

2 August 2018

Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

APPLICATION NO: SSD 8989 (Our Ref. 25-2018-4-1)
PROPOSAL: Catherine McAuley Catholic College
PROPERTY: 507 Medowie Road MEDOWIE, 2 Kingfisher Close MEDOWIE
(LOT: 412 DP: 1063902, LOT: 413 DP: 1063902)

ATTN: Director – Social and Other Infrastructure Assessments

Dear Ms Harragon,

Thank you for your correspondence dated 2 July 2018 requesting Council's comments for the above development. Council has given consideration to the likely impacts of the proposal and makes the following comments.

Land Constraints

1. The subject land is noted as being affected by the following land constraints. Maps depicting Councils GIS information are attached separately:
 - a. Bushfire Prone Land – attachment 1
 - b. Potential Acid Sulfate Soils (Classes 3, 4 and 5) – attachment 2
 - c. SEPP (Coastal Management) 2018 Coastal Wetland – attachment 3
 - d. Department of Defence referral Height Trigger – attachment 4
 - e. Hunter Water Corp Special Area (Drinking Water Catchment) – attachment 5
 - f. Faunal Movement Corridors – attachment 6
 - g. Flood Prone Land – attachment 7

Ecological Impact

2. The development site is located in proximity of identified koala habitat and the proposed development is likely to have a direct impact on this vegetation due to the need for asset protection zones. In addition, the proximity of the development to koala habitat that will not need to be cleared will likely result in edge-effects on local koala populations. These impacts could be mitigated by a reduction in the footprint of the development.

3. If the development footprint is not reduced, the following matters are recommended to be considered:
 - a. The Environmental Impact Statement should consider the Wattagan to Stockton Green Corridor identified in the Lower Hunter Regional Strategy 2031 and Hunter Regional Strategy 2036;
 - b. The BDAR should:
 - i. Identify the Wattagan to Stockton Green Corridor identified in the Lower Hunter Regional Strategy 2031 and Hunter Regional Strategy 2036;
 - ii. Consider in additional detail the indirect impacts of altered hydrological regime on the wetland listed under State Environmental Planning Policy No. 14 Wetlands. A neutral or beneficial approach should be recommended; the current recommendation that any discharge is not of a substantially difference volume relative to the pre-development regime is insufficient;
 - iii. Consider any potential existence of groundwater dependant ecosystems onsite, the potential indirect impacts of the development on the groundwater / vegetation interactions and minimise or mitigate any possible impacts;
 - iv. Consider the findings of the Arboricultural Impact Assessment Report prepared by Joseph Pidutti Consulting Arborist;
 - v. Consider the importance of the koala corridor to the Anna Bay hub as an area of 6 generational persistence;
 - vi. Have the rationale in table 9 amended to consider species habitat preferences and foraging behaviour and provide improved justification. For some species little justification has been provided whereas for others there is significant justification; and
 - vii. Provide improved justification for why no significant impact assessment has been undertaken for other species listed under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*;
 - c. All habitat trees are retained where possible and where not possible compensatory nest boxes should be considered in accordance with Council's Tree Technical Specification 2014. Nest boxes should be suitable for a similar species to that which would have utilised the hollows;
 - d. All preferred koala feed trees are recommended to be retained where possible and where removed offset at a ratio consistent with Port Stephens Council's Tree Technical Specification 2014;
 - e. A 10 metre fully revegetated buffer should be maintained along the waterway traversing the southern section of the subject land and the management of the riparian buffer should be consistent with the *Controlled activities on waterfront land – guidelines for riparian corridors on waterfront land* prepared by the NSW Office of Water and dated 2012;
 - f. A construction environmental management plan is recommended to be requested in accordance with NSW Government *Guideline for the Preparation of Environmental Management Plans* and include the recommended minimisation and mitigation measures in the Biodiversity Development Assessment Report prepared by Biosis and dated 2018. This should include the Ecological Management Plan/ Vegetation

Management Plan as identified by Biosis, 2018; and be prepared in accordance with the *Guidelines for vegetation management plans on waterfront land* prepared by NSW Office of Water and dated 2012 and Port Stephens Council Vegetation Technical Specification 2014. The Vegetation Management Plan should consider the requirements of the Bushfire Assessment Report prepared by Newcastle Bushfire Consulting including delineation of management zones. Any plans of management should include monitoring schedules; particularly for the koala.

4. It is noted that any offsetting proposal will be reviewed and determined by the Biodiversity Conservation Trust and is not included in the scope of these recommendations. However; it is recommended that as a first option to discharge the biodiversity offset obligations that the retirement of credits from the subject site be undertaken to provide a permanent conservation measure for the remaining vegetation.

Developer Contributions

5. The proposed development is subject to developer contributions in accordance with the Port Stephens Council Fixed Development Contributions Plan.

Accordingly, the following condition is requested to be included on any consent:

- A monetary contribution is to be paid to Council, pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

Accessibility

6. Schools traditionally generate a high volume of pedestrian and bicycle traffic and accordingly footpath facilities should be provided. It is noted however that

provision of these facilities in isolation is of minimal benefit, and so it is recommended that a shared path be provided that connects to the surrounding pedestrian and cycleway network in both Sunningdale Circuit and Ferodale Road. It is noted that a recently approved development at 717 and 733 Medowie Road has also been conditioned to provide a shared pathway that connects to the existing path in Ferodale Road and so the opportunity exists to incorporate the pathways as a single feature. The Port Stephens Pathways Plan identifies Medowie Road as a location for a future shared pathway.

Exception to Development Standard

7. Whilst Council does not object in principle to a variation to Clause 4.3 of the *Port Stephens Local Environmental Plan (PSLEP)*, the justification supplied is not considered to have adequately met the requirements of clause 4.6 of PSLEP. In particular, it is considered that the matters required to be demonstrated under sub-clause 4.6(3) have not been sufficiently justified.

Medowie Planning Strategy

8. The subject land has been identified in the Medowie Planning Strategy as a school site and so the proposed development is an appropriate use of land.

Department of Defence Referral

9. The subject site is within a defined area as set out in the Port Stephens Development Control Plan 2013, for referral of any structure exceeding 7.5m in height to the Department of Defence for comment. It is recommended that the proposal should be referred to the Department if this has not already been carried out.

Roadworks and Traffic

10. The information supplied is not considered to satisfactorily address the requirements of the SEAR's with regards to Transport and Accessibility. In particular:
 - a. Accurate details of the current peak hour traffic have not been provided (only a single count at a peak period specified by the traffic consultant). No consideration of the potential for the actual peak occurring outside the count hours has been provided e.g. It is unclear whether the brief count includes a significant peak that occurs on Medowie Road during the shift change at the nearby RAAF base;
 - b. Accurate details of the current daily traffic have not been provided (only an estimate based on a single peak hour count);
 - c. Accurate details of the current daily and peak hour cycle movements have not been provided;
 - d. Details of estimated total daily and peak hour trips generated by the proposal, including vehicle, public transport, pedestrian and bicycle trips based on surveys of similar schools within the local area have not been provided;

- e. Details have not been provided on improvements required to affected intersections including Medowie Road at Richardson Road and Blueberry Road, and Kingfisher Close at Blueberry Road;
 - f. The impact of trips generated by the development on nearby intersections, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for, and details of, upgrades or road improvement works. Traffic modelling is to be undertaken using SIDRA network modelling for current and future years – no consideration of external intersections has been provided; and
 - g. An assessment of the cumulative on-street parking impacts of cars and bus pick-up/drop-off, staff parking and any other parking demands associated with the existing and proposed development – this item has not been addressed. Note it is considered that the above survey of similar schools within the local area will need to be considered when addressing this item.
11. The applicant has not addressed comments provided by Council during the consultation period. Most significantly, all traffic movements both into and out of the site from Medowie Road shall be catered for by the proposed signalised intersection.
12. Council's Traffic Committee dispute advice tabled by Seca Traffic Consultants that 'the impact of the traffic volumes generated by the School as well as the traffic lights would be limited to the peak AM & PM periods of drop off and pick up, which occurs over a 15-20 minutes period twice a day'. The site caters for Early Learning, Primary and High School students so the spread of arrival and departure times would potentially be experienced over a longer period than stated by SECA.
13. The proposed construction of traffic signals at the Medowie Road/South Street intersection are supported as this will improve access for local residents and provide a safe connection from the school to the local road network.
14. The proposal to have only the exiting traffic from the school utilising the traffic signals is not supported for the following reasons:
- a. The proposed right-turn into the school, across the northbound travel lane, will pose increased safety risk for potentially inexperienced drivers (school students). The proposed location is on a high volume and high speed section of road. This turn would be much better accommodated within the proposed traffic signals, especially as a high proportion of trips will originate from the Medowie direction;
 - b. The additional travel distance required for buses (from the Medowie direction) to enter the school and the increased safety risk of u-turning at the Richardson Road roundabout is not supported. The length of road between South Street and including the roundabout has a significant crash history. Council has received written and verbal advice from bus operators voicing concerns regarding the proposed bus access arrangements;

- c. The internal layout and car park access appears convoluted which may encourage drop-off and pick-up activities to be undertaken on Medowie Road;
- d. RMS input into the design and operation of the traffic signals will be required; and
- e. Adequate footpath connection to the traffic signals will also be required.

15. The following condition is recommended to be included on any consent:

- **Prior to the issue of a Construction Certificate**, detailed engineering plans for subdivision and/or civil works in accordance with the approved plans are to be submitted to the Certifying Authority. The detailed plans are to be in accordance with Councils Infrastructure Specification and include the following information:
 - a. Evidence of support from Port Stephens Local Traffic Committee for all permanent traffic management facilities within Medowie Road including regulatory signage;
 - b. Details of any required regulatory signage, approved by the Local Traffic Committee and consistent with this condition;
 - c. Details of a signalised intersection on Medowie Road intersection with the access to the development in accordance with the most recent AustRoads Guide to Road Design and RMS supplements;
 - d. Evidence that a Works Authorisation Deed (WAD) has been issued by RMS for the installation of the Signalised Intersection;
 - e. Evidence that the development is to be accessed only via the proposed signalized intersection on Medowie Road. No other vehicular access points to Medowie Road shall be permitted.
 - f. Kerb and guttering/flush concrete edge restraint, or as directed, along the road frontage adjacent to the development lot;
 - g. Any associated works to ensure satisfactory transitions to existing infrastructure;
 - h. The removal of redundant vehicle driveway and kerb layback and reinstatement as new kerb and gutter;
 - i. Evidence of Council (or relevant authority) approval for works on public infrastructure, with the above supporting details endorsed, under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

The above works are to be completed **prior to the issue of a Final Occupation Certificate**.

Stormwater Drainage

16. It is considered that the applicant has not adequately addressed the water and drainage requirements of the SEARs. In particular:

- a. The development has not demonstrated Neutral or Beneficial Effect on Water Quality (NorBE) – the stormwater management plan meets only generic reduction targets, not NorBE;
- b. Evidence has not been submitted that the MUSIC model has used appropriate Port Stephens Council MUSIC Link catchment and default parameters; and
- c. The stormwater management plan has not assessed volumetric water requirements including those for ongoing water use requirements following

completion of the project. The environmental impact statement and stormwater management plan suggests that rainwater tanks and basins will serve as retention only and provide no use of stored water to reduce reliance on potable water.

17. Despite the above mentioned matters, stormwater drainage and water quality requirements could likely be addressed by conditions of consent.

18. The following condition is recommended to be included on any consent:

- Prior to issue of any Construction Certificate, a detailed stormwater drainage plan is to be submitted to the Certifying Authority. The detailed plans are to be in accordance with the applicable Port Stephens Council Development Control Plan and Infrastructure Specification as well as the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council), and include the following information:
 - a. A Geotechnical Engineer shall determine the steady state infiltration rate at each proposed infiltration device location, using the Double Ring Infiltrometer test method (ASTM D3385-18), if current Hydrologic Soil Mapping data is not adopted.
 - b. On-Site Stormwater Detention / Infiltration with supporting calculations for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event;
 - c. An emergency overland flow path for major storm events, catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event, that is directed to the public drainage system;
 - d. Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
 - e. Detailed pavement finished surface levels, to ensure stormwater runoff is directed into the stormwater system;
 - f. Water quality control devices that comply with the requirements of the applicable Port Stephens Development Control Plan
 - g. Evidence that the water quality control devices comply with Council's water quality targets, Music Modelling and Music Link Certificate;
 - h. An Operation and Maintenance Plan for the stormwater system shall be prepared by a suitably qualified engineer, detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal, a copy of which shall be supplied to the owner/operator;
 - i. Written evidence is to be provided that the registered owner/owners corporation has entered into a minimum five (5) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the rainwater tanks, infiltration tank, basement holding tank and other key stormwater components detailed in the approved operation and maintenance plan. A copy of the signed and endorsed contract(s) for maintenance and the contractor(s)' details shall be forwarded to Council's Development Engineering department at development.engineering@portstephens.nsw.gov.au. The

maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard, or with a differing entity (e.g. owner's corporation).

- j. Evidence of Council (or relevant authority) approval for stormwater connection to the public system, with the above supporting details endorsed, under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

The above works are to be completed prior to the issue of a Final Occupation Certificate or Subdivision Certificate, whichever occurs first.

Flooding

19. Documentation submitted has generally been prepared in accordance with the SEARs and the development is supported by a flood risk and impact assessment. It is noted that the floor level of the proposed buildings are above the PMF level. It is considered that flooding issues can be addressed with conditions of consent.

Construction Phase

20. The following construction phase related conditions are recommended to be included on any consent:

- **Prior to the commencement of work**, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time except with the agreement of the Principle Certifying Authority.
- **Prior to the commencement of works**, the property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". Protection measures may include erosion and sedimentation controls as required. All protection measures are to be installed to the satisfaction of Council and must be regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.
- All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the surrounding land and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
- The only fill material that may be received at the development site is:
 - a. Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or
 - b. Any other waste-derived material the subject of a resource recovery exemption under s.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by

documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

- Dust suppression is to be actively undertaken during works, through the use of wet-down water tankers or an alternative method which adequately prevents dust from affecting the amenity of the neighbourhood and the environment.
- All retaining walls, including all footings, drainage and backfill are to be located wholly within the property boundaries, and are to include a sub-surface drain that connects to a stormwater disposal system in accordance with the requirements of Councils DCP. Where retaining walls are higher than 900mm certification by a Chartered Structural Engineer is required.
- Immediately following the installation of any roof, collected stormwater runoff shall be piped to the proposed detention/ infiltration system. It is to be located in the landscaped area(s) with an overflow pipe connected to the existing drainage easement/system.
- Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.
- Filling shall not be placed on land in such a manner that surface water will be diverted.
- Alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.
- **Prior to the issue of any Occupation Certificate**, the applicant shall rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
- **Prior to the issue of a Final Occupation Certificate**, the works under the Roads Act approval are to be completed. A compliance certificate must be obtained from Council as the Roads Authority
- **Prior to the issue of a Final Occupation Certificate**, the works under the Works Authorisation Deed approval are to be completed. A compliance certificate must be obtained from RMS as the Roads Authority
- **Prior to the issue of a Final Occupation Certificate**, the stormwater and drainage works required are to be completed.
- **Prior to the issue of an Occupation**, works-as-executed plans and an accompanying report prepared and certified by a suitability qualified hydraulic engineer confirming all storm water drainage systems are constructed in accordance with the approved plan shall be submitted to the Principle Certifying Authority for assessment.
- At all times, all collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location shall be at least 3m

down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

Thank you for the opportunity to comment on the proposed development. If you wish to discuss the matters raised above or have any questions, please contact me on the number below and I will be happy to help.

Yours Faithfully



BRETT GARDINER

Port Stephens Council

Phone: 4988 0213

Email: brett.gardiner@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au