


# Review of Environmental Factors Decision Statement

## New High School for Medowie

**Table 1: REF Details**

Document Name	New High School for Medowie – Review of Environmental Factors
REF Date	3/06/25
REF Version No.	6
Portal Reference No.	P5-2025-44
Location	6 Abundance Road, Medowie
Summary of Proposed Activity	Construction and operation of a new high school at Medowie
Prepared by	Gyde Consulting, Mel Krzus
Assessments Manager Endorsement	<p>I certify that I have reviewed and endorsed the contents of the REF document and the Decision Statement and, to the best of my knowledge, it is in accordance with the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&amp;A Regulation) and the Guidelines approved under section 170 of the EP&amp;A Regulation and the information it contains is neither false nor misleading.</p>  <p>Helen Mulcahy, Senior Manager Early Learning and Assessments</p>

The Review of Environmental Factors (**REF**) has been assessed and considered in accordance with the requirements of sections 1.7, 5.5, 5.7 and 5.10 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), sections 171 and 171A of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**) and the Guidelines approved under section 170 EP&A Regulation.

In considering the activity and for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, the NSW Department of Education (**the department**) has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment arising from the activity, as addressed in the REF including any necessary mitigation or management measures.

The REF is supported by specialist investigations and studies that have assessed the following matters and impacts:

- Bushfire
- Design Quality
- Flooding
- Traffic and Transport
- Tree Removal and Biodiversity
- Sewer

The REF provides an environmental assessment of the activity against the requirements of Division 5.1 of the EP&A Act and the EP&A Regulation, including but not limited to:

- *Guidelines for Division 5.1 Assessments*, prepared by the Department of Planning, Housing and Infrastructure (DPHI), June 2022; and
- *Guidelines for Division 5.1 assessments—Consideration of Environmental Factors for Health Services Facilities and Schools* prepared by DPHI, October 2024.

Notification of the activity occurred in accordance with s3.38A of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)* and having regard to:

- the *Stakeholder and Community Participation Plan for New Health Services Facilities and Schools* published by DPHI in October 2024; and
- the *Stakeholder and Community Participation Plan* published by the Department of Education in October 2024.

The REF was publicly exhibited on the NSW Planning Portal for 28 days from 3 March 2025 until 30 March 2025. Written notice was provided to neighbouring and nearby property owners and/or occupants in vicinity of the proposal. Port Stephens Council, as well as relevant State and Commonwealth government agencies and service providers were provided written notice of the proposed activity in correspondence dated 26 February 2025.

There were 35 submissions received during the exhibition period, including 28 submissions from the public and seven submissions from the local council and government agencies. Three late submissions were received from Hunter Water Corporation (HWC), Transport for NSW (TfNSW) and the NSW Department of Climate Change, Environment, Energy and Water (DCCEEW). The HWC and TfNSW submissions were considered as part of the final REF given the issues raised. The DCCEEW submission was not considered as part of the final REF, but was considered as part of the assessment and determination of the project.

The activity has considered the issues raised in submissions received during the consultation period and these submissions have been addressed in the assessment of the proposed activity. As the determining authority, the department is satisfied that appropriate consultation has been undertaken, having regard to the relevant stakeholder and community participation plans.

This determination is made following consideration of the matters in sections 1.7, 5.5, 5.7 and 5.10 of the EP&A Act, and section 171 and section 171A of the EP&A Regulation. This determination is also made following consideration of the design quality of the development, evaluated in accordance with the design quality principles set out in schedule 8 of the TI SEPP and the design principles set out in the *Design Guide for Schools* (2025) published by the NSW Government Architect.

The REF has considered the potential impacts arising from the proposal, including any impacts on critical habitat and threatened species, populations and ecological communities and their habitats in accordance with Part 7 of the *Biodiversity Conservation Act 2016*. The REF has also assessed the need for referral to the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The REF identifies a range of environmental outcomes and safeguards as mitigation measures that would be required to avoid or reduce environmental impacts. The mitigation measures for the proposal are included at **Appendix 1 of the REF** and additional and amended measures are listed in **Attachment 1** to this Decision Statement.

The additional mitigation measures have been included to:

- i. Align the Flood Emergency Response Plan (FERP) with recently updated guidelines;
- ii. Ensure post development off-site flood impacts are within acceptable limits; and
- iii. Incorporate measures to ensure that appropriate transport and pedestrian infrastructure is in place to support school operations.

The amended mitigation measures have been included to:

- i. Ensure the activity is carried out in accordance with the Bush Fire Safety Authority issued by the NSW Rural Fire Service (NSW RFS);
- ii. Ensure the environmental impacts of the proposed sewer connection to the Medowie 10 Wastewater Pump Station are appropriately assessed; and
- iii. Consolidate revised transport mitigation measures and remove the requirement to obtain approval under s138 of the Roads Act 1993 as this is not required for works undertaken by the department in accordance with its functions on an unclassified road. Schedule 2, Part 2, clause 5 of the Roads Act exempts a "public authority" from compliance with s138 when it is exercising its functions on or over an unclassified road (GEN3).

As an authorised person on behalf of the department who did not prepare the REF, I discharge the duty as a determining authority under section 5.1 of the EP&A Act and conclude that based on the REF document and other information provided:

- the proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement is not required;
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological

- communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement and/or Biodiversity Development Assessment Report is not required;
- the proposed activity may proceed as it responds to an existing need for secondary education facilities in this part of the Hunter Region and it generally complies with, or is consistent with all relevant legislation, plans and policies;
  - mitigation measures are required to eliminate, minimise or manage environmental impacts and have been addressed at Appendix 1 of the REF and at Attachment 1 of this Decision Statement, and endorsed by the Assessments Manager at **Table 1** of this Decision Statement; and
  - the proposed activity is not likely to have a significant impact on matters of national environmental significance, or on the environment of Commonwealth land, and therefore referral to the Minister under the EPBC Act is not required.

Having regard to the above, and having the power to exercise the functions of the determining authority under Part 5, Division 5.1 of the *Environmental Planning and Assessment Act 1979* and Part 8, Division 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposal as described in the REF at 6 Abundance Road, Medowie is **APPROVED** on behalf of the department and may proceed without the need for further assessment, subject to compliance with and implementation of the following:

1. The REF and associated appendices;
2. The Mitigation Measures included at **Appendix 1** of the REF and the additional and amended measures listed in **Attachment 1**; and
3. All other relevant statutory requirements, including approvals, licences, notifications, permits, and authorisations.

*Yvette Buchli*

**Yvette Buchli**

Executive Director – Planning and Assessments  
20 June 2025

## Attachment 1

### Additional Measures

#### Mitigation Measure FL9

Prior to operation

The Flood Emergency Response Plan (FERP) is to be updated to be consistent with the Shelter in Place Guideline for Sheltering Practices for Emergency Sheltering in Australia.

#### Mitigation Measure FL10

Prior to construction

The project must be designed to ensure that the change in flood depths on the industrial properties on the opposite side of Abundance Road would not exceed 50mm during any flood event up to and including a one per cent AEP flood event, unless agreed with the affected property owner(s). If the change in flood depths on the industrial properties are to exceed 10mm, updated flood modelling, supported by appropriate justification and consultation for the flood level increases, is to be submitted to the satisfaction of the DoE Assessments team within three months of commencement of construction.

### Amended Measures

(deletions in ~~strikethrough~~ and additions in **bold text**)

#### Mitigation Measure GEN1 (measure to be deleted)

~~The activity must be carried out in accordance with the REF dated 03 June 2025 prepared by Gyde Consulting, in accordance with the approved plans, and generally in accordance with the supporting documentation (outlined above in Table 1), except where a mitigation measure listed in Table 2 expressly requires otherwise.~~

#### Mitigation Measure BF9 (measure to be amended)

~~An application is to be prepared and submitted to the NSW Rural Fire Service (RFS) for approval under Section 100B of the Rural Fires Act 1997. This approval is to be obtained in writing prior to construction commencing on site.~~ **The activity is to comply with the conditions specified by NSW Rural Fire Service (RFS) in the Bush Fire Safety Authority (BFSA) dated 30 April 2025.**

#### Mitigation Measure SER24 (measure to be amended)

A Section 50 compliance certificate and/ or written approval for sewer and water supply is required from Hunter Water Corporation. **An assessment of the potential environmental impacts of the agreed sewer connection is to be provided to the relevant determining authority two weeks prior to the commencement of construction of the sewer connection.**

**Mitigation Measures TR1 to TR20** (measures to be deleted and replaced with TR1 to TR6 as follows)

Mitigation Number /Name	Aspect/Section	Mitigation Measure
TR1	Prior to operation and during operation	<p>A School Transport Plan (STP) is to be prepared prior to the operation of the school to the satisfaction of DoE Transport Planning Team. A copy of the STP is to be provided to the relevant department Project Lead for implementation during operations.</p> <p>The STP must include:</p> <ul style="list-style-type: none"> <li>• measures, informed by those set out in the preliminary STP prepared as part of the School Transport Plan prepared by WSP dated 31 January 2025 included at Appendix 27 of the REF, to encourage and facilitate use of public and active transport, to reduce private car dependency and minimise traffic impacts.</li> <li>• a Travel Access Guide to be prepared to encourage parent pick-up and drop-offs at the kiss and ride drop off zone, to minimise the disruptions to on-street parking, and to encourage the provision of active and public transport to and from the school, which is to be provided to all parents/ guardians of the school upon enrolment. Road safety sessions for students must also be held at the commencement of each school year for newly enrolled students.</li> <li>• consideration of the following measures: <ul style="list-style-type: none"> <li>○ monitoring of drop kiss and drop operations until at least 15 bus services are operational per hour to support travel mode share targets.</li> <li>○ monitoring of bus bay operations for the first 12 months to ensure efficiency in operation.</li> <li>○ monitoring of traffic conditions for the first 12 months during kiss and drop operations to identify any bottlenecks or road safety issues.</li> <li>○ staggering of bell times of the high school and nearby Medowie Public School by at least 20 minutes.</li> <li>○ the potential for a turnaround facility to be provided on Abundance Road as the student population increases.</li> <li>○ investigation within 12 months of the school opening, into the potential need for a pedestrian crossing to the east of the development site on Ferodale Road, such as an upgrade to the existing pedestrian refuge to a wombat crossing.</li> </ul> </li> </ul>

TR2	Prior to operation	<p><b>Facilitate Transport Working Group (TWG) meetings during the detailed design to finalise road safety measures, including consideration of:</b></p> <ul style="list-style-type: none"> <li>a) The detailed design and location of the proposed wombat crossing on Abundance Road.</li> <li>b) The installation of double centre line marking to prevent u-turns on Abundance Road.</li> <li>c) Swept Path Analysis particularly for Ferodale Road/Abundance Road and proposed bus stop locations including queueing analysis to ensure the safe operation of the bus stop in its location close to the intersection.</li> <li>d) Proposed speed zone restrictions and other traffic calming measures required (such as kerb build-outs and speed humps if needed).</li> <li>e) Proposed pedestrian and transport infrastructure upgrades to the public domain.</li> </ul> <p><b>Agreed road safety measures must be implemented prior to commencement of operation.</b></p>
TR3	Prior to and during construction	<p><b>Prior to construction commencing, a detailed Construction Traffic Management Plan (CTMP) is to be prepared by a suitably qualified traffic engineer for implementation during construction. The Construction Traffic Management Plan is to identify management strategies for construction activities and ensure that the Construction Vehicle Traffic Route as outlined in the Transport and Accessibility Impact Assessment prepared by WSP dated 31 January 2025 at included Appendix 26 of the REF is identified and followed. The Construction Traffic Management Plan is to be incorporated into the Construction Environmental Management Plan for the site.</b></p> <p><b>The CTMP must include (but is not limited to) the following measures:</b></p> <ul style="list-style-type: none"> <li>a) Construction vehicle access to the site is to be timed so as to not significantly interfere with pick-up and drop-off times at Medowie Public School (8:30-9:00am and 2:30-3:15pm).</li> <li>(b) A traffic controller is to be present on the site to support construction vehicle access and egress to the site.</li> </ul>
TR4	Prior to operation	<p><b>Prior to the commencement of operation, 69 on-site bicycle parking spaces shall be provided on site.</b></p>
TR5	During Operation	<p><b>A Post-Completion Road Safety Audit shall be carried by a qualified and independent Road Safety Auditor within three months of the commencement of operation. A copy of the final Road Safety Audit Report, along with a response to</b></p>

		<b>each audit finding, must be submitted to the satisfaction of DoE's Transport Planning Team.</b>
<b>TR6</b>	<b>During Operation</b>	<p><b>The STP must be reviewed annually (with the final review undertaken after 5 years or once the maximum capacity of the school has been reached, whichever is reached first). The annual review of the STP must consider the following:</b></p> <ul style="list-style-type: none"> <li><b>a) Confirmation that mode share targets are being achieved, and complaints are, where possible, resolved.</b></li> <li><b>b) Where mode share targets are not being met, further measures must be identified.</b></li> <li><b>c) A review of the adequacy of the existing school bus services and public bus services, and if required, consultation with TfNSW and other bus providers in the area to consider an increase of bus servicing or other measures to manage demand.</b></li> <li><b>d) The demand for bicycle facilities and provisions for increasing bicycle parking if required.</b></li> </ul> <p><b>The annual update of the STP must be provided to the satisfaction of DoE Transport Planning Team within one month of the update being completed.</b></p>