

8 September 2022

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Department of Planning and Environment  
4 Parramatta Square  
(Locked Bag 5022),  
Parramatta 2124

**Attention: Stephen Dobbs**

Dear Stephen,

**Additional Information**  
**Newcastle Grammar School - Park Campus**  
**SSD-13895306 - 127 Union Street, Cooks Hill NSW 2300**

## 1 Introduction

This letter is submitted to the Department of Planning and Environment (DPE) in response to the Request for Further Information (RFI) issued on 16 May 2022, relating to SSD-13895306 located at 127 Union Street, Cooks Hill NSW 2300.

This letter aims to provide additional information in response to input provided by the following:

- Department of Planning Industry and Environment (DPIE) – Letter dated 16 May 2022
- DPIE Biodiversity and Conservation Department (DPIE BCD) – Letter dated 13 May 2022 (and supplemented by further clarification on 12 August 2022);
- Transport for NSW (TfNSW) – Letter dated 5 July 2022
- City of Newcastle Council (Council) – Letter dated 12 May 2022

A number of minor elements have been amended to directly respond to the items raised by the agencies and Council. Discussion of each amendment has been provided at Section 2.

Section 3 provides responses to each of the items raised within received correspondence.

## 2 Amendment to Proposed Development

In response to the items raised by DPE, DPIE BCD, and Council the following minor amendments have been made to the overall development:

- Amended Flood Emergency Response Plan (FERP) prepared by Torrent Consulting; and
- Removal of bench seat supported with amended Landscape Plans.

### 2.1.1 Amended Flood Emergency Response Plan

Based on the input received from both Council and DPIE BCD, an amended Flood Emergency Response Plan (FERP) has been provided enclosed. The amended FERP represents a full update of the previous FERP and has now been completed by a specialist flood engineer in Torrent Consulting.

Refer to enclosed updated FERP prepared by Torrent Consulting.

### 2.1.2 Removal of Parkway Avenue Bus Stop bench

In direct response to input provided by Council the bench proposed for the Parkway Avenue bus stop has been removed to improve out of hours safety for the community.

Refer to enclosed amended Landscape Plan.

## 3 Response

### 3.1 DPIE and BCD

Requests for additional information were made from DPIE and BCD in relation to the Flood Emergency Response Plan (FERP). The initial advice was subsequently supplemented with further clarifications from BCD on 12 August 2022.

In response to the requests for information, the following is enclosed with this letter:

- An amended Flood Emergency Response Plan prepared by Torrent Consulting
- A letter prepared by Torrent Consulting, providing further context regarding the need and ability to include additional design measures, i.e. a bridge between the Union Street Building and the adjoining Sandy Warren Performance Centre.
- A letter from School, providing context of implementation of the existing FERP.

Further to detailed responses contained in the above referenced documents, it is noted that BCD recommends that any approval includes a condition of consent that requires the Stage 1 and Stage 2 buildings to be certified by a structural engineer to be able to withstand the hydraulic forces of the PMF event. This recommendation is noted, and it is understood that this will be a future condition.

### 3.2 City of Newcastle Council

#### Request

#### **1. Streetscape/Visual Impact**

*As indicated in CN's previous submission, concern is raised at the appropriateness of the front building setbacks of the development to ensure it is consistent with, rather than dominate, the existing and future local streetscape.*

*The RtS includes a Streetscape Analysis drawing of the front building setbacks of the existing buildings on the site and the developments on the land which abuts the northern boundary of the site and face either Union or Corlette Street. The analysis is based on an Acceptable Solution control in Section 3.03 Residential Development of the Newcastle Development Control Plan 2012. The drawing indicates that the average street setbacks are as follows:*

- Union Street- 4.91 metres (m)
- Corlette Street- 3.5 metres

However, the above setbacks calculations included the '3 storey Department of Housing' buildings which are located outside the required 40 catchment of the analysis. When the setbacks of these buildings are deleted from the calculations the average street setbacks are increased as follows:

- Union Street- 6.22m
- Corlette Street - 4.6m

The drawing also indicates the front setbacks of the proposed stage 1 and 2 buildings as follows:

- Proposed Stage 1 – Variable 4.880m to 5.7m
- Proposed Stage 2 - Variable 2.945 to 4.645m

The corrected figures suggest that the setbacks of the proposed Stage One building are inadequate and should be increased to address the concern previously raised by CN. Further consideration of this aspect of the development, as well as its height and bulk, would have been assisted by perspective renders of the site and streetscape as viewed from the south along Union Street. However, the perspective renders provided in the RtS (Figure 2 and 3 of Section 4.2.1) focus on views from northern vantage points of the site along Union Street.

Concern is also raised at the appropriateness of the setbacks of the proposed Stage 2 building to Corlette Street and it is recommended it is required to be increased to be more compatible with the existing streetscape, however, this issue can be considered in more detail at the development application stage.

## Response

The use of the surrounding 3 storey Department of Housing' building's is considered to be appropriate as they represent the directly adjacent neighbouring property to the south and south west across Parkway Avenue and Union Street. The analysis provided outlines a broader analysis of the streetscape and confirms that the proposal will sit comfortably in the surrounds. Given the lack of directly adjoining buildings to the south, it is considered that this approach is justified and appropriate. It is noted that the Government Architect's Office did not raise any significant concerns in relation to the proposal.

As such, the setback is considered to be appropriate in the nearby context along Union Street.

## Request

### 2. Flood Storage

The Applicant's response to CN's previous submission confirms no significant earthworks will be associated with the proposed development. The Stormwater Management Plan was amended with design levels for the east play platforms which generally confirm no filling will be required to construct these platforms. It appears that no fill is proposed in the central landscaped common area (The Greens).

Being constructed with a ground floor level set up to 500mm above surface levels, the proposed Stage 1 building will fill existing flood storage at the development site however, this filling is likely to have minimal impacts on local flooding as demonstrated in flood modelling provided as part of the Flood Impact Assessment (FIA) which has since been amended to include the Stage 2 Corlette Street building.

*Post-development impact analysis indicates that, up to the 0.5% AEP (200-year) flood, the flood level impacts of the Stage 1 and Stage 2 developments will be limited to the development site only. Impact modelling in the FIA indicates the development (including Stage 2) will affect a minor increase to flood velocity of 0.1 to 0.2 ms<sup>-1</sup> in the Union Street road reserve.*

*CN's previous concerns regarding flood storage have been addressed.*

## **Response**

Noted.

## **Request**

### **3. Flood Emergency Response Plan**

#### **3.1 Proposed Evacuation to Off-site Refuge**

*The Flood Emergency Response Plan (FERP) has been amended to propose a revised evacuation plan in response to concerns raised by CN and the Biodiversity and Conservation Division (BCD) of the DPE.*

*The Applicant now proposes to evacuate school occupants to the Newcastle Grammar School's The Hill campus via school and other chartered buses across a travel distance of 2.4km. The FERP does not provide a contingency plan should the buses be unable to access the school during a flood emergency.*

*CN shares the opinion of BCD that evacuation on foot is unlikely to be logistically feasible given the short warning time and vulnerability of potential evacuation routes to floodwaters and non-flood hazards. Bus evacuation will be similarly subject to a number of logistical and flood hazard concerns including:*

- (a) the number of buses that will be required to evacuate up to 700 (at Stage 2) staff and students;*
- (b) whether the required buses can access the site under confused traffic conditions;*
- (c) whether the proposed bus evacuation route will remain safe and trafficable during a flood event;*
- (d) whether conditions at the school will remain safe during the process of embarking the buses*

*Despite concerns raised by CN and the BCD, evacuation remains the primary proposed flood emergency response, with shelter-in-place only enacted when 'the school is unable to evacuate the site' or when floodwaters are observed to encroach into Union Street without sufficient warning.*

*It is recommended that the Applicant be requested to explain why evacuation is proposed as the preferred flood emergency response when on-site refuge is readily available at the development.*

*It is clear the FERP intends to evacuate the school only when necessary and only during low hazard flood events (wherein evacuation routes remain safe to traverse by foot or vehicle). However, there is concern the proposed pre-evacuation flood observation and assessment procedure (in section 3.4 of the FERP) cannot reliably or accurately identify the life risk of an ongoing flood event thereby risking the commencement of evacuation during life threatening external flooding conditions. It should be noted that hazardous flash flooding conditions can develop suddenly and without warning.*

*The FERP should consider whether shelter-in-place is preferable to evacuation as the school's primary response to a sudden flooding event given the uncertainties surrounding the task of assessing the intensity and likely hazard of an ongoing flood event. Evacuation should be considered only by direction from the State Emergency Service (SES).*

*The proposed implementation of a complex flood emergency response involving monitoring of flood levels, evacuation by bus, and coordinated assembly and movement of students gives rise to myriad emergency scenarios to which the FERP provides no contingencies. It may be beneficial to implement a simple shelter-in-place first response from which further action can be determined based on advice from SES.*

*CN supports the proposal to encourage students and staff to remain at home in the event of an advance severe weather or flood warning issued by the SES and/or Bureau of Meteorology.*

## Response

The amended FERP now utilises a shelter-in-place response per the recommendations by Council.

## Request

### 3.2 Pre-evacuation Assessment

*This issue is not directly addressed in the RtS. It remains unclear how the proposed pre-evacuation assessment of the rate of rise of floodwaters is informed by the site specific flood study, and how this proposed pre-evacuation assessment procedure can reasonably determine the life risk of an ongoing flood event to effectively arrive at an informed decision to either evacuate, refuge in-place, or take no immediate action.*

*If this procedure is to be implemented, it is recommended that the Applicant be requested to provide full rationale for the proposed pre-evacuation flood assessment criteria. The criteria and procedure should be reviewed by a professional engineer experienced in flood management to determine the risk this procedure could misidentify a high life hazard flash flood event (ie to the magnitude of the PMF) and subsequently trigger evacuation in hazardous flash flooding conditions.*

## Response

The pre-evacuation assessment has been replaced with a number of triggers based on available warning systems including Severe Weather Warning from the BoM and the Newcastle Flood Alert Service

This simplifies the system and ensures consistency with the response planned for the overall City of Newcastle area.

## Request

### 3.3 Existing Flood Refuge

*The amended FERP identifies the first floor of the Block B building to be a potential flood-free refuge in addition to the proposed refuge in the Union Street building. Occupants of Block A will be evacuated to refuge in Block B or the Union Street building as appropriate during a flood emergency.*

*Conditions of consent have been recommended (Refer to Attachment 1) requiring an engineer's certification of Block B confirming the existing building will be able to withstand the Probable Maximum Flood with an AIDR hydraulic hazard classification of H5 (based on the Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia by AIDR 2017.*

*This advice addresses the concerns raised in the CN's previous submission.*

## **Response**

Appropriate conditions to ensure refuge building/s are rated for flood conditions are welcomed for the project.

## **Request**

### **3.4 Potential use of 'Kiss and Drop' Zone during Flood Events**

*The amended FERP acknowledges the potential hazard identified above and states:*

*'LDCE is of the opinion that the driveway should not be utilised as a pick-up/drop-off area during flood events due to the nature of floodwaters modelled by Torrent during the 1% AEP storm event.*

*This advice addresses the concerns raised in CN's previous submission.*

## **Response**

Noted.

## **Request**

### **4. Floodproofing Proposed Lift**

*The RtS indicates the proposed lift shaft cannot be relocated. Instead, the Applicant proposes the lift will be designed with flood proofing to minimise damage in the event of inundation.*

*It is expected that the lift will be designed such that the system, if damaged by floodwater inundation, can be restored to working order without full replacement of the system.*

## **Response**

Noted. The proposed lift to be constructed/designed to resist flood damage and be restored to working order.

## **Request**

### **5. Seating Adjacent to Public Footpath**

*The bench seating proposed near existing bus zones in Union Street and Parkway Avenue have been deleted in response to CN's comments. However, similar external seating has been proposed in Parkway Avenue adjacent to the main foot entrance to the school (fronting Block B).*

*The location of the new proposed seating promotes passive surveillance and association with school property during school hours. Concern is raised this area may become a concealed entrapment spot after-hours, especially if poorly lit. It is recommended that this proposed external seating area adjacent the main entrance is deleted from the proposed development.*

## Response

The bench seat has been deleted in direct response to the concerns raised by Council. Please find updated landscape plan enclosed.

## Request

### 6. Stormwater management

#### 6.1 Play Area Runoff

*Amended stormwater management plans indicate the proposed 'Play Platforms' will be graded to the northwest draining to the large, landscaped area at the centre of the site. This grass area will drain excess runoff to the northwest to the proposed bioretention garden system. This advice addresses CN's concern regarding runoff from the play area.*

## Response

Noted.

## Request

#### 6.2 Retention Tank Capacity

*The proposed on-site reuse storage of 25kL is slightly oversized for the expected 20-day drawdown usage of 17.9k (based on submitted calculations) and is considered sufficient for the proposed development. The provision of further excess Storage capacity is not likely to benefit site discharge control.*

## Response

Noted.

## Request

#### 6.3 Reuse Drawdown

*Calculations have been submitted providing an estimated 20-day drawdown capacity of 17.9kL. The proposed rainwater tank is appropriate for the level of non-potable reuse available at the development. This advice addresses the concerns raised in CN's previous submission.*

## Response

Noted.

## Request

#### 6.4 Purpose of Swale SW1

*The design of the kiss-and-ride driveway has been amended to drain southward into proposed swale SW1. Runoff captured to SW1 will be conveyed to the proposed bioretention garden system for disposal to the Union Street stormwater system. This advice addresses the concerns raised in CN's previous submission.*

## Response

Noted.

## Request

#### 6.5 Drainage of Driveway Runoff

*This issue has been addressed and resolved as part of the resolution of issue 6.4.*

## **Response**

Noted.

## **Request**

### **7. Traffic management**

#### **7.1 Access Road – Kiss & Ride**

*The Kiss and Ride access road is proposed to be closed outside of designated school set-down and pick-up times in the interests of student safety to minimise conflict. While this approach will result in visitors arriving outside of core arrival and departure hours parking in surrounding local streets it is considered that student safety should take priority and therefore acceptable. Access by staff to the future Stage 2 car park however should remain unrestricted to minimise on street parking and congestion. An appropriate draft condition of consent has been recommended for the application in relation to this matter.*

## **Response**

Noted.

## **Request**

#### **7.2 Traffic Distribution**

*The development has been amended by the applicant to restrict the vehicle egress from the access road – kiss and ride at Union Street to 'Left Only'. An appropriate draft condition of consent has been recommended for the application in relation to this matter.*

## **Response**

Noted.

## **Request**

#### **7.3 Traffic generation**

*The amended traffic report has adjusted traffic generation rates in accordance with the requests from CN and Transport for NSW(TfNSW) to align with 1.2 trips per student in the AM peak and 1.0 trips per student in the PM peak. CN officers attended a meeting today with TfNSW officers to discuss the impacts of this development proposal on the local road network.*

*Concerns are raised in relation to the impact of the development on the operation of the Union Street and Parkway Avenue traffic control signals. The sidra analysis post development and 10 year projection indicates an adverse impact on the intersections level of service and back of queue lengths. Some individual legs of the intersection are operating at Level of Service F with pedestrians also experiencing lengthy delays. It is recommended that the applicant's traffic consultant consider these adverse impacts and recommend appropriate mitigation measures to address these concerns. This should be done in consultation with CN and TfNSW.*



## Response

The project team met with TfNSW and Council representatives on the 30 June 2022 to discuss the proposed development. The meeting discussed the following items:

- The currently lodged application proposes a Masterplan, but only seeks consent for Stage 1 of the development.
- Traffic modelling identified capacity issues at the signalised intersection of Union Street and Parkway Avenue at Stage 2 and within the 10-year design horizon.
- Capacity issues identified in Stage 2 and future development will be addressed and considered as part of a future development application, with additional traffic assessment and modelling as it exists at that time.

Subsequent to the meeting, TfNSW provided a letter dated 5 July 2022 which conferred acceptance of the Stage 1 development works. Further discussion regarding this letter correspondence has been provided at Section 2.3 of this report.

## Request

### **8. Green Travel Plan**

*An appropriate draft condition of consent has been recommended for this application requiring the implementation and maintenance of the submitted Green Travel Plan.*

## Response

Noted.

## Request

### **9. Parking**

#### **9.1 Car parking**

#### **9.2 Motor bike parking and bicycle parking**

*The additional parking demand generated by Stage 1 of approximately eight spaces is proposed to be picked up in Stage 2 of the development with the provision of a 37 space formal car park. While the applicant has not responded to the potential of providing a temporary on-site car park to cater for the increase in Stage 1, it is acknowledged that the increased demand is relatively minor and addressed as part of Stage 2. Furthermore, the confined nature and use of the site would more than likely prohibit the establishment of this temporary parking area.*

*The construction of 37 spaces in Stage 2 provides parking for both existing and future staff as well as school visitors in accordance with CN's Section 7.03 Traffic, Parking and Access of the NDCP 2012. Appropriate conditions have been recommended (Refer to Attachment 1) requiring the provision of car, motorcycle, and bicycle parking for this development in accordance with Section 7.03 Traffic, Parking and Access of the NDCP 2012.*

## Response

Noted.

## **Request**

### **10. Bus Stop facilities**

*The traffic consultant has assessed the adequacy of the existing bus zones and bus stop facilities in both Union Street and Parkway Avenue and concluded they are adequate to cater for the increase in patronage, therefore no alterations or up-grades are proposed in association with this development.*

## **Response**

Noted.

## **Request**

### **11. Servicing**

*The applicant has confirmed that except for waste collection all other service activity will continue to occur in Parkway Avenue along the frontage of the site.*

## **Response**

Per the proposed Waste Management Plan provided, waste collection is to be provided from Parkway Avenue due to the proximity to waste storage area. This is also confirmed within the Response to Submissions document.

## **Request**

### **12. Street Trees**

*The submitted site plan for Stage 1 includes the provision of additional street trees along the Corlette St frontage of the site. An appropriate draft condition of consent has been recommended which addresses the street tree requirements raised in CN's previous submission.*

## **Response**

Noted. Condition to provide street trees per the proposed landscape plan is to be included within any future consent for the proposed development.

## **Request**

### **13. Heritage**

#### **13.1 European heritage**

*The amended Statement of Heritage Impact (SoHI) provides a brief discussion regarding the potential impact of the proposal on the setting and significance of the nearby heritage item, Parkway Avenue (I704). Parkway Avenue is identified as a landscape heritage item and in particular its mature Norfolk Pines along the length of the avenue are considered to be of high significance.*

*The amended SoHI notes that the section of Parkway Avenue adjacent to the school is devoid of significant landscaping, with an open stormwater channel rather than the characteristic central tree plantings.*

*It is considered that the significant vistas along Parkway Avenue are generally concentrated in other parts of the avenue, such as within the Hamilton South Heritage Conservation Area and Bar Beach where the ability to interpret the garden suburb planning is most evident. It is concurred that the height, bulk and form of the new buildings at the northern section of the subject site will have a negligible impact on the heritage significance of Parkway Avenue and are unlikely to contribute to any cumulative detrimental impact with consideration to pre-existing development in the vicinity.*

### **13.2 Aboriginal cultural heritage**

*It is recommended the recommendations of the Aboriginal Heritage Cultural Heritage Report are included as conditions of consent if the application is to be approved.*

#### **Response**

Noted.

#### **Request**

### **14. Social Impact Assessment**

*The RtS has noted CN previous advice regarding the Social Impact Assessment. If a Social Impact Management Plan is required, it is recommended CN's previous advice is addressed by the imposition of an appropriate condition of consent.*

#### **Response**

Noted. If a Social Impact Management Plan is deemed to be required, the imposition of an appropriate condition is to be included with a future consent for the proposed development.

#### **Request**

### **15. Section 7.12 Local Infrastructure Contribution Plan**

*The applicant has not provided a cost summary report of the cost of the development to enable the required monetary contribution to be calculated.*

#### **Response**

A Capital Investment Value Estimate was provided with the original EIS and is able to be utilised to ascertain development contributions.

## **3.3 Transport for NSW**

#### **Request**

*TfNSW can confirm the following statements of fact relevant to our areas of expertise and regulatory powers:*

- *TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.*
- *Union Street and Parkway Avenue are local roads. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the Roads Act 1993.*
- *Council sets standards, determines priorities and carries out works on local roads.*

- *Council is generally responsible for identifying and addressing capacity related upgrades to traffic signals on local roads.*
- *Should an upgrade be required TfNSW would have a role in providing consent related to construction, installation, maintenance, repair, removal or replacement of a traffic control light in accordance with Section 87(4) of the Roads Act 1993.*

*TfNSW considers that in our technical assessment of the Response to Submissions (RTS), specifically the Updated Traffic Reports amended March 2022, that the 'baseline' for impact assessment is reasonable and the predictions of impact are robust (and conservative) with suitable sensitivity testing.*

*TfNSW considers that in our technical assessment of the EIS, specifically Updated Traffic Report, section 10.0 Traffic Impacts – Intersection Capacity, Table 3 and comments, pages 14- 15, that progression of Stage 1 of the development is reasonable.*

*The assessed impact of Stage 1 development is considered acceptable within the policy context of TfNSW, for the following reasons:*

- *Updated SIDRA results for the signalised intersection shows LOS D for AM with Stage 1 development and LOS D for PM with Stage 1 development.*

*Please note – acceptance of Stage 1 in no way infers acceptance of Stage 2 or further development. It is recognised that traffic modelling identified capacity issues at the signalised intersection of Union Street and Parkway Avenue at Stage 2 and within the 10-year design horizon.*

## **Response**

The response from TfNSW is accepted with no further issues being noted for the proposed Stage 1 development. Any works required as part of future Stages will be undertaken in consultation with Council and TfNSW.

## 4 Conclusion

The proposed development represents an exciting opportunity to upgrade the existing inner city school to meet the growing demand for educational services in the City of Newcastle. All inner city Schools are likely to experience growth pressures associated with urban renewal in the city centre. The site is well located to assist with achieving additional capacity to address this ongoing pressure on education resources.

The proposed amendments directly address the items raised by the agencies as part of their respective response letters received. With all items sufficiently addressed no outstanding issues should be outstanding for the proposed development.

Given the merits of the proposal and the absence of any significant adverse environmental impacts, the SSDA is considered to be in the public interest and is recommended for support.

We thank you for the opportunity to lodge this application and look forward to timely approval. Should you have any questions please do not hesitate to contact the undersigned.

Yours sincerely,



Kale Langford  
Project Consultant - Planning

Checked/ Authorised by: MT
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Enclosures:

- Enclosure A – Updated Flood Emergency Response Plan – Torrent Consulting
- Enclosure B – Letter from Newcastle Grammar School dated 8 September 2022
- Enclosure C – letter from Torrent Consulting dated 7 September 2022
- Enclosure D – Amended Landscape Plan – Sheet LA301