

Jenny Chu

From: Patrick Galbraith-Robertson [REDACTED]
Sent: Monday, 28 June 2021 4:42 PM
To: Jenny Chu
Cc: Erin White
Subject: RE: Port Macquarie-Hastings Council feedback on Hastings Secondary College (SSD-11920082)
Attachments: NSW Dept of Education and Training, 16 Owen Street, Port Macquarie, 28-Jun-2021.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jenny

Thankyou for the opportunity to provide comments regarding the proposed the Hastings Secondary College and PCYC SSDA.

We have reviewed the proposal and can provide the following feedback comments:

SSDA Landscape Documentation Set Drawing List

- Excellent to see that many local native species are utilized in the design with a good selection of species and diversity.
- Could consideration be given to replacing Swamp gum (*Eucalyptus ovata*) with a local species such as Swamp mahogany (*Eucalyptus robusta*).

State Environmental Planning Policy (Koala Habitat Protection (2020 and 2021)

1. The EIS states the site is not listed as Core Koala Habitat however there is limited details included to demonstrate this:
 - Consideration should be given to updating the EIS to include the required assessment as per SEPP (Koala Habitat Protection) 2021 Part 11 to ensure the:
 - (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or
 - (ii) is not core koala habitat, or
 - (b) information the council is satisfied demonstrates that the land subject of the development application—
 - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or
 - (ii) includes only horticultural or agricultural plantations.

Street Parking and traffic

1. No objection to the parking and traffic layout at the frontages to the site.
2. No consultation has been sought from PMHC with regards to any proposed changes to the public on street parking arrangements for the surrounding area. If these are fundamental to the consideration and justification for the proposal this may require reconsideration.

Stormwater

1. No general objections are raised subject to conditions.
2. Section 68 application required to enable detailed assessment of proposed internal stormwater drainage infrastructure.
3. Section 138 application required to allow detailed review of the proposed diversion of the existing council stormwater pipeline traversing the site.
4. Requirement to protect existing Council stormwater pipes within site.
5. Requirement to register a s88B instrument to ensure the OSD and water quality control facilities are maintained.
6. Standard post work certifications will be required.

7. Based on our pre-lodgement advice, the proposal includes a 3m clearzone along the northern site boundary. This has been provided to contain a future 3m drainage easement as identified in the Eastport Stormwater Management Plan. That plan includes the provision of a new pipe drainage extension from Owen Street through the school to the east. Consideration should be given to investigating putting in place an easement registered over this future pipe alignment in conjunction with the works? If so, an additional specific condition would be required as follows:

A 3m wide easement for drainage in favour of Council shall be provided over the "Future 3m wide easement for drainage" adjacent to the northern property boundary as shown on the Stormwater Management Plan prepared by Northrop.

The easement shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application with Council prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be provided to Council prior to any Occupation Certificate.

Water and sewer

1. No objections are raised subject to conditions.

Environmental Health

1. The Hazardous Building Materials Survey carried out on the nominated buildings has identified various hazardous materials being present in the buildings, including asbestos. The Report recommends a further assessment and development of relevant SWMS for HBM's. HBM's need to be removed under controlled conditions. Wastes need to be properly classified, transported and disposed of. A Licensed Asbestos Assessor (LAA) and/or a suitable competent person needs to carry out a clearance inspection after the complete removal of HBM's/ACM and prior to demolition work commencing; and issue an Asbestos Clearance Certificate to council. The Report also recommends that an Asbestos Management Plan and Risk Assessment be prepared and warning signs and labels installed in the school buildings as required.
2. It is recommended that air-monitoring be carried out whilst HBM's and ACM's are removed from the buildings prior to demolition since it's a school, even though friable asbestos was only identified in Building BMPB. NB that the survey of the buildings appears to have been restricted to limited, non-invasive, visual inspections and other ACM/HBM.
3. A Construction Management Plan should be developed for the proposed development which shall include a Procedure or Plan for 'Unexpected Finds' such as Naturally Occurring Asbestos (High Risk area), ACM's or other potentially hazardous materials or wastes.
4. The Geotechnical Report identified an area of uncontrolled fill material to a depth of 2.0m.
5. A Construction Noise and Vibration Management Plan be developed by an acoustic consultant and submitted prior to works commencing. Refer to the Report by JHA Services for recommendations about carrying out the NIA, including:
 - a. Construction noise is going to exceed the maximum noise levels and mitigation measures will be required and should form part of the management plan.
 - b. Acoustic assessment of mechanical plant during the Detailed Design stage.
 - c. Sound insulation rating of natural ventilation openings and attenuated low level air intakes in the façade and roof level outlets.
 - d. Acoustic ratings of the façade and glazing materials to ensure design noise levels can be achieved.
 - e. The PCYC building may require doors and windows to be kept closed at meet noise levels. BCA compliant ventilation will be required.
 - f. Ongoing noise monitoring during works.
 - g. The Report makes various recommendations regarding reducing construction noise.
6. A Risk Management Plan and a Construction & Demolition Waste Management Plan be prepared.
7. The removal of excavated soils will require a waste classification in accordance with EPA requirements prior to removal from the site.
8. Proposed construction times on Saturdays should be confirmed as it varies between consultant reports. Work on Saturdays will need to conform with the current COVID-19 Health Order for Construction in place at the time.

9. A Dust Management Plan for demolition and construction works is required. Refer to the Air Quality assessment report for more information.

Contributions Assessment Review:

1. Proposed works will increase demand on water and sewer services. Specific information for the total cost of works as been unable to be obtained. There appears to be some discrepancies in building areas (and configurations) for the PCYC component of the plans (e.g. 3,150 sqm in Appendix A - Architectural Plans (Record# D2021/166253); 3,268.4 sqm in Architectural Plans 1 (Record #D2021/166267, page 81); and 4,000 sqm in Architectural Plans 1 (Record #D2021/166267, page 32).
2. A Payment Estimate has been prepared and is attached to this email to include with proposed conditions based upon the following assumptions:
 - Total Cost of Works = \$20 Million (minimum SSD requirement)
 - 4,000 sqm PCYC (recreation facility), representing the largest multi-purpose facility size provided in the plan documents for review.

Suggested site specific consent conditions

1. A stormwater drainage design is to be submitted and approved by Council prior to works commencing. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as existing stormwater drainage system.
 - b) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum) Alternative is to submit an electronic model in DRAINS format for electronic review. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - c) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - d) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - e) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
2. Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate or Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - a) Details to address the proposed diversion of the existing Council stormwater pipeline traversing the site.
 - b) Water supply and Sewer reticulation
3. During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:
 - a. Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
 - b. Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
 - c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

- 4.** Prior to Occupation, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 5.** Prior to the Occupation, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 6.** At the completion of works on private property certification is to be provided to Port Macquarie-Hastings Council from a practising civil or structural engineer that all stormwater works have been undertaken in accordance with the approved plans and Australian Standard 3500.

- 7.** Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- 8.** All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to Occupation or release of the security bond, whichever is to occur first.
- 9.** Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- 10.** Prior to works commencing, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- 11.** Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- 12.** The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- 13.** A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site stage by stage. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.
- 14.** Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to works commencing. This application is also to include an application for the disconnection of any existing service not required.
- 15.** Due to the scale of the development all sewage shall be discharged directly to a Council sewer manhole. Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.
- 16.** Where a sewer manhole and/or Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- 17.** Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:

 - a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - b. prior to the pouring of concrete for sewerage works and/or works on public property;
 - c. during construction of sewer infrastructure;
 - d. during construction of water infrastructure;

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

18. Prior to occupation, a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
19. A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to occupation.
20. Payment to Council, prior to works commencing of the Section 7.12 contributions set out in the “Notice of Payment – Developer Charges” schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

The plan may be viewed on Council’s website or during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached “Notice of Payment” is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plan. Payments can only be made using a current “Notice of Payment” form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

21. Prior to works commencing, a Compliance Certificate under Section 307 of the *Water Management Act 2000* must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the *Water Management Act 2000*, the payment of a cash contribution is required, prior to works commencing, of the Section 64 contributions, as set out in the “Notice of Payment – Developer Charges” schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

Regards,

Pat Galbraith-Robertson

Development Planning Coordinator

Development & Environment

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PORT MACQUARIE
HASTINGS COUNCIL

