

ADDENDUM - RESPONSE TO SUBMISSIONS

MAINSBRIDGE SCHOOL FOR SPECIFIC PURPOSES SSD 17_8792

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SA6418
FINAL
PREPARED FOR DEPARTMENT OF EDUCATION

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This addendum letter has been prepared by Urbis in response to further agency submissions received by the Department of Planning & Environment (DP&E) on 16 November 2018 in relation to SSD 17_8792 for 'Mainsbridge School for Specific Purposes'.

The SSDA was originally placed on public exhibition from 22 March 2018 until 20 April 2018. During this period, various government agencies and members of the community were invited to make written submissions on the project. From this, a total of nine submissions were received from government, agencies and organisations. Following the submission of our original Response to Submissions (RtS) Report, a further three submissions were received from government agencies which are required to be addressed and submitted to the DP&E including submissions from:

- Liverpool City Council (the Council);
- NSW Environment Protection Authority (EPA); and
- NSW Office of Environment and Heritage (OEH).

Additional responses requiring no further action were received from the following agencies:

- Rural Fire Service (RFS);
- Roads and Maritime Services (RMS);
- Sydney Water; and
- Transport for NSW.

The key matters raised within the submissions relate to:

- Tree removal;
- Biodiversity;
- Site contamination; and
- Parking.

This submission responds to the above matters raised to the DP&E. In accordance with Section 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulations), the Applicant is required to respond to all issues raised in these submissions.

1.2. REPORT STRUCTURE

This RtS has been structured as follows:

- **Section 1:** Introduction.
- **Section 2:** Response to Council and agency submissions.
- **Section 3:** Conclusion.

1.3. PROJECT TEAM

A range of specialist consultants were engaged to assist in the preparation of this addendum to the RtS. This RtS should be read in accordance with the accompanying plans and reports detailed in **Table 1**.

Table 1 – Project Team

Deliverable	Consultant	Appendix
Amended Architectural Plans	Hayball Architects	Appendix A
Amended Landscape Plans	Tract	Appendix B
Updated Biodiversity Development Assessment Report and Cover Letter	Alphitonia	Appendix C
Updated Green Travel Plan	PDC Consultants	Appendix D
Arborist Statement	Paul Shearer Consulting	Appendix E

2. RESPONSE TO SUBMISSIONS

A response to the comments raised within each submission has been provided within **Table 2** of this addendum RtS. While the exact wording of the submissions may not be captured, the intent and the issues raised have been identified and addressed.

Table 2 – Response to Government Agency Submissions

Issue	Comment	Response	Reference
Liverpool City Council:			
1. Site Contamination	<ul style="list-style-type: none"> Council notes that the proposal may still involve capping of contamination on site. Given the sensitive use of the site, being a school, Council reinforces its previous comments and recommends that all contaminated material be removed from the site and disposed of to an appropriate facility. 	<p>The Remedial Action Plan (RAP) prepared by EIS identifies that the while not the preferred approach for remediation, the RAP includes provisions for capping contamination on-site and managing the site via an Environmental Management Plan (EMP) in the event that successful validation is not achieved. An addendum RAP and consultation with the consent authority and other project stakeholders would be required prior to proceeding with an EMP.</p> <p>Because capping has been included as a contingency and is not the preferred approach, the Department of Education (DoE) has instructed that the capping contingency should remain. However, at this point in time DoE sees no requirement to execute a capping solution to this site.</p> <p>Furthermore, it is noted that this contingency was noted by the EPA and not raised as a concern.</p>	N/A
2. Waste	<ul style="list-style-type: none"> As noted in the response by the Department of Education (DoE), conditions of consent should be imposed to ensure Mainsbridge School meets waste management requirements. 	Noted.	N/A
3. Flooding	<ul style="list-style-type: none"> As identified in Council's submission, there are flooding risks associated with the proposed development. As identified in Wood & Grieve Engineers' Flood Risk Management Report for the development, Table 9: Flood Level Summary, the ground level of Blocks A – E (RL8.50m) is below the Liverpool City Council PMF level (RL12.00m) from Brickmakers Creek. Council's 	A meeting with Liverpool Council was held on the 1 September 2017 where it was agreed that "buildings will be built to 500mm above the 1% AEP flood height (not designing for peak maximum flood) provided that a Flood Risk Management Report has been prepared to demonstrate the flood risk management" (Refer to Appendix C of the WGE Flood Risk Management Report dated 11 September	N/A

Issue	Comment	Response	Reference
	recommendations have not been adopted and the development's flooding risk remains.	<p>2018). The FRMR was prepared to satisfy Council's requirement and has included the impacts of flooding to address key issues raised previously by the Department of Planning and Environment and Liverpool Council.</p> <p>Constructing the school at the PML level requested is not feasible. The mitigation measures proposed in the Flood Risk Management Report are considered to be adequate to further reduce risks associated with flooding.</p>	
4. Traffic	<ul style="list-style-type: none"> Council understands that the DCP parking requirements have not been met and a Green Travel Plan (GTP) has been prepared. This GTP does not currently contain any incentives for employees to travel to work using alternative methods to driving. Council considers that compliance with the DCP car parking rates should be required. As noted in the response by the DoE, conditions of consent should be imposed to ensure an Operational Traffic Management Plan (OTMP) is prepared. Council also considers that the roundabout requested in the initial submission is warranted. 	<p>An amended proposal was issued to the DP&E in October 2018 which sought to expand the on-site car park and increase the parking provision to a total of 43 car parking spaces in direct response to concerns raised by Liverpool Council. The proposed car parking provision, while not consistent with the DCP car parking rate for schools, is adequate taking into account the site-specific circumstances being: the site's improved proximity to other sustainable transport modes; and the staff's anticipated selected mode of travel which is currently 84% private car usage with a view this will be further decreased once the School relocates. A Green Travel Plan has been prepared to further encourage alternative sustainable travel to/from the site. The Green Travel Plan has been further refined to include additional incentives for employees to travel to work using alternative methods to driving. The proposed potential strategies and incentives are detailed in the revised GTP and in summary include:</p> <ul style="list-style-type: none"> - Carpooling and managing car usage – implementing and managing a carpool registry to staff and provide dedicated on-site carparking spaces for staff who car pool. - Rail and bus services – offering subsidised public transport travel, provide a private bus service, provide a Transport Access Guide. 	Appendix D

Issue	Comment	Response	Reference
		<p>- Walking - provision of end-of-trip facilities, walking events, a 'walk to work' group, identify preferred walkways/ footpaths.</p> <p>- Cycling – establish cycling events and a 'bike to work group', provide a bicycle fleet.</p> <p>- Other – introduction of flexible working hours, allow staff to work remotely (i.e. from home).</p> <p>Attention is drawn to Clause 35(9) of the <i>State and Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> which states that a provision of a development control plan that specifies a requirement, standard or control in relation to development for the purposes of a school is of no effect, regardless of when the development control plan was made. Compliance with the DCP car parking rate in this instance is therefore not required.</p> <p>In relation to the roundabout, the Applicant's position remains unchanged. Based on the traffic modelling, the intersection is not required to be upgraded to a roundabout under the performance criteria of the RMS Guide to Traffic Generating Developments. In addition, it should be noted that a roundabout could not be accommodated within the existing road reserve. It would require land dedication/acquisition from a number of properties surrounding the intersection.</p> <p>Furthermore, the roundabout does not form part of the scope of works. Reference is made to Circular No. D6 issued by the then Department of Urban Affairs and Planning (dated 21 September 1995) which describes the responsibility of Education Services. The circular sets out that local roads are not the responsibility of Education Services.</p>	

Issue	Comment	Response	Reference
NSW Environment Protection Authority:			
5. Site Contamination	<ul style="list-style-type: none"> The Remediation Action Plan (RAP) proposes a data gap investigation (a DGI) be undertaken prior to the commencement of remediation. As such the proponent has not agreed to undertake further detailed assessment of lead and other contaminants of concern, or present information about groundwater at the site. The RAP indicates the key contaminants of concern at the site are asbestos and lead. Given lead impacts are generally reported in shallow fill to 0.4m BGL and groundwater standing levels are reported. at a deeper profile of 2.9-4.4m BGL this issue is less significant. Nevertheless, the EPA considers the redevelopment of the site presents a good opportunity for the proponent to expand the data gap investigation to consider further investigation of the extent of lead impacts, and other contaminants of concern. Further assessment of contaminants of concern will also be beneficial inform future classification of waste materials. 	This matter was referred to Environmental Investigation Services (EIS) who advised that the data gap area has already been adequately characterised for lead impacts, hence why the data gap investigation (DGI) is focussing on asbestos. Additional (opportunistic) waste classification data will be collected from areas currently designated for excavation/disposal.	N/A
6. Remediation Action Plan	<ul style="list-style-type: none"> The EPA notes that the RAP was prepared to consider remediation of asbestos and lead contamination only, on the northern portion of the site. The RAP was generally written in accordance with the relevant guidelines. However, the conceptual site model provided in the RAP was found to be limited in nature. A DGI is proposed to be undertaken as part of the RAP, to inform the extent of the asbestos remediation. The proponent may need to revise the RAP and the Validation Sampling and Analysis Quality Plan in light of the findings of the DGI. The preferred strategies proposed in the RAP are to: <ul style="list-style-type: none"> (1) undertake excavation and off-site disposal of lead contaminated soils; (2) undertake excavation of subsurface asbestos fines/fibrous asbestos contaminated soils for off-site disposal; and (3) 'emu pick' bonded asbestos containing materials contamination from the surface. 	Noted. No further action is required to revise the RAP at this stage. The RAP and Validation Sampling and Analysis Quality Plan will be revised if deemed necessary following the findings of the DGI. It is recommended that this is included as a condition of development consent.	N/A

Issue	Comment	Response	Reference
	<ul style="list-style-type: none"> The RAP notes the full extent of remaining asbestos at the site is not known but this will become clearer once the final validation assessment is completed, at which remnant contamination may be present and may need to be capped on site. The RAP includes provisions for capping contamination on-site and managing the site via an Environmental Management Plan (EMP) in the event that successful validation is not achieved. The RAP notes the remediation will need to be validated, and the asbestos management plan updated. The EPA is satisfied that the RAP contains references to the Protection of the Environment Operations Act, waste regulations and also SafeWork notifications for unexpected asbestos finds. The proponent should confirm whether they are required to submit a lead notification to SafeWork NSW for lead risk work e.g. in relation to the removal of lead impacted soils from site. The EPA notes that a site auditor was engaged to review the RAP. The EPA recommends that this process is formalised with a statutory site audit through consent conditions. 	<p>The project team contacted SafeWork NSW to ascertain whether it is required to submit a lead notification to SafeWork NSW for lead risk work. SafeWork NSW advised that it would be beneficial to complete the 'Notification of Lead Risk Work' form prior to commencing work. It is recommended this is included as a condition of development consent.</p>	N/A
7. Asbestos Management Plan	<ul style="list-style-type: none"> The EPA notes an Asbestos Management Plan has been provided as part of the RtS. The EPA has reviewed the plan and finds it may not be sufficient to manage the risks associated with asbestos during the proposed remediation works, and will need to be updated post-remediation. The EPA reiterates its earlier recommendations, which have been revised to take into account the Report: <ol style="list-style-type: none"> The proponent be required to engage a site auditor accredited under the Contaminated Land Management Act 1997 to review the adequacy of the site investigations and required unexpected finds protocol, remedial works and management plans. The proponent be required to provide a Section A site audit statement (SAS) and accompanying site audit report (SAR) following completion of remediation and validation certifying suitability of the development site for the proposed use, and to endorse the implementation of 	<p>This matter was referred to Environmental Investigation Services (EIS) who advised that the Asbestos Management Plan (AMP) is not adequate to manage the risks from asbestos during remediation. Consequently, the RAP includes more detailed asbestos management procedures. The RAP includes a recommendation for the AMP to be up-dated post remediation.</p> <p>In relation to the other comments raised, responses are outlined as follows:</p> <ol style="list-style-type: none"> As per previous comments made by EPA, it is understood they are aware that a Site Auditor has been engaged. Under the terms of the Contaminated Land Management Act 1997, a site auditor cannot conclude without the preparation of a Site Audit Statement and a Site Audit Report. It is recommended 	N/A

Issue	Comment	Response	Reference
	<p>any Long Term Environmental Management Plans for the site.</p> <p>3. Once the Data Gap Investigation is completed, the proponent be required to update the remediation Works Plan and Validation Sampling and Analysis Quality Plan (VSAQP) to consider any new contamination finds, and provide the plans to the accredited site auditor for review and endorsement prior to remediation commencing.</p> <p>4. The proponent be required to undertake the following:</p> <ul style="list-style-type: none"> - provide interim site auditor advice regarding the appropriateness of the existing Asbestos Management Plan. - revise the Asbestos Works Management Plan if required, to capture the proposed remediation works, in that it includes stringent requirements for controlling dust emissions and to implement that plan following confirmation from the accredited site auditor that the updated plan is appropriate. - revise the Asbestos Management Plan once remediation is complete to note the location of and manage any residual asbestos contamination remaining on the site <p>5. The proponent be required to ensure that an appropriate marker later is installed above any emplaced contaminated fill material contained on the development site.</p>	<p>that preparation of these documents is included as conditions of development consent.</p> <p>3. Whether the Remediation Works Plan and Validation Sampling and Analysis Quality Plan is updated will depend on any unexpected finds. Based on the available data, there is no evidence to suggest that there will be any finds in the data gap area that will have a significant bearing on the remedial works. However, communication from the consultant carrying out the data gaps investigation to the auditor will be undertaken to confirm this with supporting data, and to discuss whether any deviations from the RAP are required.</p> <p>4. Noted and confirmed. It is recommended that preparation of these documents is included as conditions of development consent.</p> <p>5. The RAP identifies that capping is not the preferred option, and is a contingency measure. Notwithstanding this, Table 5-1 in the RAP identifies that a warning layer between any clean fill and impacted material would be required. The RAP further identifies in Section 9.2 that if capping is adopted, an addendum RAP would be required to be prepared.</p> <p>All other recommendations noted by EPA can be imposed as conditions of development consent.</p>	
8. Noise and Vibration Impacts	<ul style="list-style-type: none"> The EPA notes that the proponent has provided additional noise monitoring at a site in proximity to the proposed school that appears to be consistent with government policy. The main potential noise issue is impacts at residential receivers across the road from the proposed pick-up and drop-off areas, located on Williamson Crescent. The EPA notes that on page 19 of the amended Noise Impact Assessment, Acoustic Logic suggest moving the 	<p>The queuing area referred to in the Noise Impact Assessment is in relation to 'students' not vehicles.</p> <p>This recommendation has already been incorporated into the design and illustrated in the Landscape Drawings showing a location where students (under supervision of staff) wait in an area behind the building line.</p>	

Issue	Comment	Response	Reference
	queueing area further within the grounds of the school. A road located between the Mainsbridge School for Special Purposes and the Warwick Farm Primary School could focus these activities away from residents in Williamson Crescent. There may be additional construction traffic noise benefits if this were implemented. The EPA recommends consideration be given to locating the pick-up and drop-off areas further within the school.	No recommendation was made in the Acoustic Report to relocate the queueing of vehicles.	
9. Waste Management	<ul style="list-style-type: none"> The EPA acknowledges that an Operational Waste Management Plan was submitted as part of the EIS. The EPA emphasises its recommendation that the proponent be required to identify and implement feasible and reasonable opportunities for the re-use and recycling of waste. 	Noted. It is recommended this is included as a condition of development consent.	
Office of Environment and Heritage (OEH):			
10. Biodiversity Development Assessment	<ul style="list-style-type: none"> The BDAR has not assessed the impacts of the development in accordance with Sections 8 and 9 of the BAM. This needs to be done with the minimum requirements as required by Section 7.1.1.1. of the BAM. 	An updated Biodiversity Development Assessment Report (BDAR) has been prepared to address the comments raised by OEH. The BDAR is accompanied by a cover letter prepared by Alphitonia describing the changes made to the report and provides a response to each of the matters raised by OEH.	Appendix C
11. Tree Removal	<ul style="list-style-type: none"> OEH notes the proposal; has been amended to remove a further 20 trees due to additional car parking, the provision of a pool and remediation works. The RTS indicates the removal of 38 trees in total will be offset by gardens, landscaped play areas and the planting of new trees throughout the site. Impacts to native vegetation should be avoided first by using prevention and mitigation measures. The AIAR indicates the remediation of soils contaminated with lead and with asbestos will require the removal of most of the trees on the site. It notes that both the Client and Council have not approved on-site soils remediation methodology which may allow for the retention of additional trees and concludes that minimising tree impacts associated with the RAP is not practical. It is suggested that the Department assesses whether there are any alternative soil remediation options available that would reduce the number of endemic trees that will be impacted. OEH agrees with AIAR recommendation that the client redesigns or relocated 	<p>Coordination has been undertaken between the project arborist, environmental consultant and architect to investigate ways to retain as many trees as practical on the site while undertaking the necessary remediation and proposed construction works.</p> <p>As detailed in the Arborist Statement submitted with this RtS, it was concluded that trees located within designated soil translocation areas will have to be removed to accommodate site remediation. It was considered that trees located in areas designated for ripping and picking may be retained if hand excavation was carried out, instead of ripping with machinery. However, it was concluded that hand excavation within the TPZ/SRZ of trees would be costly and has the potential to destabilize trees leading to safety issues and harm to human life.</p>	Appendix A Appendix B Appendix E

Issue	Comment	Response	Reference
	<p>peripheral built items to retain as many trees as practical within the stand of trees identified as T30.</p>	<p>Following a review of the architectural design, it was determined that Tree 30 and Tree 32 could be retained as they are not affected by any remediation or significant development.</p> <p>In addition, it is also proposed to retain the following two significant trees in the ACM treatment areas by undertaking alternative soil testing. This involves isolation of the TPZs within the treatment area and attempt to validate these areas via more detailed sampling (10L bulk samples screened in the field), before making a decision whether or not full-scale treatment/picking needs to occur. Retention of these trees would also require the following design changes:</p> <p>Tree 45 – Modification of footpath location outside TPZ or modification of footpath material to be compatible with TPZ.</p> <p>Tree 46 - Modification of carpark ground surface in TPZ to be permeable paving.</p> <p>The Architectural Plans and Landscape Plans have been amended to illustrate the retention of the four abovementioned trees.</p> <p>Further feedback from the contamination consultant has indicated that it may be possible to retain additional trees subject to further soil analysis within the TPZ of individual trees post development consent. If further testing reveals that soil contamination levels within the TPZ of trees is within safe thresholds then these trees may be retained and incorporated into the development.</p>	
12. Riparian Corridor	<ul style="list-style-type: none"> The BDAR indicates land along the eastern perimeter of Lot 22 DP715287 is mapped as environmentally significant land on the Terrestrial Biodiversity Map (LLEP 2008) of which 0/53 ha is situated on the site and will be impacted by the proposal. OEH notes the riparian buffer associated with Brickmakers Creek intersects with the school boundary along the eastern boundary and south-eastern corner. 	<p>The Applicant supports retaining all parts to the riparian corridor and its vegetation. However, as outlined in the RAP remediation is required to this area.</p> <p>It is proposed that a condition of development consent is imposed requiring that at the completion of remediation the riparian corridor is revegetated on the site.</p>	

Issue	Comment	Response	Reference
	<ul style="list-style-type: none"> The BDAR indicates a 3m wide by 23m long section of the riparian corridor occurs along the subject land boundary and has been marked as part of the development footprint. BDAR shows a remediation area is located in the south east corner of the site and Figure 6 of the AIAR indicates there is lead contamination in the eastern boundary. If riparian vegetation is to be removed as part of the remediation works, the riparian corridor is to be revegetated. OEHR recommends a scaled plan is provided which overlays and clearly locates key items. 	<p>A scaled plan identifying the requested items has been prepared by Hayball and is submitted as part of the revised Architectural Plans accompanying this RtS.</p>	Appendix A
13. Landscaping	<ul style="list-style-type: none"> OEHR recommends other less invasive grass is used instead of kikuyu, particularly if kikuyu does not currently occur along the creek, as kikuyu rapidly forms dense mats and suppresses other plant species. OEHR recommends a diversity of native plant species from the relevant local native vegetation community which occurs at the site are used in the site landscaping rather than planting exotic plant species or non-endemic native species. 	<p>Noted. It is proposed that these recommendations are included as conditions of development consent.</p>	

3. CONCLUSION

This addendum to the RtS has considered each of the further submissions received in relation to SSD 17_8792 and has provided additional documentation, where appropriate. To address various comments raised within the submissions, the proposal has been amended to retain an additional four trees on site.

We trust that the additional information satisfies the concerns raised by Council and the relevant Agencies and will allow the Department of Planning and Environment to finalise their assessment and grant approval, subject to appropriate conditions.

DISCLAIMER

This report is dated 21 December 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Department of Education (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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

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

APPENDIX A AMENDED ARCHITECTURAL PLANS

APPENDIX B AMENDED LANDSCAPE PLANS

APPENDIX C UPDATED BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT

APPENDIX D UPDATED GREEN TRAVEL PLAN

APPENDIX E ARBORIST STATEMENT