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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT

RE: BLUE GUM COMMUNITY SCHOOL

PANEL: **PETER DUNCAN (CHAIR)**
ADRIAN PILTON

OFFICE OF THE IPC: **JANE ANDERSON**
CASEY JOSHUA

DEPARMENT: **KAREN HARRAGON**
ERICA VAN DEN HONERT
JOHN DOUBLEDAY

LOCATION: **VIDEO CONFERENCE**

DATE: **9.30 AM, THURSDAY, 4 FEBRUARY 2021**

MR P. DUNCAN: Formally, good morning and welcome. Before we begin, I'd like to acknowledge the traditional owners of the lands on which we meet and pay my respects to elders past, present and emerging. Welcome to the meeting today for the Blue Gum Community School project. Blue Gum Community School seeks
5 approval for the adaptive re-use of a heritage listed dwelling, Mount Errington, as a new school and primary school for up to 80 students and nine staff. My name is Peter Duncan, I am the chair of this Commission panel and I'm joined by my fellow Commissioner, Adrian Pilton. We are also joined by Jane Anderson and Casey Joshua from the Office of the Independent Planning Commission.

10 In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be provided and made available on the Commission's website. This meeting is one part of the commission's consideration of this matter and will form one of several sources of
15 information upon which the commission will base its determination. It's important for the Commissioners to ask questions and attendees to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will put on the website as well.

20 I request that all members here today introduce themselves before speaking for the first time, and if all members can ensure they do not speak over the top of each other so that we can ensure the accuracy of the transcript. Thank you, and we'll begin. Karen, we've got a – an agenda, and I know you've sent through a presentation
25 which you're going to go through, so we're happy to receive that. And on the agenda, the areas particularly that we'd like to discuss are site suitability, traffic, heritage and bushfire and, particularly with the bushfire, with reference to potential for tree removal and impacts as well. So with that, we've got a – we've allowed an hour. So I'll hand to you, thanks, Karen.

30 MS K. HARRAGON: Thank you. We are aware of that agenda so we anticipate that we'll be covering those items. So good morning, everyone. I am Karen Harragon, Director, Social and Infrastructure Assessments at the Department of Planning, Industry and Environment and I'm hear with my colleague, John
35 Doubleday, to outline the Department's approach to the assessment of this application. And also to provide some further information in relation to the reaching of our recommendation. We may also be having – later being joined by our Executive Director, Erica van den Honert, so apologies if she doesn't arrive.

40 John will provide a high-level overview of the proposal, the site, and the context of the site within the locality, particularly the heritage conservation area. The Department received more than 50 unique community submissions during the exhibition period. Accordingly, the IPC becomes the consent authority in this matter. A copy of all the submissions received have been made available to the
45 Commission including those made by agencies and council, not only in relation to the EIS exhibition but any subsequent submissions received by the Department

during the assessment process. The Department's assessment report covers a large number of key issues that speak to a range of matters that were raised during the assessment project.

5 The Department considers these issues were satisfactorily resolved during
assessment, addressed by the applicant, or will be managed and mitigated by
recommended conditions. Many of those issues are common to school development,
however the site's heritage significance and its setting within a heritage conservation
10 site's listing, have brought a level of complexity and challenges that need to be
considered and managed by the development and which required a much more
detailed level of assessment. The issues that I'm going to focus on today are those
issues that the Department considers are the more unique ones to this development in
the context of where it is located and they include: site suitability; heritage
15 considerations; managing bushfire; and traffic, parking and access.

We anticipate that the applicant, in presenting their project to IPC, will talk to the
issues of traffic and heritage in detail in their presentation so we will be focussing on
our assessment of these and other elements rather than duplicating commentary that
20 will be likely provided by the applicant. To assist today, we have prepared two
packages of diagrams and plans that form a small proportion of the documents that
have been provided as part of the formal application and the applicant's response to
submissions. These are referenced as: IPC presentation pack A, and IPC
presentation pack B. So we will be taking you to page numbers in these documents.

25
At this stage we don't intend to actually present them at the same time as we're
talking but if that's a more appropriate way of managing that we're happy to
accommodate that. We will provide an opportunity for answers at the end of our
presentation. And before I hand to John, who is going to talk about the project
30 details and the location, I'm going to just quickly touch on the project's State
Significant Development designation. If you'd like to turn to page 2 of pack A, it
will give some context to the information I'm about to provide you. It's an extract of
the legislation that's relevant to the matters I'm about to speak to:

35 *A State Environmental Planning Policy may declare any development or any
class of description of development to be State Significant Development.*

Clause 8 of the State and Regional Development SEPP, otherwise known as the SRD
SEPP, is a relevant SEPP or the relevant provision here in relation to the declaration
40 of development being State Significant Development, or SSD as I will refer to it
from here on. If development satisfies the terms of part (1) of clause 8 of the SRD
SEPP, then it's declared to be SSD. Under the SRD SEPP, development is to be
State Significant if it requires development consent under Part 4 of the
Environmental Planning and Assessment Act, and is specified in the SRD schedule.
45 An education establishment and a centre-based child care facility are both
permissible in the R2 zone under the Hornsby LEP with development consent.

Part (a) of part – subclause (1) of clause 8 of the SRD SEPP is therefore considered to be satisfied. I will now deal with the second part of the considerations. In relation to part – subclause (b) of clause (1) of clause 8, clause 15 of Schedule 1 of SRD SEPP specifies that all new schools are SSD. So the school component of the
5 proposed development can be declared to be SSD. Therefore, because the school component of the proposed development is SSD, the remainder of the development is also SSD. There is one relevant exception to this, and that’s contained in part (a) of subclause (2) of clause 8, and I might just pause so you can put your eye on that in terms of the page.

10

So part (a) of subclause (2) of clause 8 has the effect that the remaining components of the development are not declared SSD only if the Secretary makes a determination that they are not sufficiently related. The default position under subclause (2) of clause 8 of the SRD SEPP is that the Secretary is to start from the position that the
15 non-SSD components of the SSD are to be declared SSD and only carve out those components if the Secretary determines that those non-SSD components are not sufficiently related to the development as a whole. In putting its mind to the nexus between the school and the child care activities as proposed in this application, the development is satisfied that is it appropriate that both these elements of the
20 development be considered as the same application and that a whole other project assessment is necessary.

20

For this reason, the Department is of the opinion that child care activities could and should not form a separate application. And nor should they be considered as a
25 separate local D – under a separate local DA process. Accordingly, the Department considers the child care functions to be sufficiently related and has assessed the development as a single State Significant Development application. I’m now going to hand over to John to talk about the site, its context in the locality, and the key development elements. John, if you’d like to commence. I’ll just make sure that
30 John’s not on mute.

25

30

MR DUNCAN: Is he still with us?

35

MS J. ANDERSON: You’re not on mute, John, but we’re just having a bit of trouble hearing you. Okay, it’s still not - - -

MS HARRAGON: And if we have any problems I’m happy to take over John’s part of the presentation.

40

MR DUNCAN: I can’t hear John.

MS HARRAGON: Okay. So I might proceed then. So – so I’ll just – I’ll take over. So the – I’d like you to go page 3 of pack A and we’ll speak to some of these
45 elements here.

45

MR DUNCAN: Right.

MS HARRAGON: So the site is located at 1 Rosemead Road, Hornsby at the corner of Rosemead Road and William Street within the Hornsby Shire local government area. The site is legally described as “lot A” in DP327582. But as you can see from the diagram there, the site is approximately one kilometre west of the
5 Hornsby Central business district and approximately 20.5 kilometres north of the Sydney CBD. The site is located on land zoned for R2 low density residential under the Hornsby Local Environmental Plan. Educational establishments and centre-based child care facilities are listed as permitted under this zoning in the Hornsby LEP. If you’d like to go to page 4 in pack A.

10 The site adjoins low density residential developments to the south, east, and west, and on the opposite side of Rosemead Road. A three-storey Seniors Living development is also located immediately to the east of the site, and it fronts Dural Street. If you’d like to move to page 5 of the pack. Several existing detached
15 dwellings and street trees in the locality are listed as heritage items of individual significance under the Hornsby LEP, and you can see these depicted in the diagrams by the individual numbers. The dwelling and the established gardens within the site are listed as a heritage item of local significance, referred to as, “Mount Errington and gardens, item number 545”.

20 And these are provided for under Schedule 5 of the Hornsby LEP. The site is also located within the Mount Errington precinct of the Hornsby West Side Heritage Conservation Area under the Hornsby LEP. The school site is depicted on this diagram as 545 and you can see from the hatching the extent of the heritage
25 conservation area that I referred to in the previous statement. If you’d like to just turn to page 6. So this is providing you a snapshot of the current layout of the existing development. A detailed of – the current development within with site comprises a two-storey dwelling, detached single car garage, a looped entrance driveway from Rosemead Road, and established gardens.

30 The site also has frontage to William Street which is currently fenced, and is provided with pedestrian access through a gate. If you’d like to move to the page 7 in this pack. A detailed description of the applicant’s proposal in relation to the development is contained in this assessment report. So I will provide only a
35 overview here. The proposal seeks approval of – for the adaptive re-use of an existing heritage listed dwelling as a new primary school and preschool. The proposal includes: alterations and additions to the dwelling, on-site carparking, tree removal, landscape works, and fencing. Supplementary landscaping also forms part of the development.

40 Specifically, the amended proposal seeks approval for: re-use of the existing two-storey dwelling to provide five general learning areas as well as administrative and staff areas – and I provide you with some further details on that shortly: and external
45 modifications including a new fire stair and exit: internal alterations and modifications including modifications to existing bathrooms, external porch and sunroom, alterations to the existing bedrooms and living areas on both levels to accommodate the educational facility. It also includes an internal driveway

alteration, carparking for 12 car spaces including an accessible area, and a drop-off and pick-up zone.

5 Provision for six bicycle parking spaces adjoining the carpark are proposed and landscaping includes: a new separate outdoor playroom within the rear garden for preschool and a separate one for primary school use; a new pedestrian walkway with a covered pergola from William Street with a new gated entry; new landscaping along the new pathway; and the removal and replanting of trees and shrubs within the site, which we'll discuss in more detail later. The proposal has a capital
10 investment value of approximately 600,000, and the development would accommodate 80 students including 48 students aged six to eight, 38 students aged three to five, and this constitutes a centre-based child care facility and primary school up to year 3 in the education system.

15 The development will create 20 construction jobs and nine full-time equivalent staff. So I'm just going to quickly go through some of the Department's engagement which has been fully detailed on our report. There were 54 individual public submissions including 52 objections, and one objection was received from a special interest group in relation to the project. No public authorities objected to the development.
20 Council provided comprehensive comments on the potential heritage impacts and were generally supportive of the proposed adaptive re-use of the dwelling house allowing for long-term conservation, subject to a number of recommended conditions.

25 Following the close of the exhibit the Department engaged an independent heritage consultant to review the impacts of the proposal on the heritage values of the site as well as to respond to council and the community's concerns. A copy of that report has also been provided to the IPC. In October 2020 the Department representatives visited the site with the heritage consultants to engage with the applicant and to
30 discuss possible options to reducing heritage impacts. The applicant, in response, provided a detailed response to submissions report which was generally supported by council, subject to additional recommended conditions of consent.

35 Two supplementary response to submissions report were also submitted. The fourth report was an amended proposal responding to council, GML Heritage, the submissions received, and the Department's issues in relation to the EIS. The second was responding to an independent acoustics peer review submitted by the members of the public. Neither response to submissions reports provided by the applicant were considered to warrant a second public exhibition as they did not substantially
40 alter the development but both were made publicly available on the Department's website. So I'm actually now going to ask you to move to the presentation pack B where I'll now speak to some of the key issues that I outlined at the start of the presentation.

45 MR DUNCAN: Okay, thank you.

MS HARRAGON: So we all should be looking at IPC presentation pack B.

MR DUNCAN: Yes.

MS HARRAGON: So if you'd like to just move to page 2 of the pack I'm going to talk in respect of general site suitability. Approximately half of the public
5 submissions – in fact, 52 per cent of the EIS submissions – objected to the proposal on the grounds that the proposed site within the heritage conservation area is not suitable for a new school. Submissions were grouped by two main issues being: inappropriate re-use of the heritage listed dwelling as a school; and a position that many in the community took, that because they considered it to be a commercial use,
10 it was a prohibited use within the current residential land use zone.

There was also a second group of matters raised in relation to site suitability, and that was in relation to concerns regarding reduced amenity for the surrounding residents due to the proposed operation of the use. As part of their considerations, the
15 applicant undertook a detailed site analysis in relation to the site including capturing the issues that were just discussed above. The outcomes of this analysis are provided in the EIS. As part of the Department's assessment, we also undertook a comprehensive assessment of the suitability of the site for the development. And I'm going to provide some of the observations here. The proposal complies with the
20 strategic planning directions of the State and of the locality.

The Department agrees with the applicant that the site would offer an appropriate level of connectivity with the surrounding residential area, in particular the Hornsby Train Station and bus services, and to the Hornsby CBD, including a significant
25 number of high-density developments within walking distance. The site is a significant heritage property with high levels of maintenance required for both the dwelling and the gardens. The development would allow the opportunity for continued use of a heritage listed dwelling, and we consider it's a positive outcome for the site with a benefit to the current and future population of the area in terms of
30 the operation.

Being within a heritage conservation area and being a heritage item does not preclude it from being considered as suitable for the operation of a small-scale school. Indeed, a large number of schools within this area and on the upper north
35 shore are heritage listed schools and also schools within other heritage conservation areas within a number of LGAs in the area. The proposal will provide an alternate education option for parents and children in the local area and the region, and it would supplement the education services delivered by the larger scale private and public schools currently operating in the broader area. The relatively small-scale
40 development is a permissible development and the impacts on the surrounding including heritage traffic, visual privacy, tree loss, and noise, are considered acceptable.

Residual impacts can be managed by recommended conditions of consent. The
45 Department is satisfied that the site is suitable for the development and is in the public interest. We're now going to talk specifically in relation to a number of those impacts that fed into our consideration of site suitability. If you'd actually now like

to move to page 3 which provides you of the depiction of the existing front elevation of the house. As discussed previously, Mount Errington house and gardens are locally listed heritage items sitting within the heritage conservation area of the Hornsby West Side, Mount Errington Precinct. Several adjoining properties are of local heritage significance, as are street trees on Rosemead Road and Dural Street.

You may recall that was contained in the package provided at A in terms of the location of items and the hatching for the heritage conservation area. The site is also listed as an item of significance on the National Trust Register. The dwellings and the gardens were established and built circa 1897. If you'd like to turn to page 4. I'm going to provide you with some details of the dwelling's existing heritage features. So you will see here a reference on the diagram to the timber balustrade that we're going to be talking to in some more detail later. There is wallpaper below the stairs which is captured and typical of the Arts and Crafts Period.

So the applicant's statement of heritage impacts identifies the house to be, "A stately Federation Arts and Crafts style structure". Many of the elements representative of the Arts and Craft Period are found within the dwelling as mentioned for page 4. So we also mention the leadlight windows which are provided in internal doors, and the ornate ceilings which are located without – throughout the house. The house from the garden settings, loose gravel driveway, and mature plantings, are all significant heritage elements. Heritage New South Wales did not raise any concerns any concerns on the development as original or as amended, noting that the subject site is not listed or near any items on the State Heritage Register, nor does the site contain any known historical or archaeological deposits.

Council were generally supportive of the proposed adaptive re-use of the heritage items – heritage item – as it would prevent the site from being subdivided in the future and pressure for development of other forms of activity. It is considered that it will enable the long-term uses and maintenance of the dwelling generally within its current form. However, during the exhibition of the EIS council raised significant concerns about several aspects of the development including removal of the gates located at the front of the site and the removal of trees within the front setback and the widening of the driveway and entrance. This was later reiterated by the council mayor, taking on behalf of the community submissions objecting to the development.

Approximately seventy per cent – six – per cent of the public submissions to the EIS objected to the proposal on the grounds that the proposed site will have an adverse – or the – sorry, correction – the proposed development will have an adverse heritage impact to both the heritage listed dwelling and gardens as well as the larger Mount Errington Precinct of the heritage conservation area. In response to the submissions received a preliminary – and a preliminary assessment of the EIS by the Department, the Department engaged an independent consultant, GML Heritage Limited, to review the impacts of the proposal on the heritage value of the site, as well as to give consideration to the council's comments in this regard.

The GML report concluded that the proposed use of the dwelling as a school is a suitable use for the site, ensuring that the house and garden are occupied and maintained into the future. The new use would also ensure that the dwelling remains legible as a large Arts and Crafts house in a substantial garden setting. However,
5 GML agree with most of the council's other concerns and made several recommendations in relation to the development. The applicant was requested to respond to these concerns raised by the heritage review undertaken by GML, council's comments, and the issues raised by the Department.

10 The applicant's response to submissions report in response to those concerns included a detailed design options analysis which considered four options for site layout and carpark in response to council and GML's comments. The applicant's options analysis demonstrate that the proposed development in its current form was the only feasible and reasonable way to develop the site. So – just bear with me one
15 moment. I'm actually going to talk to the options in more detail later in the report. The response to submissions report and the supplementary response to submissions report included a number of minor amendments to the response to council and the Department's concerns.

20 I'm now going to break the remainder of this heritage presentation in relation to the two key parts, being the alterations to the dwelling and the heritage impacts to the gardens and the site layout. So if you'd like to put your slide pack to slide number 5.

MR DUNCAN:

25 MS HARRAGON: I'm going to go through the internal heritage features, and these are provided on slide 5 and they're also on slide 6. The proposal involves internal alterations to the dwelling as depicted on pages 5 and 6. This includes: demolition of two internal walls to create the general learning areas; the enclosure of a rear
30 covered porch; as well as bathroom and staff amenity areas. The external – and so I – I'm happy to draw your attention, but you will note those works are depicted by the arrows provided on those two pages. If you'd now like to go to page 7, I'm going to just quickly speak to the external modifications.

35 The external modifications to the dwelling as shown on page 6 – sorry, on page 7, correction – predominantly involve: raising the height of the timber handrail on the front elevation, which was shown in the earlier material I've provided to you; enclosing the rear covered porch; and the addition of a Building Code of Australia compliant fire stair to the east. The statement of heritage impact submitted with the
40 application and supporting the EIS indicated that the proposed changes to the dwelling are focussed primarily on meeting the requirements of the Building Code of Australia and on meeting the obligations under the State Environmental Planning Policy (Education and Child Care) SEPP while minimising the impacts on the significant heritage components.

45 Internal works were also designed to be reversible for the potential future use as a resident to dwelling should that occasion arise down the track. The community

submissions raised concerns regarding a number of elements including: the proposed polycarbonate covered outdoor area, the covering of heritage walls for sheeting for protection; the internal alternations including widening of doors; and the proposed external alterations. The submissions also raised concerns that the internal
5 alternations would restrict a future owner from reversing the proposed use of the dwelling back to a single dwelling. The proposal, as amended by the applicant's RTS, includes: further conservation works such as the protection of leadlight on doors; the retention and restoration of the existing timber flooring in entry – in the entry foyer; the retention of wall nibs through interpretation within those areas
10 where walls have been removed; and a slight movement of the fire stair so that it enters the first storey of the building through an existing window and sill, therefore reducing the impact to the dwelling façade through an unnecessary opening in the wall.

15 The response to submission also includes an addendum statement of heritage impact confirming that the existing roof is causing water leakage and damage through the existing heritage item and should be replaced with a new roof to prevent further damage. The design and materiality that will be used for the replacement of that
20 room will be determined and guided by the heritage architect. This includes re-using existing tiles, including the use of Canadian Slate, to ensure that the materiality of the existing Arts and Crafts building is maintained. The applicant's response to submission also explores options to retain the first floor balustrade in situ, but given the proposed use this was not considered feasible for the safety of children and staff.

25 The statement of heritage impact addendum confirms that the height of the existing balustrade is not compliant with the National Construction Code and is required to be amended. The installation of a secondary glass balustrade to achieve the compliant height behind the existing balustrade was not considered to be a preferred heritage
30 response as it would have a negative impact on the fabric and be intrusive to the front elevation. Consequently, the Department considers that the proposed option to raise the height of this balcony balustrade is acceptable in the circumstances. Following submissions of the response to submissions and the heritage addendum a number of members of the community have maintained their concerns regarding the heritage impacts on Mount Errington Gardens and on the item.

35 The – however, the Department is satisfied that, having regard to the evidence provided by the applicant, that the proposed adaptive re-use would ensure the long-term sustainability of the significant heritage listed dwelling while allowing the proposed works to be reversed for the potential re-use of the site as a residence. I'm
40 now going to talk more specifically about the impacts to the heritage elements within the garden. If you'd actually like to turn page 8 which provides an overview of the proposed alterations. The significant elements of the existing gardens include the front fence and gate, the driveway, remnant tennis court, and existing significant trees.

45 During the EIS exhibition, council raised significant concerns regarding the proposed widening, realignment of the driveway along with the loss of two highly visible trees

in the front garden. They also raised concerns regarding the additional driveway leading to the loss of a further 10 trees, including two street trees, the loss of the timber gates and posts and adverse impacts on the external and – external open metal fencing. Council recommended that the applicant is to investigate an alternate
5 driveway design which would retain the identified significant trees within the front setback, including the opportunity for a second driveway from William Street, with alternate fencing and driveway material.

10 Community submissions raised significant and similar concerns regarding the alteration to the garden, the fencing and especially the loss of the trees within the site. The GML report that was instigated by the Department concurred with the majority of the concerns raised by the council. GML, however, indicated that the second driveway crossing on Rosemead Road and the associated additional loss of trees was acceptable as the trees were of moderate to low significance. GML
15 emphasised the retention of the gates, posts, the driveway alignment, and the loss of trees T111 and T112, which you can see referenced here in the diagram, adjoining Rosemead Road, and alterations to the proposed fencing were considered reasonable, subject to conditions.

20 In response to the applicant's RTS the applicant provided – sorry, in response, the applicant's RTS considered four design options addressing the concerns raised by the council and the community and the Department. If you would actually like to go to image 9 in the pack we have actually presented here – I know are quite difficult to see the scale, option (a), option (b), option (c) and option (d). So a full size version
25 of those is contained in the applicant's RTS.

Option (a) was no car parking on the site, with all drop-off and pick-up being provided on Rosemead Road. Option (b) was car parking along the driveway in front but with fewer cars, including widening at the driveway drop-off and pick-up on
30 Rosemead Road. Option (c) was a site layout generally retained as original, with car parking layout flipped and pedestrian pathway on the eastern side of the tennis court. And option (d) is a car parking layout retained with the second driveway off William Street and efforts to retain tree 111, with lesser widening of the driveway occurring to enable that outcome.

35 The applicant's RTS concluded that none of the options could be implemented in their entirety due to identified consequential problems with each one. The Department concurs with the conclusions the applicant has made in that respect. Thus the revised site layout, refined by the applicant's supplementary RTS,
40 combined the benefits achieved from option (c) and (d) into a new proposal. This includes car parking – car spaces and the pedestrian pathway flipped to the eastern side of the car park, six bicycle parking spaces within the car park, a pergola-type structure along the pedestrian pathway from William Street, and new brick edging along the drop-off/pick-up bay to match the existing.

45 Vehicle access site – vehicle access to the site would be restricted from Rosemead Road using the existing drive-in, including minor realignment and widening. The

proposal includes creation of another vehicle access point in the north-western corner of the site to allow a one-way internal vehicular movement within the site road. Widening the driveway would require to facilitate a two – two passing driveway system would require the removal of – sorry, correction. Widening of the driveway
5 as proposed will require the removal of the two significant tree plantings marked as T111 and T112 on this diagram.

If you can turn to image 10 depicting the final revised application details that have been submitted by the applicant. This includes the following changes in site layout.
10 Interpretation of the remnant grass tennis court as a car parking area with 10 car parking spaces, including an accessible car parking space. You can see that proposed car parking area up in the top left-hand of this image. A pedestrian walkway with a covered pergola from William Street with a new gated entrance. You can see that leading from the Rosemead Road. There is a new pedestrian access point adjoining
15 the driveway.

Removal of the existing fence, gate, and installation of a new fence and gate to Rosemead Road matching the existing style. Retention of most of the front garden except the provision of new driveway and removal of a smaller number of trees,
20 noting that two of these are considered significant. The landscaping of separate outdoor play areas within the rear garden for preschool and primary school, with a 1.8 metre high paling fence between the dwelling and the boundaries. Removal of 41 trees and the replanting of trees and shrubs within the site is also proposed.

The proposal originally included 12 car parking within the heritage curtilage and tree removal across the site. In response to the concerns from both council and in the public submissions the proposed tree removal was reduced and alternate
25 considerations to the site layout were undertaken and delivered through the revised RTS. The Department considers the proposed development as revised, and, subject to the recommended conditions, would result in satisfactory heritage impacts in
30 respect to the built form and landscape elements for the site, as well as having regard to the general heritage conservation area.

I am now going to talk in a little bit more detail about potential landscape issues in relation to bushfire. If you would like to move to image 11. It's appropriate in
35 considering the bushfire issues to consider the context of the site. We have provided here, at 11, an extract of the bushfire mapping for the area. You will see that the site is actually identified in red. You will see that the category one high-risk areas are located some distance from this site. You can also see that this property is touched
40 only marginally by that vegetation buffer area.

If you would like to also move to slide 12, this shows the 100 metre radii from the site that was prepared as part of the bushfire assessment. This measure is critical to the necessary bushfire assessments that are provided and contained within the
45 bushfire assessment, and which were considered by the Royal Fire Services.

The child care and the school result in the development being considered a special fire protection purpose development under the Rural Fires Act. The existing adjoining seniors living development also sits within the same categorisation under the Rural Fires Act. These developments require a high-level of consideration be given in relation to bushfire and site suitability. This has been undertaken in the applicant's bushfire assessment. Council's bushfire prone land map depicts the subject site as being only partly within the 100 metre buffer. The dwelling, subject to repurposing as a school and as a preschool, is located outside the 100 metre buffer zone. No bushfire hazard is located within 100 metres of the subject building in any direction. The application was referred to the New South Wales Rural Fire Service who concurred with the conclusions and recommendations of the applicant's bushfire consultant.

Community submissions raised concerns that the proposed location of the future school would hinder the evacuation of the entire locality during bushfire events due to the narrow road and the large number of proposed students. Submitters also indicated that the low water pressure in the area would restrict the ability to fight a bushfire. In addition to bushfire risk the consultant's report also gives consideration to the suitability of access and egress, and services including proximity to fire hydrants. Evacuation and access services were identified as being adequate by the bushfire assessment, and this information was concurred with in relation to the Rural Fire Service comments.

The site is required to be managed as an inner protection zone, and the management requirements must comply with the planning for bushfire protection. Council raised significant concerns that they would not support the SSD if further tree removal occurred because of the IPZ, or the inner protection zone, management requirements. In response the applicant emphasised that the Rural Fire Service is supportive of the development subject to the emergency evacuation plan being prepared. The applicant also provided an addendum bushfire report indicating that there is no further need to remove additional trees beyond that which were already proposed for removal as part of the amended development.

Further, the applicant indicated that Sydney Water had provided comments and raised no concerns regarding the available water pressure available to the hydrants in the street. When commenting on the draft conditions council reiterated that, subject to conditions that no further removal was supported in relation to the maintenance of an IPZ area on the site. The Department concurs with the applicant that no public authority, including Royal Fire Service, raised concerns regarding the location of the development, subject to the management of the site as an IPZ and preparation of an emergency evacuation plan. The Department is satisfied that the site would be suitable for the development, subject to conditions of consent.

The Department is also satisfied that the management of the site for bushfire purposes would not significantly impact on the heritage significance of the site, particularly in respect of landscape setting. I would like to just then take you to an extract from the applicant's arboriculture report just to give you context in relation to the number of

5 trees. So a total of 116 trees are located within and adjacent to the site which has a total area of 3623 square metres. The site is, roughly, four times the size of a typical residential allotment in the area which would typically support 10 to 15 trees. Of the 41 trees to be removed, 23 are of low to very low retention value, 16 are of moderate retention value, and only two are of high retention value, as noted in the addendum. In contrast, 23 trees of high retention value and 34 trees of moderate retention value are proposed to be retained as part of the proposed development which is considered to be a positive outcome compared with the potential types of development that the site may otherwise be subject to.

10 I am now going to quickly touch on parking, traffic and general accessibility, so if you would like to turn to page 15 of pack B which provides an overview of the local road network as well as two images of the adjoining street. Traffic. So general traffic comments. One of the key issues raised in the public submissions was additional traffic and subsequent impacts on pedestrian safety, particularly children using the roads adjacent to the proposed school. The validity of the analysis of traffic impacts was also raised as an issue by the community, based on recent and cumulative developments that have impacted traffic movements in the area, notably along Peats Ferry Road, a feeder road leading into the Hornsby CBD.

20 Approximately 89 per cent of the public submissions to the EIS objected to the proposal on the grounds that the proposed school would result in congestion, with 70 per cent objecting because of the loss of on-street parking. Submissions were grouped by the following issues: including increased traffic in the conservation area; unsafe vehicle movements due to the narrow width of the existing roads; insufficient onsite car parking resulting in loss of on-street parking available to other residents; potential safety issues with surrounding residents trying to manoeuvre around additional cars that would be parked on the street; insufficient analysis of traffic and parking undertaken by the applicant; and concerns that no details were provided to justify the data that supported the walking, cycling transport mode assumptions.

30 The applicant's traffic and parking impact assessment concluded that the additional traffic resulting from the proposal would not adversely impact the road network, and no upgrades would be required to ensure an adequate level of service in relation to any of the impacted intersections. The applicant's report also concluded that the proposed development site satisfies the council's development control plan in terms of off-street parking and drop-off/pick-up requirements, as well as the design requirements within the Australian Standards.

40 The Department notes that council and Transport of New South Wales did not raise any significant concerns regarding the generation of additional traffic related to the development, however made reference to the green travel plan and to issues relating to the dimensions of the proposed kiss and drop in Rosemead Road. While council comments on the EIS noted that the proposed no parking signs required along the southern side of Rosemead Road were not a desirable outcome, they concluded that the onsite drop-off and pick-up as originally proposed in the application were a

desirable outcome for the site, subject to an operational traffic management plan to manage queuing.

5 A peer review of the applicant's transport assessment was prepared on behalf of interested community members and was also included as part of their submissions to the EIS. In response the applicant's RTS stated that the initial peer review traffic report from the residents had been prepared prior to the lodgment of the SSD and related to a previous local DA that had been submitted to the council. The submitted assessment had already – submitted assessment prepared by the consultant for the applicant had already considered and addressed the matters that had been raised in the community's traffic report when it had been provided as part of the council considerations.

15 Following lodgment of the RTS the Department received additional correspondence from one community member raising concerns regarding inconsistencies in the applicant's acoustics report and the traffic report. This correspondence included additional acoustics and traffic reports in support of their objection. Based on both council and Transport's comments which raised no concerns regarding traffic generation, the Department is satisfied that the traffic generated by the proposed development would be accommodated within the local road network. The applicant proposes reasonable measures, such as staggering the drop-off and pick-up times, and staff on duty acting as traffic controllers, to ensure that the vehicle movements in and around the site do not cause disruption to the site.

25 I am now going to talk particularly about the car parking because that is probably one of the concerns by the community that the applicant has done significant work in resolving. If you would like to go to slide 16. The original proposal involved the construction of a onsite car parking area accommodating 10 parking spaces, including one accessible space and six bicycle racks. Additionally, two car parking spaces were proposed in front of the garage. The traffic impact assessment stated that the parking comprise eight preschool spaces and four primary school staff spaces, therefore satisfying the council's CCP.

35 Community submissions to the EIS indicated the proposed number of spaces was not considered sufficient for the development and would result in staff having to park on the surrounding streets. As part of its review of the EIS, and as previously noted, the Department requested the applicant explore alternative design options for reducing car parking spaces in relation to the development and also to look at opportunities to retain some significant trees and the remnant tennis court.

40 In response the applicant's RTS concluded that onsite car parking would be the preferred option that would satisfy council's requirements and address community concerns in relation to the potential for kiss and drop occurring within the public road system. There was concern that this arrangement would not unreasonably – it is considered that the arrangement for internal kiss and drop would not impact on the available car parking spaces on the Rosemead Road and William Street road reserve. The applicant's RTS amended the layout of the internal car park and has moved car

spaces to the south side of the existing tennis court area so that they are no longer located adjacent to the property at number 1A Rosemead Road.

5 The Department supports the applicant's revised proposal to provide car parking spaces within the site, to appropriately accommodate the staff car parking spaces within the site and to reduce any unreasonable impacts on the locality. The Department also considers that the proposed number of car parking spaces is appropriate for the development. Occasional special event activities at school would be for short duration only, typical to preschool and lower primary school
10 children/parent activities. Additionally the surrounding locality would have capacity to accommodate additional parking demand if needed, including any overflow for infrequent parent events. And this conclusion was reached from the Department visiting the site approximately five times over the assessment period, identifying a high capacity for available parking on both the William Street and the Rosemead
15 Road streets.

The Department has recommended a condition requiring the layout of the proposed car parking facilities and bicycle parking to be designed in accordance with the relevant Australian Standard. The Department has also recommended that an events
20 management plan be prepared prior to the first event on the site that would accommodate more than 50 people. I would just like to quickly summarise and make conclusions here.

In summary, the Department concludes that the proposal would ensure a viable long-
25 term use of the heritage listed dwelling and gardens. The proposed external alterations to the dwelling, the gardens and removal of trees would have impacts on its heritage significance, however the applicant has investigated design alternatives and demonstrated that the proposed site layout with onsite car parking and drop-off/pick-off and the alteration to the dwelling are integral to the viability of the
30 development and can be reasonably achieved. The overall benefits of the proposal in retaining the dwelling and gardens while proposing a school on the site would outweigh the identified negative heritage impacts which would include the removal of the two high retention trees located in the front setback. Any residual impacts would be managed by recommended conditions of consent.

35 In relation to traffic, the surround road network has capacity to accommodate traffic and parking demand generated by the school and, subject to recommended conditions, it is considered that impacts relating to this proposal and traffic are manageable. Operational noise emissions from the site in relation to car parking and
40 the impact on nearby residents subject to – would be subject to the implementation of mitigation and management measures, including the construction of a new fence along the western boundary. Overall the Department concludes that, on balance, the impacts of the development are acceptable and that impacts can be appropriately managed or mitigated through the implementation of recommended consents –
45 recommended conditions of consent. The Department would like to thank the IPC for the opportunity to present today. I am happy to take any questions from the IPC for matters that I have not covered.

MR DUNCAN: Thanks, Karen. Thanks for that very detailed presentation. You have probably answered many of our questions but – we haven't got a lot of time left. But, Adrian, would you like – have you got anything you wish to ask after that presentation?

5

MR A. PILTON: I've got a couple of questions. The first one is about how this parking is going to work. If I look at the plan on page 16 where you have six cars queued up, if – given the nature of very young children being dropped at school, I'm sure the mothers or fathers will want to take their kids into the school, you know, with their school bag, make sure they're safe. The staff have got to check them in, and so on. I reckon you're going to have six cars parked there, then cars parked out into the road. Is that going to be an issue; cars parking on the road, that is?

10

MS HARRAGON: Sorry. Yes, un-muting myself. So I'm going to provide you a written clarification. My understanding from my involvement with the project is that that queuing area is for the primary school children who won't need to be signed in by their parents. There is actually an additional location for the junior children to be provided with parking for the parents who would then need to enter the site. So we don't believe that that's likely to be an issue.

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There is also going to be traffic controllers that will be monitoring that queuing area, so the traffic management plan which will be – have recommended be required will ensure that the number of vehicles that are queuing in there are being managed. But we're happy to take that on notice and to give consideration to, I guess, the robustness of the traffic plan and management, in terms of potentially looking for opportunities to better ensure that that queuing does not actually go out across the footpath into the driveway area outside of the property boundary.

25

MR PILTON: Thanks, Karen. The other question I have got is about – conditions about during the construction period. It says that all vehicles, including heavy vehicles, have to park within the site at all times during construction. I'm not sure how that is going to work. How is a heavy vehicle going to turn around until they build the drive out – the second drive out to Rosemead Road? I don't think that is feasible.

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MS HARRAGON: Yes. So you're referring to a fairly standard condition that we do impose. I would like to take the opportunity to perhaps provide some clarification in terms of giving a guarantee how that can be delivered, and, if not, providing some certainty around – if there is an overflow, where that overflow will occur.

40

MR PILTON: Thanks, Karen.

MR DUNCAN: Just on that, Karen, I don't know whether you're aware but the applicant provided us some comments to the conditions. They're now – I think they're on our website. So if you are looking at one of those conditions you might have a look at that as well, and provide that – any comments in that response.

45

MS HARRAGON: Thank you. So whilst I draw to your attention an addition to that requirement about parking onsite, there is another condition that speaks to an opportunity to establish a work zone. So what we might do is provide you a succinct response which captures the condition sets that are relevant to that. So we will
5 provide you some details where those conditions relate to each other, including that last request.

MR DUNCAN: Thank you. It's appreciated.

10 MR PILTON: Thanks, Karen.

MR DUNCAN: Adrian, anything more?

MR PILTON: I just wouldn't mind raising a question of the bushfire protection. I
15 may be very wrong here but the way I read the document is – condition A26 is making it compulsory to manage the site in accordance with appendix 4 of the bushfire protection. Now, as far as I can see you can't comply with that because they talk about no more than 15 per cent of canopy coverage. I don't see how you can –
20 within the canopy the 15 per cent of the site, if that's how it's mean to mean.

MS HARRAGON: Yes. And I can confirm that there were obviously quite significant concerns raised by council and the community in relation to that. It is mandatory for that site to be maintained as an IPZ. There is actually a fairly detailed addendum report which actually outlines the conclusions that have been reached by
25 the appropriately qualified consultant in relation to his observations of the current site and the proposed removal of trees that were already proposed. The opinion reached by himself and that document was also shared with the Rural Fire Service, that there would not be any additional clearing of vegetation in order to achieve that IPZ.
30

There is actually quite a detailed justification for why he has reached that conclusion and it also goes to continuation of canopy from the fuel source. So I think it would be probably best if we actually defer to that document because I have read that a number of times. It's actually very succinct. It's very detailed and it was prepared
35 specifically to respond to that concern, to provide that confidence that this is not going to be a second bite of, you know, landscape impacts because what we didn't want to have occur is that we form an opinion on heritage impacts based on the landscaping plan that we have got in front of us to then find that we have to have further trees removed subsequently for that condition. So the Department has
40 significant confidence including feedback from the Rural Fire Service that the landscape plan captures the entirety of the consequential impacts to landscaping that this project will need to deliver to achieve the IPC standard.

MR DUNCAN: Karen - - -
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MR PILTON: We're going to have an opportunity to talk to the bushfire consultant later.

MS HARRAGON: Yes.

MR DUNCAN: Yes. And just to confirm that, Karen, you're talking about the attachment 5, Bushfire APZ Statement, in the planning document? Is that the one,
5 just to make sure we're reading the right report there?

MS HARRAGON: Just bear with me for one second. I'll just make sure I've got the correct reference.

10 MR PILTON: It's with the RTS.

MS HARRAGON: I can confirm that is – that reference that you gave is the correct one.

15 MR DUNCAN:

MS HARRAGON: We can in a short period of time provide you directions specifically to the page reference where the development of the very detailed assessment that he undertook leading to the conclusions on there not needing to be
20 further removal of vegetation. You know, among a number of those matters is obviously the distance of this site from the actual – that red mapped area on the bushfire map. The maintenance of vegetated areas between the dwelling and that bushfire area which the applicant's consultant stresses he is not relying upon the IPZ outcomes on this site. But also because this site is managed as an actual garden
25 rather than a community or vegetation state that has an understorey – significant understorey. So there is quite a number of inputs into the conclusion that he has reached regarding the requirement for there to be no further tree removal.

MR DUNCAN: And by that consultant as well, Wayne Tucker, dated 29
30 October 2020, so I think that goes - - -

MS HARRAGON: Correct. Yes.

MR DUNCAN: Yes. Okay. Thank you. Adrian, anything more?
35

MR PILTON: No, I don't have anything more. Thanks, Peter.

MR DUNCAN: Jane or Casey, do you have any questions at this stage?

40 MS ANDERSON: Nothing from me, Peter.

MR DUNCAN: Casey?

MS JOSHUA: Karen, can I please just ask for you to confirm that the RFS have
45 seen that attachment 5 document and they concur with the findings. Is that what you said?

MS HARRAGON: I might have to take that on notice for you, but I will do that by the end of the day for you. And in fact we might try and get you that information as soon as we leave so that you are understanding the circumstances when you're actually listening to the applicant's presentation.

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MS JOSHUA: Wonderful. Thank you. Nothing else from me.

MR DUNCAN: Okay. Well, look, I think, Karen, unless there is something that you want to add at this stage, at the moment and, you know, we'll come back to you if we need to ask any further questions. But thanks for your – thanks for the detailed presentation and being available today, and also – also to John and Erica as well. So thank you - - -

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MS HARRAGON: Okay. Thank you for giving us the time.

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MR DUNCAN: Okay. I will close - - -

MR PILTON: Thank you.

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MR DUNCAN: - - - close the meeting at this point. Thank you.

MR PILTON: Thank you.

25

MR DUNCAN: Bye-bye.

MS JOSHUA: Thank you.

MATTER ADJOURNED at 10.35 am INDEFINITELY