



STEP Inc

Community-based Environmental Conservation since 1978

Director, Strategic Assessments
Department of Planning
GPO Box 39
Sydney 2001

23 November 2007

Dear Sir

Re: Major Project MP06_0130, UTS Ku-ring-gai Campus

Summary

This response to the invitation for comment on the State Significant Site Study and Environmental Assessment of the Concept Plan Report (EAR) for the UTS site is, in accordance with the objectives of STEP, weighted towards the environmental aspects of the proposal.

The permanent preservation of all the bushland on the site is a key objective and thus we support the proposal to transfer the bushland to the Lane Cove National Park. We argue that less bushland, particularly in the College Creek area, should be destroyed and that some residential buildings should be relocated.

We object to the stormwater proposals because they are based on false scientific premise and will lead to the degradation of the bushland. Because of the large area of bushland that would be lost to the asset protection zone we have proposed an alternative means of asset protection that will be more effective in protecting property and will also be more permanent and economical.

We question the lack of any study as to university, technical college or further education needs in the future, we advocate that sports and child care facilities on the site be retained and we question statements regarding the Metropolitan Strategy, sustainable development, and housing choice in Ku-ring-gai.

Finally, we question the ethics of UTS, having been given this site for \$1, proceeding to seek to circumvent the wishes of the community by utilising Part 3A of the Environmental Planning and Assessment Act (the Act).

The proposal if approved would lead to a loss of significant purpose built public education facilities in the northern region of Sydney, the effective loss of significant public sports facilities and further degradation of a high quality watercourse and associated bushland. With Sydney's increasing population the scarcity and value of such public assets will only increase over time. It is our view the proposal is not in the long-term public interest and, in its present form, should be refused.

1 Background

STEP is a community group with over 450 members. Our web site at www.step.org.au describes our aims and activities. We have been involved with various proposals for this site for over 16 years and have been part of a succession of consultative committees considering an application from UTS for an access road from Lady Game Drive. At that time there was no thought of UTS leaving the site as the University foresaw growth rather than abandonment. STEP was able to assist in resolution of the access road issue by pointing out that if the high speed road design criteria were revised then the road could be built in a less environmentally sensitive location. Accordingly, redesign was carried out. At that time the University agreed to enter into a Conservation Agreement to permanently protect the bushland on the site.

On 1 July 1993 agreement was reached with the University that the bushland on the site would be permanently preserved and on 20 August 1993 the Acting Vice-Chancellor wrote to STEP confirming this and that a Conservation Agreement would be signed. STEP lobbied Ku-ring-gai Council intensively to have them approve the DA application submitted by UTS and it was approved. In 1993 the University produced a schedule showing construction of the access road by the end of 1994. UTS also agreed to write and implement a plan of management for their bushland. As far as we can tell this never happened.

There were setbacks, however, and a new DA followed the exhibition of an EIS required by the National Parks and Wildlife Service. This DA was approved in mid 1995 and a draft Conservation Agreement was tabled at a Consultative Committee meeting in May 1995. By the end of 1996, however, the process for getting permission for the access road through land owned by CALM bogged down and Council had yet to have a necessary LEP gazetted. In July 1998 UTS issued a progress report saying that the LEP was gazetted but, although purchase of Council and CALM land was not yet finalised, construction was planned to commence in mid 1999.

The effluxion of time had, however, allowed the proposed Parramatta to Chatswood railway, first announced in July 1998, to enter the University's considerations and at a meeting of the Consultative Committee on 2 February 1999 the University tabled a report that delayed the access road until after the EIS for the proposed railway was complete. The University made submissions to the Department of Transport supporting the option that would see a station at UTS. In May 2000 the Vice-Chancellor wrote regarding the Conservation Agreement :

'The community's desire for such an Agreement was formally accepted by the University through the development consent for provision of an alternative access road on the campus.

'I have been advised by my staff that the Agreement has been prepared in draft form for approval by Ku-ring-gai Council and the National Parks and Wildlife Service but finalisation was placed on hold because of the uncertainty of the railway project.

'With the resolution of the railway project, the University will be able to seek a further extension of time for the development consent. This will enable the Agreement to be approved by the necessary authorities and community representatives.

'With the approval of the railway and an assured future for our Ku-ring-gai Campus, there should be no impediment to UTS proceeding with the execution of the Conservation agreement.'

There followed an intense community lobbying exercise, of which STEP was not part, to influence the rail crossing of the Lane Cove River to be by way of a tunnel rather than a bridge. The former was selected and this forced the railway to be too far underground for a station to be constructed for UTS. At the Consultative Committee meeting on 14 September 2000 UTS said

that ‘UTS view the inclusion of a railway station as a critical part of UTS future on the campus.’ This was the turning point. Whereas previously the University had been keen to build the access road and renovate the library and get on with the business of education at Lindfield, they had now decided that without the station the campus was not viable. The Sydney Morning Herald, (Trains hit dead end as campus dumped, 17 April 2002) reported that ‘The Carr Government decided against expanding the Lindfield campus....’ and ‘The Education Minister, John Watkins, was overruled in cabinet on his plan to create the super-campus’.

By 2002 rumours were rampant that the campus was to be sold to Meriton, or turned into a high school and so on. Reports were accumulating that the campus was being allowed to deteriorate, courses restricted and tutorials and lectures times made more inflexible. It is our belief that the University deliberately set out to downgrade the intellectual and physical assets of the campus so that it could claim that it was becoming unattractive to students.

The University set up a Community Reference Group (CRG) in late 2003 that, once again, STEP participated in. UTS set out a range of options for the site with residential development clearly their preferred option. This committee met eight times in 2003 and 2004. The overwhelming view of the committee was to reject the development proposals. During this process the committee was unimpressed by not being given access to the presentations from consultants other than being flashed on a screen or available for quick perusal only at the meeting. UTS has since been prone to point out that it has consulted with the community via the CRG. We have not noticed it saying that it is proceeding despite the opposition of the CRG!

Because UTS and Ku-ring-gai Council could not reach agreement on the UTS application for rezoning The Minister for Planning called the project in under Part 3A of the Act.

2 A Place for a University?

In our April 1991 report and at various times since we have pointed out that the Lindfield site was originally an inappropriate place for a university. It is poorly sited for a variety of reasons including the destruction of bushland in its construction, its intrusion into a quiet suburban area and its distance from reliable public transport. It having been built, however, and in the face of Sydney looking to double its population every 70 or so years, and because of its popularity with students, we have advocated that it remain as a university occupying no more than its current developed footprint. It could, for instance be used as a nursing university as nursing is not offered at Macquarie University yet there is an urgent need for additional nurses. We note that a shuttle bus service from a local railway station efficiently resolved the public transport problem. There has been no analysis of the urban tertiary educational or technical college needs of Sydney over the next fifty years. We find it hard to understand how a major university site with extensive purpose built facilities can be decommissioned without such an analysis.

3 The Current Proposal

The proposal before us allows for retention of the heritage buildings for some ‘adaptive reuse’, the demolition of other buildings and construction of 440 dwellings and associated infrastructure. An asset protection zone (APZ) of cleared bushland is proposed as well as the bushland remaining outside the APZ being transferred to the Lane Cove National Park.

The Executive Summary of the EAR states that development is restricted to the areas that have already been disturbed, i.e. where bushland has already been removed. However this is incorrect. Appendix C1.4 tell us that 2.8 hectares will be removed.

4 Transfer of Bushland

In 1.5.2 of the EAR the proposal to transfer the bushland on the site to Lane Cove National Park is mentioned. This is what STEP has been seeking for 16 years and therefore something that we strongly recommend be made a condition in any determination of the Concept Plan.

Such a transfer has many benefits. Management of the bushland will be carried out as part of the whole national park by expert managers. In addition the retention of the bushland, which is contiguous with surrounding national park, will mean that it will be permanently protected thus adding to the long term viability of the whole Lane Cove Valley bushland by increasing habitat and biodiversity.

This is the most important element in the whole proposal.

5 Loss of Bushland

There appear to be significant inconsistencies as to the area of bushland to be lost. Appendix C 1.4, informs us that 2.8 hectares of native vegetation will be removed and an additional 1.3 hectares lost to the APZ. (Presumably the reference to removal from the southwest of the site is an error.) Thus, by this account, a total of 4.1 hectares will be lost. Section 5.7 of the EAR in Table 8 tells us that there are now 9.18 hectares of bushland on the site. It is apparent from the drawings, however, that the APZ is considerably more than 1.3 hectares. For instance, provided that Figure 20 on page 60 of the EAR is drawn to scale, it is apparent that the area of the APZ is of the same order of magnitude as the retained bushland to its south. The EAR Executive Summary states that the APZ is 3.9 hectares and so the total loss would be 6.7 hectares (2.8+3.9). This needs to be clarified.

The destruction of either 4.1 or 6.7 hectares of bushland is unacceptable. This is considered further in item 15, the Public Interest.

Section 2.3.4 attempts to diminish the importance of conserving the bushland on the site by claiming it is ‘---considered relatively well conserved in the Lane Cove National Park and in the Sydney Region.’ STEP considers this assertion to be false and illogical. Any remnant bushland in the Sydney area is valuable and should be protected. Furthermore, this argument could potentially be used to eliminate much bushland within the metropolitan area because it is conserved elsewhere. It is through arguments such as this that we are gradually losing our bushland heritage and much of what makes Australia different from any other country.

The UTS bushland is important because it adds to the viability of the whole valley bushland. Size is very important for many reasons – not least in the event of major bushfires that burn much of the valley bushland in one event. Australia has a dreadful record for extinctions of flora and fauna and every bit of habitat counts. Thus the statement on page 43 of Appendix C that ‘areas of ecological significance will not be impacted by the creation and maintenance of the APZ at the site’ is demonstrably false. Likewise the statement in 6.4.1 of Appendix C regarding the impact of stormwater runoff is clearly incorrect and STEP cannot support this view .

6 Management of Stormwater

Appendix E describes the proposals for treatment of stormwater. The stormwater tanks associated with the dwellings and gross pollutant traps are positive steps. The proposals for stormwater and bushland are, however, woefully inadequate and will lead to extensive degradation of the bushland over time. Nutrients will promote weed growth and, when carried by excessive water, promote the changing of the plant communities in the affected areas.

Bioretention swales may be useful for slowing water flow and for growing plants but they are ineffective in preventing nutrients from entering bushland. While the plants within them take up nutrients and the gravel media becomes coated with nutrients, both of these processes have finite limits and for the process to be effective the plants and gravel must be removed and replaced or cleaned at regular intervals. There is no chance of this happening over the next 10 years, let alone the over the next few centuries.

In Appendix E there is no attempt to explain how swales can permanently eliminate or reduce nutrient throughput and we don't believe that current science supports such a conclusion. Even if swales were able to reduce the nutrient load it would make no difference to our recommendation. Halving the nutrient load would simply increase the time taken to degrade the bushland and degradation in 20 years or 50 years or 200 years is just as unacceptable as degradation in 10 years. We must look to permanent and non-maintenance dependant systems.

The solution is simply to pipe the stormwater directly to the river. There may be several objections raised to this. Firstly it may be perceived that the bushland is damaged by having a trench cut through it for a pipe. This is only a human reaction to a cosmetic problem – people don't like to watch medical operations but they like to be cured of disease. The disease here is the nutrient load entering the bushland year after year. If the stormwater pipeline is constructed without disrupting rare or endangered plants or fauna and if correct construction methods are used, for instance no foreign fill, then the path of the pipeline will be undetectable in a few years and the ecosystem fully restored. Secondly, there may be objection to the nutrient load in the river being increased. That is a concern but the effect at the margin will be tiny. The Lane Cove River has much bigger problems. Overflowing sewer manholes and the excreta and fertilizer from a valley full of pets and lawns are part of a huge nutrient load the river has to suffer. Thirdly there may be concerns that, without the bushland to slow it down, there will be an increased rate of discharge into the river during storm events. We believe that the other detention measures proposed for the site will deal with this and that such measures could be upgraded if necessary.

STEP has raised the matter of stormwater treatment in previous reports. Never have UTS or their consultants sought to discuss this with us.

7 Fire

Fire is a subject that we respond to on both an emotional and scientific level and recent Australian bushfires have been particularly damaging, not least the fire that affected the UTS site and surrounding residential areas. The Rural Fire Service (RFS) has very sensibly issued guidelines for asset protection in fire prone areas and those guidelines have been used in the EAR.

Unfortunately, however, the resulting asset protection zone (APZ) will cause the loss of 3.9 hectares of bushland. This is unacceptable. Conservation of the bushland has been one of the key requirements of the community, Council, the student body, the original architects, UTS and others involved with the campus and its plans for the future. There have been some statements that removal of the understorey and many of the canopy trees will only modify the bushland while retaining its intrinsic values. Such thinking is incorrect. Converting a complex ecosystem to mown grassland with occasional plants is destroying the original ecosystem and therefore destroying the bushland.

While SEPP 19 allows destruction of bushland for hazard reduction purposes, implicit in that SEPP is that bushland should not be destroyed if there is an alternative course of action.

Fortunately in engineering there is always a better way and protecting buildings from fire is no more than an engineering problem. The construction of a masonry wall at the edge of the bushland where an APZ is now indicated will provide similar or better protection than the proposed APZ. Such masonry walls (brick, block, concrete) are used in buildings such as warehouses and are required to resist fires more intense and temperatures far in excess of those generated by a bushfire. Such a wall would protect people and assets from most of the radiant heat of a bushfire and would prevent the direct spread of fire into the developed area. It may be prudent to avoid fuel building up against the wall by having a cleared area of, say, 3 metres into the bush behind it and it may be also prudent to trim or remove trees downslope of the wall where crowning is considered a risk to buildings. The assets being protected will still be subject to the danger of wind born fire vectors in the form of small branches and the like but this will be no worse than otherwise because such branches can be blown for kilometres in a severe fire.

Of course such a wall will have a visual effect. Because, however, it has bushland on one side and because it is always downslope from the buildings its effect will be minimal. Walls can be architecturally designed in regard to shape and colour and therefore need not be ugly. A 4 hour fire rated wall need only be 200mm thick. The expense of such a wall will be not too different from the noise walls that are being constructed by the hundreds of kilometres along our major roads and there will be savings in not having to maintain the APZ in perpetuity. Thus it will in all probability be by far the most cost effective solution. Ensuring that the strictest rules governing fire resistant construction of any new buildings are enforced will provide additional safety.

An almost universal feature of asset protection zones is that they are not properly maintained after the first burst of enthusiasm has worn off. It is one thing to say that the law requires maintenance but many laws are honoured more in the breach than the observance. Looking at a time frame of, say, 100 years it is almost certain that APZ maintenance standards will lapse at some points thus exposing the buildings to severe risk. A solid wall will stay effective forever.

An additional benefit of a wall will be that intrusion and annexation of the bushland will be prevented. Of course there will be entry points for bushwalkers and the like but appropriation of public land for private use will be made difficult.

8 The Oval

We understand that the oval is currently used by community sporting teams. It is proposed to reduce its size so that it will not be large enough for team sport. Ongoing population growth in Sydney combined with urban consolidation and woeful planning has resulted in Sydney being so short of playing fields that consideration is being given to restricting the number of people able to play organised sport. This proposal seeks to take away a sporting oval whilst adding 830 residents. UTS will get the money and the community will be left to sort out the mess later. STEP supports the retention of sporting ovals as recommended by Ku-ring-gai Council.

9 The Sydney Metropolitan Strategy

The submission prepared by Ku-ring-gai Council sets out particulars of how this proposal is not consistent with the Metropolitan Strategy and the Draft North Subregional Strategy and we refer you to Council's submission.

10 Objectives E2 and E3 – Protect Sydney’s Natural Environment and Achieve Sustainable Use of the Natural Resources

STEP does not view the proposal as it currently stands as either protecting Sydney’s natural environment or achieving sustainable use of natural resources

The destruction of a large area of bushland for the APZ would serve to diminish biodiversity rather than to ‘protect’ it. Should STEP’s recommendations for stormwater disposal not be adopted there will be further loss of biodiversity. The proposal would dump nutrient rich stormwater, albeit via swales, into the bushland in perpetuity. That’s no good for either sustainability or biodiversity.

11 Housing Choice

The statement on page 18 that ‘---opportunities for the development of medium density housing is (sic) limited in the Ku-ring-gai LGA---‘ is incorrect. We understand that \$1.7 billion worth of medium density construction is under way in Ku-ring-gai and that that is, in NSW, second only to the City of Sydney. It’s clear that this development is not necessary to fulfill any medium density obligations

12 Nutrient Control

The effect of excreta from dogs and cats together with fertilisers used on gardens and lawns is disastrous for our bushland and waterways. We recommend that any lawns and gardens be types that will not need fertilising and that this be entrenched in rules, akin to strata rules, that will apply to the whole site. Pets should be controlled so that they do not add to the problem.

13 The Missing Factor – Time

The EAR is seriously flawed in that it does not sufficiently recognise that assessments must be made over time. Thus the effect of nutrient input to bushland, traffic, the need for university campuses and demand for sporting facilities are examples of variables that are not fixed in one point in time. We want bushland to be there in hundreds of years but traffic will increase greatly as our population doubles every 70 years or so, universities will be needed to serve an expanding population in the northern districts of Sydney, sporting facilities are already under supplied and this will get worse – and similarly with other infrastructure.

14 Ethical Considerations

UTS bought this site, which was public land, for \$1 and is now attempting to maximise its financial return from selling it. It is seeking permission to remove a major campus from tertiary education, to destroy hectares of bushland, to remove sporting facilities from public use and to impose medium density development on an unwilling public. It has sought to bypass the judgment of the community by seeking refuge in Part 3A of the Act and has employed consultants to argue its case, often disingenuously. We believe that UTS set out to convince authorities that the campus was not viable by manipulating course structure and allowing physical assets to deteriorate. Future generations will have cause to regret the loss of a campus, bushland and urban amenity should the proposal be approved. It would be regrettable if the NSW government rewarded this behaviour by granting UTS its requests.

15 The Public Interest

The consultant architect has adopted the premise that minimum environmental impact can be achieved by building over existing cleared areas. It is our view such a premise is flawed as it fails to take into account the quality of the bushland assets that can be sustained, the long term impacts of bushfire asset protection zones and stormwater and the competing long term

community needs for sports and educational facilities. The proposal as presented needs to be completely reconsidered. Our view is that the public interest is best served by retaining the sports facilities and eliminating most of the bushfire asset protection zones within the high quality western bushland including College Creek. Further expansion of the educational facilities or redevelopment should only be allowed on the car park land to the west of Film Australia and the upper eastern car park areas adjoining the rear of the properties along Kimo St and Abingdon Rd. This would allow consolidation of important bushland reserves with a minimum high bushfire risk interface to housing while providing adequate area for development. The yellow line on the photograph below shows the area of bushland that STEP believes should be conserved.



There are aspects of this proposal that others will address in their submissions and we defer to them in matters of architecture, built heritage, education and other matters.

Yours sincerely

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