

Our ref: DOC22/296611
Your ref: SSD - 21854025

Ms Tuong Vi Doan
Planning Officer
Social and Infrastructure Assessments
tuongvi.doan@planning.nsw.gov.au

Dear Vi

New Wee Waa High School (SSD – 21854025) Response to Submissions

Thank you for your email dated 31 March 2022 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning and Environment (DPE) inviting comments on the Response to Submissions (RTS) for the new Wee Waa High School.

In our submission dated 7 December 2021, BCS noted the overlap between the footprint of the flood mitigation works proposed for assessment under Part 5 of the *Environmental Planning and Assessment Act (1979)* (EP&A Act) and the development footprint currently being assessed as State Significant Development (SSD) under Part 4 of the Act (Attachment A). At that time a resolution was outstanding on whether a dual EP&A Act pathway assessment approach would be accepted by Social and Infrastructure Assessments for this project.

Consequently, BCS provided preliminary comments on the Biodiversity Development Assessment Report (BDAR) and advised that BCS would be unable to:

- confirm whether the current coverage of the BDAR is acceptable
- provide comments on flooding-related impacts

until (if a dual assessment pathway was applied) a copy of the Part 5 environmental impact assessment (EIA) for the flood mitigation works was provided.

The RTS and email received on 14 March 2022 from Tahlia Alexander (A/Team Leader, School Infrastructure Assessments) has confirmed that the flood mitigation works will remain separate from the SSD application for the construction of the new high school and will be assessed under Part 5. In a meeting with BCS on 17 March 2022 the proponent advised that the Part 5 EIA remained in progress and would not be available for review with the RTS.

Current position

BCS notes the responses provided by EcoLogical to our previous recommendations in relation to the BDAR.

BCS will not be providing further comment on the impact assessment undertaken for the SSD application at this time.

The current SSD application and associated impact assessment has been prepared on the assumption that the clearing of native vegetation within the portion of the SSD footprint overlapping the flood mitigation works footprint will have already been assessed and approved under Part 5. The BDAR has been prepared as if no native vegetation occurs outside a subset of the SSD footprint as depicted under heading 3, Attachment A.

BCS cautions that an SSD consent authorising biodiversity impacts which have not been assessed in accordance with the Biodiversity Assessment Method (BAM) and for which no existing approval applies, risks being in conflict with the *Biodiversity Conservation Act (2016)*.

Similarly, the assessment of flooding impacts supplied with the EIS is based on the implementation of the currently unapproved flood mitigation works activity.

It is important that these risks are appropriately addressed by Social Infrastructure Assessment when considering granting consent to the SSD project.


Recommendation

BCS recommends that consent for the SSD project is not granted until:

- a) The flood mitigation works are approved under Part 5 of the EP&A Act; and
- b) Social and Infrastructure Assessments has verified that the approved Part 5 activity remains consistent with the impact assessment undertaken for the SSD project.

If you require any further information regarding this matter, please contact Erica Baigent, Senior Conservation Planning Officer, via erica.baigent@environment.nsw.gov.au or (02) 6883 5311.

Yours sincerely



Ben Ellis
Senior Team Leader – Planning North West
Biodiversity, Conservation and Science Directorate

13 April 2022

Wee Waa High School - Dual Assessment pathway development footprints

1. Footprint for the flood mitigation works activity to be assessed under Part 5 of the *Environmental Planning and Assessment Act (1979)*

Section 3.1.10 of the RTS states that the flood mitigation works include the removal of vegetation within Lots 124 and 125 DP757125, the primary flood mitigation channel and offsite. Stockpiling and grading of excess fill will also take place on Lots 124 and 125 DP 757125. It also notes 'for vegetation removal the SSD only needs to consider the areas of Lot 1 DP 577294 and Lot 2 DP 550633 outside the flood mitigation channel'.



- The Site
- Lot boundaries
- Existing Public School and Temporary High School

⊕ NOT TO SCALE

Native vegetation will be removed for the stockpile area and high flow conveyance/flood storage area.



Figure 3 Flood Mitigation Works Under Separate Planning Pathway: On-Site and Surrounding Works

Source: Lyall & Associates

2. Development footprint for the State Significant Development application

Clearance of native vegetation within the flood conveyance channel, playing fields and courts is treated in the SSD application as having been covered by a Part 5 determination (pending).



Figure 1 Amended site layout showing relocation of parking and Indigenous cultural centre

3. Development footprint covered by the Biodiversity Development Assessment Report (BDAR)

The Biodiversity Assessment Method has only been applied to the native vegetation within the SSD footprint outside the flood mitigation works activity footprint being assessed under Part 5



Figure 2: Subject land map

Our Reference: DA:MH: 1971951
Your Reference: PAE-22599146
Contact Name: Donna Ausling

Attn: Tuong Vi Doan
Department of Planning and Environment

E: Tuongvi.Doan@planning.nsw.gov.au

Uploaded to NSW Major Projects Site

Friday 22 April 2022



RE: New Wee Waa High School (SSD-21854025) – Public Authority Consultation (PAE-40130687)
Advice on Response to Submissions

Thank you for the opportunity to provide advice in relation to the Response to Submissions (RTS) Report and associated amended documentation for the proposed new Wee Waa High School.

Council understands that the following amendments have been made to the proposal since exhibition:

- Car parking relocated from the western boundary, consolidated with the internal access road and setback from the northern boundary;
- Internal access road width increased to allow 2-way travel and reversing from parking spaces;
- Clarification of the proposed kerb, gutter and public footpath works;
- Changes to the landscape design to reflect the detailed design for construction;
- Changes to proposed security fencing based on consultation with surrounding neighbours;
- Inclusion of an Indicative Public Art Strategy;
- Minor design development to reflect the Department of Education (DoE) Modern Methods of Construction (MMoC) methodology including:
 - Rotation of vertical stairs in quadrangle;
 - External pedestrian circulation widths reduced to 3m;
 - A new covered pathway between Indigenous cultural centre and secondary pedestrian access gate;
 - Minor shift in location of Indigenous cultural centre to accommodate road width increase;
 - Minor changes to internal layouts in response to school user group feedback, design development and MMoC; and
 - Consolidation of student amenities block due to design development and request from school user group.



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The following feedback is provided to assist the Department's decision making in relation to this important local project.

Project Need

As articulated in Council's previous submission dated 22 December 2021, Council acknowledges that students and staff were relocated from the current High School due to ongoing health issues in late 2020. Students are currently co-located within the adjacent Wee Waa Primary School. A Ministerial announcement made on 3 June 2021 committed to the expeditious construction of a new High School at Wee Waa on existing Department of Education owned land and Crown Land. The community has also communicated the importance of this project throughout the pre-lodgement and application assessment phase.

Traffic & Parking

The proposed amendments to the parking layout are noted. The following additional feedback is provided in this regard:

- Council's Engineering section has reviewed the updated documentation and is of the view that a number of the issues previously outlined remain unresolved. As a consequence, the contents of Council's original submission are reiterated.
- The statement contained on page 3 of the TTW Traffic Response to Submissions document dated 10 March 2022 in respect of bus parking that: *"Discussions with bus operators were held on the 30th of March 2021 as students were dropped off at the current primary school site"* is noted. It is not considered that this comprises a satisfactorily robust review and analysis process from a transport management perspective.
- It is noted that Heavy Rigid Vehicles will be using the proposed new access road however the Swept Path Analysis appears to have only catered for up to Medium Rigid Vehicles.
- Community concerns have been expressed to Council that the proposed entry and exit, being only single lane in nature at the point of entry increases the potential for onsite congestion. The alignment requires the traffic to swing to what appears to be the boundary and there is perceived increased risk of an accident.

Kerb, Gutter & Footpath Works

In accordance with Council's preceding advice, activities conducted on Council's road reserve will require a section 138 approval to be obtained from Council prior to the commencement of works pursuant to the provisions of the *Roads Act 1993*. Such works

should also be constructed in accordance with Council adopted design standards and specifications.

Given the likely increase of on street parking, particularly in George Street, kerb and guttering should be extended as appropriate to accommodate the increased demand and to mitigate the impact of the development on adjoining landowners. Endorsement of works should also be obtained from Transport for NSW (TfNSW), as required, for any proposed works impacting the Kamilaroi Highway.

Issues pertaining to stormwater management remain under discussion with the proponent (Schools Infrastructure NSW), particularly in respect of the Part 5 works detailed on page 7 of this correspondence. Care should be undertaken to ensure that stormwater runoff and/or afflux on neighbouring properties is not exacerbated by the proposed development.

Landscape Design

Council concurs with the inclusion of additional native plantings as detailed in the updated Landscape Report and Landscape Plans as prepared by Moir Landscape Architecture dated 23 March 2022.

Security Fencing & Boundary Interfaces

Changes to the proposed fencing and site access strategy are noted. The proponent should ensure that fenced and secured areas are accessible to service and utility providers (including Council) and appropriate arrangements are put in place to facilitate access for essential maintenance purposes throughout the life of the development.

Reference is also made to associated commentary in respect of Part 5 approvals and asset acceptance/maintenance as detailed on page 7 of this correspondence. Adequate access arrangements should be made in respect of Council's utilities and services, as impacted by the proposed development, including stormwater services.

Minor Design Development

The proposed minor design development as outlined in the RTS documentation is noted. No specific objections are made in respect of the proposed design elements and overarching principles.

Public Art

The public art deliverables and installation principles are noted. No specific concerns are raised in this regard, however, to ensure that Connecting with Country continues to be

embedded in this process, a commitment to ongoing consultation with the local Aboriginal community should be provided.

Flooding

It is acknowledged that Lyall & Associates has prepared a response to Council's original submission describing the methodology used to model the proposed drainage works and providing additional detail on how the results of the flooding investigation were derived. Measures to mitigate the risk associated with the drainage works were also proposed by Lyall & Associates.

The report and amended documentation were referred to Council's appointed flood management consultants, WRM, for review. Comments on the response measures outlined are provided herewith:

It was not possible to obtain the hydrological and hydraulic models prepared for the proposal and hence these comments are based on the descriptions of the model changes given in the Lyall & Associates response. The following is of note:

- *The list of the modifications made by Lyall & Associates to the structure of the updated Wee Waa TUFLOW Model would seem to appropriately define the changes proposed in the EIS.*
- *It would appear that Lyall & Associates has not assessed proposed amendments that have been made since exhibition, only the EIS configuration. For instance,*
 - *the proposed twin 2700 mm wide by 1200 mm high reinforced concrete box culverts under the access road which links Charles Street with the proposed carpark adjacent to the playing field have now been removed, and*
 - *no modelling description has been provided for the proposed grated inlet and chain wire debris control device.*

With respect to the removal of the box culverts, peak flood levels should reduce upstream of the road. However, peak flood levels may increase downstream of the road, depending upon the detention effects created by the culvert. The implication of this change has not been assessed.

Further, a blockage assessment of the grated inlet and chain wire debris control device should be undertaken in accordance with Australian Rainfall and Runoff. The construction of a chain wire fence across a waterway is highly unusual and would be prone to blockage from small floating debris and urban rubbish. The failure of the fence could increase the chance of blocking the grated inlet, which may then inundate

properties along Charles Street. It is recommended that a blockage assessment of the Charles Street culverts, and inlet structure be undertaken.

Additional measures have been incorporated into the design to improve the safety of the proposed drainage works. These additional measures include the fencing and grated inlet described above, as well as signage and a Flood Emergency Plan. Whilst the fencing and grated inlet will reduce the extreme risk associated with the Charles Street culverts, the Flood Emergency Plan will only be useful during school hours. Given the school will be closed over the summer months when there is a higher risk of storms, the ultimate responsibility for this increased risk will fall on Council.


Ultimately, the proposed measures only reduce the risk but there remains a material increase in risk above existing conditions. For all practical purposes, this increased risk will fall on council to manage.

If an appropriate safety-in-design assessment had been undertaken at the outset of the project, an alternative location for the high school may have been found that is more appropriate than the one currently proposed.

In relation to the proposed Flood Emergency Plan, it is requested that Council be formally engaged with in the preparation of this Plan to ensure that an appropriate line of sight exists to Council's emergency management planning framework, in particular, the adopted EMPLAN.

Waste Management

Council's Manager of Waste has conducted a review of the submitted documentation including the Construction and Operational Waste Management Plan (COWMP), as prepared by Manage-Design-Engineer Pty Ltd (October 2021). Council's Manager of Waste has provided the following feedback in this regard:

- COWMP Section 4.5 Waste Generated: The 4m³ of cardboard should be separated and recycled, not placed into the general waste bin for landfill disposal. 

Visual Privacy

It is noted that consultation with the neighbour at 41 George Street, Wee Waa has been undertaken and in-principle agreement has been reached in respect of proposed fencing and landscaping. Given the proximity of the project to this adjoining neighbour, in the event that approval is granted to the development, the DPE should be satisfied that such arrangements are put in place to the satisfaction of all parties and appropriately

documented. Such arrangement should be maintained throughout the life of the development.

Transport & Accessibility

It is considered that the previously communicated concerns in relation to pedestrian traffic safety, in particular the proposed zebra crossing not meeting applicable warrants, have not been adequately addressed within the RTS documentation. The contents of Council's previous submission in this regard are therefore reiterated.

Sewer, Water Quality & Supply

The contents of the amended Soil and Water Quality Report are noted. The amended documentation has been referred to Council's Water Services Team who have advised that the points made within the original Council submission report, and associated request for amended and clarified information, have not been addressed by the updated information provided. This specifically includes:

- The requested details of the water services required to service the proposed School;
- Any calculations to support increasing the size of the receiving sewerage network in addition to the specific resize required; and
- The flow and pressure tests used to inform the fire and potable water systems is noted. In this regard, provision of details on the corresponding storage and pumping arrangement that has been adopted in response to this information should be provided.

The contents of Council's previous advice in this regard are therefore reiterated.

Acoustic

The outcomes of the amended Acoustic Impact Assessment, as prepared by Day Design and dated 21 January 2022, is acknowledged. Should project approval be granted noise mitigation measures should be reflected in an Operational Management Plan (or equivalent) which is maintained and reviewed as required throughout the life of the development.

Light Spill

It is acknowledged that external lighting will be designed in compliance with AS 4282 to ensure that no obtrusive lighting and light spill occurs. Mitigation arrangements should also be reflected in an Operational Management Plan (or equivalent) to ensure that these arrangements remain in place for the life of the development.

Biodiversity

The contents of the amended Biodiversity Development Assessment Report (BDAR) are noted. Council has no specific comments in this regard.

Separate Approvals (Part 5 Approvals)

It is noted that two (2) separate activities are being undertaken as Part 5 works. The first comprises installation of a new pole-mounted substation along Mitchell Street on behalf of Essential Energy, which has now been completed.

The second element pertains to flood mitigation works, comprising the following:

- Vegetation removal within Lots 124 and 125 DP757125, being the primary flood mitigation channel and off-site within the road reserve towards the Namoi River to accommodate drainage pipes and swales;
- Excavation, construction and landscaping of a flood mitigation channel (overland flow area) on the school site;
- Stockpiling and grading of excess fill on Lots 124 and 125 DP757125 (with some exclusions for remediation purposes);
- Installation of 1.5m perimeter fencing around the flood mitigation channel;
- Upgrades to the downstream (existing) drainage system located within the road reserve;
- Upgrades to the levee pump system;
- Deepening of the existing flood conveyance channel to the north of Boundary Street (within the Road Reserve); and
- Scour protection at the junction with the Namoi River (within the Road Reserve).

Council is currently reviewing the contents of the corresponding draft Review of Environmental Factors (REF) in relation to the proposed works. No decision has been made in relation to the adequacy or suitability of the submitted design detail. It should also be noted that a Council resolution will need to be obtained regarding the acceptance of the assets identified above and in respect of the ongoing maintenance arrangements.

Geotechnical Considerations & Site Fill

The likelihood of a requirement for imported fill in light of the revised preliminary investigations (as detailed on page 28 of the RTS report), is noted. Council's feedback detailed on page 17 of its submission report dated 22 December 2021 (refer item 35) is therefore reiterated.

Contributions

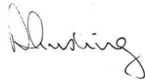
Council notes the additional rationale and explanation provided in the RTS report. The prior request that the proposal not be considered exempt from paying development contributions is reiterated, for the following reasons:

- Council would be required to meet the corresponding demands and community expectations, and the request represents a form of cost-shifting to local government;
- Current and ongoing resourcing impacts of the Wee Waa High School proposal, generally;
- Narrabri Shire Council has been declared a natural disaster area on account of a major flooding event which has ongoing resourcing and financial impacts; and
- Council's consistent application of the provisions of the Section 7.12 Plan, and the commensurate potential to create an undesirable planning precedent.

The revised project Capital Investment Value (CiV) of \$30,647,789 ex. GST as contained within the project estimate prepared by Slattery Australia, is also noted.

Council trusts that this advice provides the necessary assistance. If you require any further information, or wish to discuss these matters further, please contact Council's Director of Planning and Strategy, Ms Donna Ausling on (02) 6799 6866 or via email council@narrabri.nsw.gov.au.

Kind Regards,



Donna Ausling
Director Planning and Strategy

14/04/2022

SF2021/156932 | WST21/00166/03

The Manager
School Infrastructure Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Rebecca Sommer

Dear Ms Sommer

Response to Submissions SSD21854025: Lot 124 & 125 DP 757125, Lot 2 DP 550633 and Lot 1 DP 577294, Mitchell Street (HW29), Wee Waa, Wee Waa High School

Thank you for the opportunity to provide comment on the Response to Submissions Report (RtS) in relation to the proposed Wee Waa High School received via the NSW Major Projects Planning Portal on 31 March 2022.

I refer to TfNSW's previous submission on the EIS. TfNSW has reviewed the RtS Report and TfNSW comments made in the previous submissions stand, except where varied below:

- TfNSW notes that the traffic and pedestrian numbers do not currently meet TfNSW warrants and other safety considerations for approval of a pedestrian crossing. Accordingly, TfNSW does not support the location of a pedestrian crossing across the and Kamilaroi Highway as depicted on the submitted plans.

TfNSW reiterates its position that subject to support by Narrabri Shire Council TfNSW suggests that Kerb extensions, with no pedestrian refuge, designed in accordance with TfNSW Technical Directions, Australian Standard – Manual for uniform Traffic Control Devices and Austroads Design Guide Part 4 Intersections and Crossings be installed on Mitchell Street on the western side of the Mitchell and George Streets intersection to provide a formalized crossing location.

The installation of kerb extensions at this point will also provide clear delineation of the traffic lane and discourage overtaking at the intersection.

- TfNSW notes the response regarding the location operation of the pickup drop off bay in George Street in line with the proposed bus zone. While preferable at a greenfield site that the design located the drop off and bus zones separately and on site TfNSW notes the submission and the proposed management measures to manage the potential impacts.

TfNSW notes the responses to the other points raised in its submission on the EIS and makes no further comment.

Please forward a copy of Councils determination to TfNSW at development.west@transport.nsw.gov.au when it is sent to the applicant. If you wish to discuss this matter further, please contact the undersigned on 026861 1530.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Orr', with a stylized flourish at the end.

Howard Orr
Team Leader
Development Services West
Regional and Outer Metropolitan