16th December 2019

Ms Karen Harragon, Director, Social and Other Infrastructure Assessments

Mr Navdeep Sing Shergill

NSW Department of Planning, Industry and Assessments
320 Pitt Street, Sydney NSW 2000

Dear Karen & Navdeep,

Lindfield Learning Village - Stages 2 and 3 - Amended Scheme

Submission on behalf of Strata Plan 90970

The residents of Crimson Hill live in very close proximity to the Lindfield Learning Village (LLV). The properties almost encircle the school, and we share common roads and services. Most residents have moved to the area to enjoy the bushland setting, isolated location, the unique architecture of the LLV and the complementary style of Dunstan Grove. Additionally, many residents have moved here because of the school, and the intention to have their children attend the school. The adaptation of the original UTS campus into the LLV is welcomed by our residents, and we look forward to this facility being revitalised and becoming a vibrant part of the community.

The construction of the Crimson Hill precinct following the closure of the campus has led to the development of a new and diverse community in the area, with the influx of approximately 850 residents. The development of the precinct is not yet completed, with the last parcels of land under redevelopment / sale or construction at present. The final resident numbers will be approximately 1,100 people. In addition to this, the Charles Bean Oval which, with it's all weather surface, is in use 7 days a week, typically from 7am to 9pm, and used by teams from all over the area and the city. Similarly, the Dunstan Grove roadway has had an evolving development, from an internal campus road (serving a Loading Dock and tennis courts), to a local road serving 120 residences, and now being expected to support the additional school traffic.

Consequently, the proposal for the LLV expansion to 2,100 students (and associated staff & services) requires planning to consider a different context to that which originally operated for the university, because of the changes to the precinct, and also because of the changed nature of use (university students v school students).

The Dunstan Grove community is particularly exposed to the LLV, flanking it's northern perimeter and sharing common access roads and pathways. During the construction of Stage 1, the residents were affected by the intrusions of construction deliveries, vehicles and personnel, and also the noise of 24hr, 7 day/week building activities. This was tolerated by residents who understood there was a very tight timeframe for commencement of the school. Out of the Phase 1 experience, the residents have continually sought opportunities for engagement with Schools Infrastructure to ensure a mutually beneficial delivery of the following Stages 2&3. Only two meetings were offered by Schools Infrastructure, and at these meetings little information was provided. The release of the Stage 2 & 3 application, with significant changes to access arrangements, and with little consultation / notification has provided no confidence that a considered approach has been taken, and our review of the documents lodged with the RTS confirms this.

We understand that the current traffic arrangements may not be working well for the existing numbers of students, and that improved arrangements need to put in place for the planned increase (should that be approved), but this needs to be done in a respectful manner consistent with the current environment of the precinct. This submission raises a number of objections to the proposal, identifying where it does not meet the local planning conditions, or the minimum standards that apply to a development such as this.

Regretfully, whilst we support the growth of the Lindfield Learning Village in-principle, the current proposal put forward by Schools Infrastructure has been poorly thought-out and has no regard to the amenity of its neighbours, and on this basis we confirm that we **object** to this application. Their approach to consultation regarding this application has been reprehensible.

Executive Summary

- Schools Infrastructure has not undertaken any genuine analysis of alternatives to the proposed Loop Road, which will result in significant safety, noise, environmental, heritage and amenity impacts to the local area.
- Community consultation has been inadequate and tokenistic (to the point of deceptive), and the planning process has been deliberately rushed by School Infrastructure's decision to lodge the RTS as late as possible in 2019 with the expectation that approval is to be granted before Term 1 2020. In particular, the RTS Report essentially ignores community submissions from Stage 1, with only a cosmetic response to previous concerns in a 2-page appendix.
- The proposed Loop Road is a prohibited use within the E3 Environmental Management zone under the Ku-ring-gai LEP.
- The RTS is false and misleading by stating that no development is proposed in the E3 zone. This is not the case, and in fact the proposed Loop Road will be located in this zone. This is particularly significant because, as noted above, this is a prohibited land use in the E3 zone.
- The RTS confirms that the proposed development will result in exceedances of noise criteria on Dunstan Grove due to the significant increase in traffic volumes as a result of the proposed Loop Road. This should not be accepted, especially when there are a number of alternative options to the Loop Road that should have been explored by the proponent.
- The RTS is inadequate, and the following additional material must be provided and re-exhibited for public comment:
  - Analysis of alternatives to the proposed Loop Road arrangement to demonstrate why the significant impacts of the proposed option cannot be avoided.
  - Swept path diagrams for Dunstan Grove to demonstrate the ability of school buses to travel via this road without crossing the existing centre-line and blocking on-coming traffic. Due to the narrowness and curvature of this road, cars already cross over the centre-line causing safety issues that would be significantly exacerbated by the proposed use of buses and additional car traffic.
  - Queuing analysis to the proposed Loop Road to demonstrate that all queuing will occur within the school site, and will not impede access to the residential basement entrance from Dunstan Grove.
  - Details of the specific location of residential dwellings in Crimson Hill who will experience noise criteria exceedances due to the significant increase in traffic volumes as a result of the proposed Loop Road.
  - Clarification of whether the proposed 'statement of commitments' are the Final Mitigation Measures proposed by Schools Infrastructure.
  - Resolution of inconsistencies between the documents submitted that variously describe the proposed Loop Road as a 'bus loop', and confirmation that each report submitted has assessed the impacts of both buses and private vehicles using this driveway for pick-up/drop-off.
- **This submission objects to the Application on the basis of:**
  - **The Loop Road, is a prohibited use, and has not considered the impacts beyond the school boundary.**
  - **The Construction Management Plan, will significantly impact the neighbouring residences**
  - **The School enrollments should be limited until the above matters are resolved through further meaningful community consultation. We request that Phase 3 (950 students) is not approved until these matters are resolved.**

1.0 Proposed loop road arrangement

1.1 Traffic Modelling Assumptions

The assessment of expected traffic numbers (cars and buses) appears to have been very conservatively estimated in order to under-represent the actual volume of vehicles that will travel down Dunstan Grove to access the Loop Road. In particular with regard to the Traffic Impact Assessment Report, we point out the following:

- Table 9 (p.24) surveys numbers of Stage 1 existing, and potential, bus users, based on a survey of students. Of the Existing students 152 travel by bus, and 205 are identified as potential bus users (an increase of 30%).
- For Stage 3 travel, Table 21 (p.36) uses the Potential users to calculate travel modes rather than the Existing. It has been calculated this way, so as to achieve a reduced number of vehicle movements (314 car movements). But, this does not reflect the reality of existing travel patterns. When the existing travel patterns are applied it calculates to **562 cars** movements.
- Similarly, in applying the numbers of (potential) students who wish to travel by bus, the Report predicts that every bus will carry 75 students. This is assuming that all buses are completely full. Again this is an unrealistic expectation. A good outcome would be if the buses carried 60 passengers (80% capacity) which would then require **18 buses**.
- The Traffic Impact Assessment Report at Section 4.2 assesses that on-site parking can only be provided for 42% of Stage 3 Staff, and relies on the Green Travel plan to place staff in other modes of travel. However, it has already relied on 70 students per bus, so there is no available spaces on the buses! It is quite clear that of the 312 staff (90% each day equals 280 staff), 153 will be parking in the adjoining streets. With approximately 300 spaces available, this is over 50% of available on street parking consumed by the school.
- As detailed above, the Traffic Impact Assessment Report has used very optimistic projections to predict a cascading set of lower than actual numbers to understate the impacts of car and bus movements into Dunstan Grove, and also on the surrounding areas.
- Similarly, the impact of parking on the surrounding streets in the Traffic Impact Assessment Report has used optimistic scenarios to again downplay the impact. For example,
    - Table 21 states that no students in Years 10-12 will travel by car. However, many of the Year 12 students will actually be driving themselves, yet the school makes no provision for parking for them. They will all be forced to park in the surrounding streets.
    - Sections 4.3 and 4.5.4 of the Report deals with After Hours Activity, and notes that 195 car spaces will be required for functions in the Auditorium, and then states that they can use the spaces “which have been vacated by teaching staff”. This is a false assumption as, for any school functions (day or evening), most of the staff would be present also. Based on the numbers in section 4.3 this represents almost 80% of the on-street capacity (ignoring the Year 12 students and Staff) who have already taken over 50% of the available on street parking (ie. a total of 130% of available parking). This is not even considering that, out of hours, this parking is already used by the local residents - or the local residents will have no where to park when they arrive home!

1.2 Consideration of alternatives to proposed Loop Road

The proposed Loop Road provides a very poor, short term and ill-conceived approach to managing vehicular access, and is the main aspect of the proposal to which we object. The school has a well-established entrance point on the eastern side of the campus, linking vehicular, pedestrian and parking arrangements with the school entrance that is consistent with the original Concept Approval. This eastern area is remote from the neighbouring residential areas, and has ample area for redevelopment. This area has been in use for Stage 1, and it is now being proposed to abandon this area, and move the vehicular access point to the western side (Dunstan Grove).

In response to this, we have developed two alternative arrangements which provide for all car and bus access provisions, contained within the eastern and southern areas of the campus, and one modifying the existing bus bay. Please find these proposals attached (Attachments C, D & E) .
These proposals are detailed below, but in summary, provide the following advantages:

- vehicles are taken off Eton Road at the earliest opportunity, rather than directing them onto the local roads
- bus and car drop off points are separated to:
    - ensure the safety of students

    - maintain a single continuously operating system (rather than one which changes depending on the time of day)
    - removes the problems associated with cars arriving early for dropoff or pickup and queuing onto the Dunstan Grove roadway, hence blocking the road
- provides emergency vehicle access to the perimeter of the campus
- provides dual use roadway and playground area on the south of the site
- allows for full parking and queuing space for all 14 buses, removing the need for bus queuing / waiting on the local roads (Appendix E)
- removes the dangers of buses travelling down Dunstan Grove and needing to use both lanes (collision hazard with vehicles travelling in the opposite direction)
- removes the danger to pedestrians having to cross Dunstan Grove through the school traffic (at an unmarked crossing
- provides an opportunity for supplementary "visitor" parking during school / auditorium events (rather than forcing this parking into surrounding streets).

In the proposal the application has asked for operation of the Loop Road between nominated hours as follows:

- Morning - 7.30am to 9.30am
- Afternoon - 2.30pm to 5.00pm

However the Traffic Report (Table 22) identifies that the peak dropoff / pickup periods are 8.50am and 2.50pm. **There is no reason therefore that the Loop Road needs to operate (if at all) outside the standard recognised school zone hours of 8.00-9.30am and 2.30-4.00pm**. Staying with these hours will also lead to less confusion by parents and other people using the road.

Whilst the Dunstan Grove Owner's Committee has developed these options in good faith, ultimately the responsibility should fall on Schools Infrastructure to demonstrate that they have explored alternatives with their technical consultant team and demonstrate to the community why alternative, lower-impact options have not been taken up. The RTS includes no such analysis, and the consequent impacts are therefore unjustifiable.

ALTERNATIVES

The Dunstan Grove Owners Committee has worked to develop alternative Loop Road proposals which mitigate the safety concerns with pedestrian and vehicular collisions, and impact/congestion on neighbouring properties. Importantly, we have worked to remove the impacts of the Schools Infrastructure proposal away from sensitive receivers, and simply modified the existing road network system. The Committee has provided these alternatives to Schools Infrastructure prior to RTS Exhibition, and none of these alternatives have been considered by SI in their application.

These proposals are attached, and are summarised as follows:

1. Attachment C - An extension of the existing Eton Road Bus Bay. This proposal suggests to extend the existing bus bay to provide a new and separate area for school bus loading & unloading. We estimate it could provide loading for 3-4 buses, and queuing for a further two buses. This solution maintains buses within the existing Eton Road bus system (consistent with the Part 3A Concept Approval), and keeps them separate from parents cars. Additional buses can queue in Eton Road, and be called in as required (they will see buses leaving).
2. Attachment D - This widens the existing roundabout on the eastern side of the school to allow buses to enter the existing car park / drop off area, turn & load and then leave the school directly onto Eton Road. This could be implemented immediately, and would allow 2 buses to load with 1 bus queuing. The buses and parent vehicles would share the entry and road (and that may restrict it's operational capacity). The existing road system can still be extended around the rear (south) of the school for emergency access, but retains the southern playground area as dedicated for children (not shared as per the LLV Loop Road proposal).
3. Attachment E - This alternative segregates the parent vehicle path from the bus path, but contains both pathways within the existing eastern side of the site. Parent vehicles would queue within the existing car park, and then cross over the bus pathway on an elevated ramp (constructed sympathetically to match the LLV style), to access the pickup / dropoff area. Buses would pass under the parent ramp to access the southern area of the site where they can queue, load and return all within the existing east & southern areas of site. Access to the bus area would be controlled by gate / boom gate. Access to Loading Dock areas and the lower car park are all unaffected. The southern area would be shared Road / Playground /

APZ / Emergency access as proposed by the LLV. One other benefit is that the parent access is always a single choice (not time dependent) and can remain in operation at all times.

The Dunstan Grove OC has also provided SI with a further two options, which also manage to contain all traffic within the eastern side of the school (away from sensitive receivers), but would require land ownership changes. We have provided these options to Schools Infrastructure, and again we have received no response, nor have they been included in the planning as alternatives.

1.3 Road safety

Dunstan Grove is an extremely narrow roadway, squeezed between the LLV buildings, and curved with poor line-of-sight. The Schools Infrastructure proposal will result in a large number of private cars, and 14 buses during each of the AM and PM peak periods, travelling into the school via this road. The RTS and Transport Impact Assessment does not include an assessment of the potential safety implications for vehicles traveling on Dunstan Grove. This assessment should consider the significant increase in traffic, particularly for the large vehicles (12.5m and 14.5m buses).

After repeated requests (and 4 days before the display was scheduled to close), Schools Infrastructure, provided the Owner's Committee with a draft swept path analysis of a 12.5m bus travelling down Dunstan Grove. We note that this does not appear to have been provided to the Department for their assessment of the proposal, or to the broader community who should be made aware of the potential safety impacts. It is quite clear that the bus is forced to cross the centre lines on five occasions between Eton Road and the proposed school entry. Each of these crossings occurs at blind corners where oncoming vehicles will not see the bus until both vehicles are committed to the corners. This will inevitably result in a collision between vehicles, and probable injury to drivers / passengers. On other occasions, this situation will result in impasses between vehicles and potentially large vehicles being forced to reverse in close proximity to pedestrians.

Further, the swept path only considers:

- a standard car travelling in the opposite direction. Dunstan Grove receives many visits from delivery vehicles, moving vans, rubbish trucks and the like. It has not been demonstrated how these vehicles will be able to pass safely.
- Other sections of the RTS documents refer to the Loop Road being used by 14.5m coaches for school excursions. These have not been demonstrated in the swept path analysis.
- The Construction Management plan proposed that all deliveries (semi trailers etc) will also pass down this road (refer Photo 19). No consideration of swept paths for these vehicles has been done.

This swept path was only provided to the residents after repeated requests, as the TTIA provided with the documents gave no consideration to traffic movements in Dunstan Grove and any likely impacts. This information must be obtained by the Department for their own assessment, and a full copy of this information should be provided to the community. These inconsistencies and poor quality of documentation included in the notification package make it extremely difficult for the community to understand and be genuinely consulted on the proposed development.

The following photographs indicate:

- the narrowness of the road, with hard boundaries to rock cuttings and existing buildings (there is no overhang provision on the northern side of the road) Photo 1
- the difficulty of existing vehicles to remain within their lane. Photo 2
- poor sightlines, with no opportunity for vehicles to stop / move aside for oncoming buses and trucks
- the limited opportunity for road widening without loss of existing (limited) footpath provision

Photo 1 - No overhang provision on northern lane

Photo 2 - Standard trucks already cross the centre line

Photo 3 - The southern side already has minimum footpath and verge. Light poles already obstruct the footpath

Photo 4 - Double blind corner at the Eton Road / Dunstan Grove & School Entry junction

Photo 5 - Three way junction Eton Rd, Dunstan Grove & School Entry.

Photo 6 - Eton Road (opposite Winchester Rd) Buses (and cars) are already forced onto the wrong side of the road,

Parking positions for the Blair Wark Community Centre, and Charles Bean Oval are sited on Dunstan Grove. The parking spaces are 90 degree, with cars generally driving in, then reversing out using both lanes of traffic. The oval is used from 6am weekdays for sports training by local clubs and other schools. These parking manouvres already create unsafe situations with the current residential traffic travelling east (refer Photo 7 & 8). This is exacerbated by the refusal of the school to allow out of hours access to their car parks (as was the case prior to the school opening).

Photo 7 - Community Centre parking

Photo 8 - Blind corner approaching the School Entry / Eton Rd intersection

The Proposal indicates that the Loop Road will be controlled by gates at the school boundary, with a VMS at the school entry directing traffic depending on the time of day. Buses (and parents) arriving early, however, will queue at the Loop Road gates, and will obstruct the roadway and driveway entry to Dunstan Grove. There is no ability for buses to turnaround at the Loop Road Gates, or else they will be queuing on Eton Road and causing even greater safety issues (refer Photo 6). The Proposal does not show how this has been considered, or will be managed. There are already safety issues with parents stopping in the road at the Community Centre to let their children out of cars and blocking traffic flows. The instances of this behaviour will increase with the corresponding increase in school numbers.

1.4 Pedestrian safety

There are multiple pedestrian safety issues arising from the proposal to use Dunstan Grove for cars and bus traffic:

- Pedestrians walking along Dunstan Grove must cross sides at the LLV overbridge (Photo 9), as the existing footpath is not continuous. This crossing point has not been formalised as part of the transfer of the road to become a local road, as the position is non-compliant due to inadequate sightlines. Pedestrians must wait for traffic to pass, and then attempt to cross, but often cars are required to stop. With the expected increase in traffic movements (1 car every 20 seconds, one bus every 8 minutes) this opportunity will not arise and pedestrian injury is likely.
- When pedestrians arrive at the Dunstan Grove / Eton Road / School entry junction (Photo 13), there is no pedestrian crossing across the school entrance. Under the Loop Road proposal there will be 500 cars and 14 buses passing over this crossing point each peak period, and no provision has been made for a safe crossing point. This was requested at the completion of Stage 1, and refused. Many of these pedestrians are parents walking their children (& siblings) to school.

Photo 9 - Unmarked crossing with poor sightlines

Photo 10 - Non-compliant crossing for school access to oval

- The existing footpath along Dunstan Grove is already non-compliant with obstacles (light poles & street signs) in the footpath and no run-off provision (the footpath is against the kerb) in multiple locations. There is no provision for bus or vehicle overhang in many locations. Road widening is not possible without further compromising the safety of pedestrians. refer Photos 1, 3 & 7.

- Eton Road footpaths have similar non-compliances:

    - footpaths are of insufficient width, with obstacles, and no run-off provision. refer Photos 11 & 12.

    - the TTIA make multiple references to continuous footpaths having been installed, however at the 5 road crossing points between LLV and Lindfield Public there is no marked pedestrian crossing. Pedestrian safety has not been addressed in the RTS, and the comments in reply simply gloss over the issues raised in Stage 1 and would allow the safety issues to continue into Stage 2 / 3. Refer Photo 6 which shows the point where pedestrians are forced to cross the road as the footpath is not continuous, while vehicles are parked on the corner.

Photo 11 - Footpath north of bus stop too narrow, sign obstructs path, no runoff, path expected to be shared by pedestrians & cyclists

Photo 12 - No pedestrian crossing over street

Photo 13 - No pedestrian crossing across School entry (500 car & 14 bus movements).

Photo 14 - Eton Road / Austral Ave intersection - No pedestrian crossing or pedestrian refuge

Photo 15 - Eton Road footpath not continuous, and against the kerb. Pedestrians are forced to cross the road at the corner without good visibility (this section has a bus stop and vehicles are forced around the bus). refer also Photo 6

1.5 Tree impacts

The change in use of the campus from a university to a school has already resulted in significant clearing of vegetation from the site, dramatically altering the local character and reducing biodiversity values of the local area. The proposed Loop Road would now involve the further removal of the last few remaining trees from the southern and south-eastern edges of the school. It is unclear from the plans and documentation whether and further roadworks would be required on Eton Road, and whether these would also result in further tree removal. Whilst it is acknowledged that the current component of the project removes a relatively small number of trees, this impact must be considered in the context of a much larger number of trees already removed as part of this DA. Importantly, these impacts could be avoided by considering alternative options to the proposed Loop Road. At a minimum, the proponent should provide detailed plans showing the location, pot sizes and species of replacement tree planting to offset the removal of these trees at a suitable replacement ratio.

1.6 Heritage impacts

The Heritage Impact Statement makes reference to specific conservation policies or strategies that do not appear to be on the public record. Notwithstanding this, we note that the HIS is clear that the proposed demolition of heritage building fabric to facilitate the Loop Road is of some impact. The HIS attempts to justify these impacts by positing that this is necessary to achieve suitable traffic arrangements, however, this is not borne out by the complete absence of any analysis of potential alternatives to the current configuration. In the absence of any proper justification for why the Loop Road is required, or required in that position, the heritage impact should not be accepted.

The proposal will result in a significant intrusion in an elevation of the building that is prominent in the streetscape (refer Photo 16). We understand that the school site is currently the subject of a nomination for inclusion on the State Heritage Register, which should provide an indication of the higher significance of this heritage item. It is not unreasonable to ask that Schools Infrastructure demonstrate why these permanent and irreversible impacts cannot be avoided by a more suitable traffic design.

Photo 16 - Area to be demolished to form roadway through building.

1.7 Noise impacts

The Noise Impact Assessment (RTS Appendix I) identifies that the proposed volumes of traffic expected will result in the exceedance of noise criteria as a result of the proposed Loop Road arrangement. Given that there are already noise exceedances arising from the use of the outdoor play areas throughout the day (which are not proposed to be mitigated by the applicant), it is not reasonable to expect that the community bears additional noise impacts particularly where the applicant has not explored reasonable alternative options to the proposed Loop Road.

Furthermore, there are a number of deficiencies in the Noise Impact Assessment which mean that this report cannot be relied upon by the Department to complete its assessment of the application:

- The report does not identify specific locations of residential receivers in Dunstan Grove, but rather classifies the two buildings as a combined receiver. This is not appropriate as the levels of noise experienced in the south-east oriented dwellings, particularly those with direct frontage to Dunstan Grove, are likely to be significantly higher than for other dwellings.
- Figure 8 in the NIA describes the proposed Loop Road as only that portion of the road located on school premises, but does not appear to consider additional traffic generation on Dunstan Grove (much closer to residential receivers). This appears to be confirmed by Figure 9 which identifies noise screening from buildings within the school site. This is not adequate – the proposed Loop Road will generate significant additional traffic on Dunstan Grove which does not benefit from screening from buildings, and should be modelled to demonstrate the actual acoustic impacts on existing residents.
- It is unclear in Section 6.4 whether the assumed source noise level for buses allows for noise generated by buses braking on the downhill slope in Dunstan Grove, including potentially rapid braking where oncoming traffic is encountered.

The community has a right to understand the actual predicted noise impacts generated by the proposed development, and it is critical that the Department has the benefit of correct information upon which to base its assessment. The deficiencies and inconsistencies identified above should be clarified and the public should be provided with the opportunity to review and comment on an updated Noise Impact Assessment.

2.0 General road and pedestrian safety

During existing school operating conditions, and those that are proposed to occur outside of the Loop Road operation, vehicular ingress to the school poses a significant safety risk to pedestrians travelling from Dunstan Grove to Eton Road. Cars travelling south along Eton Road currently travel very quickly into the school premises, providing limited options for safe crossing by pedestrians. The number of cars exiting the school will increase dramatically as part of the proposed expansion, and outside of the proposed hours of operation for the Loop Road, the incoming number of cars will also increase. This safety issue is caused directly by the operation of the school. We request that Schools Infrastructure undertake a road safety audit and implement upgrades to this intersection to ensure that pedestrians are safely able to travel from Dunstan Grove to Eton Road. This is particularly important for families with prams and people with mobility difficulties who are unable to utilise the stairs from Dunstan Grove. As illustrated in Figure 1 below, this safety risk can be easily resolved with minimal physical works to improve pedestrian safety, and should be required as a condition of any development consent (irrespective of the Loop Road).

Figure 1 - Proposed improvements to Dunstan Grove/ Eton Road intersection

3.0 Construction impacts

During Stage 1 works, the Building Contractor accessed the site primarily from the Main School Entry, and then towards completion from Dunstan Grove. The contractor used the driveway which is proposed for the Loop Road entry as the access for their Site Office and deliveries. See Photos 17 & 18.

Photo 17 - Proposed Main Construction Entry Gate conflicts with Dunstan Grove Entry / Exit

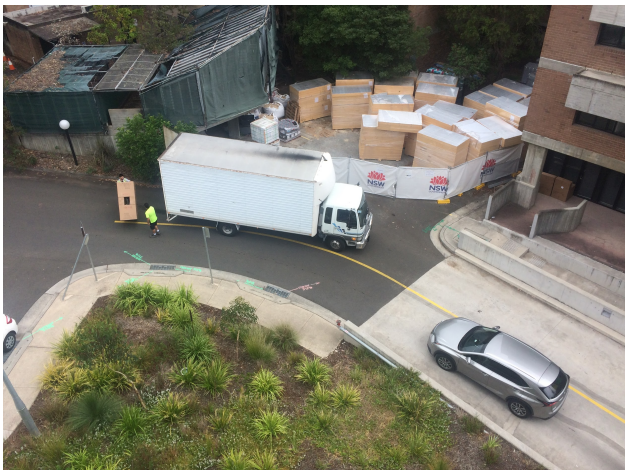


Photo 18 - December 2018 Stage 1 Example delivery impacts

Photo 19 - Semi trailer attempted to drive into Dunstan Grove residences and became wedged.

For the Stage 1 period this proved entirely unsuitable as Dunstan Grove was regularly closed to enable delivery vehicles, cranes etc to be walked down the road by traffic controllers. Dust and debris covered the buildings balconies from the dumping of rubbish, and debris was left in the streets. The street width is not sufficient to allow trucks and equipment to move down Dunstan Grove within the lane. There is no room for vehicles to unload within the site, and they are not able to turn and drive back out. As a consequence, Dunstan Grove will be continually blocked by vehicles trying to reverse out of site and turn, or having to reverse back up Dunstan Grove. Refer Photos 18 & 19 clearly demonstrating how this was not managed.

Additionally vehicles would commence arriving at 6am, with reversing beepers, radios and loading / unloading noises. These all caused considerable disruption to residents which should not be allowed to be repeated.

In the RTS documents, a new Construction Management Plan has been included (drawing no. DA-2-101-C) that shows the main site access gate again being at Dunstan Grove as per Stage 1. This is contrary to the discussion at the consultation meetings and is completely inappropriate (being within 20m of residential apartments), when superior alternatives have been identified which mitigate this impact.

During the two consultation meetings it was demonstrated to Schools Infrastructure that a better point of access is at the eastern point of connection of the Loop Road. Entry gates can be established here, and vehicles can drive straight from Eton Road into the site compound. This can all be managed by traffic control within the school boundaries to mitigate any impacts on school students / staff. They will then be able to turn in the compound and exit driving forward. Refer to the marked up Construction Management Plan attached at the end of this letter (Attachment B).

It is completely inappropriate for the Main Construction Access to be off Dunstan Grove, and at the (only) Main Entry of our residences for the two-year construction period.

4.0 Planning Matters and Process

4.1 Response to Submissions

Whilst we note that this application is technically considered a 'Response to Submissions' for Phases 2 and 3 of the original application, this labelling is misleading to the community given the extent of changes and new impacts that did not occur in the previously exhibited EIS. In particular, the reliance of the Loop Road upon Dunstan Grove for access has not been identified or explained in the notification material sent to nearby residents and stakeholders. This is a significant omission which means that the notice has not conveyed the significance of the potential impacts to residents, and meant that many in the community are likely still unaware of the potential issues associated with the proposal. The proponent should have prepared an Amended EIS that includes a proper description and environmental assessment of the changes to the original scheme. At a minimum, the Department should have communicated the proposed changes being sought more clearly to the community.

4.2 Insufficient time for public comment and errors in public exhibition

The notification period of 21 days was inadequate and less than the minimum 28 days required under the EP&A Act that would be required for a new State Significant Development Application. Three weeks is insufficient time for the community to review extensive new material for a substantially amended proposal, particularly at this busy time of the year, prior to Christmas. The RTS should have been publicly exhibited for at least 28 days, as would have been the case if this was a new application.

This has been compounded by errors in the exhibition of the RTS. As of 27 November 2019, nearly a week after exhibition was supposed to commence, the Planning Portal website still said 'Arrange Exhibition' and included no instructions as to how the community could make a submission. In addition, as illustrated in **Attachment** A, the project was not included in the list of projects 'On Exhibition' on the Planning Portal, meaning that the broader community was not aware that the exhibition period had commenced.

As illustrated in **Attachment A**, information relating to the application was not readily displayed on the Planning Portal project page, with the material hidden below the multitude of documents previously submitted for the Phase 1 RTS. This makes it very difficult for the general community to understand and locate the relevant documents which are available for review and submissions.

Whilst this was remedied somewhat by the 1 week extension granted to the community after the Department was notified of the error, this only served the purpose of correcting the original error and still resulted in an inadequate time period for consultation and confusion in the community surrounding the availability of information.

4.3 Inadequate period for proper planning assessment

The RTS states that approval for Phase 2(a) is required no later than Day 1 of Term 1 2020. This would allow only 40 days (including Christmas, New Year and associated shut-down periods) for the Department to complete its assessment and for the Minister to make his determination following the end of the public exhibition period. This is clearly inadequate and would be an unprecedented rushing of the planning process.

If this date is critical, Schools Infrastructure NSW should have submitted the RTS significantly earlier than the final possible days to achieve public exhibition in this calendar year. It has been more than 18 months since the decision was made by the proponent to separate the RTS for Phases 1 and 2/3 of the school, and it is not believable that the current RTS could not have been submitted sooner to allow for a proper community consultation and planning assessment process.

The Department must not rush the assessment of the planning process given the significant predicted amenity, safety and legal implications of this proposal. The timeframe proposed by Schools Infrastructure would not provide anywhere near sufficient time to rectify the deficiencies in the material submitted by the proponent, provide the community with the opportunity to review and comment on the amended material, or for the Department and the Minister to properly take into consideration the community's submissions.

4.4 Ku-ring-gai Local Environmental Plan

The Response to Submissions Report states at Section 6.6.1 that no works are to be carried out in the E3 Environmental Management zone. This appears to be incorrect and misleading, as the proposed Loop Road appears to be located within E3 zoned land. Section 10.6 of the *Environmental Planning and Assessment Act 1979* states that "*A person must not provide information in connection with a planning matter that the person knows, or ought reasonably to know, is false or misleading in a material particular*". The location of development in relation to a zone boundary is a fundamental planning matter of which the proponent ought to be aware of and be capable of describing correctly. This statement in the RTS brings into question the quality and factual correctness of the entire document.

This issue is of critical importance in this particular case because the proposed Loop Road is not consistent with the objectives of the E3 Environmental Management zone, and a prohibited land use under the Ku-ring-gai Local Environmental Plan.

The objectives of the E3 Environmental Management zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

The proposed Loop Road is entirely inconsistent with these objectives as it will:

- Directly undermine the requirement of this zone to "*protect, manage and restore*" land with special ecological and cultural values;
- Cause ecological impacts through the removal of the remnant existing trees and groundcovers to enable delivery of the road in direct proximity to Lane Cove National Park;
- Have cultural impacts associated with removal of trees and physical intervention in the landscape that are inconsistent with the Conservation Management Plan
- Result in an adverse aesthetic impacts to the bushland setting of the school, which is nominated in the Conservation Management Plan (CMP) as being a key component of the unique qualities of the site that supported its heritage listing.

Schools are prohibited in the E3 Environmental Management Zone under the Ku-ring-gai LEP. The proposed Loop Road can only be characterised as being for the purpose of a school, which is clearly borne out in the RTS which states that the road is required for school buses and private vehicle drop-off/pick-up. As is made clear in the decision of the Chief Judge of the NSW Land and Environment Court in *Chamwell Pty Limited v Strathfield Council* [2007] NSWLEC 114 (*Chamwell*), it is not possible to characterise the Loop Road for any other purpose, such as a road, and accordingly the proposed development of the Loop Road is prohibited.

It should be noted that the zoning of the site was specifically and carefully developed by the NSW Department of Planning, Industry and Environment as part of the State Significant Site rezoning process, which was intended to provide certainty and clarity to the community about the future planning framework for the former UTS Campus. This SSS and Concept Plan process involved extensive community engagement, with over 1,400 public

submissions on the zoning regime for the land. The application of the E3 zone boundary immediately abutting the edge of the existing buildings was specifically applied to protect the environmental qualities of this area and maintain the bushland setting of the former UTS campus buildings in accordance with the biodiversity and heritage conservation objectives. Schools Infrastructure is now seeking to overturn this carefully established planning framework

Whilst we acknowledge that the EP&A Act allows approval to be granted for a State Significant Development that is partly prohibited, this power should not be exercised in this instance where there are reasonable alternatives to achieve a wholly permissible development, and where the proposed development clearly undermines specifically-crafted zoning provisions that were applied to the former UTS campus site.

4.5 Education SEPP

The proposal, and particularly the loop road, is inconsistent with a number of the design quality principles mandated for schools under Schedule 4 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017:

- **Principle 1 – Context, built form and landscape** ("*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage*"): The proposed Loop Road detracts from the special positive qualities of this site by resulting in the removal of existing trees, reduction in the special landscape character of the heritage item and resulting in a significant physical intervention in the heritage building.
- **Principle 4 - Health & safety** ("*Good school development optimises health, safety and security within its boundaries and the surrounding public domain*"): The proposed Loop Road will result in significant potential safety impacts by resulting in a significant increase in private car and bus traffic on a narrow, curved road with inadequate pedestrian facilities to accommodate the predicted increase in traffic.
- **Principle 5 – Amenity** (…"*also considering the amenity of adjacent development and the local neighbourhood*"): As confirmed in the Noise Impact Assessment, the proposed development will result in the exceedance of noise criteria for residential apartments in the Crimson Hill development. As noted in Section 1.1, it is likely that these impacts could have been avoided through the proper and genuine investigation of alternatives to the proposed Loop Road arrangement.

It is noted that the Education SEPP does not overcome the permissibility issues raised in Section 4.4 of this submission, because the intention of the SEPP is that schools are not able to be developed in E3 Environmental Management zones due to the specific ecological and landscape purposes of this zoning. This should be given significant weight when the Department is assessing the consistency of the proposed Loop Road with the established planning framework for the site.

4.6 Site Suitability

Section 4.15(c) of the EP&A Act requires a consent authority to consider "*the suitability of the site for the developmen*t". The development in its current form is clearly not suitable for the proposed site in its current form because it:

- Can only be achieved by causing heritage impacts to the building and the removal of trees and vegetation that are significant from a heritage perspective, contribute to the biodiversity of the local area, and are an integral part of the strong local character of this precinct.
- Has inadequate traffic arrangements that will result in significant road safety, congestion and noise disturbance to the local community. The proposal will result in a significant increase in car and large vehicle movements on an already-constrained local road.
- Fails to provide adequate pedestrian safety features such as zebra crossings and pedestrian islands to mitigate against the significant increase in pedestrian safety risk arising from the traffic generated by the proposed development.
- Involves vehicular access arrangements that are inconsistent with the Part 3A Concept Approval, which has been the well-established planning framework for the site that has informed the community's reasonable expectations about how the precinct would be developed over time.

5.0 Other matters

- We seek clarification that the 'café' shown on Level 1 in Stage 2 is not publicly accessible and is an internal school facility only. If this is not the case, this has not been described in the application nor assessed, and should not be approved.
- Climate change: It is sad to see that the schools liberal and progressive approach to teaching has not found its way through to this proposal. By prioritizing increased traffic flow over environmental concerns (more trees to be removed and roads widened), pedestrian safety (little or no pedestrian considerations) and the impact of noise and pollution, the proposed loop road effectively encourages parents to drive their kids to school. The irony of this approach is not lost on the residents in the local area. It also demonstrates how out of touch this proposal is with the broader community concern for responsible development practices and the recognition of every individual's culpability when opportunities are not taken. The project teams behind the development of LLV have a real responsibility to set an example to the students as well as the community for an environmentally aware project as well as one that is climate positive!

6.0 Conclusion

We object to the proposal in its current form due to the significant safety, noise, heritage and local character impacts of the Loop Road which would be heavily borne by the Dunstan Grove community. Schools Infrastructure have failed to demonstrate that they have considered alternative options that would reduce the impacts on the local community and have deliberately sought to rush the planning process and deny opportunities for proper community consultation. This has been compounded by errors in the notification process and inconsistent or misleading documentation as outlined above(e.g. land use permissibility, traffic, noise assessments).

Based upon the information currently available, it is clear that the proposed Loop Road is not appropriate and will result in serious road safety issues, create an unsafe pedestrian environment, and result in noise exceedances above nominated criteria for many Dunstan Grove residents. The Department must not recommend approval of the development in its current form, and must ensure that documentation of a proper quality is made available to the community so that the true impacts of the development can be properly understood.

The community has acted in good faith by attempting to develop suitable alternative traffic arrangements that can be contained within the LLV site, so that impacts of the development are properly managed and do not fall exclusively and unfairly on the site's neighbours. It is regrettable that Schools Infrastructure has made no attempt to undertake this exercise itself, and has actively resisted providing such information to the community or participating in genuine consultation. They have consciously acted to move congestion, traffic & noise impacts away from their entry and have dumped them at our front door, without any consideration or mitigation measures.

We will continue to object to the development until the Loop Road via Dunstan Grove is removed, and construction activities are contained wholly within their site.

Yours sincerely,

David Oliver

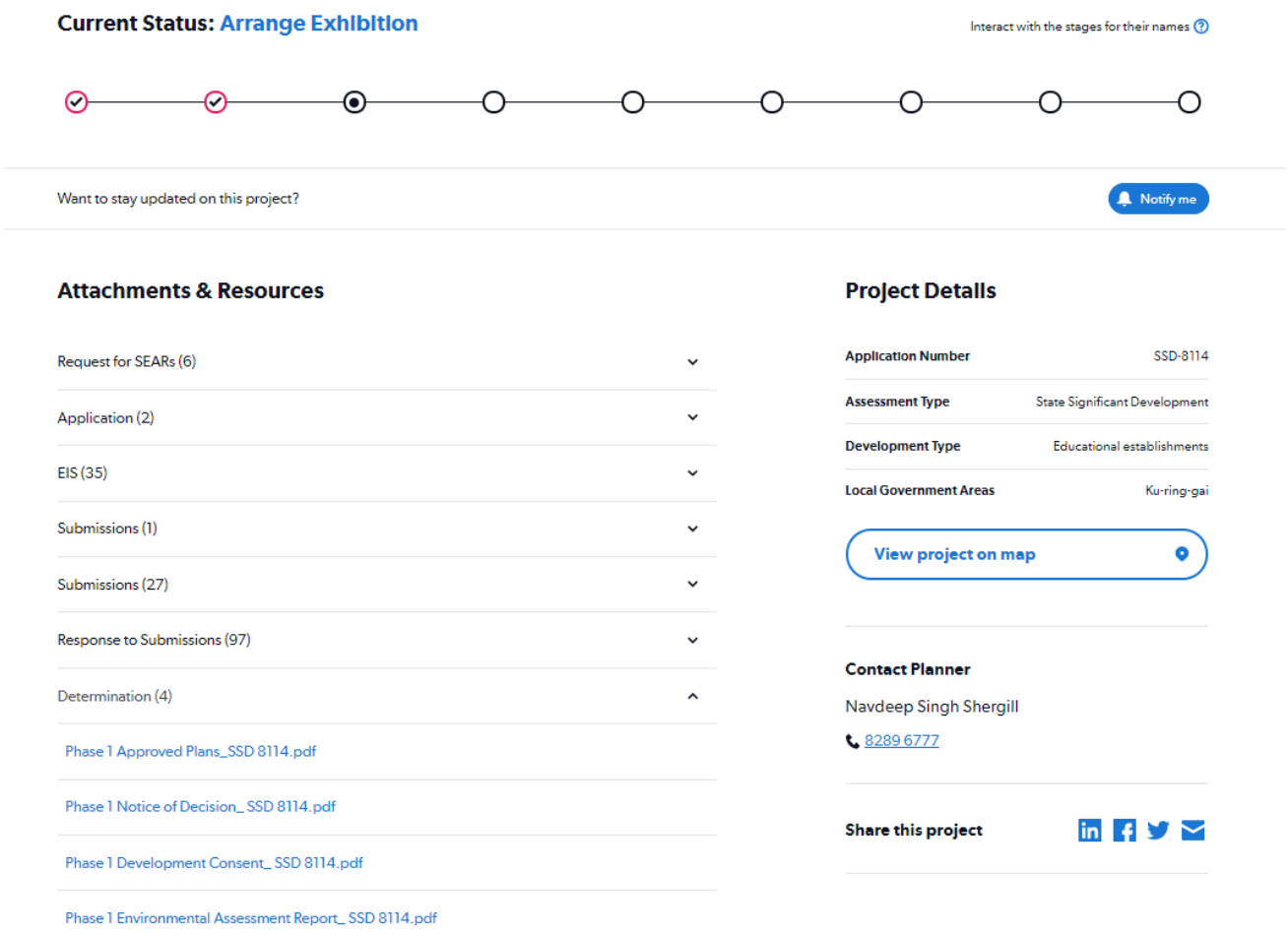
Chairperson, Dunstan Grove Owners Committee

ATTACHMENTS:

A. Extract from DPIE Website on 27 November 2019
B. Alternative Construction Management Plan
C. Loop Road Alternative 1 - Bus Bay Modifications
D. Loop Road Alternative 2 - Eastern Side #1
E. Loop Road Alternative 3 - Eastern Side #2

Attachment A – Extract from DPIE Website on 27 November 2019

Default landing page:



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