NSW GOVERNMENT

Catherine McAuley Catholic College

State Significant Development Assessment
(SSD 8989)
July 2019

July 2019

Cover photo

Perspective of the primary school entry/admin/hall (RtS 2019)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
AAR	Acoustic Assessment Report
ACHR	Aboriginal Cultural Heritage Report
APZ	Asset Protection Zone
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
CASA	Civil Aviation Safety Authority
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
CKPoM	Comprehensive Koala Plan of Management
CHMP	Cultural Heritage Management Plan
Council	Port Stephens Council
CTEMP	Construction Traffic Management Plan
CPTED	Crime Prevention Through Environmental Design
Department	Department of Planning, Industry and Environment
DCP	Development Control Plan
EEC	Endangered Ecological Communities
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Education SEPP	State Environmental Planning Policy (Education and Child Care Facilities) 2018
GA NSW	NSW Government Architect
GTP	Green Travel Plan
ICNG	Interim Construction Noise Guideline
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NCC	National Construction Code

NML	Noise Management Level
EESG	Environment, Energy, Science Group of Department of Planning, Industry and Environment (former Office of Environment and Heritage)
OTMP	Operational Traffic Management Plan
PSLEP	Port Stephens Local Environmental Plan
PMF	Probable Maximum Flood
RAP	Remedial Action Plan
RIARG	Regions, Industry, Agriculture and Resources Group of Department of Planning, Industry and Environment (former Department of Industry)
RFS	NSW Rural Fire Service
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SEPP (Coastal Management)	State Environmental Planning Policy (Coastal Management) 2018
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SRtS	Supplementary Response to Submissions
TIA	Traffic Impact Assessment
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services) (former Roads and Maritime Services)
WMP	Waste Management Plan

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the new Catherine McAuley Catholic College, Medowie (SSD 8989). The site is located at 507 Medowie Road, Medowie. The Applicant is Catholic Diocese of Maitland-Newcastle and the proposal is located within the Port Stephens local government area.

The Department of Planning, Industry and Environment (Department) identified: traffic, access and parking; built form, urban design and landscaping; and biodiversity and ecology as the key issues for assessment. The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), and issues raised in submissions as well as the Applicant's responses to these. The Department is satisfied that the key issues were considered and found to be acceptable through provided information, recommended conditions of consent and mitigation measures because the impacts of the proposal have been addressed in the Environmental Impact Statement, Response to Submission (RtS) and Supplementary RtS (SRtS).

The Department is satisfied that the surrounding road network has capacity to accommodate traffic and parking demand generated by the proposed school because the level of service would perform satisfactorily. The Department has recommended conditions of consent including intersection upgrades works to Medowie Road and South Street intersection.

The Department considers that the proposed built form would be appropriate having regard to the constraints of the site, including the need to maximise tree retention and maximise the provision of open space for students on site.

The Department considers that the proposal would provide a balance in development and retention of biodiversity on site. The Department has recommended conditions of consent requiring management plans for vegetation, Koala and riparian corridor on site.

The Department considers that the application is consistent with the objects of the EP&A Act including ESD and the Hunter Regional Plan 2036. The Department is satisfied the subject site is suitable for the proposal and would provide new educational facilities for future students of Medowie and surrounds. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal seeks approval for construction of a new Catholic college including an early learning centre (years 0-5), primary school, high school, chapel and associated works. Construction is planned to be staged over eight years with a maximum capacity for 124 early learning centre children, 630 primary school students, 1190 high school students and a 500 seat chapel.

The proposal has a Capital Investment Value (CIV) of $110.36 million and would generate an estimated 185 operational jobs and 150 construction jobs. The proposal is SSD under clause 15(1) of the State and Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school.

The application was publicly exhibited between Friday 6 July 2018 and Thursday 2 August 2018. The Department received a total of 20 submissions including ten from public authorities (including Port Stephens

Council), and nine from the public (including one objection). An additional nine submissions from public authorities were received in response to the RtS. No submissions from the public were received. The key issues raised in the submissions include building height, traffic, access and parking and biodiversity.

The Applicant's RtS included further information and responses to the key issues raised in submissions. The RtS included a number of revised and updated plans and assessments and revised mitigation measures. The RtS was referred to public authorities including Council, who subsequently raised further concerns regarding access, traffic and car parking, provision of infrastructure (footpath and roadworks), water quality, riparian corridor revegetation, required asset protection zone, stormwater drainage, biodiversity and access and proposed intersection arrangement. In response to agency concerns, the Applicant submitted a SRtS which provided further information responding to their concerns. The SRtS was referred to Council and NSW Rural Fire Services, who provided recommended conditions with respect to asset protection zones, construction in bushfire prone land, water and utilities, evacuation and emergency management, landscaping, roadworks, traffic and access, drainage and flooding.

Contents

1. Introduction

This report provides an assessment of a State significant development (SSD) application for a new Catherine McAuley Catholic College at 507 Medowie Road, Medowie NSW 2318 (SSD 8989).

The proposal seeks approval for construction of a new Catholic college including an early learning centre, primary school, high school, chapel and associated works. Construction is planned to be staged over ten years with a maximum capacity for 124 early learning centre children (0-5 years), 630 primary school students, 1190 high school students and 500 seats for the chapel.

The application has been lodged by Catholic Dioceses of Maitland-Newcastle (the Applicant). The site is located within the Port Stephens local government area (LGA).

1.1 Site description

The site is located at 507 Medowie Road and 2 Kingfisher Close, Medowie and is legally described as Lot 412 and Lot 413 in DP 1063902. The site is located approximately 180 kilometres (km) north of Sydney, approximately 20 km north of Newcastle and approximately 30 km west of Nelson Bay. The site is located 3 km from Newcastle Airport and RAAF Airbase Williamtown. Location of site context is shown in **Figure 1** and **2**

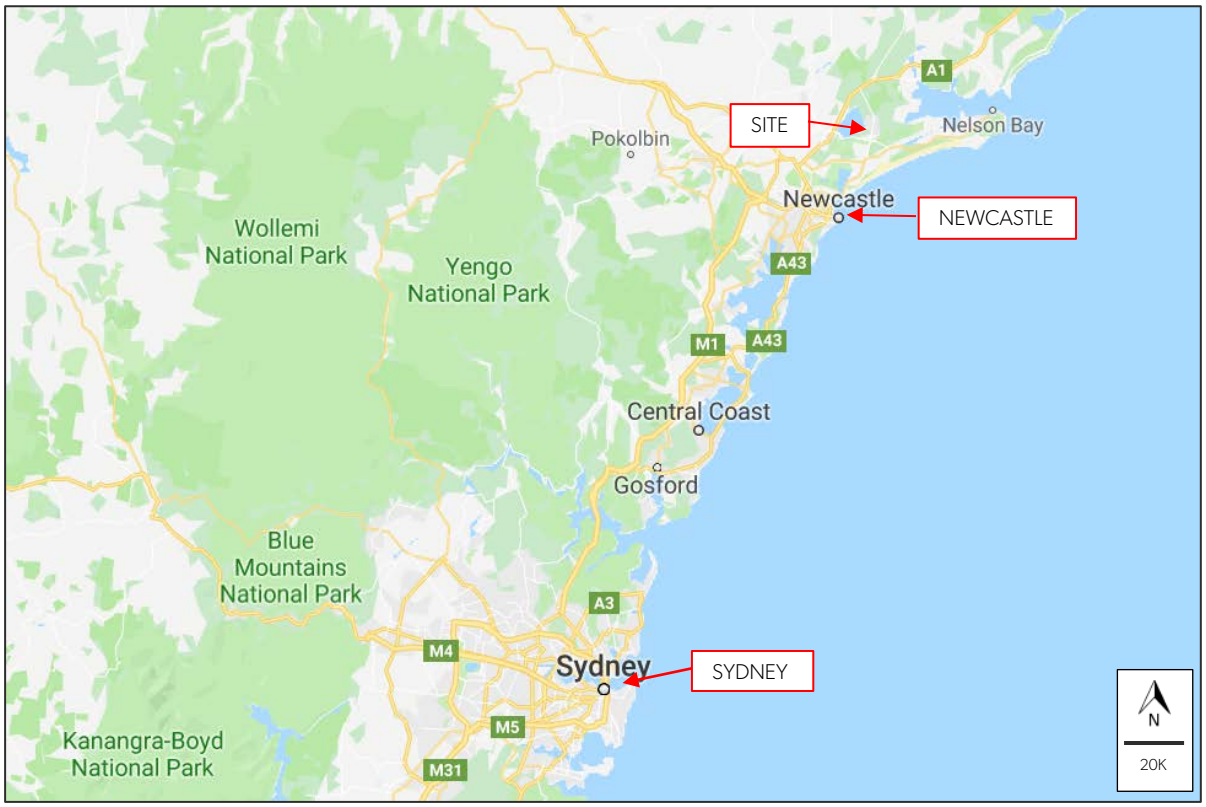


Figure 1 | Regional Context Map (source: Google Maps 2018)

Figure 2 | Local Context Map (source: Google Maps 2018)

The site currently contains a single storey dwelling, tennis court, asphalt track and rural shed. There is a cleared section of land on the eastern half of the site facing Medowie Road. The current land use is a semi-rural residential development.

The site has an area of approximately 26.83 hectare (ha) with frontage and access off Medowie Road. The site slopes to the west and south towards the existing watercourses and wetland areas, whilst parts of the site also slope gently to the north west. The site contains a range of vegetation, predominantly on the western side of the property boundary. **Figure 3** shows site area in purple and project area (the site) outlined in yellow. The site area in purple is the whole legal site, whilst the project area in yellow is the subject area of the application and assessment of this report. The location of the site and the site photos are provided in **Figures 3-6**.

1.2 Surrounding development

The site is located in a semi-rural area, characterised by a variety of building forms and land uses.

The land to the north of the site contains native vegetation, recreation areas and dwelling houses. The Hunter Water underground septic system is located on the northern boundary and accessed via Kingfisher Close. Low density dwelling houses are located to the east of the site, an early learning centre directly opposite on Medowie Road and a golf course south-east of the site. There is an existing Ausgrid substation on the eastern boundary facing Medowie Road. **Figure 3** shows surrounding site context.

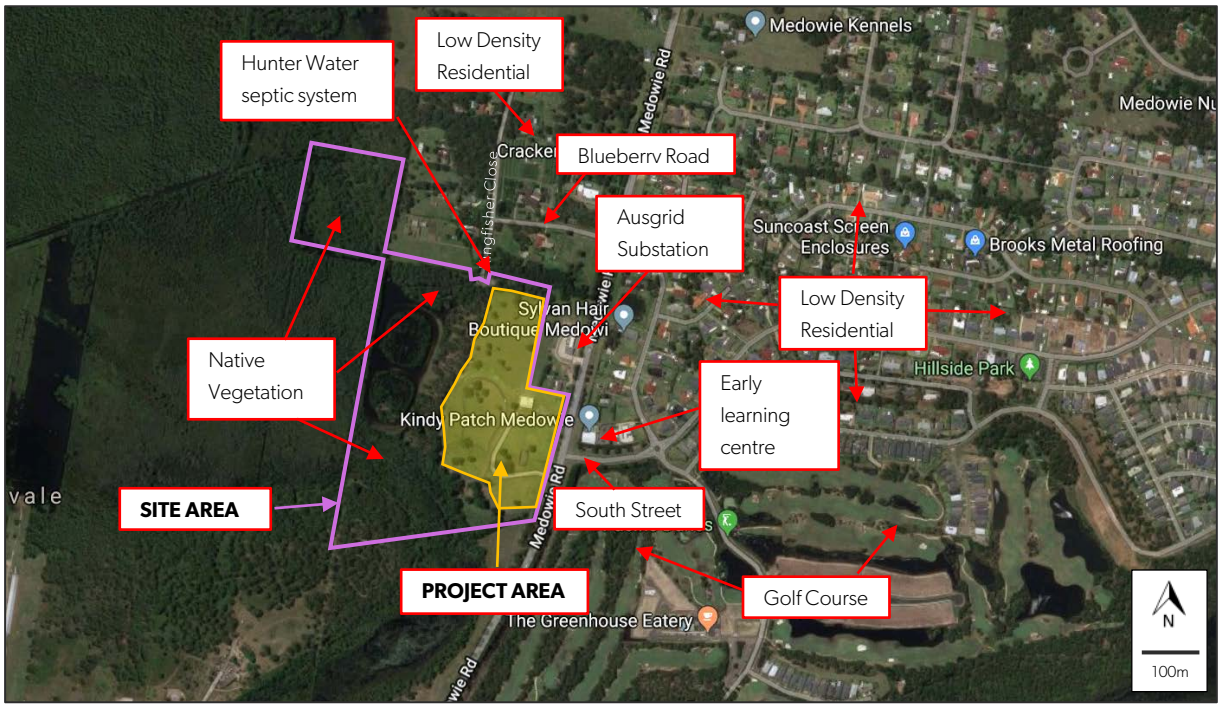


Figure 3 | Surrounding site context Map (source: Google Maps 2018)

Figure 4 | Photo showing existing building within the site along northern boundary (source: DPIE 2019)

Figure 5 | Photo showing existing buildings within the site looking towards the north-western boundary (source: DPIE 2019)

Figure 6 | Photo showing existing buildings within the site looking towards southern boundary (source: DPIE 2019)

2. Project

The key components and features of the proposal as refined by the Response to Submissions (RtS) and Supplementary (RtS) are provided in **Table 1** and are shown in **Figures 7** to **8**.

Table 1 | Main components of the project

Aspect	Description
Project Summary	Demolition of existing structures (house and shed), construction and operation of a new high school for up to 1190 students, primary school for up to 630 students, early learning centre (0-5 years) for up to 124 children and a 500 seat chapel. Associated works including remediation, earthworks, drainage, car parking, road, footpath, access and landscaping. The proposal also involves road widening from two lanes into three/four lanes for the length of the frontage of the school and a new signalised intersection at the junction of Medowie Road and South Street
Demolition	• Demolition of existing buildings on site (single storey brick dwelling and a shed).
Built form	• Construction of one and two storey buildings comprising: o classrooms and learning spaces (technology and applied studies, art, science, personal development, health and physical education, music, drama, hospitality, food technology). o flexible learning village. o library learning hub. o multipurpose hall. o canteen. o administration and other staff and student support facilities. • Construction of: o chapel. o early learning centre.
Site area	• 268,300 square metres (sqm).
Gross floor area (GFA)	• 17,326sqm.
Uses	• Primary School, High School, early learning centre, chapel and community use.
Access	• Vehicular and pedestrian access from Medowie Road.
Car parking	• 354 car parking spaces: o 54 for both staff and students

	o 174 staff only o 60 informal spaces o 66 visitors' spaces
Bicycle parking	• 200 bike spaces.
Public domain and landscaping	• Removal of 49 trees on site. • Planting of 483 trees on site.
Hours of operation	• School: 7:30am – 4:30pm. • Early learning centre: 6:30am – 6:00pm. • Chapel: weekdays – 4:00pm – 10:00pm, Saturday – 6pm – 10pm, Sunday – 8am-12pm. • Community use: sport facilities on Saturday mornings.
Signage	• Four school identification signs towards the front entries on Medowie Road. • Signage identifying each of the school buildings. • Wayfinding signage throughout the school and signage for emergency evacuation.
Jobs	• 150 construction jobs. • 185 operational jobs.
CIV	• $110,360,000.

2.1 Physical layout and design

The design of the proposed development is broken down into a number of separate built forms to respond to the low-density residential character of the local area. The existing streetscape consists mainly of widely spaced single and two storey residential properties, and the proposal aims to fit within this context limiting development to single and two storey built forms. The individual building pods are proposed to be orientated towards north, incorporating substantial areas of glazing to enable cross ventilation and to provide an outlook towards the native vegetation to the west.

Figure 7 | Building perspective of the proposed development (source: RtS 2019)

The proposed buildings would be contemporary in design with modern educational facilities and teaching techniques. The proposed development requires upgrades to the existing infrastructure and service networks including a new signalised intersection and installation of water, sewage and electricity infrastructure.

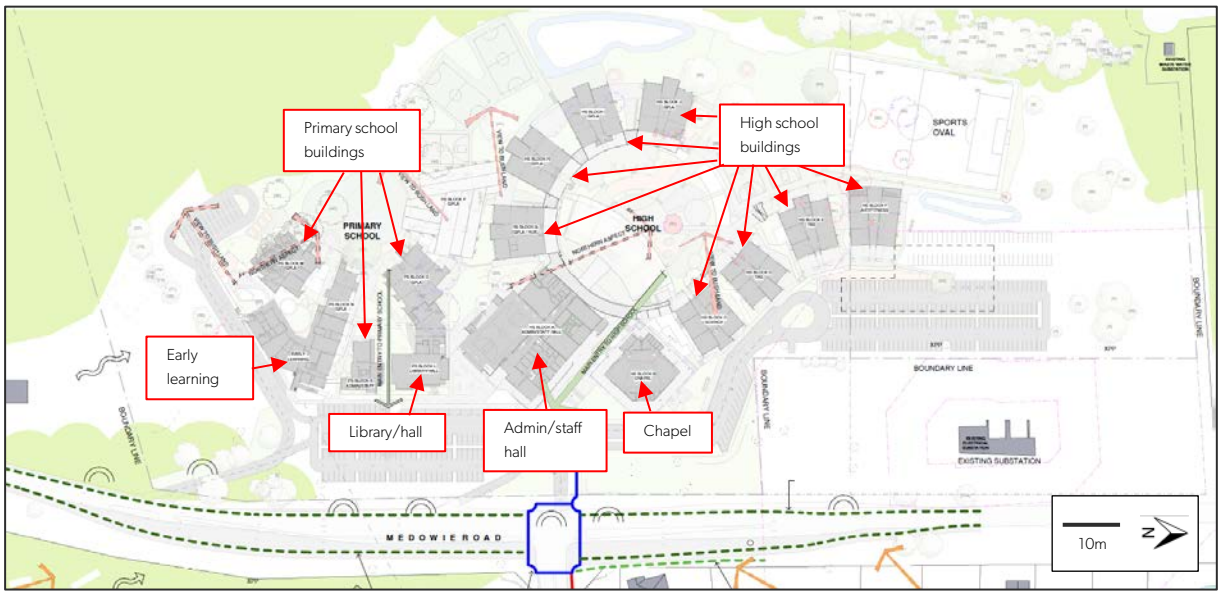


Figure 8 | Site plan of the proposed development (source: RtS 2019)

2.2 Uses and activities

The site would be used as a high school for years 7 to 12, a primary school for years kindergarten to year 6, an early learning centre (0-5 years) and a chapel. The design of the school has also considered the opportunity for shared use of facilities with the broader community including sporting fields, the chapel and halls (**Table 2**).

Table 2 | Table of community usage of school facilities (source: SRtS 2019)

	Primary School Hall	Primary School Oval	High School Hall	High School oval	High School Hardstand Courts	High School Canteen (Chapel)
No. of People	400 (Based on 1m^2 per person)	28 participants 50 spectators	900 (Based on 1m^2 per person)	44 participants 75 spectators	36 participants 75 spectators	Used in conjunction with Chapel
Monday	School Usage	School Usage	School Usage	School Usage	School Usage	School Usage
Tuesday	School Usage	School Usage	School Usage	School Usage	School Usage	School Usage
Wednesday	School Usage	School Usage	School Usage	School Usage	School Usage	School Usage
Thursday	School Usage	School Usage	School Usage	School Usage	School Usage	School Usage
Friday	School Usage	School Usage	School Usage	School Usage	School Usage	School Usage
Weekdays (after 4pm)	4pm - 9pm	4pm - 7pm	4pm-10pm	4pm-7pm	4pm-7pm	N/A
Saturday	N/A	8am-1pm	N/A	8am-1pm	8am-1pm	Tea / Coffee and Cake only
Sunday	N/A	12pm-5pm	N/A	12pm-5pm	12pm-5pm	Tea / Coffee and Cake only
Occasional Use	Evening use for school and community functions Once per fortnight 4pm-9pm	N/A	Evening use for school and community functions Once per fortnight 4pm-10pm	N/A	N/A	Evening use for school and community functions Once per fortnight 4pm-10pm
Blue Indicates reserved for School Usage						
Green Indicates up to half day usage						

The Applicant intends to use the chapel for both primary and high school mass during school hours. The chapel is proposed to be used on Saturday evenings (6pm-10pm) and Sunday mornings (8am-12pm) for mass. The use of the chapel also includes Christmas midnight mass and occasional events such as weddings, funerals and baptisms (approximately 20 times a year between 8am to 5pm, Friday to Monday. The application states that the chapel has a capacity for 500 seats.

2.3 Construction/Staging and Timing

The application proposes construction hours as follows:

- Mondays – Fridays: 7am-6pm.
- Saturdays: 8am-1pm.
- Sundays/public holidays: no works.

The application proposes construction of the school over eight years in stages to allow for ongoing education of students during that timeframe. The Applicant also proposes to operate each of the stages as they are complete.

Table 3 and **Figure 9** outline the construction stages, while still maintaining access for early stage school operational uses.

Table 3 | Staging plan

Timeframes	Stages	Description
July 2019- Jan 2021	EW/SW	• Early Site Works – Civil/ TfNSW (RMS) works, service and associated landscaping.
	1A	• High School – Block A (administration, staff and classrooms). • Early Learning Centre – Block Q. • Chapel – Block B. • Flexible Learning Village – Block P.
	1B	• Associated landscaping, civil, hydraulics.
May 2020 – Jan 2021	2A	• High School – Block C (science). • High School – Block D (TAS).
	2B	• Covered ways, associated landscaping, civil, hydraulics.
Dec 2021 – Jan 2023	3A	• High School – Block G (learning hub). • High School – Block H (classroom hub). • Primary School – Block K (administration, staff). • Primary School – Block L (library, hall). • Primary school – Block O (classroom hub).
	3B	• Associated landscaping, civil, hydraulics, car park.
	4A	• High School – Block E (TAS).

Jan 2024 – Jan 2025		• High School – Block F (PE/H/PD, Art). • Primary School – Block M (classroom hub). • Primary School – Block N (classroom hub).
	4B	• Associated landscaping, civil, hydraulics, car park.
Jan 2026-Jan 2027	5A	• High School – Block I (classroom hub). • High School – Block J (classroom hub). • High School – Block K (covered outdoor learning area). • High School – Block A (hall). • Primary School – Block P (classroom hub).
	5B	• Associated landscaping, civil, hydraulics.
July 2027 – Dec 2027	6B	• Sports fields and associated landscaping.

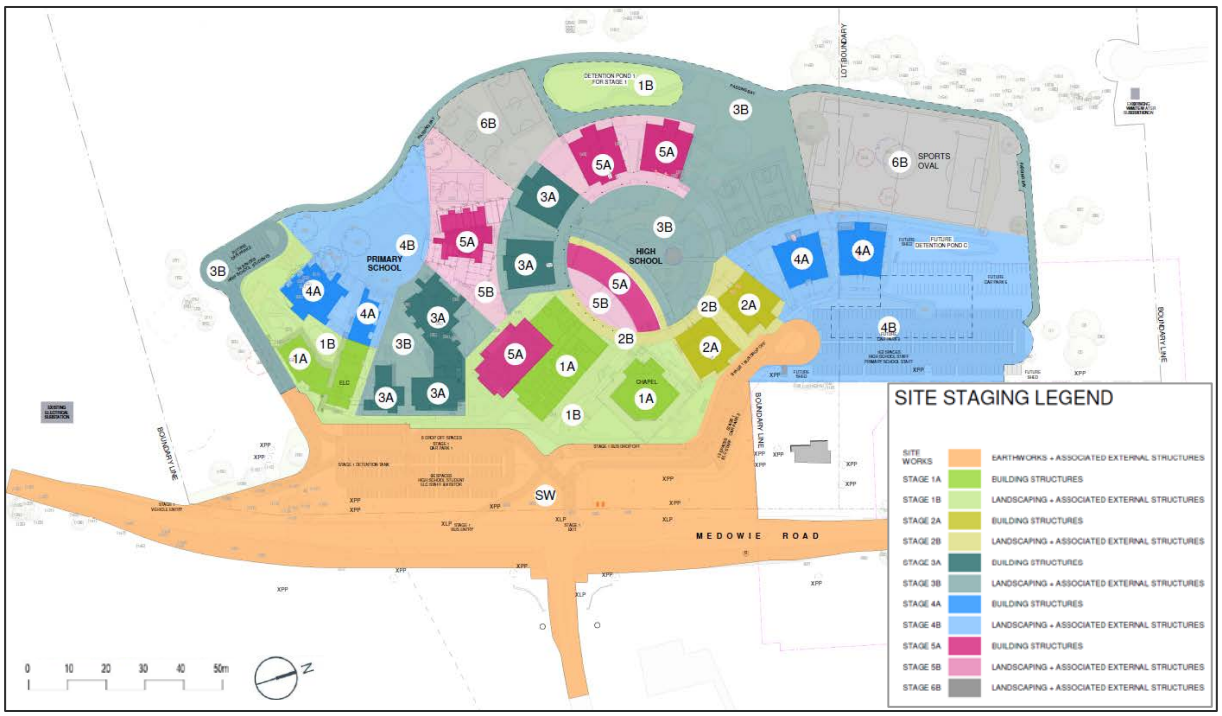


Figure 9 | Site construction staging plan (source: RtS 2019)

Figures 10- 15 illustrate the different construction stages and the management of the site with respect to site vehicular entry and exit, and site fencing during construction. The figures also depict how later stages of construction would be programmed and managed in parallel with the operation of the early stages.

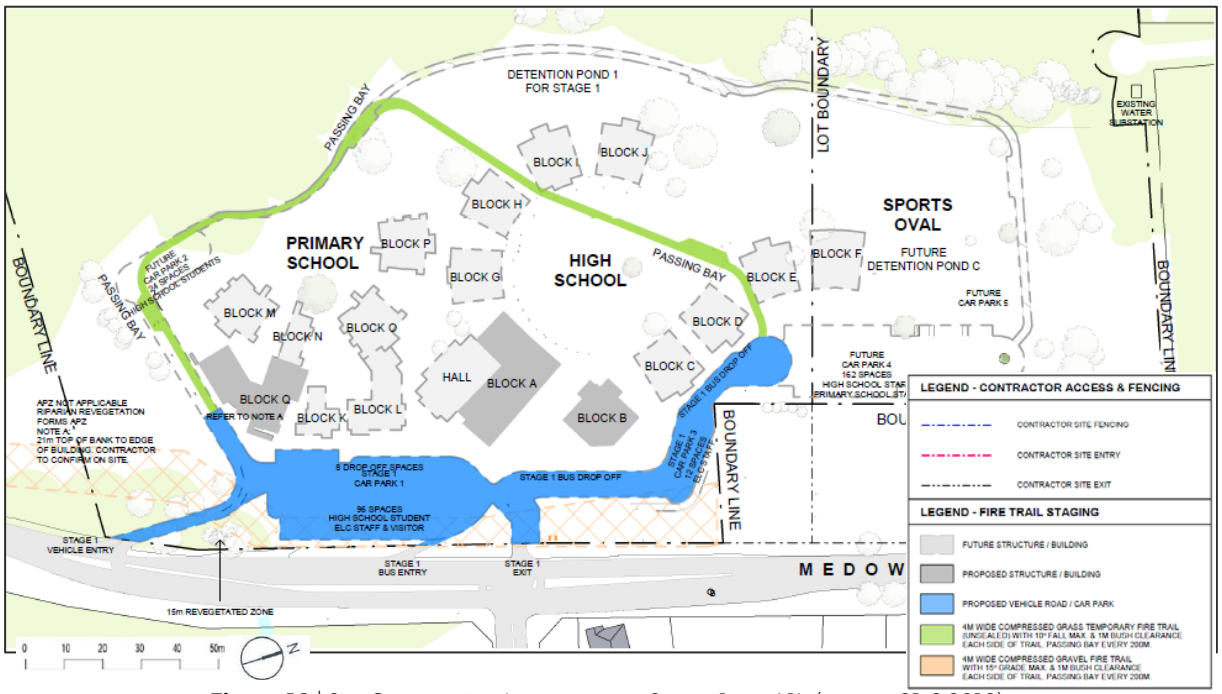


Figure 10 | Site Construction Arrangement – Stages 1a and 1b (source: SRtS 2019)

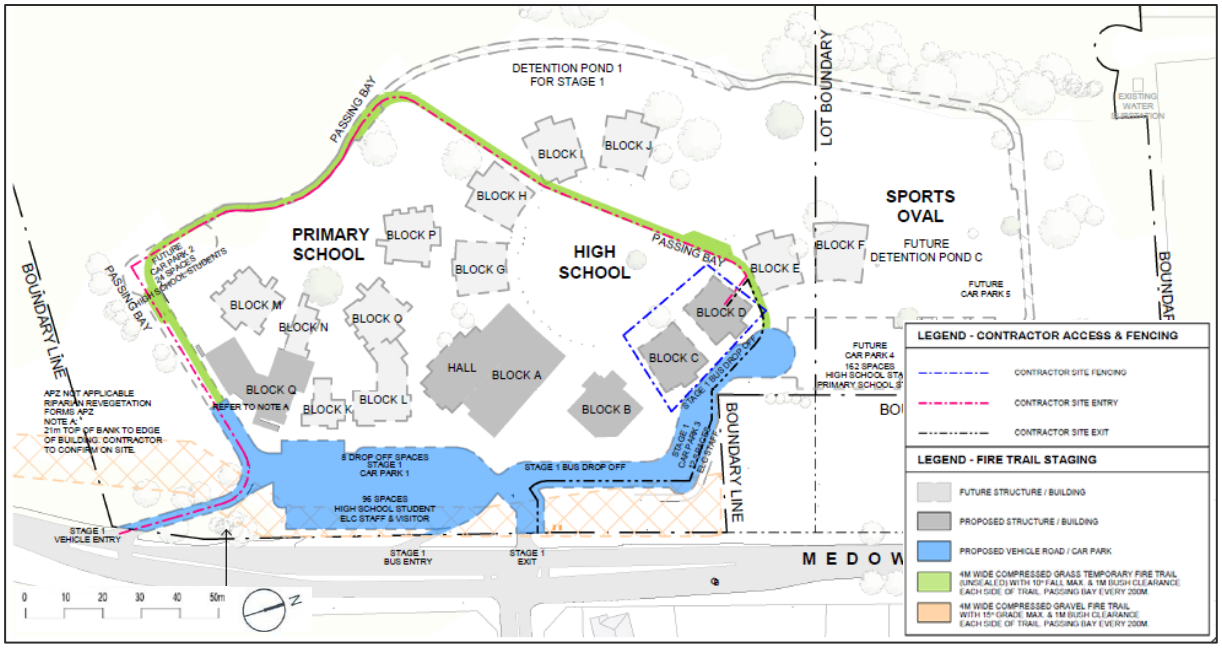


Figure 11 | Site Construction Arrangement – Stages 2a and 2b (source: SRtS 2019)

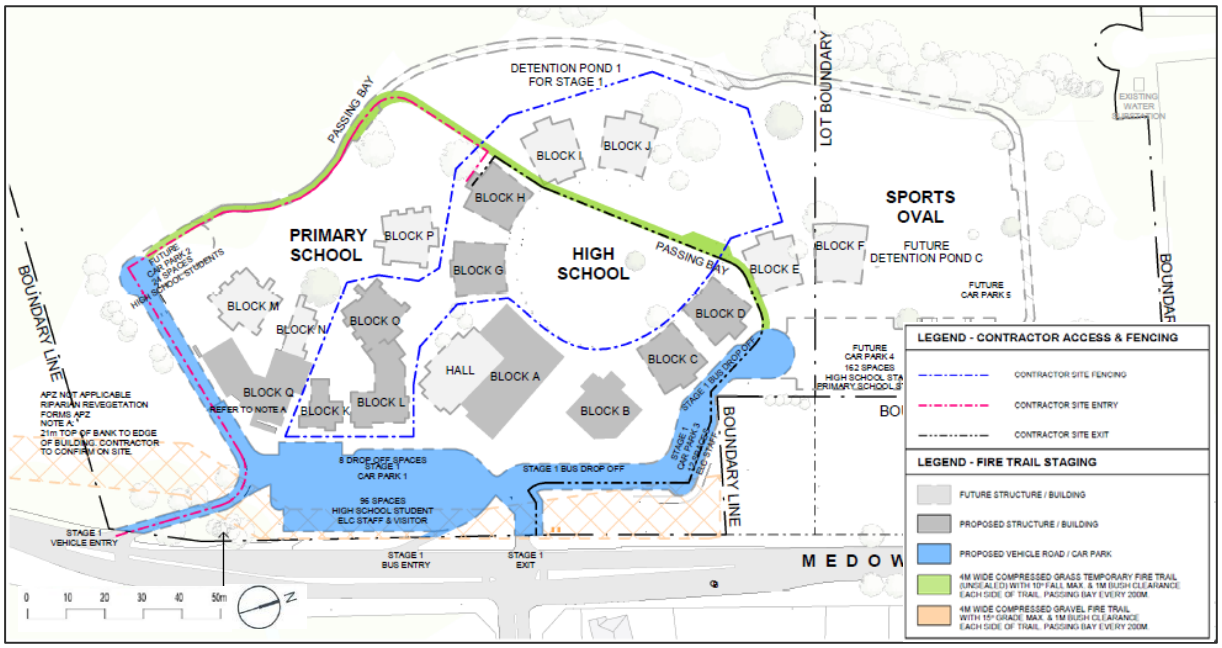


Figure 12 | Site Construction Arrangement – Stages 3a and 3b (source: SRtS 2019)

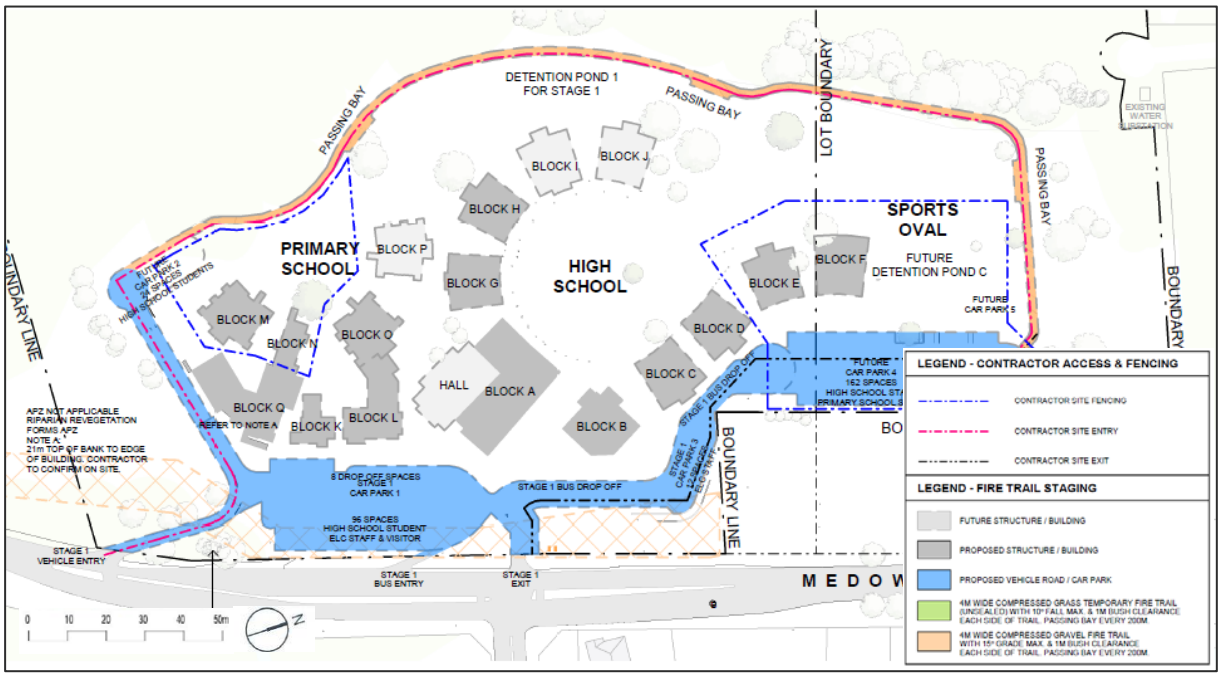


Figure 13 | Site Construction Arrangement – Stages 4a and 4b (source: SRtS 2019)

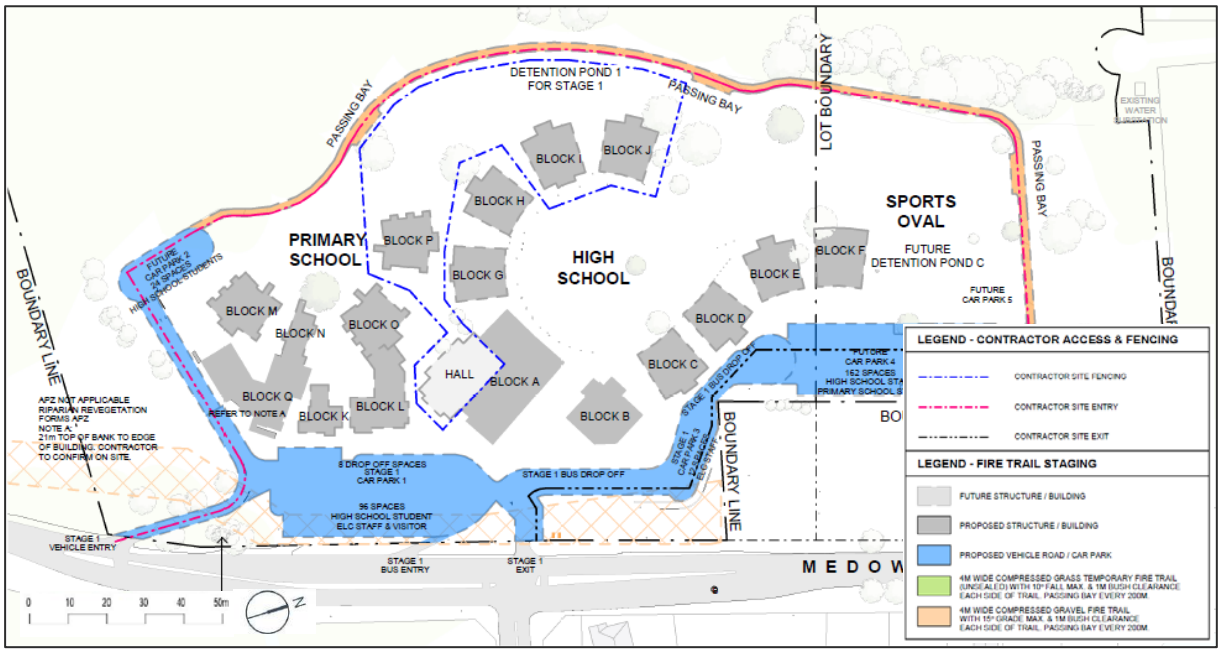


Figure 14 | Site Construction Arrangement – Stages 5a and 5b (source: SRtS 2019)

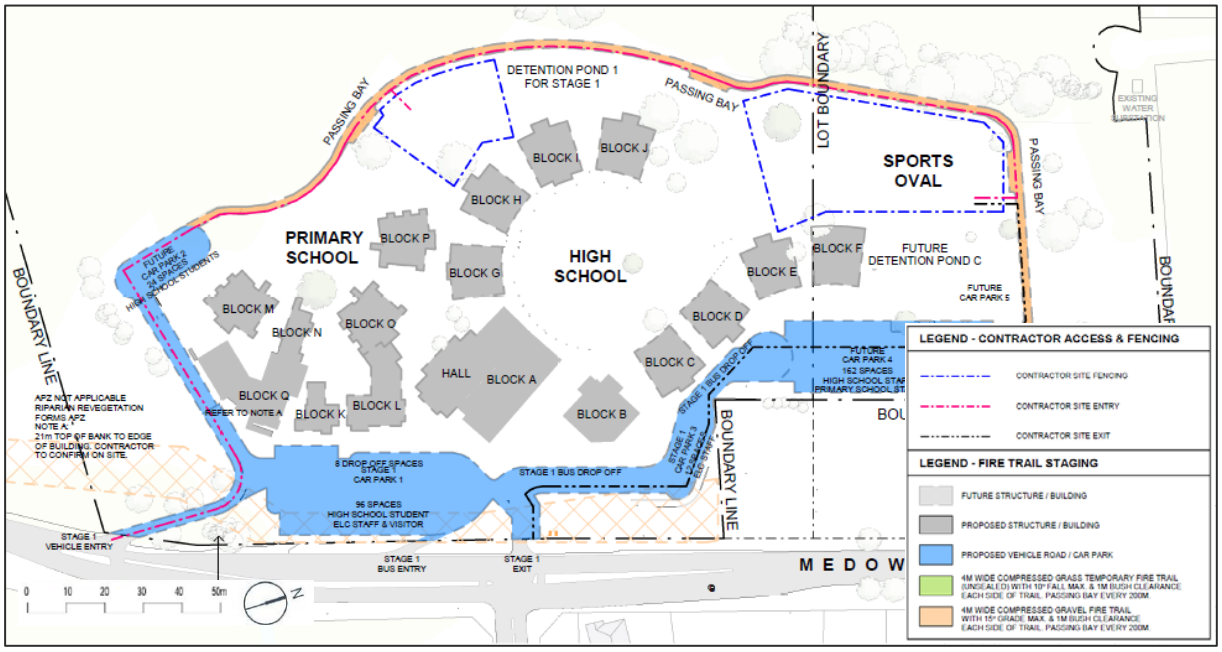


Figure 15 | Site Construction Arrangement – Stages 6a and 6b (source: SRtS 2019)

3. Strategic Context

Port Stephens Council and the Department are forecasting a predicted population growth from 10,300 in 2016 to 17,500 people in 2036, an increase of 7,200 people, with the concurrent release of land to accommodate 2,400 new dwellings (Medowie Planning Strategy, 2016). According to the Australian Bureau of Statistics (ABS) approximately 22.7% of Medowie residents were 5-19 years of age (generally school age) in 2016. While the school would assist students from the broader area, the Census data highlight that a significant portion of the local population are also of school age.

The Department considers that the proposal is appropriate from a stategic content for the site given:

- it is consistent with NSW State Priorities to provide a new education facility through the provision of new and improved teaching and education facilities.
- it is consistent with the Hunter Regional Plan 2036, as it proposes new school facilities to meet the growing needs of Hunter region.
- it is consistent with the Transport for NSW's Future Transport Strategy 2056 as it would provide a new educational facility and provide access to additional new employment opportunities.
- it is consistent with the vision outlined in the Port Stephens Planning Strategy and Medowie Planning Strategy, as it would provide much needed school infrastructure and opportunities to co-share facilities with the local community.
- it is consistent with Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes:
    - facilities to support the growth in demand for early learning, primary and secondary student enrolments.
    - a school design to accommodate infrastructure and facilities sharing with communities.
- it would provide direct investment in the region of estimated $110,360,000, which would support 150 construction jobs and 185 new operational jobs.

4. Statutory Context

4.1 State significant development

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* as the development is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.

The Minister is the consent authority under section 4.5 of the EP&A Act.

In accordance with the then Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Infrastructure may determine this application as:

- the relevant Council has not made an objection.
- there are less than 25 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the R2 Low Density Residential, R5 Large Lot Residential and RU2 Rural Landscape zones under the Port Stephens Local Environmental Plan (PSLEP) 2013. The centre-based child care facility (early learning centre) is located in R2 zoned land and is permissible in the zone with consent. An educational establishment is permissible with consent within all the zones by virtue of clause 35(1) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Therefore, the Minister for Planning and Public Spaces or a delegate may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 4**.

Table 4 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal involves the provision of a new school in a built-up area. The redevelopment of the site would not negatively impact the economic welfare of the community or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development, as detailed in **Section 4.5** of this report.
(c) to promote the orderly and economic use and development of land,	The proposal would facilitate development of the site for educational uses.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would protect the environment, as detailed in **Section 6** of this report.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would promote the sustainable management of built and cultural heritage, as detailed in **Section 6** of this report.
(g) to promote good design and amenity of the built environment,	The proposal promoted good design and amenity, as detailed in **Section 6** of this report.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.

(i)	to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (**Section 5.1**), which included consultation with Council and other public authorities and consideration of their responses (**Sections 5.1** and **6**).
(j)	to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in **Section 5.1**, which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The development proposes the following ESD initiatives and sustainability measures to target a 4 Star Green Star rating:

- incorporating thermal mass, quality glazing and orientation, appropriate shading to reduce dependence on air conditioning in the buildings.
- limiting each building size, in the form of 'pods' to encourage natural light.
- using low artificial lighting densities and use of mainly LED lights.
- incorporating timers on light and sensors to reduce energy consumption.
- using efficient air conditioning and fan selections.
- including solar photovoltaic panel arrays, with plans to incorporate monitoring of performance in educational programs.
- using all water fittings and fixtures to meet high Water Efficiency Rating Scheme ratings.
- using water to be tracked via water metres, with plans to incorporate monitoring of performance in educational programs.
- harvesting rainwater for use in irrigation and toilets.
- collecting stormwater runoff in detention ponds and 'Atlantis' cells.
- limiting external lighting and not pointed up at the night sky with timers and sensors.
- using low or zero volatile organic compounds (VOC) paints and adhesives.
- using low formaldehyde content in any engineered wood products selected.
- providing daylight into all learning spaces and the majority of other spaces.
- using high level windows in 'pop up' roof elements to bring daylight into central spaces.
- enabling internal glazing to allow borrowed light in deep floor plates.

- providing operable windows on two sides where possible.
- providing high level operable windows to achieve cross flow ventilation where openings on two sides of a space is not achievable.
- assisting mechanical cross flow ventilation to spaces with limited access to natural ventilation.
- internal spaces adopt borrowed ventilation through other spaces.
- ceiling fans incorporated in some spaces to enhance occupant comfort.
- incorporating sunshades on exposed facades.
- reducing glare via inclusion of blinds and external shading devices.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Appendix 39 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has recommended a condition that requires the Applicant to obtain evidence from a suitably qualified Green Star Accredited professional demonstrating the development achieves all the ESD measures set out in Appendix 39 of the EIS prior to the commencement of building works.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Environmental Planning and Assessment (EP&A) Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 5 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 5 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in **Appendix B** of this report.
(a)(ii) any proposed instrument	Not applicable.

(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs in **Section 6**.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations *Refer Division 8 of the EP&A Regulation*	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Appropriately mitigated or conditions – refer to Section 6 and **Appendix B**.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - refer to **Section 6** of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in **Sections 3, 4** and **6** of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See **Sections 5** and **6** of this report.
(e) the public interest	Refer to **Sections 6** and **7** of this report.

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are "to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values".

A BDAR was provided with the EIS. The BDAR provided an assessment of the biodiversity on the site in accordance with the BC Act. The BDAR identified that four plant community types (PCT) present on the site comprise: Blackbutt – Rough-barked Apple – Turpentine – ferny tall open forest of the Central Coast, Forest Red Gum grassy open forest on floodplains of the lower Hunter, Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia healthy open forest of coastal lowlands, and Swamp Mahogany – Flax leaved paperbark swamp forest on coastal lowlands of the Central Coast. Two PCTs are consistent with threatened ecological communities (TECs) listed under the BC Act. These include the Forest Red Gum grassy open forest on floodplains of the lower Hunter and Swamp Mahogany - Flax leaved paperbark swamp forest on coastal lowlands of the Central Coast.

The assessment states that the site contains a total of 12.1 ha of native vegetation, mostly represented by the Hunter Lowland Redgum Forest Endangered Ecological Communities (EEC) and Swamp Sclerophyll Forest EEC. The assessment also states that Koala are expected to forage occasionally on feed tree species and may disperse across the subject land from a preferred Koala habitat immediately west of the site. The proposed

development would result in removal of approximately 0.43 ha of Koala foraging habitat but would not impact habitat connectivity for the Koala in the locality.

The BDAR identified that 1.55 ha of native vegetation and associated habitat would be removed/modified. 10 isolated hollow-bearing trees would also be removed. The Biodiversity Assessment Method (BAM) calculator determined that 23 ecosystem credits and 6 Koala species credits are generated due to the proposed loss of vegetation.

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6** of this report. The Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset with the recommended conditions requiring the requiring the Applicant to retire 23 ecosystem credits and 6 Koala species credits.

5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Friday 6 July 2018 until Thursday 2 August 2018 (28 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Port Stephens Council's office.

The Department placed a public exhibition notice in the Port Stephens Examiner (Fairfax Regional) and Myall Coast News (Direct) on 5 July 2018, and notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

The Department received a total of 20 submissions, comprising ten submissions from public authorities, one from Port Stephens Council and nine submissions from the general public. A summary of the issues raised in the submissions is provided at **Table 6** below and copies of the submissions may be viewed at **Appendix A**.

Table 6 | Summary of Submissions

Submitters	Number	Position
Public Authority	10	
• Transport for NSW (Roads and Maritime Services (TfNSW (RMS)) (former Road and Maritime Services)	1	Comment
• Transport for NSW (TfNSW)	1	
• NSW Rural Fire Services (RFS)	1	
• Environment Protection Authority (EPA)	1	
• Environment, Energy and Science Group of Department of Planning, Industry and Environment (EESG) (former Office of Environment and Heritage)	1	
• Ausgrid	1	
• Hunter Water	1	
• Hunter Health	1	
• Department of Defence	1	
• Regions, Industry, Agriculture and Resources Group of Department of Planning, Industry and Environment (RIARG) (former Department of Industry)	1	
Port Stephens Council (Council)	1	Comment
Community	9	
	1	Object

	5	Support
	3	Comment
Total	20	

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 7** below and copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of public authority submissions to the EIS exhibition

Port Stephens Council (Council)

Council does not object to the proposal, however, provided the following comments:

- the EIS consider the ecological impacts, as the development site is located in close proximity of identified Koala habitat and there is likely a direct impact on the vegetation due to the need for asset protection zones.
- the EIS consider Watagan to Stockton Green Corridor identified in the Lower Hunter Regional Strategy 2031 and Hunter Regional Strategy 2036 be considered in the EIS.
- the BDAR consider additional detail including indirect impacts of altered hydrological regime on the wetland and justification for limited assessment of other species.
- the habitat trees and Koala feed trees be retained where possible and where not possible compensatory nest boxes be considered.
- a 10m revegetated buffer be maintained along the waterway traversing the southern section of the subject land and management of the riparian buffer.
- a construction environmental management plan (CEMP) and ecological management plan/vegetation management plan be prepared.
- a condition for development contributions and shared footpath facility.
- the justification for the clause 4.6 of the PSLEP 2013 is not considered adequate.
- the application should be referred to the Department of Defence as the buildings exceed 7.5m in height.
- a more detail regarding traffic and parking impacts with respect to current peak hour traffic and trip generation, and signalised intersection.
- that there are concerns that only the existing traffic from the school would be utilsing one side of the traffic signals.
- the application address stormwater requirements including 'Neutral or Beneficial Effect on Water Quality' and submit 'MUSIC model'.
- flooding and noted that the floor level of the proposed buildings is above the PMF level.

Transport for NSW (Roads and Maritime Services) (former Roads and Maritime Services) TfNSW (RMS)

TfNSW (RMS) provided the following comments:

- traffic generation rates used in the Traffic Impact Assessment (TIA) and SIDRA model need to be amended to reflect the rural location of the school and the dispersed school catchment.
- light vehicle traffic generated by staff and early learning centre attendees should be included in modelling.
- bus usage within the transport assessment are unrealistically high.
- total walk/cycle mode share of 6% is high considering the school's surrounding residential population comprising very low density housing and there is an absence of exiting footpaths.
- it is considered unlikely that a network can be designed to route 24 buses throughout the large catchment so that they are at full capacity.
- further information about the collection method of data should be provided to justify the use of comparable data including the year the data was collected and the method of collection.
- the SIDRA model has used the default 30minute peak flow with 95% peak flow factor. The model should be adjusted to reflect a typical 20min school peak period and demonstrate a sharp peak drop off at 8:30am-9:00am.
- the internal light vehicle road network is likely to be significantly congested through the PM peak as both buses and light vehicles seek to navigate the exit lanes.
- the SIDRA model should be carried out with assumptions of the staff and early learning centre pickups justified in an addendum to the TIA.
- the concept traffic control signals design does not meet the standards of Austroads Guide to Road Design 2010.
- landscaping on the site at the southwest corner of the traffic control signals should incorporate plants that encourage pedestrians to cross at the northwest corner of entry to the school grounds.
- location of advertising signage with an LED component capable consider road safety impacts .

TfNSW

TfNSW provided the following comments:

- more information required in relation to the proposed intersection works, and that the intersection works would need to be approved by Council and TfNSW (RMS).
- that there are no footpaths that connect to the existing bus stop on South Street, which is serviced by the 136 bus routes.
- the bus pick-up/drop-off area being utilised by other vehicles for pick up and drop off will affect the on-time running of buses and potentially the safety of passengers.
- confirmation required whether buses heading south along Medowie Road would be able to utilise the bus entry access via a right-in movement.
- adequate signage, linemarking and pavement treatments would need to be implemented to safely manage the operation of the proposed bus access.
- adequate provision of bicycle spaces required and end of trip facilities including storage spaces.

- proposed intersection works should be designed to make allowances for a shared-use path along the eastern side of Medowie Road.
- design of the internal road network needs to minimise vehicle conflicts.
- conditions to include a green travel plan and traffic and parking management plan.

RFS

RFS provided conditions in relation to:

- asset protection zones including the preparation of a bush fire management plan.
- the design and construction of proposed building must comply with AS3959-2009 Construction of buildings in bush fire-prone areas.
- access provided for emergency services personnel.
- adequate services of water for the protection of buildings during and after the passage of a bush fire.
- preparation of an emergency/evacuation plan consistent with the RFS document 'A guide to developing a bush fire emergency management and evacuation plan'.
- landscaping to the site must comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

EPA

EPA provided no comments in relation to this application.

Environment, Energy and Science Group of Department of Planning, Industry and Environment (EESG) (former Office of Environment and Heritage)

EESG provided comments in relation to:

- biodiversity offset credits to retire all ecosystem and species.
- an assessment of potential impacts on Aboriginal cultural heritage is required.
- requirement to provide design details and a flood assessment of the access road creek crossing, demonstrating that there would be no adverse flood impacts.

Ausgrid

Ausgrid provided comments in relation to:

- proximity of the proposal to existing network assets.
- requirements for approval for any works around the existing electricity easement.
- relocating electricity assets would be at the Applicant's cost.
- provision of adequate supply to the initial stage of the proposed development.

Hunter Water

Hunter Water provided the following comments:

- stormwater management plan and modelling should be provided to demonstrate how the development can meet Neutral or Beneficial Effect on Water Quality (NorBE).
- requested that the modelling files and the MUSIC Link Report be provided to Hunter Water and Council for review.
- requested that a Vegetation Management Plan be provided to Hunter Water for review and endorsement prior to adoption and implementation.
- requested that the CEMP address the management of contaminants identified on the site to ensure that no pollutants present in soil, groundwater or other media cause further contamination of water or land.

Hunter Health

Hunter Health provided comments in relation to:

- the requirement to address the matters raised by Hunter Water, specifically the NorBE.

Regions, Industry, Agriculture and Resources Group of Department of Planning, Industry and Environment (former Department of Industry) (RIARG)

Department provided comments in relation to:

- controlled activity approval not required.
- any groundwater removal requires an appropriate water access licence.
- mitigation measures must be provided for impacts to waterfront land.
- a vegetation management plan should be provided.

Department of Defence

Department of Defence provided comments in relation to:

- aircraft noise to be considered.
- organic waste generating risk for bird strike for aircraft operation.
- the proposed buildings should not infringe the Obstruction Limitation Surfaces at RAAF Base Williamtown.
- cranes are to be used in the construction and that the Defence be contacted prior to rigging to ensure that operation of the crane does not interfere with aircraft operations at RAAF.
- requirements for outdoor lighting.
- reflective building materials not to be used to avoid glare.
- existing road condition and the need for traffic upgrades.

5.4 Public submissions

A summary of the issues raised in the public submissions is provided in **Appendix A**. Of the nine submissions, five were in support of the proposal, one objected to the proposal, and three submissions raised concerns to the proposal. The public submissions raised the following concerns:

- the proposal would create construction and operational traffic impacts,
- pedestrian traffic safety,
- adequate provision of bus bay facilities on site,
- parking and access issues.

These issues have been addressed in **Section 6**.

5.5 Response to Submissions and supplementary information

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 18 January 2019, the Applicant provided a RtS (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included an Aboriginal cultural heritage assessment report, green travel plan, flood risk impact assessment, remedial actional plan (RAP), traffic modelling and revision history, BDAR preface letter, BAM credit calculator, site fire trail staging, tree canopy letter and archaeology report. The RtS also included an updated traffic impact report, design verification statement, stormwater management plan, mitigation measures, revised clause 4.6 variation statement and amended architectural plans. The RtS also incorporated the following design changes:

- minor changes to chapel dimensions by increasing the width slightly to provide sufficient circulation and aisle spaces.
- changes to the layouts for the flexible learning village component of the school.
- changes to landscaping along the frontage.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities including Council. An additional six submissions were received from public authorities, including TfNSW (RMS), Hunter Water, RFS, EESG, Council and TfNSW. No submissions were received from the public. A summary of the issues raised in the submissions is provided at **Table 8**.

The Department has reviewed all submissions and requested the Applicant to respond to the additional matters raised in these submissions.

Table 8 | Summary of public authority submissions to the RtS

Council
Council confirmed the RtS has addressed some aspects of its original submission. However, Council provided the following additional comments: • Koala feed tree offsets should be provided in accordance with the Port Stephens Tree Technical Specification 2014. • hollows removed should be salvaged and replaced within the vegetated areas to be retained or that they be replaced with nest boxes to help alleviate impacts on the local area.

- recommended that the site provide a permanent conservation measure for the remaining vegetation.
- the findings of the Arboricultural Impact Assessment Report should be addressed in the CEMP.
- the *Environmental Protection and Biodiversity Conservation Act 1999* referral *guidelines for the vulnerable Koala 2014* when conducting assessments should be used, not just the significant impact criteria.
- any plans of management should include monitoring schedules, particularly for the Koala.
- that as a first option to discharge the biodiversity offset obligations that the retirement of credits from the subject site used to provide a permanent conservation measure for the remaining vegetation on site.
- the consent authority should be satisfied with the relevant requirements under clause 4.3 and clause 4.6 of the PSLEP.
- note that ongoing discussions are being undertaken with regard to roadworks and traffic, and that the Applicant aims to provide Council with additional information to justify their position regarding the access to the school and the reasons why they are unable to fully address Council's concerns as outlined in the submission.
- the original comments provided regarding stormwater drainage are still outstanding and should be referenced during the assessment of the application.
- referred to previously provided conditions including: construction phase including access requirements, soil and sediment erosion controls, excavation and fill, drainage, and road works.

Furthermore, the Council withdraws the request for developer contributions that was previously made. Council sought discussion regarding arrangements to enter into an agreement to facilitate the construction of a footpath in lieu of development contributions.

TfNSW (RMS)

TfNSW (RMS) confirmed the RtS has addressed some aspects of its original submission. However, TfNSW (RMS) recommended:

- conditions with respect to site access and traffic control signals.
- a condition with respect to the preparation of a bus management plan.
- conditions with respect to a works authorisation deed.

Hunter Water

Hunter Water recommended:

- a condition to ensure compliance with the Framework for Management of Drinking Water Quality in relation to construction and operation.
- a condition in relation to network infrastructure and delivery works be designed and certified by an accredited design consultant and construction by an accredited construction contractor.

EESG

EESG confirmed the RtS has addressed some aspects of its original submission and provided the following comments:

- the Applicant has adequately addressed concerns of high hazard flood flows being diverted along the access road and adjacent to the school entrance.
- recommended that the Applicant considers installing a guardrail adjacent to the high hazard floodway that prevents school children from entering flood waters.

TfNSW

TfNSW provided the following recommendations:

- that to safely manage the operation of the proposed vehicle access, the bus entry pavement should be treated with "Bus lane" pavement treatments as per TfNSW (RMS) Delineation Section 9 – Messages on Pavements.
- the proposed intersection/widening at Medowie Road and South Street as shown in the "Site Plan – Overall" appears to approach on the property boundary of the dwelling/business on the corner of the intersection. To ensure the development is in line with the Council's Medowie Planning Strategy, it is recommended the proposed intersection works are designed to make allowances for a shared-use path, along the eastern side of Medowie Road and to be constructed within the existing road reserve.

RFS

RFS provided the following comments:

- the proposed asset protection zone dimensions outlined in the RtS document are not consistent with the Asset Protection Zone (APZ) line shown on the site plan.
- there is a potential conflict between the proposed riparian corridor revegetation to the south of the development and the required asset protection zone standards for an inner protection area.
- raised no objection to the proposed staging of the fire trail construction.
- the emergency/evacuation plan for the development should be consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'.

In response to submissions to the RtS and the Department's request for an assessment of the proposed early learning centre against the Education SEPP requirements, details on the use of chapel and community use of school facilities, signage information, landscaping details, preliminary Construction Traffic Management Plan (CTMP), draft waste management plan, revision of the Noise Assessment Report and TIA report, and clarification on Ausgrid easement requirements, the Applicant provided a SRtS addendum. The addendum provided further clarifications and included the following further information:

- revised bushfire report.
- additional traffic and signalised intersection information/plans.
- revised TIA
- revised stormwater plans.
- revised landscape plan and signage plans.

- ecology statement.
- provision of footpath in front of the school.
- preliminary CTMP.
- preliminary waste management plan.
- draft vegetation management plan.
- assessment of the early learning centre against Education SEPP.
- addendum noise assessment report.
- details of the chapel and community use.
- clarification to allow proposed development within the ausgrid easement.

This information was referred to Council and RFS for review and comments.

6. Assessment

The Department has considered the EIS, the issues raised in submissions the Applicant's RtS and SRtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic, access and parking.
- built form, urban design and landscaping.
- biodiversity and ecology.

Each of these issues is discussed in the following sections of this report. Other issues taken into consideration during the assessment of the application are discussed at **Section 6.4**.

6.1 Traffic, access and parking

6.1.1 Existing condition

The site currently has vehicle access off Medowie Road with a driveway located 50m to the south of the intersection of Medowie Road and South Street. The proposal does not retain this access as part of the development. Medowie Road is a regional road that runs along the eastern boundary of the site in a north/south direction. The road provides one lane of travel in each direction with a speed limit of 80km/h. South Street is a local collector road, operating under a speed limit of 50km/h. South Street provides one lane of travel in each direction and intersects with Medowie Road. Street lighting is provided at the intersection of Medowie Road and South Street. However, there are no footpaths in the locality.

6.1.2 Construction traffic

The Applicant submitted a preliminary CTMP with the EIS. The CTMP considers the site preparation and construction traffic associated with the proposed development. During construction, site access would be provided via Medowie Road. The CTMP also states that construction access may be provided via Blueberry Road and Kingfisher Close. The Department received a submission from public raising concerns that both Blueberry Road and Kingfisher Close would not be capable of supporting construction vehicles due to narrowness of the street. In response the Applicant has submitted a construction staging plan which indicates that all construction vehicles would enter and exit the site via Medowie Road. Conditions to this effect are recommended.

Construction vehicles movements are anticipated from the south with routes along Medowie Road/Nelson Bay Road/ Cabbage Tree Road/Tomago Road/Pacific Highway (south and west), Medowie Road/Nelson Bay Road (south), Medowie Road/Richardson Road (east and north) and Medowie Road/Richardson Road (west and north) (**Figure 16**). The CTMP also states that exiting vehicles would turn left onto Medowie Road, continue northbound to South Street and turn right. Vehicles would then undertake a U-turn at the roundabout and exit southbound back onto Medowie Road.

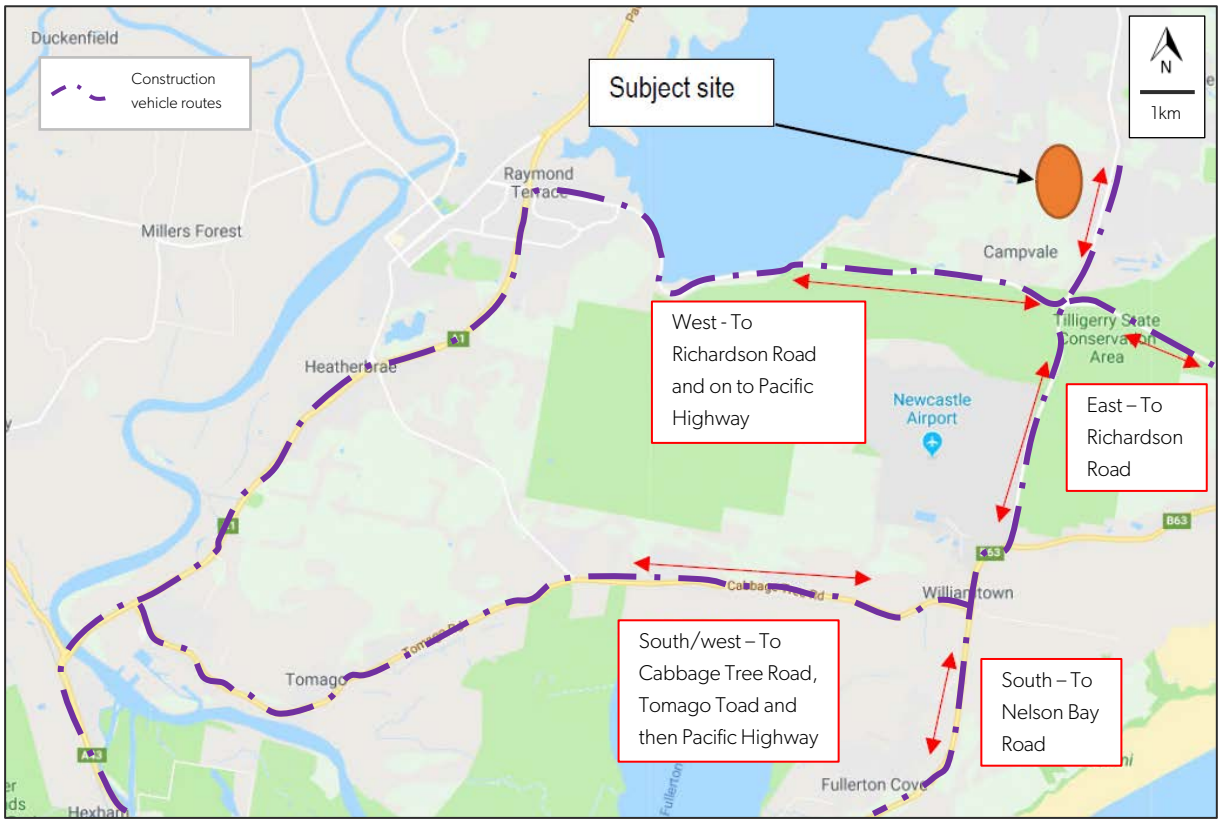


Figure 16 | Construction vehicle movement routes (source: RtS 2019)

The Applicant states that all construction personal and vehicles would park within the site during construction. During site establishment stage, the Applicant anticipates approximately 10 heavy vehicles on site at any time. During civil works stage, there would be approximately one heavy vehicle per day. During structural works, there would be 40 heavy vehicles onsite during large structural slab pours and 6 heavy vehicles during precast panelling and installation of structural steel framing. During internal fitout stage, there would be approximately 3 heavy vehicles per day. Three heavy vehicles per day would be required for finishing works.

The Applicant states that all construction traffic entering and leaving the site would be closely controlled. Notice regarding planned closures and diversions of roads and footpaths adjacent to the site would be provided by the construction manager to Council, NSW Police, the fire brigade and other emergency services sufficiently in advance.

The Department acknowledges that the duration of the construction works would be over 8 years. However, the construction works would be staged over these 8 years, therefore the construction impacts would be spread out over 8 years instead of all at once. The Department considers that the CTMP includes relevant discussion on the construction impacts on traffic, pedestrian access as well as the potential cumulative impacts on the surrounding road network. However, a condition is recommended requiring the Applicant to prepare a final Construction Traffic and Pedestrian Management Plan (CTPMP) to ensure the traffic generated by construction workers and heavy vehicles does not impact upon the surrounding road network and pedestrian safety.

The Department has reviewed the information provided within the EIS, RtS, SRtS, and the Council and TfNSW (RMS) submissions and is satisfied that subject to the implementation of recommended conditions, construction traffic impacts in the locality would be appropriately managed.

6.1.3 Operational traffic

The Applicant submitted a TIA with the EIS. In response to concerns raised by TfNSW (RMS) and Council, the Applicant further submitted a revised TIA in the RtS.

The revised TIA indicates that the proposed primary school development would generate an additional 366 vehicle movement during the AM peak (8:15am to 9:15am) and an additional 366 vehicle movements during the PM peak (3:00pm to 4:00pm).

The revised TIA indicates that the proposed secondary school development would generate an additional 260 vehicle movements each during the AM peak (8:15am to 9:15am) and during the PM peak (3:00pm to 4:00pm).

For the proposed early learning centre, the development would generate an additional 100 vehicle movements during the AM peak (8:15am to 9:15am) and 87 trips during the PM peak (3:00pm to 4:00pm). The Applicant notes that these rates do not allow for reduced demand associated with absenteeism, holiday/leave and shared trips with siblings. It is therefore considered the peak traffic generation for the proposed early learning centre are based on a worst case scenario and could be less than that calculated.

A total of 726 vehicle movements during the AM peak (8:15am to 9:15am) and a total of 713 vehicle movements during the PM peak (3:00pm to 4:00pm) (**Table 9**) would be generated. The increase in traffic is equivalent to approximately 12 additional vehicle movements per minute.

Table 9 | Vehicle movement

AM/PM Traffic	Primary School	Secondary School	Early learning centre	Total Vehicle movement
AM	366	260	100	726
PM	366	260	87	713

The revised TIA carried out peak hour traffic impacts for intersections surrounding the site and the entry access point. The application submitted a SIDRA analysis of the existing traffic plus full development flows as well as post-development forecast traffic scenarios in year 2027 allowing for 2.4% growth in traffic along Medowie Road.

The results show that accounting for future growth, both intersections would operate at the same Level of Service (LoS) with minor increases in average delays. **Table 10** and **11** provides a summary of the results. **Figure 17** illustrates the key intersection.

Table 10 | SIDRA results of the Medowie Road/South Street intersection during AM/PM peak periods

	LoS		Average Delay (seconds)	
Scenarios	Existing 2017 + developments flows	Future growth 2027 + development flows	Existing 2017 + developments flows	Future growth 2027 + development flows
AM	B	C	26.5	30.5

PM	B	B	27.0	26.1

Table 11 | SIDRA results of school entry during AM/PM peak flows

	LoS		Average Delay (seconds)	
Scenarios / Approach	Existing 2017 + development flows	Future growth 2027 + development flows	Existing 2017 + development flows	Future growth 2027 + development flows
AM – South: Medowie Road - Left Turn	A	A	8.1	8.1
AM – North: Medowie Road - Right Turn	A	A	7.2	7.8
PM – South: Medowie Road - Left Turn	A	A	7.8	8.0
PM – North: Medowie Road - Right Turn	A	B	11.1	16.4

The Department notes TfNSW (RMS) raised concerns with the Applicant's TIA and associated SIDRA model with respect to traffic generation rates proposed by the signal-controlled intersection and the capacity. The Applicant submitted a revised TIA and a revised SIDRA modelling to demonstrate that the proposed signal-controlled intersection would provide adequate capacity for the development. TfNSW (RMS) reviewed the revised SIDRA model and considered that the previous issues with the modelling had been resolved subject to a condition that an updated traffic impact statement must be provided to TfNSW (RMS) and Council prior to the issue of an Occupation Certificate for Stage 2 and that it is updated and reviewed prior to the issue of an Occupation Certificate for each subsequent development stage. TfNSW (RMS) also stated that any alterations required to the intersection to improve safety or efficiency must be undertaken as part of the current stage. TfNSW (RMS) also recommended a condition that a 'Keep Clear' pavement markings be provided at the right turn entrance to the school to ensure that the northbound queue from signals does not restrict movement into the school.

A submission raised concerns with respect to traffic generated by the proposed development. The Applicant has demonstrated that the operational traffic generated from the proposed development would be satisfactory and the proposed road widening and signalised intersection would help alleviate the traffic generated by the development.

The Department considers that the Medowie Road/South Street intersection would continue to perform satisfactorily at a LoS C and B during the AM and PM peak periods respectively in year 2027, and the school

entry would perform satisfactorily at LoS A and B for the AM and PM peak respectively for vehicles turning right from north of Medowie Road. LoS A, B and C are seen as acceptable limits.

6.1.4 Vehicle access, road design and pedestrian safety

6.1.4.1 Vehicular Access

The proposal includes an entry only driveway at the southern boundary of the site on Medowie Road. This driveway would allow for both left and right turns into the site, with sheltered turn lanes provided for both movements. To the north of this access driveway, a slip lane is proposed for buses to enter the site. Site egress would be provided via an upgrade to the intersection of Medowie Road and South Street. The existing T-intersection would become a signalised four-way intersection, with a new internal road into the site located directly opposite South Street. This new portion of the intersection would provide for outbound movements only, with all vehicles proposed to exit the site at this location (**Figure 17**). An internal roundabout would be provided on site to allow buses to turn around on site and then exit the site in a forward direction at the signalised intersection of Medowie road and South Street.

Council raised concerns with respect to the location of the vehicular entry points and the signalised intersection, as one side of the signalised intersection would only facilitate the egress of school traffic. In response to this concern, the Applicant provided justification including that the site is constrained by the limited frontage of the site, length of lanes required, intersection traffic light phasing, crest of hill along Medowie travelling southbound which limits sight lines, mapped flood ways across Medowie Road to the north and south of the site, Ausgrid easement and Ausgrid high voltage switch. Council did not raise any further concerns with respect to this in response to the RtS.

A public submission was received raising concerns with respect to access without specifying. The Applicant has provided vehicular access off Medowie Road. The design has been reviewed to be satisfactory by Council, (TfNSW) RMS and TfNSW.

The Department considers that the justification provided for the location of the vehicular entry points and the egress from the signalised intersection is acceptable given the site constraints. The proposed vehicular access would provide appropriate access to and from the site. It is also considered that the proposed new signalised intersection would facilitate all vehicles to exit the site in a safe forward direction.

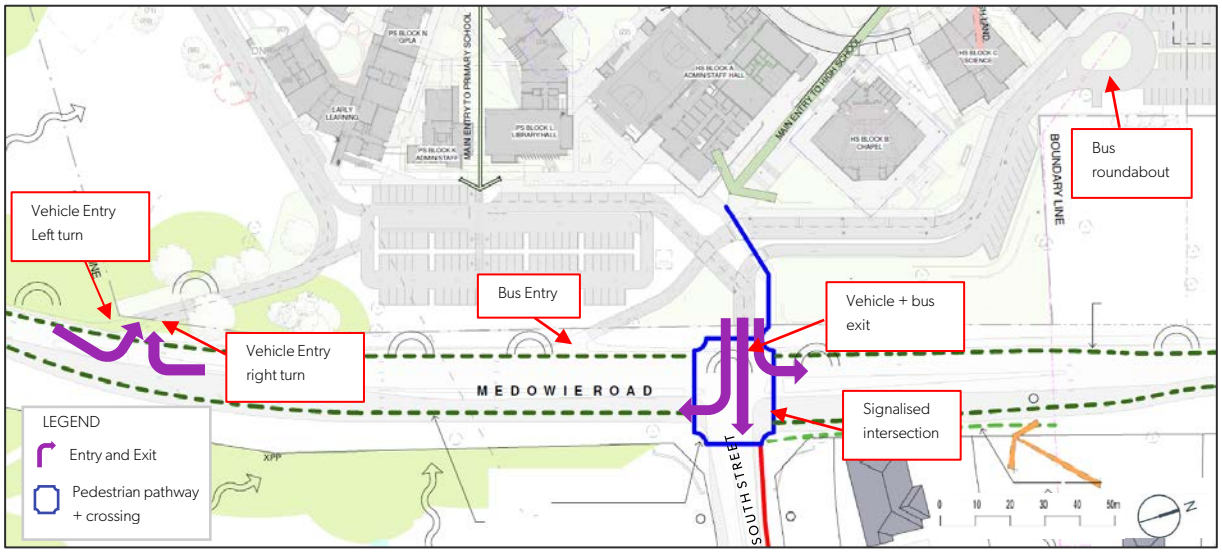


Figure 17 | Vehicular access (source: RtS 2019)

6.1.4.2 *Road Design and Pedestrian Safety*

The proposal includes new pedestrian footpaths along Medowie Road and South Street, a new pedestrian crossing at the signalised intersection, a new pedestrian crossing at the vehiclular and bus entry road off Medowie Road, and new shared bicylce lanes in front of the school on both sides of Medowie Road. The proposal also involves road widening from two lanes into three/four lanes for the length of the frontage of the school and a new signalised intersection at the junction of Medowie Road and SouthStreet (**Figure 18**).

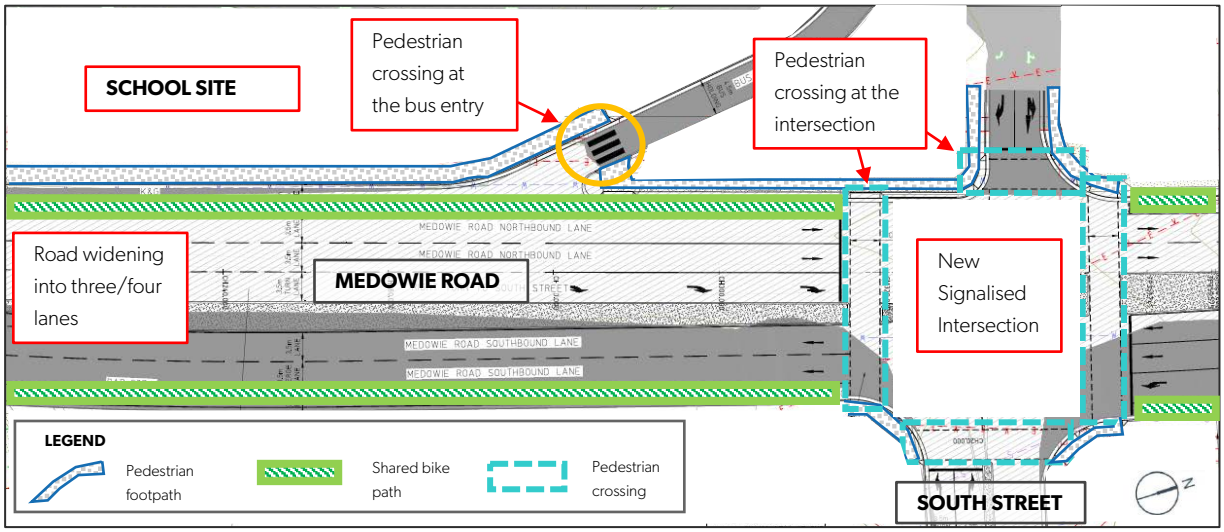


Figure 18 | Road design plan (source: RtS 2019)

Both Council and TfNSW (RMS) raised initial concerns with respect to the design of the intersection with respect to access locations and configuration. In response the Applicant provided amended intersection designs which confirmed final layout of the internal road network with respect to entry point for buses turning right into the site in the RtS and SRtS. Both TfNSW (RMS) and Council reviewed the amended intersection design and raised no further concerns subject to recommended conditions including road works to be undertaken in accordance with the requirements of the *Roads Act 1993*, amendments to the 'General Arrangement Plan', the bus entry pavement to be treated with "Bus lane" pavement treatments in and a works authorisation deed is to be completed prior to the occupation.

Public submissions were received raising concerns with respect to pedestrian safety. The Applicant states that the proposed pedestrian crossing designed limits pedestrian/vehicle conflict at peak. Furthermore, the pedestrian safety would be managed by school providing supervision at the crossing at peak times as part of the on-going operational transport and access management plan. A condition to this affect has been recommended.

The Department considers that the proposed road widening, shared bicycle path, pedestrian crossings and pedestrian footpath would provide adequate facilities for future users of the site. The Department supports recommended conditions by TfNSW (RMS) and Council, to provide suitable level of road service and pedestrian safety.

6.1.5 Student drop-off and pick-up

The proposed development allows for an internal loop road and a drop-off/pick-up zone for light vehicles and a separate zone for bus drop-off /pick-up. The Applicant states that the student drop-off/pick-up area includes eight spaces and is located well within the site to reduce any queuing onto Medowie Road. The proposal also allows up to 91 vehicles to queue from the site entry off Medowie Road to the start of the drop-off/pick-up zone. The Applicant states that there would also be 66 visitor spaces provided on the site. This would equate to a total of 165 vehicles to be able to queue/wait on the site during the school pick-up/drop-off period.

The TIA states that the bus zone includes eight spaces for loading/unloading and an additional three spaces for buses to hold along the internal road to prevent impacts on traffic along Medowie Road. The TIA states that to achieve the provision of 11 spaces, all buses would be required to access the site from the south. The TIA also states that buses approaching from the north along Medowie Road would utilise the roundabout intersection with Richardson Road to undertake a U-turn to access the bus zone. Hunter Valley Buses has advised the Applicant that the afternoon period would see all buses approach from the south along Richardson Road, thereby not requiring the U-turn, whilst the morning period would require the U-turn manoeuvre.

TfNSW raised concerns with the proposed signage indicating dual use of the bus drop-off/pick-off. In response, Applicant's RtS included amended plans to demonstrate separate traffic movements from the bus loading areas and indicated signposting as a bus zone. No further comment was made by TfNSW following its review of the RtS.

A public submission raised concerns with respect to safety of students boarding and alighting from the buses. All boarding and alighting from buses would be within the school site. Furthermore, a condition has been recommended that an operational transport and access management plan be prepared prior to occupation which includes the operational management procedures for pick-up and drop-off of students by buses.

The Department considers the proposed drop-off/pick-up zone would provide sufficient spaces for vehicles and buses to safely drop-off/pick-up students and have minimal impact on the traffic within the site and along Medowie Road. The Department notes that Applicant intends to prepare an operational management plan for the site to assist in the morning and afternoon drop-off and pick-up periods. Accordingly, the Department has recommended a condition requiring the preparation of an Operational Transport and Access Management Plan including location and operational management procedures of the drop-off/pick-up parking.

6.1.6 Car parking and Active Transport

6.1.6.1 Car Parking

The development proposes a total of 354 car parking spaces (including 11 accessible parking spaces and 60 informal spaces) within five bays across the site (**Table 12** and **Figure 19**).

The Applicant states that 228 spaces (including 11 accessible spaces) would be provided for the educational establishment including the early learning centre. Furthermore, the application proposes an additional 66 visitor car parking spaces based on the need to cater for school drop-off/pick-up demands which was determined based on comparisons with similar schools in the Hunter region.

The GA NSW raised concerns with respect to the excessive number and configuration of the proposed car parking spaces. The Applicant stated that whilst the parking provision exceeds the Council's Development Control Plan (DCP) requirement, the parking also caters for school visitors and demands for the chapel (which is not incorporated under the DCP rates). TfNSW (RMS) has indicated that no parking would be permitted on Medowie Road and development must ensure adequate off-street car parking.

The Applicant states that the Council's DCP requires a merit based assessment for the purpose of calculating the general parking requirements for a chapel. For the purpose of these parking calculations, the TIA adopted a rate of one car space per three seats. The TIA states that this rate is consistent with the DCP rate set by the adjoining Newcastle City Council and Lake Macquarie Council. The rate would equate to 167 parking spaces for the use of the chapel. However, the application does not propose any specific car parking spaces for the chapel use. The TIA states that the chapel would share the use of parking on site as the chapel would predominantly be used outside of school and early learning centre hours. The TIA states that chapel use such as mass and weddings would occur predominantly over the weekend when the school and early learning centre would be closed thus

demand would be catered within the school parking. Furthermore there are approximately 60 informal car spaces that could be used in the event where extra parking is required.

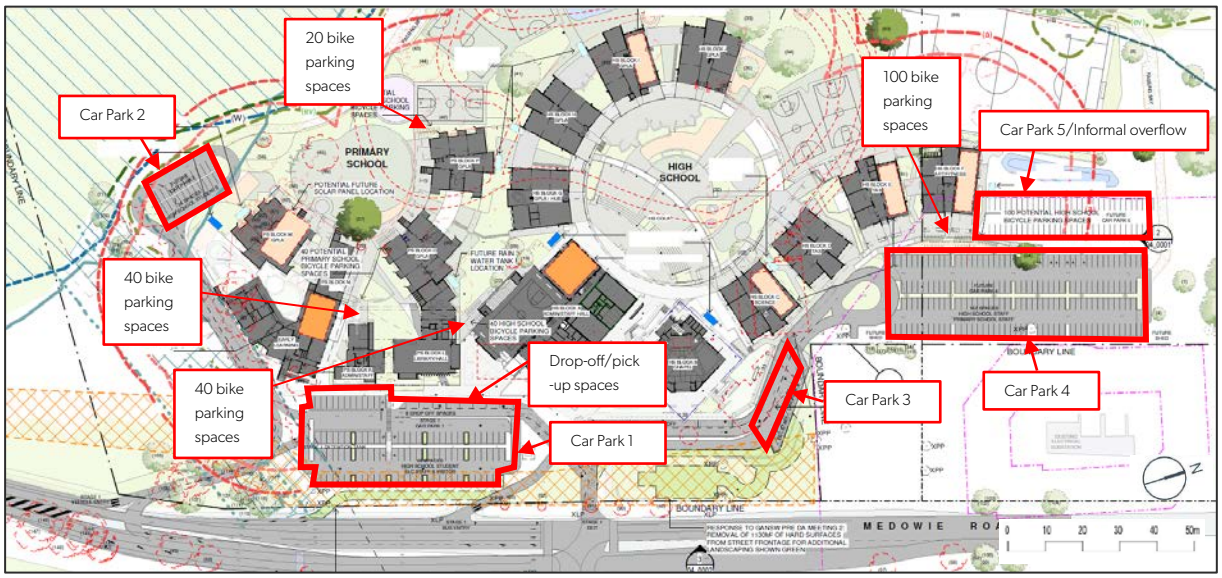


Figure 19 | Car parking layout and bike parking spaces map (source: RtS 2019)

Table 12 | Parking layout

Parking Area	Allocation
Car Park 1	• 30 spaces for staff or students (inclusive of 5 accessible spaces). • 66 spaces for visitor (including 1 accessible space).
Car Park 2	• 24 spaces for staff or students.
Car Park 3	• 12 spaces for staff.
Car Park 4	• 162 spaces for staff (including 6 accessible spaces).
Car Park 5	• 60 informal spaces (unsealed).
Total	• 228 spaces for staff or students (inclusive of 11 accessible spaces). • 66 visitors' spaces (including 1 accessible spaces). • 60 informal spaces. = Total 354 spaces.

One public submission raised concerns that the proposed development does not provide sufficient car parking on site. The Department considers that the Applicant has made satisfactory use of available space for car parking. Any further car park provision may result in a poor design outcome, requiring the removal of trees/landscaping, impacting outdoor recreation spaces and impacting on the amenity of surrounding residents. Furthermore, the Applicant proposes 200 bicycle parking spaces. In this regard, parking provision on site is supported (refer to **Section 6.1.6.2** for further consideration).

Regarding the proposed community uses, the Department notes that the uses would predominantly occur outside of school hours when the parking demand onsite and on-street would be much lower.

Council, TfNSW and TfNSW (RMS) have raised no concerns or objections to the additional community uses. The Department recommends that a condition requiring that car parking and traffic management of community use of school facilities be addressed in an Operational Transport and Access Management Plan (OTAMP). The Department is satisfied that parking can be appropriately managed during use of the site for community purpose, subject to the implementation of the OTAMP.

6.1.6.2 Active Transport

The Council's DCP requires a total of 198 bicycle spaces to be provided for the proposed school. The TIA states that the bicycle parking requirements in the DCP are excessive. Given the catchment of the site, it is considered that cycling would not be a major attractor for students and staff. The TIA states that 6% of the student population could walk or cycle to the school, which equates to approximately 104 students. Notwithstanding, the Applicant proposes 200 bicycle spaces for the site. The application also proposes end of trip facilities, including storage and shower facilites to encourage students to choose active transport for their journey.

The Department considers that 200 bicycle spaces is adequate for the site with respect to current and future residential growth within land release areas in the locality identified in the Medowie Planning Strategy. Further, the existing and proposed infrastructure would also support the Applicant's Green Travel Plan (GTP) (see **Section 6.1.6.4**) in promoting active and sustainable modes of transport and reduce the reliance on private vehicles.

6.1.6.3 Public transport

The site is currently accessible via public buses (routes 136 and 137) which services between 6:30am – 7:00pm Monday to Friday and between 9:30am - 7:30pm on Saturdays, from Newcastle city to Raymond Terrace.

The Applicant proposes new pedestrian footpaths along Medowie Road and South Street, new pedestrian crossing at the signalised intersection, new pedestrian crossing at the vehiclular and bus entry road off Medowie Road, and new shared bike lanes in front of the school on either sides of Medowie Road. This would provide increased convenience for students to the north and south of the site traveling via public bus, walking or cyclying.

The Department considers the existing and proposed footpaths in front of the school site, and shared paths are sufficient for users and in combination with the public transport and GTP, the ability to walk and ride to school would encourage active transport options for students. The Department has recommended a condition requiring the GTP to be reviewed and implemented prior to the commencement of operation of the new school.

6.1.6.4 Green travel plan

A preliminary GTP was submitted as part of the RtS. The GTP includes upfront and ongoing management requirements for the implementation of the plan.

The key objectives of the GTP are to reduce the reliance on private vehicles by encouraging walking, cycling, public transport usage, and awareness of travel alternatives. TfNSW has recommended a comprehensive GTP be provided as part of the ongoing operation of the school.

The Department considers the GTP would play a critical role in promoting a greater share of travel modes, provided it is appropriately drafted, implemented and monitored. The preliminary GTP submitted as part of the RtS included discussion around existing and future transport conditions, targets, actions and plan mechanics. Objectives of the plan included reducing traffic congestion, improving student safety health and wellbeing, reducing parking demand and promoting public transport usage.

The Department considers that with the implementation of the GTP, mode share for private car usage can be reduced and vehicle occupancy rates can be increased. Adopting and implementing the GTP would encourage students to walk, cycle or catch the bus to school and encourage parents to carpool to increase vehicle occupancy rates. The Department has recommended a condition requiring a revised GTP to be prepared, review and implemented from the commencement of operation of the new school.

6.2 Built form, design and landscaping

6.2.1 Building height

The subject site has a maximum building height control of 9m under the PSLEP 2013, as shown in **Figure 20** below:

Figure 20 | PSLEP maximum building height map (source: www.legislation.nsw.gov.au 2019)

The proposal would result in a maximum building height of 11.5m which does not comply with the maximum height of 9m building control under the PSLEP 2013, by 2.5m. The proposed elevations of the building and the extent of the non-compliance is shown in **Figures 21 - 25**. Buildings A, G, H, J and I would exceed the maximum building height (ranging between 1m-2.5m).

Figure 21 | Block I building height plane (source: EIS 2019)

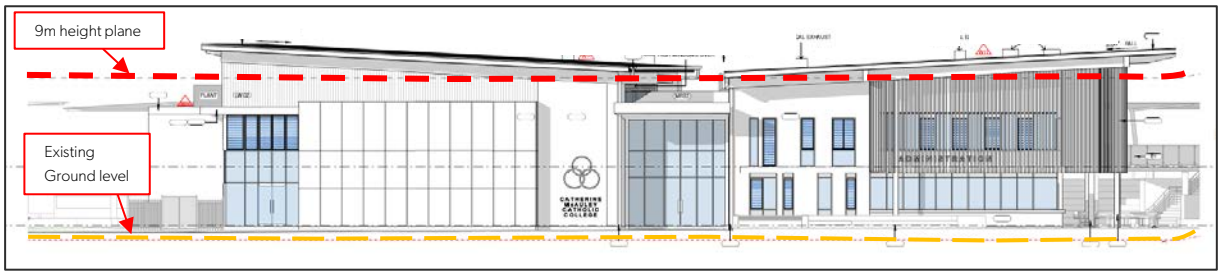


Figure 22 | Block A building height plane (source: EIS 2019)

Figure 23 | Block G building height plane (source: EIS 2019)

Figure 24 | Block H building height plane (source: EIS 2019)

Figure 25 | Block J building height plane (source: EIS 2019)

Clause 42 of the Education SEPP stipulates that "Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted". The provisions of the Education SEPP apply to this proposal. Consequently, the building height

development standard does not apply in this circumstance and that the merit or otherwise of the proposal should be considered in assessing whether the built form is appropriate for the site.

Notwithstanding, the Department has considered the provisions of clause 4.6 as a guide in its assessment of the proposed building height. It has considered the general merits of the proposal and the impacts of the height variation on the surrounding area in assessing whether the built form is appropriate for the site.

Council raised concerns with the submitted clause 4.6 statement as it did not adequately address the noncompliance with the maximum height of the building. In response to this the Applicant submitted a revised clause 4.6 statement as part of the RtS.

In accordance with the PSLEP 2013, Clause 4.6 provides flexibility in the application of the development standards if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient environmental planning justification for contravention of the development standard.

As held by the NSW Land and Environment court in *Wehbe v Pittwater Council [2007] NSWLEC827*, development standards are not an end in themselves but a means of achieving environmental and planning objectives. Where the objectives of the development standard control are achieved, strict compliance with the standard would be unnecessary (if the purpose is achieved anyway) and unreasonable (if no purpose would be served).

The Applicant has provided justification for exceeding the height development standard and argues why strict compliance is unreasonable or unnecessary:

- proposed development would not generate any unacceptable adverse environmental impacts with respect to view loss, overshadowing and privacy to the adjoining and nearby landowners.
- proposed development would maintain the visual relationship between the proposal and the existing character of the area.
- proposed development is considered suitable as it would integrate with the surrounding developments and the variation would not result in a development that would be out of character with the existing streetscape.
- proposed building height does not affect the ability to comply with all other relevant development standards and controls.
- proposed development would encourage the orderly and efficient development of land, with respect to the provision of an educational facility that would meet the day to day needs of current future residents and support the well-being of the community.
- proposed development provides an appropriate interface and transition with the adjoining properties and the low density residential environment to the north by stepping the built form optimising the functional parameters of the school.
- contravention of the development standard does not raise any matters of significance for State or regional environmental planning.
- proposed development would be in the public interest as it would be keeping with the zone objectives and would provide for new educational facility.

While Council did not raise any objections with regards to the proposed building height, it requested that the Department of Defence be consulted with respect to the proposed building height. The Department of Defence did not raise any concerns with respect to the proposed building height as it would not infringe the Obstruction Limitation Surface at RAAF Base Williamtown. However, if additional structures are to be placed on the roof (i.e. antenna) further consideration would be required by Department of Defence.

The Department notes that Council did not raise any further concerns and requested that the Department ensure the clause 4.6 statement addresses the requirements under clause 4.6 of the PSLEP 2013.

The Department agrees with the Clause 4.6 statement and considers that the Applicant's request to contravene the building height development standard is well supported. Compliance with the standard is unnecessary or unreasonable in the circumstances, and that there are sufficient environmental planning grounds to justify contravening the development standard.

6.2.2 Building design, materials and finishes

6.2.2.1 External design of building

The proposed built form incorporates one and two storey individual 'pods' arranged to provide external spaces of varying size and aspect (**Figures 26 – 31**). The individual pod style buildings would enable separation of facades to optimise access to daylight, with glazed areas a combination of fixed and operable elements to enable ventilation and fresh air intake. The individual pod buildings would be linked via covered walkways. The administration spaces for the Primary School and High School are located at the front of the site providing passive surveillance opportunity across the car park and street frontage. The development includes a diverse range of spaces encompassing one person nooks, spaces for small collaborative work, large project group work or whole group discussions and the ability to open learning areas to combine internal spaces. The spaces are designed to enable learning, play and socialisation.

Figure 26 | Perspective illustrating 2 storey high school classroom pod (source: RtS 2019)

Figure 27 | Perspective illustrating high school pod building walkway link (source: RtS 2019)

Figure 28 | Perspective illustrating primary school classroom pod (source: RtS 2019)

Figure 29 | Perspective illustrating proposed early learning centre building (source: RtS 2019)

Figure 30 | Perspective illustrating proposed chapel building (source: RtS 2019)

Figure 31 | Perspective illustrating proposed primary school entry/admin/hall building (source: RtS 2019)

The Department notes that the proposed buildings have a contemporary character design with co-ordinated internal and external materials, textures and colour schemes. The materials for the internal and external finishes include: aramax metal roof sheeting, arcpanel metal roof sheet, trimdek roof sheeting, light weight cladding (fibre cement, textured fibre cement and weatherboards), concrete productions (precast concrete wall panels, decking and seating), natural surfaces (wooden step blocks and decking, gravel path and sandstone retaining walls), soft fall, various metal finishes, other timber, ceramic and light finishes and fixtures.

Both the Council and GA NSW did not raise any concerns with respect to building design, bulk or scale.

The Department concludes that the resultant built form would provide a balanced interface between buildings on site and adjoining developments. The Department considers the choice of materials and finishes would provide durability and low maintenance whilst distinguishing the site as an educational facility. The external materials selected are of a non-combustible material in accordance with the National Construction Code (NCC). Notwithstanding, in light of concerns evident in the broader community regarding building cladding, the Department has recommended a standard condition requiring the Certifying Authority to be satisfied that the proposed external materials comply with the NCC prior to the issue of a Construction Certificate or Occupation Certificate.

6.2.2.2 Internal design of buildings

The proposed development incorporates a combination of indoor and outdoor learning areas with integration of lawns and breakout spaces surrounding the main buildings as shown in **Figures 32** and **33**.

A diversity of indoor and outdoor spaces is provided for informal and formal learning opportunities. The location of the administration (main) building ensures passive surveillance of the main entry.

Figures 32 and **33** below illustrate the planned layout of a typical high school and primary school block which would provide flexible usage of spaces for the individual, small group work, large group work or opening up a number of classrooms together enabling team learning.

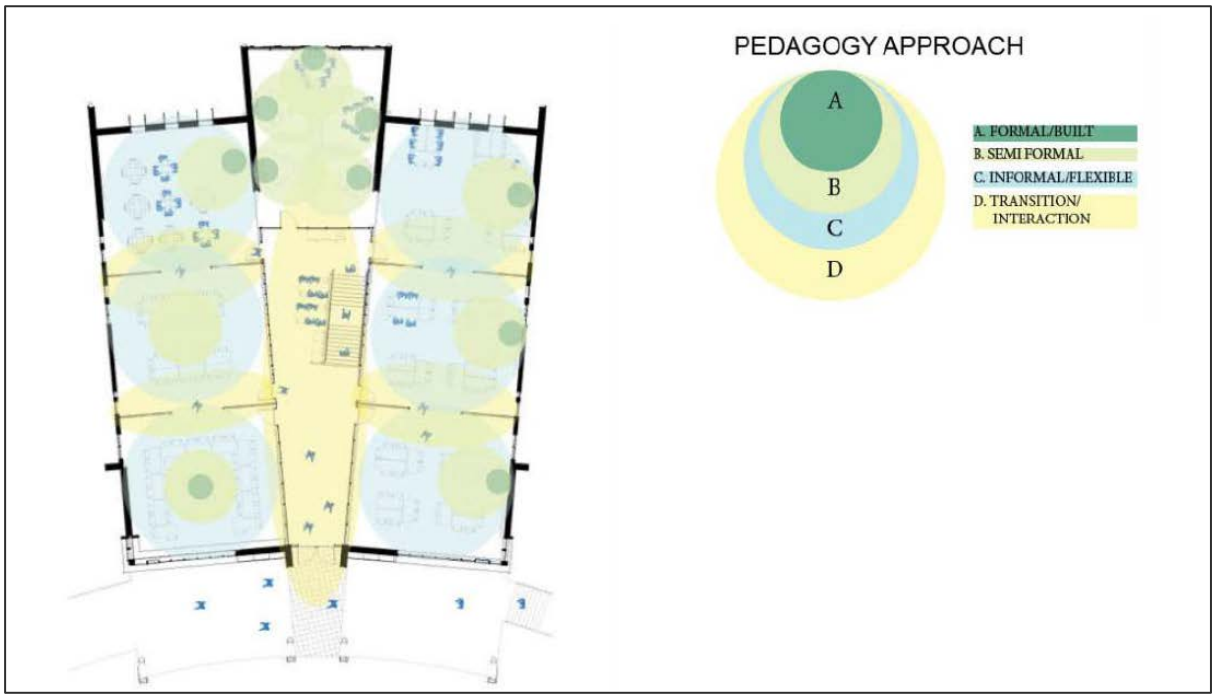


Figure 32 | Typical high school building flexible use layout plan (source: RtS 2019)

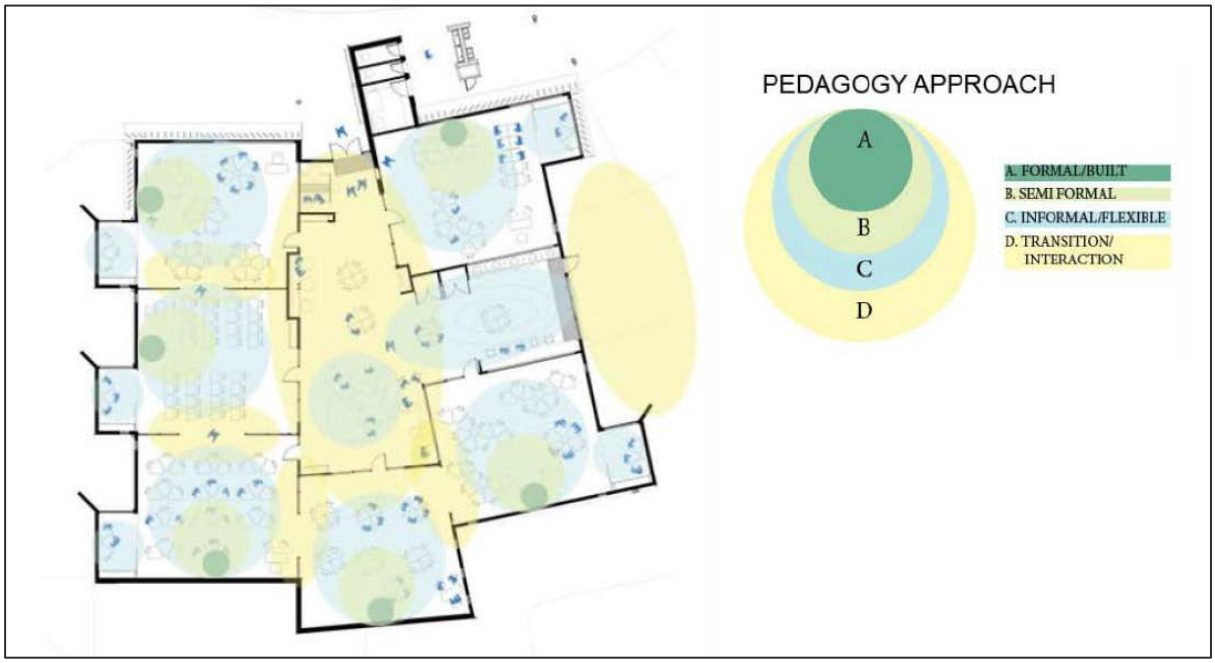


Figure 33 | Typical primary school building flexible use layout plan (source: RtS 2019)

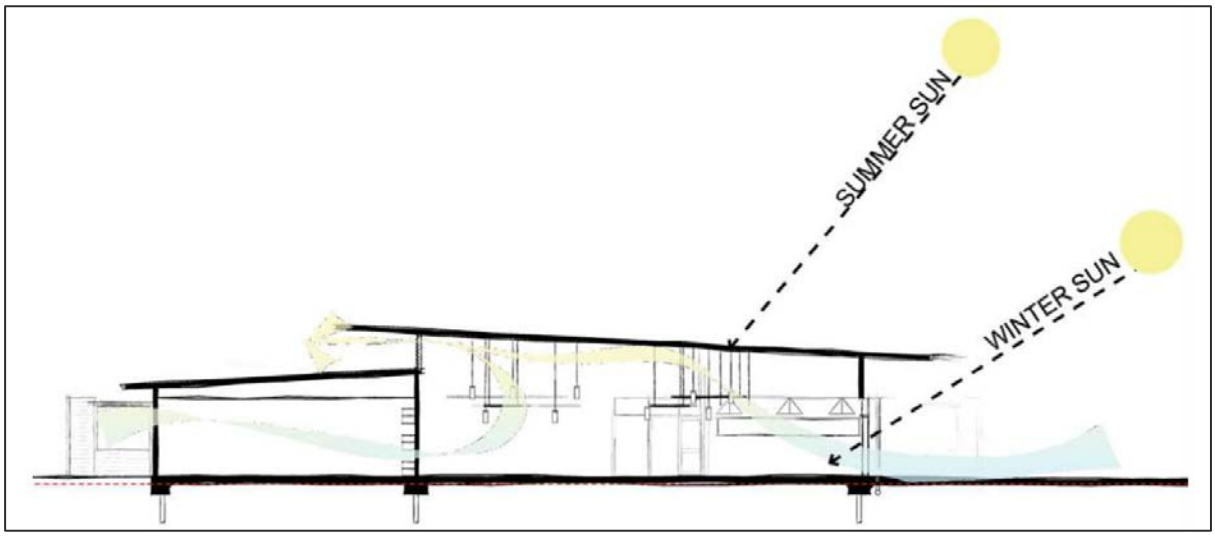


Figure 34 | Typical primary school building ventilation and solar access (source: RtS 2019)

The design of the High school and Primary school buildings incorporate operable windows at low and high level to encourage natural ventilation, roof overhangs and window awnings to block summer sun, while encouraging winter solar access (as shown in **Figure 34** and **35**).

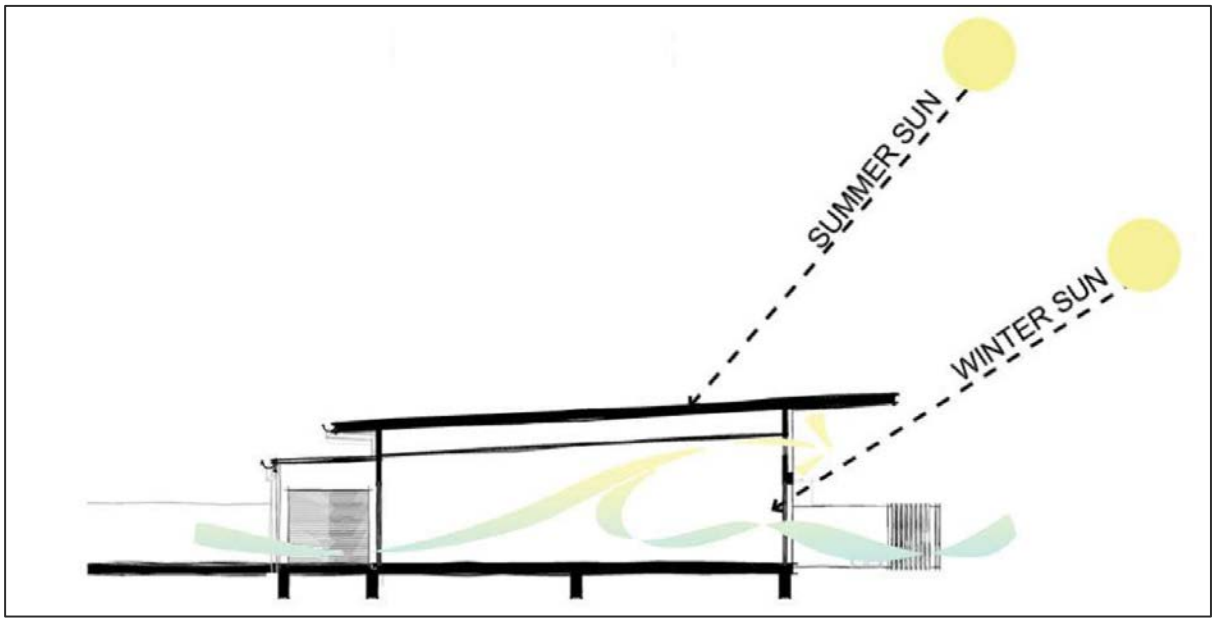


Figure 35 | Early learning centre building ventilation and solar access (source: RtS 2019)

The design of the early learning centre incorporates a linear and narrow building form which promotes cross flow ventilation and natural light. The use of building orientation, breezeways, large roof/verandah overhangs and high and low level louvre windows assist in passive design. The Applicant has demonstrated that the early learning centre complies with the Education SEPP with respect to the minimum requirement for ventilation and natural lighting, toilet/laundry and hygiene facilities, administration space, nappy change facilities and designed to facilitate supervision.

The Department considers that the development incorporates satisfactory indoor and outdoor learning areas and the classroom designs are considered appropriate and flexible. The openings between the classrooms would allow for integrated uses and a variety of layouts and all classrooms would have operable windows to facilitate natural cross ventilation and access to natural light. The Department notes the early learning centre meets the

design requirement set out in the Child Care Planning Guideline 2017. The Department is satisfied that the proposed internal design of the buildings is suitable for the intended use of school and early learning facility.

6.2.3 Landscaping, tree removal and outdoor areas

6.2.3.1 Landscape strategy and outdoor areas

The proposed landscaping works comprise a range of soft and hard landscaping including the removal of 49 trees, retention of 39 trees, and planting of 483 new trees as well as shrubs and groundcovers across the site.

The landscape elements include raised planters with seating, terrace gardens, sandstone seating areas, informal seating area, timber balance beam with stepping logs, rubber play mound and trampoline, outdoor learning areas, tiered seating, edge planting, outdoor playground, a bush tucker garden, turf play areas, a hard surface outdoor court, landscaped front setbacks and boundary fencing, as shown in **Figures 36** to **39**.

The Department considers that the proposed landscape strategy and outdoor areas provide a variety of landscape elements and interest, which would foster a positive outcome in students learning. The Department also notes that 483 new trees would be planted on site, which would help maintain the sites natural landscape. The Department is satisfied with the proposal, subject to a recommended condition, requiring the preparation of a detailed landscape strategy prior to the commencement of construction.

Figure 36 | Landscape plan – Primary school (source: RtS 2019)

Figure 37 | Landscape plan – High school (source: RtS 2019)

Figure 38 | Landscape plan – Chapel and surrounding area (source: RtS 2019)

Figure 39 | Landscape plan – Early learning centre (source: RtS 2019)

6.2.3.2 Tree removal

49 trees are proposed to be removed from the site to facilitate proposed development. **Figure 40** shows trees to be removed, retained and planted.

The Arboricultural Impact Assessment Plan submitted with the EIS identifies that trees proposed to be removed have a low/moderate level of significance. The Department acknowledges that the removal of 49 trees to facilitate Asset Protection Zones, new buildings works, access off Medowie Road, footpaths, earthworks and excavation for installation of utility services is unavoidable to facilitate the development. The submitted plans indicate the removal of trees from Council's nature strip for road works. Whilst the landscape plan does not include these trees as part of the application, a condition of consent has been recommended that these trees do not form part of this consent and that Council's written consent be obtained prior to the removal of these trees. Furthermore, a condition has been recommended that a detailed landscape plan be prepared in consultation with Council, the Medowie Road frontage and include street tree planting to Council's specifications.

The Department did not receive any submissions raising concerns with respect to the removal of trees. Council did not raise any concerns to the proposed development subject to the findings of the Arboricultural Impact Assessment report being included in the CEMP.

The Department concludes that the removal of 49 existing trees from the site would be appropriately offset by extensive replacement planting of 483 canopy trees. The proposed planting of 483 new trees (mature height between 3m-40m and pot size of 125 litres (L) -200L) would satisfactorily replace the lost tree canopy and make a significant contribution to the site's appearance as well as the amenity of the future occupants.

Figure 40 | Tree removal, retention and planting plan (source: RtS 2019)

6.3 Biodiversity and ecology

6.3.1 Coastal wetlands

A BDAR has been submitted with the application which addresses the impacts of the proposal on wetlands with respect to State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14 – Coastal Wetlands). The south western part of the site includes mapped coastal wetlands as identified in the coastal wetlands map (**Figure 41**).

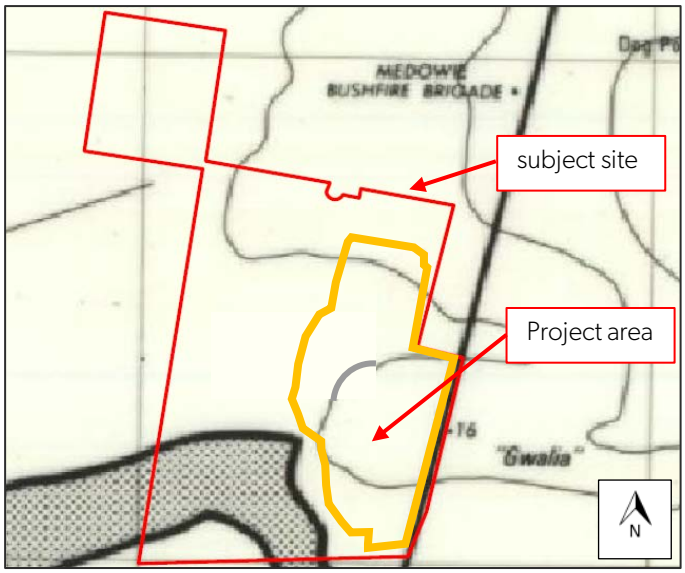


Figure 41 | Costal management map under SEPP 14 – Costal Wetlands (source: DUAP 2000)

The SEARs for this proposal were issued prior to the repeal of the SEPP No. 14 – Coastal Wetlands. As stated by Clause 21(3) of the SEPP (Coastal Management) 2018, the former planning provisions continue to apply (and this Policy does not apply) to an application for development consent if the Secretary issued, before the commencement of this Policy, environmental assessment requirements for the preparation of the statement, and those environmental assessment requirements require the preparation of the statement to have regard to SEPP No. 14 – Coastal wetlands or State Environmental Planning Policy No. 26 – Littoral Rainforest. Therefore, the provision of the SEPP No. 14 Coastal Wetlands continues to apply.

The aim of SEPP No. 14 – Coastal Wetlands is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State. The project area includes approximately 0.34ha of mapped wetlands which includes approximately 0.14ha of native terrestrial vegetation and 0.20ha of non-native vegetation within the mapped extent of the SEPP 14 Coastal Wetland (**Figure 42**). The proposed development footprint has been sited so as to avoid direct impacts to the mapped wetland. The Department acknowledges that given the avoidance of direct impacts to the mapped extent of the wetland (SEPP Costal Management) and mitigation measures to reduce potential indirect impacts, the proposed development is not considered to be inconsistent with the aims and objectives of SEPP 14 Coastal Wetlands.

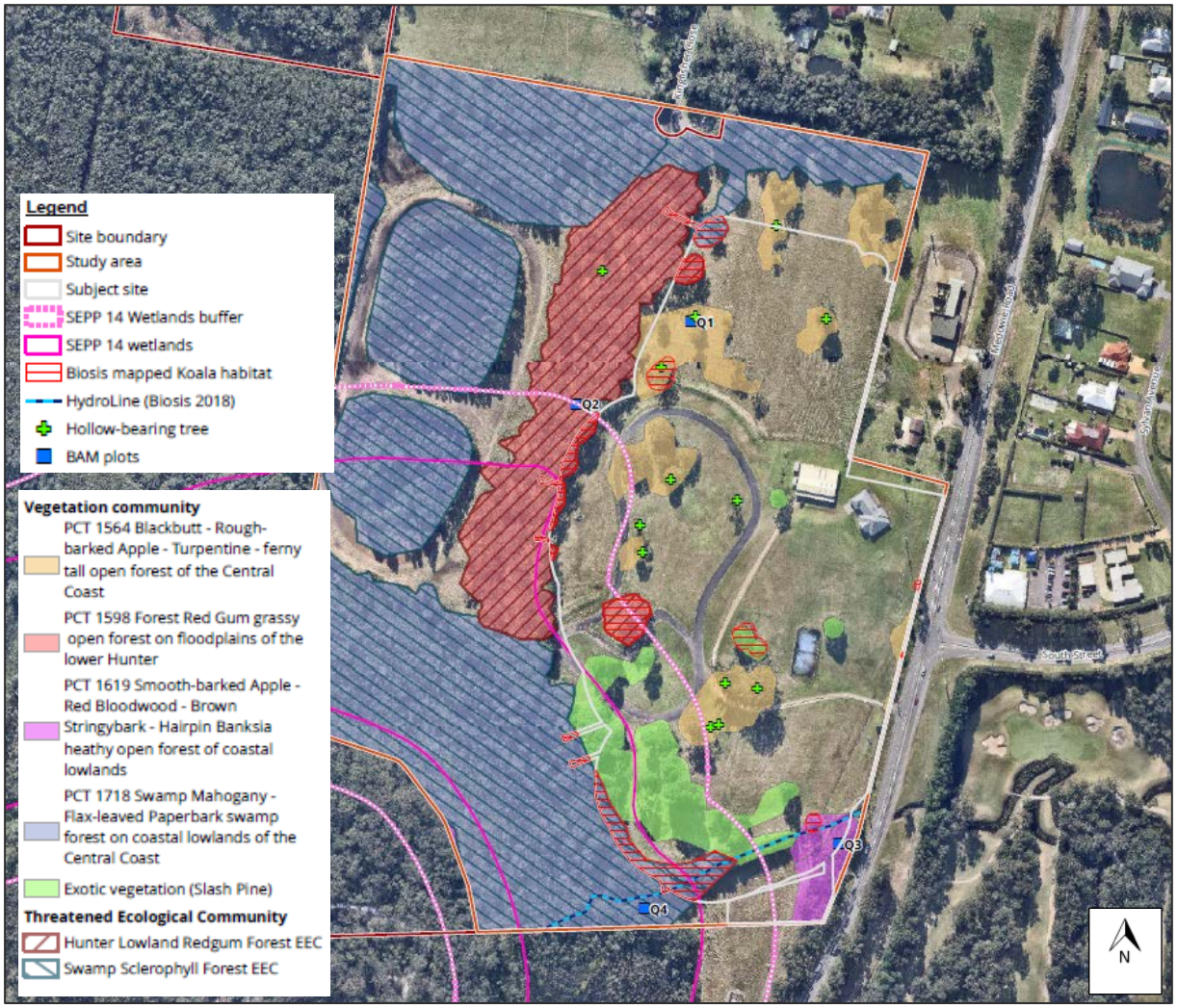


Figure 42 | Costal management plan (source: EIS, 2018)

Additionally, the Department has also considered Coastal Management SEPP 2018. The Coastal SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. The Coastal SEPP replaces SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforest, and SEPP 71 – Coastal Protection.

The aims of the Coastal Management SEPP are to manage development in the coastal zone and protect environmental assets of the coast. Clause 11 of the Coastal Management SEPP requires that in granting development consent to development on land identified as 'proximity area for coastal wetlands' (proximity area), the consent authority must be satisfied that the development would not significantly impact on: the biophysical, hydrological or ecological integrity of the adjacent coastal wetland; or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

The application was referred to EESG, RIARG and NSW RFS. No concerns were raised subject to recommended conditions. The majority of the proposed building footprint, the prescribed APZ, proposed drainage infrastructure and internal roads are all proposed to be located within the proximity area with a small portion within the coastal wetlands as identified in **Figure 43**.

Figure 43 | Mapped Costal wetland (source: SEPP (Coastal Management) 2018 (former DPE))

The Department notes that the Coastal Management SEPP does not prohibit the location of any development within the prescribed proximity area or coastal wetlands, subject to a careful assessment of the cumulative impacts and having regard to the environmental assets of the site as well as the provisions of clause 11. The Applicant has undertaken such an assessment as set out below, where the whole of the site and the proposed development is considered. An assessment of the impacts of all proposed works within the proximity area are discussed concurrently with the impacts on the local biodiversity in the following sections of this report.

6.3.2 Biodiversity

A BDAR was submitted with the EIS which states that the site contains a total of 12.1ha of native vegetation, mostly represented by the Hunter Lowland Redgum Forest EEC and Swamp Sclerophyll Forest EEC. The project area of the site comprises primarily cleared land. However, the proposal would result in 1.55ha of native vegetation and associated habitat would be removed/modified, including removal of 10 isolated hollow-bearing trees.

The BDAR discusses the impacts of the development within the proximity area. The BDAR considers the following having regard to development works:

- direct impacts on biodiversity due to the removal of vegetation and fauna habitat from the site.
- indirect impacts due to various factors including location of the APZ within the proximity area.
- prescribed impacts.
- any serious and irreversible impacts due to the siting of the development.

To assess the impacts, the BDAR includes habitat surveys of identified threatened species and has classified the existing vegetation on the site into 12 zones.

6.3.2.1 Direct impacts

The application proposes retirement of 23 ecosystem credits and 6 Koala *Phascolarctos cinereus* species credits. The 23 ecosystem credits include nine Blackbutt – rough-barked Apple – Turpentine – ferny tall open forest of the Central Coast, five Forest Red Gum grassy open forest on floodplains of the lower Hunter, five Smoot-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands, and four Swamp Mahogany – Flax leaved paperbark swamp forest on coastal lowlands of the Central Coast. **Figure 44** identifies the native vegetation and threaten species that require offsetting.

The Department notes that BDAR states that measures to avoid and minimise impacts to biodiversity values of the study area were considered during the design and planning stage of the proposed development to minimise direct impacts on native vegetation, especially identified EECs, wetlands and Preferred Koala Habitat.

The EESG reviewed the BDAR and raised no concerns subject to retirement of 23 ecosystem credit retirement and 6 Koala species credits.

Council requested that the Applicant to justify why no significant impact assessment has been undertaken for other species listed under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). In response, the Applicant provided justification that no other species listed under the EPBC Act were considered likely to occur within the site. Council considered this justification to be satisfactory and did not raise any further concerns.

The Department is satisfied that the direct biodiversity impacts of the proposal would be appropriately offset with the recommended conditions requiring the requiring the Applicant to retire 23 ecosystem credits and 6 Koala species credit as per the BDAR. The Department is conscious that the extensive tree removal would significantly modify views of the site. Notwithstanding, 10.55ha of native vegetation would be retained and additional planting of 483 new canopy trees is proposed.

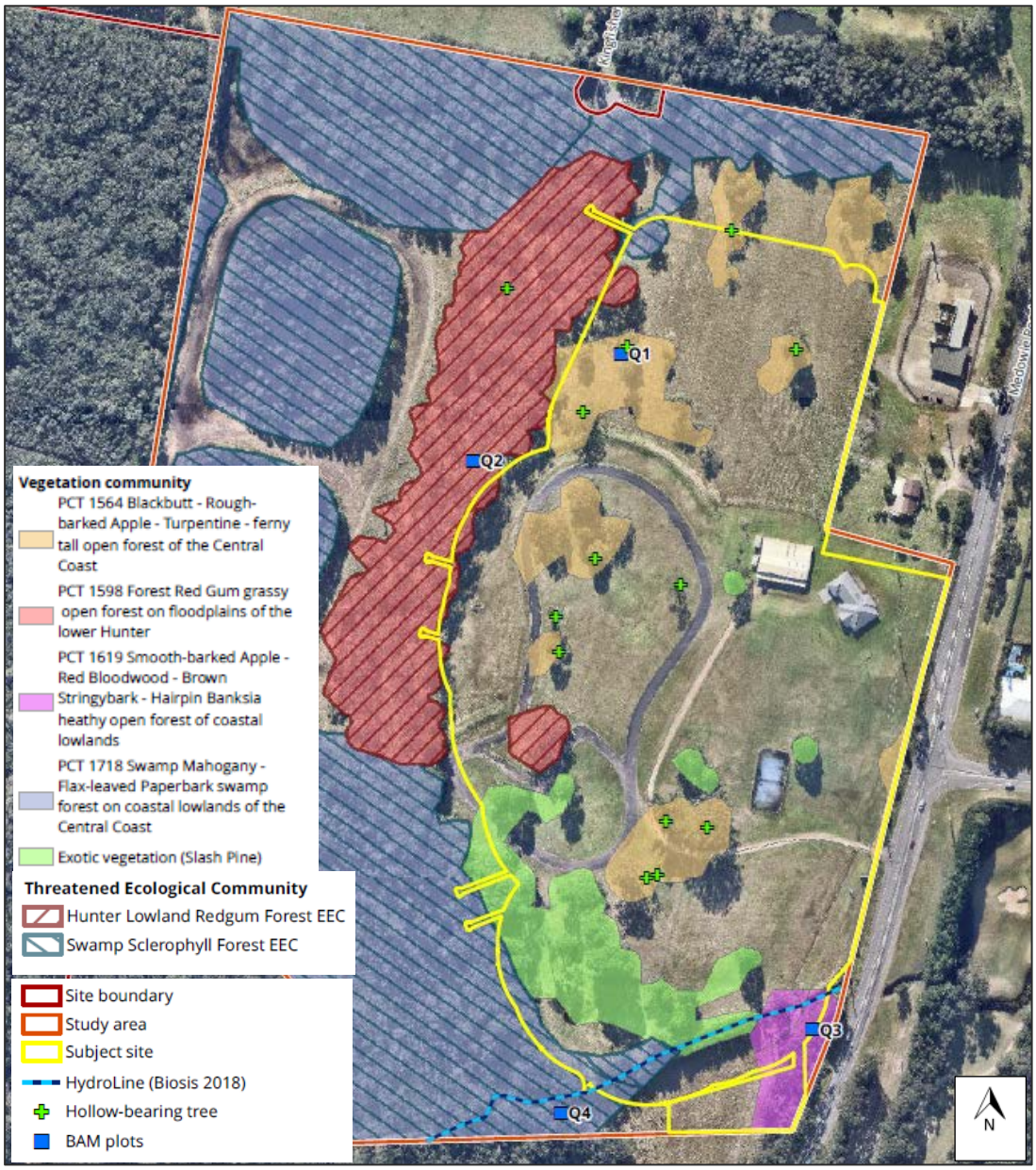


Figure 44 | Identified vegetation communities (source: EIS 2018)

6.3.2.2 Indirect impacts

The BDAR outlines potential indirect impacts arising from the proposal. The indirect impacts would relate to noise, vibration, light spill, dust, visual amenity (rubbish and waste retained on the site attracting fauna), traffic and the bushfire management regime.

The BDAR provides relevant mitigation measures following assessment of the identified impacts and concludes that the residual impacts would be very low with no requirements for offsetting.

The Department has assessed the impacts of noise, vibration, light spill, dust, visual amenity (rubbish and waste retained on the site attracting fauna), traffic and the bushfire management regime for works and the operation of the future development in **Section 6**. Having regard to the indirect impacts of the works on the biodiversity, the Department has recommended a condition requiring the preparation and implementation of a Biodiversity Management sub-Plan, Koala Management sub-Plan and Vegetation Management Plan. This would ensure that the fauna habitats (including Koalas) and the retained vegetation are appropriately managed during the construction works on the site. The implementation of the recommended conditions would ensure that the

proposed works comply with the provisions of SEPP 44, by requiring appropriate management of potential Koala habitats.

6.3.2.3 Bushfire and indirect impacts of asset protection zones

The site is identified as a bushfire prone land. The proposal is classified as a Special Fire Protection development under section 100B of the *Rural Fires Act 1997*.

The RFS raised concerns with the proposed development in respect to the Asset Protection Zone (APZ) and the proposed riparian corridor revegetation to the south of the development. In response, the Applicant submitted a revised Bushfire Assessment report and revised landscape plan and draft Vegetation Management Plan part of the SRtS. The RFS reviewed the Bushfire Assessment report and recommended a northern APZ of 60m (inner protection area (IPZ) of 40m and outer protection zone (OPZ) of 10m), eastern APZ of 50m (IPZ of 40m and OPZ of 10m), southern to the property boundary as an IPA (excluding the riparian corridor) and western APZ of 50 (IPZ of 40m and OPZ of 10m) in accordance with the requirements of Planning for Bushfire Protection 2018 (**Figure 45**). The recommended condition would provide the establishment and ongoing management of the APZs.

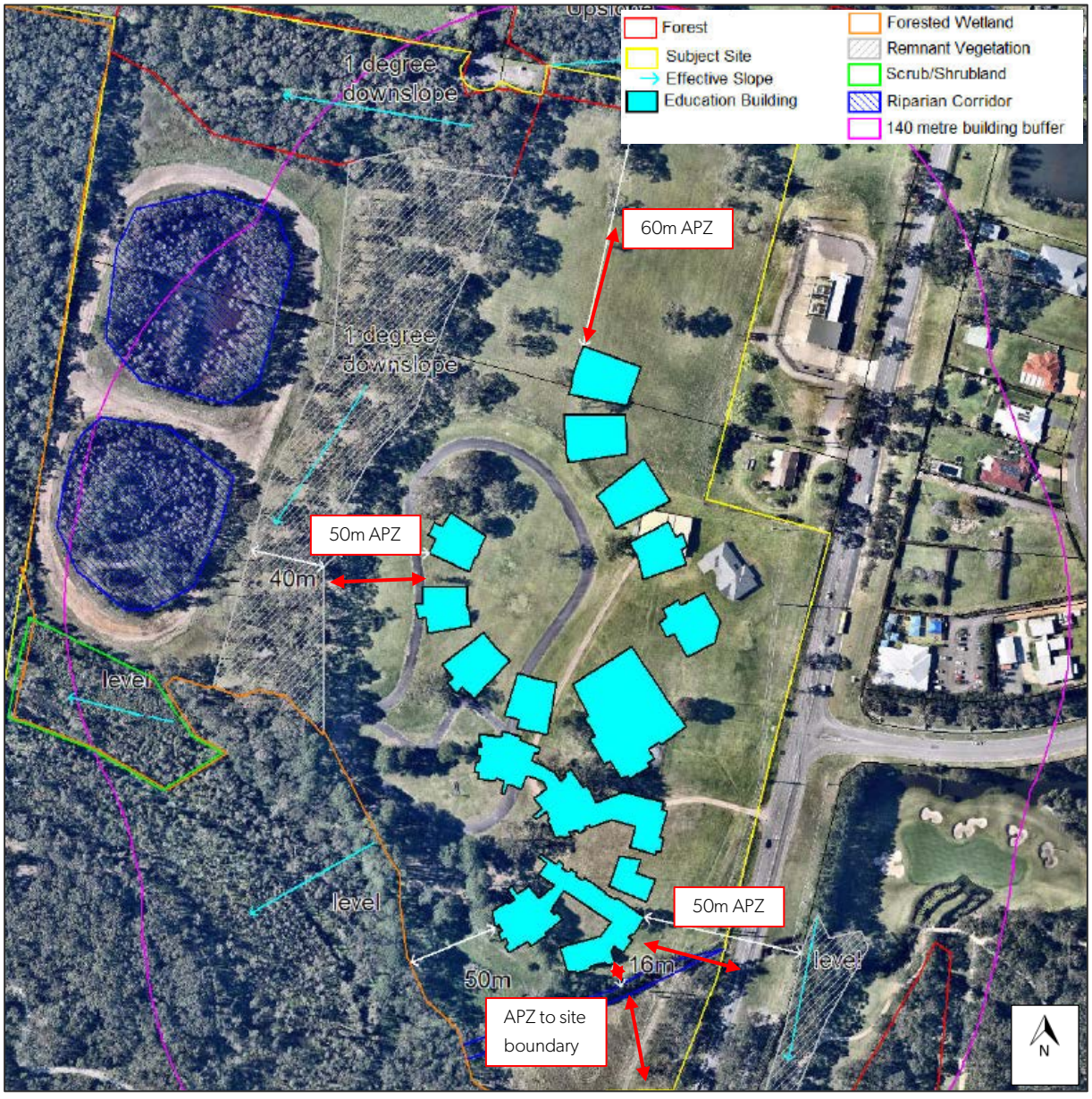


Figure 45 | Asset Protection Zones (source: EIS 2018)

The Department notes that the BDAR states that for the establishment of the IPZ surrounding the proposal would require the removal of non-native trees and shrubs and pruning of some branches of mature native trees in order to achieve the IPZ performance criteria. The establishment of OPZ would require pruning of canopy branches of some mature native trees within the swamp Sclerophyll forest EEC and Hunter Lowland red Gum forest EEC. The BDAR also notes that to establish APZs, trees would be removed that are not considered Koala feed trees.

The Department is satisfied that the proposed location of the building footprint would comply with the APZ requirements to the vegetation hazards in all directions and would have no adverse impact on the future revegetation potential of the coastal wetlands to the south-west of the site. In this regard, the location of the APZ is consistent with the aims of the Coastal Management SEPP and does not cause any significant impacts in terms of the requirements set out in clause 11 of the Coastal Management SEPP.

6.3.2.4 Stormwater management works and prescribed impacts on coastal wetlands

The Applicant submitted erosion and sediment control plans and stormwater plans for the proposed development with the EIS. The proposed stormwater drainage system would connect to three on site detention ponds. The stormwater plans indicate that there would be some rock check dams located on the western side of the site in the coastal wetlands. These rock check dams would help reduce the speed of the flowing water. The Applicant states that the stormwater outlet structures would be designed in accordance with the *Guidelines for Outlet Structures on Waterfront land (Department of Industry 2018)*.

EESG and RIARG did not raise any concerns with the proposed stormwater system. Council's review of the stormwater plans raised concerns that the stormwater pipes shown on the drawings did not include supporting documents. Further, the proposed development would discharge stormwater at multiple locations along the western side of the property. The Department has recommended conditions requiring the design of the stormwater system be provided to the Planning Secretary prior to the issue of a construction certificate.

The Department notes that the SWMP would be provided during the construction and would be operational throughout the duration of Stage 1. Conditions to this effect have been recommended.

The Department has reviewed the Applicant's submission, having regard to clause 11 of the Coastal Management SEPP. The Department is satisfied that the Applicant proposes a concept stormwater management strategy for the future development on the site, which includes provisions to reduce the resultant impacts on the biophysical, hydrological or ecological integrity and surface / ground water quantity and quality of the adjoining coastal wetlands to a level that is not significant.

To ensure that the impacts of the drainage works are adequately assessed, the Department has recommended the following conditions of consent:

- detailed flow regime analysis that demonstrates that the development would not significantly impact on the quantity of surface and groundwater flows to and from the adjacent coastal wetland.
- assessment of the localised impact of the stormwater discharges to the coastal wetland and details of measures to manage increased stormwater volumes.
- assessment of impacts of the nutrient load increase on the biophysical and ecological integrity of the wetland and incorporation of additional WSUD principles to improve the water quality impacts.
- review of the stormwater management system by an ecologist to confirm that the stormwater runoff volume, flow characteristics and any increase in the nutrient loads would not have a significant impact on any of the identified EECs and TECs within the wetland to the south.

Subject to detailed studies in conjunction with the design and operation of the development, based on the concept stormwater strategy and calculations, the Department considers that the drainage works would not

compromise the environmental qualities of the coastal wetlands, the proximity area and the biodiversity relying on the wetland habitat.

6.3.2.5 Other prescribed impacts on threatened species and ecological communities

The BDAR provided an assessment of prescribed biodiversity impacts including:

- impacts of development on the habitat of threatened species or ecological communities associated with karst, caves, crevices, cliffs and other features of geological significance.
- impacts of development on the habitat of threatened species or ecological communities associated with rocks.
- impacts of development on the habitat of threatened species or ecological communities associated with human made structures.
- impacts of development on the habitat of threatened species or ecological communities associated with non-native vegetation.
- impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range.
- impacts of the development on movement of threatened species that maintains their life cycle.
- Impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including subsidence or upsidence resulting from underground mining or other development).
- Impacts of vehicle strikes on threatened species of animals or on animals that are part of a TEC.

EESG and Council did not raise any concerns regarding the assessment of the above prescribed impacts in terms of clause 6.1 of the Biodiversity Conservation Regulation 2017. The Department acknowledges that species movement and habitat connectivity would be lost temporarily due to the construction works. However, the installation of wildlife friendly fencing and on-site fauna management during construction works would minimise the prescribed impacts on fauna connectivity/movement including Koalas. Recommended conditions of consent require mitigation measures to be incorporated in the CEMP.

6.3.2.6 Serious and irreversible impacts

The BDAR concludes that the proposed development would not result in any serious and irreversible impacts. EESG did not raise any concerns in this regard.

Based on the BDAR and EESG comments, the Department has taken into consideration the impacts of the proposed development and recommended measures that would minimise those impacts and subject to those measures being adopted is of the opinion that there would be no serious or irreversible impacts in accordance with the provisions of section 7.16 of the BC Act.

6.3.3 Koala habitat

The site is located adjacent to a mapped Koala corridor which links connective patches of preferred Koala habitat as the primary habitat corridor within Medowie (**Figure 46**).

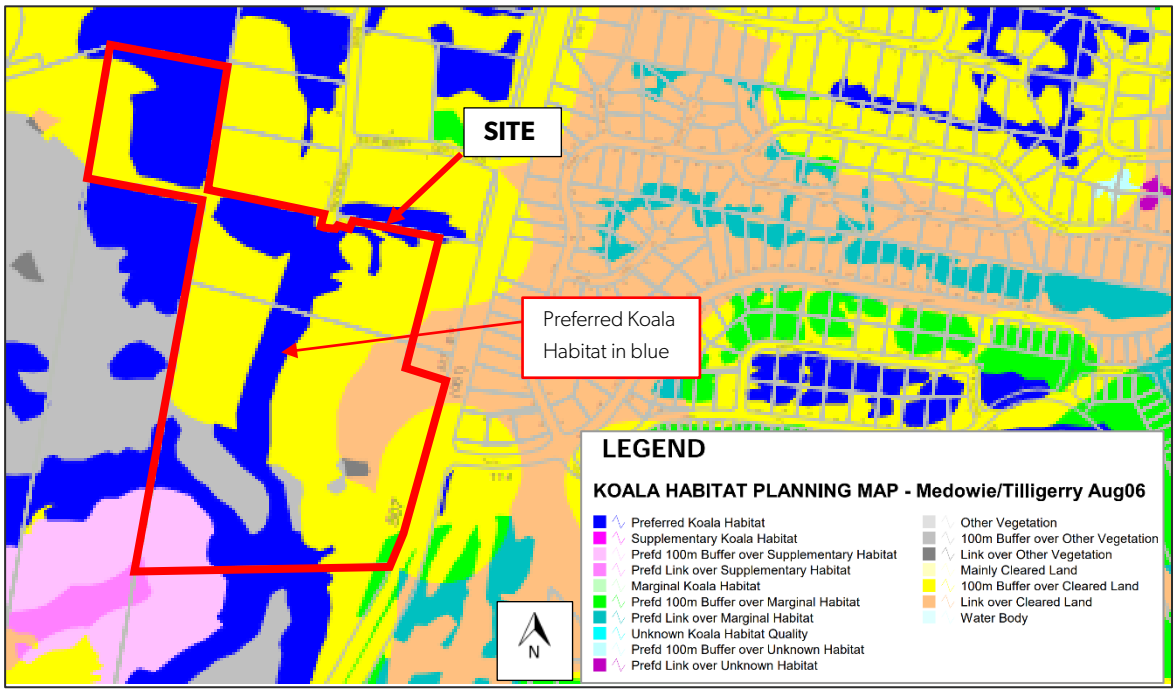


Figure 46 | Koala Habitat Planning Map (source: PS Council CKPoM Aug 2006)

The State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) and Port Stephens Comprehensive Koala Plan of Management (CKPoM) aim to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.

The Department notes that the CKPoM is consistent with the National Koala Strategy and was prepared in accordance with SEPP 44.

The Applicant has provided an assessment against the provisions of CKPoM within the BDAR. The Applicant states that the development footprint has been located to avoid removal of preferred Koala habitat to the western side of the site which forms a component of corridor (**Figure 47**).

Council raised concerns that the offsetting requirements under the CKPoM are different to the EESG offsetting requirements, and that both should be complied with. Accordingly, the Council requested that Koala feed tree offsets should be provided in accordance with the Port Stephens Tree Technical Specification 2014, any hollows removed be salvaged and placed into trees within the vegetated areas to be retained or that they be replaced with nest boxes, and any plan of management should include monitoring schedules particularly for the Koala. In response to the concerns, the Applicant has agreed with the Koala feed tree offsets. Council did not raise any further concerns.

The Department note that the BAM calculator generated six Koala species credits that would be retired.

The Department considers that the Applicant has addressed requirements for Koala habitat under CKPoM and that the proposed development would be consistent with the objectives of the Port Stephens Council CKPoM and SEPP 44. The Department also acknowledges the requirements for Koala habitat offset by both Council and EESG. Accordingly, the Department has recommended offset conditions recommended by both Council and EESG. Furthermore, the Department has recommended conditions suggested by Council for any hollow trees

removed be salvaged and placed into trees to be retained or replaced with nest boxes in consultation with Council. Subject to the requirement to retire Koala species credits, preparation of a plan of management to monitor schedules for Koalas, the Department is satisfied that any impacts on Koalas can be appropriately mitigated and managed.

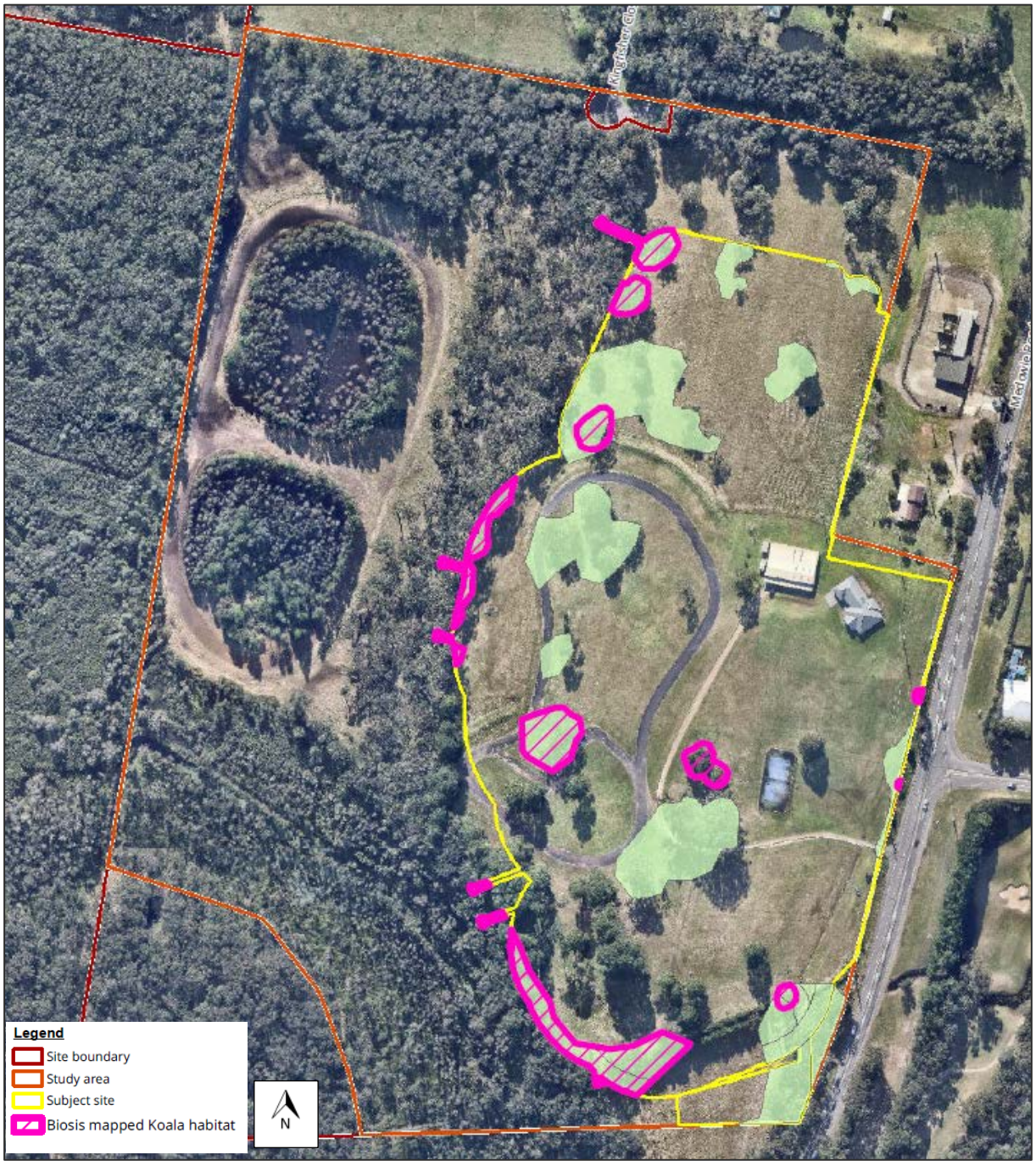


Figure 47 | Koala Habitat Planning Map (source: EIS 2018)

6.3.4 Riparian corridors

The southern section of the site traverses an unnamed and unmapped waterway. A BDAR was submitted with the EIS which includes an assessment of aquatic habitat of the waterway. The report states that the waterway appears moderately modified due to its location within a routinely mown landscape, past canopy clearing and weed infestation. The report states that waterway appears to feed the mapped wetlands located across Medowie

Road, southeast of the study area. The report further states that the unnamed stream is not Key Fish Habitat as defined by RIARG as it is considered to be a first order gaining stream.

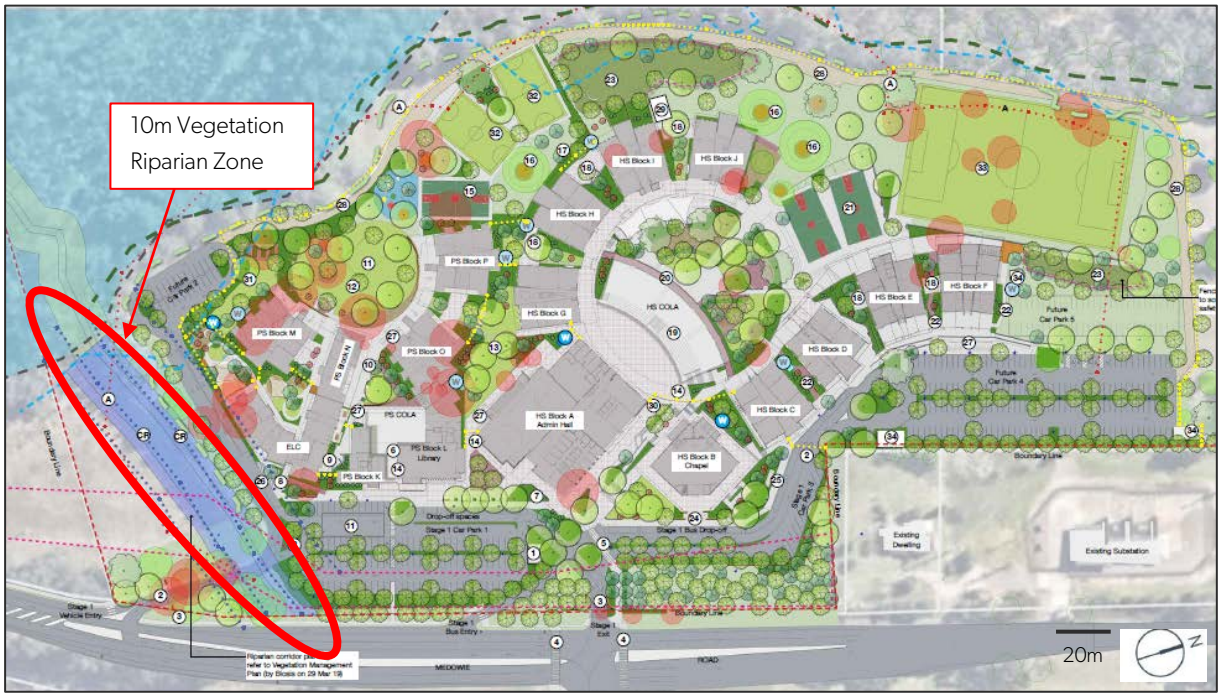


Figure 48 | Map of Vegetation Riparian Zone (source: SRtS 2019)

The application proposes a 10m wide Vegetation Riparian Zone (VRZ) on either side of the waterway traversing the southern section of the site from top of the bank (**Figure 48**). However, the application involves an access road crossing along the riparian corridor in accordance with Controlled *activities on waterfront land – guidelines for watercourse crossings on waterfront land* and *Policy and Guidelines for Fish Friendly waterway Crossings (NSW Office of Water 2003).*

The Applicant submitted a draft Vegetation Management Plan (VMP) for riparian corridor planting which has been reviewed by RFS. RFS did not raise any concern with respect to draft VMP with respect to APZs.

Council did not raise any concerns, however requested that a 10m fully revegetated buffer be maintained along the waterway traversing the southern section of the site that the management of the riparian buffer be consistent with the *Controlled activities on waterfront land – guidelines for riparian corridors on waterfront land (NSW Office of Water dated 2012)*. The Applicant confirmed that a 10m fully vegetated buffer would be provided in accordance with the *Controlled activities on waterfront land – guidelines for riparian corridors on waterfront land (NSW Office of Water dated 2003).*

The Department considers the proposed development is setback well outside of the 10m VRZ, except for the proposed access road. Notwithstanding, the Department notes the proposed access road is permitted over the VRZ. And concludes that the corridor would be appropriately managed and maintained subject to a VMP condition.

6.4 Other Issues

The Department's consideration of other issues is provided at **Table 13**.

Table 13 | Department's assessment of other issues

Issue	Findings	Departments Consideration and Recommended Condition(s)
Aboriginal Heritage	• The EIS includes an Aboriginal Cultural Heritage Report (ACHR), Archaeology Report and a Cultural Heritage Management Plan (CHMP). • The assessment found that a total of eight Aboriginal archaeological sites have been identified within the study area and of which two are registered Aboriginal sites. • One of the sites consists of a relatively intact, high density subsurface archaeological deposit which demonstrates ongoing long-term occupation of the study area by Aboriginal people. The remaining Aboriginal archaeological sites identified within the study area consist of low density subsurface deposits which demonstrates sporadic occupation of the flat, crest and slope landforms present within the study area. • The ACHR and Archaeology Report provides the following recommendations prior to any development impacts occurring within the study area: o Archeological salvage works. o Development of a CHMP. o Continued consultation with the registered Aboriginal stakeholders. • The CHMP includes heritage protection management strategies, details of roles and responsibilities, record keeping, incident and reporting. The CHPM also detailed on training and awareness and review and improvements for management. • EESG did not raise any concerns with the submitted ACHR.	• The Department notes the archaeological deposit on site. However the submitted ACHR and CHMP provides the management of these deposits. • The Department has reviewed the ACHR and CHMP and is satisfied that the proposal would not result in any adverse Aboriginal cultural heritage impacts, subject to a condition to ensure an Aboriginal Cultural Heritage Management sub-plan and an unexpected finds protocol be prepared.

Acid Sulfate soils	• The site is identified with class 3, 4 and 5 acid sulfate soils under PSLEP 2013. Clause 7.1 Acid Sulfate Soils within the PSLEP requires the preparation of an Acid Sulfate Soils Management Plan. • The EIS included a Geotechnical investigation report indicating that acid sulfate soils do exist at the site. The Geotechnical investigation report includes a general acid sulfate soil management strategy.	• The Department notes that an acid sulfate soils management strategy has been submitted with the EIS. • The Department has recommended a condition for the preparation of a Construction Soil and Water Management Sub-Plan which includes an Acid Sulfate Soils Management Plan, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas. • The Department concludes that subject to this condition the proposal meets the requirements of clause 7.1 of the PSLEP 2013.
Construction and Operational Waste Management	• The Applicant submitted a Construction Waste Management Plan (WMP) as part of the EIS. • The WMP identified waste minimisation and management measures for demolition and construction waste including recycling, separating where practical. The plan also included monitoring and recording the volumes of waste, and the methods and location of disposal. • The WMP provided waste generation rates for the proposed uses. • The WMP indicated that garbage collection vehicles would enter the site via Medowie Road. The location of bin storage and collection point would be near the bus drop off area. • The WMP also included details of green and organic waste use and recycling.	• The Department is satisfied that subject to conditions including the preparation of a Construction Waste Management Sub-Plan prior to commencement of works and the preparation of an Operational Waste Management Plan prior to operation, that construction and operational waste would be appropriately managed.
Contamination	• The Applicant submitted a Contamination Assessment report with the EIS and a Remedial Action Plan (RAP) with the RtS. • The reports confirm the presence of soil contamination on the site including hydrocarbon and metals within the south	• The Department acknowledges that the potential risk of contamination at the site and supports the recommendations in the RAP in relation to managing potential contamination, before, during and after building works.

	western fill mound, approximately 600 cubic metre in volume and 1.5m in height. • Contamination was not identified within the northern mound with the exception of limited indications of acid sulfate soil properties which would require management during use at the site. • The RAP concludes that the site can be made suitable for the use subject to remediation. The RAP proposes the capping and containment of the contamination. • Council and EPA did not raise any concerns.	• The Department has recommended conditions of consent requiring the Applicant to: o implement an unexpected finds protocol. o engage an independent Site Auditor for a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for the intended use. o prepare long term environmental management plan • The Department considers that subject to the implementation of the recommended conditions, the site would be suitable for its intended use without unacceptable risk in relation to contamination.
Flooding	• A Flood Risk and Impact Assessment report was submitted with the RtS. • The report included assessment of flood behavior and development suitability, flood impacts, model development and results, flooding implications, and flood emergency management. • The site is mapped with overland flow path on the southern side of the site. The proposed buildings on the southern side of the site (primary school and early learning centre) have been designed with finished floor levels of 9.3m Australian Height Datum (AHD) which would be above the flood planning level (FPL) of 8.6m AHD. • The report concluded that the proposed development is compatible with the flood risk at the site • EESG raised concerns with respect to the flood assessment of the access road creek crossing. The Applicant's RtS demonstrated that the flows can be contained with the floodway by upgrading the flow capacity of the access road culvert and raising the height of the road.	• Council recommended conditions including 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% Annual Exceedance Probability (AEP) rainfall event; and 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. • With the recommended condition from Council and requiring installation of a guardrail adjacent to the high hazard floodway, the Department is satisfied that the flood impacts would be appropriately managed.

	• EESG raised no further concerns subject to a condition recommending that the Applicant install a guardrail adjacent to the high hazard floodway that prevents school children from entering flood waters. • Council raised no concerns with respect to flood assessment. Council noted that the floor level of the proposed buildings is above the Probable Maximum Flood level (9.2m) and considered that flooding issues could be addressed with conditions of consent.	
Noise	• The EIS included an Acoustic Assessment Report (AAR) prepared by Spectrum Acoustics for the proposed development. The AAR considers the impacts of the development in terms of construction and operational noise. Construction Noise: • The AAR conducted noise monitoring to qualify the existing acoustic environmental at the site. • For unattended noise monitoring, one logger was installed. • Attended background noise measurements (sensitive receivers) were carried out at two locations. • The Interim Construction Noise Guideline (DECCW, 2009) (ICNG) outlines the process of establishing noise management levels (NMLs) to minimise construction noise impacts on sensitive receivers. • Based on the daytime background noise level of 49 dB(A), the daytime construction NML is therefore 59 dB(A) Leq(15min) at the nearest sensitive residential receiver in accordance with the ICNG. • The construction noise emission goal of 53dB(A) during standard construction hours would be consistent with the ICNG requirement. The AAR concludes that during demolition/excavation and construction, noise levels exceeding the NMLs are unlikely to occur. The NMLs are unlikely to exceed	• The Department is satisfied that the proposed noise management and mitigation measures are appropriate. • The Department recommends: o standard construction hours as per the ICNG. o the Applicant prepare a Construction Noise and Vibration Management Plan including management strategies to reduce noise impacts to sensitive receivers in accordance with the ICNG and submit a copy to the Certifying Authority prior to any works on the site. o an out of hours event management plan for the use of school facilities by the community.

	the guidelines because of the distance between the site and the nearest residential receivers. Therefore, it is unlikely the proposed construction hours would have any impact on the amenity of the surrounding residents. • Notwithstanding, the AAR provides recommendations to minimise potential impacts and maintain the amenity of the surrounding areas. • Council and EPA did not raise any concerns with respect to the proposed construction hours (7am-6pm Monday to Friday and 8am-1pm on Saturdays). Operational Noise: • The AAR demonstrates that operational noise associated with the school classrooms, playing fields, outdoor play areas, car park, traffic noise and mechanical plant noise would generally be consistent with noise guidelines given following mitigation measures are considered: o all windows in the external facades of the Technology and Applied Sciences (TAS) workshops are a minimum of 6.38 millimeter (mm) laminated glass. o windows to the TAS workshops is to be closed whilst machinery is being operated. o any siren or bell must be adjusted to have a maximum sound pressure level of 45 dB(A)Leq(5seconds) when measured at the boundary of the site and have a maximum duration of 5 seconds. o air conditioner condensers are to be mounted at ground level either a sufficient distance from the boundary and/or behind an effective acoustic barrier. o to avoid the possibility of structure borne noise due to vibrations, all duct work for venting must be isolated from the main structure of the building.	
Bush fire	• The site is mapped as bush fire prone.	• The Department is satisfied that subject to the inclusion of the RFS

	• The RFS raised concerns with the proposed riparian corridor revegetation to the south of the development and the required standards for an inner protection area within an APZ. • The Applicant submitted revised Bush fire Assessment Report and site plan to address the concerns raised by RFS as part of the SRtS. • The RFS reviewed the additional information and provided recommended conditions with respect to asset protection zones, design and construction, access, water and utilities, evacuation and emergency management and landscaping.	recommended conditions, the proposed development would be appropriately managed in the case of bush fire.
Stormwater Management and Water Quality	• The application proposes roof rainwater from each new building to be directed through a new pipe/pit system to a 4,000 L above ground rainwater tank for each building, with overflows being connected to the proposed detention basins. • The Applicant has submitted an Erosion and Sediment Control Management Plan and Preliminary Construction Management Plan with the EIS. The plans propose measures which include the diversion of clear runoff away from works areas and collection and treatment of sediment affected runoff before discharge from the site. Measures are also proposed to control dust, such as watering down of roads and stockpiles, covering of haulage trucks and stockpiles, and monitoring of weather conditions on site. • The Applicant states that retention facilities would be incorporated into the network in accordance with Council's DCP requirement. The site has been designed to incorporate a mix of infiltration tanks and bio filtration detention ponds, gross pollutant traps, pollutant pit inserts in the car park, and bio filtration systems. • Council did not raise concerns, however required that the development demonstrate compliance with:	• The Department is satisfied that subject to conditions recommended by Council that the stormwater would be designed in accordance with the conceptual design in the EIS, the proposal would not result in downstream stormwater impacts and the stormwater from the site would be appropriately managed. • The Department is satisfied that subject to the recommended conditions for the implementation of Erosion and Sediment Control Management Plan and final detailed Construction Management Plan, the proposed construction works would be appropriately managed during construction.

	○ Council's water quality provisions in DCP along with demonstrate Neutral or Beneficial Effect on Water Quality requirements; ○ the MUSIC model in accordance with Port Stephens Council MUSIC Link catchment and default parameters; ○ the stormwater management plan and report must include volumetric water requirements. • It is noted that Council stated that these matters can be addressed via conditions of consent. • Council also commented that the proposed stormwater pipes do not provide supporting documents and that the intended discharge stormwater outlets may carry stormwater to the private properties to the west. Therefore, Council recommended that the development must demonstrate discharge of stormwater in a legally acceptable manner or to the legal/public drainage system.	
Utilities	• The EIS provided details on the existing infrastructure (including electricity, water, sewage, telecommunications, NBN) capacity. • High voltage Ausgrid powerlines run through the eastern side of the site to an existing electrical substation to the north east of the site. The proposed construction works including car parking, roadworks and retaining walls would be within this existing Ausgrid easement. • The Applicant provided a copy of an agreement entered into by the owner of the land and Ausgrid for the works proposed within the easement. The agreement includes terms of the encroachment into the easement. • Ausgrid states that it appears that there may not be any immediate hazards associated with the proposed encroachment subject to conditions	• The Department notes the constraints of the Ausgrid asset and has recommended a condition that prior to the commencement of above ground works, written approval must be obtained from the electricity supply authority. • The Department agrees with the recommended conditions by Hunter Water. • The Department is satisfied that the proposal would provide adequate utility infrastructure and would not result in any adverse impacts.

	relating to works within and adjacent to an Ausgrid easement. • Hunter Water recommended conditions including that the development: o demonstrate Neutral or Beneficial Effect on Water Quality. o provide design and construction works under a Routine Major Works Deed. o provide design and construct network infrastructure under a Complex Works Deed. o submit an application for a hydraulic design assessment of internal water and sewerage services for the proposed development.	
Signage and wayfinding signage	• The application proposes four school identification signs towards the front entries on Medowie Road, signage identifying each of the school buildings, wayfinding signage throughout the school and signage for emergency evacuation. • One of the school identification signs would be illuminated. • An assessment of State Environmental Planning Policy 64 – Advertising and Signage has been included in EIS. • TfNSW (RMS) raised concerns with respect with the LED sign off Medowie Road. The Applicant submitted revised plans to change the LED sign to orientate away from Medowie Road so the safety of drivers and pedestrians would not be compromised.	• The Department considered SEPP 64 requirements in **Appendix B** for the proposed signage, • The Department recommends that the proposed LED sign can be adjusted with respect to intensity and illumination if required. • The Department is satisfied with the proposed signs, subject to conditions including timing on illumination.
Overshadowing	• Shadow diagrams submitted with the application demonstrate that the proposed development would not result in any unacceptable shadowing impacts on any residential development in close proximity to the site. The northern facing windows and private open space areas of any adjoining residential development, the public open spaces and the road reserves would receive in excess of 3 hours of solar access between 9am and 3pm on June 22.	• The Department concludes that the anticipated overshadowing impacts due to the proposed buildings are minor and would not result in any unacceptable outcomes for the amenity of adjoining developments. • No conditions are recommended.

Visual privacy	• The site is separated from all the adjoining developments by generous setbacks, road reserve and open spaces. Consequently, the Department considers that the proposal would not result in any potential for adverse visual privacy impacts and the building separation distances between Block C (High School building) and the nearest residences on the north eastern side would exceed 50m, and the building separation distance between Block F (High School building) and the nearest residences on the northern side would be in excess of 150m.	• The Department concludes that the proposal would not result in any unacceptable privacy impacts to the adjoining developments due to the proposed development. • No conditions recommended.
Airspace protection	• The site is approximately 4km north-east of the RAAF Base Williamtown and Newcastle Airport. Both airports are situated at the same location. • Clause 7.4 Airspace operations of the PSLEP 2013 requires that ongoing operation of the RAAF Base Williamtown Airport not comprised by the proposed development that penetrates the Obstruction Limitation Surface (OLS) for that airport. • Clause 7.5 development in areas subject to aircraft noise PSLEP prevents certain noise sensitive development from being located near the RAAF Base Williamtown Airport and its flight paths. • Council advised the Department that the application must be consulted with the Department of Defence (Defence). Accordingly, the application was referred to Defence. • The Defence did not raise any objections to the proposed development, however provided comments including: o the site is outside of the 2025 Australian noise Exposure Forecast for RAAF Base Williamtown. However, the site may experience some level of aircraft noise. o the site is located in an area mapped by Defence as "Birdstrike Group B". in this area land uses that attract wildlife	• The Department acknowledges that the application was only referred to the Department of Defence for consultation and not the Newcastle Airport Authority for the following reasons: o Council's LEP provisions require consultation with RAAF Base Williamtown airport only with respect to airspace operations and aircraft noise. o Council recommended consultation with the Department of Defence only. o Both the airports are located in the same location and therefore would have the same Australian Noise Exposure Forecast (ANEF) contours. • The Department concludes that the application satisfies clause 7.4 of PSLEP as the proposed development would not penetrated the OLS at RAAF Base Williamtown. • The Department is also satisfied that the development meets the clause 7.5 of the PSLEP 2013 as the proposed development is located in an acceptable ANEF contour zone (less than 20 ANEF).

	should be avoided. Accordingly, it is recommended that a condition for the management of organic waste (such as maximum storage onsite and the use of covered/enclosed bins) be included in any approval. o the proposed buildings at a maximum of 11.15m above ground level would not infringe the OLS at RAAF Base Williamtown. However, if additional structures are to be placed on the roof (i.e. antenna) further consideration would be required by Defence. Furthermore, the Defence stated that if cranes are to be used in the construction, the Defence is to be contacted prior to the rigging to ensure that operation of the crane would not interfere with aircraft operations. o the site is located within the Civil Aviation Safety Authority's (CASA) 6km radius controlled light installation area. Defence has adopted CASA guidelines for extraneous lighting near it's airfields. Any future development must comply with the extraneous lighting controls details in the CASA Manual of Standards (MOS-139) Aerodromes. Further, Defence has recommended that the proposed buildings must comprise of non-reflective building materials to reduce any glare problems for pilots. o Defence stated that Medowie Road is important to Defence as it provides access to RAAF Base Williamtown and is key route to work for Defence staff. Accordingly, it was requested that the Department is satisfied that traffic can be appropriately be managed.	• The Department concludes that the proposed development would not result in any unacceptable impacts to the operation of the RAAF Base Williamtown and noise impacts. • The Department has recommended conditions to appropriately manage noise, manage waste on site, building glare, lighting, and traffic.
Social Impacts	• The applicant states that there is ongoing need for quality education in Port Stephens LGA and the Hunter generally. The Applicant further states that the location of the school, growing infrastructure to meet	• The Department considers that the redevelopment of the school would provide social benefits to the community.

	future education needs of the Medowie community and the likely future population growth would provide a positive outcome. • The Applicant states that whilst the proposal has significant social benefits, mitigation measures would be in place to ensure that the operation of the school during construction periods is not compromised. Mitigation measures include; major noise emissions such as demolition occurring outside of standard school hours, or during school holidays, and restricted access to the construction site in order to ensure the health and safety of staff and students.	• The Department is satisfied that subject to the access control arrangements being implemented, the land use conflicts would be appropriately managed, and the safety of the students ensured.
Development Contributions	• Council has requested that a Section 7.12 Development contributions be paid or enter into a planning agreement for the construction of footpaths. • The Department accepts Council's request as the development would generate the need for the required service.	• The Department has recommended a condition to this effect, requiring the Applicant to pay development contribute or enter into an agreement with Council towards the cost of the construction of the footpath.

7. Evaluation

The Department has reviewed the Environmental Impact Statement, Response to Submission, Supplementary Response to Submission and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department considers the key issues to be traffic, access and parking; built form, urban design and landscaping; and biodiversity and ecology.

The Department has concluded that the proposed built form would be appropriate for the site having regard to the constraints of the site. The proposal would have acceptable road network capacity to accommodate traffic and parking demand generated by the proposed school. The proposal would provide a balance in development and retention of biodiversity on site.

The Department considers that appropriate mitigation measures have been proposed to minimise construction impacts on surrounding residential properties and put in place controls to minimise the impacts on the natural fauna habitat. Conditions have also been recommended to ensure that relevant matters are considered in the proposed development.

The proposal addresses the directions and actions of the Hunter Regional Plan 2036, the Transport for NSW's Future Transport Strategy 2056 and Port Stephens Planning Strategy and Medowie Planning Strategy. The proposal would have a positive economic and social impact, including direct investment of approximately CIV $110,360,000, the creation of up to 150 construction jobs and 185 new operational jobs.

The proposal is considered to be in the public interest as it would provide the following public benefits:

- 1200 high school and 630 primary school places with contemporary teaching and learning facilities designed to improve educational outcomes through the provision of new and improved teaching and education facilities.
- early learning facility for 124 children.
- chapel with 500 seats.

The proposal is also considered to be in the public interest as it would be consistent with the vision outlined in the Hunter Regional Plan 2036, as it would provide much needed school infrastructure conveniently located.

Overall the Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

8. Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix C**).
- **grants consent** for the application in respect of Catherine McAuley Catholic College (SSD 8989).
- **signs** the attached development consent/project approval and recommended conditions of consent/approval (**Appendix C**).

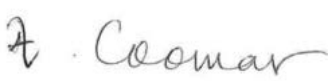
Prepared by:

Prity Cleary

Senior Planner

Social and Infrastructure Assessments

Recommended by:



Aditi Coomar

Principal Planner

Social and Infrastructure Assessments

Recommended by:

Andrew Beattie

Team Leader

School Infrastructure Assessments

9. Determination

The recommendation is: **Adopted / Not adopted by:**

David Gainsford
Executive Director
Infrastructure Assessments

26/7/19.

Appendices

Appendix A - List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Environmental Impact Statement
   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8989

2. Submissions
   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8989

3. Applicant's Response to Submissions
   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8989

4. Applicant's Response to Submissions Supplementary information
   http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8989

Appendix B - Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64).
- State Environmental Planning Policy No. 44 – Koala Habitat Protection.
- State Environmental Planning Policy No. 14 – Coastal Wetlands.
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).
- Port Stephens Local Environmental Plan (PSLEP) 2013.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The proposal is for a new school, under clause 15 (1) of Schedule 1.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes traffic generating development in accordance with clause 104 of the Infrastructure SEPP as it will have direct vehicular and pedestrian access to a classified road. The Infrastructure SEPP requires traffic generating development to be referred to TfNSW (RMS) for comment.

The application was referred to TfNSW (RMS) in accordance with the Infrastructure SEPP. The TfNSW (RMS) recommended conditions with respect to the proposed site access/traffic control signals, road design, and bus pick up and drop off. The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP subject to the recommended conditions by TfNSW (RMS).

The development is located within the vicinity of an electricity transmission or distribution network and in accordance with clause 45 of the Infrastructure SEPP, the development must be referred to the relevant electricity supply authority for comment.

The application was referred to Ausgrid in accordance with the Infrastructure SEPP. Ausgrid did not raise any concerns subject to recommended conditions including protection of electricity easement, costs associated with the relocation of easement, and provision of adequate supply. The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP subject to the recommended conditions by Ausgrid.

The proposal is therefore consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP commenced on 1 September 2017 and aims to simplify and standardise the approval process for early learning centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 22 of the Education SEPP states that concurrence is not required for a 'centre-based child care facility' if:

a) *the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services national Regulations, or*
b) *the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements of those Regulations.*

The proposed early learning centre would have capacity for 124 children, requiring a total of 403sqm of unencumbered indoor play space and 868sqm of unencumbered outdoor play space. The early learning centre proposes 433.5sqm of unencumbered indoor space and 991.1sqm of outdoor play space for 124 children.

The proposal achieves the requirement for the provisions of both unencumbered indoor and outdoor play spaces.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school has provided justification for contravening the development standard. The Department's consideration of the variations to the development standards is addressed in **Section 6** of this report and in the following consideration of the Port Stephens Local Environmental Plan 2013.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the TfNSW (RMS). The Application was referred to TfNSW (RMS) in accordance with this Clause.

Clause 35(6)(a) requires that the design quality of the development should evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	The site planning provides good aspect for the classrooms and for maximising light to the play area. The proposed buildings are over the height limit of the developments surrounding the site. However, due to nature of the community land use which requires level access across all the floors and the site constraints, the additional height is avoidable. The school has been designed to fit into the surrounding built-form, notwithstanding the height non-compliance and includes appropriate landscaping to soften the impact.
Sustainable, efficient and durable	The proposal includes ESD elements sufficient to achieve 4-star Green Star rating. The materials chosen are durable and require low maintenance. Bicycle parking is provided within the school site and a GTP submitted which encourages sustainable travel modes.
Accessible and inclusive	Accessible travel path provided in all sections of the site. The school hall and playing fields are to be utilised for community activities after school and during the weekends.
Amenity	The proposal creates a variety of interesting and useable playground spaces and enhance the amenity of the internal spaces by guaranteeing light and winter sun access.
Health and Safety	The setbacks between the buildings and the fencing will be accessible but not visible.
Whole of life, flexible, adaptable	The proposed learning areas are flexible and provide adaptable presentation areas throughout the learning hub building.

Aesthetics	The proposal evokes design enhancement by proposing appropriate articulation of buildings and integration with existing landscape.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a Contamination Assessment Report and the RtS includes a Remedial Action Plan (RAP). The reports were prepared on a review of site history, previous environmental assessments, detailed site inspection, collection of 79 soil samples from 23 test pit locations, sampling of three groundwater monitoring wells. The report identified the presence of hydrocarbons and metals (arsenic, cadmium, chromium, copper, lead, nickel, zinc, mercury) within the fill mound material that exceed the site criteria.

The extent of remediation of the site is located to the south western portion of a bituminous track that is considered to have been used for go-karting activities. The fill mound is up to 1.5m in height and has an approximate volume of 600m^3. Elevated constructions of hydrocarbons have been identified.

Proposed remediation will include capping and containment. The RAP states that the selection of remedial option is due to:

- limited extent of contamination which is restricted to the stockpiled fill material within the south western mound and estimated as approximately 600m^3.
- minimal environmental burden (i.e. no off site transportation required) and the use of additional resources (landfill space, imported fills) is reduced compared to other options.
- significant portions of the site are proposed to be covered with hard stand materials from the construction of the school buildings and roads/pavement areas.
- acid sulfate soil properties identified within the material preventing the suitability for off-site re-use
- financial reasons based on the hazardous waste classification of the material.

Following the completion of remediation activities, site validation is proposed to be undertaken to validate the sites suitability for its ongoing land use.

The Department notes that no objections were raised regarding the findings and recommendations of the Contamination Assessment Report. The Department is satisfied that the Applicant has adequately addressed clause 7 of SEPP 55 and that the site can be made suitable for its intended use.

The Department also recommends conditions requiring the preparation and implementation of an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during works. In addition, a condition is recommended requiring the preparation of a detailed acid sulphate soils management plan to address the impacts of any acid sulphate soils encountered within soils beneath the site.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The application proposes four school identification signs towards the front entries on Medowie Road, signage identifying each of the school buildings, wayfinding signage throughout the school and signage for emergency evacuation. One of the school identification signs would be illuminated.

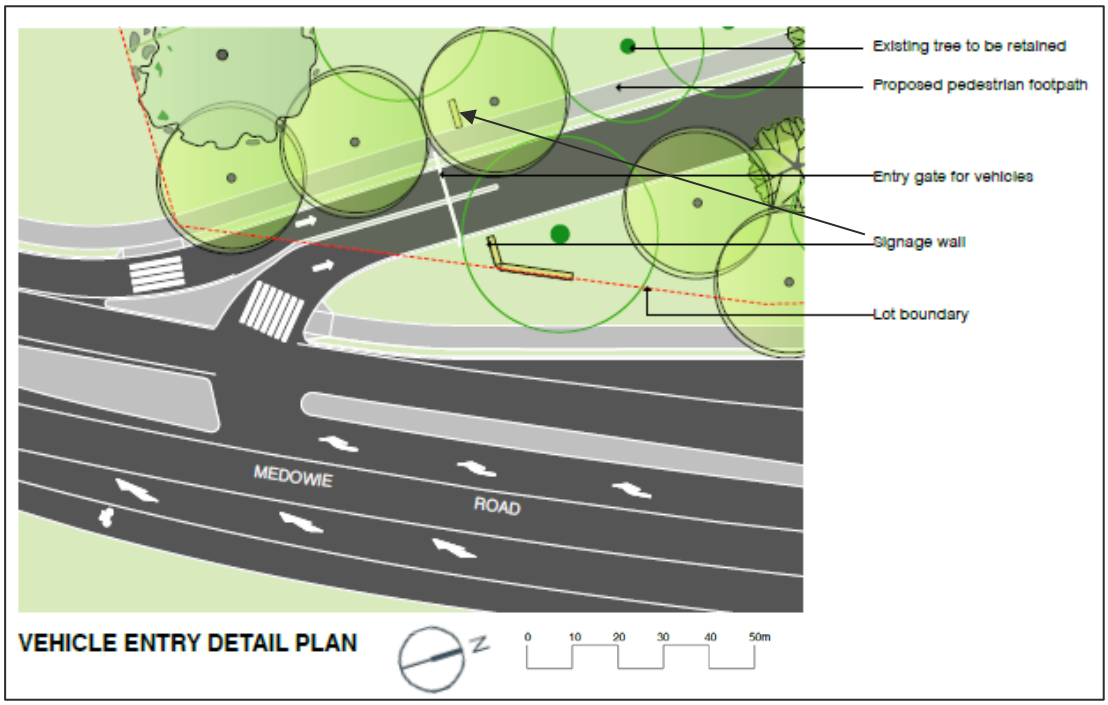


Figure B1 | entry signage 1 location (source: SRtS 2019)

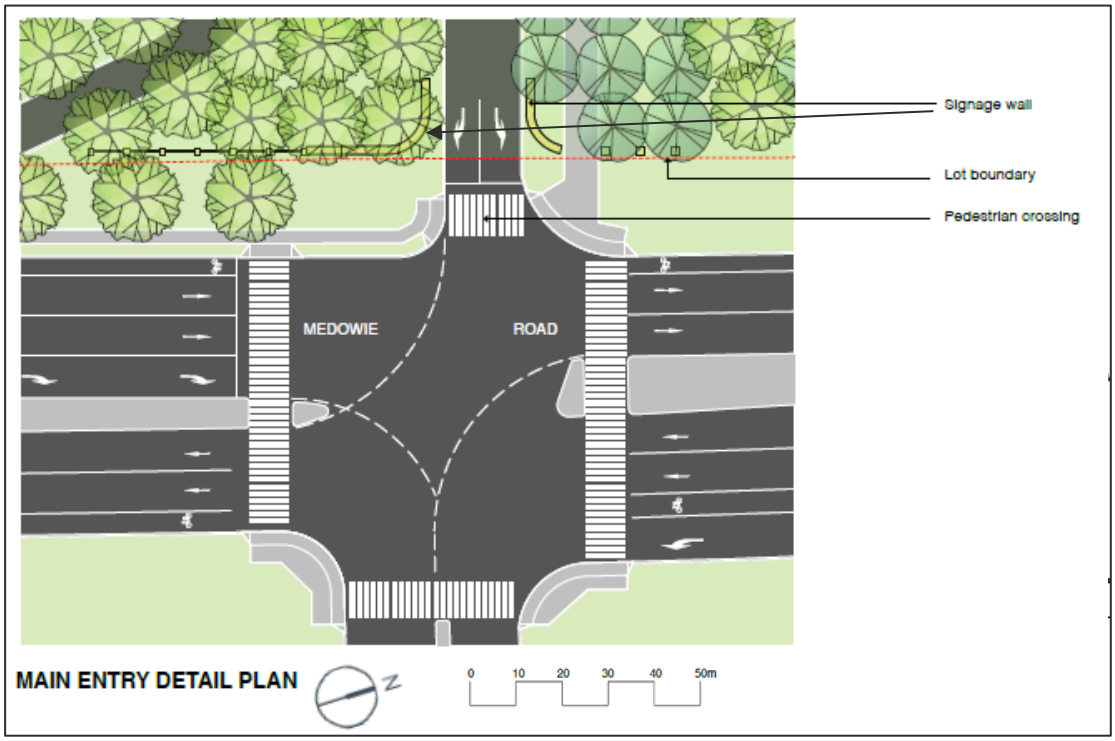


Figure B2 | Entry signage 2 location (source: SRtS 2019)

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B3** demonstrates the consistency of the proposed signage with these assessment criteria.

Table B3 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The Applicant states that the proposed signage would be used for educational establishments and that it would not dominate the future character of the of the area. The Department is satisfied that the proposed signage would be compatible with the use of the site and the surrounding developments.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area. Notwithstanding, the Applicant states that the proposed signage is commonly used for educational establishments. The Department considers the proposed sign would be consistent with commonly used signs for educational establishments.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal would not detract from the amenity or visual quality of any environmentally sensitive areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposal would not obscure or comprise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal would not dominate the skyline and reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal would have no impacts on the viewing rights of other signage.	Yes

4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signs would be appropriate in scale, proportion and form of the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal would contribute to the visual interest of the streetscape to display community information regarding the school.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no existing advertising signage with respect to proposed development.	N/A
Does the proposal screen unsightliness?	The Applicant states that the proposal would not screen any unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage would be a maximum of 5.2m in height and would not protrude above buildings, structures or tree canopies in the area.	Yes
Does the proposal require ongoing vegetation management?	The proposal would not require an ongoing vegetation management due to its location and height.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signages are scaled and proportioned to be compatible with the buildings on site.	Yes
Does the proposal respect important features of the site or building, or both?	The important features of the site and building would be respected as the signage would not dominate the streetscape or screen the building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal represents a standard modern signage for school infrastructure.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	One of the signs would have the ability to be illuminated.	Yes

7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	One sign would have the ability to illuminate. However, the proposed is not anticipated to result in unacceptable glare and affect safety for pedestrians, vehicles or aircraft.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed LED sign does not face directly towards any residence and therefore would not detract from the amenity of any residence or other form of accommodation.	Yes
Can the intensity of the illumination be adjusted, if necessary?	Yes	Yes
Is the illumination subject to a curfew?	Yes subject to conditions.	Yes
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs would be installed at manufacturer's standard, therefore would not reduce safety for any public road.	Yes
Would the proposal reduce safety for any public road?	The proposed signs would not have any impacts on sightlines. Therefore would not reduce safety for any public road.	Yes

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) and Port Stephens Council Comprehensive Koala Plan of Management (CKPoM)

The site is located adjacent to a mapped Koala corridor which links connective patches of preferred Koala habitat as the primary habitat corridor within Medowie.

The SEPP 44 and Port Stephens CKPoM aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline.

The CKPoM is consistent with the National Koala Strategy and was prepared in accordance with SEPP 44 and supersedes the requirements of SEPP 44 in the Port Stephens LGA. Therefore, compliance with the CKPoM constitutes compliance with SEPP 44.

The applicant provided an assessment against the provisions of Port Stephens Council CKPoM within the BDAR. The Applicant states that the development footprint has been located to avoid removal of preferred Koala habitat to the west which forms a component of corridor.

The application was referred to EESG and Council. The Council recommended that Koala feed tree offsets should be provided in accordance with the Port Stephens Tree Technical Specification 2014. The BAM

calculated that six Koala species credits be retired via either the purchase of 'like-for-like' credits from a registered stewardship site of payment into Biodiversity Conservation Fund using the BAM Offsets Payment Calculator. The Department has recommended offset conditions recommended to this effect.

The Department considered that the proposed development would be consistent with the objectives of the CKPoM and SEPP No. 44 subject to recommended conditions.

State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14 – Coastal Wetlands)

The aim of SEPP No. 14 – Coastal Wetlands is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State. The subject site includes approximately 0.34ha of mapped wetlands which includes approximately 0.14ha of native terrestrial vegetation and 0.20ha of non-native vegetation within the mapped extent of the SEPP 14 Coastal Wetland within the study area.

The proposed development footprint has been sited so as to avoid and minimise direct impacts to the mapped wetland. The Department acknowledges that given the minimisation of direct impacts to the mapped extent of the wetland (SEPP Costal Management) and mitigation measures to reduce potential indirect impacts, the proposed development is not considered to be inconsistent with the aims and objectives of SEPP 14 Coastal Wetlands.

The application was referred to EESG, Department of primary Industries and NSW RFS. No concerns were raised subject to recommended conditions. The majority of the proposed building footprint, the prescribed APZ, proposed drainage infrastructure and internal roads are all proposed to be located within the proximity area with a small portion within the coastal wetlands

The Department notes that the Coastal Management SEPP does not prohibit the location of any development within the prescribed proximity area or coastal wetlands, subject to a careful assessment of the cumulative impacts and having regard to the environmental assets of the site as well as the provisions of clause 11. The Applicant has undertaken such an assessment as set out below, where the whole of the site and the proposed development is considered. An assessment of the impacts of all proposed works within the proximity area are discussed concurrently with the impacts on the local biodiversity in **Section 6** of the report.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing

provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Port Stephens Local Environmental Plan (PSLEP) 2013

The PSLEP 2013 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Port Stephens LGA. The PSLEP 2013also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the PSLEP 2013 and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the PSLEP 2013. Consideration of the relevant clauses of the PSLEP 2013 is provided in **Table B4**.

Table B4 | Consideration of the PSLEP 2013

PSLEP 2013	Department Comment/Assessment
2.3 Zone objectives and land use table	The site is zoned R2 Low Density Residential, R5 Large Lot Residential and RU2 Rural Landscape. The proposed development being an educational establishment is permissible in these zones and consistent with the zone objectives. The Department considers this clause has been met.
2.7 Demolition requires development consent	The proposal involves demolition of some of the existing buildings and development consent is being obtained as part of this application.
Clause 4.3 Building height	The site is subject to a maximum building height control of 9m under the PSLEP 2013. The proposal is for a maximum building height of 11.5m. Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school has provided clause 4.6 justification for contravening the development standard. The Department's consideration of the variations to the development standards is addressed in **Section 6.2** of this report.
Clause 7.1 Acid sulfate soils	The site is mapped acid sulfate soils. The submitted Geotechnical investigation report includes general acid sulfate soil management strategies. It is considered that the proposed development does not involve basements or extensive excavation therefore the possibility of the works lowering the watertable would be unlikely. Notwithstanding, a condition has been recommended preparation of a Construction Soil and Water Management Sub-Plan which includes an Acid Sulfate Soils Management Plan, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of

	water quality at acid sulfate soils treatment areas. Subject to this condition, clause 7.1 is satisfied.
Clause 7.2 Earthworks	The proposal involves minor earthworks associated with footings and replacement fill.
Clause 7.3 Flood Planning	The site is flood affected. All the proposed buildings are above the Probable Maximum Flood level. The Department is satisfied that the proposed development would not result in flood risk to life and property and is compatible with the flood hazard on site.
Clause 7.4 Airspace operations	The Department is satisfied that the proposed development will not penetrate the Limitation or Operations Surface.
Clause 7.5 Development in areas subject to aircraft noise	The Department is satisfied that the proposed development will meet the indoor design sound level in AS 2021-2000 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction).
Clause 7.8 Drinking water catchments	The Department is satisfied that proposed development is designed and would be managed to avoid any significant adverse impact on water quality and flows.
Clause 7.9 Wetlands	The Department is satisfied that the proposed development is designed and would manage the existing wetland on site subject to conditions including a final Vegetation Management Plan.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development.

Notwithstanding, the objectives of relevant controls under the Port Stephen DCP, where relevant, has been considered in **Section 6** of this report.

Appendix C - Recommended Instrument of Consent/Approval