



Mr Chris Baldry
Business Manager
Pacific Brook Christian School Ltd
9-15 Quarry Road
Dural NSW 2158

22 December 2021

Dear Mr Baldry

**Pacific Brook Christian School, Muswellbrook (SSD-16858710)
Response to Submissions**

The exhibition of the development application for the above State significant development (SSD) application including the Environmental Impact Statement (EIS) ended on 16 December 2021. Submissions from Muswellbrook Shire Council, the public and Government agency advice received by the Department of Planning, Industry and Environment (the Department) during the exhibition of the project are available on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/41606>

We now require a written response to the issues raised in the submissions, as required under clause 82(2) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Please be advised that the Government Architect NSW, Transport for NSW and Ausgrid have yet to provide comments in relation to the application. Any pending responses will be forwarded upon receipt. In addition to the issues raised in the submissions, the Department has raised a number of key issues to be addressed (refer **Attachment 1**).

The written response must be in the form of a submissions report that has been prepared having regard to the *State Significant Development Guidelines (2021)*. The *Preparing a Submissions Report Guideline* forms part of the SSD Guidelines (Appendix C). Please lodge your response by progressing the application on the major projects planning portal <https://majorprojects.planningportal.nsw.gov.au/>.

The Department notes that the Planning Proposal (PP-2021-6523) to amend the Muswellbrook Local Environmental Plan 2009 has not been finalised. The Department therefore requests that you withhold lodging the Response to Submissions until the proposed amendments are finalised and gazetted.

Note that the time between the date of this letter and the date the Planning Secretary receives your response are not included in the period of 'deemed refusal', under clause 113(7) of the EP&A Regulation.

If you have any questions, please contact Jasmine Tranquille on (02) 9274 6596 or via email at Jasmine.Tranquille@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "A. Coomar". The signature is written in a cursive, flowing style.

Aditi Coomar
A/Director, Social & Infrastructure Assessments
as delegate for the Planning Secretary

ATTACHMENT 1

Traffic Impacts

- The Traffic Impact Assessment (TIA) Section 4.2.1.2 identifies that the surrounding infrastructure is not adequate to cater for the proposed scale of development. This includes the lack of footpath along the Maitland Street school frontage. The TIA suggests that due to the rural area and low traffic volumes students may be able to use the verges of the road to walk and cycle. However, the Department considers that this to be unsafe and not appropriate for school students.
- In this regard Section 6.16 of the EIS suggests that the project involves the carrying out of public domain works including a new footpath and bus stop on Maitland Street. However, the TIA and architectural plans suggest that Muswellbrook Shire Council (Council) would provide a footpath along Maitland Street. You are requested to clarify if the new footpath on Maitland Street forms part of this project. If not, please provide evidence of consultation with Council where they agree to construct the footpath along Maitland Street and the timeframe within which the works would be completed.
- Please identify where construction worker parking for Stage 1 be located.
- The TIA suggests alternate transport modes for students and staff. However, it has been identified that the active transport infrastructure surrounding the school is not adequate. Consequently, please provide details of the measures to increase alternative transport modes for students and staff in the future.
- The TIA identified a new bus stop on Maitland Street to be implemented by Transport for NSW (TfNSW). However, the TIA states no consultation has occurred with TfNSW in this regard. The Department cannot progress assessment in this regard until evidence of consultation with TfNSW and the outcome of such consultation with the timing of the bus stop construction is provided.

Flooding

- Biodiversity and Conservation Division (BCD) have reviewed the proposal and raised substantial concerns with regard to flooding within the site. The Department shares the concerns of the BCD and requests that you amended your flooding report and respond to the comments raised by BCD.
- Additionally, the potential effects of climate change, sea level rise and an increase in rainfall intensity has not been adequately assessed. Please provide a more comprehensive flood assessment which addressed these impacts.

Planning Proposal

- Please provide an update on the current status of the planning proposal (PP-2021-6523) to amend the Muswellbrook Local Environmental Plan 2009.

Noise

- The Noise and Vibration Impact Assessment (NVIA) provides details of long-term unattended noise monitoring to determine the project noise trigger levels (PNTLs), including the placement of noise monitors at the rear of the site (to capture rail corridor noise) and near Maitland Street (to capture traffic noise). The Noise Policy for Industry (NPI) sets out the appropriate procedures for determining representative background noise levels at receiver locations, including a requirement for noise monitors to be located at the most (or potentially most) affected receiver (refer Factsheet B in the NPI).

- Based on the above, you are requested to provide a justification for positioning the unattended noise monitors a significant distance from the nearest residences along St Andrews Place and adjacent the south-eastern site boundary. You should also confirm that the background noise levels established in the NVIA are representative of existing conditions at the south-eastern boundary of the site and that the PNTLs have been established in accordance with the NPI procedures.

Contributions

- The Department notes that Council has requested a monetary contribution towards the upgrade of the intersection at Thomas Street/Maitland Street. The Department considers that you would need to enter into a Voluntary Planning Agreement with Council to proceed with this. The Department recommends that you consult with Council and other relevant public authorities in this matter and provide details of the mechanism of delivering the upgrade to the above intersection.
- As such, the Department is concerned that there are no safe pedestrian crossings near the site. The students and other users of the school would need to cross Maitland Street in many occasions with no dedicated crossing facility. The upgrade to the intersection would include a signalised pedestrian crossing and has a clear nexus with the development of this site.

Built form and urban design

- The Department notes that during the most recent State Design Review Panel (SDRP 2) meeting, Government Architect NSW (GANSW) requested that the two dimensional representation of landscaping should be developed to include a three dimensional plan, sections and drawings to illustrate the spatial, textural, material, and visual character of each distinct proposed landscape space. You are requested to revise the architectural plans to respond to this comment.
- The Design Report suggests that Stage 1 of the proposal is relocating the temporary demountables located at the existing school site at 96-104 Hill Street, Muswellbrook.
- In this regard, you are requested to confirm if Stage 1 of the proposal is only for the re-location of existing demountables onto the proposed new school site.

Landscaping

- Landscape plans, including an indicative planting schedule, have not been provided for Stage 1 of the project. You are requested to provide detailed landscape plans for this development stage.

Open Space

- The proposal does not specify the open space for Stage 1. The Department requests that you provide revised architectural plans that demonstrate play space at a minimum of 10sqm per child in accordance with Department of Education's guidelines.

Stormwater

- Council has raised concerns that the on-site detention system requirements are inconsistent in the submitted documents. The Department requests you address the

concerns raised by Council and provide revised stormwater management plans complying with Council's requirements.

Substation

- Please provide revised architectural plans showing the location of the proposed new pad mounted kiosk substation located along Maitland Street.

Fire Safety

- The Site Water Management Overview Report indicates that storage tanks and booster pumps are required to cater to the required flow and pressure for fire-fighting purposes. Please confirm if these storage tanks form part of this SSD application. If so, please clearly indicate on the revised architectural plans.

Sediment and Erosion Control

- The Stage 1 Sediment and Erosion Control Plan shows the existing site with structures that are subject to demolition under a separate development application approved by Council. Please provide a revised erosion and sediment control plan based on the existing structures on site.

Aboriginal Heritage

- The Aboriginal Cultural Heritage Assessment report (ACHAR) does not include figure 4 and figure 6. The ACHAR needs to be revised to include these figures.