



Prepared for
School Infrastructure NSW

Date
9 September 2022

Submissions Report

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Murwillumbah Education Campus

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Architectus Australia Pty Ltd
ABN 90 131 245 684

Adelaide
Level 1, 15 Leigh Street
57 Wyatt Street
Adelaide SA 5000
T +61 8 8427 7300
adelaide@architectus.com.au

Brisbane
Level 2, 79 Adelaide Street
Brisbane QLD 4000
T +61 7 3221 6077
brisbane@architectus.com.au

Melbourne
Level 25, 385 Bourke Street
Melbourne VIC 3000
T +61 3 9429 5733
melbourne@architectus.com.au

Perth
QV1 Upper Plaza West
250 St Georges Terrace
Perth WA 6000
T +61 8 9412 8355
perth@architectus.com.au

Sydney
Level 18, 25 Martin Place
Sydney NSW 2000
T +61 2 8252 8400
sydney@architectus.com.au

architectus.com.au

Report Contact

Jane Fielding
Senior Associate, Planning
jane.fielding@architectus.com.au

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1. Introduction

1.1 Purpose of this Report

This Submissions Report has been prepared for the State Significant Development Application (SSDA) (SSD-16848913) for the construction of the new Murwillumbah Education Campus (MEC).

It involves the redevelopment of the existing Murwillumbah High School (MHS) and the co-location of four (4) existing schools comprising Murwillumbah Primary School (MPS), Murwillumbah East Primary School (MEPS), MHS and Wollumbin High School (WHS). The MEC will include a primary school, a high school, Department of Education (DoE) offices and school community health facilities, co-located in an integrated, purpose designed and built campus.

The purpose of this Submissions Report is to detail and respond to matters raised in the submissions received for SSD-16848913.

The SSDA was publicly exhibited from 26 April 2022 to 23 May 2022. During this period, a total of 14 public submissions were received and 7 public authority submissions from government bodies and Tweed Shire Council. In addition, an Issues Letter was received from the Department of Planning and Environment (DPE) along with a peer review undertaken by an independent traffic consultant engaged by DPE.

Refer to the summary of submissions received at Section 2 of this report and the Submissions Register at **Appendix A**. The Submissions Report has been set out to address each submission matter, and is structured as follows:

- Part 1: Introduction;
- Part 2: Analysis of submissions;
- Part 3: Actions taken since exhibition;
- Part 4: Response to submissions;
- Part 5: Project justification.

This Submissions Report should be read in conjunction with the Environmental Impact Statement (EIS) prepared by Architectus Australia Pty Ltd (including appendices), and other supporting documentation from **Appendices A to U**.

The response has been prepared in the form of a Submissions Report as per Appendix C of *State Significant Development Guidelines (2021)*.

1.2 Overview of Proposed Development

SSD-16848913 was lodged with DPE on 19 April 2022, under Division 4.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and proposes:

- Demolition of inground building slabs, pathways and footings, of buildings B, C, D, G, H, M, P, S, AW and AZ (following the demolition of these buildings under a separate planning pathway);
- Demolition of existing Building E;
- Construction of four (4) new educational buildings and facilities that will reflect best practice and innovative education design principles; and
- Retention and refurbishment of Building A (a local heritage item) and Building F.

The development of the campus is required to allow for higher quality educational facilities to serve local students. The proposal will include community health facilities to support the wellbeing of students.

1.3 Proposed Changes to Development

The only change to the development proposal since the SSDA was lodged, is a proposed change to construction staging. This Submissions Report and attachments also correct a discrepancy between the landscape plans and Arboricultural Impact Assessment (AIA) that were lodged with the SSDA. The AIA has been revised to indicate that 158 trees will be removed, as detailed in the original landscape plans. It is noted that 69 of these trees would need to be removed irrespective of this development - 58 for bushfire management and 11 that are in poor health. Other trees identified for removal are within the building envelope or conflict with the development footprint.

These amendments are described in further detail in **Section 3**. It is noted that these changes do not result in any amendments to the description of the development.

1.4 Authorship

This report has been prepared by Boris Santana, Senior Planner, Jonathan Archibald, Associate Planner and Terri Slater, Student Planner.

Jane Fielding, Senior Associate, Urban Planning has reviewed the report.

2. Analysis of Submissions

2.1 Submissions to the Proposal

The nature of the submissions made by members of the public and government agencies to the public exhibition of SSD-16848913 is set out in detail below. A total of fourteen (14) public submissions were received, comprising thirteen (13) from individuals and one (1) from an organisation (Murwillumbah East Public School Parents and Citizens Association (MEPS P&C)). Of these fourteen (14) submissions, twelve (12) are objections, one (1) is a comment and one (1) is in support of the development.

An objection was also received from Tweed Shire Council.

Seven (7) agency submissions have been received. These included submissions from:

- Heritage NSW;
- Heritage Council of NSW;
- Transport for NSW (TfNSW);
- Rural Fire Service (RFS);
- Biodiversity and Conservation Division (BCD) of DPE;
- Civil Aviation Safety Authority (CASA);
- Water, Floodplains and Coast Division of BCD;

In addition, an Issues Letter was received from DPE along with an initial transport review prepared by JMT Consulting which raised additional matters for consideration.

Section 2 is a summary of the concerns raised within the public and agency submissions in response to the public exhibition of the project. A detailed response to the issues raised is provided in **Section 4** of this report. The Submissions Register at **Appendix A** identifies the sections of this report where the issues that are raised in the submissions are addressed.

2.2 The Project

Land Uses

- MEPS P&C raised concern that the co-location of the public administration building is prohibited in the zone.

Site Selection

- Three public submissions raised concerns with the flood-prone nature of the development site and surrounding area, particularly in the context of the 2017 and 2022 flood events in Murwillumbah, questioning the choice of MHS as the site location .
- Another submission commented that a better solution would be to combine the two primary schools on the MHS site and the two high schools on the WHS site.

Student numbers

- MEPS P&C raised concern with the reduction in enrolment capacity for school students (versus the total capacity across the combined four existing schools) and seeks more consideration around capacity and future growth.

Staff numbers

- DPE has requested additional information regarding staff numbers, specifically a summary of proposed full time school staff, part time school staff and DoE office staff. DPE also queried the number of staff on campus between opening and the end of Term 4 2025, based on the fact that there are up to 203 staff employed at the schools currently, and requests that relevant parking and other staff-based considerations be amended to include an operational scenario of 203 staff if this is the true figure.

2.3 Procedural Matters

Community Consultation

Comments and queries in relation to the level of consultation have been made by the public and DPE.

Seven submissions from members of the public raised concerns about the lack of community consultation undertaken by the NSW Government prior to the initial decision to merge the schools, including the range of options considered and their associated costs and benefits. Multiple submissions from members of the public reinforced the necessity of consultation in the decision-making process due to the potential impacts of the project on students, families, and the broader Murwillumbah community.

Public submissions also raised concerns over the perceived lack of genuine consultation with community and students regarding the proposal and additional concerns over the lack of consultation about the final form of development as submitted.

Two submissions referred to the ePetition "Save Murwillumbah Schools" which was presented in the Legislative Assembly by Ms Janelle Saffin on 23 January 2021 objecting to the amalgamation of schools. These submissions referred to this ePetition to demonstrate that there was overwhelming resistance in the community to the proposed development and that it should not proceed unless it was clearly supported by the community.

DPE requested that it be provided with details of the community consultation undertaken by DoE prior to EIS lodgement.

2.4 Economic, Environmental, and Social Impacts of the Project

Social Impacts

Several submissions from members of the public raised concern with the size of the MEC and merging of existing schools; noting that Murwillumbah is one of the most disadvantaged areas in NSW and that the success of students is closely linked to their education experience. Concerns which were raised include:

- **Choice of Public School** – concerns that the development reduces the choice families currently have in sending their children to a school that suits them;
- **Impacts of School** – concerns that a larger campus is unlikely to cater for students' needs and improve educational outcomes. Fears of negative impacts from mixing primary and high school students on the same site;
- **Job Losses** – concerns that the amalgamation of these schools will result in job losses in the locality;
- **Existing and Future Demands for School Places** – concerns that the school limits the resilience that existing schools provide to accommodate future demand beyond that which is forecasted;
- **Changing School** – fears that moving from smaller schools to a larger campus, particularly during a time of upheaval related to recent floods, may have negative impact.

Built Form, Scale and Siting

- **Building Scale** – MEPS P&C and Tweed Shire Council raised concerns with the scale and height of the proposed development. Council indicated that the design does not respect the low scale and heritage character of the immediate neighbourhood and noted that the development exceeds the maximum building height limit of 9 metres at the site. MEPS P&C indicated that the design does not respond to and enhance the positive qualities of the existing schools' setting and landscape, stating that no effort has been made to incorporate the heritage nature of Block A.

- **Materiality** – One submission from a member of the public recommended the use of bright, ‘inspirational and exciting’ colours for the façade of the buildings and sought to clarify the use of the colour red to reference and reflect the surrounding area/environment. The MEPS P&C expressed the opinion that the design featured large areas of concrete in contrast to the character of other buildings across the community.
- **Built Shade** – Tweed Shire Council raised concern about a lack of built shade to accommodate the number of students at the school during recess and lunch time, particularly on hot summer days or during wet weather. Although the proposed natural shade is supported, Council considered that this does not provide shelter from the rain and it may take years for the proposed landscaping to establish.

Ecologically Sustainable Development (ESD)

- **ESD Initiatives** – One public submission queried why the project is not striving for 6-Star Green Star Rating. Another submission from a member of the public requested that conditions of consent be applied to the project which reflect the NSW Waste and Sustainable Materials Strategy 2041. This submission also recommended the production of a materials passport to identify the lifespan of materials and outline a management plan, as well as the use of low carbon recycled materials.
- **Energy Consumption** – One submission from a member of the public requested details of energy demand of the development and the proportion of which will be met by solar panels proposed with the development.

Transport, Traffic and Accessibility

- **Transport Mode Share** – Concerns and queries in relation to current and proposed travel mode shares have been raised by members of the public and agencies.

MEPS P&C noted that the current mode shares consolidate the results of a travel survey undertaken by the traffic consultant of the four existing schools and that these results are not indicative of the mode share of the campus. They considered that each school has different factors that may make certain travel modes more desirable than others. They also considered that the percentage of students who choose to walk or cycle to the campus will be less than the mode share targets proposed in the School Transport Plan (STP). They also considered the target mode share for teachers is unrealistic and will not change with the proposal.

The traffic consultant engaged by DPE to conduct a peer review of the traffic issues for the project also queried the current modal splits and mode share targets. They considered the proposed reduction in staff private vehicle mode share targets, as well as the mode share targets for non-car modes of travel which have been set for primary and high school students, to be ambitious. The traffic consultant considered that staff and student mode share targets should be more realistic.

In particular, DPE and its engaged independent traffic consultant considered the targets for walking and cycling to be unrealistic as the current MHS catchment will generally expand beyond a cycle/walking catchment. They note that the active modal targets for students in the STP is greater than the proportion of students at all four existing schools that currently live within the walk and cycling catchment to MEC. Furthermore, they query the uptake of active travel modes without a suitable analysis of the external walking and cycling network.

DPE also requested clarification as to whether catchment service improvements anticipated from outcomes of the Bus Operational Plan for Murwillumbah have informed the proposed mode share targets.

- **Operational Traffic** – Public and agency submissions have both raised concerns with the operational traffic assessment undertaken for this SSDA.

Multiple submissions from members of the public raised concern that the proposal will contribute to current traffic congestion in the area during pick-up and drop off times, and further limit capacity of the surrounding streets which have not been considered in the traffic report, including Brisbane Street, Hartigan Street, Elizabeth Street, Commercial Road and Nullum Street. One submission also contested that the proposal has not factored in the impact of population growth on traffic.

MEPS P&C shared the public concerns regarding traffic congestion. However, they also raised concerns regarding the veracity of the traffic assessment. More specifically, they consider that

actual observations of intersections should have been undertaken and that the traffic analysis is based on the incorrect assumption that there will be a significant reduction in private vehicle journeys for students and staff as a mode of travel to and from school.

Agency submissions and Tweed Shire Council raised similar, albeit more specific queries regarding the traffic assessment. Council queried the assumptions made by Bitzios Consulting when determining the peak hour trips which informs their assessment of nearby intersection performance (SIDRA modelling). In particular they queried:

- Why the target mode share was considered appropriate;
- Why full-time staff numbers were used when daily staff numbers may be more appropriate; and
- Whether school bus movements were included in the traffic modelling.

DPE and the independent traffic consultant also requested that realistic vehicle trip rates are informed by the resulting transport mode splits and mode share targets in response to their abovementioned information requests. The independent traffic consultant added that the trip rates should include the additional bus movements generated by the school. Any changes to the peak hour trips should then be used to reassess nearby intersection performance.

- **Pedestrian Access** – Two submissions from members of the public and the MEPS P&C raised that they do not consider existing pedestrian access via High School Lane a suitable pathway for children to the new campus.
- **Pick Up / Drop Off Area** – One submission from a member of the public raised that the Kiss and Drop area is not sufficient to cater for the demand they anticipate will be generated by the proposed development. Tweed Shire Council requested that any identified changes in traffic modelling should be used to review the Kiss and Drop area.

The independent traffic consultant acknowledged that an analysis of the proposed Kiss and Drop area has been undertaken. Despite this analysis, the consultant considered that Bitzios Consulting had applied ambitious assumptions in their analysis. They requested an updated assessment on the suitability of the Kiss and Drop area using other assumptions.

- **Construction Traffic** – Two submissions from members of the public raised concern with parking issues during construction. One of these submissions raised the impact of construction vehicles on the main street of town, the bridge, and Wollumbin, Riverview and Nullum Streets which currently experience significant traffic congestion. TfNSW recommended that further discussions with Council be undertaken regarding the implementation and suitability of a Traffic Guidance Scheme (TGS) to manage traffic during phases one and two of construction.
- **Operational Parking** – Concerns and queries regarding the provision of parking and impacts to on-street parking has been raised by members of the public and agencies.

Multiple submissions from members of the public raised concern with the increase in the number of students and staff concentrated within a single campus and the potential parking impacts resulting from this proposal. MEPS P&C was of the view that there is little available on-street parking to cater for a school of this size, particularly during events.

TfNSW indicated that a school of this size has the potential to impact on available car parking in surrounding streets, particularly during planned school events. It recommended that consultation should be undertaken with Council to confirm appropriate options to address on-street parking during planned school events.

Tweed Shire Council also considered on-site parking provision to be inadequate in the context of the surveyed mode shares. In this regard, it anticipated that the supply of on-street parking would be consumed by staff, limiting availability for students and visitors.

DPE's independent traffic consultant considered that the on-site spaces were likely to be insufficient. Furthermore, although both the consultant and DPE note that there will likely be overflow parking on surrounding road network, they questioned whether there was any evidence to suggest that it can be accommodated in the road reserve.

- **Bus Infrastructure** – Concerns and queries regarding the existing bus routes and changes needed to support the construction and continual operation of the schools have been raised by members of the public and agencies.

MEPS P&C noted that the STP proposes a significant uptake in bus as a travel mode to the new campus by both students and staff but did not consider these to be realistic targets. Furthermore, although further planning of bus routes is proposed, they believe this should be considered as part of the SSDA. This concern is also shared by one other submission from a member of the public.

TfNSW noted that additional work will need to be undertaken to identify changes required to school bus services during the construction and operation phases of the project, and that this work needs to be carried out prior to the commencement of construction. For this SSDA, it recommended that this process and any proposed mitigation measures are detailed, including any new facilities required to support any change in school bus routes.

Tweed Shire Council has provided its comments on this matter. It notes that the recommendation from the project's traffic consultant in relation to the development of a Bus Operation Plan did not include an assessment of intersection pinch points or include Council in the plan's development. Concerns regarding existing traffic pinch points are shared by at least one other submission from a member of the public.

In this case, DPE has requested a summary of outcomes from consultation between School Infrastructure NSW (SINSW), TfNSW, local bus service providers and Council, associated with the transport working group for the Bus Operational Plan for Murwillumbah. Key outcomes, constraints and risks relevant to the school catchment and delivery of the plan in time for the anticipated campus opening should be provided.

Furthermore, the independent traffic consultant considered there to be insufficient information at this stage to demonstrate whether the space allocated for buses can accommodate future expected demand and expressed the view that it is critical to understand whether there is sufficient space allocated to accommodate expected student numbers.

- **Signage** – TfNSW recommended that the School Zone signage remain in effect during the construction phase whilst students have been relocated to Wollumbin High School, and that said signage is covered during this period. This recommendation will require the endorsement of the Local Traffic Committee (LTC) in consultation with TfNSW and the NSW Police Force.

TfNSW also stipulated that all regulatory signs and devices proposed to be installed or modified by the Major Project will require endorsement by the LTC prior to Council approval.

Noise Impacts

- **Construction Noise** – Three submissions from members of the public raised concerns of construction noise on residential amenity.
- **Operational Noise and Vibration** – Tweed Shire Council considered that the Noise and Vibration Impact Assessment submitted with the EIS is deficient as it does not consider the noise impacts to residences and other sensitive receivers from the additional traffic generated by the development as well as the noise impacts due to general school use. Council considered that the increased student population is likely to impact neighbouring residential dwellings on High School Lane due to the proximity of Building 1 and the lack of vegetation buffer provided along this street frontage.

Landscaping and Open Space

- **Natural Shade Along Active Transport Routes** – Tweed Shire Council raised concern about a lack of existing shading of active transport (pedestrian and cycle) routes. Council recommended that street tree planting be included as part of the development to provide natural shade along these high use areas, in line with the NSW DPIE Greener Neighbourhoods initiative. The extent of shade tree planting was recommended at a minimum along High School Lane and along Nullum Street to the Hartigan Street intersection and Riverview Street where possible, taking into consideration any existing / proposed infrastructure within the road reserve.

- **Trees and Canopy Cover / Open Space / Play Space** – MEPS P&C notes that the size of the Kiss and Drop and car parks reduce the amount of landscape available at the site.

Tweed Shire Council also recommended a minimum replacement ratio of 1:1 for all mature, native tree species proposed for removal. One submission from a member of the public recommended that the replacement ratio of mature trees be increased beyond what is currently proposed.

Biodiversity

- **Fauna** – Tweed Shire Council supported the assessment of potential impacts in relation to fauna, including threatened species, however also stipulated that there may be opportunities to provide supplementary habitat for threatened microbat species in the proposed landscaping through the provision of nest boxes.
- **Development Footprint** – The BCD has raised issues with the Biodiversity Development Assessment Report (BDAR). It considered that the development footprint does not encompass all construction and operational phase components of the project, including areas of proposed demolition and the location and extent of proposed bushfire asset protection measures that require clearing or modification of native vegetation.

In this regard, both BCD and DPE requested that the BDAR be updated to address overall development footprint and all areas subject to ongoing bushfire protection and hazard reduction. BCD also raised that the BDAR does not provide any mitigation or management measures to maintain and protect *Rhodamnia rubescens* and its habitat on the subject land during the operational phase of the project.

Aviation

- The proposed development was referred to CASA. The submission in return noted that they have no objection to the project and no recommended conditions.

Bushfire management

- **Bushfire assessment** – Issues with the bushfire risk assessment which accompanied the EIS were raised both by BCD and Tweed Shire Council. The key issues raised by these agencies with the bushfire risk assessment are as follows:
 - *Low threat vegetation* – BCD detailed that in order to determine appropriate Asset Protection Zones (APZs), the bushfire risk assessment is required to identify bush fire hazards. In this case, the Category 1 vegetation on the site is excluded as a hazard, as it is a single area of less than 1 hectare and is located greater than 100 metres from another area of Category 1 or 2 vegetation (i.e., low threat vegetation).

Figure 7 of the bushfire risk assessment outlines an intention to remove native vegetation from the south-eastern end of the Category 1 area specifically to reduce the forest remnant size to less than 1 hectare. However, even if the area of the forest remnant was reduced to less than one hectare, the resulting forest remnant would still be less than 100 metres from the remnant of Category 2 vegetation located south of the hoop pine plantation.

Therefore, BCD identified that in the bushfire risk assessment the Category 1 vegetation cannot be defined as 'low threat vegetation' and is incorrectly excluded as a bushfire hazard.

- *Grassland hazard* – BCD commented that the bushfire risk assessment identified the sugar cane paddock on the property adjoining the southwestern boundary of the subject land as 'grassland' for the purpose of assessing bushfire hazard. However, the bushfire risk assessment has not classified the area of pasture on the adjoining property between the sugar cane paddock and the hoop pine plantation as 'grassland'. BCD also noted that pasture area should also have been considered as grassland for the purpose of assessing bushfire hazard and establishing APZs.

- *Hoop Pine Plantation* - Section 8 of the bushfire risk assessment recommends that vegetation within the school grounds should be managed to APZ standards. However, BCD noted that it should demonstrate how Category 1 Vegetation would be managed to the standard of an APZ without impacting the habitat viability for the critically endangered flora species, *Rhodamnia rubescens*. BCD requested that the landscape management plan be revised to include mitigation and management measures aimed at maintaining and protecting *Rhodamnia rubescens* and its habitat on the subject land.
- *Landscaping* – Tweed Shire Council noted that the bushfire risk assessment does not consider how the proposed retained, landscape and compensatory plantings will be achieved consistent with the required APZ standards. BCD considers that the location of the additional trees to be planted needs to be achieved whilst still addressing APZ requirements.

Notwithstanding, it is noted that the Bushfire Risk Assessment was also reviewed by NSW RFS which raised no objections, subject to imposing a condition in any consent granted that requires a Bush Fire Emergency Management and Evacuation Plan to be prepared for the proposed development.

Parks and Active Communities

- **Sport and Recreation Facilities** – DPE requested that the replacement ratio of existing sporting facilities across the four schools is quantified, and that justification is provided for any net loss of sporting facilities currently available for school and community use. Tweed Shire Council considered that the amalgamation of schools will result in an overall reduction of indoor sport facilities available to students as well as community users. Council recommended a minimum two court indoor facility to benefit both students and ensure sustained community use of school sporting facilities at the site.

Flooding and Stormwater

- **Flood Impacts** – Flooding issues arising from the proposed development have been raised by members of the public and agencies.

Tweed Shire Council noted that the Flood Impact Assessment which accompanied the EIS does not confirm whether properties will be affected by increased flood levels because of the proposed MEC development. Clarification was requested to be provided in this regard.

Council also requested that the Stormwater Management Report be updated to advise how the additional ponding and flooding on adjacent roads caused by the proposed MEC will be mitigated. Engineering drawings have also been requested which demonstrate how this is appropriately managed.

One submission from a member of the public also raised concerns with the flood impacts of the surrounding road reserve, including Nullum Street. They observed that the proposed main bus thoroughfare to the school is Nullum Street which is easily affected by flooding and that relocation of travel to Riverview Street is not a feasible alternative during flood events.

- **Flood Emergency Management Plan** – DPE requested a flood emergency management plan be prepared in consultation with the NSW State Emergency Service (SES).

Heritage

- **Aboriginal Heritage** – Heritage NSW has reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR) and supported the recommendation that no further archaeological investigations or mitigation measures are required with respect to Aboriginal cultural heritage in relation to the proposal.

It is noted however, that a range of interpretive opportunities were recommended by the Registered Aboriginal Parties (RAPs) as an outcome of the ACHAR and request that these recommendations are included in the project approval to guide post-approval requirements for Aboriginal heritage.

This includes the development of an Aboriginal Cultural Heritage Management Plan (ACHMP) to provide a framework for such activities, as well as direction on its content and the development of an Interpretation Strategy and Plan to provide acknowledgement and other visual/educational opportunities for the Aboriginal and broader local community.

- **European Heritage** – The proposed development was referred to the Heritage Council of NSW. The submission in return noted that no further heritage comments are required, and subsequent stages of this proposal do not need to be referred to the Heritage Council of NSW.

Site Servicing

- **Water** – Tweed Shire Council requested that all new water connections are to be from the proposed 150 mm water main extension in Nullum Street. Council also requested that a quantification of the proposal's water demand is provided and confirmation as to whether the proposal will require additional water meters for potable domestic supply.
- **Wastewater** – Tweed Shire Council requested that conceptual engineering plans are provided to demonstrate that all proposed buildings can be serviced via private sanitary drainage. Council also requested that a quantification of the proposal's sewer demand is provided.
- **Water (Existing Trunk Main)** – In their submission, Tweed Shire Council noted that a 750mm trunk water main currently traverses the site. Amended plans were requested which show the surveyed location of the water main, a 5-metre easement centrally located above this location, and demonstrating that the proposed development will not compromise the water main.

Contamination

Tweed Shire Council noted that the Detailed Site Investigation (DSI) prepared by Douglas Partners indicates some exceedances of nominated criteria. However, they considered the DSI does not provide sufficient information to demonstrate that further investigation or attention of such exceedances is not warranted in this case. Accordingly, Council has requested an updated DSI.

Construction Management

Concerns regarding impacts from construction activity to residential amenity were raised in two submissions from members of the public, one of which also raised a specific concern about dust. Tweed Shire Council has requested that the Construction Management Plan is updated to include the wind speed at which any dust generating activities at the subject site must cease, and how this will be monitored. Council specified that plan/s should be updated to include details of any required quantitative dust monitoring, standards or criteria to assess results against, and contingency measures in the event of non-compliances. Council has also requested that further information be provided on how the existing school population will be accommodated while construction takes place.

2.5 Justification and Evaluation of the Project as a Whole

These are issues which relate to justification and evaluation of the project as a whole (e.g. consistency of project with government plans, policies or guidelines). Issues and queries have been raised by members of the public in relation to the ability of the proposal to deliver improved educational outcomes for the community as well as the method of consultation that was undertaken for the site.

2.6 Issues that are Beyond the Scope of the Project

These are issues which are beyond the scope of the project (e.g. broader policy issues) or not relevant to the project. The only issues which are beyond of the project relate to the educational outcomes of consolidating four schools into MEC. Notwithstanding this, the impacts of this consolidation have been considered in the EIS and Section 4 of this Submissions Report.

3. Actions Taken Since Exhibition

3.1 Description of Changes to Proposal

Since the public exhibition of the SSDA, minor changes have been made to the proposal. Most of these changes are unrelated to the submissions received. Only one change, relating to additional tree removal to align with the landscape plans at SSDA lodgement.

A summary of each change and associated rationale are provided in **Table 1** below.

Table 1 Summary of changes and rationale

Amended Aspect	Rationale
Construction Staging	Amended construction staging is proposed to enable flexibility in staged construction and occupation of the overall development.
Clarification of Tree Removal	Section 3.11 of the EIS indicates that a total of 130 trees are proposed to be removed to accommodate the proposed development. This has been updated to the removal of a total of 158 trees to align with the proposed landscape plans included at SSDA lodgement. Of this tree removal, 58 trees are required to be removed for bushfire management purposes and a further 11 trees are required to be removed due to poor health. Other trees identified for removal are located within, or conflict with the building envelope.

3.2 Updated DA Document Register

Additional assessment reports and technical studies have been undertaken to support the proposal and provide additional information and responses to the issues raised during submissions.

Table 2 below provides a register of the additional technical studies to support those submitted with the exhibited EIS.

Table 2 Additional Technical Studies

Document Title	Author	Revision	Date
Consultation Report Addendum	School Infrastructure NSW	-	July 2022
SIA Statement	WSP Global	-	8 August 2022
Transport Response Statement	Bitzios Consulting		31 August 2022
Revised Noise and Vibration Impact Assessment	E-Lab Consulting	6	31 August 2022
Revised Landscape Design Report	Arcadia	E	July 2022
Revised Biodiversity Development Assessment Report (BDAR), including cover letter	EMM Consulting	6	19 August 2022
Bushfire Risk Assessment Addendum Letter	Blackash Bushfire Consulting		18 August 2022
Bushfire Management Plan	Blackash Bushfire Consulting	1.4	29 August 2022
Revised Flood Impact Assessment	TTW		18 August 2022
Draft Flood Emergency Response Plan	TTW		18 August 2022
Revised Civil Report	TTW	4	18 August 2022
Hydraulic Services Memo, including Services Site Plan	JHA Services		1 August 2022
Revised Detailed Site Investigation	Douglas Partners	5	July 2022

Revised Construction Management Plan	Built	10	20 July 2022
Revised Statement of Heritage Impact	EMM Consulting	5	18 August 2022
Revised Aboriginal Impact Assessment	EMM Consulting		15 August 2022

The revised supporting documentation will enable DPE to undertake an informed assessment of the proposed development, as described above. The findings of the revised supporting consultant documentation that are relevant to the proposal are summarised in **Section 4** of this report.

3.3 Consultation

Since the public exhibition period, additional meetings were held with the following agencies and Tweed Shire Council to discuss matters within their respective submissions:

- Tweed Shire Council on 11 July 2022 to discuss comments relating to water and wastewater services;
- DPE and its independent traffic consultant on 26 July 2022 to discuss traffic and parking matters;
- Tweed Shire Council on 29 July 2022 to discuss traffic and parking matters; and
- BCD on 10 August 2022 to discuss bushfire matters.

These meetings were helpful to obtain background to understand issues raised, canvas possible approaches and obtain feedback. Matters discussed in these meetings have been considered in the preparation of this RTS and supporting documentation.

4. Response to Submissions

This section provides additional assessment of the proposed development against the relevant matters for consideration under section 4.15(1) of the EP&A Act.

The assessment is supplementary to and should be read in conjunction with the original EIS submitted as part of the SSDA, prepared by Architectus, dated 14 April 2022.

4.1 The Project

Land Uses

Public administration buildings are prohibited in the R2 Low Density Residential zone under Tweed Shire Local Environmental Plan (TSLEP) 2014. Notwithstanding, Section 4.38(3) of the EP&A Act allows the Minister to grant consent to an SSD that is partly prohibited and therefore, the Minister has the discretion and authority to approve the proposal. It is considered that the DoE office use of Building A within the campus is acceptable for the reasons outlined in Section 4.2 of the EIS.

Site Selection

Funding was committed in 2019-20 for the upgrade of MHS and for an upgrade of MEPS. Through the infrastructure planning process consideration was given to how MEPS could be upgraded in a way that would protect against future flooding risk, however no viable options were identified. This triggered a strategic review of current and projected education service needs for the Murwillumbah community as a whole. The strategic review presented an opportunity to revisit the service need for the Murwillumbah Cluster of Schools by considering all schools in the Cluster to better align the options developed with the service need and deliver benefits to all school communities in the Cluster.

To determine the best option for investment, DoE undertook a thorough early analysis. This involved an analysis of Murwillumbah's existing schools and their suitability for development, including their resilience to flooding. Options such as upgrading or amalgamating some schools were considered. Initially, twelve (12) options were developed and considered (Options A-L) as part of the business case. These were subsequently refined and consolidated to three options which were articulated in Section 1.6 of the EIS.

It is noted that multiple submissions have posited other options that propose a role for WHS to help address the service need. It should be noted that such options were considered initially as part of the long list of options but were eventually discarded. It was found that investing in one primary school and one high school on the same site offered the best opportunity to meet Murwillumbah's education needs. The MHS site was chosen as it is geographically central in the town, has multiple street frontages, and has enough flood-free land to accommodate the education infrastructure and associated staff, student and community requirements.

In March 2022, the Murwillumbah River Gauge recorded a peak water level of 6.5m, which was 200mm higher than the 2017 flooding event. The highest water level at the northeast section of the MHS site was estimated at approximately 5.0m. The proposed minimum floor level for all new buildings at the MEC is 7.50m. This places all buildings above the predicted water levels in a 0.2% Annual Exceedance Probability (AEP) flood event and approximately 2.50m RL above the February / March 2022 water level. The size of the site enables new buildings to be located above flood levels whilst providing adequate area on site for play space and supporting infrastructure.

Given the above, it is considered that adequate due diligence of options has been undertaken to ensure that the site selected, and design response, represents the best option for the Murwillumbah Cluster, balancing service need with resilience to natural disasters and amenity impact to surrounding residents.

Student Numbers

It is noted that the proposed design can cater for an enrolment capacity which exceeds current enrolment figures. The school will be able to accommodate a capacity of 582 primary school and 1,140 high school students respectively, a total of 1,722 students. Whilst these figures represent a reduction in overall school capacity of existing high school and primary schools in the Cluster, the latest projections forecast total student enrolment of 1,658 by 2036 (2036 being the limit of the Final Business Case projections).

Although enrolment to capacity is unlikely, the community concerns are acknowledged and it should be noted the MEC has the ability to accommodate additional students should the demand ever exceed the enrolment projections. In this case, although additional classrooms would be required to service any demand greater than 1,722 students, the core facilities at the campus, such as administration, hall, libraries, and canteens, have been sized to cater for maximum population of up to 1,995 students.

Given the above, although projections demonstrate that the school is unlikely to reach capacity, the design enables additional students to be accommodated should extra permanent learning spaces be added at a later date to match the capacity of the core facilities. This was done intentionally and worked into the original master plan following the recommendations of the business case.

It should be noted that, at such a time that additional learning spaces are contemplated / required, the impact of these and the ability for the site to accommodate additional learning space would be considered under a future application.

Staff Numbers

Regarding staffing, although the roles will likely comprise a mix of full-time and part-time positions, the breakdown has considered the total number of staff on site at any one time. This is a function of Full-Time Equivalent (FTE) positions plus other roles which is considered to provide an accurate representation of likely staff population at the site at any one time, enabling the assessment of impacts to be undertaken for this SSDA.

For context, all schools in NSW are provided with a permanent staffing allocation (i.e. FTE positions). This allocation is based on the school's geographic location and the number of students enrolled. FTE positions will include a number of different types of roles including executive (principals, deputy principals), teaching, and administrative and support staff. One permanent FTE position is equivalent to 5 full days of work per week, but schools can also be allocated a part of a permanent FTE. Departmental staffing allocations are relatively stable, but they are reviewed annually for each school based on projected enrolments for the following school year.

In addition to an FTE allocation, schools can fund other staffing positions from their own school budget based on their specific needs, such as to help reduce the impact of various disadvantages and provide programs and individualised support for special learning needs. This may include a range of roles including classroom teachers, specialist educators, student wellbeing, teachers' aides, and administration staff. The number of school-funded positions is at the discretion of the principal and will change each year depending on the budget available and the needs of the school. School-funded positions are by their nature temporary and, as they are additional to the core teaching positions, they are often part time.

The current NSW DoE staffing allocation across all four schools adds up to a total of 148.7 FTE positions. Combined FTE for the primary schools is 40.08 and FTE for the high schools is 108.88. This includes some positions the schools are eligible for under DoE's small school supplement scheme. DoE has committed to maintaining all FTE positions through the transition to the campus and until the end of the 2025 school year.

From the start of 2026, the number of FTE positions eligible for the MEC will be determined based on the number of students enrolled in the merged primary school and merged high school. If enrolments were to stay the same as current levels across the existing schools, the campus would be eligible for a total staffing allocation of 128 FTE positions. This includes FTE of 34.4 for the primary school and FTE of 93.6 for the high school. The reduction from current levels would be due to the removal of duplicate positions, such as the reduction from 2 principals to 1 principal per school, and loss of the small school supplement positions that will no longer be required.

When the campus is operating at capacity, a total of 150.1 FTE positions will be required based on the total number of students. This includes FTE of 43.4 for the primary school and FTE of 106.7 for the high school.

Currently, other school-funded temporary positions across the four schools results in approximately 203 staff attending the sites on a typical day. Given their temporary nature, there is no commitment to maintain additional school-funded positions after the transition to the campus. It is however, reasonable to expect that the new schools will continue to employ additional staff over and above the FTE. This is at the discretion of the principals based on available budget and local needs. There are no projections available regarding how many school-funded positions there will be beyond 2022.

For the purposes of the SSDA, a 36% loading on the FTE allocation for the proposed campus has been adopted. This is based on the apparent current loading across the four schools in assessing the difference between the existing FTE allocation of 148.7 and the typical site attendance of 203.

Given the above, a breakdown of staff and students at existing schools as well as the likely staff population at the school has been summarised in the **Table 3** for ease of reference.

Table 3 Breakdown of Staff Roles and Student Populations

	Existing Staff and Student Numbers					MEC Opening	Following conclusion of hiring freeze (post 2025)	At full student capacity
	MHS	WHS	MEPS	MEP	DoE Office			
FTE	65	43.88	21.7	18.38	25	173.96 (includes DoE staff)	153 (includes DoE staff)	175.1 (includes DoE staff)
Other Roles	18	13.12	8.3	14.62	N/A	54	46	54
Total on Site (on a Given Day)	83	57	30	33	25	228	199	229
Students	411	377	206	186	N/A	1180	1180 (assuming enrolments do not change)	1722
Students (Total)							(assuming enrolments do not decline)	

4.2 Procedural Matters

Community Consultation

An addendum to the MEC Consultation Report has been prepared by SINSW and can be found at **Appendix C**. This addendum provides details of community consultation undertaken by the DoE prior to lodgement. Details include method, date and length of each consultation event and provide details of documented community feedback. It should be read in conjunction with the Consultation Report which accompanied the EIS at Appendix M.

The addendum provides a summary of early planning which informed the business case for the proposed development. SINSW notes that business cases are Cabinet-in-Confidence as they contain commercial information that could affect the public procurement process. However, as soon as practically possible once that approval had been granted, the project was announced to the community in October 2020. Broader consultation with staff, students, parents and the wider community has followed this announcement.

The addendum provides a more detailed summary of the consultation that has occurred following the project announcement. This includes consultation with stakeholders such as staff, school communities (including students), the Aboriginal community and the broader Murwillumbah community. A summary is provided in Section 3.1 through to Section 3.4 of the Consultation Report Addendum prepared by SINSW.

In addition, the SIA statement at **Appendix D** notes that the principals who will lead the schools at the campus are continuing to actively engage and consult with the school community as they plan for the transition to the merged schools at the campus. The campus principals are present across all schools at various times of the week, and available via multiple channels (e.g. at school, over the phone, information hubs). They attend all Parents & Citizens (P&C) meetings. It was reported that concerns have softened since the announcement, with school community members now investing time and interest in the project.

Regarding the concern raised by MEPS P&C, it should be noted that a 'Community Information Hub' took place on two occasions, from 29 March to 1 April 2021 and again on 5 April to 7 April 2022, which saw attendance of approximately 110 and 50 people, respectively. Furthermore, this was only one of many forms of community consultation that has occurred prior to the lodgement of the EIS.

Given the above, it is noted that community consultation has occurred prior to the EIS lodgement with multiple stakeholders and it is considered that a high degree of community consultation has been undertaken proportionate to the development proposed. Through sustained efforts from the project team, all stakeholders have been, and continue to be, consulted thereby ensuring that their concerns are heard and considered.

4.3 Economic, Environmental, and Social Impacts of the Project

Social Impacts

A Social Impact Assessment (SIA) was prepared by Elton Consulting at Appendix M of the EIS. The SIA has been prepared in accordance with the applicable Guideline to identify, predict and evaluate likely social impacts arising from the project and propose responses to the predicted impacts. The methodology that was used to prepare the SIA included community and stakeholder engagement. Refer to Section 3 of the SIA.

It should be noted that many of the concerns raised by the community are common themes that emerged from community consultation that occurred prior to and during the preparation of the SIA (refer to the summary of findings provided in Section 3.1.2 of the SIA). These matters were then considered to evaluate the overall social impact of the project as well as measures to accentuate positive impacts and mitigate some negative impacts.

For ease of reference, a targeted response to the specific concerns raised is provided below. It should also be noted that a supplementary SIA statement has been prepared by WSP (formerly Elton Consulting) that outlines a range of initiatives currently being implemented and explored by the campus educational team which are similar to mitigation or enhancement measures recommended in the SIA report. A copy of the supplementary SIA statement can be found at **Appendix D**.

The SIA statement (**Appendix D**) provides the following responses to social impact matters raised in submissions:

- **Choice of Public School** – It is acknowledged that the proposal will reduce the number of public-school options families can choose from. However, rather than only one or two existing schools being upgraded, or schools being partially upgraded, the proposal ensures that all public-school students in Murwillumbah will benefit from access to new and flexible learning spaces, which will help to improve educational outcomes.

Additionally, as with any public school in NSW, if students are experiencing challenges at their local school, DoE works with students, teachers and families to resolve any issues that have arisen. Parents are also able to apply for out of area enrolment to other schools in accordance with DoE's enrolment policy.

- **Impacts of School** – Like other regional schools across NSW, Murwillumbah is facing significant challenges with falling enrolments. Infrastructure across the Murwillumbah Cluster of schools is aging and as a result some schools do not currently provide new, flexible learning environments. Furthermore, with the smaller high school student populations in MHS and WHS and separate demand for subjects, both high schools are currently unable to offer a full range of elective subjects consistently.

Given the above, one of the strategic drivers of the project and the infrastructure design has been to provide students from all public schools in Murwillumbah with access to high-quality learning

environments and an increased range of subject choices. It should also be noted that feedback received from community and parents has been incorporated into the design of the campus to provide an environment that alleviates some of their primary concerns. For instance, an early concern relating to mixing of primary and high school students was addressed through the provision of separate primary and high schools, each with their own core facilities such as libraries and canteens, and physical separation of the schools on the site. While it is acknowledged that the campus will be a different school environment, it has been designed with student outcomes in mind.

While there are a range of views around issues like the impact of a larger school on educational performance and behavioral issues, there is no clear association that can be drawn and the culture of the schools will be strongly influenced by school governance, family environment and individual behaviors. One would also argue that amalgamation is a broader policy issue and beyond the scope of this SSDA. Notwithstanding, the supplementary SIA statement identifies current initiatives being implemented by school principals and staff to build a positive new culture and sense of community from day one, so that all students will be known, valued and cared for at the future schools at the campus.

- **Job Losses** – DoE acknowledges that if current enrolments were to remain the same at the beginning of 2026, there would be a reduction of FTE positions compared to the number of FTE positions identified in the baseline. Currently there are approximately 149 FTE positions across the four schools. Once operating at full capacity, MEC will require 150 FTE positions. In other words, when the campus is operating at capacity, the FTE will be slightly higher than the current FTE at all four schools. DoE has made it clear that no permanent staff member will lose employment as a result of this project. The SIA proposes mitigation measures to help with any potential reduction in temporary positions.
- **Existing and Future Demand for School Places** – With a proposed new capacity of 582 primary school children and 1,140 high school students, the MEC is proposed to result in an overall capacity of 1,722 students. This number is higher than 2020 enrolment figures but does represent a reduction in overall school capacity available across the four existing schools. Notwithstanding, analysis of the most recent population forecasts indicates that the MEC will be able to easily accommodate projected growth to 2036 and beyond.

Should population exceed forecasts, the site will also allow for additional growth. The core facilities at the campus are designed to cater for a total school population of 1,995. Although classrooms in the current design only accommodate up to 1,722 students, additional learning spaces can be added at the site subject to future planning approval pathways. Furthermore, such a scenario is only likely if population increases by way of rezoning of existing land, at which point the need for additional community infrastructure would be addressed by DPE.

- **Changing School** – In the case of this project, there will be a transition for children currently attending MEPS, MPS and WHS which, if adequate support isn't put in place, has potential to impact the school community. This includes temporary transition of MHS students during the construction phase as well as the operational phase. Several mitigation measures are identified in the SIA report to help alleviate these risks.

The supplementary SIA statement identifies initiatives which are currently being implemented by principals and staff across the schools to provide the necessary support and help prepare the school community for transition to the new campus. These include initiatives such as:

- *Familiar team for school communities* – the principals who have been appointed to lead the schools at the campus are accessible to students and families via multiple channels and attend all P&C meetings. Teachers also go across schools and get to know children across sites.
- *Education team coordination* – the combined staff group participate in regular meetings and workshops to develop the learning culture, pedagogy, curriculum, programs and processes for the future schools, and to plan ahead in terms of staffing arrangements.
- *Joint culture* – a working party has been established so that parents and carers from all four schools can contribute to the development of the future schools. A range of joint social and learning activities are being organised so that children from different schools can get to know each other.

- *Flexible spaces* – to familiarize school communities with collaborative teaching and learning spaces, prototypes of these spaces are being established in all existing schools.
- *Specific support* – wellbeing teams in existing schools are coming together to focus on inclusion for children with special needs.
- *Temporary school* – the new principals are working through a transition program to support staff and students prepare for the temporary relocation of MHS.

The SIA also recognises the social benefits of a joint primary/secondary school campus. For instance, a joint campus promotes dialogue between the two phases and offers opportunities for a more seamless education journey from Kindergarten to Year 12.

Whilst the development of the MEC will inevitably result in changes for students, teachers and the community, overall, it demonstrates an opportunity to improve long term educational outcomes and community benefits through the provision of modern learning facilities, support services, continuity and smoother high school transitioning, and improved access to resources that would otherwise not be possible if the proposed development was to not go ahead.

Built Form, Scale and Siting

- **Building Scale** – A maximum height limit of 9 metres for the site is prescribed in TSLEP. Section 6.1 of the EIS assessed the proposed height and bulk of the development against the planning principles for assessment of height and bulk set by *Veloshin v Randwick Council* [2007] NSWLEC 428. The height and bulk of the proposed development was determined to be consistent with these principles, in terms of maintaining and upholding the existing character of the site or local area and aligning with relevant legislation and Tweed Shire Council Development Controls. Notwithstanding, the merits of the proposed design and heights of the building have been considered here in response to the submissions received.

The existing MHS site contains eleven (11) permanent buildings. These consist of a mix of two and three storey buildings, a number of which exceed the 9m height control applying to the site (namely Building E – 10.5m, Building D – 10.31m and Building A – 14.65m). The highest existing building on the site (Building A) be retained as part of the proposal. The area surrounding the site consists of low-scale residential development (1-2 storeys in scale) to the northern boundary.

Four (4) new buildings are proposed on-site, with two distinct areas for the Primary and High School. The heights of all buildings are outlined in **Table 4** below.

Table 4 Building Heights

Building	RL	Height above existing ground level (metres)
Building 1	20.15	12.43
Building 2	24.03	10.137
Building 3	27.63	12.43
Building 4	26	16.03
Building A (existing & retained)	33.33	14.65

Under section 3.43 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) schools are not required to comply with building heights set out in LEPs.

Notwithstanding, the maximum building heights at the site as well as the surrounds have been taken into consideration within the design, location, scale and exterior of the buildings, which seek to ensure that the proposed development is compatible with the local character.

It should be noted that R3 zoned land to the north and B5 zoned land on Nullum Street (pursuant to the Tweed LEP 2014) have maximum height limits ranging from 10 to 13.6 metres. Buildings 1, 2 and 3 are all at heights that are within this range of permissible height limits that frame the development site to the north and east. Buildings 3 and 4 exceed the maximum height limit to the east by approximately 1.05m and 2.46m, respectively.

Buildings 3 and 4 have been located downslope of Building A and designed in such a way that they are built into the slope of the land so as to sit comfortably within the suburban streetscape, when

viewing the campus from the street. Therefore, the existing Building A will continue to be the most prominent building on the site, particularly when viewed from Riverview Street. Refer to **Figure 1** for a visual representation of Building A in the context of new buildings on the site, from Riverview Street and High School Lane. More views can be found in the Architectural Design Report at Appendix H to the EIS and summarised in Section 6.6 of the EIS.



Figure 1 Proposed view towards Building A from corner of Riverview Street and High School Lane (without trees)

Source: Architectural Design Report

It should be noted that if the site was developed as intended (within the R3 zone), two storey buildings could be located along the street frontage with setbacks significantly less than those proposed. Therefore, the separation of buildings from street frontages coupled with their design ensures that the development is no more visually obtrusive than if the site was developed for residential purposes. It also allows for retention of existing significant trees and generous depth in landscaped areas to visually soften the development.

Regarding the layout of the proposal, the final design seeks to respond to local climate, adjoining streetscapes and site topography. The proposed built form and site layout provides separate areas for the high school and primary school uses, and a significant volume of open and play space, in response to comments made by the public and school community during consultation.

- **Materiality** – The colour scheme and materials proposed for the outside of the buildings at the campus are inspired by the natural environment, including nearby Wollumbin, the Tweed River, and the rural and sub-tropical landscape which are found in and around Murwillumbah. The classroom interiors provide opportunities to express colour, and it is anticipated that students will spend the majority of their time in these spaces.
- **Built Shade** – The amount of covered outdoor space proposed for the new school campus is based on DoE's Educational Facilities Standards & Guidelines (EFSG), which provide a common reference point for all government schools and have been developed through research and learnings from other new school builds across NSW. It should be noted that the site requires both undercover/shaded areas as well as access to open space and natural sunlight, creating a balance of needs and ensuring the campus can accommodate all weather conditions throughout the year.

In this case, the project includes the provision of covered outdoor learning areas (COLAs) for both primary and high school areas, as well as generously sized undercover learning spaces (open air) on each floor of the new buildings that also have the potential to accommodate lunch time activities. Regarding shade from trees, most trees shading playground areas are existing and thus will not require long periods of time to become established, which was a key concern raised by Tweed

Shire Council. Although the proposal will require the removal of trees (refer Section 3.1), the majority of trees that are required to be removed are outside of areas utilised by students, including those removed for bushfire purposes, and will not detract from the provision of shade or amenity to students and users of the site.

On balance, it is considered that the proposed development provides a combination of shade and spaces that provide for natural sunlight.

Ecologically Sustainable Development (ESD)

- **ESD Initiatives** – The project currently exceeds the requirements of the NSW Government Resource Efficiency Policy, which only requires new, non-office government buildings to be designed to Green Star – Design & As Built v1.3, with targets of 5 stars in metropolitan areas and 4 stars in regional NSW. While certification is encouraged, it is not mandatory. SINSW will be certifying this project as 4 star Green Star Design & As Built v1.3 to provide third-party verification that best-practice sustainability outcomes will be achieved.

DoE is committed to the principles of ESD and sustainable operation of education infrastructure. The project will reduce the consumption of resources, water and energy by:

- Installing solar power generation systems on building roofs to provide renewable energy for both the high school and the primary school;
- Using energy efficient LED lighting throughout the campus;
- Installing a system to measure and monitor energy usage;
- Maximising natural ventilation to reduce reliance on air conditioning;
- Harvesting rainwater for non-drinking water usage on site;
- Planting native and low-water tolerant plants;
- Use of modern methods of construction, including manufacture of modular building components such as walls and facades off-site, to reduce material waste and the impacts of on-site construction;
- Providing separate bins for general waste, recyclables and organics as well as signage to encourage correct use of the waste management system.

Once the campus is operational, the new schools will have the opportunity to reduce their environmental impact through energy reduction and waste management programs, such as the Waste Wise Schools program.

The architects note that material selections are robust and require limited maintenance. The Design for Manufacture and Assembly (DfMA) strategy for the campus is designed to maximise the lifespan of the project with the ability to adapt the spaces to different uses and also allow for disassembly.

- **Energy Consumption** – A total of 198kW (99kW for Primary School and 99kW for High School) of photovoltaics (PV) will be installed across the campus. This is a large contribution that will help the campus meet a significant portion of the on-site energy demand through renewable energy.

Traffic, Parking and Transport

A Transport Response Statement was prepared by the project's transport planning consultant, Bitzios Consulting, in response to the agency and public submissions and can be found at **Appendix E**. Their response as it relates to the main themes raised in submissions is summarised below.

- **Transport Mode Share** – The mode shares (existing and proposed) were developed in consultation with Tweed Shire Council and TfNSW as part of the Transport Working Group (TWG). All affected schools were consulted separately by Bitzios Consulting. A summary of these TWG meetings is at Appendix B of the Transport Impact Assessment (TIA).

Travel surveys were undertaken at all four schools to understand the transport mode share in the Murwillumbah Schools cluster. The results of these surveys can be found in Section 3.8 of the TIA. These survey results establish the baseline (unimproved) modal splits that have been assumed for the MEC. Mode share targets are provided in the STP within the TIA.

Bitzios Consulting indicates that the travel mode surveys provided in Section 3.8 of the TIA were not the determining factor of mode share targets for the STP. To clarify, these mode shares were developed based on a catchment analysis of student and staff location in relation to the MEC project. Refer to the mode share figure provided in the Bitzios Consulting response at **Appendix E**.

The mode share targets for cycling are based on the proportion of students that live within 15 minutes of the school. It should be noted that the large geographic catchment of the MEC project, limited population concentration in the immediate vicinity of the school and topography constraints associated with historical road reserves across Murwillumbah constrains any further uptake.

As a result, greater resilience on maximizing the bus utilization to service students and staff is a key focus of the STP. Furthermore, it should be noted that the mode share targets are based on proportion of students that live within an existing school bus route catchment and as such the bus mode share is not reliant on outcomes of the Bus Operational Plan.

Bitzios Consulting notes that the target mode shares in the STP are aspirational, they provide a goal for improvement during operations but were not used as the basis for the traffic trip generation rates or parking demand assessments in the TIA and the consultant's response to submissions.

- **Operational Traffic** – Traffic generation associated with the school upgrade was assessed by Bitzios Consulting in Section 7 of the TIA. Section 7.5 of the TIA provides a specific discussion of the peak hour trip rate that was applied to their intersection performance assessment. It should be noted that the adopted peak hour trip rate was based on conservative assumptions, notably:
 - A staff driving mode share of 100% rather than the target of 82% as provided in the STP (surveyed staff car driver mode share is 99%);
 - The vehicle trips also considered high school students who may drive once obtaining their licence;
 - A 45% mode share trip rate for primary school Kiss and Drop was used based on averaging the existing and target mode shares (60% and 35%, respectively); and
 - A 27% high school drive mode share rate was based on averaging existing and mode share target rates (24% and 30% respectively).

As can be seen from the above assumptions, the original assessment is not based on aspirational mode share targets in the STP, but on a more conservative scenario. Bus movements were not added to the analysis as all but two bus route trips already service MHS and therefore are incorporated into the background traffic. Based on bus operational planning work to date there is not expected to be any significant increase in bus movements during peak times.

The peak hour trip rate was developed for two traffic scenarios, being the 'initial' and 'ultimate' design scenario. The 'initial' scenario posits that upon commencement of operations the existing student and staff population at the four schools will be transferred to MEC (i.e., 203 staff on site at any given time). Realistically a proportion of daily staff are part-time or work different days/hours. The analysis was however conservative. The 'ultimate' design scenario is based on the MEC at full capacity.

Notwithstanding, regarding the Kiss and Drop mode share, the consultant notes that the mode share could be approximately 60% and 30% of modal travel (i.e., consistent with the surveyed primary and high schools), respectively. This would generate an additional 80 and 23 trips, respectively. The consultant also notes that the previous intersection analysis did not include off-site staff parking trips, which would also generate up to 74 additional trips in peak times.

As a result, Bitzios Consulting have added these additional trips into a revised SIDRA analysis for the afternoon peak period of the 'initial' scenario. The 'ultimate' scenario has not been considered by Bitzios Consulting as they consider the levels of traffic generated by the school in the future will be similar to that in the analysis case (the initial scenario) as the STP initiatives to promote more sustainable travel will be more established, serving to limit development traffic growth.

Bitzios Consulting have selected the afternoon peak for analysis as this is when schools have their greater traffic impacts based on more concentrated arrivals/departures compared with morning peaks when traffic activity tends to be more spread. Therefore, Bitzios Consulting have advised that

if results of the SIDRA model show that there will be no issues during the afternoon peak period then there should be no issues during the morning peak period.

It should be noted that these trips have been distributed across several routes to reflect the reality of parents and staff who will choose to park away from the school. The results show that the proposed development will not cause any adverse traffic impacts that would warrant the needs for additional infrastructure upgrades, thereby ensuring that the impacts of the worst-case scenario have been considered by the consultant.

- **Pedestrian Access** – The TIA which accompanied the EIS indicates the frontage to High School Lane will be improved with a pathway connection provided along the southern side and connecting Nullum Street to Riverview Street. This pathway will connect to the Primary School entry as well as designated cycle / scooter / skateboard storage. For details of this pathway please refer to Drawing No. 1002 within the submitted drawings at Appendix G to the EIS.
- **Pick Up / Drop Off Area** – The proposed Kiss and Drop facility will serve to provide a safer and more efficient pick up and drop off facility for the MEC than the current on-street facility on Riverview Street. The location was selected, and the design refined through the TWG discussions. The trip demand component was one of several factors that informed the options analysis phase and ultimately the design of the Kiss and Drop area.

The Kiss and Drop will facilitate the majority of primary school pick-up with a proportion of high school pick-ups. However, it should be noted that the facility was not designed as a “capture all” solution given the need to manage traffic congestion and encourage other transport modes. As such, other parent trips are expected to perform pick-up activities by car but may opt to park and walk from the surrounding areas as is commonly experienced at schools across the Tweed Shire and the State.

Bitzios Consulting maintains that the mode share forecasts and associated assumptions for this facility are appropriate based on site behavioural patterns as well as feedback and outcomes of the TWG. However, in response to the matter raised by DPE’s independent traffic consultant, a sensitivity test was undertaken based on the following assumptions:

- If the service rate was less efficient at 60 seconds instead of 30 seconds;
- If primary school kiss and drop demand was increased to 50%; and
- If pick up period was compressed to 20 minutes from 30 minutes.

In applying the more conservative assumptions as part of the sensitivity test and from a basic demand and queue perspective, external queues would extend along Nullum Street. However, the queuing area on Nullum Street is designed to maintain through movements for bus access to the Nullum Street bus interchange facility. Bitzios Consulting considers the merits of the proposed design to balance the overall transport needs of the MEC development.

It is considered that the available on-street queuing area and associated delay for entering the Kiss and Drop facility will act as a travel demand management measure for the use of the Kiss and Drop over time. This is consistent with the existing operations of MHS’s on-street kiss and drop facility located on Riverview Street, which by virtue of its limited capacity and design promotes other pick-up options away from these facilities.

Furthermore, Bitzios Consulting notes that the school can implement, monitor, and update its communication and STP measures to manage operations and peak demands. For instance, split or staggered bell times could be implemented to reduce peak arrival times, vehicle access management of the facility to avoid ‘parking out’ of spaces and prioritising of certain school year pick-ups and drop-offs. These measures will be further developed in the STP.

Given the above, it is considered that the location and the design of the Kiss and Drop is acceptable, noting that it provides an appropriate facility that balances the service need with the need to encourage shifts to more sustainable modes of transport.

- **Construction Traffic** – It should be noted that the existing MHS population will be temporarily relocated to Wollumbin High School for the construction period. The traffic consultant considers that the surrounding road network will have sufficient capacity to accommodate the low levels of additional construction traffic coupled with the temporary closure of school activities at the subject site. Two parking areas are likely to be provided on-site for construction workers, with spare capacity in the surrounding road network to accommodate additional overflow.
- **Operational Parking** – A total of 161 parking spaces are proposed to be provided on-site as part of the MEC. This provision is the practical maximum on-site based on available space, factoring in flood constraints, desire to minimise flood impacts on adjoining properties, and to maximise play space and tree canopy/vegetation on site. This is all while balancing the need to separate vehicle traffic from school facilities. It should be noted that the on-site parking provision will be able to accommodate 129 school staff spaces, 25 DoE staff spaces and 7 DoE company vehicle spaces.

To supplement the parking assessment to date, a review of on-street parking occupancy has been undertaken for the surrounding streets. The result of this survey is included in Attachment A of the traffic consultants' response. A level of existing on-street parking supply is taken up by the existing MHS school operational demands. Therefore, this survey is conservative as it does not deduct current school demand from the numbers.

The surveys indicate that there are currently no adverse parking issues surrounding the MEC site. The survey results demonstrate that there is significant on-street parking capacity surrounding the MEC site and parking demands remain low throughout the day, inclusive of MHS demands. The parking supply analysis also indicates that there will not be adverse parking impacts associated with the MEC as there is sufficient capacity to accommodate any overflow.

In terms of potential use of council assets for parking, this type of shared parking operation is consistent with various other sports precincts across Tweed Shire. Notwithstanding, reliance on nearby Council assets is not required to accommodate parking overflow associated with the MEC. Measures can be incorporated into the STP to prevent the use of any Council assets.

Regarding school event times, it is considered that the on-street capacity will be sufficient to cater for these events. Notwithstanding this, the school would need to take a coordinated approach with Council to manage event times to limit potential for events at the school overlapping with major sporting events at nearby sporting fields. This factor is no different to the existing and established operation of the existing MHS.

Given the above, it is considered that there is sufficient parking existing on the site and surrounds so as not to result in adverse impacts to on-street parking supply, or residential amenity.

- **Bus Infrastructure** – The Bus Operational Plan seeks to not only address the changes associated with the MEC but also to improve the school bus system as a whole for the town and surrounding areas. Therefore, Bitzios Consulting, on behalf of SINSW, is working collaboratively with the TfNSW bus planning team and operators to ensure bus travel mode share is maximized for the MEC and improvements are made to the bus system as a whole.

The bus planning process is currently underway, and a preliminary bus review has been undertaken for a consolidated network during both the construction and operational phases of the MEC project. Preliminary investigations have revealed that the proposed changes to the bus network can provide significant bus kilometre savings, with the majority of these savings occurring within the Murwillumbah town centre, thereby providing opportunities for congestion points identified by Council to be eased.

Preliminary outcomes of the bus route changes are undergoing review with TfNSW's bus network planning and contract teams. Further and more detailed refinement will occur, including bus departure and arrival times at Nullum Street and coordination with school bell times. Detailed outcomes regarding these changes are subject to contractual processes between TfNSW and bus operators and are therefore not yet available or able to be documented in the response.

SINSW and TfNSW are well aware of the lead times regarding this work and are working collaboratively to ensure services are updated for the temporary arrangements at WHS as a matter of priority. Refer to the Bitzios Consulting response at **Appendix E** for a summary of consultation to date and more discussion regarding the outcomes of their preliminary assessment.

- **Signage** – The recommendations made by TfNSW can be included in any conditions of consent to be actioned prior to occupation of the development.

Noise Impacts

- **Construction Noise** – A construction noise and vibration assessment was undertaken by E-Lab Consulting as part of an updated Noise and Vibration Assessment (NVIA) at Appendix AB of the EIS. Although E-Lab Consulting has prepared a revised NVIA to address concerns raised, changes relate to the operational component of MEC. Notwithstanding, the existing discussion on construction noise has been considered here in further detail.

The construction noise and vibration assessment identified noise impacts from four stages of construction to residential receiver catchments, including:

- Early works (demolition and dismantling) – estimated time of 5 months;
- Bulk excavation with piling – estimated time of 1 month;
- Civil works after piling (excavation, retention and foundation) – estimated time of 7 months; and
- Structural works (construction, façade, finishes and services) – estimated time of 12 months.

The noise assessment predicts a worst-case scenario period of construction activities, meaning that all equipment of each stage is operating simultaneously during a 15-minute observation period. The assessment predicts that the construction works will not result in highly noise affected levels, except for some exceedances to residential receiver 1 during bulk excavation. This exceedance is attributable to the proximity of piling works occurring at Building 1 to residential receiver 1.

In response to this, the NVIA recommends noise monitoring at the most affected noise-sensitive receivers in accordance with the monitoring program proposed in Section 11.2.4, and the implementation of a one-hour respite period per day to coincide with the most noise intensive periods of work on the site. It was also recommended that these activities be limited to outside of sensitive hours.

This work was also the only work with potential for vibration impacts to residential receivers, particularly to residential receiver 1. Although the results do not indicate an exceedance of relevant criteria, a conservative approach has been adopted by the consultant who recommends that vibration monitoring be conducted at the most-affected receivers as per Section 11.2.3 of the NVIA. Upon any exceedances, reasonable and feasible measures should be considered to lessen any impacts. To further diminish the vibration impact, one hour respite periods are also proposed.

In this regard, it is considered that the acoustic consultant has undertaken a robust analysis of potential impacts for worst case scenarios. Mitigation measures provided in the NVIA will ensure that potential noise and vibration impacts are kept to a minimum. Furthermore, it is noted that the greatest impact relates to a certain phase of construction that is estimated to last for one month. In this case, the acoustic consultant recommends targeted monitoring so as to lessen the potential impacts to surrounds. The construction impacts are acceptable subject to these mitigation measures.

It should be noted that these mitigation measures are already captured in the Environmental Risk Assessment and Mitigation Measures found at Appendix D of the EIS.

- **Operational Noise and Vibration** – Additional operational noise assessments were conducted as part of the revised NVIA to determine the impacts of general school operations as well as additional traffic movements related to operation on sensitive receivers. The revised NVIA can be found at **Appendix Q**. These receivers are outlined in Figure 2 of the NVIA.

In particular, the following operational assessments have been added as part of the revised NVIA to respond to agency and public submissions:

- *Section 9.4 Recess and Lunch Assessment* – An assessment of the noise generated by students conversing and playing outdoors during recess and lunch has been conducted to determine the level of impact on nearby noise-sensitive receivers;

The noise generated by students at recess/lunch during a 15-minute period was predicted to the facades of the nearest surrounding noise-sensitive receivers, with consideration of reasonable worst-case scenario assumptions;

The modelling has revealed that the proposed operation will comply with the applicable noise (day) criteria from the NSW Industrial Noise Policy (INP);
- *Section 9.5 Indoor Teaching Assessment* – The worst-case for noise from general teaching and learning is expected to be noise generated from Building 1, situated along High School Lane, as there are residential receivers across the street facing the façade of Building 1;

An assessment of noise from general indoor teaching and learning within Building 1 whilst classrooms are in session, with consideration of reasonably worst-case assumptions, has revealed that the proposed operation will comply with the applicable noise (day) criteria from the NSW INP;
- *Section 9.6 Outdoor Teaching Assessment* – Noise from outdoor learning spaces in Building 1 to residential receivers across the street facing the façade of Building 1 has also been considered. An assessment of noise, with consideration of reasonably worst-case assumptions, has revealed that the proposed operation will comply with the applicable noise (day) criteria from the NSW INP;
- *Section 9.7 Kiss and Drop* – An assessment of noise emissions from the kiss and drop facility. The noise generated by this facility has been predicted to the most-affected facade of the nearest noise-sensitive receivers, with consideration of reasonably worst-case assumptions. The results indicate that the operation of this facility will comply with the applicable noise criteria from the NSW INP;
- *Section 9.8 Traffic Noise Generation Assessment* – The NVIA notes that Nullum Street is forecasted to generate the largest increase in additional AM and PM peak traffic movements. The highest traffic generation is predicted to be on James Street and Nullum Street, as all traffic arriving or leaving school will need to pass through this section;

Predicted façade noise levels have been assessed to the nearest façade of the residential noise-sensitive receiver closest to Nullum Street. The existing ambient noise during peak traffic hours has been established from short-term noise measurements at Nullum Street (refer to Section 7.3);

The anticipated trips during AM/PM peaks associated with the school operating at full capacity were derived from the TIA at Appendix X of the EIS as well as the Transport Response Statement at **Appendix E**. Predicted noise levels for this traffic generation have been modelled and noise corrections (such as distance and façade reflections) have been factored into the façade noise level prediction;

The result of the modelling has revealed that the additional noise levels from proposed traffic generation will be less than 2 dB above the existing road environment. In this regard, it is noted that the proposed development will comply with *NSW Road Noise Policy* (DECCW, 2011).

Given the above, it is considered that the proposed development complies with the applicable noise criteria from relevant policies and is therefore unlikely to result in any negative noise and vibration impacts to surrounding residential receivers.

Landscaping and Open Space

- **Natural Shade Along Active Transport Routes** – A response prepared by Bitzios Consulting addressing public and agency submissions relating to transport issues can be found at **Appendix E**. Although potential locations for ‘shade’ street trees, including along High School Lane and Nullum Street were considered, it is unsuitable for planting due to footpath width requirements on High School Lane as well as the risk of tree damage by bus movement near the kerb of Nullum Street.
- **Trees and Canopy Cover / Open Space / Play Space** – Notwithstanding the space occupied by the Kiss and Drop and parking on the site, it should be noted that the design balances this provision with the need for landscaping and open space, as well as avoiding flooding constraints and not exacerbating flood impacts from more hard space.

Regarding landscaping, it should be noted that a total of 158 trees are proposed to be removed and 180 trees planted, resulting in a net increase of 22 trees across the site. It is noted that of the 158 trees proposed for removal, there are 69 trees to be removed irrespective of the proposed development, including 58 for bushfire management and 11 trees that are in poor health. Other trees identified for removal are located within, or conflict with the building envelope. Of those trees that are proposed to be removed, 132 are native trees. However, at the completion of the development the project will be planting 180 native trees, resulting in a net increase of 22 trees across the site and an increase of 48 native trees across the site. The updated tree canopy calculations indicate that the site will continue to retain tree canopy cover in excess of 30% (30.9%).

Although the proposal will require the removal of trees (refer Section 3.1), the majority of trees that are required to be removed are outside of areas utilised by students, including for bushfire purposes, and will not detract from the provision of shade or amenity to students and users of the site.

Regarding play space, DoE EFSG provides that a minimum of 10m² onsite play space per student is required at a new school. The proposal will provide more than the recommended standard of play space, at 21.34m² per child based on campus at full capacity. Play space calculations are summarised in Table 13 of the EIS.

Biodiversity

- **Fauna** - A revised Landscape Design Report has been prepared by Arcadia which can be found at **Appendix P** and provides the location for nest boxes. Their location is reproduced in **Figure 2**. The type of nest boxes and their locations have been verified by the project ecologist, EMM Consulting, as being suitable.

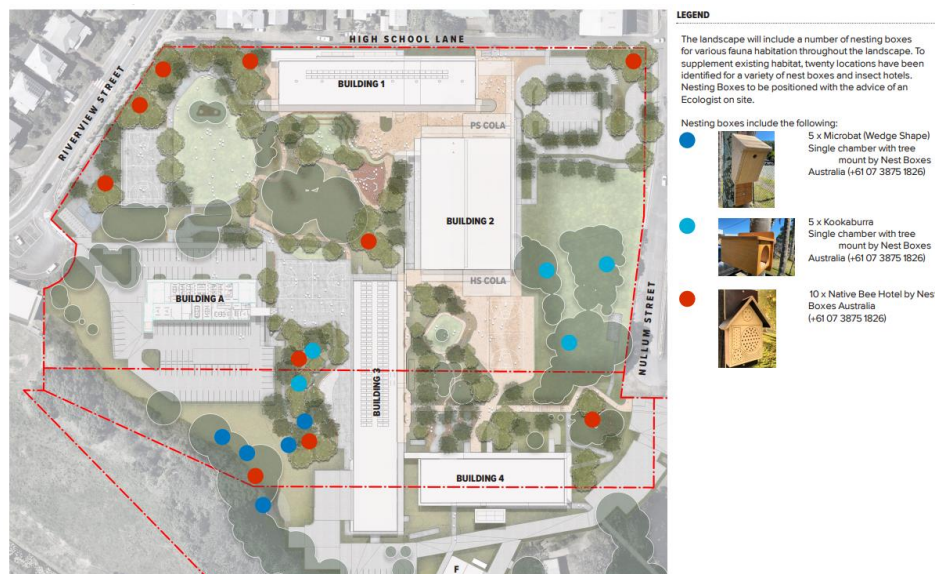


Figure 2 Location of Nest Boxes

Source: Revised Landscape Design Report as prepared by Arcadia

- **Development Footprint** - A revised BDAR has been prepared by EMM Consulting Pty Ltd and includes updated development footprint diagrams. The development footprint has been calculated in close consultation with BlackAsh Bushfire Consulting to clarify the bushfire management requirements in relation to the Hoop Pine Plantation and the *Rhodamnia rubescens* in particular. The Bushfire Management Plan and the Bushfire Risk Assessment confirms that *Rhodamnia rubescens* will be retained in-situ without bushfire management (i.e., without the need for vegetation removal, pruning etc).

Aviation

- CASA has not raised further matters for action and therefore this matter has been satisfactorily addressed in the EIS.

Bushfire Management

- **Bushfire Assessment** - The proposed development (including bushfire assessment) has been reviewed by the RFS who are supportive of the development and did not raise any concerns nor request any design revisions.

The proposal has also been reviewed by BCD, who requested clarifications to inputs within the submitted bushfire assessment. In their submission, Council also requested clarifications relating to proposed retained landscaping and compensatory plantings will be achieved consistent with APZ requirements. As noted within this Submissions Report, a meeting was also held with BCD on 10 August 2022 to discuss their submission, with matters discussed incorporated within this Submissions Report and supporting documentation.

A response to matters raised and a Bushfire Management Plan (BMP) have been prepared by Blackash Bushfire Consulting in response to the agency comments and can be found at **Appendices F** and **U**, respectively. A further response to matters raised in the submissions is provided below.

- *Low threat vegetation* – The core Hoop Pine area will be maintained to less than 1 hectare and as such meets the Planning for Bushfire Protection (PBP) 2019 test. The retained areas of Hoop Pine to the south of the core Hoop Pine area are separated from the core Hoop Pine area and under the canopy is currently maintained by regular slashing. This will continue. As such, these areas meet the low threat vegetation test. This will continue presenting a low bushfire hazard.
- *Grassland hazard* – The grassland and managed areas within the site have been assessed as managed areas in the bushfire assessment.
- *Hoop Pine Plantation* – As detailed within the BMP at **Appendix T**, all areas of *Rhodamnia rubescens* are identified for retention and protection ongoing. The only works identified for this area is weed management.
- *Landscaping* – An APZ Management Area is provided within the BMP at **Appendix T**, which outlines the extent of the APZ works, including tree removal and retention at the site.

Matters relating to bushfire have been a key consideration in the siting and design of the proposed development, to ensure the protection of life and property from any bushfire risk, without requiring the removal of additional trees or vegetation than necessary, and without incurring additional construction requirements (where this can otherwise be reasonably avoided).

Parks and Active Communities

- **Sport and Recreation Facilities** – Existing facilities across the four schools compared to the proposed MEC is quantified in **Table 5**.

Table 5 Existing indoor and hardcourt facilities for team sports

	MHS	WHS	MEPS	MEP	MEC
Indoor	1	1	Nil	Nil	1
Outdoor	3	2	1	Nil	5

The primary objective of the project is to provide students and teachers in Murwillumbah with new, high quality learning environments, outdoor spaces and core facilities. The number and size of outdoor spaces that will be provided has been determined based on consultation with principals and staff, input from technical stakeholders, and importantly the DoE’s EFSG, which have been put in place to ensure that there is equity in relation to the facilities provided to public school students across NSW.

The campus will provide suitably sized sporting facilities including a new, full-sized indoor basketball court for the high school, a new public-school hall that can be used for indoor sport and five full-sized external hard courts (one for primary school and four for high school). This is in addition to the full-size football field and athletics track already on site. These facilities have the potential for community use, which is supported by the DoE share our space program and before and after school sporting activities.

Flooding and Stormwater

- **Flood Impact** - A revised Flood Impact Assessment (FIA) has been prepared by TTW which can be found at **Appendix G**. The revised FIA responds to concerns raised by Tweed Shire Council regarding potential flood impacts to adjacent properties and confirms that the change in flood condition effect is on the road reserve only. The change in flood flow is essentially ponding against the new retaining wall within the property line to protect the primary school building, and there is no adverse impact on private property from the existing flood behaviour as a result of the development.

A Revised Civil Design Report has been prepared by TTW which can be found in **Appendix U**. It includes a draft Public Domain Plan which indicates additional road street drainage to mitigate ponding and flooding on adjacent roads cause by the proposed MEC. The intent of this draft plan is to demonstrate how these matters can be dealt with as part of the subsequent S138 application that will be required for these works.

- **Flood Emergency Response Plan** - A Flood Emergency Response Plan (FERP) has been prepared by TTW which can be found at **Appendix H**. The FERP provides a summary of the existing flood behaviour and post-development impacts to flood behaviour for both the 1% Annual Exceedance Probability (AEP) and 0.2% AEP flood event. Refer to Sections 2 and 3 of the FERP.

Flood warnings and notifications are outlined in Section 4 of the FERP. It is noted within the FERP that State Emergency Services (SES) issues Evacuation Warnings as a standard protocol where flood incidents are identified ahead of time. In this instance, the SES Controller will discuss temporary closure of appropriate schools with the Regional Director of the Department of Education. It is expected that, as a result, that the MEC could already have been advised to close before a flood event occurs.

As a contingency, and where a flood incident has not been foreseen, TTW recommends a shelter in place response. Evacuation from the site is proposed as a strategy when there is sufficient warning time before the onset of flooding and it is safe to do so. The school PA system would be used to communicate with staff and students during flood events. TTW recommends flood evacuation drills be completed once a year so that all students are aware of the site evacuation routes and emergency assembly point. Refer to **Figure 3** below.

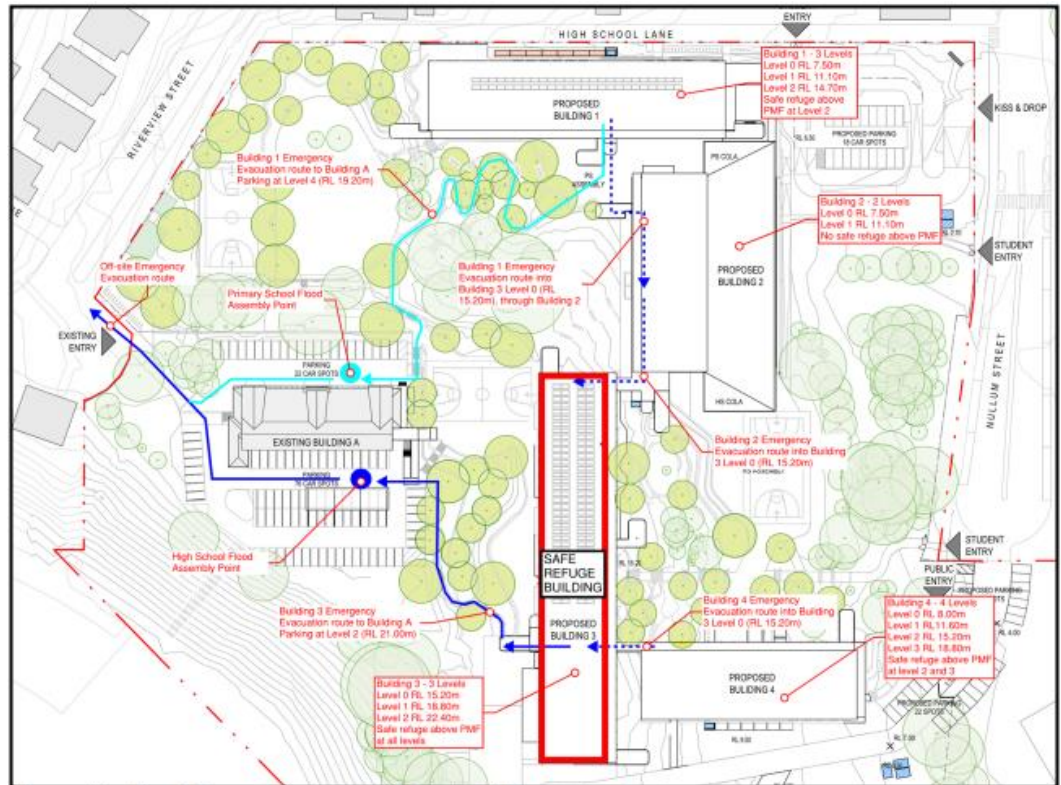


Figure 3 Proposed assembly point and evacuation route
 Source: FERP as prepared by TTW

Section 7 of the FERP provides an outline of programs to be implemented from the outset of the campus opening and throughout the life of school operations to provide for education, ongoing maintenance of equipment and training of staff and students. Section 8 of the FERP finally provides specific and easily understood flood response actions and instructions to be implemented based on the preceding discussions, i.e., when a flood watch or warning is issued, coordination of flood warnings and orders etc.

It should be noted that the FERP only addresses the strategies during extreme flooding events for students and staff within the campus grounds. It does not cover student and staff individual travel arrangements. Furthermore, the FERP indicates that any Emergency Management Plan will need to be prepared in consultation with the schools and SES. It is noted that the Emergency Management Plan will address the recommendations of the FERP and will be finalized prior to occupation of the campus and reviewed (and as required, updated) once every twelve months.

Heritage

- **Aboriginal Heritage** – It is anticipated that conditions will be imposed on any consent granted for outcomes of the ACHAR to be implemented as part of the delivery of the project.
- **European Heritage** - A Heritage Impact Assessment (HIA) was prepared by EMM at Appendix L of the EIS. This HIA considered the proposed works have varying levels of direct and indirect impact to the heritage significance of the site and the Block A building. The HIA provides a list of recommendations relating to how works can be conducted to mitigate impacts to Block A.

Although there are no changes to the works proposed to Block A, the HIA has been revised to cross-reference identified Block A works with the relevant stage as outlined in the revised CMP at **Appendix M**. Note, the conclusion and recommendations provided in the original HIA have not changed as a result of the revised staging.

Site Servicing

- **Water (Connections and Servicing)** - In their submission, Tweed Shire Council requested clarification regarding any required external connections, as well as quantification of the water demand of the proposed development (including whether the proposal will require additional water meters for potable domestic supply). Council also requested that all new water connections to the site be from the proposed 150 mm water main extension in Nullum Street (noting this is yet to be constructed).

A response to site servicing matters has been prepared by the hydraulic engineering consultants JHA at **Appendix I**. JHA has assessed the existing site infrastructure (both the potable water and fire service requirements) and confirmed that the existing 100mm water main and existing 100mm connection in Riverview Street provide more than adequate performance to service the proposed development. Based on the pressure and flow test results, the 100mm water main is able to provide 30L/s which exceeds the minimum site fire hydrant system performance of 20L/s and potable water probable simultaneous demand of 5.0L/s.

Accordingly, it is intended that hydrant and potable water will both be supplied from the existing connection at the northern main entry on Riverview Street. The fire sprinkler service will be provided via storage tank on-site and hence the combined fire flows will have no impact on the main. This arrangement has since been discussed and confirmed as acceptable by representatives of Tweed Shire Council during a meeting on 11 July 2022.

On this basis, connection to the proposed 150mm water main extension in Nullum Street is not required, as the existing connection at the northern main entry on Riverview Street can be utilised and provides the necessary performance for both the potable water service and fire service to supply the site. Accordingly, no additional water meters are required.

- **Wastewater** - In their submission, Tweed Shire Council requested conceptual engineering plans demonstrating the proposal can be serviced via private sanitary drainage, including quantification of sewer demand generated by the proposed development.

In response, JHA have provided quantification of the proposed development's sewer demand in accordance with Tweed Shire Council Development Design Specification D12. This analysis is supported by conceptual engineering plans prepared by JHA at **Appendix J**, demonstrating that all proposed buildings can be serviced by private sanitary drainage, with sufficient capacity within the system to account for all future potential growth scenarios.

- **Water (Existing Trunk Main)** - In their submission, Tweed Shire Council requested further details relating to the existing 750mm trunk main, located to the southeast of proposed Building 4, to ensure no conflict to this trunk main or associated easement. Additional detail has been provided by the civil engineering consultant, TTW, at **Appendix K**, which demonstrates that proposed buildings are to be clear of this trunk main and associated easement. The proposed development seeks to include areas of hardstand (access road and parking) which traverse this easement, however this is consistent with the existing site circumstance which currently is, and will be, consistent with Council's design specifications.

Contamination

A revised Detailed Site Investigation (DSI) Report was prepared by the land contamination consultant, Douglas Partners Pty Ltd to address agency submissions and can be found at **Appendix L**.

The DSI that accompanied the EIS at Appendix S establishes Site Assessment Criteria (SAC) for the proposed development at Section 10. These are broadly divided into the following groups:

- Health based investigation or screening levels (HIL/HSLs) representing risk to human receptors at residential premises with garden/accessible soil, including children's day care centres, preschools and primary schools; and
- Ecological Investigation or screening levels (EIL/ESLs) representing risks to ecological or environmental receptors at urban residential areas and public open space.

The results of the site investigations revealed that most soil samples taken from the site were below the adopted HIL/HSL and EIL/ESL criteria, except for an EIL/ESL exceedance of zinc at sample TP13/0.1 and petroleum hydrocarbons at both TP13.01 and BH3/0.1.

Contrastingly, the revised DSI has revealed that the only EIL/ESL exceedance is zinc at sample pit T13/0.1. It is noted that the exceedance recorded at BH3/0.1 was done so in error as the consultant had not applied the nominated SAC at Section 10.

As a result, the only exceedance relates to an elevated zinc reading at T13/0.1 that was marginally greater than the SAC. Notwithstanding this, it is noted that the revised DSI has undertaken a statistical analysis to determine the true concentrations of zinc in soil.

The statistical analysis revealed that concentration of zinc at this sample is less than the SAC and does not present a significant risk to potential ecological receptors. Douglas Partners consider that the site does not require further investigation, remediation and/or validation to render the site suitable for the proposed use.

Construction Management

A revised Preliminary Construction Management Plan (CMP) has been prepared by Built, the consulting contractor engaged during the planning phases, and can be found at **Appendix M**.

The CMP proposes revised construction staging. This can be found on page 6 of the revised CMP. These changes will enable works to be delivered in a manner which will allow new building to be delivered and occupied separately to Building A.

Demolition of most buildings on the site will continue to occur in the first construction stage (Stage 1A) under a separate planning pathway (refer Section 6.26 of the EIS). However, demolition of building slabs and Building E will occur in Stage 1B under the SSD works. The proposed SSD works will occur under three (3) stages. Stage 1C will involve the construction of new buildings and works external to Building A. Internal alterations and fitout works within Block A will occur in Stages 2A and 2B.

Section 5 of the CMP has also been revised in response to Council's concern regarding dust. The CMP appended to the EIS outlined strategies to be adopted where required to control dust. One strategy is to stop or reduce those work activities during moderate to high wind velocity periods. In response, this strategy now specifies that any wind speed above 60km/h as the threshold for the review of site works, thereby ensuring dust impacts to surrounds are mitigated.

In addition, it is noted that the waste bin location identified in Appendix A of the revised CMP has not been modified. A note has been added which indicates that these trees are to be removed. It should be noted that the implications of this tree removal have been considered by both the ecologist and arborist in the revised BDAR and Arborist Report at **Appendix O** and **Appendix R**, respectively.

In late 2021, following consultation with school communities and considering a range of factors, it was decided that MHS would relocate to WHS from Day 1 Term 1 2023. This means students and staff can learn and work away from the construction zone while the Murwillumbah Education Campus is being built. It also provides an opportunity for the two schools to collaborate before they move together to the new high school at the campus.

4.4 Justification and Evaluation of the Project as a Whole

These are issues which relate to justification and evaluation of the project as a whole (e.g., consistency of project with government plans, policies or guidelines). Issues and queries have been raised by members of the public in relation to the ability of the proposal to deliver improved educational outcomes for the community as well as the method of consultation that was undertaken for the site. This has been considered in the EIS and this Submissions Report. Refer to discussion above.

4.5 Issues that are Beyond the Scope of the Project

These are issues which are beyond the scope of the project (e.g. broader policy issues) or not relevant to the project. The only issues which are beyond of the infrastructure of the project relate to the educational outcomes of consolidating four schools into MEC. Notwithstanding this, the impacts of this consolidation has been considered in the EIS and this Submissions Report. Refer to discussion above.

5. Project Justification

The establishment of the MEC will accommodate up to 1,722 students providing the staff and students with a high quality, modern learning environment.

Moreover, the school facilities at the four schools are ageing, the general learning spaces are generally smaller than what is considered optimum by current standards, and their capacity to support educational outcomes of existing students could be improved upon. The new school facilities at the campus will provide new, flexible learning environments that better enable contemporary learning and teaching approaches, as well as better quality facilities for students with additional educational or support needs than what is currently available across the four schools .

Co-locating students and teachers on the same site will also allow for a broader and more engaging curriculum to be offered. Support services are also being provided on-site, in the form of the school community health facilities.

As indicated by the Submissions Report, numerous options were developed to address the service need of the site catchment. Analyses of these options eventually led to the selection of this site as the ideal site for a campus that can accommodate both the primary and high school services of the current Murwillumbah Cluster of Schools. The MHS site was chosen as it is geographically central in the town, has multiple street frontages, and has enough flood-free land to accommodate the education infrastructure and associated staff, student and community requirements.

As soon as practically possible, the project was announced to the community followed by consultation with staff, students, parents and the wider community. Social issues have been thoroughly considered prior to the EIS lodgement and whilst it is understood that the development of the MEC will inevitably result in changes for students, teachers and the community, overall, it will have positive educational and community outcomes. Through sustained efforts from the project team and the appointed school principals, all stakeholders have been, and continue to be, consulted thereby ensuring their concerns are considered. Given the above, it is noted that community consultation occurred prior to the EIS lodgement with multiple stakeholders and it is considered that a high degree of community consultation has been undertaken proportionate to the development proposed. Through sustained efforts from the project team, all stakeholders have been, and continue to be, consulted thereby ensuring that their concerns are heard and considered.

The main site constraints identified in the EIS are heritage, bushfire, topography, and flooding. The campus has been designed to accommodate existing heritage and respond to the site's topography, while ensuring that the design is compatible with the local character and addresses the concerns raised by parents, students, and the broader community. The design manages to achieve all these outcomes whilst balancing bushfire, biodiversity, and ecological constraints of the site. Further consideration of land contamination also indicates that the site is suitable for development.

Importantly, building floor levels have been set at a minimum level to ensure that they are above both the 1% AEP flood level and the 0.2% (1 in 500 year) AEP, noting that the 0.2% AEP is higher than the floods experienced by Murwillumbah township in February/March 2022. Some buildings are also located above the PMF level. In addition, although earthworks are proposed at the site, its effects are limited to increased flood levels on the road reserve. It has been confirmed that there is no worsening of the flood impacts on private property.

In response to submissions received, a FERP was prepared based on the findings of the flood assessment. The FERP considers the flood impacts and outlines the circumstances in which various flood management strategies are suitable for action, including a combination of 'shelter-in-place' and/or evacuation when the campus is in operation and the cancelling of operations in advance of a flood event, if possible. This preliminary response also notes that a Flood Emergency Management Plan will need to be prepared prior to occupation of the campus, allowing more time needed to consult with all relevant stakeholders.

As detailed at Section 3.1, although tree removal has been updated to align with the landscape plans at SSDA lodgement, it should be noted that most of the tree removal occurs on the periphery of the site, in spaces that will not be accessed by staff and students. Therefore, in proposed play areas

students will be able to enjoy natural shade from existing trees along with covered outdoor learning areas (COLAs) and a notable number of new covered outdoor learning commons. Furthermore, a significant portion of tree removal is designed to mitigate bushfire risks to the campus and does so while balancing the need to avoid impacts on existing biodiversity values at the site. Although no concerns have been raised by the RFS regarding the proposed development, additional information as well as a bushfire management plan has been prepared for further consideration.

Concerns regarding parking and traffic have been addressed with this Submissions Report. Additional traffic analysis inclusive of Kiss and Drop trips has been undertaken using more conservative assumptions to ensure that likely impacts that a conservative scenario from day one has been considered. No adverse impacts are forecasted to the operation of the surrounding street network. An analysis of on-street parking capacity also indicates that there is sufficient capacity to accommodate any likely on-street parking demand from both student and staff travel.

The implementation of the STP will ensure that any growth in student enrolments will not result in impacts beyond those modelled for operation on day one as students and staff shift from private vehicle use to both public and active travel modes. Furthermore, improvements to the road reserve as well as on-site provision of parking and Kiss and Drop facilities ensures that the campus balances service needs, flooding and biodiversity constraints at the site, without adversely impacting its surrounds.

Although a noise assessment was carried out originally, additional noise assessment has been carried out to ensure that the operation of the campus does not result in adverse impacts to surrounds. This assessment has considered noise from different facets of the campus operation including road traffic noise, noise from indoor and outdoor classrooms, noise from outdoor play areas as well as noise from the Kiss and Drop facility. The results of this assessment indicate that the operation of the campus does not result in adverse noise impacts.

Potential impacts to surrounding residences because of noise and construction activities have also been considered that any adverse impacts of the proposal can be appropriately mitigated through measures, which have been summarised in **Appendix C**. Note, this remains substantially consistent with the original measures in Appendix D of the EIS.

Having regard to the above, the carrying out of the project is justified for the following reasons:

- The assessment of this proposal has demonstrated that the proposed works will not generate significant environmental impacts, and impacts can be ameliorated and appropriately managed.
- The development will provide significant social, equitable and educational infrastructure to the area, providing an education campus with permanent teaching spaces to accommodate 1,722 students. The provision of new flexible learning environments and facilities for the school will fully enable contemporary teaching and learning approaches and improved quality of education
- The proposal allows for the provision of new teaching and educational facilities that meet the special design requirements for the proposed uses, whilst not resulting in any significant adverse impacts on the site or surrounding uses.
- The proposal is consistent with the principles of ecological sustainable development as defined by Part 3 Schedule 7(4) of the EP&A Regulation 2021.
- The proposed upgrade works are anticipated to create 680 jobs during the construction phase.
- The proposed upgrade works will not have a significant impact on any threatened flora or fauna species.
- The proposed upgrade works will not result in any adverse traffic impacts on the surrounding road network, and parking demand associated with the proposed development can be accommodated without adverse impacts.

On balance, accounting for site suitability, environmental impacts, risk assessment and key benefits, the proposed development is in the public interest.

Given the above it is considered that the SSD Application has merit and can be supported by the Department of Planning and Environment and the Minister for Planning.