

21 June 2021

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Please address all communications
to the General Manager

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Dear Sir/Madam

Tweed Shire Council comments on the EIS for the proposed upgrade and expansion of Kingscliff High School to provide new permanent teaching spaces and core facilities including a new creative and performing arts building and associated amenities, senior learning spaces, refurbished hospitality facilities and learning areas and refurbished general learning spaces (SSD-8744305) at Lot 3 DP 803772; Cudgen Road KINGSCLIFF; Lot 57 DP 803814; No. 33 Oxford Street KINGSCLIFF

Reference is made in regards to the above proposal and the Department's request for Council's advice/comment on the Environmental Impact Statement. Council officers have undertaken a review of the proponent's EIS and supporting documentation and provide the following comments for the Department's consideration.

1. Traffic Impact

1.1 Onsite parking spaces

The proposed development has not provided adequate parking onsite. To comply with Council's parking requirements and reduce the nuisance to adjacent residents, 170 parking spaces in total should be provided onsite.

Standard car parking rates were sourced from Council's *Development Control Plan (DCP) Section A2 – Site Access and Parking Code (2014)*. The relevant car parking rates and requirements are outlined in Table 7.1.

Table 7.1: Car Parking Requirements

Land Use	Quantity	Parking Rate	Spaces Required
Educational Establishments	106 staff (FTE)	0.5 spaces per staff	53
Schools – Secondary	1400 students	1 space per 12 students	117
Total			170

1.2 Accessible parking space

The accessible parking space should be relocated and fully installed on private property and in accordance with AS 2890.6 - Off street parking for people with a disability. The current space is a significant road safety risk and requires reversing over the footpath, possibly parking on the footpath and blocks sight distance at the main entrance.

1.3 Driveway access

The main driveway access should be upgraded to comply with Council's standard drawing S.D.017, being 7m wide at the boundary and 13m wide at the kerb.

1.4 That the following improvements must be installed as part of the development:

- New pathway on eastern side of Oxford Street (220m missing link)
- New pathway on Disney Street and Vulcan Street, provides 1km missing link, with six kerb ramps required to cross Disney Street/Faulks Street, Vulcan Street/Quirk Place and Vulcan Street /Viking Street
- New pathway on Disney Street and McPhail Avenue (100m missing link with two ramps required to cross McPhail Avenue) between KHS and eastern side of McPhail Avenue;
- New pathway through forest area between KHS and existing path on Sutherland Street (Ed Rotary Park) to provide missing link between KHS and foreshore path on Sutherland Street to the east. **This should be a paved connection from KHS to the coastal shared user path.**
- **That repositioning the bus stops on McPhail Avenue should be reviewed to allow a refuge island in the pedestrian desire line. This would be better address the significant safety concerns raised in the Traffic Study. If this cannot be achieved,** refuges on McPhail Avenue and Cudgen Road; should be provided to connect from Oxford Street to the bus stops on McPhail Avenue.
- **New pathway on Cambridge Court and Yale Street to connect to Oxford Street (260m)***

2. Ecological impacts

2.2 SEPP (Koala Habitat Protection) 2021

The applicant is requested to carry out a complete assessment of the proposal in accordance with Part 5 of the Tweed Coast Comprehensive Koala Plan of Management 2020 (TCCKPoM)[made under the *SEPP (Koala Habitat Protection) 2021*] in order to satisfy provisions of the policy.

With reference to the Arboricultural Impact Assessment – Kingscliff High School SSDA Issue dated May 2021 prepared by Treescience the following Preferred Koala Food Trees of the species *Eucalyptus robusta* (Swamp Mahogany) are proposed to be removed to facilitate the development – Eight (8) trees greater than 250mm dbh girth and four (4) trees between 100mm-250mm dbh girth. In addition three (3) *E. robusta* trees greater than 250mm girth were identified as potentially being impacted by the development.

Attention is drawn to Part 5.9.2 (iii) of the TCCKPoM that indicates '*(f) or Development Proposals not referred to in (i) or (ii) above (i.e. not in a KAP or KLP and no koalas present), the proposed removal of Preferred Koala Food Trees or Preferred Koala Habitat, shall be assessed on a case by case basis and if permitted will be conditioned, to offset the loss, in accordance with the Offset Requirements detailed in Appendix C*'.

Where impact upon Preferred Koala Food Tree/s is unavoidable offsets must be provided in accordance with Table 2 of Appendix C for the Southern Koala Management Area based on the size and quantum of PKFT to be removed. Any

offset proposal must be provided in the form of an Offset Management Plan that addresses all elements of Appendix C.

2.2 Bush Stone-curlew Management

Given presence of the bird species Bush Stone-curlew (*Burhinus grallarius*) (listed as Endangered under the *Biodiversity Conservation Act 2016*) within the study area, the applicant is requested to prepare a Bush Stone-curlew Management Plan to demonstrate how potential direct/indirect impacts are to be managed during the construction and operational phase of the development to avoid and minimise harm and/or disruption to the birds behaviour particularly during the breeding season.

2.3 Bushfire Management

With reference to the submitted Bushfire Assessment Report (BAR) dated 26 March 2021 prepared by Cool Burn Fire & Ecology, Council notes that Figure 4 Bushfire Attack Level appears to show the Rainforest formation to the north-east of the site offset from the common boundary between the subject site and Council Reserve Lot 66 DP858466 by up to approximately 15 m to the east into Lot 66. Council assumes no responsibility for the management of that setback area on Lot 66 shown in Figure 4 for bushfire purposes benefitting development on the subject site. The BAR should assume that unmanaged Rainforest vegetation extends to the western boundary of Lot 66. The BAR and any BAL calculations should be modified accordingly.

3. Stormwater

3.1. Relocation of existing stormwater infrastructure

The location of buildings over existing stormwater infrastructure is not supported. Existing stormwater infrastructure is to be moved away from the building footprints and relocated in a new 3m wide easement. Council's Development Design Specification D15 – Works in Proximity is to be considered in relation to the proposed building footings and relocation of the stormwater pipe and pits.

The following detail is to be adequately addressed:

- a) The existing stormwater line shown under the 'Dance Studio' building is to be relocated away from the building footprint. Engineering details are to be provided of the relocated stormwater pipe within a new 3m wide easement.
- b) The 'potential existing stormwater pipe' shown under the proposed 'Creative & Performance Art' building is to be relocated away from the building footprint. Accurate survey detail is to be provided to determine the location of the existing stormwater pipe and pits. Engineering details are to be provided to show the relocated stormwater pipe within a new 3m wide easement.

3.2 Stormwater Quality

The re-configured car parking area is required to include stormwater quality treatment. It is recommended that the proposed garden areas in the car parking area are used as bio-retention areas for the quality treatment of stormwater or an alternative stormwater quality treatment provided. Engineering plans showing compliance with Council's D7 – Stormwater quality is to be provided for the re-configured car parking area.

4. Environmental Health

4.1 Acid Sulfate Soil

A revised Acid Sulfate Soil Management Plan is to be included within the Detailed Site Investigation for Contamination for Kingscliff High School, 33 Oxford St, Kingscliff prepared by Douglas Partners dated 25 March 2021 (Project No. 97611.00, Document No. R.001.Rev0) that identifies an onsite location for available for treatment of acid sulfate soil and meets the requirements of the *Waste Classification Guidelines – Part 4: Acid Sulfate Soils* (NSW Environment Protection Authority, November 2014).

4.2 Lighting

The applicant shall consider the potential impacts of lighting upon surrounding properties as a result of the demolition and construction works and operation of the site. Particular attention should be made to use of the site outside of school hours and the Creative and Performing Arts (CAPA) building.

4.3 Contamination

All contaminated land reports submitted for Council review as of 1 July 2020 must be accompanied by the Northern Rivers Contaminated Land Program - Contamination Report Summary Table available at <https://www.tweed.nsw.gov.au/ContaminatedLand>. Please provide this document from the environmental consultant for review.

4.4 Pre-demolition Testing

Organochlorine pesticides were applied extensively within the Tweed Shire beneath structures, predominantly beneath concrete slabs, to provide a chemical barrier to termites. The environmental consultant shall confirm that sub-slab testing has been carried out where required to determine the presence of pesticides and confirm that the area in the vicinity of the demolition works is suitable for the proposed use.

4.5 Food Premises

Confirmation is required that the semi-commercial kitchens will not be used to sell food as defined in the Australia New Zealand Food Standards Code (3.1.1).

4.6 Dewatering

Although the site is in an elevated location, works particularly in the vicinity of the proposed Music and Performing Arts building are likely to intercept

groundwater as identified in consultant reports. Please provide a dewatering management plan that:

- a. Considers Council's Dewatering in the Tweed Guideline available at https://www.tweed.nsw.gov.au/Documents/Planning/TSC12355_Dewatering_in_the_Tweed_Guideline.pdf;
- b. Meets the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018) available at www.waterquality.gov.au/anz-guidelines;
- c. Includes site plans which indicate the extent of the excavation area and estimated zone of influence of the dewatering activity relative to any adjoining buildings together with an assessment of any impacts likely to occur to any adjoining buildings as a result of the dewatering activities;
- d. The location to be indicated on the site plan of the area that will be utilised for the positioning of any treatment tank or sedimentation pond on the site including any reserve area to be used for such purpose in the event of the need for additional treatment facilities to be incorporated on the site;
- e. Details of the proposed method of mechanical aeration to be used in the event that it is necessary to aerate the groundwater to achieve an acceptable Dissolved Oxygen level prior to the offsite discharge of groundwater and where this will be incorporated on the site;
- f. The provision of written advice from the operator of any on site groundwater treatment system stating that the system to be used will be able to treat the groundwater to the required treatment level prior to discharge. Note. Particular attention is to be given to achieving the required detention times prior to discharge of the groundwater. Advice that the system is simply capable of achieving the necessary treatment will not be acceptable; and
- g. Considers the Detailed Site Investigation for Contamination for Kingscliff High School, 33 Oxford St, Kingscliff prepared by Douglas Partners dated 25 March 2021 (Project No. 97611.00, Document No. R.001.Rev0), the Preliminary Geotechnical Investigation and Acid Sulfate Soils Assessment for Kingscliff High School, 33 Oxford St, Kingscliff prepared by Douglas Partners dated 6 April 2020 (Project No. 98084.00, Document No. R.002.Rev0), and acid sulfate soil intercepted during dewatering activities.

4.7 Noise

Please address the following matters in relation to noise and amend the acoustic report as required:

- a. Please confirm the proposed hours of operation for the school including the Creative and Performing Arts (CAPA) building and surrounds, and use of the school site outside of school hours including childcare and community use;
- b. The proposed CAPA building is located in close proximity to residential receivers to the north including residential subdivision of 2 Cambridge Court. Although minimal doors and windows are proposed along the north facing side, the east and west sides include a number of openings including bifold doors opening onto the eastern side outdoor area. It is noted the doors and windows are will be kept closed during evening and night periods. Please advise how day time activities of this facility will be monitored for amenity impacts to neighbours and how complaints will be addressed;
- c. Please provide details of the proposed mechanical plant and equipment enclosure for the CAPA building. It is recommended an alternative location is considered given the proximity of the location to residential receivers, particularly where the facility will be used outside of school hours; and
- d. Please provide a site management plan for operation of the Kingscliff High School including any events held on the site out of school hours that details how noise from onsite activities will be managed and controlled so as to prevent the generation or emission of intrusive noise.

4.8 Warm Water Systems and Cooling Systems

Confirmation is required whether any regulated systems as identified in the *Public Health Act 2010* are proposed to be installed, modified or removed from the site as a result of the proposed works.

6. Water and Wastewater

6.1 Water

6.1.1 It is anticipated that there is capacity in the existing network to service the proposal. However, please provide a quantification of any expected peak demands in accordance with TSC Development Design Specification D11 and the Fees and Charges Policy to confirm the adequacy of the existing network.

6.2 Sewer

6.2.1 Council can advise that the site is serviced by the existing pump station within the lot (SPS 4014). There are no upstream catchments and the current design duty is 16L/s at 27.3m head. It is envisioned that the existing pump station can cater for the increased demand. However, please provide a quantification of the proposed sewerage flows in accordance with TSC Development Design Specification D12 and the Fees and Charges Policy to comment on the adequacy of the existing system.

6.2.2 It is advised that the site contains Council gravity sewer, sewer rising mains and electricals for the sewer pump station which is the purposes of the easements currently located on the site. It has been noted that the easements may be incorrectly located (i.e. not located centrally over the infrastructure). Therefore, a detailed survey (Quality Level A) of the site would be required, with the location and depth of the existing sewer infrastructure (gravity sewers, manholes and rising mains). Please also include the surveyed location of the sewer on the Architectural Plans and Civil Plans to facilitate the assessment of the development against TSC Development Design Specification D15.

- a) Should the survey plan indicate that the easements are incorrectly located, an updated Title Plan with the NSW Titles Office will need to be provided with the correct easement locations shown (centrally located over the surveyed infrastructure).

6.2.3 It appears that a building is proposed over Councils gravity sewer pipeline, which shall not be permitted by TSC. However, it is noted that a recent Section 68 application has been received that proposes to relocate a section of the gravity network within the lot (from MH A/1B to MH A/2) to facilitate the development. Please make note of this in the Utilities Infrastructure Report and show the existing and proposed alignment on the Architectural and Civil Plans.

If you have any queries in respect to this matter please contact Seth Philbrook of Council's Development Assessment Unit on (02) 6670 2755.

Yours faithfully

Colleen Forbes
Team Leader Development Assessment