

Statement of Environmental Effects



Staged Development Application Pursuant to Section 83B of the Environmental Planning and Assessment Act 1979

Concept Proposal:

Alterations and Additions to an Existing Educational Establishment including Intensification of Use; and

Stage 1 Development Application:

Proposed Administration Building and Ancillary Drainage, Landscaping, Signage, Car Parking and Site Works.



Lot 1 DP 868525, Lot 22 and Lot 23 DP 1036306
6, 6A, and 6B Waropara Road, Medowie

Prepared for: Medowie Christian School
Project No: 0008B
Date: December 2015

Statement of Environmental Effects

6, 6A and 6B Waropara Road, Medowie

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- B. Port Stephens Council Pre-DA Consultation Meeting Minutes
- C. Concept Proposal plans prepared by Smith+Tracey Architects – Components A – W (Inclusive)
- D. Stage 1 DA plans prepared by Smith+Tracey Architects – Components A, G, H, and R
- E. Statement of Compliance, Clause 32 of ISEPP prepared by Smith+Tracey Architects
- F. Ecological Constraints and Impact Assessment prepared by Cumberland Ecology
- G. Acoustic Statement prepared by Wilkinson Murray
- H. Geotechnical Report prepared by Douglas Partners
- I. Accessibility report prepared by Ergon Consulting
- J. Preliminary Site Assessment Contamination report prepared by Douglas Partners
- K. Stormwater drainage plans prepared by BG&E
- L. Landscape Plan prepared by UnbaCo Landscape Architects
- M. Construction Management Plan prepared by Smith+Tracey Architects
- N. BCA report prepared by Technical Innersight
- O. Bushfire Assessment Report prepared by Eco Logical Australia
- P. Arboricultural Impact Assessment prepared by Advanced Treescape Consulting
- Q. Traffic and Parking Impact Assessment prepared by Transport and Traffic Planning Associates
- R. Utility Services Statement/Hunter Water Certification prepared by Jones Nicholson
- S. Waste Management Plan prepared by Smith+Tracey Architects
- T. Quantity Survey Cost Estimate report prepared by MDA Australia
- U. Port Stephens Council S.149(2)&(5) Planning Certificate
- V. Development Application and Landowner's consent

1 Introduction

1.1 Commission

State Planning Services Pty Limited (**SPS**) has been commissioned by Medowie Christian School (**MCS**) to prepare a Statement of Environmental Effects (**statement**) to accompany a Staged Development Application (**staged DA**) at Lot 1 DP 868525, Lot 22 and Lot 23 DP 1036306 Nos. 6, 6A, and 6B Waropara Road, Medowie (**subject site**) pursuant to Section 83B (**S.83B**) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

The staged DA comprises the following components:

Concept Proposal:

- Alterations and additions to an existing educational establishment including intensification of use (**concept proposal**); and

Stage 1 Development Application:

- Proposed administration building and ancillary drainage, landscaping, signage, car parking and site works (**stage 1 DA**).

1.2 Purpose of this Statement

This purpose of this statement is to accompany a staged DA for submission to Port Stephens Council (**Council**) and to provide the relevant information required for the consent authority to:

- (a) accept lodgement of the staged DA in accordance with S.83B of the EP&A Act together with Clause 50 and Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**);
- (b) evaluate the staged DA as part of an assessment against the relevant matters for consideration contained within Section 79C (**S.79C**) of the EP&A Act; and
- (c) determine the staged DA in accordance with Section 80 (**S.80**) of the EP&A Act.

1.3 Material Relied Upon

For the purposes of Clause 50 and Schedule 1 of the EP&A Regulation, SPS has inspected the site and reviewed documents and information attached to this statement as **Appendices A to V**.

1.4 Project Team

Table 1 indicates the project team responsible for preparation of the staged DA:

Table 1 The Project Team

Project Manager	EPM Projects
Surveyor	Carman Surveyors
Town Planner	State Planning Services
Architect	Smith+Tracey Architects
Bushfire Consultant	Ecological Australia
Flora and Fauna Consultant	Cumberland Ecology
Access Consultant	Ergon Consulting
BCA Consultant	Technical Innersight
Geotechnical Engineer	Douglas Partners
Landscape Architect	UmbaCo Landscape Architects
Civil Engineer	BG&E
Hydraulic Engineer	Jones Nicholson
Environmental Engineer	Douglas Partners
Quantity Surveyor	MDA Australia
Traffic Engineer	Transport and Traffic Planning Associates
Arborist	Advanced Treescape Consulting
Acoustic Engineer	Wilkinson Murray
Utility Services Consultant	Jones Nicholson

1.5 Background

1.5.1 Existing Educational Establishment

In 1995, Hunter Christian School began operating an educational establishment on the site prior to its transition to MCS in 1999, utilising demountable buildings for classrooms and amenities.

On 20 June 2001, Council issued Development Consent No. 16-2000-1774-1 for a new school on the site, subject to conditions. MCS has since modified the consent, but has continued to operate an educational establishment on the subject site (**the site**) which currently accommodates 385 kindergarten to year 12 students and 44 staff.

1.5.2 Medowie Christian School Objectives

MCS has identified the need to improve the amenity for staff and students in which to maintain a high standard of education and to promote efficient embellishment of learning facilities and scope for future growth. This objective has prompted MCS to pursue a staged DA which among other things, will replace some demountable structures with permanent buildings.

The concept proposal represents the scope of works envisaged in which to allow MCS to achieve this objective through continuation of an educational establishment use on the site over the short, medium and long-term.

The stage 1 DA represents the scope of works envisaged in which to allow MCS to achieve short-term objectives and this has been lodged currently with the concept proposal.

1.5.3 Pre-lodgement Meeting

A Pre-lodgement Meeting was held with Council on 12 August 2015 and the staged DA has responded to the matters raised by Council staff during this meeting (**Appendix B**).

1.5.4 Approved Asset Protection Zone

Clearing of vegetation associated with an Asset Protection Zone (**APZ**) has been approved on the site by Local Land Services (**LLS**) and these works were completed on 9 December 2015. The location on the site which is the subject of the approved APZ clearing is shown on the Site Analysis Plan prepared by Smith+Tracey Architects (**Appendix C**).

APZ Request No. 20949/LLS Ref. No. HCR 06078 was processed by LLS in 2015 under the *Native Vegetation Act 2003 (NV Act)* and has primarily served to allow bushfire protection for demountable classrooms that have been installed on the site pursuant to Clause 29(3) of *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*.

1.6 Type of Application

The proposal is defined as '*development*' pursuant to Section 4 of the EP&A Act as it involves the demolition and erection of buildings on the site. The proposal is neither Exempt Development, nor Complying Development and does not constitute State Significant Development, or Designated Development.

1.6.1 Integrated Development

Pursuant to Section 91 of the EP&A Act, the concept proposal constitutes integrated development because the site is bushfire prone and therefore Section 100B (**S.100B**) of the *Rural Fires Act 1997 (Rural Fires Act)* applies. In particular, S.100B(3) of the Rural Fires Act states that:

"A person must obtain such a bush fire safety authority before developing bush fire prone land for a purpose referred to in subsection (1)."

S.100B(1) of the Rural Fires Act requires a bushfire safety authority for the development of land for a '*special fire protection purpose*'. Pursuant to S.100B(6) of the Rural Fires Act, a special fire protection purpose includes (*inter-alia*) a school.

The issue of a bushfire safety authority will ensure appropriate setbacks, provision of water supply and other matters considered by the Commissioner of the NSW Rural Fire Service to be necessary to protect persons, property or the environment from danger that may arise from a bush fire.

1.6.2 Traffic Generating Development

The staged DA involves more than 50 students and therefore, pursuant to Clause 104 and Schedule 3 of ISEPP, the proposal constitutes '*traffic generating development*' and will be referred to the RTA (now known as the *NSW Roads and Maritime Services (RMS)*) for comment.

1.6.3 Consent Authority

Section 23G (**S.23G**) and Schedule 4A(6) of the EP&A Act apply to private infrastructure and community facilities including educational establishments and require development with a Capital Investment Value (CIV) over \$5 million to be determined by the *Hunter and Central Coast Joint Regional Planning Panel (JRPP)*.

On 10 May 2010, the *NSW Department of Planning* (now known as the *NSW Department of Planning and Environment*) issued Planning Circular PS 10-008 which clarified the CIV for staged development as follows:

“When calculating the CIV for a staged development, the CIV of the separate applications comprising the overall staged development must be considered in determining the CIV for that development. However, the application can only be ‘staged’ at the request of the applicant”.

Table 2 indicates a total CIV of \$14,430,556.36 for the staged DA as calculated by MDA Australia (**Appendix T**).

Table 2 Staged DA Capital Investment Value	
Concept Proposal (excl. Stage 1 DA):	\$10,546,865.58
Stage 1 DA:	\$3,883,690.78
Total:	\$14,430,556.36

Furthermore, Clause 22 of *SEPP (State and Regional Development) 2011 (SEPP SRD)* pertains to staged development functions for development exceeding minimum capital investment values as follows:

“If:

- (a) development of a class or description included in Schedule 4A to the Act is described in that Schedule by reference to a minimum capital investment value, other minimum size or other aspect, and*
- (b) development the subject of a staged development application under Part 4 of the Act is development so specified, and*
- (c) the relevant regional panel is satisfied that development the subject of a separate development application forming part of the staged development application is part of a single proposed development so specified,*

the functions of a council conferred on the regional panel under this Part extend to the determination of the separate development application.”

Consequently, pursuant to S.23G and Schedule 4A(6) of the EP&A Act together with Clause 20 and Clause 21 of SEPP (SRD), the JRPP will exercise the consent authority functions in determining the staged DA, but Council will remain as the consent authority.

2 Context

2.1 Subject Site

The site contains an area of 8.1 hectares (**ha**) and is located within the Port Stephens Local Government Area (**LGA**) on land that is described as Lot 1 DP 868525, Lot 22 and Lot 23 DP 1036306 Nos. 6, 6A, and 6B Waropara Road, Medowie (**Figures 1 and 2**).

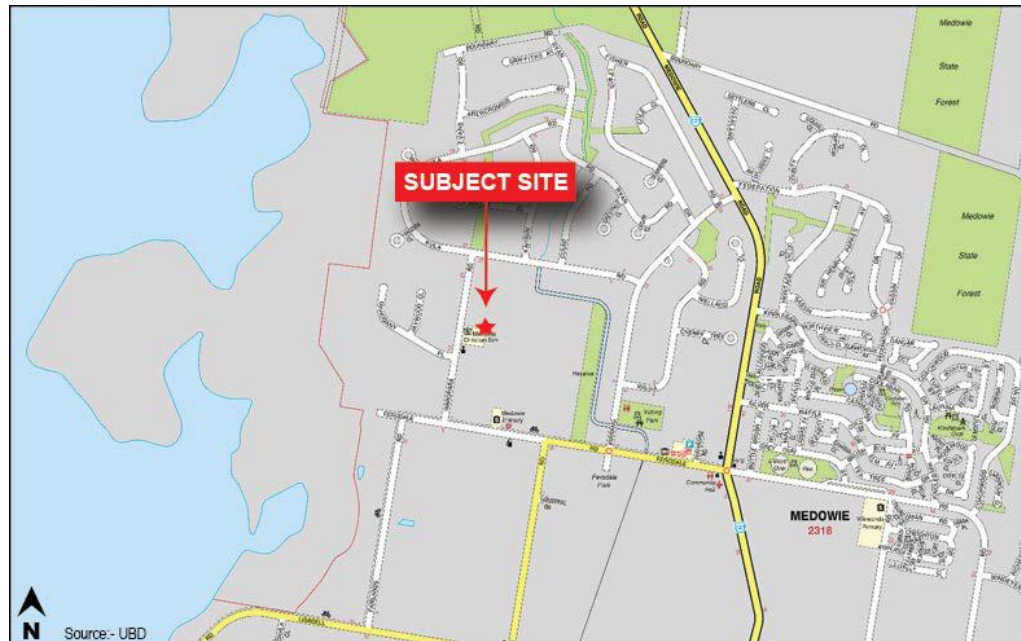


Figure 1 Locality Plan – The Subject Site

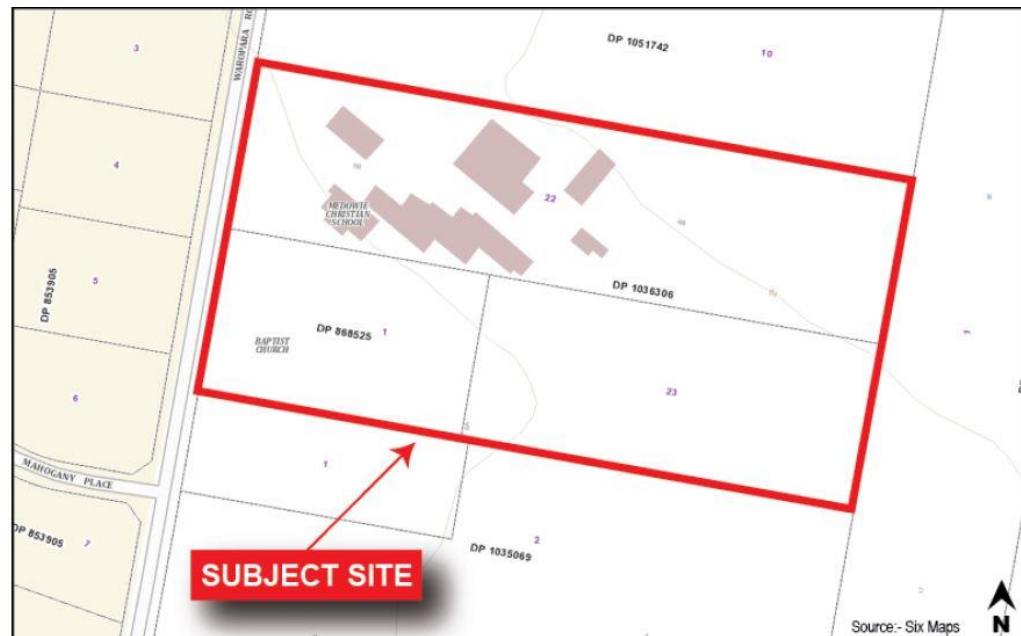


Figure 2 Cadastral Plan – The Subject Site

The site is regular in shape and has a 201 metre (**m**) frontage to Waropara Road as noted on the site survey prepared by Carman Surveyors (**Appendix A**).

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An existing educational establishment (MCS) currently operates on the site together with a place of worship known as *Medowie Baptist Community Church* and other medical centre/community facility uses with associated car parking and access from Waropara Road (**Figure 3**).



Figure 3 Subject Site as viewed from Waropara Road

2.2 Surrounding Development

Development surrounding the site is characterised by a range of rural residential uses that are commensurate with the R5 Large Lot Residential zoning of the site under *Port Stephens Local Environmental Plan 2013 (PSLEP 2013)* (**Figure 4**).



Figure 4 Aerial Photograph indicating Surrounding Development

Figures 5 to 7 (inclusive) below indicate rural residential development surrounding the site.



Figure 5 *Adjoining Rural-residential Development to the South of the Site*



Figure 6 *Adjoining Rural-residential Development to the North of the Site*



Figure 7 *Rural-residential Development to the West, Opposite the Site*

3 Proposal

3.1 Concept Proposal

3.1.1 Summary

The concept proposal involves alterations and additions to an existing educational establishment including an intensification of use as summarised below:

- (a) Replacement of demountable structures with permanent buildings including a new administration building;
- (b) Relocation of a demountable building for improved accessibility;
- (c) Refurbishment, replacement, reconfiguration or embellishment of existing facilities;
- (d) New classrooms, general learning areas and resource centre;
- (e) New recreational facilities including hardcourts and nets;
- (f) Intensification of use involving an increase of:
 - (i) 475 additional students (including 50 x pre-kinder students and 6 x year-12 students);
 - (ii) 19 additional staff; and
 - (iii) 32 additional car parking spaces.

The proposed intensification of use will result in the site accommodating a total of:

- (i) 860 students;
- (ii) 63 staff; and
- (iii) 79 car parking spaces.
- (g) Ancillary site works including:
 - (i) Demolition and excavation;
 - (ii) Tree removal of 32 x trees including Tree Nos. 29-48 (inclusive), 62-64 (inclusive) and 107-115 (inclusive);
 - (iii) APZ works for building works located adjacent to the northern side boundary at the rear of the site;
 - (iv) Landscaping including replacement planting of local endemic species;
 - (v) Drainage including enlargement of an existing detention basin adjacent to the northern side boundary;
 - (vi) Car parking (including conversion of 2 existing parking spaces to accessible parking); and
 - (vii) Building identification signage.

The concept proposal involves Components A – W (inclusive) identified on Drawing Nos. M0102/D and M0103/E prepared by Smith+Tracey Architects (**Appendix C**).

3.1.2 Concept Proposal: Components A – W (inclusive)

Components A – W (inclusive) of the concept proposal (**Figures 8 and 9**) are described below and will each be submitted to Council, either individually, or in groups as part of separate DA submissions in order to enable implementation of the concept proposal.

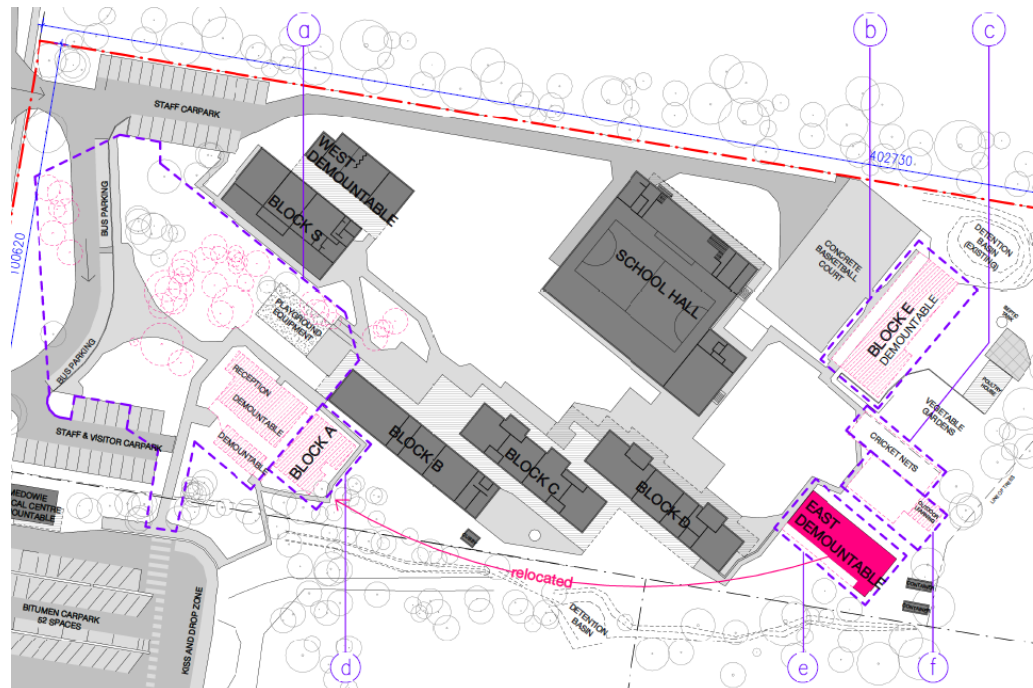


Figure 8 Concept Proposal Components A-F (inclusive)

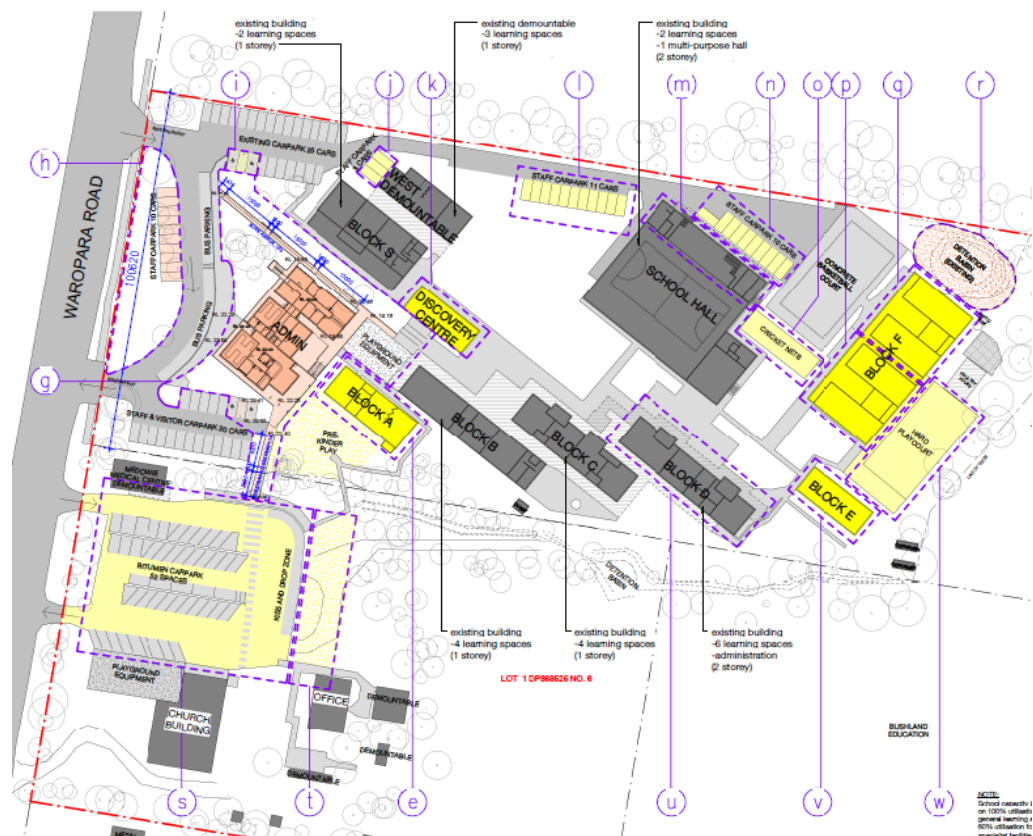


Figure 9 Concept Proposal Components G-W (inclusive)

3.1.2.1 Component A

Demolition of reception and demountable building, removal of 32 trees and site preparation.

3.1.2.2 Component B

Demolition of Block E demountable.

3.1.2.3 Component C

Demolition of cricket nets.

3.1.2.4 Component D

Demolition of Block A.

3.1.2.5 Component E

Proposed relocation of east demountable for conversion to pre-kinder (1 x storey, 2 learning spaces) and pre-kinder play area and 50 x pre-kinder students.

3.1.2.6 Component F

Demolition of outdoor learning area.

3.1.2.7 Component G

Proposed new administration building (2 x storey) and associated external works including relocation of playground equipment, conversion of existing parking spaces to provide 2 accessible car parking spaces and building identification signage.

3.1.2.8 Component H

Proposed new carpark (10 x spaces).

3.1.2.9 Component I

Reconfiguration of existing carpark to accessible car spaces.

3.1.2.10 Component J

Proposed new carpark (3 x spaces).

3.1.2.11 Component K

Proposed new discovery centre and resource centre building (2 x storey) and 2 x additional staff.

3.1.2.12 Component L

Proposed new carpark (11 x spaces).

3.1.2.13 Component M

Proposed conversion to technological and applied studies.

3.1.2.14 Component N

Proposed new carpark (10 x spaces).

3.1.2.15 Component O

Proposed new cricket nets.

3.1.2.16 Component P

Proposed new building, Block F (Part South – 2 x storey, 6 learning spaces) and 7 additional staff, 102 additional students (including 6 x year-12 students).

3.1.2.17 Component Q

Proposed new building, Block F (Part North – 2 x storey, 7 learning spaces), 8 additional staff and 112 non-year 12 students.

3.1.2.18 Component R

Proposed enlargement of existing detention basin

3.1.2.19 Component S

Proposed maintenance upgrade to existing carpark.

3.1.2.20 Component T

Proposed maintenance upgrade to existing kiss and drop zone.

3.1.2.21 Component U

Proposed refurbishment and reconfiguration of existing spaces in Block D.

3.1.2.22 Component V

Proposed new building – Block E (2 x storey, 4 learning spaces) and 2 x additional staff and 32 additional students.

3.1.2.23 Component W

Proposed new hard playcourt.

The above concept proposal components add flexibility to the future development of the site and will allow the consent authority to determine a DA in any configuration, so long as it is consistent with the concept proposal and satisfactory having regard to S.79C of the EP&A Act.

3.2 Stage 1 Development Application

3.2.1 Summary

The stage 1 DA involves components A, G, H and R from the concept proposal as summarised below:

- (a) Construction of a new 2-storey administration building with a height of 7.8m comprising meeting rooms, amenities, reception, executive offices, sick bay and staff common room; and
- (b) Ancillary site works including:
 - (i) Demolition of the existing demountable buildings/reception and excavation;
 - (ii) Removal of 32 x trees including Tree Nos. 29-48 (inclusive), 62-64 (inclusive) and 107-115 (inclusive);
 - (iii) Landscaping including new pedestrian pathways and replacement planting of local endemic species;
 - (iv) 10 additional car parking spaces located adjacent to the existing bus manoeuvring bay at the front of the site and conversion of existing parking spaces to provide 2 accessible parking spaces; and
 - (viii) Drainage to the rear of the site including enlargement of an existing detention basin adjacent to the northern side boundary; and
 - (ix) Building identification signage;

The stage 1 DA involves Components A, G, H and R identified on Drawing Nos. DA0102/A and DA0103/E prepared by Smith+Tracey Architects (**Appendix D**).

3.2.2 Stage 1 Development Application: Components A, G, H and R

The proposed administration building will be located behind the existing bus manoeuvring area within the front setback and will require 32 trees to be removed (**Figure 10**).



Figure 10 Location of Proposed Stage 1 DA Administration Building

A streetscape view of the proposed administration building has been prepared by Smith+Tracey Architects to indicate how the proposal will appear from Waropara Road (**Figure 11**).



Figure 11 Streetscape View of Proposed Administration Building as viewed from Waropara Road

Components A, G, H and R of the stage 1 DA (**Figures 12 and 13**) are described below and have been submitted concurrently with the concept proposal in accordance with S.83B of the EP&A Act.

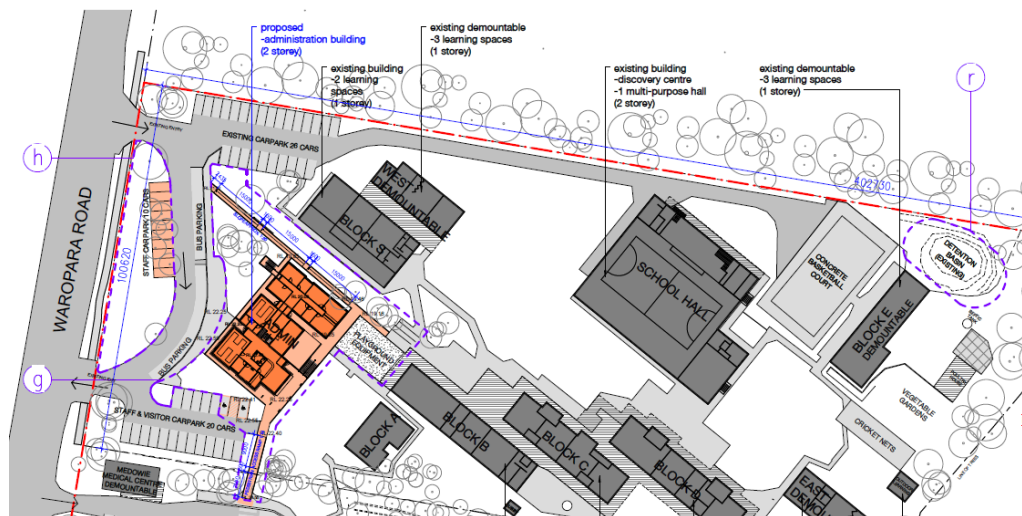


Figure 12 Stage 1 DA - Administration Building, Car parking and Embellishment of On-site Detention



Figure 13 Stage 1 DA Proposed Demolition of Demountable Buildings and Tree Removal

3.2.2.1 Component A

Demolition of reception and demountable building, removal of 32 trees and site preparation.

3.2.2.2 Component G

Proposed new administration building (2 x storey) and associated external works including relocation of playground equipment, conversion of existing parking spaces to provide 2 accessible car parking spaces and building identification signage.

3.2.2.3 Component H

Proposed new carpark (10 x spaces).

3.2.2.4 Component R

Proposed enlargement of existing detention basin.

4 Evaluation

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 79C(1) of the EP&A Act.

4.1 Section 79C(1)(a) - Environmental Planning Instruments

4.1.1 Port Stephens Local Environmental Plan 2013

The site is zoned R5 Large Lot Residential under PSLEP 2013 (Figure 14).

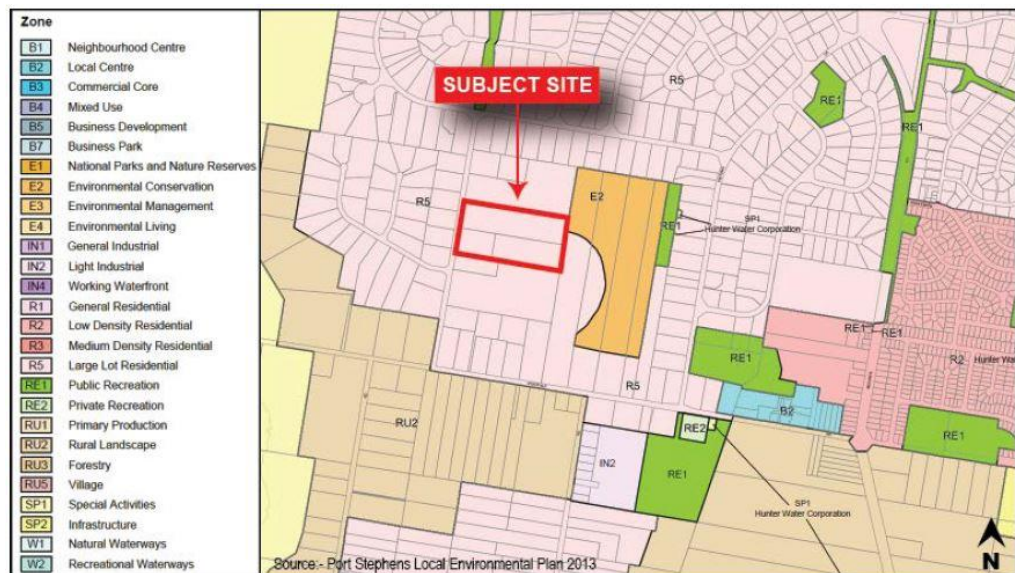


Figure 14 PSLEP 2013 Zoning Map Extract

The objectives of the R5 Large Lot Residential zone under PSLEP 2013 are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

An 'educational establishment' is defined under Clause 1.4 of PSLEP 2013 as follows:

"educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act."

The proposal constitutes an 'educational establishment' which is a prohibited use under Clause 2.3 of PSLEP 2013.

However, the R5 Large Lot Residential zone under PSLEP 2013 is a 'prescribed zone' for the purposes of Clause 27 of ISEPP and therefore Clause 28(1) of ISEPP applies (and prevails to the extent of the above inconsistency between environmental planning instruments) such that educational establishments (including the proposed Concept Proposal and Staged DA) are permitted with consent.

Even without the 'prescribed zone' status associated with Clause 27 and Clause 28(1) of ISEPP, Clause 28(2) of ISEPP applies as follows:

“(2) Development for any of the following purposes may be carried out by any person with consent on any of the following land:

- (a) development for the purpose of educational establishments - on land on which there is an existing educational establishment,*
- (b) development for the purpose of the expansion of existing educational establishments - on land adjacent to the existing educational establishment.”*

The site contains an existing educational establishment and the proposed staged DA is permitted with consent under Clause 28 of ISEPP.

Notwithstanding the authority of ISEPP over PSLEP 2013 with respect to permissibility, the proposal respects the relevant objectives of the R5 Large Lot Residential zone under PSLEP 2013 as it will not create a conflict with other uses within this zone (or other zones) surrounding the site.

Clause 4.3 of PSLEP 2013 pertains to height of buildings, but it is noted that no maximum height restrictions apply to the site.

Clause 7.1 of PSLEP 2013 pertains to acid sulphate soils, but it is noted that the site is categorised as Class 5 (**Figure 15**) and no works are proposed below 5 metres Australian Height Datum (**AHD**)

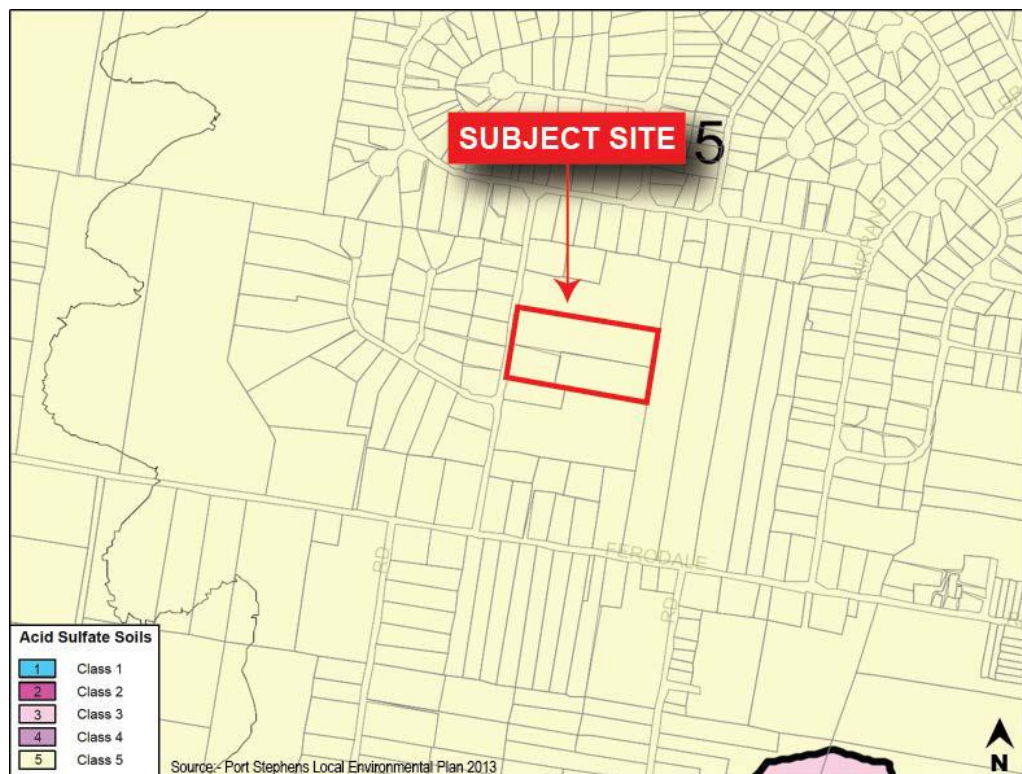


Figure 15 PSLEP 2013 Acid Sulfate Soils Map Extract

Notwithstanding, a geotechnical report prepared by Douglas Partners is provided to address the proposed site works associated with the stage 1 DA (**Appendix H**).

Clause 7.3 of PSLEP 2013 pertains to flood planning and applies as part of the north eastern corner is shown to be affected by flooding (**Figure 16**).

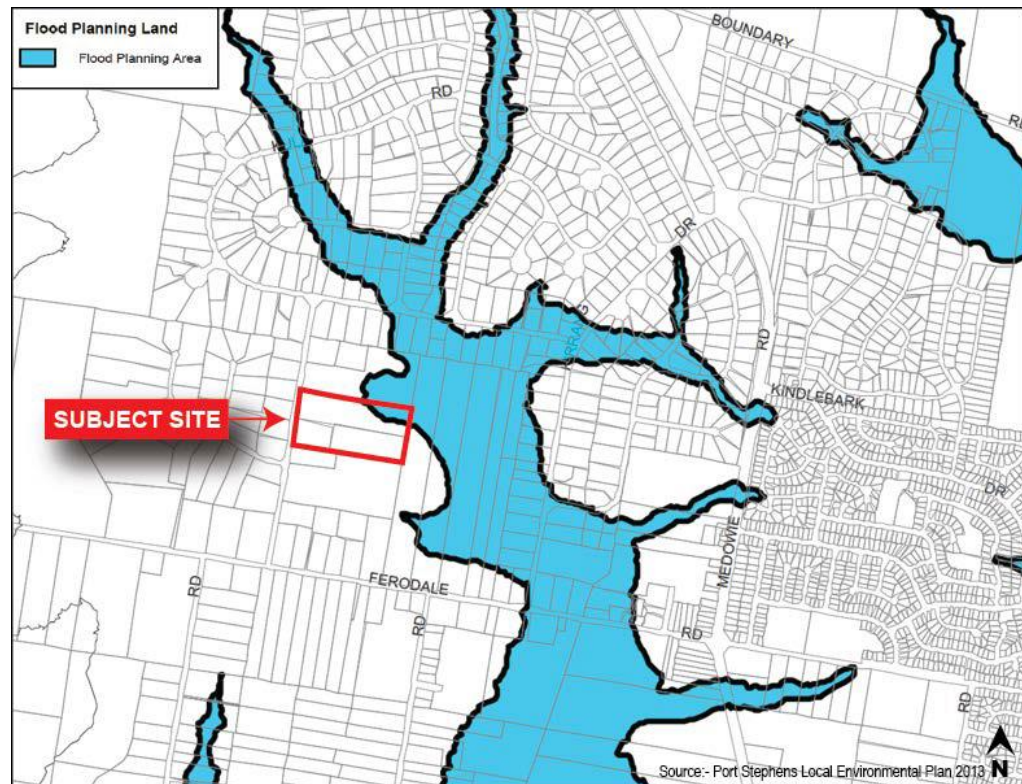


Figure 16 PSLEP 2013 Flood Planning Map Extract

In particular, Clause 7.3(3) of PSLEP 2013 states the following:

“(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.”*

BG&E has prepared stormwater drainage plans that take into consideration the flood related constraints of the site (**Appendix K**). The staged DA does not propose any development within the north-eastern corner of the site and consequently, is satisfactory having regard to Clause 7.3 of PSLEP 2013.

Clause 7.5 of PSLEP 2013 pertains to development in areas subject to aircraft noise, but the site is located outside the Australian Noise Exposure Forecast (**ANEF**) 20 contour and Wilkinson Murray has prepared an acoustic statement that indicates that “no further assessment of aircraft noise under Clause 7.5 of the Port Stephens LEP is warranted”

(**Appendix G**). Accordingly, the proposal is satisfactory having regard to Clause 7.5 of PSLEP 2013.

Clause 7.8 of PSLEP 2013 applies to the site because it is located within a drinking water catchment area (**Figure 17**).

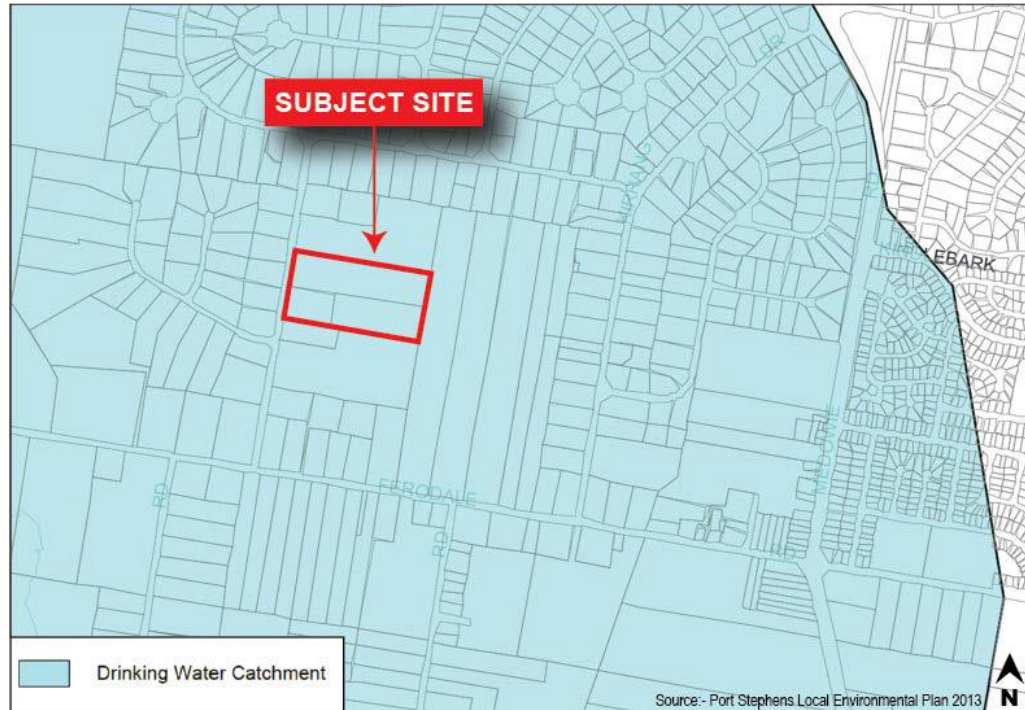


Figure 17 PSLEP 2013 Drinking Water Catchment Map Extract

In particular, Clause 7.8(3) of PSLEP 2013 states the following:

- “(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:*
- (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:*
 - (i) the distance between the development and any waterway that feeds into the drinking water storage,*
 - (ii) the on-site use, storage and disposal of any chemicals on the land,*
 - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,*
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”*

BG& E have designed a stormwater system that ensures minimal impact on the drinking water storage associated with Grahamstown Dam (**Appendix K**). Furthermore, Jones Nicholson has identified the necessary liaison with Hunter Water Corporation (**HWC**) with respect to the utility services infrastructure (**Appendix R**). Accordingly, the proposal is satisfactory having regard to Clause 7.8 of PSLEP 2013.

Clause 5.10 of PSLEP 2013 pertains to heritage conservation, but does not apply in this instance as the site is not affected by a heritage conservation area or any items of heritage significance under Schedule 5 of PSLEP 2013.

4.1.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 27 of ISEPP defines an educational establishment as follows:

“educational establishment has the same meaning as it has in the Standard Instrument.

Note.

*The term **educational establishment** is defined by the Standard Instrument as follows:*

***educational establishment** means a building or place used for education (including teaching), being:*

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.”*

The R5 Large Lot Residential zone under PSLEP 2013 is a ‘prescribed zone’ for the purposes of Clause 27 of ISEPP.

Clause 28 of ISEPP addresses the permissibility of educational establishments as follows:

- “28(1) Development for the purpose of educational establishments may be carried out by any person with consent on land in a prescribed zone.*
- (2) Development for any of the following purposes may be carried out by any person with consent on any of the following land:*
 - (a) development for the purpose of educational establishments — on land on which there is an existing educational establishment,*
 - (b) development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.”*

Pursuant to Clause 28 of ISEPP, development for the purpose of educational establishments (including the proposed concept proposal and stage 1 DA) on land on which there is an existing educational establishment may be carried out by any person with consent.

As noted previously in this statement, ISEPP prevails over PSLEP 2013 to the extent of the inconsistency between permissible and prohibited uses.

Furthermore, Clause 32 of ISEPP states the following:

- “(2) Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*

(a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002),*

(b) *Schools Facilities Standards—Design Standard (Version 1/09/2006),*

(c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008)."*

An architectural design statement prepared by Smith+Tracey Architects has been prepared to address Clause 32 of ISEPP which indicates that the design of the proposal is satisfactory having regard to the Schools Facilities Standards (**Appendix E**).

4.1.3 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (**SEPP 55**) requires the consent authority to consider the likelihood of contamination on the site together with the need for remediation (if applicable).

A Preliminary Site Assessment (**PSA**) has been prepared by Douglas Partners to assess the potential for contamination on the site which has identified that localised fill on the site could contain contamination (**Appendix J**). The PSA prepared by Douglas Partners states that *"the areas of potential contamination identified, once assessed and remediated, if necessary, will be suitable for the proposed land use"*.

Accordingly, the proposal is satisfactory having regard to SEPP 55.

4.1.4 State Environmental Planning Policy No. 44 – Koala Habitat Protection

The site is identified as containing Koala habitat and therefore State Environmental Planning Policy No. 44 (**SEPP 44**) applies.

Cumberland Ecology has prepared an Ecological assessment which addresses SEPP 44 as well as the removal of vegetation and impacts on habitat on the site associated with the proposal (**Appendix F**).

The ecological assessment prepared by Cumberland Ecology indicates that *"The proposed development does not remove any preferred habitat for Koalas and is aligned with the aims and objectives of the LGA Management Plan to protect koala habitat areas (Port Stephens Council 2002)."*

Accordingly, the proposal is satisfactory having regard to SEPP 44 as appropriate connectivity and habitat for Koalas is able to be maintained on the site.

4.1.5 State Environmental Planning Policy (State and Regional Development) 2011

Clause 22 of SEPP (SRD) pertains to staged development functions for development exceeding minimum capital investment values as follows:

"If:

(a) *development of a class or description included in Schedule 4A to the Act is described in that Schedule by reference to a minimum capital investment value, other minimum size or other aspect, and*

(b) *development the subject of a staged development application under Part 4 of the Act is development so specified, and*

(c) *the relevant regional panel is satisfied that development the subject of a separate development application forming part of the staged development application is part of a single proposed development so specified,*

the functions of a council conferred on the regional panel under this Part extend to the determination of the separate development application."

The staged DA contains a total CIV of \$14,430,556.36 as calculated by MDA Australia (**Appendix T**), which exceeds the \$5 million threshold for private infrastructure and community facilities (including educational establishments) prescribed by S.23G and Schedule 4A(6) of the EP&A Act, below which Council would be required to determine.

Consequently, pursuant to S.23G and Schedule 4A(6) of the EP&A Act together with Clause 20 and Clause 21 of SEPP (SRD), the JRPP will exercise the consent authority functions in determining the staged DA.

4.2 Section 79C(1)(a)(ii) – Proposed Instruments

No draft environmental planning instruments apply to the subject site or the proposed development.

4.3 Section 79C(1)(a)(iii) - Development Control Plans

4.3.1 Port Stephens Development Control Plan 2014

Port Stephens Development Control Plan 2014 (**PSDCP 2014**) applies to the site, but contains minimal development-specific or site-specific controls that apply to the staged DA. Consequently, the proposal is required to satisfy a merit based assessment. The general provisions of PSDCP 2014 are noted below.

4.3.1.1 Tree Management

Section B1 of PSDCP 2014 pertains to tree management and acknowledges that it applies to tree removal in urban areas. Tree removal in non-urban areas is governed by the NV Act.

The stage 1 DA requires the removal of 32 trees largely in the area proposed for the new administration building and the retention of 83 trees that have been assessed by Advanced Tree Consulting (**ATC**) (**Appendix P**).

In particular, Tree Nos. 29-48 (inclusive), 62-64 (inclusive) and 107-115 (inclusive) are proposed to be removed to facilitate the stage 1 DA.

The ATC arboricultural assessment concludes that *“the position of the building has been carefully located to ensure the least possible number of trees to be removed and there are no other practical options for the location of the construction.”*

Suitable replacement trees are to be included in the landscape plan. These replacement trees will ensure the long-term amenity and address issues associated with the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM).”

ATC has made recommendations in accordance with AS4970-2009 to reduce the impact of the proposed development on the retained trees and notes that *“the trees to be removed have been assessed as being unsuitable to be considered for retention or they have an unacceptable impact from the proposed development.”*

Compensatory planting has been proposed in a landscape plan prepared by UmbaCo Landscape Consultants (**Appendix L**).

Furthermore, the ecological impact associated with tree management on the site has been addressed by Cumberland Ecology (**Appendix F**) which indicates the following:

“No significant impact is predicted to occur to threatened species, populations or communities as a result of the proposed development. Therefore, the preparation of a Species Impact Statement (SIS) is not warranted. A referral to DoE, under the EPBC Act is also not required.”

Consequently, the proposal adopts appropriate tree management procedures on the site in accordance with Section B1 of PSDCP 2014.

4.3.1.2 Natural Resources

Section B2 of PSDCP 2014 pertains to natural resources and applies to the site as it contains Koala habitat.

The ecological assessment prepared by Cumberland Ecology for the stage 1 DA is consistent with the Port Stephens Comprehensive Koala Plan of Management (**Appendix F**) and states the following:

“No vegetation community within the development footprint comprises an occurrence of a threatened ecological community listed under the TSC Act or EPBC Act. The remnant vegetation to the north east of the site will be retained. By retaining this high quality habitat, it will act as a corridor providing connectivity between vegetation and resources for threatened and non-threatened species, including Koalas.”

Accordingly, the stage 1 DA is satisfactory having regard the relevant provisions contained within both Section B2 of PSDCP 2014 and SEPP 44.

4.3.1.3 Environmental Management

Section B3 of PSDCP 2014 pertains to environmental management and applies to the site because it is bushfire prone and has the potential to be contaminated land. The proposal also involves earthworks.

In order to address Section B3 of PSDCP 2014:

- Eco-Logical Australia has prepared a bushfire hazard assessment which indicates that the staged DA can comply with Planning for Bushfire Protection (NSWRFS 2006) for infill special fire protection purpose development (**Appendix O**).
- Douglas Partners has prepared a geotechnical investigation, however the site is categorised as Class 5 (low risk) Acid Sulphate Soils and no works are proposed below 5 metres Australian Height Datum (**AHD**) (**Appendix H**).
- BG&E has provided a sediment and erosion control plan to minimize the potential impacts associated with erosion from proposed earthworks (**Appendix K**).
- Douglas Partners has prepared a **PSA** to assess the potential for contamination on the site which identified that localised fill on the site could contain contamination (**Appendix J**). The PSA prepared by Douglas Partners states that *“the areas of potential contamination identified, once assessed and remediated, if necessary, will be suitable for the proposed land use”*. Consequently, the staged DA also satisfies SEPP 55 in this regard.
- The proposal is not anticipated to create any significant air quality or odour impacts, but in any event, controls to ensure acceptable impacts during construction are able to be imposed via conditions of development consent.
- Wilkinson Murray has provided an acoustic statement which indicates that noise impacts are able to be mitigated and will not adversely affect surrounding development (**Appendix G**); and
- A Waste Management Plan (WMP) has been prepared by Smith+Tracey Architects which indicates the volume, type and storage of waste and proposed disposal of residual material (**Appendix S**).

Consequently, the proposal (but in particular the stage 1 DA) will adopt appropriate environmental management principles and is therefore satisfactory having regard to Section B3 of PSDCP 2014.

4.3.1.4 Drainage and Water Quality

Section B4 of PSDCP 2014 pertains to drainage and water quality and applies to the staged DA due to the proposed increase in non-permeable surfaces. All drainage is proposed to be directed to the rear at the lowest point of the site with proposed embellishment of an existing stormwater detention system as part of the stage 1 DA that will accommodate all works included in the concept proposal.

Stormwater drainage and water quality has been addressed by BG&E in plans and engineering documentation provided at **Appendix K** and is consistent with the provisions contained within Section B4 of PSDCP 2014 as appropriate detention is provided to ensure no significant increase in post-development flows from the site.

4.3.1.5 Flooding

Section B5 of PSDCP 2014 pertains to flooding and therefore applies to the site due to the minor flood affectation in the north-eastern corner of the site.

However, the staged DA does not propose any development in the north-eastern corner of the site other than the embellishment of existing drainage infrastructure and on-site detention facilities as noted on the plans prepared by BG&E (**Appendix K**).

Accordingly, the proposal will not be adversely affected by flooding and will not contribute to increased flooding impacts on surrounding sites.

4.3.1.6 Essential Services

The site benefits from existing connections to essential services including electricity, sewerage and vehicular access.

Notwithstanding, Jones Nicholson has identified the necessary liaison with HWC and provided an essential services statement which indicates that the staged DA is satisfactory having regard to the accessibility and embellishment of essential services (**Appendix R**).

4.3.1.7 Williamtown RAAF Base – Aircraft Noise & Safety

The site is not located within the aircraft noise planning area identified within Section B7 of PSDCP 2014. Notwithstanding, Wilkinson Murray has provided an acoustic statement to confirm that the site is not within the ANEF 20 contour and to address potential noise impacts associated with the staged DA (**Appendix G**).

4.3.1.8 Heritage

Section B8 of PSDCP 2014 pertains to heritage, but does not apply to the staged DA as the site does not contain a heritage item and is not located within a heritage conservation area.

4.3.1.9 Road Network and Parking

Table 3 includes parking rates that apply to the site in Section B9 of PSDCP 2014.

Table 3 PSDCP 2014 Parking Requirements		
Development Type	Parking Requirements	Accessible Parking
<i>Educational Establishment</i>	<ul style="list-style-type: none"> 1 car space per employee 1 car space per 8 senior high school students 2 bike spaces per 20 employees and students 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
<i>Medical Centre</i>	<ul style="list-style-type: none"> 1 car space per 25m² floor area 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
<i>Child Care Centre</i>	<ul style="list-style-type: none"> 1 car space for every 4 childcare places. 	<ul style="list-style-type: none"> 1 car space
<i>Place of Public Worship</i>	<ul style="list-style-type: none"> Merit-based approach 2 bike spaces per 20 employees and visitors. 	<ul style="list-style-type: none"> 1 car space per 20 car spaces

Table 4 adopts the PSDCP 2014 parking rates and applies them to the concept proposal, having regard to the proposed intensification of use:

Table 4 Concept Proposal Student/Staff/Parking		
Current	Proposed	Increase
385 students	860 students	475 students
44 staff	63 staff	19 staff
47 spaces	79 spaces	32 spaces

The concept proposal involves an intensification of use comprising 475 additional students (including 50 pre-kinder and 6 additional year-12 students) and 19 additional staff which will require an additional 32 parking spaces on the site.

Traffic and Transport Planning Associates (**TTPA**) has prepared a traffic, transport and parking assessment (**Appendix Q**), which concludes that *“the alterations and additions for Medowie Christian School (i.e. proposed Stage 1 and envisaged Concept Proposal) will:*

- *not present any unsatisfactory capacity, safety or environmental related traffic implications;*
- *incorporate a suitable and appropriate parking provision;*
- *incorporate suitable vehicle access, internal circulation and servicing arrangements; and*
- *be consistent with the objectives of the Port Stephens Council DCP.”*

Accordingly, the proposed 79 spaces will satisfactorily mitigate any impacts associated with the proposed intensification of use on the site. Whilst 10 parking spaces will be provided as part of the stage 1 DA associated with the proposed administration building, the proposed intensification of use and associated additional parking will occur at a later stage and will be the subject of separate, subsequent DA submissions to Council.

4.3.1.10 Social Impact

Section B10 of PSDCP 2014 does not require a social impact assessment (**SIA**) for educational establishments.

The concept proposal includes a higher number of quality student education positions within the Medowie locality will benefit the Port Stephens LGA and broader Newcastle region by providing residents who have children with greater choice and convenience.

In addition, the staged DA promotes community well-being and quality of life as well as inter-generational equity. Accordingly, the proposal will create a positive, albeit minor social impact on the Medowie locality.

Overall, the concept proposal and stage 1 DA appropriately address the relevant general provisions contained within PSDCP 2014.

4.3.1.11 Signage

The proposed building identification signage will contain the MCS logo and is located on the western elevation of the administration building. The proposed signage will be 1m x 1.44m and will comprise of lazer-cut powercoat aluminium materials without illumination.

Accordingly, the proposed signage is not inconsistent with Section C8 of PSDCP 2014.

4.4 Section 79C(1)(a)(iiia) - Planning Agreements

No planning agreement (PA) or draft PA is relevant to the proposal under the provisions of S.93F of the Act.

4.5 Section 79C(1)(a)(iv) Regulations

The information submitted with the staged DA in this statement is consistent with Clause 50 and Schedule 1 of the EP&A Regulation.

4.5.1 Building Code of Australia (BCA)

The concept proposal and stage 1 DA are able to satisfy either the deemed-to-satisfy provisions and/or the performance requirements of the BCA.

In particular, a BCA Capability Statement prepared by Technical Innersight with respect to the stage 1 DA concludes that *“the proposed building can achieve compliance with the provisions of BCA 2015 without alteration that would necessitate an amendment to the development consent”* (**Appendix N**).

Ergon Consulting has also provided an Accessibility Statement to confirm that the stage 1 DA will provide appropriate and equitable access (**Appendix I**).

4.5.2 AS 2601 – Demolition of Structures

The stage 1 DA is able to satisfy Clause 92 of the EP&A Regulation which designates AS 2601-2014: The Demolition of Structures as a prescribed matter for consideration.

4.6 Section 79C(1)(a)(v) – Coastal Management Plan

No Coastal Management Plan applies to the site or the proposed development.

4.7 Section 79C(1)(b) - Impacts

4.7.1 Built Environment Impacts

The concept proposal includes institutional buildings between 1 and 3 storeys in height with generous setbacks to front, side and rear boundaries, generally consistent with the existing building footprint of the existing educational establishment.

Many of the proposed building improvements focus on the replacement of demountable structures with permanent buildings together with ancillary infrastructure including parking, landscaping and drainage.

4.7.1.1 Traffic and Parking

A traffic and parking impact assessment report has been prepared by TTPA (**Appendix Q**). The TTPA report raises no issues with respect to potential land use conflicts with the place of worship or medical centre/community facilities on the site and does not identify any other potential land use conflicts with surrounding rural-residential uses. Furthermore, a Traffic Management Plan is not identified by TTPA as being necessary for this site.

The site includes a functional set-down/pick-up area which TTPA contends *“has quite adequate capacity to accommodate the demands of the envisaged additional students”*.

The concept proposal involves an intensification of use comprising 475 students and 19 staff which will require an additional 32 parking spaces on the site.

The TTPA traffic, transport and parking assessment concludes that *“the alterations and additions for Medowie Christian School (i.e. proposed Stage 1 and envisaged Concept Proposal) will:*

- *not present any unsatisfactory capacity, safety or environmental related traffic implications;*
- *incorporate a suitable and appropriate parking provision;*

- *incorporate suitable vehicle access, internal circulation and servicing arrangements; and*
- *be consistent with the objectives of the Port Stephens Council DCP.”*

A Construction Management Plan prepared by Smith+Tracey Architects will ensure minimal impacts from construction (**Appendix M**).

4.7.1.2 Visual Bulk / Urban Design

The proposed stage 1 DA will create an acceptable impact with respect to visual bulk and urban design, as noted from the plans prepared by Smith+Tracey Architects (**Appendix D**).

4.7.1.3 Overshadowing / Privacy

Due to the extensive front, side and rear setbacks on the site, the proposed stage 1 DA will not create any overshadowing or privacy impacts on adjoining or surrounding development.

4.7.1.4 Streetscape

The existing streetscape presentation of the site when viewed from Waropara Road in the location of the Stage 1 DA works consists of security fencing with school buildings beyond together with a bus manoeuvring area, internal driveway and landscaping within the front setback (**Figure 18**).



Figure 18 Existing Streetscape – Waropara Road

The proposed administration building will be setback behind the existing bus manoeuvring area with a generous front, side and rear setback and will not create any significant adverse streetscape impact.

The proposed stage 1 DA will create an acceptable streetscape impact, as noted from the plans and elevations prepared by Smith+Tracey Architects (**Appendix D**).

4.7.1.5 Character

The proposal will retain the educational establishment use of the site and will not alter the character of the Medowie locality. The proposed stage 1 DA also adopts non-reflective earth-coloured tones as noted in the materials and finishes schedule prepared by Smith+Tracey Architects (**Figure 19**).



Figure 19 Stage 1 DA Materials and Finishes

Accordingly, the proposal will not create a significant adverse impact on the built environment.

4.7.2 Natural Environment Impacts

4.7.2.1 Tree Removal

The stage 1 DA requires the removal of 32 trees and the retention of 83 trees that have been assessed by Advanced Tree Consulting (**ATC**) as part of the stage 1 DA (**Appendix P**).

In particular, Tree Nos. 29-48 (inclusive), 62-64 (inclusive) and 107-115 (inclusive) are proposed to be removed to facilitate the stage 1 DA.

The ATC aboricultural assessment concludes that *“the position of the building has been carefully located to ensure the least possible number of trees to be removed and there are no other practical options for the location of the construction.”*

Suitable replacement trees are to be included in the landscape plan. These replacement trees will ensure the long-term amenity and address issues associated with the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM)."

ATC has made recommendations in accordance with AS4970-2009 to reduce the impact of the proposed development on the retained trees and notes that *“the trees to be removed have been assessed as being unsuitable to be considered for retention or they have an unacceptable impact from the proposed development.”*

Accordingly, the proposed tree removal is considered to be acceptable, having regard to the impact on the natural environment.

4.7.2.2 Flora and Fauna

The ecological assessment prepared by Cumberland Ecology provided at **Appendix F** indicates the following:

“Past and current use of the subject site has entailed clearing and modification of the pre-existing native vegetation within the development footprint. The proposed development is largely contained within cleared and highly modified land. Approximately 0.08 ha of Blackbutt/ Red Bloodwood/ Scribbly Gum/

Smooth-barked Apple Open Forest – Canopy Only will be removed by the proposed development. A further 0.01 ha of Garden Vegetation and 0.01 ha of Exotic Grassland will also be removed.

No vegetation community within the development footprint comprises an occurrence of a threatened ecological community listed under the TSC Act or EPBC Act. The remnant vegetation to the north east of the site will be retained. By retaining this high quality habitat, it will act as a corridor providing connectivity between vegetation and resources for threatened and non-threatened species, including Koalas.

Despite the impacts of previous disturbance, the proposed development will require the clearing on native vegetation that forms suitable habitat for some threatened fauna species.

The mitigation measures recommended to be implemented included:

- *Erosion, sedimentation and pollution control;*
- *Vegetation protection;*
- *Incorporation of locally occurring native species within landscape design; and*
- *Pre-clearing and clearing surveys.*

No significant impact is predicted to occur to threatened species, populations or communities as a result of the proposed development. Therefore, the preparation of a Species Impact Statement (SIS) is not warranted. A referral to DoE, under the EPBC Act is also not required.

As this FFA has been prepared for the works to be undertaken under the Stage 1 DA only, further assessment of ecological impacts will be required for development under subsequent DAs proposed within the Concept Proposal.”

Accordingly, the proposal will create a satisfactory impact on flora and fauna supported within the natural environment on the site.

4.7.2.3 Bushfire

The site is bushfire prone and contains Category 1 vegetation (**Figure 20**).



Figure 20 Bushfire Prone Land Map

Clearing associated with an APZ on the site has been approved by LLS and completed on 9 December 2015 which reduces the susceptibility of the site to bushfire attack and is supported on the basis that it is consistent with Planning for Bushfire Protection 2006 (**PBP 2006**).

A Bushfire Assessment prepared by Eco-Logical Australia for the stage 1 DA recommends the following (**Appendix O**):

- (a) *The proposed Stage 1 Administration Building be constructed to comply with BAL-12.5 under Australian Standard AS 3959-2009 'Construction of buildings in bushfire-prone areas' (Standards Australia 2009).*
- (b) *The proposed Concept Plan buildings be constructed or retrofitted (if relocated) to comply with BAL-12.5 under Australian Standard AS 3959-2009 "Construction of buildings in bushfire-prone areas" (Standards Australia 2009).*
- (c) *The NSW variation to AS 3959 as outlined in PBP (within the 2010 Appendix 3 Addendum) are to be implemented as applicable to the proposed developments (refer to Appendix 1 of this report).*
- (d) *An APZ of minimum 70m is to be established around the proposed Administration Building and the new buildings as per the Concept Plan consistent with the maintenance plan in Section 4.2.1 of this report.*
- (e) *Electricity should be under ground where practicable. Otherwise, lines are to be installed with short pole spacing, unless crossing gullies and no part of a tree should be closer to a powerline than the distance specified in "Guideline for managing vegetation near power lines" issued by Department of Energy, Utilities and Sustainability (ISSC 3, December 2005).*
- (f) *Any gas services are to be installed and maintained in accordance with AS/NZS 1596:2008 (Standards Australia, 2008).*

(g) Any existing bushfire maintenance plans and fire emergency procedures will need to be amended to incorporate the new development prior to occupation.”

Eco-Logical Australia concludes that “*the proposed development can comply with ‘Planning for Bushfire Protection’ (NSWRFS 2006) for infill SFPP development*”.

Accordingly, the proposal will not create a significant adverse impact on the built environment.

4.7.2.4 Flooding and Drainage

The staged DA does not propose any development in the north-eastern corner of the site which is affected by flooding constraints.

The stage 1 DA includes embellishment of the existing drainage infrastructure and on-site detention system (**Figure 21**) as noted on the plans prepared by BG&E (**Appendix K**).



Figure 21 Existing On-site Detention System

The proposal will not exacerbate any existing flooding impacts on surrounding development. Furthermore, the embellishment of existing on-site detention facilities as part of the stage 1 DA will accommodate the broader requirements of development components A – W (inclusive) envisaged as part of the concept proposal.

4.7.3 Social and Economic Impacts

Socially, the provision of a higher number of quality student education positions within the Medowie locality will benefit the Port Stephens LGA and broader Newcastle region by providing residents who have children with greater choice and convenience.

Economically, the proposal will result in short term construction employment as well as new teaching positions for additional staff.

Accordingly, the proposal will create a positive, albeit minor social and economic impact on the Medowie locality.

4.8 Section 79C(1)(c) – Suitability of the Site for Development

The proposal will facilitate the continued use of the site for educational purposes without creating any significant adverse environmental impacts.

Furthermore, the proposal will not be inconsistent with the relevant objectives of the R5 Large Lot Residential zone under PSLEP 2013 and will uphold the objects of Section 5(a)(i), (ii), (vi) and (vii) of the EP&A Act which are:

“(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development”.*

Accordingly, the site is considered to be suitable for the proposed development.

4.9 Section 79C(1)(d) – Submissions

Pursuant to S.79(1)(d) of the EP&A Act, Council is to give due consideration to any submissions made during the notification period.

4.10 Section 79C(1)(e) – Public Interest

The concept proposal is consistent with the objects contained within Section 5 of the EP&A Act as it provides the opportunity for both economic and orderly development and the principles of ecologically sustainable development to be achieved on the site.

The stage 1 DA is consistent with the concept proposal and sufficient scope exists for each subsequent DA beyond stage 1 to be lodged and assessed for consistency against the concept proposal, thereby satisfying S.83B of the EP&A Act. The public interest will also be well served by each subsequent DA needing to satisfy S.79C of the EP&A Act before being determined by the consent authority under S.80 of the EP&A Act.

The absence of any significant adverse impacts on the natural or built environment and nil adverse social and economic impacts indicate that the site is suitable for the development, particularly as the continued use of the site for educational establishment purposes is supported by Clause 28(2) of ISEPP.

Accordingly, there is no reason which is in the public interest that would serve to preclude Council's favourable determination of the concept proposal and stage 1 DA.

5 Conclusion

Medowie Christian School has commissioned State Planning Services to prepare a Statement of Environmental Effects to accompany a Staged Development Application at Lot 1 DP 868525, Lot 22 and Lot 23 DP 1036306 Nos. 6, 6A, and 6B Waropara Road, Medowie pursuant to Section 83B of the EP&A Act as follows:

Concept Proposal:

- Alterations and additions to an existing educational establishment including intensification of use; and

Stage 1 Development Application:

- Proposed administration building and ancillary drainage, landscaping, signage, car parking and site works.

The proposal satisfies Section 79C of the EP&A Act for the following reasons:

1. Although educational establishments are prohibited under Clause 2.3 of PSLEP 2013, the R5 Large Lot Residential zone under PSLEP 2013 is a 'prescribed zone' for the purposes of Clause 27 of ISEPP and therefore Clause 28 of ISEPP applies (and prevails to the extent of the inconsistency) such that educational establishments (including the proposed Concept Proposal and Stage 1 DA) are permitted with consent.
2. The proposal will continue the educational establishment use of the site and is satisfactory having regard to the objectives of the R5 Large Lot Residential zone under PSLEP 2013 as it will not result in a land use conflict with surrounding development;
3. The proposal generally complies with the relevant development standards under PSLEP 2013 and the applicable environmental planning controls contained within PSDCP 2014 and will not result in any significant adverse environmental impacts;
4. The concept proposal is consistent with the objects contained within Section 5 of the EP&A Act as it provides the opportunity for both economic and orderly development and the principles of ecologically sustainable development to be achieved on the site;
5. The Stage 1 DA is consistent with the concept proposal and all subsequent staged development applications are able to be assessed, having regard to their consistency with the Concept Proposal;
6. The proposal will create an acceptable impact on the natural and built environment with a positive, albeit minor social and economic impact. In particular, the proposal will provide a positive contribution to the Waropara Road streetscape and is consistent with the character of the Medowie locality. The proposal also respects the ecological, drinking water catchment and bushfire constraints and will provide satisfactory on-site parking and manoeuvrability; and
7. The site is suitable for the development as it benefits from being well serviced by existing utility services infrastructure and the proposal is able to be supported within the public interest.

The proposed Concept Plan and Stage 1 DA warrant the support of the JRPP for the reasons outlined in this statement. Accordingly, State Planning Services recommends approval of the Concept Proposal and Stage 1 DA, pursuant to Section 80 of the EP&A Act subject to conditions.