Submissions Report

New Education Campus at 207 Barry Way, Jindabyne

SSD-15788005

On behalf of
NSW Department of Education
June 2022

mecone

Project Director

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Contributors

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Revision	Revision Date	Status	Authorised	
			Name	Signature
1	26/05/2022	Draft	Jack Rixon	
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3	8/06/2022	Final	Georgia Sedgmen	

*This document is for discussion purposes only unless signed and dated by the persons identified.

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1 Introduction

This Submissions Report has been prepared by Mecone NSW Pty Limited on behalf of the NSW Department of Education (DoE) to support the proposed New Education Campus at Jindabyne (SSD-15788005)

The Environmental Impact Statement (EIS) was exhibited from 25 January 2022 to 21 February 2022. A total of 2 public submissions were received and 12 submissions from public authorities.

The Department of Planning and Environment (DPE) addressed a letter to DoE dated 23 February 2022 outlining key issues and requesting a response to the submissions and agency advice received during exhibition of the EIS.

This report addresses the issues raised in DPE's letter and in the submissions and agency advice received during exhibition. This report also describes design refinements made since exhibition of the EIS.

2 Analysis of submissions

2.1 Breakdown of Submissions

A total of 10 submissions were received including:

- 2 submissions from individual members of the public. One local submission in "support" and one broader interest "comment".
- 10 submissions from public authorities including:
    - Department of Planning and Environment: Biodiversity and Conservation
    - Department of Planning and Environment, Water
    - Transport for NSW
    - Heritage NSW: Aboriginal Cultural Heritage
    - NSW EPA
    - Government Architect NSW
    - Department of Planning and Environment, Special Activation Precincts
    - Heritage NSW: Non-Aboriginal Heritage
    - NSW Government Crown Lands
    - Civil Aviation Safety Authority

3 Actions taken since exhibition

3.1 Consultation

Table 1 provides an overview of key consultation activities carried out following the receipt of public and public authority submissions and the outcomes of each meeting.

Table 1. Consultation activities

Consultation Activity	Outcome/comment
Meeting with DPE - Biodiversity and Conservation Division 6 April 2022	The meeting focused on resolving outstanding items identified by the Biodiversity Conservation Division (BCD) which resolved to include the following items to be reflected in a revised BDAR for the proposal: • Update mapping to revise development footprint and consideration of exotic understorey. • Undertake targeted surveys for Barking Owl and Powerful Owl. • Species polygon for Little Eagle not required as nest would not be directly impacted. • No targeted survey required for Leucochrysum albicans (Hoary Sunray) as this is not a BC species • Explore avoiding impacts to Tree numbers 278 – 300 in arborist report. • Review the hollow bearing tree (tree number 83 in Arborist Report) and seek to avoid removal. • Revised BDAR to reflect site analysis work undertaken for school design including opportunities and constraints.
Meeting with DPE - Biodiversity and Conservation Division 2 June 2022	A second meeting with BCD was held to discuss the additional survey findings and design refinements to reduce the number of trees to be removed for the proposal. The meeting addressed the dot points noted from the first meeting with BCD on 6th April 2022. The design outcome achieved the retention of approximately 4,000m^2 of existing habitat.
Meeting with Transport for NSW 18 May 2022	A meeting was held with TfNSW to discuss and obtain a better understanding of items raised in their submission.

3.2 Design Refinements

The following design refinements have been made following lodgement of the EIS in response to issues raised during exhibition and as a result of design development. Table 2 describes these refinements. Updated landscape and cut and fill earthworks plan illustrating the changes are attached at **Appendix 4** and **Appendix 5,** respectively.

Table 2. Design Refinements

<table>
<tr><th>Design refinement</th><th>Reason</th></tr>
<tr><td>Additional Tree Retention</td><td>Following comments from Government Architect (refer to section 5.6) and BCD (refer to section 5.1), the proposal has been modified with an aim to reduce the number of trees required for removal. Following design refinement, the proposal has been able retain a further 19 existing trees that were originally identified to be removed. These trees are located to the north of the site and include Snow Gum – Candle Bark woodland and are identified by the following tree numbers: 275, 281, 282, 284- 289, 291-300.

A summary of the changes comparing the original submission and the design refinement is provided below.

<table>
<tr><th></th><th>Original Submission</th><th>Revised Submission</th></tr>
<tr><td>Retain</td><td>76</td><td>95 (+ 19 trees)</td></tr>
<tr><td>Remove</td><td>134</td><td>115 (- 19 trees)</td></tr>
</table>

Refer to Figure 1 below.</td></tr>
</table>

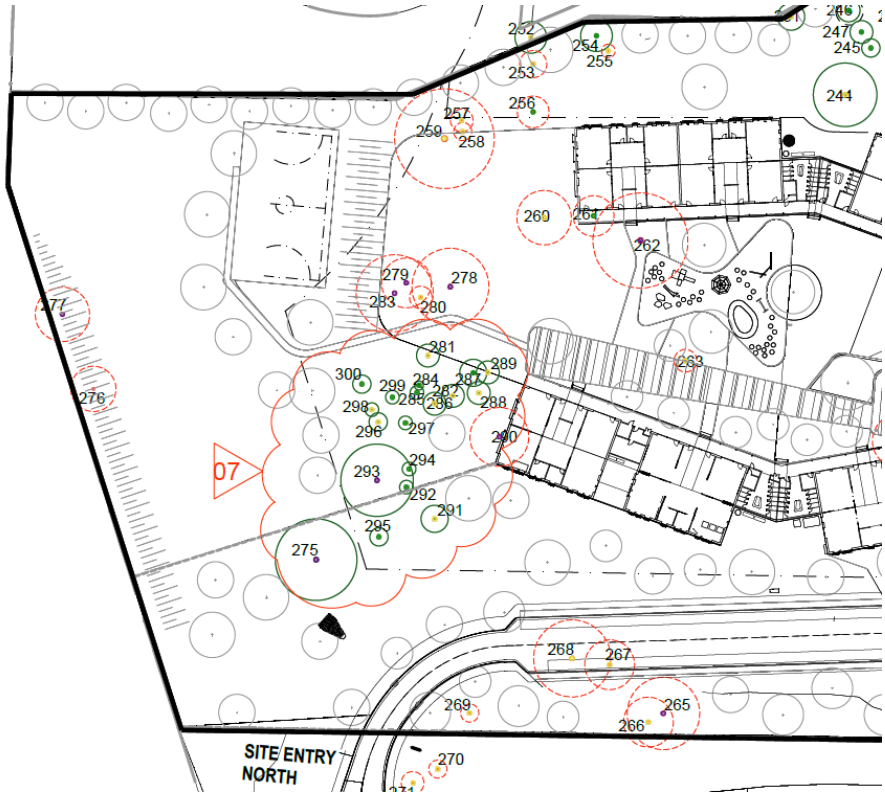

Figure 1 – Additional Trees to be retained

4 Response to DPIE key issues

Following its initial assessment of the proposal and review of submissions, DPIE commented on a number of key issues in a letter to the applicant dated 23 February 2022. Table 3 provides responses to these key issues.

Table 3. Response to DPIE key issues

Issue	Response
1. Response to Submissions The Department requests that you provide a Response to Submissions report in accordance with clause 82 of Environmental Planning and Assessment Regulation 2000. In addition to agency comments, whilst there is no public submission by way of objection, the submission received by way of support raises concerns which must also be addressed.	This report has been prepared in accordance with clause 82 of the Environmental Planning and Assessment Regulation 2000. Agency advice and public submissions have been addressed in sections 5 and 6 of this Response to Submissions report.
2. Floor Plans for Classrooms The submitted architectural plans have not provided clear floor plans for rooms within the education campus, with the only plans provided at a scale of 1:500. The Department requests detailed floor plans of all internal rooms that can be utilised as part of the assessment (drawn at 1:100 or 1:200).	Please find enclosed floor plans in **Appendix 3**.
3. Biodiversity Development Assessment Report (BDAR) Biodiversity Conservation Division (BCD) have requested that a revised BDAR be prepared in accordance with the comments within their advice. The Department concurs with the issues raised within the BCD advice and requests that they be addressed.	A revised BDAR report is currently under preparation following additional survey work as provided in the Biodiversity memo in **Appendix 6** . The revised BDAR will be provided under separate cover.
4. **Final Aboriginal Cultural Heritage Assessment** The provided Aboriginal Cultural Heritage (ACH) Assessment identified that a final document was to be submitted at a later date following further site investigations. The Department requests that the final version of the document be submitted.	Please find enclosed the Final Aboriginal Cultural Heritage Assessment in **Appendix 7.**
5. Crime Prevention Through Environmental Design (CPTED) The CPTED report should address pedestrian access to the school. The proposed pedestrian access to the east of the school would be through a portion of isolated areas, away from opportunities for passive surveillance. The Department requests that the CPTED reports include an investigation of the pedestrian access with respect to the adopted CPTED principles.	A revised CPTED reports includes additional evaluation and recommendations under the CPTED principles address pedestrian access. Please find enclosed revised CPTED report in **Appendix 8** to address pedestrian access comments.

5 Response to agency advice

5.1 Response to Biodiversity and Conservation Division (BCD)

Table 4 provides a response to comments made by the BCD in its submission letter dated 21 February 2022.

Additional surveys have been undertaken by WSP to address items raised by BCD's submission. Details regarding this are provided in Biodiversity Memo provided in **Appendix 6**. A revised BDAR report is currently under preparation and will be submitted to DPE on completion shortly.

Table 4. Response to BCD

Summary of issue/comment	Response
The Assessor found that the impacts to Snow Gum Woodland and Mauve Burr-daisy could be considered serious and irreversible. This requires the decision-maker to take the likely SAII into consideration and determine if there are any additional and appropriate measures that will minimise the impact if consent is granted. No avoidance of either entity has been undertaken and no measures for minimisation have been proposed by the Assessor. The revised BDAR should provide a development footprint which avoids the SAII – entities.	The revised BDAR (currently under preparation) includes a refined development footprint which minimises the impacts to these SAII entities. Revised vegetation mapping has also been undertaken to refine the extent of the Snow Gum Woodland community and potential habitat for Mauve Burr Daisy.
Issue 1: Presence has been assumed for many species credit species without adequate justification. o **Consequence:** Assuming presence is meant to be used in limited circumstances because it distorts the avoidance hierarchy, which is central to the application of BAM 2020 and the BC Act. Furthermore, recent case law has found that the Applicant must exhaust options to avoid and minimise impacts *before* offsetting them. ▪ **Solution:** Survey for candidate species and avoid habitat where it is detected.	Targeted surveys were undertaken in May 2022 for: - Powerful Owl - Barking Owl - Pink Robin. These species were not recorded and will be excluded from BAM-C based on survey. The revised BDAR (currently under preparation) includes a refined development footprint which minimises the impacts to areas of potential habitat for other threatened species. Refer to **Appendix 6** for further details.
Issue 2: BAM plots have been undertaken in winter. o **Consequence:** Undertaking BAM plots in the non-growing season risks under-representing the condition of the vegetation. Many species are not visible during the winter period, or are difficult to identify. This will result in a lower species diversity and maybe a misrepresentation of the vegetation condition. Surveying in winter also increases the likelihood of not identifying rare and threatened species which only flower in spring and summer. ▪ **Solution:** Undertake BAM plots in spring or summer.	Additional BAM plots have been undertaken in April. Plot data from three seasons (Spring 2020, Winter 2021, and Autumn 2022) The bionet vegetation classification database notes that benchmark data for PCT1191 was collected across the three seasons. Although some spring and summer flowering species may not have been detected, there is no requirement under BAM for seasonal vegetation plots and the spread of data across seasons and years is consistent with bionet benchmark data.
Issue 3: The BDAR proposes refining the species polygons during the adaptive management	See issue 1 response.

Summary of issue/comment	Response
phase by undertaking targeted survey for candidate species that have been assumed to be present. o **Consequence**: This is would represent post-approval impact assessment, which is inconsistent with s 7.14(4) of the BC Act. Adaptive management plans must not be used as a pseudo-impact assessment tool. ▪ **Solution:** See issue 1.	
Issue 4: Species credit species have been excluded as candidate species for survey without adequate justification. o **Consequence:** All species which are not surveyed will not be detected and assessed, therefore justification for removal must be robust and in accordance with the BAM. ▪ **Solution:** Survey for all species credit species	Additional targeted surveys have been undertaken for Powerful Owl, Barking Owl and Pink Robin. Seasonal survey requirements were not able to be met for all species within the project timeframe and these species have been assumed present in accordance with BAM.
Issue 5: Predicted ecosystem credit species have been excluded without adequate justification. o **Consequence:** This has the potential to artificially suppress the ecosystem credit output, especially when species have a high biodiversity risk weighting. ▪ **Solution:** Only exclude ecosystem credit species where BAM 2020 allows.	Noted. Will provide further justification as outlined in BAM 2020 or include as ecosystem credit species.
The next revision of the BDAR must provide digital GIS files for all maps and spatial data and access to the BAMC at the time of submission (Appendix K of BAM 2020; s 4.1 BAM 2020 Operational Manual Stage 1). Without timely access to this essential information, we are unable to undertake a proper review of the impact assessment. Additionally, the revised BDAR must meet the currency requirements in s 6.15(1) of the BC Act (Attachment 2).	Noted.

5.2 Response to Department of Planning and Environment: Water

Table 5 provides a response to comments made by the Department of Planning and Environment in its submission letter dated 18 February 2022.

Table 5. Response to Department of Planning and Environment: Water

Summary of issue/comment	Response
The proponent should confirm if there will be any groundwater intercepted, diverted or extracted, and if so - the proponent should: • Provide details and quantify the maximum construction or operational water take which will occur for the project and estimated volumes in accordance with the requirements of the NSW Aquifer Interference Policy. • Demonstrate the ability to acquire sufficient entitlement where required or if an exemption is applicable.	Geotechnical investigation report by Douglas Partners, ref 103109.02.001.Rev0 included 28 test pits. Perched water was observed in one test pit and no ground water seepage or an aquifer was observed in any other test pits. Hence apart from normal groundwater seepage into excavations after period of rain, no groundwater from an aquifer is expected to be intercepted, diverted or extracted
All works on waterfront land must be in accordance with the NRAR Guidelines for Controlled Activities on Waterfront Land. This includes proposed outlets into Lees Creek.	Noted

5.3 Response to Transport for NSW (TfNSW)

Table 6 provides a response to comments made by TfNSW in its submission letter dated 3 March 2022.

Table 6. Response to TfNSW

Summary of issue/comment	Response
Request for Speed zone reduction on Barry Way The proposed development includes a request to reduce the speed limit along Barry Way from 100kmh to 50kmh. TfNSW does not believe this section of Barry Way warrants a speed reduction to 50km/h . TfNSW considers that an 80km/h speed would be appropriate in this location given the surrounding road environment. This is consistent with the adopted speed zone guidelines. To request a speed zone review the developer shall liaise with the TfNSW Community Partnering South East Tablelands Precinct Team via https://www.saferroadsnsw.com.au/HaveYourSay.aspx. The design of the proposed works within the road reserve of Barry Way including intersection treatments shall be designed for the approved posted speed limit.	The current location of the roundabout access into the school is based off speed and sight distance requirements. At 80km/h posted speed, the entrances to the school would not be allowed due to the limitation on sight distance, as a result of Barry Way, especially adjacent to the school site, having verge issues and gradient issues. We have concerns with cars entering the education campus from an 80km/h speed. As part of the Southern Connector, there will be a reduction in speed at the intersection of Barry Way and Southern Connector down to 60km/h. It is therefore appropriate to reduce the 1km segment of Barry Way to the JEC to 50kmh. Additionally, in 2019 a fatal accident occurred along Barry Way adjacent to the school site.
School Zone Requirements School zones contribute to the safety of children around schools. As the proposal is for the establishment of a new school a school zone will need to be in place at the commencement of the schools' operation.	Noted. All necessary information will be provided in the next stages of the development.

Summary of issue/comment	Response
School zones are in effect speed zones as they utilise speed limit signs. Installation of a school zone on public streets requires the approval of TfNSW. Noting that TfNSW is responsible for approving the school zone sufficient details will need to be provided and approved in advance of the schools opening.	
School Travel Plan (STP) TfNSW would welcome further discussions during the finalisation of the STP. Further details can be obtained via emailing development.sco@transport.nsw.gov.au. It is also important, noting the mode share targets that have been detailed in the SSD applications supporting information that the STP be updated regularly in consultation with the wider school community.	Noted. Additional discussions and finalisation and maintenance of the STP will be provided in the next stages of the development.
Bus Service Implementation TfNSW acknowledges the importance of ensuring that the planning for the bus services required initially and for the ongoing operation to service the school is undertaken in a coordinated manner. For this to occur both TfNSW and the Department of Education need to work together in advance of the school opening to ensure measures are in place to allow this planning to occur. It is for this reason that early consultation with the TfNSW Rural and Regional Contracts team be undertaken to enable discussions with bus operators to occur (e.g. to determine if existing bus routes are satisfactory or determine if a new service is required) noting that any changes to existing bus operations do take time.	Noted. As part of the Transport Working Group and consultation process in developing the Transport Assessment report, conversations with the current bus providers have occurred and they are supportive. The next stages in the development will engage TfNSW Rural and Regional Contracts team, as well as continue to engage existing bus services providers - Cooma Coaches and Alpine Charters.
Access treatments on Barry Way While TfNSW notes this is a matter for Council, the submitted documentation does not appear to justify the adoption of the proposed roundabouts as intersection treatments for the 2 driveways to the development from Barry Way or address what other intersection treatment options may have been considered. TfNSW notes that Barry Way provides access to the industrial precinct south of Jindabyne. Consideration should also be given to the location of the northern access intersection, and its proximity to the nearby crest and curve on Barry Way. The development site falls away from the road reserve of Barry Way. The relocation of this access may remove the need for extensive earthworks to provide for appropriate grades for school bus access.	Under Concept and Schematic Design, several intersection treatments were assessed. As a result of gradient issues along Barry Way and verge issues from the proposed school site, a roundabout option was the safest to ensure adequate line of sight for vehicles entering and exiting the school. With a reduced 50km/h speed, and vertical gradient issues along Barry Way, the minimum stopping sight distance is achieved at the current location of the northern roundabout. As noted in the above response, if the speed limit is at 80km/h, the location of a northern entrance into the school will not be possible, as there will not be a safe stopping and sight distance for vehicles to the north of the school site.
Shared path along Barry Way from Kosciusko Road to the school site TfNSW notes the Transport Assessment report outlines the need for shared user paths linking Jindabyne Town Centre and the school development. Noting the current speed on Barry Way, the proposed shared path along Barry Way (Route A shared path referenced in Transport Assessment) will be required to be	Based on the data developed in the Transport Assessment, it is recommended that Route B and C are completed prior to the school opening, to reduce the reliance on vehicle drop off and pick up. This is also a more direct route to the town centre. Route B and C are not reliant on future development and discussions are continuing

Summary of issue/comment	Response
constructed separated from the road carriageway for safety reasons. TfNSW notes proposed Route B and C shared paths are reliant on the future development of the adjoining residential areas and the proposed Southern Collector Road to be provided as part of the Snowy Mountains Special Activation Precinct. TfNSW is unaware of the construction timeline for these and note that these routes may not be available for the opening of the education facility. TfNSW notes that the "Key Findings" (Section 9) of the TIA states that "It is a risk on Day 1 of school opening if appropriate walking and cycling infrastructure is not provided". Therefore as Route A is not reliant on private developers or the construction of other significant infrastructure this route should be required to be constructed prior to the operation of the education facility.	with Council on the approved route through the park that is owned by Council. Discussions are also continuing with Regional NSW on alignment of the shared pathway across the Southern Connector Road.
Infrastructure to be delivered by other Public Authorities TfNSW questions the reliance on other public authorities to deliver infrastructure required for the school development. Table 8.1 of the Transport Assessment identifies items that are required for the safe operation of the education facility to be the responsibility of other parties. For example Item 6, of states the Northern and Southern Roundabout on Barry Way will be the responsibility of the Snowy Mountains Special Activation Precinct. The commitment to and the timing for the provision of the road works and the active travel links to the education facility by these other parties should be clarified. To address this the development needs to be conditioned to provide all works within the road reserve of Barry Way prior to the operation of the proposed development	Noted. Works to the intersection of Barry Way to be completed prior to the operation of the development. DoE continues to work with Council and other stakeholders to deliver this infrastructure.
1. Any request for changes to the current speed zone for Barry Way shall be to TfNSW Community Partnering South East Tablelands Precinct via https://www.saferroadsnsw.com.au/HaveYourSay.aspx.	Noted
2. The following requirements shall be complied with in relation to the implementation and maintenance of the School Zone;' A school zone that complies with current TfNSW requirements is required to be implemented within the adjoining road network. The developer/landowner shall provide details on the school zone and the associated speed zone reductions (e.g. location of required signage, pavement marking, etc) to TfNSW for approval at least 12 weeks prior to occupation of the site. The developer/landowner should liaise with the TfNSW Community Partnering South East Tablelands Precinct Team regarding the above (Vanessa Wilson, Senior Manager Community and Place Partner – 4253 2618). b Installation of all required/approved school zone signage, speed management signage and pavement markings is to be undertaken as part of the development and are to be in place prior to occupation/use of the development as a school.	Noted

Summary of issue/comment	Response
c Following installation of school zone signage, speed management signage and associated pavement markings, as required by condition 2 above, the developer/landowner must arrange an inspection with TfNSW for formal approval/handover of assets. The handover of assets must occur prior to the commencement of occupation of the development. d The approved school zone shall be maintained in accordance with approvals issued by TfNSW for the life of the development.	
3. The following requirements shall be complied with in relation to the implementation of the School Travel Plan; a) Prior to occupation of the school premises the Travel Plan shall be finalised in consultation with Council and Transport for NSW, Note: Transport for NSW has developed a Travel Plan Toolkit designed for developing and implementing a Plan. This toolkit provides the steps, templates and resources for developing a Travel Plan and may be accessed at: https://www.mysydney.nsw.gov.au/travelchoices/tdm. b) Every 6 months the operation of the travel plan shall be reviewed with the travel plan being updated annually. As part of updating the travel plan consultation should be had with Council, TfNSW and the school community/parents.	Noted
4. The following requirements shall be complied with in relation to the implementation of the Bus Services a) Before the commencement of construction the NSW Department of Education shall contact the TfNSW Rural and Regional Contracts team and provide the required information to enable the school to be registered on the School Student Transport Scheme (SSTS) portal which will allow students to enrol for a bus pass. b) A minimum of 8 months before the occupation/use of the development as a school, the NSW Department of Education shall contact the TfNSW Rural and Regional Contracts team to enable discussions with bus operators. This is required to ascertain whether TfNSW can vary existing school bus routes under a Bus Service Alteration Request (BSAR) with existing buses or determine if a new service is required.	Noted
4. The shared path along Barry Way shall be constructed prior to the opening of the education establishment. This pathway shall be constructed to the satisfaction of the Council as a sealed shared pathway with a minimum width of 2.5m and be located separated from the road formation of Barry Way.	We agree that a shared pathway is required to be constructed prior to the opening of the School. However, we do not agree that the Shared Pathway along Barry Way is the correct solution. We propose to complete the Shared Pathway as noted by Route B & C. Discussions are already well progressed with Council and Regional NSW on this route.
5. All works within the adjoining road reserve of Barry Way including intersection works and shared path shall be completed before the commencement of use of the proposed education facility.	The Shared Pathway is covered in item 4. Suggest removal of "Shared Path"

5.4 Heritage NSW – Aboriginal Cultural Heritage

Table 7 provides a response to comments made by the Department of Planning and Environment in its submission letter dated 18 February 2022.

Table 7. Response to Heritage NSW – Aboriginal Cultural Heritage

Summary of issue/comment	Response
Test excavation is required to establish the extent and scientific significance of the four identified areas of PAD. Test excavation may be carried out in accordance with the requirements of the Code of Practice for Archaeological Investigation in NSW for the four areas of PAD identified within the Proposal Area.	Test excavation has been completed. Please refer to enclosed Aboriginal Cultural Heritage Assessment Report (ACHAR) and Archaeological Technical Reports (ATR).
Aboriginal community representatives continue to be engaged and consulted about the project and Aboriginal heritage impacts. They should also be provided an opportunity to assist in the test excavation programme.	Registered Aboriginal Parties were involved in this test excavation. Please refer to enclosed ACHAR and ATR.
The two sites (Jindabyne Campus AFT 1 and Jindabyne Campus AFT 4) should be avoided if possible, by the project. Their presence, although not their exact location, could be used as a teaching tool about Aboriginal use of the land.	AFT 1 and AFT 4 cannot be avoided by the proposed works, and as such will be subject to salvage (Community Collection) as outlined in the ACHAR and ATR.
Jindabyne Campus AFT2 should be barricaded with temporary fencing during the construction phase of the works in order to prevent inadvertent harm to the site. The fencing should be placed at a radius of approximately 5m from the location of the isolated artefact.	This artefact is situated on the outside of the Jindabyne Education Campus boundary. This is located on TAFE site, which is subject to an approved DA. Temporary fencing will be placed around the school site during construction to isolate the artefact.
For any sites not able to be avoided by the development, community collection of surface artefacts should be incorporated into the pre-construction phase.	Community Collection will be undertaken for surface artefacts within the project area (AFT 1, AFT 3 and AFT 4). Refer to recommendations in the ACHAR and ATR for further details.
All cultural material recovered from a subsurface testing programme and community collection will be in temporary care until an appropriate time when it can be returned to site. The artefacts must be buried in line with Requirement 26 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, and in an appropriate location within the Proposal Area that will not be subject to any ground disturbance. The burial location will be submitted to the AHIMS database.	Noted. This will be done subsequent to approval of documentation.
An Aboriginal Site Impact Recording Form must be completed and submitted to AHIMS following the test excavation.	All site cards and site impact forms are provided with the ATR.
In the unlikely event that human remains are discovered during the subsurface testing programme, all work must cease in the immediate	This is consistent with recommendations of ACHAR and unexpected finds protocol. Appropriate actions and measures for

Summary of issue/comment	Response
vicinity. The appropriate heritage team within Heritage NSW and the local police should be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal. If the remains are deemed to be Aboriginal in origin the Registered original Parties should be advised of the find as directed by the appropriate heritage team within Heritage NSW. Heritage NSW would advise the Proponent on the appropriate actions required.	such an event will be included in construction management plan by contractor.
The subsurface testing results for the Proposal Area should be detailed in an additional Aboriginal Cultural Heritage Assessment Report.	Please refer to enclosed ATR.
Further archaeological assessment would be required if the proposal activity extends beyond the area assessed in this report. This would include consultation with the registered Aboriginal parties and may include further field survey.	Proponent would need to seek assistance from heritage consultant to complete additional investigations if they require works to be completed outside investigation area. This is consistent with the recommendations of the ACHAR recommendations.

5.5 NSW EPA

Table 8 provides a response to comments made by TfNSW in its submission letter dated 3 March 2022.

Table 8. Response to NSW EPA

Summary of issue/comment	Response
Noise and Vibration	
Construction There is a predicted noise impact on one sensitive receiver to the south during demolition and earth work without the implementation of noise controls. The noise levels are predicted to generally exceed the noise management level, however no exceedance of the highly noise affected levels is foreseen. The EIS outlines a series of mitigation and management recommendations to address potential noise impacts during construction. The EPA recommends that the proponent develops and implements a Noise Mitigation and Management Plan prior to commencing works to minimise noise impacts on sensitive receivers. The EPA recommends that the proponent identify and consider all reasonable and feasible measures to minimise noise impacts for nearby sensitive receivers during construction.	Noted. It is anticipated that the requirement for a Construction Noise and Vibration Management Sub Plan will form part of the standard consent conditions. This sub plan forms part of the Construction Environmental Management Plan (CEMP).
Mechanical Plant and Equipment The EIS identifies that the technical specification of the mechanical services, plant and equipment are unavailable at this stage and should be assessed in greater depth during the detailed design of the Project. The EPA recommends that the proponent ensure that mechanical plant and equipment installed does not generate noise that: - Exceeds 5 dBA above the rating background noise level (day, evening and night) measured at the boundaries of the proposal site - Exhibits tonal or other annoying characteristics.	Noted.
Water Quality	
Water Quality Objectives The receiving waterway for the proposal is Lees Creek, which ultimately flows into Lake Jindabyne which forms part of the high conversation value Snowy River Catchment which supports a range of environmental values and uses. As such, the EPA considers that a high standard of planning, implementation and operation of sediment and erosion controls will be required to protect the NSW Water Quality Objectives and environmental values of the catchment.	At the schematic design level, Cardno, Now Stantec (Stantec) has prepared WSUD and Detention measures using MUSIC and DRAINS modelling. These measures largely incorporated as On-Site Detention Basin (OSD) basin with bioretention basin embedded within. This OSD/WSUD is located in the southeastern corner of the site. The stormwater quality treatment measures, as specified below aims to achieve the following reduction in water quality parameters and pollutants

Summary of issue/comment	Response
The EIS does not consider the NSW Water Quality Objectives (WQOs) in receiving waters. The WQOs and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) provide the general framework to assess the potential impacts of a discharge on the environmental values of the receiving waters. The EPA requires consideration of the receiving environment and relevant WQOs in relation to the project if any discharges to a waterway are proposed. The EPA reminds the proponent that it is an offence under section 120 of the POEO Act to pollute waters.	impact as guided by Steensen Verming to meet the green start rating requirements: • Total suspended solids – 80%. • Total phosphorus – 60%. • Total nitrogen – 45%. • Gross pollutants – 90% The NSW Water Quality Objectives in accordance with Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) will be assessed by establishing baseline conditions and ongoing monitoring of site water prior to discharge events during construction. Stantec will assess the water quality parameters and potential contaminates of concern (if any) prior to discharge to determine whether an in-situ water treatment process is warranted and/or a Site Specific Threshold Values will need to be developed coupled with a water discharge impact assessment at Lees Creek (if needed).
Construction The EIS identifies that, prior to any earthworks commencing onsite, soil and water management control measures that comply with Managing Urban Stormwater Soil and Construction 2004 (Blue Book) will need to be in place. The EPA acknowledges that sediment and erosion control measures are briefly discussed in the EIS, including the installation of a temporary sediment basin to capture site runoff. Details on the capacity, sizing, design rain event, catchment and management of the sediment basin has not been provided. The EPA recommends further information to demonstrate the capacity, sizing, design rain event, catchment and management of the sediment be provided to clearly show how Lees Creek and Lake Jindabyne will be protected. The EPA recommends that a detailed Sediment and Erosion Control Management Plan is developed for the proposed construction prior to the commencement of works.	See **Appendix 9** for updated Sediment and Erosion Control Management Plan.
Agricultural Plot Management The EPA notes that the proposal includes the addition of an agricultural plot associated with the high school. Consideration should be given to the management of runoff and erosion from the agricultural plot following the completion of construction activities to ensure there is no impact on the environmental values of the receiving waterways.	Noted. The Agricultural Plot has been located the furthest possible distance from Lees Creek to avoid any impact to the receiving waterways. The Stormwater water design has considered the Agricultural Plot and runoff is too be contained with the Agricultural Plot area.

Summary of issue/comment	Response
Air Quality The EIS does not identify management measures to minimise dust emissions during construction. The proponent is encouraged to consider: 1. Reusing water collected in sediment basins for dust suppression; 2. Covering and stabilising stockpiles; and 3. Staging earthworks to minimise exposed areas The EPA recommends all reasonable and feasible dust mitigation measures are implemented during construction and operation to prevent dust emissions.	Noted. Dust mitigation measures will be set out in the CEMP, which will be required as a condition of consent.
Contamination	
Asbestos The EIS identifies that site investigations have found asbestos and pesticide use have been concerns of primary contamination. The investigation has indicated that pesticide contamination is a low risk, however found that asbestos in the topsoil fill material present in the south-eastern portion of the site exceeded the adopted Health Screening Level-A. Additionally, further investigation should be undertaken in the area prior to development. The EPA encourages the development of a Construction Environment Management Plan to address any asbestos protocols.	Noted. Asbestos protocols can be set out in the CEMP, which will be required as a condition of consent.

5.6 Government Architect NSW

Table 9 provides a response to comments made by Government Architect NSW in its submission letter dated 7 April 2022.

Table 9. Response to Government Architect

Summary of issue/comment	Response
Trees Tree removal levels are excessive. Provide further justification for removal of significant trees and increase tree retention rates, especially larger canopy trees. Significant tree at the main entry should be retained not replaced (adjacent yarning circle). Confirm size of all new tree stock at time of planting.	As identified in Section 3.2 Design refinements, the proposal seeks to retain an additional 19 trees located within the north of the site.
Fences From the Landscape report: *While the site shall be secured, fencing location and style shall be carefully considered to blend into the landscape, avoiding an institutional or 'fenced in' aesthetic.* Fence types indicated on p29 of the design report do not support this objective. Provide greater detail on how the proposed fencing and landscape treatments will work together to deliver the stated aim. Fencing along the main façade of the school should be designed to be consistent with the school buildings, not standard black palisade as indicated. Provide drawings at greater detail to demonstrate.	Additional Consultation has been held with the Office of Sport to discuss the Fencing Types to the site. The adjusted fencing strategy has been developed and is included in **Appendix 10.** The adjusted fencing strategy includes the following changes: • Extension of the existing post and rail fencing along Barry way • Moving the secure fence line back from Barry Way in line with the proposed building structure. • The Black Palisade fencing has been modified to a more suitable fencing that will also address the local wildlife issues (i.e. Kangaroos) For further details, refer to the updated fencing strategy in **Appendix 10.**

5.7 Other Agencies

The following agencies have also provided responses during the exhibition however did not require a further response:

- Department of Planning and Environment, Special Activation Precincts
- Heritage NSW - Non-Aboriginal Heritage
- NSW Government Crown Lands
- Civil Aviation Safety Authority

6 Response to public submissions

This section provides responses to the issues raised by public submissions. The issues and responses are grouped by key themes.

Table 10. Response to public submissions

Summary of issue/comment	Response
Parking: - I have observed more than 70 cars every day at the current school, thus the plan for 60 is already behind. I also observe , often, more than 4 "visitor's"cars. Capacity: 920 students? Isn't that what the current number is? Plus the winter enrolments? One report claims that , in 2023, the school will be at capacity , unchanged until 2041? (Another report says "it will allow an increase of 113 students"?) & yet there are already 120 lots being developed next door, plus probably 100 plus in East Jindabyne, near 100 just to the south and SAP has declared the 100 acres at The Station as a major development area, the Owners already have the plans ready. Also add in the developments in Berridale. Adding the TAFE in here, 25 students and 3 staff?, with only 12 spaces? They will ALL drive, surely? Maybe leave the TAFE where they are now? Better still, properly fund the Cooma TAFE & return it to a great institution, & a bus service to and from.	The proposed car parking spaces have been designed to be consistent with sustainable active transport objectives for the proposal and the targeted Green Star rating. Please note that 53 kiss and drop spaces are proposed for drop off and pick up of students in addition to staff, year 12 and visitor parking. This includes 26 spaces for two kiss and drop spaces and 27 spaces for 15 minute kiss and drop. The Kiss and Drop will support the efficient movement of vehicles through the site. Please refer to Transport Assessment produced by Aurecon and provided as part of the EIS submission. The school has been developed to allow for expansion. DoE will utilise all available current government data to project enrolments for the catchment through to 2041. The TAFE development has been assessed and determined by the Snowy Monaro Council as having sufficient car spaces for the TAFE development.
Access: - Shared trails are declared for walkers & cyclists. JSRC will benefit , also, from this as they have many cycling groups there. I would suggest that the developer of this school be the builder of all the suggested trails as the Snowy River Shire Council & now the Snowy Monaro Regional Council have made it clear that they will not build anything more than dirt singletrack that is unusable for the majority of the community. These pathways will be of great benefit to all. Access through JSRC may be problematic, as it is declared "inclosed-land", & they have stopped the general public from passing through their area. Historically, this was used by many as a better way to get to work at Leesville etc. avoiding the Cemetery Hill and the 100kmh corners!	We are currently in the process of planning these public pathways from the School back into the Town Centre with Council. Coordination of these shared pathways is also continuing with the Office of Sport to ensure the community can access the School.
There is much about the Jindabyne Landing Strip (sometimes mentioned as an "airport"). With the expansion of the town into the near future, it would be wise to have flight paths designated. Whilst landing aircraft aren't so noisy, the take-offs can be. Also declare "no-fly" zones for learner (all?) pilots that can, sometimes, fly in the same area for long times & Jindabyne is like an amphitheatre for noise. The helicopters are	Impacts associated with Aircraft noise has been considered in the design of the new education campus at Jindabyne. Aircraft noise protrusion can be controlled to achieve internal sound levels listed in AS2021. We are unable to comment on the status or operations of the Jindabyne Landing Strip.

Summary of issue/comment	Response
sometimes noisy but they usually get up and go north quickly.	
Whilst commenting I must take issue on the , possible, use of median data. To say that the weekly income is $2062, when the greatest number are employed in hospitality, is of concern. I would suggest that the average is closer to the NSW average. This is just one example of data that misrepresents our community, but should not stop this school going ahead.	Noted. All data has been obtained from all available current government data.
I would suggest that the Education Department stakes a claim on the Crown Land adjoining this site for future expansion before the NSW Government, with it's recent announcement of finding unused Crown Land suitable for (un) affordable housing, flogs it off to a developer for small lots with dual-occupancy (or worse) housing.	Future expansion plans have already been identified for the site which is nominated in the plans. We are unable to comment on the status of the adjacent Crown land and it's proposed use.
Please keep schools away from major roads in order to mitigate the effect of school zones on traffic	The location of the School has been developed in coordination with the Jindabyne Go Special Activation Precinct Masterplan.

7 Updated mitigation measures

The following mitigation measures have been revised in response to comments addressed within this Response to Submissions Report.

(new in ***bold/italic***, deletions in ~~strikethrough~~):

Item	Potential Impact	Mitigation measure
Aboriginal heritage	Damage to archaeological artefacts	~~Test excavations are currently being undertaken to establish extent and scientific significance of PAD sites.~~ ***A no go area should be established around the location of Jindabyne Campus AFT 2 with a buffer of 5 m during construction works.*** Community collection of surface artefacts will be incorporated into the pre-construction phase. ***Subsurface (archaeological) salvage is required at the location of PAD1 if the area cannot be avoided. Salvage would occur in a minimum of one open area of 2m x 2m around the location of TP1 (where the highest density of artefacts was recorded). Options for additional*** ***The management of any artefacts collected would be subject to approval by the RAPs.***
Noise and vibration	Increased noise during construction	***Prepare and*** implement ***Construction Noise and Vibration Management Sub-Plan and*** standard noise mitigation measures during construction
Transport and accessibility	***Limited opportunities for passive surveillance***	***Implement mitigation measures reflected in the CPTED Report.***
Sediment and erosion impacts	Erosion and sediment runoff during construction	Implement measures in the ***updated*** sediment and erosion control plan ~~in Appendix B of the Preliminary Stormwater Management Plan in **Error! Reference source not found.**~~.
Air Quality	***Increased dust during construction***	***Implement standard Dust mitigation measures***

8 Conclusion

This Submissions Report has addressed the submissions received in response to the public exhibition of SSD-15788005. Supporting documentation accompanying the SSDA have been amended in response to public and agency comments.

Following the receipt of public authority submissions, additional consultation has occurred with Transport for NSW, DPE and the DPE Biodiversity and Conservation Division has occurred to resolve comments and actions required of the SSDA.

The proposal as refined will result in minimise the number of trees required for removal and improving environmental outcomes for the site.

Based on the supporting material provided in this Submissions Report in addition to the material provided in the original EIS, DPIE has now been provided with sufficient information and documentation to progress the assessment of SSD-15788005. We request that DPIE complete the assessment of the application and proceed to determination.

Appendix 1 – Submissions Register

Group	Name	Section where issues addressed in submissions report
Public Authority	Department of Planning and Environment: Biodiversity	5.1
	Department of Planning and Environment: Water	5.2
	Transport for NSW	5.3
	Heritage NSW: Aboriginal Cultural Heritage	5.4
	NSW EPA	5.5
	Government Architect	5.6
	Department of Planning and Environment, Special Activation Precincts	5.7
	Heritage NSW: Non-Aboriginal Heritage	5.7
	NSW Government Crown Lands	5.7
	Civil Aviation Safety Authority	5.7
Individuals	Steven Broussos	6
	Name Withheld	6

Appendix 2 – Updated Mitigation Measures

Item	Potential Impact	Mitigation measure
Environmental amenity	Minor potential changes to wind conditions at the site	No mitigation measures identified
	Views to and from the site will change	No mitigation measures identified
	Light spillage visible to surrounding properties	Implement standard measures to reduce light spill
Transport and accessibility	Potential conflict between construction vehicles and other vehicles/pedestrians	Finalise and implement construction traffic management plan
	Increased vehicular traffic during operation	Implement the School Transport Plan
	Limited opportunities for passive surveillance	Implement mitigation measures reflected in the CPTED Report.
ESD	Potential inefficient use of energy and resources	Green Star 4-star certification Assessment of climate change scenarios as recommended in the ESD report
Heritage	Archaeological potential associated with existing cottages on site	No mitigation measures identified
Aboriginal heritage	Damage to archaeological artefacts	A no go area should be established around the location of Jindabyne Campus AFT 2 with a buffer of 5 m during construction works. Community collection of surface artefacts will be incorporated into the pre-construction phase. Subsurface (archaeological) salvage is required at the location of PAD1 if the area cannot be avoided. Salvage would occur in a minimum of one open area of 2m x 2m around the location of TP1 (where the highest density of artefacts was recorded). Options for additional The management of any artefacts collected would be subject to approval by the RAPs.
Noise and vibration	Increased noise during construction	Prepare and implement Noise Mitigation and Management

Item	Potential Impact	Mitigation measure
		Plan and standard noise mitigation measures during construction
	Management of noise intrusion from air strip	Aircraft noise intrusion through the building facades will be required to be controlled such that the design internal sound levels listed in AS 2021 can be achieved.
Contamination	Site not suitable to be used for purposes of a school	Implement Remedial Action Plan to address contamination identified at the site to render the site suitable for proposed development.
	Potential impacts from unexpected contamination during construction	Develop and implement an unexpected finds protocol
Drainage	Negative flow impacts on surrounding property	Implement stormwater management system including on-site detention
	Reduced quality of water exiting the site	Implement necessary water sensitive design to reduce the impact of urban development on waterways/creek.
Flooding	Impacts of probable maximum flood event	School management to subscribe to the relevant flood warning systems and maintain communication with SES and local police at all times with respect to flood emergency response.
Bushfire hazard	Exposure to ember attack, radiant heat, and direct flames	Construct buildings with appropriate bushfire-rated materials Provide and maintain a APZ as specified in the bushfire report
Biodiversity	Direct impacts on native vegetation	The final disturbance area will seek to avoid the clearing of native vegetation and habitats as a far as practicable. The predicted clearing of native vegetation by the proposal will be monitored against the recorded clearing to inform any final biodiversity offset requirements within the biodiversity offset package.

Item	Potential Impact	Mitigation measure
	Direct impacts on threatened animal species and habitat	A threatened species unexpected finds protocol will be implemented if threatened flora and fauna species, not assessed in the biodiversity assessment, are identified in the disturbance area. Relocating habitat features (e.g., fallen timber, hollow logs) from the development footprint to adjacent retained vegetation will be undertaken where practicable. Providing for the ecological restoration, rehabilitation and/or ongoing maintenance of retained native vegetation and habitat on, or adjacent to, the development to industry best practice and standards.
	Indirect impacts on habitat and vegetation	Implement construction management measures accordance with the recommendations in the BDAR
Tree removal	Construction impacts on trees to be retained	Implement tree protection measures in arborist report for trees to be retained and plant new replacement trees in accordance with the Landscape Plan.
Sediment and erosion impacts	Erosion and sediment runoff during construction	Implement measures in the updated sediment and erosion control plan.
Aviation	Risk of conflict between construction cranes and new flood lights and aviation operations at the Jindabyne Air Strip.	Communication with Jindabyne Aero Club is to be made in relation to the siting and maximum height of the construction cranes to be used any potential obstacle marking and/or lighting requirements for the proposal construction cranes and Sports Field flood lighting.
Air Quality	Increased dust during construction	Implement standard Dust mitigation measures
Waste	Odour and visual impacts of waste during demolition, construction, and operation phases	Follow procedures and recommendations in waste management plan

Item	Potential Impact	Mitigation measure
Geotechnical	Risk that building structure and methodology may not be appropriate for subsurface conditions	Follow recommendations in geotechnical report


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