitation on imposition of levies on Crown developments as outlined in Circular D6 – Crown Development Applications and Conditions of Consent remain in force. However, this is the subject of review and a practice note will be issued on this topic after this review.

DoE understands such review and subsequent practice note not yet issued.

Draft Local Development Contributions Guidelines (consultation draft)

The Guidelines outlines the best practice approach to developer contributions on the public sector:

8.3 Public sector development

The current limitations on the imposition of development contributions on public sector developments as outlined in Circular D6 – Crown Development Applications and Conditions of Consent remain in force.

Public sector development generally falls into the following 2 categories:

- Development that is carried out with an underlying philosophy of community service such as a courthouse, school, hospital or social housing; or*
- Development that is carried out on a profit-making basis*

Council can, in its contribution plan, identify those types of developments that are exempt from contributions.

Council can, in its contribution plan, identify those types of developments that are exempt from contributions. In this regard it is considered best practice to exempt those developments provided by the Crown with an underlying philosophy of community service, such as a courthouse, school or community centre, should not be levied a contribution as the material public benefit that is derived from the development exceeds any demand that it creates on existing infrastructure.

Where development is carried out by the public sector on a profit-making capacity they should pay a level of contribution equal to that applicable to the private sector.

Circular D6 Crown Development Applications and Conditions of Consent

Exemption from contributions is supported by Planning Circular (Circular D6) relating to Crown Development Applications. The Circular (from 1995) is referenced in the Department's draft Development Contributions Guidelines 2009 as providing the 'current limitations on the imposition of development contributions on public sector developments'. The Circular provides a guide to Councils and Crown agencies as to which categories of section 94 contributions are applicable to Crown Developments stating that:

"Crown activities providing a public service of facility lead to significant benefits for the public in terms of essential community services and employment opportunities. Therefore, it is important that these essential community services are not delayed by unnecessary disputes over conditions of consent. These activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective"

The circular includes a Matrix, and for education establishments the Matrix indicates:

Open Space	Community Facilities	Parking	Drainage	Local Roads	Sub-Arterial Non-Classified Roads	Arterial (Classified) roads	Upgrading of Local Roads Local Traffic Management
No	No	No	Yes	No	No	No	Yes (bus bays and works associated with the site entrance only)

5.18. CONSULTATION

Preliminary community consultation has been undertaken, including a letterbox drop, information booths and advanced discussions with Ku-ring-gai Council. Key matters discussed with the local community include employment opportunities, catchment boundaries and school opening dates. Further consultation may be undertaken if required by the SEARs.

It is anticipated that the following parties will have an interest in the proposal and will be consulted with, if required by the SEARs:

- Department of Planning and Environment (DP&E);
- DoE;
- Ku-ring-gai Council;
- Roads and Maritime Services (RMS);
- Transport for NSW (TfNSW);
- Office of Environment and Heritage (OEH);
- Sydney Water;
- Ausgrid; and
- Community stakeholders.

6. CONCLUSION

This report provides support to the request for SEARs for the refurbishment of the former UTS Ku-ring-gai campus at 100 Eton Road, Lindfield for the purposes of the Lindfield Learning Village. The development of this school is driven by residential growth in the surrounding area and the need for the DoE to provide contemporary school facilities to meet population demand and education requirements.

The proposal demonstrates the DoE's commitment to the reuse and re-purposing of existing educational assets and provides an opportunity to deliver a new educational model within a unique campus setting.

All relevant impacts will be assessed in the EIS, as guided by the SEARs.

DISCLAIMER

This report is dated 28 November 2016 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of DesignInc Sydney Pty Ltd (**Instructing Party**) for the purpose of Request for SEARs (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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

APPENDIX A COST REPORT

APPENDIX B CONCEPT PLANS



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