



Wee Waa High School

State Significant Development Assessment
SSD 21854025

October 2022



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Cover image: Aerial perspective looking north-west across the site towards proposed new school buildings, play spaces and landscaping works (Applicant's RRFI 2022)

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Glossary

Abbreviation	Definition
AAR	Acoustic Assessment Report
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHMP	Aboriginal Cultural Heritage Management Plan
AEP	Annual Exceedance Probability
AIA	Arboricultural Impact Assessment
Applicant	NSW Department of Education
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
CEMP	Construction Environmental Management Plan
Contributions Plan	Section 7.12 Fixed Development Consent Levies Contribution Plan 2011
Council	Narrabri Shire Council
Crown Lands	Crown Lands, Department of Planning and Environment
Department	NSW Department of Planning and Environment
DoE	NSW Department of Education
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EHG	Environment and Heritage Group of the Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FEMP	Flood Emergency Management Plan
FIA	Flood Impact Assessment
FPL	Flood Planning Level
GANSW	Government Architect NSW
GTP	Green Travel Plan

ICNG	Interim Construction Noise Guideline
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
Heritage ACH	Heritage NSW, Aboriginal Cultural Heritage, Department of Premier and Cabinet
LGA	Local government area
LoS	Level of service
Minister	Minister for Planning
NLEP	Narrabri Local Environmental Plan 2012
NML	Noise Management Level
NRAR	Water and the Natural Resources Access Regulator,
OMP	Operational Management Plan
OTAMP	Operational Transport Access Management Plan
Part 5 works	DoE flood mitigation and environmental works located on and off the site determined 19 May 2022 under Part 5 of the EP&A Act and in accordance with the Education SEPP
PCT	Plant Community Type
Planning Secretary	Secretary of the Department of Planning and Environment
PMF	Probably Maximum Flood
PUDO	Pick-up/drop-off
RAP	Remediation Action Plan
RRFI	Applicant's response to request for further information
RtS	Response to Submissions
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SES	State Emergency Service
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy no 55 – Remediation of Land
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary Response to Submissions and additional information
SSD	State Significant Development
TAIA	Transport and Accessibility Impact Assessment
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the development of Wee Waa High School (SSD 21854025). The application has been lodged by the NSW Department of Education (the Applicant) and the site is located within the Narrabri Shire local government area.

Assessment summary and conclusions

The Department of Planning and Environment (the Department) has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of ecologically sustainable development, and issues raised in all submissions as well as the Applicant's response to these.

The key assessment issues associated with the proposed development are traffic and parking, noise, built form, biodiversity, tree removal and replacement and flooding and drainage. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement (EIS), Response to Submissions (RtS) and Supplementary RtS (SRtS). Minor outstanding issues can be addressed through the Department's recommended conditions of consent.

The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal

The proposal seeks approval for the construction and operation of a new high school with a total student capacity of 200 students. The development includes site preparation works, construction of single and two storey buildings, outdoor playing fields and covered sports courts, landscaping works, car and bicycle parking, pick-up/drop-off and bus bay facilities, drainage works, services infrastructure, fencing and signage.

The proposal has a capital investment value of \$30,647,789 million and would generate 11 additional operational jobs and 90 direct construction jobs.

The site

The site is located within the New England Region of NSW approximately 30 kilometres (km) west of Narrabri, 140km south of the Queensland border, 235km north of Dubbo and 435km north-west of Sydney. The site is located at 105-107 Mitchell Street, within a predominantly residential area at the northern side of the Wee Waa township. The site covers an area of approximately 6 hectares, is irregular in shape and fronts Mitchell Street / Kamilaroi Highway, Charles Street and George Street. No buildings are located on the site, which comprises a vacant grassed parcel of land including 98 existing trees and open stormwater channels. The site is subject to flood inundation from overland and riverine flood events. The applicant is currently undertaking flood mitigation works on site as part of a separate planning process.

The Mitchell Street / Kamilaroi Highway is a State road and is subject to road train, harvester and oversize vehicle movements, which peak during harvest season. All other surrounding roads are local residential roads.

The former Wee Waa High School, located at the eastern periphery of the township, was closed in late 2020 as buildings were deemed unfit for occupation or upgrade due to health and hazard concerns. Following the closure of the school, all secondary school students have been attending a temporary high school using demountable and facilities within the grounds of Wee Waa Public School (primary), located on the southern side of Mitchell Street opposite the new school site.

Statutory context

The proposal is SSD under section 4.36 of the EP&A Act as the development is for the purpose of a new school in accordance with clause 15(5) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011, as was in force immediately prior to lodgement of the application. Therefore, the Minister for Planning is the consent authority.

Engagement

The application was publicly exhibited between 11 November 2021 and 8 December 2021 (28 days). The Department received five submissions, including from Narrabri Council (Council) providing comments, and four submissions from the general public, including three objections and one in support. Advice was received from six submissions from Government agencies.

The key issues raised in the submissions include building height, visual impact, overlooking, fencing, construction and operational noise, tree removal and replacement, contamination, flooding, consultation, property value, subdivision and neighbouring site access.

On 30 March 2022, the Applicant submitted a RtS, which included amended architectural drawings, landscape plans and updated reports to address the concerns raised by Government agencies and in public submissions. Key design changes included amendments to car parking location, driveway design, tree removal and replacement, fencing and clarification of pedestrian infrastructure and the public art strategy.

The RtS was referred to Government agencies and eight submissions from Government agencies, including Council, were received in response to the Applicant's RtS, no submissions were received from the public. All Government agencies were satisfied the RtS had addressed previously raised issues, except Council, Transport for NSW and Biodiversity, Conservation and Science Directorate, Department of Planning and Environment which reiterated many of their previous concerns.

On 30 June 2022 and 25 August 2022, the Applicant submitted a SRtS and additional information to address Council, TfNSW and EHG's outstanding concerns with the proposal. Key design changes include clarification of Part 5 works, amendments to tree and topsoil removal, tree replacement, pedestrian crossing design, pedestrian infrastructure, drainage and water infrastructure. The Applicant also submitted minor amendments to the height of the buildings and structures. The Department is satisfied the SRtS has adequately addressed the outstanding concerns with the proposal, subject to conditions.

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1 Introduction

This report provides an assessment of a State significant development (SSD) application for the development of a new Wee Waa High School at 105-107 Mitchell Street, Wee Waa (SSD 21854025).

The proposal seeks approval for the construction and operation of a new high school with a total student capacity of 200 students. The development includes site preparation works, construction of three single and two storey buildings, outdoor playing fields and covered sports courts, landscaping works, car and bicycle parking, pick-up/drop-off (PUDO) and bus bay facilities, drainage works, services infrastructure and signage.

The application has been lodged by NSW Department of Education (the Applicant) (DoE). The site is located within the Narrabri Shire local government area (LGA).

1.1 Site description

The site is located at 105-107 Mitchell Street, Wee Waa, within the NSW New England Region approximately 30 kilometres (km) west of Narrabri, 140km south of the Queensland border, 235km north of Dubbo and 435km north-west of Sydney (**Figure 1**).

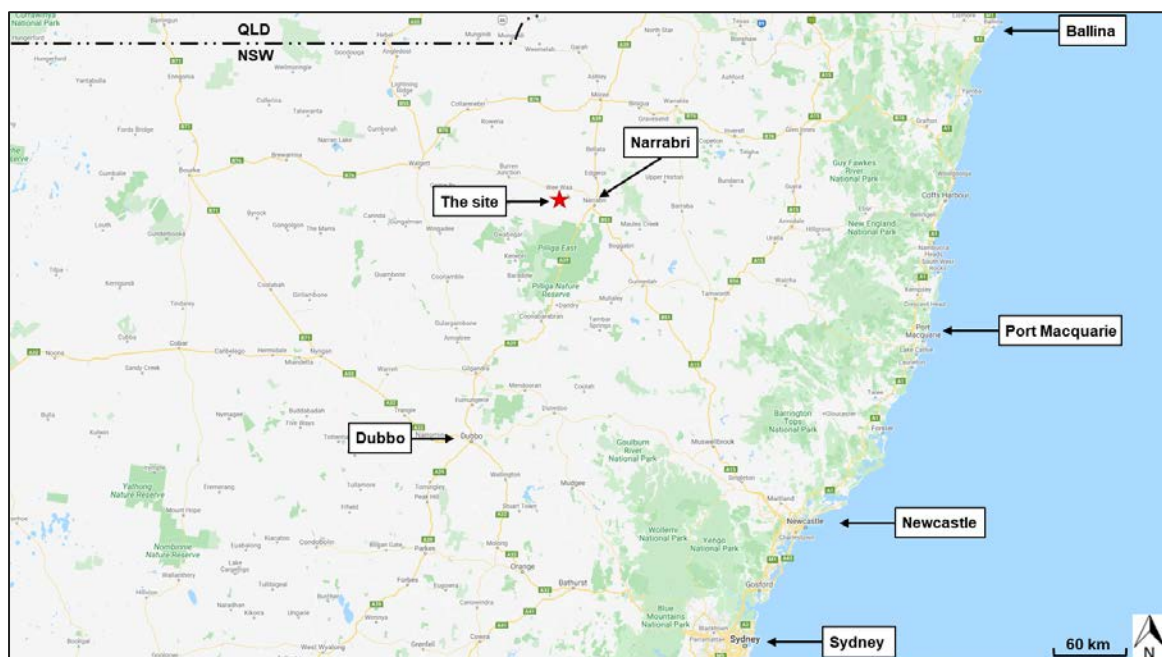


Figure 1 | Site location and regional context (Base source: Nearmap 2021)

The legal description of the site is Lot 2 DP 550633, Lot 1 DP 577294, Lots 124 and 125 DP757125. Three allotments were previously Crown Land (**Figure 2**), however were compulsorily acquired by DoE on 6 May 2022 pursuant to *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Education Act 1990*. The former Crown land lots falls within an extensive broader native title claim (**Section 6.7**).

The site has an area of 6.03 hectares (ha), is irregular in shape and has three street frontages:

- Mitchell Street / the Kamilaroi Highway to the south with a frontage length of 390 metres (m)
- Charles Street to the west with a frontage length of 190m
- George Street to the east with a frontage of 100m.



Figure 2 | Former Crown Land (yellow) and DoE (blue) lots (Base source: Applicant's EIS 2021)



Figure 3 | Aerial view of the site and its key features (Base source: Nearmap 2022)



Figure 4 | Existing site views (Base source: Applicant's EIS 2021)

The site shares its northern boundary with residential properties fronting Charles, Boundary and George Streets (**Figure 3**).

The site is undeveloped, un-fenced, containing grasslands and a scattering of 98 existing native trees. An area of land at the north-east corner of the site is identified as containing localised contamination resulting from previous land use(s) (**Figure 3** and **Figure 4**).

Formal vehicle access is from George Street and a maintenance track runs along the northern boundary of the site.

The topography of the site is generally flat, with a natural depression crossing east-west through the site. The site is subject to inundation from overland flooding during 1 in 5 (20%), 1 in 20 (5%) and 1 in 100 (1%) year flood Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. The site is subject to infrequent riverine flooding during extreme flood events where the town's levee is breached. Flood waters are conveyed along the natural depression through the site by a system of existing open stormwater channels (**Figure 5**).

The site does not contain any local or State heritage items under the Narrabri Local Environmental Plan 2012 (NLEP) or the State Heritage Register. The site is not identified as having Aboriginal cultural heritage values. However, the former Crown Land components of the site fall within a Native Title Claim associated with the broader surrounding area.

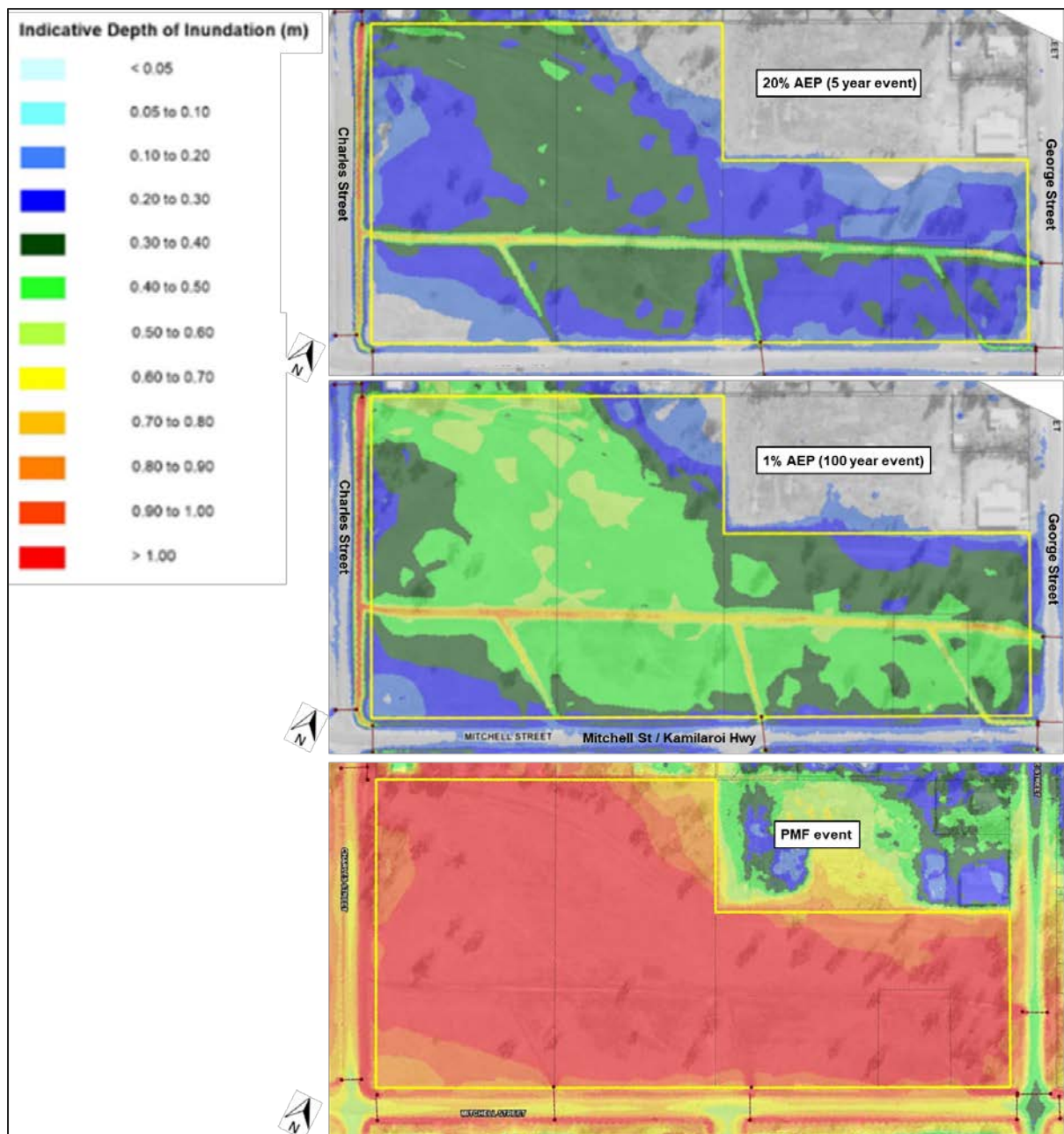


Figure 5 | Existing flooding conditions during the 20% AEP (top), 1% AEP (middle) and PMF (bottom) flood events (Base source: Applicant's EIS 2022)

1.2 Surrounding context

The site is located within the township of Wee Waa and the buildings and spaces around the site vary in use, form, age height and architectural design. The immediate surrounding area can generally be classified as primarily a low-density residential urban setting, including (**Figure 6**):

- to the south, on the opposite side of Mitchell Street, is the existing one to two storey Wee Waa Public School (discussed below). Beyond this is the Wee Waa township including Dangar Park, residential dwellings and the town centre located along Church Street
- to the north, east and west are residential properties comprising one and two storey dwellings on suburban lots fronting Charles, Boundary and George Streets. A larger 1.3ha residential property (41 George Street) adjoins the north-eastern boundary of the site.

The site does not immediately adjoin and is not nearby any NLEP or State Heritage Register listed heritage items.



Figure 6 | Views towards adjoining developments (Base source: Applicant's EIS 2021)

Traffic and access

Mitchell Street / Kamilaroi Highway along the southern boundary is a State road that runs east-west through Wee Waa and connects to the broader regional road network. The road is a sealed (soft-shoulder), two-lane, two-way roadway. The part of the road outside Wee Waa Public School, between the George Street and Church Street intersections, is subject to a 40kph School Zone restriction. The Mitchell Street / Kamilaroi Highway is subject to road train, harvester and oversize vehicle movements, which peak during harvest season.

Charles Street along the western and George Street to the eastern boundaries, both run in a north-south direction, are not line-marked and are not subject to parking restrictions.

All intersections with Mitchell Street / Kamilaroi Highway are priority controlled (stop signs), all other intersections are uncontrolled (**Figure 17**).

None of the streets adjoining the site (George / Mitchell / Charles Streets) include sealed / paved footpaths along the site boundary. A concrete footpath exists along the southern side of Mitchell Street between Church and George Streets along the northern boundary of the Wee Waa Public School. No existing general public transport services or cyclist infrastructure are provided near the site.

Wee Waa High School

The former Wee Waa High School, located at the eastern periphery of the township, was closed in late 2020 as buildings were deemed unfit for occupation or upgrade due to health and hazard concerns. Since closure of the school, all secondary school students have been attending a

temporary high school using temporary facilities within the grounds of Wee Waa Public School (primary). A Ministerial announcement was made on 3 June 2021 which committed to the state Government expediting the construction of a new replacement secondary school at Wee Waa on the subject site.

The existing Wee Waa Public School (combined primary/secondary) fronts Mitchell Street, George Street, Cowper Street and Church Street and comprises one to two storey permanent and temporary demountable buildings (**Figure 7**).



Figure 7 | Aerial view of Wee Waa Public School, temporary secondary school accommodation outlined in red (Base source: Applicant's EIS 2020)

The high school component of the school employs 50 staff including 27 full time equivalent staff and has 143 enrolled secondary students (capacity for 150). The Applicant advises that the core school hours are between 9am and 3pm Monday to Friday. However, the school remains open outside these hours for an afterschool program which operates between 3pm and 6pm Monday to Friday and vacation care during holidays 8:30am to 5:30pm. Wee Waa Public School currently offers the use of various school buildings, the hall and playground to the local community, where such uses do not disrupt or conflict with the day to day operations of the school.

The George Street, Cowper Street and Church Street all include on-street parking and a formal school PUDO zone is located along Church Street. However, the Applicant indicates that informal PUDO also occurs on all adjoining streets within the on-street parking. A school bus service is provided for students and a bus stop is located on Cowper Street. An existing (un-manned) pedestrian crossing exists on George Street, connecting Wee Waa Public School to Dangar Park.

2 Project

2.1 Project description

The key components and features of the proposal, as refined in the Response to Submissions (RtS) and Supplementary RtS, are provided in **Table 1** and are shown in **Figure 8** to **Figure 12**.

Table 1 | Main components of the project

Aspect	Description
Project summary	Construction and operation of a new high school (200 students), including site preparation works, construction of single and two storey buildings, outdoor playing fields and covered sports courts, landscaping works, car and bicycle parking, PUDO and bus bay facilities, drainage works, services infrastructure, fencing and signage.
Site area	6.03ha
Site preparation	Bulk earthworks and removal of 31 trees
Built form	Construction of: <ul style="list-style-type: none"> Buildings A to D: comprising a two storey (RL 201.93) secondary school buildings (including learning spaces, multi-purpose hall/gymnasium, library/administration, canteen and staff facilities) Building E: a single storey (RL 197.70) Indigenous Cultural Centre Building F: a single storey (RL 198.09) Agricultural and Environmental Centre building a two storey (RL 198.76) roof structure over outdoor sports courts, also to be used as a Covered Outdoor Learning Area.
Gross floor area (GFA)	4,858.9 square metres (sqm)
Uses	Use of the site as an educational establishment comprising a secondary school (years 7 to 12)
Student capacity	Maximum student capacity of 200 secondary school students (with potential for future growth to 300)
Access	<ul style="list-style-type: none"> Construction of a vehicle access off George Street connected to a service road providing access for parking, servicing and emergency vehicles. Provision of five pedestrian entrances to the school, including: <ul style="list-style-type: none"> a main school pedestrian entrance and secondary entrance from George Street two secondary entrances from Mitchell Street one secondary entrance from Charles Street.
Car parking, PUDO and bus facilities	<ul style="list-style-type: none"> 40 staff car parking spaces provided within a surface carpark located along the northern boundary of the site and accessed off George Street. Creation of on-street PUDO and bus zones on the western side of George Street and comprising: <ul style="list-style-type: none"> 42m long PUDO zone capable of accommodating seven cars 48.5m long bus zone capable of accommodating two buses.
Servicing	Loading, servicing and waste collection area located adjacent to the Agricultural and Environmental Centre.
Bicycle facilities	Bicycle facilities including:

Aspect	Description
	<ul style="list-style-type: none"> 12 bicycle parking spaces within a secure, stand-alone enclosure off the northern secondary pedestrian entrance from George Street end of trip facilities including showers and change rooms located within School Building B.
Open space and landscaping	<ul style="list-style-type: none"> Removal of 31 existing trees and provision of 78 replacement trees. Hard and soft landscaping throughout the site including natural / cultural landscaped areas, central courtyard, decorative and perimeter landscape treatments. 22,250sqm outdoor sports and play facilities including playing field with running track, active play areas, cricket nets and long jump pit and outdoor covered sports courts.
Road infrastructure works	<ul style="list-style-type: none"> Construction of a concrete footpath along the George Street and partly along Mitchell Street frontages connecting the pedestrian entrances and the PUDO and bus zones Provision of kerb blistering on Mitchell Street to provide a safe crossing point to Wee Waa Public School.
Stormwater and flooding	<ul style="list-style-type: none"> Construction of stormwater channels, pipes and associated infrastructure through the site Connection to the main stormwater channels, which are not part of this application (Section 2.6).
Hours of operation	<p>School hours of operation as follows:</p> <ul style="list-style-type: none"> core school hours: 8:15am to 2:15pm Monday to Friday extra-curricular activities: 7:30am to 4:30pm Monday to Friday community use: 7am to 10pm.
Signage	<p>Five school identification signs, including:</p> <ul style="list-style-type: none"> four signs located on the eastern and southern elevations of the school buildings a freestanding sign located at the south-east corner of the site fronting the George Street / Mitchell Street intersection.
Remediation	Remediation of the site in accordance with the Remediation Action Plan.
Jobs	90 direct and 60 indirect construction jobs and 11 (additional) operational jobs.
Capital investment value	\$30,647,789.

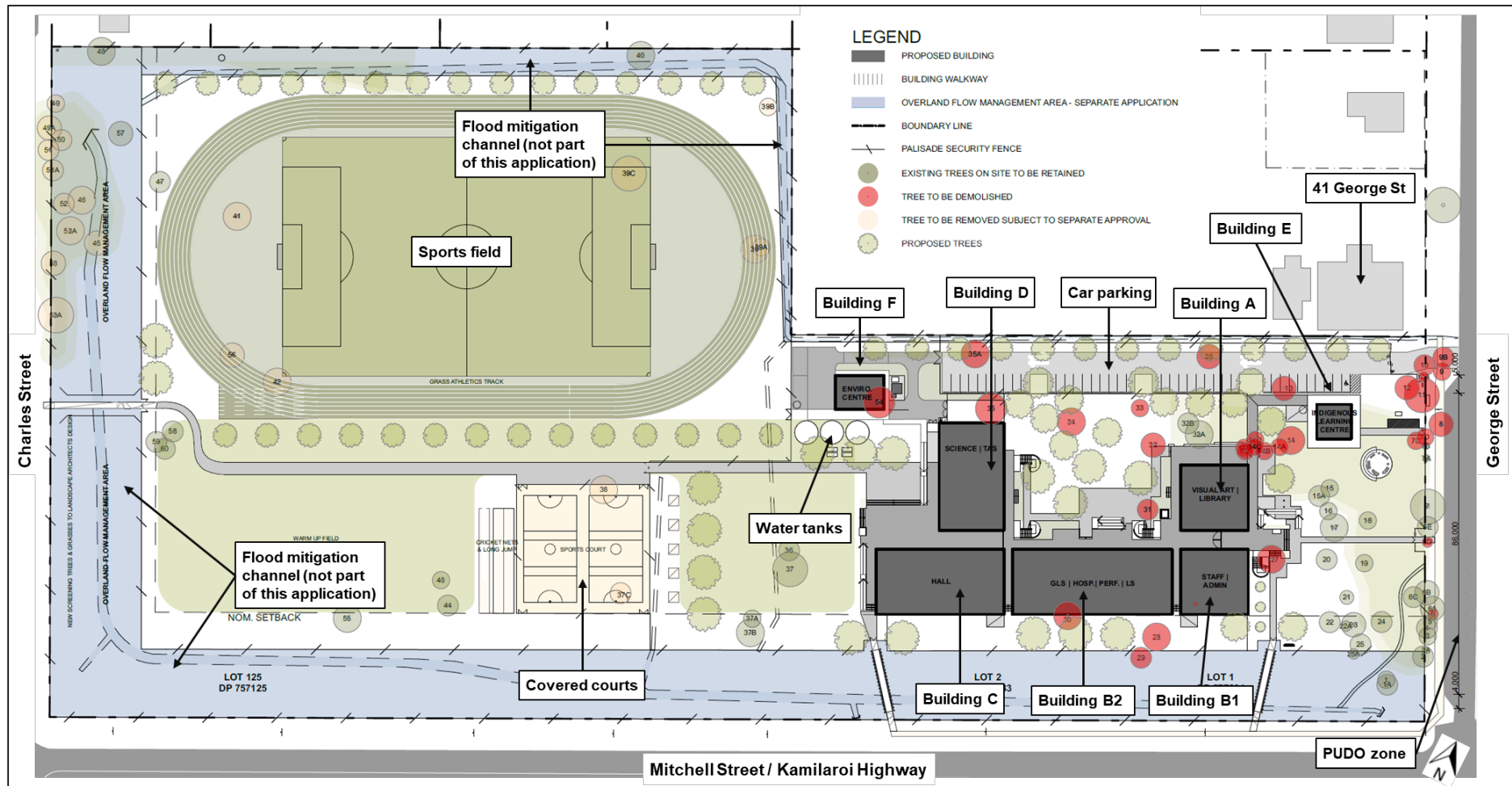


Figure 8 | Proposed school building and open space layout, flood channels (Part 5 works), tree removal and planting (Base source: Applicant's RRFI)

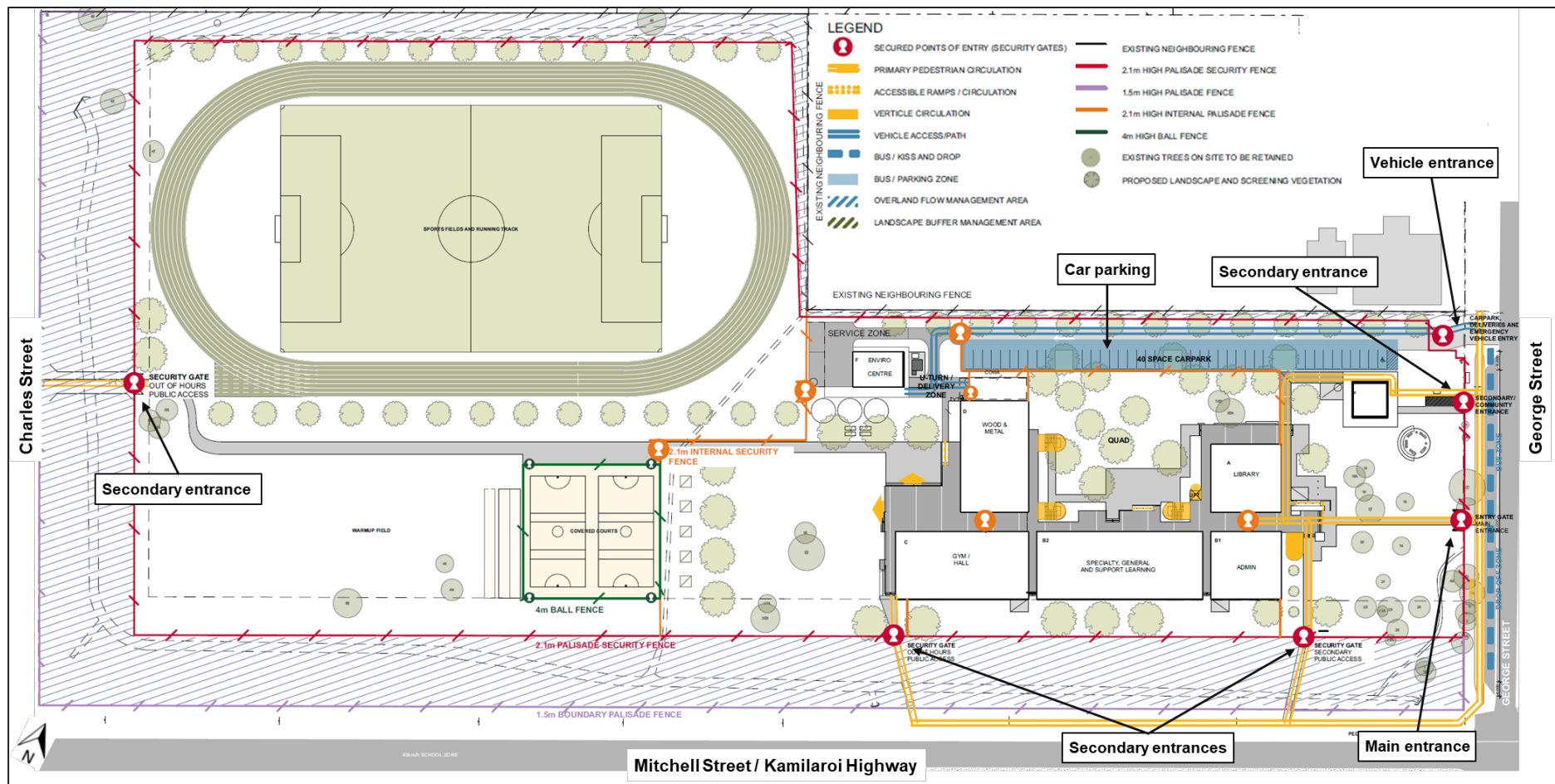


Figure 9 | Proposed school pedestrian, vehicle access, car parking and fencing arrangements (Base source: Applicant's SRtS)



Figure 10 | Aerial perspective looking west across the site (Base source: Applicant's RRFI)

2.2 Physical layout and design

The proposed site layout is shown in **Figure 8** to **Figure 12**. The built form of the development comprises interconnected secondary school building modules and stand-alone Agricultural and Environmental Centre and Indigenous Cultural Centre. In particular:

- the main school buildings (Buildings A to D) are laid out in a 'U' shape that wrap around a central landscaped courtyard. The buildings are all two storeys, connected by ground and first floor covered walkways and contain learning spaces, multi-purpose hall/gymnasium, library/administration, canteen and staff facilities
- the Indigenous Cultural Centre (Building E) is a single storey building located east of the school building for cultural use and is adjacent to native grass meadows and retained existing trees.
- the Agricultural and Environmental Centre (Building F) is a single storey building located west of the school building and is for lab and science purposes with loading/unloading facilities.

The building facades consist of a variety of materials including coloured corrugated curtain-wall cladding, screens and battens, which would be robust and low maintenance. The materials colour palette is intended to tie in with the surrounding context and landscape.



Figure 11 | Key building elevations (Base source: Applicant's SRtS)

The site landscaping includes a range of multi-functional landscape spaces including natural / cultural landscaped area at the eastern entrance to the site, a central hard and soft landscaped courtyard for active play, hard and soft landscaping around all other buildings and structures. Outdoor sports and play facilities are provided including a large playing field with running track, separate grassed active play areas, cricket nets and long jump pit and outdoor covered sports courts.

The main school pedestrian entrance is located on George Street and connects to a path through the native meadow to the eastern side of the school. Four secondary pedestrian entrances are provided and include:

- an entrance on the eastern side of the site, located north of the main entrance, and including secure, covered bicycle parking

- two entrances on the southern side of the site connected to Mitchell Street / Kamilaroi Highway
- an entrance on the western side of the site connected to Charles Street and include a footpath that extends through the middle of the school site to connect with the school buildings.

Security fencing is proposed around and within the school site and all entrances are gated. New footpaths are proposed along the whole George Street site frontage and partly along Mitchell Street / Kamilaroi Highway between the two secondary pedestrian entrances.

A total of 40 car parking spaces are provided along the northern boundary and accessed via a driveway connected to George Street. A PUDO facility with capacity for seven cars and two bus bays are proposed on the western side of George Street adjacent to the main school entrance and connected to a new concrete footpath.

Flood mitigation works (not part of this application) include the creation of a large flood channel along the western and southern boundaries of the site, and partly along the northern and eastern boundaries and pedestrian bridges over the flood channels (refer to **Section 2.6**). Additional flood mitigation works are proposed as part of this application to connect to the separate flood mitigation works (above) including drainage channels and pipes and associated infrastructure (**Figure 32**).

2.3 Uses and activities

The proposal seeks consent for a new school to accommodate the Wee Waa secondary school students currently attending the high school operating temporarily within the Wee Waa Public School. The proposal includes an uplift in the secondary school student and staff population when compared to the current (temporary) situation, as summarised at **Table 2**.

Table 2 | Main components of the project

High school population	Existing (max)	Proposed	Difference
Students	150	200	+50
Staff	50	61	+11

The Applicant has stated that the site / school has been designed to allow for future expansion growth in student number capacity up to 300 students, which would be subject to separate approval, funding and service need.

The Applicant proposes that the new facilities within the school would be available for use by the community when not required by the school. The Applicant's community use strategy for the site is indicative at this stage and comprises potential use of the following facilities between the hours of 7am and 10pm:

- sports fields and open space.
- school hall and two learning support spaces.
- Agricultural and Environmental Centre and Indigenous Cultural Centre.

2.4 Timing

Construction works associated with this application would be undertaken in one stage lasting approximately seven months.

2.5 Signage

The application includes five, non-illuminated identification signs, comprising (**Figure 12**):

- two building mounted signs, one located on the eastern elevation of Building A and the other on the southern elevation of Building C, each measuring 2.4m x 8.3m
- one building mounted sign to the eastern elevation of Building E measuring 0.85m x 4.7m
- one building mounted sign to the southern elevation of Building F measuring 0.85m x 3.4m
- one free-standing pylon sign at the Mitchell / George Street corner of the site, measuring 2.4m x 1.2m.

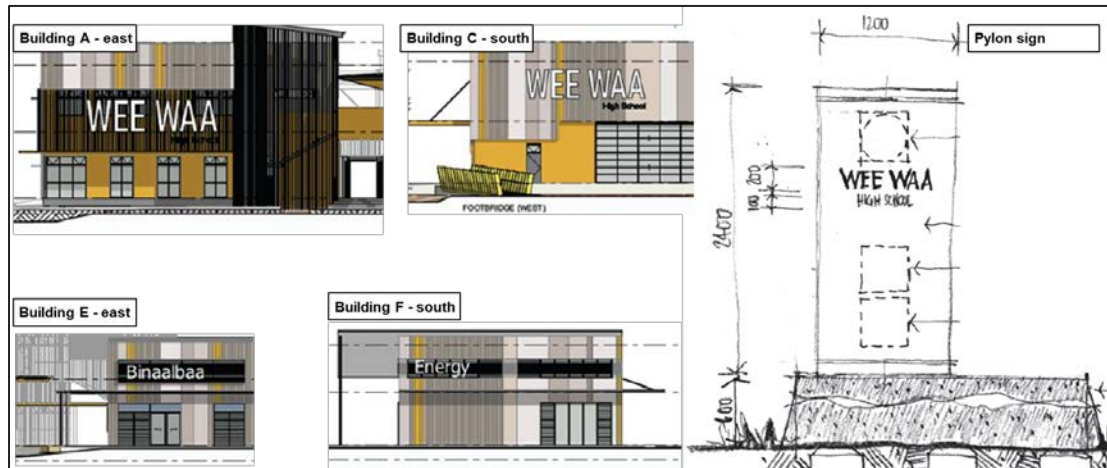


Figure 12 | Building mounted signs (left) and pylon sign (right) (Base source: Applicant's SRtS)

2.6 Flood mitigation works and drainage

The application includes the provision of flood mitigation works and stormwater infrastructure on the site. The works include stormwater pipe infrastructure, two new drainage channels and infill of redundant stormwater channel, school safety fencing and associated signage as shown at **Figure 13**.



Figure 13 | Proposed on site flood mitigation works and stormwater infrastructure (Base source: Applicant's RtS)

The following section outlines the separate flood mitigation works that do not form part of this SSD application and that have been approved under a separate planning process.

2.7 Related development

The Applicant advises that to address flooding and drainage issues with the site and to ensure efficient project delivery a separate early works package was prepared as 'Development Without Consent' under Part 5 of the EP&A Act and in accordance with the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) (the Part 5 works).

On 19 May 2022, the DoE determined the Part 5 works. The land relating to the Part 5 works is outlined yellow at **Figure 14**, the Part 5 works are partly located within the current SSD application site (**Figure 15** and **Figure 16**).

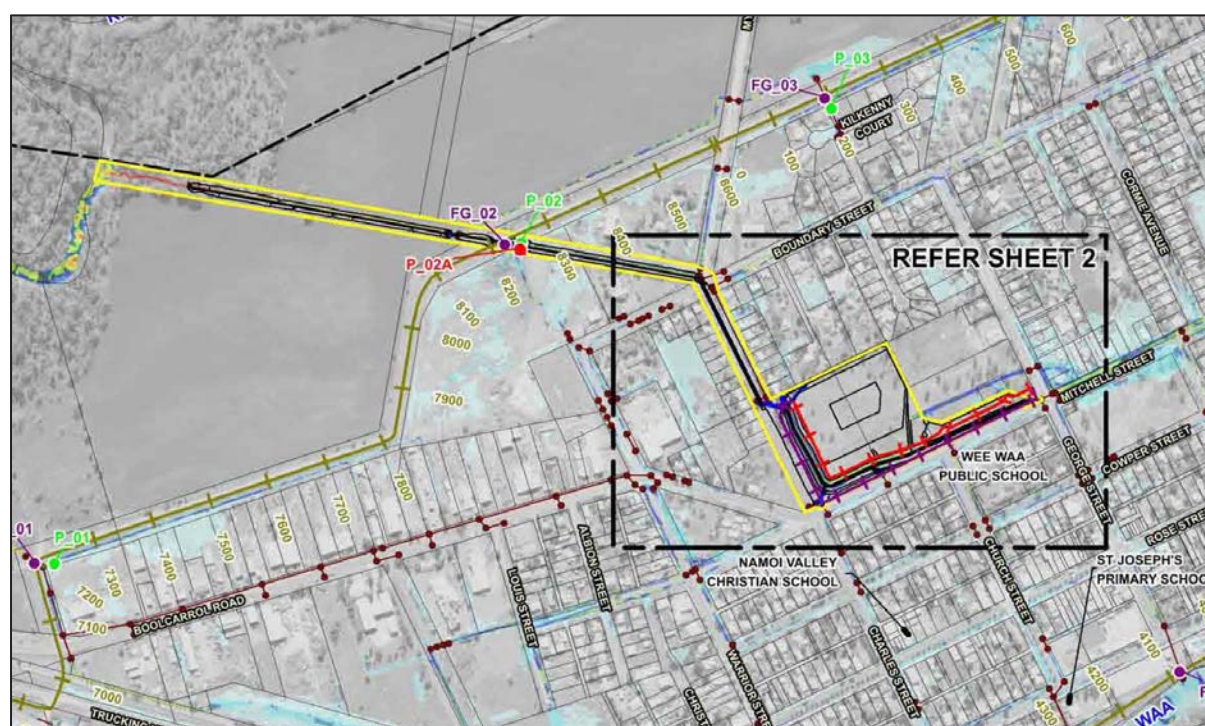


Figure 14 | Broader flood mitigation works (Base source: Applicant's RtS)

Part 5 works are contained within the site and outside the site. Part 5 works applying to land outside the site comprise:

- upgrades to the township flood conveyance network including replacement of pipes, deepening of the downstream channel to the Namoi River, upgrades to the levee gate/pump system and scour protection at the Namoi River (**Figure 14**)
- upgrades to the electricity distribution network, including installation of new pole-mounted substation in the Mitchell Street road reserve.

The Part 5 works applying to land within the site include the following early works, which consequently do not form part of the current SSD application:

- excavation, construction and landscaping of an overland flow channel along the southern and western boundaries and partly along the northern and eastern boundaries of the subject site and

stockpiling of fill (**Figure 15** and **Figure 16**)

- installation of new 1350mm diameter pipes along Charles Street including debris control devices and fencing around drainage channels
- removal of vegetation including trees within Lots 124 and 125 DP757125 and within flood channels and planting of grasses (**Figure 8** and **Figure 16**)
- construction of all three pedestrian bridges over the flood channels.

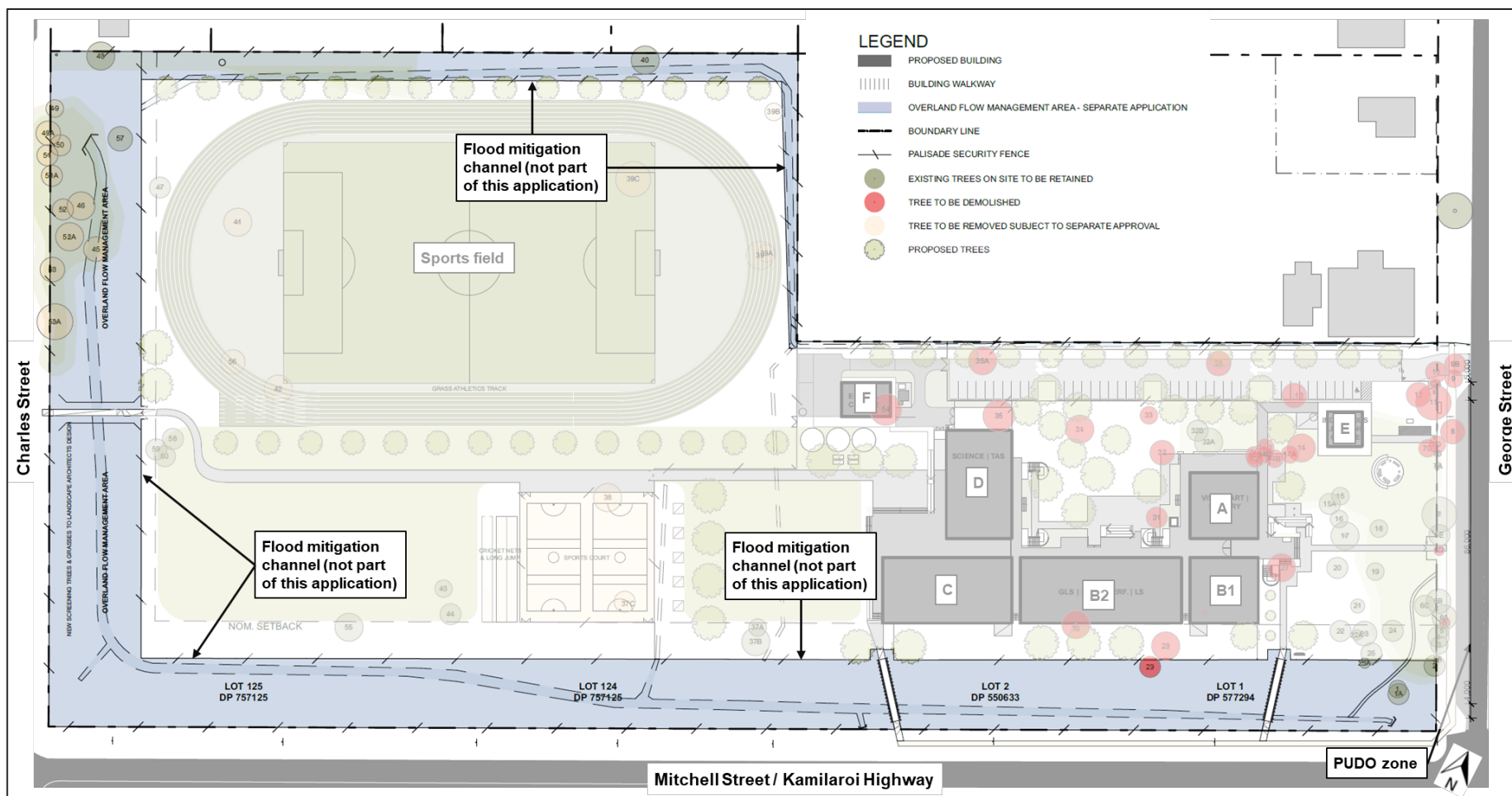


Figure 15 | On site Part 5 flooding and drainage infrastructure / mitigation works that do not form part of this application (highlighted orange) (Base source: Applicant's RRFI)

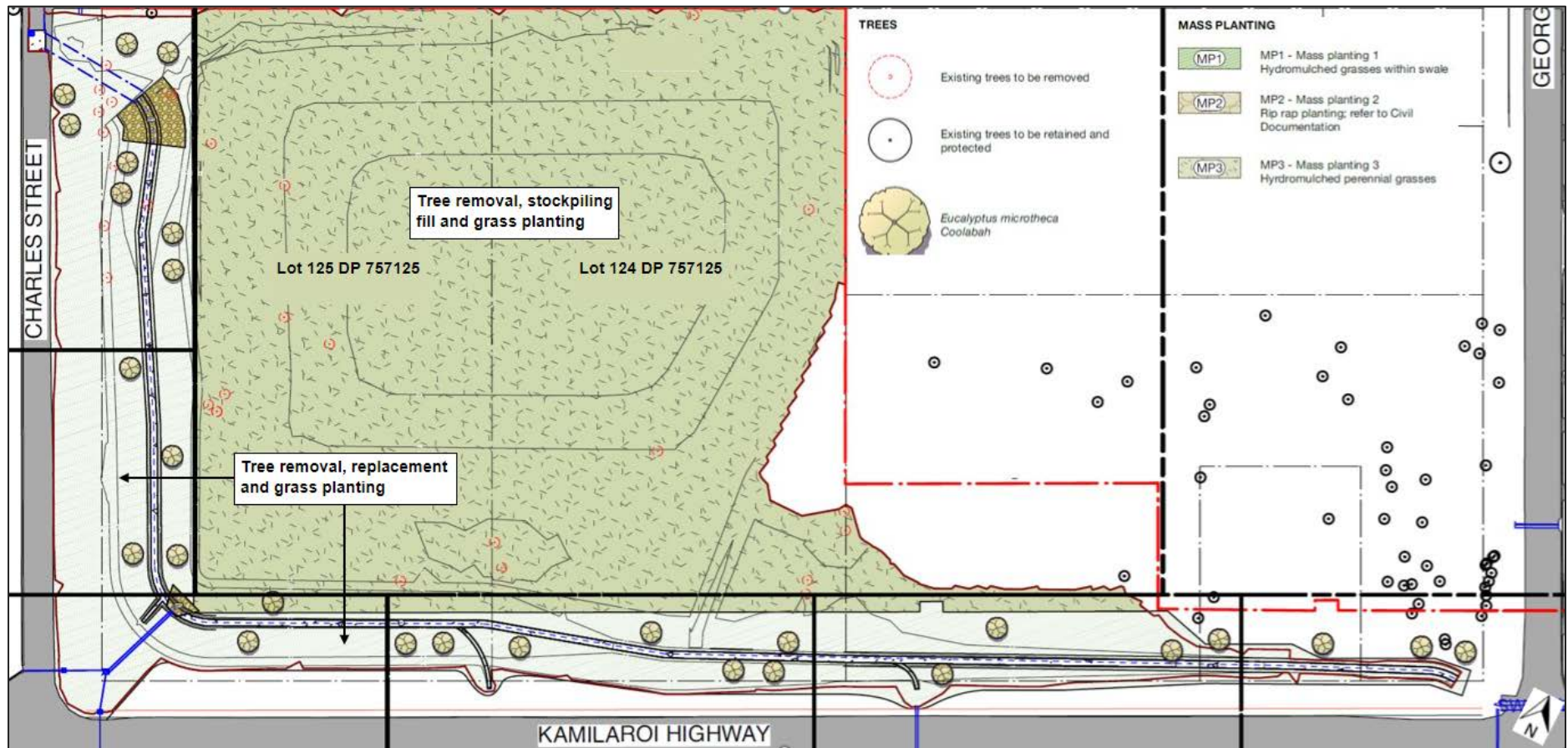


Figure 16 | On site Part 5 tree removal associated with the Part 5 flood drainage channel works and replacement tree planting within the Part 5 flood drainage channels (Base source: Applicant's Part 5 works)

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers in NSW by 2031 compared to 2017. This means that NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure because of increased demand, DoE is investing \$6.7 billion to deliver new schools and upgrade existing schools.

The Department considers that the proposal is appropriate for the site given it is consistent with:

- NSW State Priorities through the provision of new and improved teaching and education facilities
- the New England North West Regional Plan 2036, as it proposes new school facilities to meet the growing needs of regional NSW and support the economic diversification and strengthening in Wee Waa and broader Narrabri region
- Transport for NSW's Future Transport Strategy 2056 as it would provide a new educational facility generating additional new employment opportunities within an existing township / urban area
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum as it proposes:
 - a new high school to support current and predicted growth in demand for secondary student enrolments within the school catchment
 - a school design to accommodate infrastructure and facilities sharing with communities.

The proposal would also provide direct investment in the region of approximately 30,647,789 million, which would support 90 construction jobs and 11 new operational jobs.

4 Statutory context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the development is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as was in force immediately prior to lodgement of the application.

In accordance with the Minister for Planning's delegation to determine SSD applications, signed on 9 March 2022, the Director, Social and Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection
- there are less than 15 public submissions in the nature of objection
- the application has not been made by a person who has disclosed a reportable political donation in connection with the application.

4.2 Permissibility

The site is identified as being located within the R1 General Residential zone of the NLEP. 'Educational Establishments' are not listed as permissible with consent within the zone.

Clause 35 (Schools—development permitted with consent) of the State Environmental Planning Policy (Educational Establishments and Child Care Centre) 2017 (Education SEPP) states:

(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

R1 zone is a prescribed zone under clause 33 of the Education SEPP (as was in force at the time of lodgement), and therefore under clause 35(1), an Educational Establishment is permitted within this zone. The proposal also includes shared use of some facilities for the community which would be ancillary to the use as an Educational Establishment and is also permissible with consent.

Therefore, the Minister for Planning or a delegate may determine the carrying out of the development

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant Government agencies responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- provisions of environmental planning instrument (EPI), including draft EPIs, development consent plans, planning agreements and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
- the environmental, social, and economic impacts of the development
- the suitability of the site
- any submissions
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development.

The Department considered all these matters below and in **Section 6**.

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI (including any draft EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

Since the submission of the EIS, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the EIS was submitted.

The Department has undertaken a detailed assessment of these EPIs, including draft EPIs, in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 3**.

Table 3 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development	The proposal involves the construction of a new high school and ancillary uses to replace the former Wee

Objects of the EP&A Act	Consideration
and conservation of the State's natural and other resources,	<p>Waa High School and cater for educational demand in the township.</p> <p>The proposal is estimated to generate approximately 90 construction and 11 additional operational jobs.</p> <p>The proposal would have a positive impact on the social and economic welfare of the community and impacts on the natural environment can be managed or mitigated.</p> <p>The development would have no significant adverse impact on the State's natural and other resources (Section 6).</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal would be an orderly and economic use and development of land as it provides for new schools that constitute modern, fit-for-purpose educational facilities located on a site owned by the Applicant. The merits of the proposal are considered in Section 6 .
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal involves landscaping and planting to provide new habitat opportunities. Impacts of tree removal have been appropriately mitigated or are addressed through the recommended conditions of consent (Section 6.5).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which identified no known Aboriginal sites, objects or Potential Archaeological Deposits located within the study area or proposed development footprint.</p> <p>The site is not identified as, nor located within proximity to, any local or state heritage items. Further, the site is not located within, nor within proximity to, any heritage conservation area</p>
(g) to promote good design and amenity of the built environment,	The proposal would promote good design and amenity of the built environment (Section 6.4).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal, which included consultation with Council and Government agencies and consideration of its responses (Sections 5.1 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying

Objects of the EP&A Act	Consideration
	adjoining landowners and displaying the proposal on the Department's website.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Applicant is targeting an equivalent 4-Star Green Star (Australian Best Practice) rating under the Green Star Design & As Built v1.3 rating, which is in accordance with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines issued by DoE.

The development proposes ESD initiatives and sustainability measures, including:

- roof mounted solar photovoltaic panels (approximately 252 panels) on the Agricultural and Environmental Centre building and main school building
- limited window to wall ratio, shading and high performance glazing to limit solar gain
- low maintenance materials with low VOC and formaldehyde, responsibly sourced timber, best practice/minimal PVC, recycled products, replacement Portland Cement products
- installation of heat pump or heat recovery system to provide heating and cooling, including operation timers and shut-off
- mixed-mode natural ventilation, including use of natural ventilation where temperature allows.
- energy efficient lighting, including LED fittings, motion sensors and flexible lighting controls
- high efficiency water fixtures and fittings (up to 5 star WELS rated products)
- rainwater harvesting system (three tanks) for use in landscape irrigation and toilet flushing
- water sensitive urban design, including permeable surfaces and swales
- target at least 90% of construction waste diverted from landfill
- provision of bicycle facilities including parking, lockers, change room and showers.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development. In order to ensure that ESD is incorporated into the proposed development, the Department has recommended conditions requiring that the Applicant to:

- register for a minimum 4-star Green Star rating with the Green Building Council Australia (or an alternative certificate process as agreed by the Planning Secretary), prior to the commencement of construction
- obtain Green Star certification within 12 months of the completion of the development.

Subject to these conditions, the proposed development is consistent with ESD principles as described in Appendix L of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 4 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 4 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposed development have been appropriately mitigated or conditioned (Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as discussed throughout this report.

Section 4.15(1) Evaluation	Consideration
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (Section 5).
(e) the public interest	The proposal is considered to be in the public interest (Section 7).

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6.5**.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 11 November 2021 until 8 December 2021 (28 days). The application was exhibited on the Department's website. The Department notified adjoining landholders and relevant State and local government authorities in writing.

The Department has considered the comments raised in the public submissions and Government agency advice during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

The Department received five submissions, including from Narrabri Council (Council) providing comments, and four submissions from the general public, including three objections and one in support. Advice was received from six Government agencies. A summary of the issues raised in the submissions and Government agency advice is provided at **Section 5.3** and **Section 5.4** and copies of the submissions may be viewed at **Appendix A**.

5.3 Council submission and Government agency advice

A summary of the issues raised in the Government agency advice and Council submission is provided at **Table 5** below and copies of the advice and submissions may be viewed at **Appendix A**.

Table 5 | Summary of Government agency advice and Council submission to the EIS

Narrabri Shire Council (Council)

Council did not object to the proposal and provided the following comments:

Planning matters

- provide further consideration of strategic site selection and alternative siting options
- consider appropriate mechanisms to engage with relevant stakeholders on the delivery of the project and in light of the broader Native Title Claim and minimise project risks
- the Native Title Claim should be resolved prior to any other approvals being issued
- the Narrabri Shire Council Section 7.12 Fixed Development Consent Levies Contribution Plan 2011 (the Contributions Plan) does not exempt a high school from the payment of development contributions and relevant payments should be therefore be required
- continue to engage with Council and the local Aboriginal community on any design amendments.

Traffic and transport

- construct a concrete footpath, kerb and guttering around the full perimeter of the site
- consult with local bus companies regarding school bus demand and queuing
- the colocation of the PUDO facility and two bus bays may result in vehicle queuing. Council recommends an off-street parking area for students and parents be constructed
- the car parking area access off Charles Street is isolated and does not include a pathway linked to school buildings
- clarify whether parking is provided for students and visitors and community use. Council recommends additional off-street parking be provided
- provide details of school bus access routes and impact on the amenity of surrounding residential properties
- Council clarified:

- it will not accept a painted (zebra) pedestrian crossing on Mitchell Street
- road upgrades to Culgoora Road to provide an alternative road-train route is a long-term aspiration and not currently funded
- it concurs with the comments raised by TfNSW in its advice to the EIS exhibition.

Drainage and infrastructure

- Council is unable to provide a review of the drainage strategy as the proposal does not include technical information on the modelling. Provide technical details of the local catchment stormwater investigation to justify the adequacy of flooding mitigation measures and address safety considerations
- Council is concerned about the ongoing maintenance of the drainage channels
- consider emergency matters, including backup generator requirements and the role of the school as the community's designated Evacuation Centre.

Construction and contamination

- the Applicant's anticipated start-date timeframe (March 2022) is not achievable
- the demolition of the old high school should run in parallel with the proposal
- consider construction impacts including construction worker accommodation requirements and construction hour impacts
- consult with Council on the disposal of waste during the construction and operational phases of the development
- inconsistencies between documents regarding the proposed cut and fill and the suitability of on site cut to be used as fill on the site. Disposal of fill is to be in accordance with relevant legislation requirements
- demolition works and site waste removal has occurred prior to the submission of the SSD application and potentially without the necessary prior approval
- a Construction Environmental Management Plan (CEMP) should be prepared prior to any earthworks
- engage an NSW EPA accredited site auditor.

Heritage

- as existing structures have been demolished further assessment of historic heritage is not required
- Council is satisfied the Applicant has sought input from all relevant stakeholders relating to Aboriginal Cultural Heritage
- manage heritage matters in accordance with the Cultural Heritage Management Plan.

Other

- the Operational Management Plan (OMP) lacks sufficient detail
- justify the inclusion of non-endemic / exotic plant species
- clarify the proposed extent and design of proposed boundary fences
- correct inconsistencies between documentation and plans provided
- the EIS report does not adequately acknowledge the material provided by experts in the Appendices, and incorrectly infers that Council has accepted/approved the development.

Council recommended conditions relating to earthworks, connection to Council's water and sewer infrastructure, provision of off-street car parking, BCA compliance, preparation of the Operational Transport and Access Management Plan, Long Term Environmental Management Plan and CEMP.

Transport for NSW (TfNSW)

TfNSW did not object to the proposal and provided the following comments:

- separate the PUDO zone from the bus zone and locate the PUDO zone within the site boundary or on a local road with enough length to avoid vehicle queuing onto Mitchell Street
- the proposed Mitchell Street pedestrian would not meet TfNSW warrants / safety considerations and is not supported. TfNSW instead recommends kerb extensions, with no pedestrian refuge, be installed at the Mitchell Street / George Street intersection
- provide / implement a Works Authorisation Deed for works on Mitchell Street
- ensure the Mitchell Street pedestrian entrance is locked during arrival and departure times to reinforce safe crossing practices and reduce multiple pedestrian desire lines
- update the architectural and civil drawings to ensure the pedestrian infrastructure along Mitchell Street and George Street is shown consistently
- landscaping and signage must be provided in accordance with relevant Austroads and Australian Standards
- ensure school signage is located within the site boundary and designed, including any illumination, in accordance with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2017*

- the transportation of contaminated fill or materials must be in accordance with *Australian Dangerous Goods Code* and relevant Australian Standards.

Environment and Heritage Group of the Department of Planning and Environment (EHG)

EHG did not object to the proposal. However, it stated that the application is not clear what flood works and BDAR biodiversity impacts form part of this application and what would form part of the separate Part 5 planning pathway.

EHG confirmed it is unable to comment on the flooding impacts or BDAR until:

- the Applicant confirms whether the dual SSD and Part 5 planning pathways will be pursued for this proposal
- a copy of the Part 5 impact assessment is provided (if this pathway is pursued).

EHG provided preliminary comments on the BDAR, however, these would be subject to review following the Applicant addressing the above matters.

Environment Protection Authority (EPA)

EPA did not object to the proposal and confirmed the proposal does not require an environmental protection licence. EPA recommended conditions requiring the following:

- implementation of the recommendations and mitigation measures of technical reports including the Remediation Action Plan (RAP), Construction Air Quality Impact Assessment, Acoustic Assessment Report, Stormwater Management Plan and Sediment and Erosion Control Plan
- following implementation of the RAP, prepare a validation report to be submitted to the EPA
- undertake a construction noise validation assessment prior to works commencing and implement mitigation measures where necessary
- design erosion and sediment controls in accordance with the *Managing Urban Stormwater: Soils and Construction*
- engage directly with Council about resource recovery and waste disposal, noting the Narrabri Waste Management Facility has limited capacity
- appropriately classify all fill to and from the site in accordance with the relevant legislation and guidelines.

Natural Resources Access Regulator, Department of Planning and Environment Water (NRAR)

NRAR did not object to the proposal and provided the following comments:

- confirm whether a bore for the development is required. If required, undertake an impact assessment to confirm yields, quality and impact on water source and users
- prepare a Construction Soil and Water Management Plan.

Heritage NSW, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW did not object to the proposal and confirmed the site is not listed on the State Heritage Register, is not in the immediate vicinity of State Heritage Register items and does not contain any known historical archaeological relics.

Heritage NSW, Department of Premier and Cabinet, Aboriginal Cultural Heritage (Heritage ACH)

Heritage ACH did not object to the proposal and confirmed it supports the mitigation and management measures proposed within the Aboriginal Cultural Heritage Assessment Report (ACHAR).

Crown Lands, Department of Planning and Environment (Crown Lands)

Crown Lands did not object to the proposal and confirmed the Applicant is currently in the process of acquiring Crown land that forms part of the site. In addition, the Crown Lands noted the Crown land forms part of a Native Title Claim Area and the Applicant is engaged with relevant representatives about this matter.

5.4 Public submissions

The Department received four submissions from members of the public during the public exhibition of the EIS. Of these submissions, three objected and one supported the proposal. The key issues raised in the submissions include:

- inappropriate building height
- adverse visual impact of fire booster, air-conditioning and kerbside waste collection
- adverse amenity impacts (overlooking and light spill)
- operation and construction noise impacts
- tree removal and inappropriate / non-native replacement tree planting
- inappropriate boundary fencing
- development prevents rear access to adjoining residential properties
- site contamination
- inappropriate / unjustified site selection
- flooding impact to 32 Boundary Street
- inadequate public consultation
- adverse impact on adjoining property values and subdivision potential.

The submission in support of the proposal stated the community would benefit from the provision of new modern educational facilities and community access to those facilities.

5.5 Submission from MP Member for Barwon

On 24 November 2021, the Minister for Planning received correspondence from the local NSW member for Parliament for Barwon, Roy Butler MP, on behalf of the owners of the neighbouring property at 41 George Street. The issues raised reiterated some of the concerns raised in the submissions (summarised above), including inadequate public consultation, the level of information provided and the need for a pedestrian crossing. A two week extension of the exhibition period was requested.

On 21 December 2021, on behalf of the Minister for Planning, Group Deputy Secretary, Planning and Assessment, wrote to Mr Roy Butler MP, advising that the exhibition period would not be extended, however invited the landowner to send their concerns directly to the Department. The Department advised it would forward the concerns for the Applicant to respond to in its Response to Submissions (RtS). The Department did not receive any such correspondence from the landowner.

On 17 February and 16 May 2022, the Minister for Planning received further correspondence from Mr Roy Butler MP, on behalf of the owners of 41 George Street. The correspondence reiterated concerns raised in his previous letter and impacts arising from operational and construction noise, traffic and parking and requested that 41 George Street be acquired/purchased.

On 29 June 2022, the Minister for Planning responded to Mr Roy Butler MP and advised that the issues raised would be considered in the assessment of the application, except for the matter relating to the purchase of 41 George Street which is a matter for DoE to respond to.

The Department has considered the issues raised in the correspondence from Mr Roy Barton MP in its assessment of the proposal (**Section 6**).

5.6 Response to submissions

Following the exhibition of the EIS, the Department placed copies of all submissions and advice received on its website and requested the Applicant provide a response to the issues raised.

On 30 March 2022, the Applicant provided RtS (**Appendix A**) providing clarifications and additional information to address the issues raised during the exhibition of the proposal. The RtS also included the following key amendments to the proposal:

- relocation of 20 car parking spaces from the western half to eastern half of the site and consolidate all parking spaces together along the driveway accessed from Georges Street
- replace the vehicle bridge from Charles Street over the drainage channel with a pedestrian bridge
- increase width of the driveway by 2m to allow two way travel and reversing from parking spaces
- amend kerb and gutter and footpath works
- amend security fencing along northern boundary and throughout the site
- include a public art strategy
- increase the number of existing trees removed by two trees (from 19 to 21) and identification of 11 trees 'at risk of removal', as a result of proposed civil works
- reduce total number of replacement trees by 94 trees (from 172 to 78 replacement trees)
- design and layout amendments to conform with DoE Modern Methods of Construction
- remove the proposed bore hole at the site to acquire water for irrigation.

The RtS was made publicly available on the Department's website and was referred to the relevant Government agencies. The Department received additional advice from seven Government agencies, a submission from Council, and no supplementary submissions from the public in response to the RtS.

The Department reviewed all Government agency advice and Council submission and requested the Applicant to respond to the additional matters raised. A summary of the issues raised in Council's submission and the Government agency advice is provided at **Table 6**.

Table 6 | Summary of Government agency advice and Council submission to the RtS

Council

Council considered the RtS and provided the following comments:

Traffic and parking

- Council reiterated its concerns regarding construction of a perimeter footpath, co-location of the PUDO facility and bus bays, use of car parking (including community use), bus routes, preparation of an OTAMP, provision of off-street parking and Mitchell Street pedestrian safety / design of pedestrian crossing
- inadequate consultation with bus operators about bus parking
- swept path analysis for the new access driveway should consider the Heavy Rigid Vehicles
- the single lane entry/exit may result in on site congestion, poor manoeuvrability and safety impacts
- given the likely increase in on-street parking, particularly in George Street, the kerb and gutter should be extended to accommodate the increase in demand
- works in the road reserve require section 138 approval and must be to Council's specifications.

Drainage and infrastructure

- update the Flood Impact Assessment (including modelling) to consider the RtS changes including removal of box culverts under access roads, proposed grated inlet and chain wire debris control device

(including blockage assessment), management of the safety risk associated with flooding outside school hours

- the Flood Emergency Management Plan (FEMP) should be prepared in consultation with Council
- provide information on water services, sewerage network and flow and pressure tests
- stormwater runoff onto neighbouring properties should not be exacerbated by the development
- Council reiterated its condition relating to the earthworks cut and fill balance, volume of material imported/exported and sediment control.

Other

- Council supports the inclusion of additional native plantings
- fenced and secure areas should be accessible by service providers, Council and for maintenance
- Connecting to Country should continue to be embedded in the public art process
- operational waste cardboard should be separated and recycled not sent to landfill
- fencing and landscaping proposed to address the visual privacy of 41 Boundary Street should be installed and maintained throughout the life of the development
- noise and light spill mitigation measures should be reflected in the OMP
- Council reiterated its recommendation that development contributions be paid.

Council stated it is currently reviewing the contents of the draft Review of Environmental Factors in relation to the proposed separate Part 5 works. In addition, no decision has been made in relation to the adequacy or suitability of the submitted design detail at this stage and Council resolution is required.

TfNSW

TfNSW considered the RtS and provided the following comments:

- TfNSW reiterated it does not support the current pedestrian crossing design as traffic and pedestrian numbers do not currently meet TfNSW warrants and safety considerations. However, it could support an alternative (kerb extension) pedestrian crossing design
- the RtS responses to all other comments (PUDO and bus bays design and location, Works Authorisation Deed, Mitchell Street pedestrian gates, drawings, landscaping and signage, transportation of fill/material) are acceptable.

EHG

EHG considered the RtS and stated that it would not provide further comment on the impact assessment undertaken for the application as:

- the information has been prepared based on the assumption that the clearing of native vegetation will have already been assessed and approved under Part 5
- the BDAR has been prepared as if no native vegetation occurs outside the subset of the SSD footprint
- biodiversity impacts have not been assessed in accordance with the Biodiversity Assessment Method 2020 and no existing approval applies, any SSD approval risks being in conflict with the BC Act
- flooding impacts are based on the implementation of currently unapproved Part 5 flood mitigation works.

EHG recommended that consent for the SSD should not be granted until the Part 5 works have been approved and it has been verified that the approved Part 5 works remain consistent with the impact assessment undertaken for the SSD application.

Heritage ACH

Heritage ACH considered the RtS and stated it concurs with the Applicant's recommended mitigation measures within the proposed Aboriginal Cultural Heritage Management Plan, including protocols for unexpected finds, unexpected skeletal remains, long term management of artefacts and construction staff awareness training.

Crown Lands

Crown Lands considered the RtS and noted that the Applicant holds a Crown land licence for site investigation relating to the three Crown land parcels forming part of the site and is currently undertaking negotiations to address Native Title Claim matters.

EPA

The EPA considered the RtS and confirmed the proposal has addressed its previous comments, reiterated its recommended conditions and provided no new comments on the proposal.

NRAR

NRAR considered the RtS and confirmed the proposal has addressed its previous comments and provided no new comments on the proposal.

Heritage NSW

NRAR considered the RtS and provided no new comments on the proposal.

5.7 Supplementary response to submissions and additional information

Following the notification of the RtS, the Department placed copies of the submissions received on its website, and requested the Applicant provide a response to the issues raised in the submissions and matter raised following the Department's review of the RtS.

On 30 June 2022, the Applicant submitted supplementary responses to submissions (SRtS) (**Appendix A**). The SRtS provided further clarifications, a response to submissions to the RtS and the Department's request for additional information relating to the height of Building F, consolidation of car parking, landscaping and removal / replacement of trees, earthworks, pedestrian infrastructure and Part 5 works. The SRtS included the following:

- a revised TAIA confirming the consolidation of car parking would result in only minor impacts
- confirmation that the maximum height of Building F is RL 198.09
- confirmation that the separate Part 5 works were determined by DoE on 19 May 2022
- confirmation that the stormwater channels located along the northern and eastern boundaries of the sports field form part of the Part 5 works and not the current SSD application
- confirmation that the application no longer seeks to remove 200-300mm of topsoil from the site
- increase the number of existing trees removed by 10 trees (from 21 to 31) and confirmation that no trees are to be classified as 'at risk of removal'
- removal of the proposed zebra pedestrian crossing at Mitchell Street / Kamilaroi Highway and agreement to providing an amended crossing comprising kerb extensions instead
- confirmation the western pedestrian footbridge would be used by school students arriving and leaving the site and also for community access to the sports field
- provision of a footpath (internal to the school grounds) connecting the western footbridge to the school buildings
- amendments to the architectural and landscaping plans and the BDAR to ensure consistency with the proposed tree removal and replacement arrangements
- increase of the size of water tanks and relocation of all three tanks from the George Street frontage / vehicle entrance to west of Building D and south of Building F
- provide a sewer branch line, collection tank and pump system
- minor amendments to the Flood Impact Assessment to incorporate the final configuration of flood mitigation works and including updated flood modelling
- clarification that excavated material is expected to be suitable for use on the site subject to mitigation measures

- agreement to the separation of operational cardboard waste from landfill waste.

The Department referred the SRtS to Council and relevant Government agencies and a summary of the responses is provided below:

TfNSW - confirmed it supports the proposed removal of the zebra crossing and installation of the revised crossing to TfNSW specifications.

EHG – stated that it is satisfied flooding has been addressed. However, recommended the BDAR be updated further to clarify and incorporate plot data, justify the vegetation integrity score for Zone 2B, consider inclusion of concrete footpaths and low-flow channel within the management zone, update mitigation measures and prepare and implement a Biodiversity Management Plan.

Council – provided the following comments on the proposal:

- works in Council's road reserve will require section 138 approval from Council and the works must be constructed to Council's specifications
- kerb and guttering should be extended further on George Street to address potential on-street parking
- stormwater management issues relating to Part 5 works remain under discussion with Council. Council reiterated that stormwater runoff on neighbouring properties should not be exacerbated
- changes to fencing are noted. Council reiterated access should be provided for service providers and Council for maintenance for the life of the project
- the FEMP should be prepared in consultation with Council
- the removal of the pedestrian crossing is noted and preparation of the Plan of Management is supported. Council reiterated footpaths should be installed around the entire site
- Council stated the Applicant has not addressed its previous concerns about water and sewer design, connection and augmentation
- Council reiterated that development contributions should be paid
- Council raised additional concerns about the design and construction of the Part 5 works.

State Emergency Service (SES) – provided the following comments on the proposal:

- the risk assessment should consider the full range of flooding, including events up to the PMF
- evacuation must not require people to drive through flood water
- strategies relying on isolating / sheltering in buildings is not equivalent to evacuation
- strategies assuming that mass rescue may be possible where evacuation is not implemented is not acceptable
- SES opposes conditions of consent requiring a FEMP rather than the application of sound land-use planning and flood risk management.
- the final FEMP should be informed by further consultation with SES and Council.

The Department requested the Applicant provide a response to the issues raised in the advice and Council's submission to the SRtS. The Department also requested additional information relating to the management of flood related impacts during the construction phase, clarification the extent of the Part 5 works, flood mitigation measures, flood modelling and whether there would be any additional flooding on to surrounding properties as a result of the proposed development

On 25 August 2022, the Applicant submitted its response to the request for further information (RRFI) (**Appendix A**). The RRFI included the following:

- minor amendments to the buildings including:
 - raise the finished floor levels (and overall height) of Buildings A to D by 830mm to be consistent with grounds levels of the site
 - raise the finished floor level (and overall height) of Building E by 30mm
 - raise the height of the George Street pedestrian entrance canopy to RL 201.93
 - lower the height of the George Street staircase enclosure to RL 200.
- clarification that on site flood mitigation works specifically forming part of this SSD application include two channels, stormwater pipe infrastructure, school safety fencing, associated signage and infill of redundant stormwater channel, with all other flood mitigation works form part of the separate Part 5 works
- a separate amendment to the Part 5 works approval would be made to address Council's Part 5 works concerns raised in this SSD application, as required
- amendments to the BDAR to address EHG's additional information requirements
- confirmation that the Applicant reiterates its position that further footpath extensions are unjustified, would adversely impact the school budget and the development includes other local infrastructure benefits (flood mitigation, PUDO, new footpaths (as proposed) and community use of new facilities)
- landscaping and fencing would allow maintenance access by Council, service and utility providers
- confirmation that meetings were undertaken with Council and SES and a FEMP will be prepared prior to operation of school in consultation with relevant agencies
- amended hydraulic services statement, calculations and designs have been provided to Council
- clarification of flood response strategy in response to SES' and Council's flood consultant comments
- confirmation that a construction flood mitigation methodology statement would form part of the Construction Environmental Management Plan
- confirmation that subject to the Part 5 works, clause 5.21(b) of the NLEP would be satisfied and surrounding properties experience a reduction in inundation during localised flood events.

The Department referred the RRFI to Council and EHG. Council did not provide any comment on the RRFI. EHG advised that:

- it had reviewed the revised flood statement accompanying the RRFI and has no comment to make
- it has reviewed the revised BDAR and is satisfied that the assessment meets the requirements of the Biodiversity Assessment Method
- prior to commencement of construction, in accordance with the BC Act, the proposed development will be required to offset residual impacts to the Plant Community Type (PCT) 40, Creeping Tick-trefoil (*Desmodium campylocaulon*), Finger Panic Grass (*Digitaria porrecta*) and Belson's Panic (*Homopholis belsonii*)
- a 0.16 ha portion of vegetation zone 'PCT 40 Moderate' (Management zone 2b) is proposed to be managed as part of ongoing school ground maintenance. EHG recommends that a Biodiversity Management Plan be prepared in consultation with EHG by a suitably qualified and experienced ecologist or bushland regeneration expert outlining the management actions that will be implemented to ensure that the management zone achieves the nominated future vegetation integrity score.

6 Assessment

6.1 Key assessment issues

The Department has considered the Applicant's EIS, RtS, SRtS and RRFI and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- traffic and parking
- operational and construction noise
- built form
- biodiversity tree removal and replacement
- flooding and drainage.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.7**.

6.2 Traffic and parking

The site is located within a low density, largely residential township setting as summarised at **Section 1.1**. The closest classified road to the site is Mitchell Street / Kamilaroi Highway which adjoins the southern boundary of the site. Vehicle access to the site including staff carpark is via George Street, which is a local road with unsealed shoulder. PUDO access is also via George Street.

The application includes a Transport Accessibility Impact Assessment (TAIA), preliminary Green Travel Plan (GTP) and Operational Management Plan (OMP), which consider the existing road and pedestrian conditions, transport mode share and sustainable transport measures.

The key assessment issues include:

- active transport and green travel plan
- operational traffic and intersection performance
- car parking
- pick-up/drop-off (PUDO) and bus facilities
- pedestrian infrastructure upgrades.

6.2.1 Active transport and green travel plan

The application has included a preliminary GTP as a way to manage the transport needs of staff and students of the school. The aim of the GTP is to reduce the traffic congestion, environmental impacts and it includes support for walking, cycling, public transport and car sharing, while reducing dependence on private vehicles and parking.

The proposal includes the provision of 12 on site bicycle parking spaces within a secure enclosure located adjacent to the George Street entrance and end of trip facilities within the gymnasium.

The GTP confirms a travel mode survey was undertaken at the Wee Waa Public School in March 2021 to determine staff and student travel patterns to and from school, which found that:

- 65% of students drove or were driven to school and 35% used public or active transport options
- 94% of staff drove to school and 6% took part in carpooling.

To reduce the amount of traffic congestion experienced by users and the public, the GTP anticipates the school could achieve a mode share for staff and students as summarised at **Table 7**.

Table 7 | Anticipated travel mode of school staff and students (Source Applicant's RtS 2021)

Travel Mode	Staff Travel Mode Share		Student Travel Mode Share	
	Existing	Proposed	Existing	Proposed
Car*	94%	90% (-4%)	20%	10% (-10%)
Carpool	6%	10% (+4%)	-	-
PUDO	-	-	45%	40% (-5%)
Bus	-	-	20%	25% (+5%)
Cycle	-	-	0%	5% (+5%)
Walk	-	-	15%	20% (+5%)

* Staff / students that drive themselves to school and park nearby or on site.

To achieve the above mode share and to generally encourage the use of sustainable transport, the GTP sets out a sustainable transport management strategy for future students and staff to assist in reducing private vehicle use, car parking demand and traffic congestion. Key measures include:

- creation of a designated PUDO and bus bays on George Street
- provision of pedestrian infrastructure including new paths and a Mitchell Street crossing
- provision of secure on site bicycle parking facilities and end of trip facilities and develop programs and events to encourage active transport (walking and cycling) such as bicycle training workshops and health and wellness fairs
- induction information for new users, including a Transport Access Guide and periodic reminders, to provide information of public and active transport options and routes
- encourage staff carpooling and establish priority parking for carpooling
- ongoing annual monitoring and review of the GTP.

TfNSW and Council did not raise any objection to the proposed mode share targets and preliminary GTP key measures.

The Department is supportive of the proposed provision of bicycle parking and end-of-trip facilities at the site as well as the preparation and implementation of the GTP to encourage sustainable transport modes to assist in alleviating any impacts in the increase in staff and students. In addition, over time the GTP would likely further reduce private vehicle use to the site and reduce the pressure on the operation of the surrounding road network and the proposed PUDO facilities.

The Department is satisfied that the Applicant's proposed approach is consistent with car reduction aspirations and as the maximum mode share shift is 4% for staff and 15% for students it is not unreasonable or unattainable, subject to the implementation and ongoing annual monitoring and review of the GTP.

The Department has recommended conditions requiring the preparation and implementation of the GTP prior to the occupation of the school, the ongoing monitoring and annual review of the GTP to ensure the mode share split improves over time and the provision of bicycle facilities prior to the commencement of the operation of the school.

6.2.2 Operational traffic and intersection performance

As summarised at **Section 1.2**, Mitchell Street is a State road which is subject to road-train freight movements, whereas George Street and Charles Street are local residential roads.

The Mitchell Street / George Street and Mitchell Street / Charles Street are priority controlled (stop sign) intersections, these are the key intersections adjoining the site. The surrounding road hierarchy and intersections are shown at **Figure 17**.



Figure 17 | The surrounding road and intersection network (Base source: Nearmap 2022)

The TAIA undertook background traffic counts at the two key intersections of Mitchell Street / George Street and Mitchell Street / Charles Street and recorded the maximum traffic flow during the 1 hour AM (8:15-9:15) and PM (14:45-15:45) peak periods, which align with the likely peak periods of the proposed school (**Table 8**).

Table 8 | Peak background traffic vehicle turning volume (Source Applicant's EIS 2021)

Approach	George Street South			Mitchell Street East			George Street North			Mitchell Street West			Total
Time Period	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total	
8:15 to 9:15	33	1	34	78	13	91	38	1	39	59	7	66	230
14:45 to 15:45	43	4	37	54	11	35	19	0	19	82	23	105	235

Approach	Charles Street South			Mitchell Street East			Charles Street North			Kamilaroi Highway West			Total
Time Period	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total	
8:15 to 9:15	22	1	23	80	13	93	15	0	15	77	8	85	216
14:45 to 15:45	16	0	16	60	14	74	12	0	12	62	25	87	189

The TAIA predicts the development would generate 150 trips (based on the existing travel mode share) above existing background traffic due to the proposal. However, the TAIA clarifies this assumption is highly conservative as the secondary school students and staff (to be relocated to the new school) are currently accommodated in Wee Waa Public school and would therefore already be contributing to the existing background traffic travel counts.

Based on the background traffic volume, and using SIDRA modelling, the TAIA provided a comparison between the two key intersections prior to and following the development at the time of construction and in a 10-year time period.

No concern was raised by TfNSW or Council about traffic generation or impact on the performance of intersections. Concern was raised in the submission by the local MP on behalf of 41 George Street about the potential for traffic congestion resulting from the school operation.

Following the Applicant's amendment of the proposal to consolidate all car parking into one carpark accessed off George Street, the Department requested the Applicant updated the TAIA to include a revised assessment that considered the impact of the consolidation on intersection performance.

In response to the Department's request, the Applicant prepared a TAIA addendum which confirmed the reallocation of all vehicle movements to the consolidated carpark accessed off George Street has marginally reduced the performance of the Mitchell Street / George Street intersection in the AM / PM peak periods compared to the EIS (i.e. which proposed two separate carparks). However, the impact is minor and an intersection performance Level of Service (LoS) A would be achieved in both the separate and consolidate carpark scenarios. A comparison between the existing and predicted intersection performance is provided at **Table 9**.

The Applicant confirmed that the proposal does not include any upgrades to existing intersections or the road network.

Table 9 | Intersection performance LoS (Source: Applicant's SRtS 2022)

Intersection	Existing condition with development (2021)		Future condition without development (2031)		Future condition with development (2031)	
	AM	PM	AM	PM	AM	PM
Mitchell Street / Charles Street	A	A	A	A	A	A
Mitchell Street / George Street	A	A	A	A	A	A

The Department has reviewed the Applicant's amended TAIA and, based on the conclusions of that report and noting Council and TfNSW have not raised any concerns, the Department is satisfied that the traffic generated by the proposed development can be accommodated in the local road network. In particular, the Department notes:

- the predicted increase in vehicle movements during peak periods is based on conservative assumptions, is minor in the context of the surrounding road network and the key intersections would continue to operate at an acceptable LoS
- appropriate sustainable travel measures would be supported through the implementation of a GTP (**Section 6.2.1**), which may result in additional reductions to traffic impacts on the surrounding road network by encouraging a reduction in private car usage and increase in active / public transport use

- reasonable mitigation measures are proposed including dedicated PUDO and car parking facilities, as discussed in the following sections.

Overall, the Department concludes the operational traffic impacts can be appropriately managed and mitigated subject to conditions requiring the preparation and implementation of a GTP and OMP.

6.2.3 Car parking

The proposal includes 40 surface car parking spaces for the exclusive use as staff parking during school times (**Figure 9**). The car parking would also be made available during community use of the site out of school hours.

Neither the Narrabri Development Control Plan nor the *RMS Guide to Traffic Generating Developments* set out specific car parking rates applicable to the proposal. The Narrabri Development Control Plan confirms the objectives of its Parking Code is to provide adequate parking for people using and employed within developments and to provide an acceptable quality of parking within the LGA.

The TAIA states that the travel survey undertaken indicates that the majority of staff would continue to travel via personal vehicles due to the large distances and time between their homes and the school. The TAIA predicts the provision of 40 on site car parking spaces is adequate based on the traffic demand analysis, the predicted mode share, the proposed number of teachers and likely car pooling patterns among staff.

Council did not object to the quantum of staff parking, however, initially raised concern the western car parking area off Charles Street was isolated and does not include a pathway linked to school buildings. Council also noted the proposal does not provide comment on parking for students or visitors. TfNSW recommended any landscaping, fencing and signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians and motorists entering and exiting the site to minimise conflict in accordance with Austroads and Australian Standard 'Off-street car parking'.

Concern was raised in the submission by the local MP on behalf of 41 George Street about the potential for school parking to overflow onto George Street and that no visitor or student parking is provided.

In response to Council's and TfNSW's comments, the Applicant amended the development by consolidating all car parking to the east of the site with access from the George Street driveway and deleting the western car parking area off Charles Street. The Applicant stated that the provision of on site student car parking does not align with the aims of the GTP to reduce reliance on private vehicle use. In addition, on-street car parking is available in the vicinity of the site and as staff parking is entirely accommodated on site, this would result in a reduction in on-street parking use when compared to the existing temporary school operation (which relies heavily on on-street parking). The Applicant confirmed it would address the relevant Austroads and Australian Standard requirements.

Council considered the Applicant's RtS and raised concern the George Street driveway entrance is too narrow to allow for the safe manoeuvring of vehicles into and out of the site and car parking spaces, swept path analysis is required to demonstrate Heavy Rigid Vehicles can safely manoeuvre into, within and out of the site and kerb and gutter should be constructed along George Street to address on-street parking pressure.

In response to Council's concern, the Applicant widened the George Street driveway to improve vehicle manoeuvrability and allow for cars to move in both directions and confirmed that no Heavy Rigid Vehicles are proposed to enter the site. In addition, the 40 on site car parking spaces has been demonstrated to be adequate for the development and there is no anticipated overflow of parking onto adjacent streets. The Applicant also confirmed that it would prepare an Operational Transport Access Management Plan (OTAMP), which would address safe routes, car parking operation and management, PUDO and bus management, deliveries, community use and include management and mitigation measures.

The proposal includes road strengthening and new kerb and guttering along the site's George Street to accommodate the PUDO and bus zone. Council reiterated that kerb and gutter, particularly in George Street, should be extended as appropriate to address on-street parking pressure.

The Department notes the Applicant's justification that the proposed number of car parking spaces is based on traffic generation and mode share calculations that are considered justified. In addition, following the amendment of the car parking, neither Council or TfNSW have raised concerns about the consolidation of the car parking or its layout / design or access from George Street.

The Department supports the provision of on site car parking and considers it is likely to accommodate staff parking demand within the site and reduce adverse impacts on the locality. The Department concludes the proposed car parking is appropriate for the development and would not result in the need for staff to rely on surrounding on-street parking. The Department considers the inclusion of on site student parking and further extension of the George Street kerb and gutter (beyond what is proposed) is not necessary as:

- the provision of on site student parking is inconsistent with sustainable transport objectives and the provision of additional on site car parking for students is therefore not supported
- the GTP would encourage student to use alternative modes of transport to private car use
- proposed staff car parking will remove the requirement for staff to park on the street as currently occurring at the Wee Waa Public School and would therefore result in existing on-street parking spaces being made available.

The Department notes the proposal includes a pedestrian gate at the site's western (Charles Street) boundary. The Applicant advised that the Charles Street pedestrian entry would be used by school students and also for community access to the sports field. Part of Charles Street in front of the site is grassed as shown in **Figure 18** which would be unsuitable for parking, particularly in prolonged wet weather. Given this pedestrian entry will be used by students and by the community, the Department recommends that a footpath and road strengthening / all weather surface be constructed between the north-west corner of the site and the pedestrian entry as shown in **Figure 19**.



Figure 18 | Grassed section of Charles Street in front of the site (Base source: Google Maps 2022)

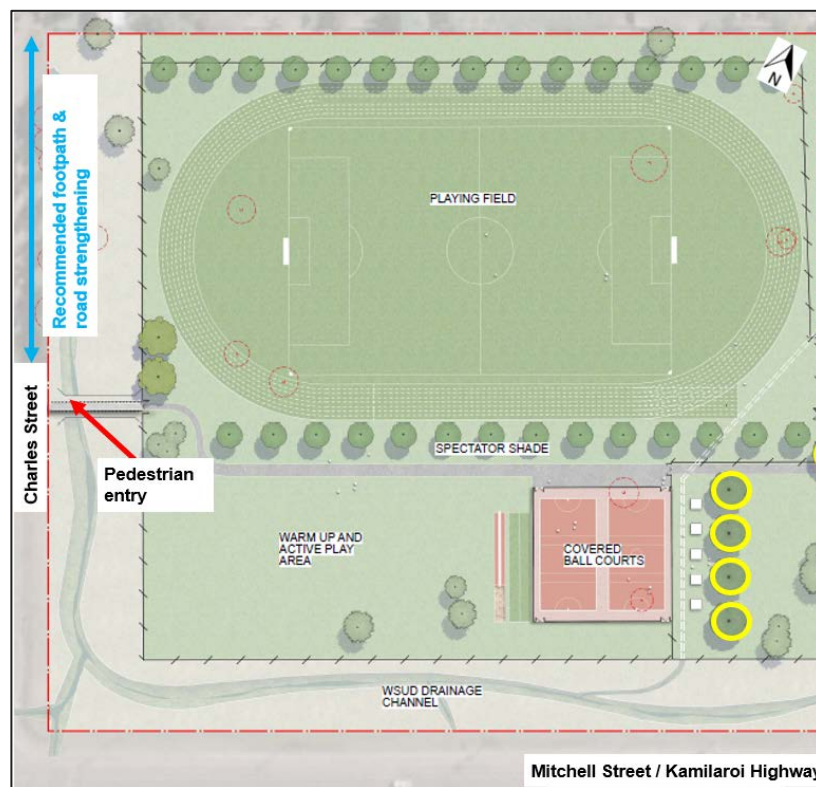


Figure 19 | Recommended location of footpath and road strengthening/ all weather surface along Charles Street (Base source: Applicant's SRtS 2022)

The Department considers that parking along Mitchell Street / Kamilaroi Highway should not be encouraged due to safety and therefore has not recommended provision of kerb and guttering along this frontage.

The Department notes the OMP submitted with the EIS includes a section on car parking, however, it consists of a draft, high-level document that does not include any management or mitigation

measures. To ensure appropriate design and operation of the car parking areas, the Department has recommended conditions requiring the:

- layout of the proposed car parking spaces be designed in accordance with the proposed plans and relevant Australian Standards
- the preparation and implementation of a detailed OTAMP (also referred to as a School Travel Plan)
- landscaping, fencing and signage is provided in accordance with the relevant Austroads and Australian Standard requirements.

6.2.4 Pick-up/drop-off and bus facilities

Wee Waa secondary school is currently, temporarily, accommodated within Wee Waa Public School, which is located on the southern side of Mitchell Street / Kamilaroi Highway opposite the site. As summarised at **Section 1.2** and shown at **Figure 7**, formal existing PUDO facilities for both schools are provided on Church Street and informal PUDO also occurs from existing on-street parking located on George, Cowper and Church Streets. A school bus stop / service is located on Cowper Street.

Based on the proposed maximum future student population (300 students), the current travel mode share (45% students being dropped off), the typical PUDO turnover rate (90 seconds) and a 15 minute peak period, the TAIA predicts the proposed new school would generate demand for seven vehicles within the PUDO facilities at any one time (68 vehicles during the peak period). In addition, based on school operations the TAIA concludes that the school would generate demand for a maximum of two buses.

To address the identified demand, the proposal includes the widening of George Street along the proposed school frontage and provision of a kerb and layover to accommodate seven PUDO spaces and two bus bays (**Figure 20**). The TAIA includes a draft OTAMP, which confirms that a staff member would be present at the PUDO and bus bays during morning and afternoon operations. In addition, the Applicant would separately seek that Council implement parking restrictions to reserve the use of the PUDO and bus bay area for the school during the morning and afternoon peak periods.

The TAIA concludes the PUDO facility and bus bays meet the identified demand, provides clear access to the main entry, is the most convenient location for users and is located away from Mitchell Street.

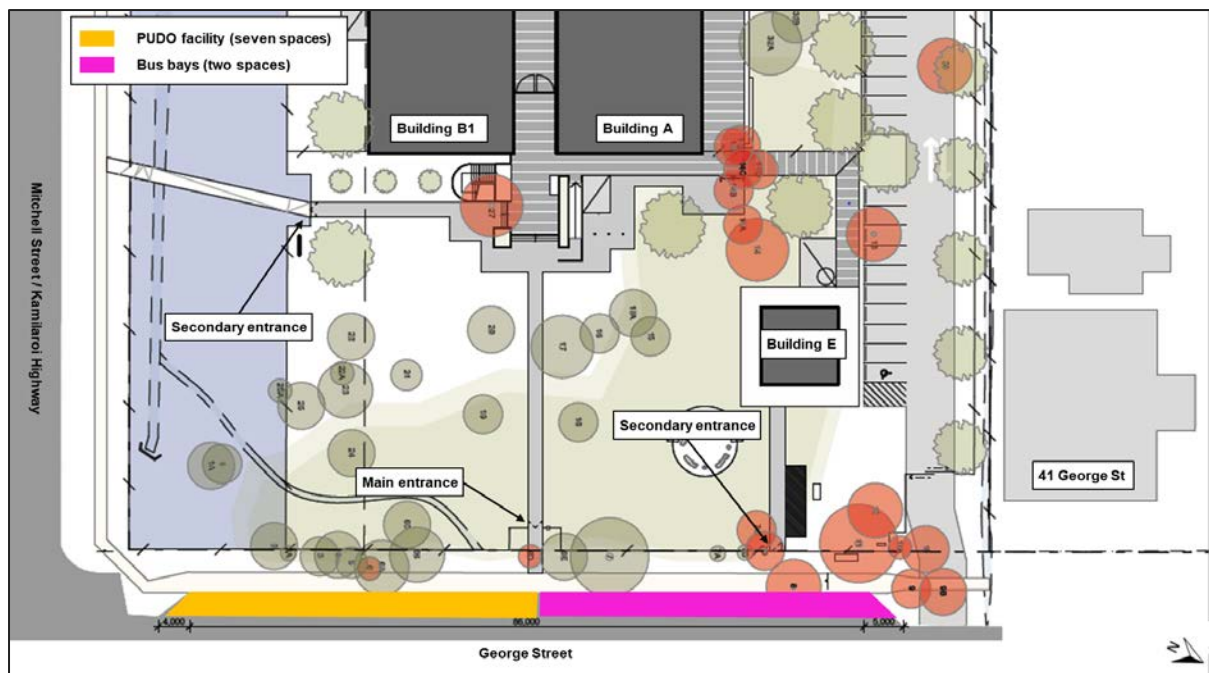


Figure 20 | Proposed PUDO and bus bay layout (Base source: Applicant's SRtS 2022)

Submissions and Applicant's response

TfNSW and Council initially raised concern the proposed combined PUDO and bus bay design may result in vehicle queuing back onto Mitchell Street. TfNSW recommended the PUDO facility be located separately from the two bus bays and either located on site and accessed from a local road or located on a local road and provided with adequate vehicle queuing length. Council recommended the construction of an on site PUDO facility and that the Applicant consult with local bus companies about school bus demand and queuing.

In response to TfNSW's and Council's comments, the Applicant stated:

- the TAIA's PUDO demand assessment, which dictated the length of the PUDO area, is a conservative estimate as it assumes the worst case (maximum use) scenario and is also based on the projected future maximum student population (300 rather than 200 students)
- in the event that PUDO queues do form, management solutions can be pursued such as staggered bell times
- the school has requested that the PUDO area location be located adjacent to the administration area to allow for passive surveillance / supervision of students
- the creation of an on site PUDO facility is undesirable as it:
 - would increase the potential for pedestrian-vehicle conflicts within the site
 - would adversely reduce available area for play space and sports fields and courts
 - is contrary to the TfNSW's Road User Space Allocation Policy, as it would prioritise general traffic over pedestrian links across the sports fields.
- consultation was undertaken with local bus operators on 30 March 2021 and no vehicle queuing issues were raised. In addition, swept path analysis confirms that buses would be able to safely manoeuvre into the bus bays and, travel north along George Street and turn left onto Boundary Street and Charles Streets to leave the site.

TfNSW considered the Applicant's response and confirmed, although it is its preference that PUDO and bus facilities are separated and provided on site in greenfield developments, the proposed management and mitigation measures would be sufficient to address potential impacts.

Council reiterated its concerns about the PUDO and bus facilities and raised concern that the Applicant's consultation with bus operators was inadequate. In addition, section 138 approval is required for work within the road reserve.

In response to Council's concern about consultation with bus operators, the Applicant stated that since submitting its RtS it has attempted to contact bus operators further (between January and March 2022), however no response has been received. The Applicant reiterated that buses would be able to manoeuvre within surrounding roads and the bus bays and would not result in queuing. In addition, the OTAMP would ensure appropriate operation and management of buses and student safety. The Applicant agreed to obtain Council's section 138 approval for works in the road reserve.

TfNSW confirmed it supports the removal of the zebra pedestrian crossing and installation of the revised crossing, comprising kerb extensions and no refuge on the western side of the Mitchell Street / Kamilaroi Highway and George Street intersection, to meet TfNSW specifications.

Council reiterated that section 138 approval is required for work within Council's road reserve. In addition, the Applicant should liaise with TfNSW about works within the Mitchell Street road reserve.

Department's consideration

The Department has reviewed the proposed PUDO facility and bus bay location and based on the TAIA conclusions considers the proposed area is acceptable and provides sufficient space within the proposed shared layover area to accommodate the likely PUDO and bus vehicle demand and queuing during the peak period and assuming the worst case / maximum student population. In particular, the Department also notes the:

- TAIA PUDO and bus demand analysis is based on a larger number of students (300 rather than 200 students) than what is predicted for the school, and is therefore impacts are conservative
- implementation of the Applicant's GTP is expected to reduce the PUDO demand (by 5%) and this would therefore further reduce the potential for vehicle queues forming.

Notwithstanding the above conclusion, the Department recognises that the if not managed appropriately, the PUDO facility may result in traffic congestion on surrounding streets and conflict between pedestrians and vehicles. To ensure there is no adverse impacts, the Department has recommended conditions requiring:

- the Applicant undertake daily monitoring of the PUDO facility for the first 12 months of its operation
- if any vehicle queuing back on to Mitchell Street occurs, implementation of appropriate mitigation measures, which could include separating the PUDO and bus bays, provision of an on site facility or alternative design as may be agreed with the Planning Secretary
- the preparation of the final OTAMP (School Travel Plan), which is to be implemented from the first use of the PUDO facility and bus bays
- approval be obtained for works under section 138 of the *Roads Act 1993*.

6.2.5 Pedestrian infrastructure upgrades

The proposal includes the provision of new concrete pedestrian footpaths along the George Street frontage and partly along the Mitchell Street / Kamilaroi Highway frontage. The footpaths connect to the main and secondary school entrances off George Street and the two secondary entrances (via pedestrian bridges) off Mitchell Street / Kamilaroi Highway. A pedestrian crossing is proposed across Mitchell Street / Kamilaroi Highway.

The pedestrian infrastructure upgrades are shown as shown at **Figure 9** and **Figure 21**.

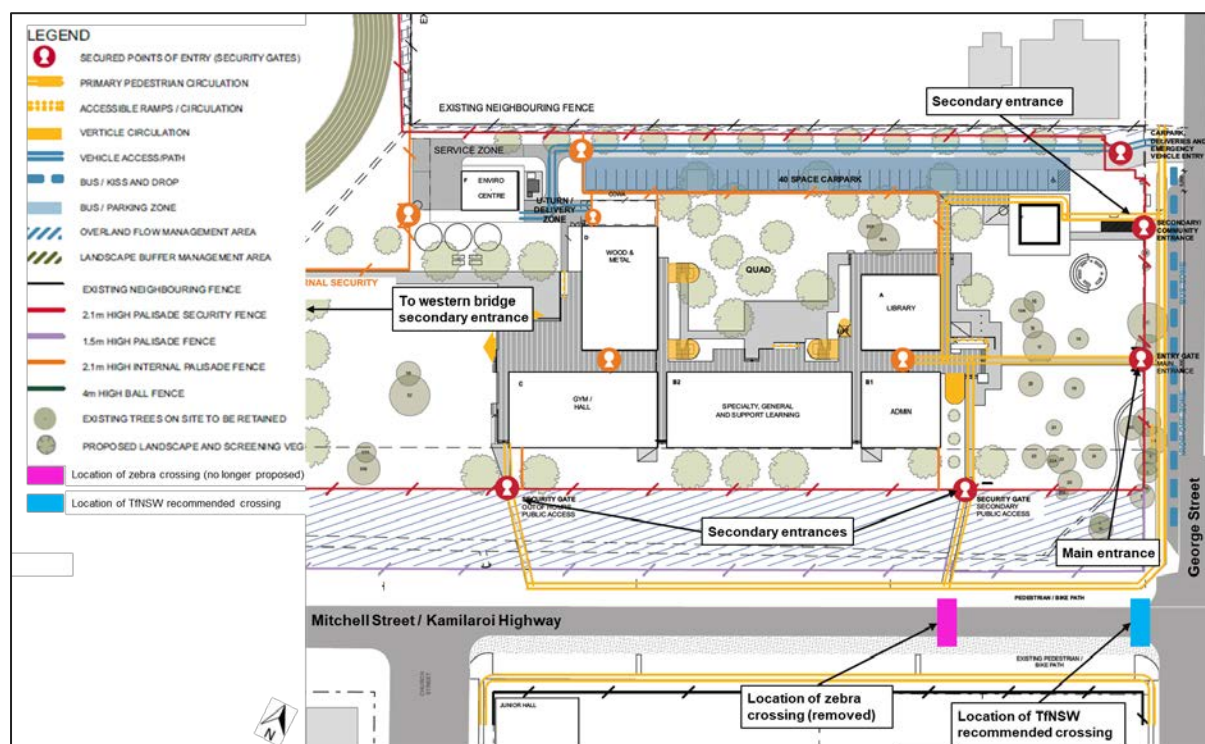


Figure 21 | Proposed pedestrian infrastructure upgrades (Base source: Applicant's SRtS 2022)

Pedestrian crossing

Submissions and Applicant's response

TfNSW and Council stated they did not support the provision of a pedestrian zebra crossing across Mitchell Street / Kamilaroi Highway. TfNSW stated that the traffic and pedestrian numbers would not meet TfNSW warrants and safety considerations for a crossing. TfNSW recommended:

- an alternative crossing design comprising kerb extensions, with no pedestrian refuge, be installed on Mitchell Street on the western side of the Mitchell and George Streets intersection to provide a formalised crossing location
- a Works Authorisation Deed between the developer and TfNSW be entered into for works in which TfNSW has a statutory interest prior to road works commencing
- the OTAMP confirm that the Mitchell Street secondary entry gates be locked during the arrival and departure peak periods to limit the access points to the school and reinforce safe crossing practices at the proposed kerb extension location.

In response to TfNSW and Council's comments the Applicant:

- undertook a Road Safety Audit, which identified the long crossing length across Mitchell Street / Kamilaroi Highway and high percentage of heavy vehicles along Mitchell Street present a risk that pedestrians may start crossing without sufficient time to completely cross the road resulting in conflicts. The provision of the zebra pedestrian crossing would address this risk.
- acknowledged that current pedestrian and vehicle counts do not meet TfNSW warrants. However, notwithstanding this, the Applicant asserts that once a safe crossing facility is in place it is expected that pedestrian travel will increase and warrants would be met in AM/PM periods.
- stated that TfNSW's alternative crossing design is not appropriate where warrants are likely to be met in the future. In addition, it would not provide sufficient priority to pedestrians.
- confirmed that a Works Authorisation Deed would be entered into before works commence.
- confirmed the Mitchell Street secondary entry gates would only be opened when direct access from the Mitchell Street frontage is required. The school will manage operation of these gates.

TfNSW and Council considered the Applicant's response and reiterated their previous comments.

In response to TfNSW and Council's continued concern, the Applicant amended the proposal by removing the zebra pedestrian crossing and agreed to a condition requiring the provision of a revised pedestrian crossing design in accordance with TfNSW's requirements. TfNSW supported and Council noted the Applicant's removal of the zebra crossing.

Department's consideration

The Department acknowledges that the provision of a pedestrian crossing across Mitchell Street / Kamilaroi Highway would provide a safe pedestrian crossing point, benefit the proposed school, Wee Waa Public School and the township more broadly. However, in light of TfNSW's and Council's concerns and as no evidence is currently available that warrants and safety considerations have been met, the Department agrees the requirement for a full zebra crossing cannot be imposed.

To ensure students and pedestrians can safely cross Mitchell Street / Kamilaroi Highway, the Department recommends a condition requiring the Applicant install the TfNSW's recommended alternative pedestrian crossing design (kerb extensions with no pedestrian refuge) on the western side of the Mitchell Street / Kamilaroi Highway and George Streets intersection. The Department notes, in the event that TfNSW traffic and pedestrian warrants are met in the future, the Applicant should request that the revised pedestrian crossing be upgraded.

The Department has also recommended conditions requiring a Works Authorisation Deed be entered into and the OTAMP be updated to ensure the two secondary gates on Mitchell Street / Kamilaroi Highway are closed during peak periods.

Subject to the proposed conditions, the Department concludes that the development would provide for an adequate and safe pedestrian crossing point across Mitchell Street.

Pedestrian footpaths

Submissions and Applicant's response

TfNSW and Council noted inconsistencies in the application drawings, which show footpaths around the entire site in some instances and in others only on George Street and partially on Mitchell Street. TfNSW recommended that clear signage and edge delineation along the Mitchell Street site frontage be provided. Council's EIS submission recommended that footpaths and kerb and gutter be provided around the entire site.

In response to TfNSW's and Council's comments, the Applicant clarified that new footpaths are only proposed along the George Street frontage and partially along the Mitchell Street frontage. The RtS also confirmed the Part 5 works have been amended and the vehicle bridge at the western boundary of the site accessed from Charles Street has been replaced with a pedestrian bridge.

TfNSW confirmed that it was satisfied with the Applicant's response. Council considered the Applicant's response and reiterated that it recommends that kerb and gutter and footpaths be provided around the entire site. The Department requested clarification about the access, operation and timing of the use of the secondary entrance at the western pedestrian bridge.

In response to Council's concern the Applicant stated that the site has a very large perimeter and it is not feasible to provide full kerb and gutter around the entire site. Approximately 270m of new footpaths is being provided along the George Street frontage (which is the main school entrance) and Mitchell Street to provide access to the new bridges for secondary access to the school.

In addition, the TAIA indicates that the majority (65%) of students would arrive to school via the PUDO or bus with 15% (target 20%) walking. Of those walking only a small proportion would arrive from the west and those that do can use existing grass verges, which are wide, can accommodate walking and would be made safer during wet conditions as a result of flood mitigation works. The application was amended to include an internal footpath connecting the western bridge to the school buildings and the Applicant confirmed the western pedestrian footbridge would be used by school students arriving and leaving the site and also for community access to the sports field.

Council's submission to the SRtS and RRFI reiterated its recommendation that footpaths be provided around the entire site and that kerb and gutter, particularly in George Street, should be extended as appropriate.

Department's consideration

The Department notes that the proposed landscaping works and flood mitigation channel provides clear site edge delineation along the Mitchell Street and Charles Street frontages, which is reinforced by proposed school fencing. In addition, the Applicant has agreed to implement all necessary signage.

The Department considers the proposed footpaths to the eastern pedestrian entries are necessary to ensure a safe, identifiable and easily navigable pedestrian routes to and from the main and secondary pedestrian school entrances. In addition, noting the TAIA's confirmation that only a small proportion of students would arrive/depart to the west, the Department considers:

- it is not necessary to extend the pedestrian footpath along the full frontage of the northern side of Mitchell Street
- the existing concrete footpath on the southern side of Mitchell Street between Church and George Streets, wide verges further to the west, coupled with the new pedestrian crossing (discussed in the preceding section) would provide adequate east-west pedestrian connectivity for pedestrians walking towards the school
- a footpath is not required along the full western (Charles Street) frontage, however a footpath should be provided between the north-west corner of the site and the Charles Street pedestrian entry (as detailed at **Section 6.2.3**).

The Department concludes the proposed pedestrian footpaths are acceptable and recommends conditions requiring the construction of the footpaths, landscaping works, appropriate wayfinding and site signage and the three pedestrian bridges (Part 5 works) prior to the first use of the school.

6.3 Operational and construction noise

The EIS was supported by an Acoustic Assessment Report (AAR), which provides an assessment of potential operational and construction noise impacts of the proposal and includes recommendations to minimise and mitigate any noise impacts.

The closest sensitive receivers to the site and AAR noise monitoring locations are shown at **Figure 22**.



Figure 22 | Noise monitoring location and closest (representative) noise sensitive residential / school receptors (Base source: Applicant's EIS)

6.3.1 Operational noise

The AAR identified operational noise sources would primarily arise from the use of buildings, outdoor play spaces, mechanical plant, school bell, road traffic noise and use by the community.

Noise monitoring was carried out to determine the existing background and ambient noise levels and established the following project noise trigger levels at the nearest sensitive receivers during 7am and 6pm (day) and 6pm and 10pm (evening), in accordance with the Noise Policy for Industry:

- 44-45dBA for daytime and 37-39dBA for evening periods (intrusiveness criterion)
- 53dBA for daytime and 43dBA for evening periods (amenity criterion).

The AAR considered the identified operational noise sources and concluded:

- noise from outdoor play areas at R2 (94 Mitchell Street), R3 (41 George St) and R4 (13 Tuckey Cres) would exceed the noise criteria by up to 7dBA. However, this is acceptable as noise during school hours is to be expected and outdoor play is only for a limited time

- mechanical plant and school bell systems have not been selected, however, it is likely that these systems would meet the noise criteria subject to design mitigation measures including equipment selection, orientation, location, screening
- noise from the carpark and driveway area may exceed the noise criteria by up to 7dBA at 41 George Street. The AAR recommends either the erection of a solid fence or alternative off-site treatments at 41 George Street to address noise impact.
- noise from vehicle movements associated with the PUDO and bus areas is predicted to be up to 53dBA at nearest receivers, which is below the NSW Road Noise Policy (55dBA) criteria.
- waste collection would be limited to between 7am and 6pm Monday to Friday.

The AAR confirmed the school hall would be mainly used by the school during the day. However, evening use may also occur by the school or the community for events. The hall would operate between 7am and 10pm Monday to Friday. The AAR concludes:

- without mitigation, the use of the hall during the:
 - day would exceed the noise criteria by up to 2dBA during the daytime period at R2 (94 Mitchell Street) and R4 (13 Tuckey Cres)
 - evening would exceed the noise criteria by up to 12dBA during the evening period at R2 (94 Mitchell Street), R3 (41 George St), R4 (13 Tuckey Cres) and R5 (7 Charles St)
- to address potential amenity impacts:
 - half of the large hall doors should be kept closed during noisy events during the day
 - all of the large hall doors should be kept close during noisy events during the evening
 - the hall external walls, ceilings and roofs should be constructed to meet appropriate acoustic standards.

The application includes an indicative OMP, which includes high-level information relating to hours of operation, use of school hall, emergency egress and complaint / incident, waste and car parking management.

Submissions and Applicant's response

Concern was raised by the owner of 41 George Street about the impact of road noise resulting from use of the carpark / driveway, PUDO and bus bays. Concern was raised by the owner of 32 Boundary Street about noise impact from the use of the sports field and the school bell.

Council did not provide comments on operational noise impacts, however, commented that the OMP lacks sufficient detail and noise mitigation measures should be incorporated into the OMP. The EPA did not provide comments on operational noise impacts.

In response to the concerns raised, the Applicant consulted with the owner of 41 George Street. The outcome of the consultation was that the owner of 41 George Street preferred a palisade fence over a solid fence (which would mitigate acoustic impacts). Therefore, the Applicant has confirmed that acoustic mitigation measures will be implemented at the neighbouring property, and may include upgraded glazing and air conditioning, pending further consultation and agreement with the neighbour.

The Applicant stated the AAR confirms noise impacts from the sports field are reasonable to be expected and noise from the school bell will be appropriately managed / mitigated. In addition, the proposed OMP is indicative only and has been provided for the purposes of assessment for matters including acoustic impacts and security.

Department's consideration

The Department acknowledges that the proposal would generate some level of noise from its operation. However, the Department accepts the AAR's findings and, subject to the proposed mitigation measures and noting that the noise would not be sustained over long periods during the day or night, considers the operational noise generated is acceptable.

The Department notes the outcome of the Applicant's consultation with the owner of 41 George Street and supports the installation of appropriate off-site acoustic mitigation measures to ensure the operation of the carpark and driveway do not result in unacceptable noise impacts. The Department supports off-site acoustic mitigation, provided this is in place before operation.

The Department recommended the conditions of consent to mitigate and manage any potential operation noise impacts, including requirements for the Applicant to:

- provide evidence demonstrating that the AAR noise mitigation recommendations have been incorporated into the design of the development
- consult with the owner of 41 George Street and agree appropriate noise mitigation measures to ensure the operation of the carpark and driveway does not result in unacceptable noise impacts
- where an agreement is not reached with the owner of 41 George Street, on site acoustic mitigation is to be provided
- undertake short-term noise monitoring within six months of site occupation, to verify that the operational noise levels do not exceed the recommended noise criteria for the identified operational noise sources
- prepare an Out of Hours Event Management Plan for school and community events, as discussed at **Section 6.7**.

The Department is satisfied the proposal would operate in accordance with the noise criteria set out in the NPI, and have an acceptable impact on the surrounding receivers, subject to inclusion of acoustic treatments, site operation measures recommended in the AAR, and compliance with the recommended conditions of consent.

6.3.2 Construction noise

The proposal includes earthwork and construction works that are anticipated to occur over a seven month period.

The closest sensitive receivers to the site are residential properties fronting Charles, Boundary, George and Mitchell Streets and Tuckey Crescent and the existing Wee Waa Public School on Mitchell Street (**Figure 3**).

The Interim Construction Noise Guideline 2009 (ICNG) recommends limits to construction noise impacts. In particular, it sets noise management levels (NML) including a limit of 10 dB above the existing background noise level for residential properties and 55 dB (windows open) for existing schools. The ICNG confirms impacts above 75 dB represent a point where a sensitive receivers may be 'highly noise affected'.

The AAR assessed the potential construction noise impacts and confirms:

- the works would be undertaken in accordance with the ICNG standard hours of construction 7am to 6pm weekdays and 8am to 1pm Saturday
- the NMLs at nearby residential properties is between 49-50 dB

- the proposed works, if unmitigated, have the potential to generate noise exceeding the NMLs of up to:
 - +41 dB (up to 90 dB) during earthworks and +28 dB (up to 77 dB) during construction at nearby residential properties
 - +17 dB (up to 72 dB) during earthworks and construction at Wee Waa Public School.

To address the NML exceedances, the Applicant recommends the following potential mitigation measures, which it predicts would help to reduce noise impacts:

- noise and vibration monitoring
- locate equipment away from receivers and provide acoustic screens / enclosures
- appropriate equipment selection, use silencers and compliance with Australian Standards
- implementation of noisy work respite periods and appropriate worker / contractor work practices
- heavy and staff vehicle engine, parking and use mitigation procedures
- undertake community liaison and relations, complaints handling / management.

Concerns were raised in public submissions about construction noise impacts associated with the development. The EPA recommended that a construction noise validation assessment be completed prior to construction work commencing on site, and reasonable work practices and/or mitigation measure be implemented to minimise noise impacts. Council did not provide any specific comments relating to construction noise.

The Department has considered the findings of the AAR and concerns raised in public submissions. On balance, the Department considers, given the town centre location of the site, some noise exceedances during construction would be unavoidable. Notwithstanding this, the development is predicted, at times, to exceed the maximum NML by up to 41 dB during earthwork, 28 dB during construction and exceed the ICNG 75 dB highly noise affected level.

The Department agrees the Applicant's noise mitigation measures would contribute to reducing likely noise impacts. However, the Department considers, in addition to the Applicant's mitigation measures, the following additional measures are appropriate to further address impacts to nearby properties:

- undertake noise validation prior to commencement of construction in accordance with EPA requirements
- preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP)
- work to be carried out strictly in accordance with the ICNG and its recommended standard hours of work
- high noise work to only be undertaken in three continuous hour blocks between 9am and 5pm weekdays and 9am to noon Saturdays
- all construction vehicles only to arrive to the work site within the permitted hours of construction
- no noise to be 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997*.

On this basis, and subject to the Applicant's compliance and commitment to implement the above and all reasonable and feasible mitigation measures to mitigate and manage construction noise, the Department is satisfied construction works can be appropriately managed to minimise disruption to nearby amenity.

6.4 Built form

6.4.1 Building height

The site is not subject to building height or floor space ratio development standards under the NLEP. The heights of the proposed buildings and structures are summarised below (**Figure 23**):

- Buildings A to D: comprising a two storey (RL 201.93) secondary school building.
- Building E: a single storey (RL 197.70) Indigenous Cultural Centre.
- Building F: a single storey (RL 198.09) Agricultural and Environmental Centre building.
- a two storey (RL 198.76) roof structure over the outdoor sports courts.

As summarised at **Section 1**, the site is currently vacant and the surrounding area is low-density, comprising one and two storey residential dwellings and Wee Waa Public School.

Concerns were raised in one public submission about the height and scale of the school buildings and that they would block the southerly and south-westerly aspects from 41 George Street.

The Applicant has stated the proposed development has been sensitively designed to fit within its context in terms of its height, scale and appearance. In response to the concerns raised the Applicant amended the proposal to relocate the large water tanks from the George Street frontage (adjacent to 41 George Street) to a new location within the centre of the site, south of Building E. Following further design review, the Applicant also raised the finished floor levels and building height of Buildings A to D by 830mm, increased the height of the George Street entrance canopy to RL 201.93 and lowered the height of the George Street main stair enclosure.

Prior to lodgement of the application, the proposal underwent several reviews by the State Design Review Panel (SDRP), convened by The Government Architect NSW (GANSW). The SDRP did not raise any concerns about the height of the buildings. The GANSW has confirmed the proposal is generally in line with what was submitted to the SDRP.

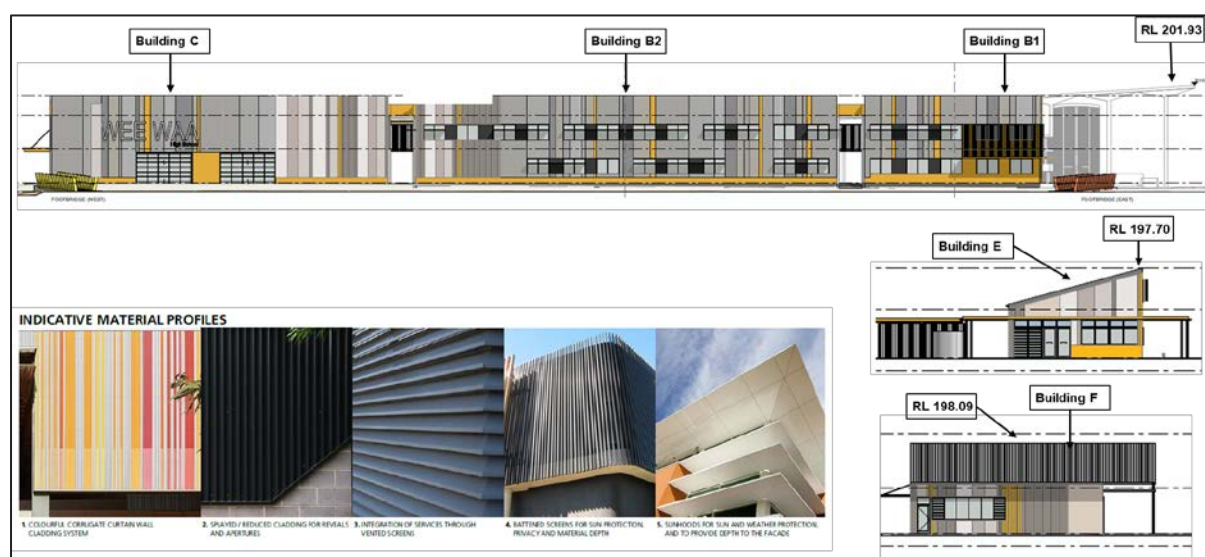


Figure 23 | Building heights, design and materials (Base source: Applicant's SRtS 2022)

In the absence of a height control for the site and height control objectives under the NLEP the Department has assessed the height of the proposal on its merits and in accordance with the Education SEPP design quality principles.

The Department is satisfied that the proposed building heights are acceptable and would not have a detrimental impact as:

- the proposed buildings are one to two storeys in height, consistent with the surrounding low density development and would fit within the established character and context of this part of the Wee Waa township
- the tallest, two storey, component of the school building (Building A-D) would not be visually dominant as it is located centrally within the eastern half of the site, significantly setback from Mitchell Street / Kamilaroi Highway, George Street and the adjoining property at 41 George Street and surrounded by landscaping
- the two storey structure covering the playing courts is an open / visually permeable, light-weight structure that is setback 30m from Mitchell Street and would not have adverse visual impacts
- buildings and structures have been arranged and spread out across the central and eastern half of the site and this approach has ensured the overall height of buildings has been minimised
- the proposal has balanced the reasonable developable potential of the site and the need to cater for the demand for secondary school enrolments in the area
- the proposal would not have adverse amenity or heritage impacts as discussed at **Section 6.7**.

The Department notes the setback and height concern raised by the owner of 41 George Street. However, considers the significant setback of school buildings from 41 George Street (21m and 32m), provision of intervening landscaping and relocation of water tanks ensures the proposal would not have an adverse visual amenity impact on that property (**Figure 24**). In addition, the Department notes the principal windows of the residence at 41 George Street are located on the north, east and west elevations of that building and are therefore directed away from the site and the proposed two storey component of the development.

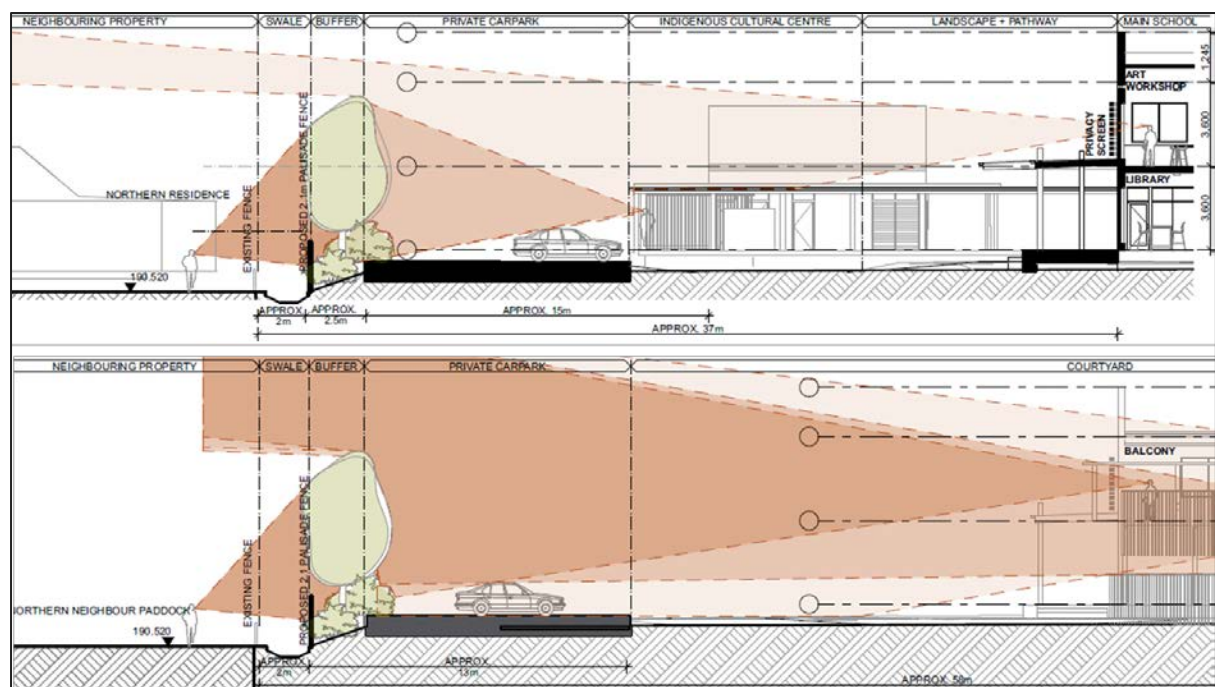


Figure 24 | Relationship between the proposed school windows and the adjoining property at 41 George Street (Source: Applicant's SRtS 2022)

The Department concludes that the proposed building heights is appropriate within the site context and the height of the buildings is acceptable.

6.4.2 Building design

The buildings have been appropriately designed to respond to the site's constraints and setting. The generous street setbacks of the new buildings allow numerous existing trees within the eastern half of the site adjoining George Street and Mitchell Street boundaries to be retained. The new buildings would be partly screened by the retained trees and new landscaping and consequently the proposed buildings would be visually subservient to the retained vegetation when viewed from the streetscape, as shown at **Figure 25** to **Figure 26**.



Figure 25 | Perspective looking south-west across the Mitchell Street / George Street intersection towards the school (Base source: Applicant's RtS 2022) Note: this image pre-dates SRtS changes to the development relating to landscaping



Figure 26 | Perspective looking south towards the school entrance on George Street (Base source: Applicant's RtS 2022) Note: this image pre-dates SRtS changes to the development, relating to landscaping and relocation of water tanks



Figure 27 | Perspective looking north-west along Church Street towards the school site (Base source: Applicant's RtS 2022) Note: this image pre-dates SRtS changes to the development relating to landscaping

The building facades would consist of a variety of materials including coloured corrugated curtain-wall cladding, screens and battens, with colours chosen to tie in with the surrounding context and landscape. The materiality would provide visual interest and articulation to the buildings.

The EIS addressed the Design Quality Principles for schools under Schedule 4 of the Education SEPP. The EIS concluded that design of the buildings and palette of materials respond to its existing and surrounding context, Aboriginal cultural heritage and the surrounding natural and agricultural landscape, the development is supported by extensive landscaping, including tree retention, to complement the existing and future character of the area.

Concern was raised by the owner of 41 George Street about the visual impact of the fire booster and air-conditioning compound located at the entrance to the school site.

In response to the pre-lodgement application, the SDRP recommended the Applicant explore different architectural facade expressions for the different buildings, ensure materials complement the natural tones of surrounding landscape, install a site marker visible from George Street, activate the central spine walkway and Central Courtyard and investigate raising buildings as suitable shaded areas.

In response to the public submission and SDRP comments raised the Applicant stated:

- the fire hydrant booster is required to be adjacent to the vehicle entry and visible from the main entry in accordance with BCA requirements
- the closest air-conditioning compound is more than 17m away from 41 George Street and the landscaping and fencing acts as a buffer to protect visual amenity
- water tanks have been relocated to a central area within the site, south of Building F
- further architectural façade expression, materials selection and activation of the spine walkway and Central Courtyard would be discussed and workshopped during Connecting with Country consultation processes and with school and user groups.
- signage has been integrated into the design, the large entry canopy provides a strong site marker and a signage panel is proposed on the corner of Mitchell Street / George Street

- the building is raised only 400mm off the fill-pad and therefore providing an undercroft / shaded area is not possible.

The Department concludes overall, that the buildings achieve a high standard of design and materiality and would not have an adverse impact on the character of the locality as:

- the modern design approach provides a coherent, well proportioned and low density built form that makes a positive contribution to the surrounding streetscape
- the proposed external materials are of a high quality and the final materials colour palette will be appropriate subject to further design development and consultation with key stakeholders
- the grouping of windows, materials and use of vertical battens facade positively contribute to the overall design of the buildings, articulate facades and reduce overall visual impact
- the building achieves a high internal amenity and whole of life flexibility and adaptability in accordance with the Design Quality Principles for schools (**Appendix B**).

The Department supports the Applicant's commitment to undertake further consultation with key stakeholders regarding façade design, materials and internal activation of the spine walkway and Central Courtyard. The Department recommends a condition requiring at the conclusion of this additional consultation, that any amendments incorporated into the design of buildings prior to the commencement of construction.

The Department concludes the proposed development achieves a high standard of design and results buildings that have been designed and articulated to appropriately fit within the urban context without having an adverse impact on the character of the locality.

6.5 Biodiversity, tree removal and replacement

A BDAR assessing the impacts of the proposal on the surrounding biodiversity was included in the EIS. This assessed biodiversity values on the site and impacts of the proposal in accordance with the BC Act. The Application also includes an Arboricultural Impact Assessment (AIA) that has considered the existing trees on the site, their health, significance, relationship to the development, tree retention / removal and mitigation measures. In addition, Landscaping Report and plans sets out the landscaping proposal for the development, including tree replacement.

As summarised at **Section 2.6**, Part 5 works applying to the site have been determined under and do not form part of this application. The Part 5 environmental works comprise tree removal and earthworks located within Lots 124 and 125 and the Part 5 flood drainage channels along the southern, western and partially along the northern and eastern boundaries of the site. As such, in relation to the current SSD application:

- biodiversity and tree removal impact assessment is limited to the eastern part of the site in the location of the proposed school buildings and associated landscaped areas (**Figure 29**)
- tree replacement is proposed within the eastern parts of the site around proposed school buildings and the western part of the site including the sports fields and play spaces (**Figure 30**).

The Department has considered the biodiversity, tree removal and replacement matters below.

6.5.1 Biodiversity

The BDAR identified that the development includes impact to 1.66ha of native vegetation identified as Plant Community Type (PCT) 40: Coolibah open woodland wetland with chenopod/grassy ground cover on grey and brown clay floodplains. PCT 40 is a threatened ecological community under the BC

Act and *Environment Protection and Biodiversity Conservation Act 1999*. However, the BDAR confirmed the site is divided into two zones, PCT 40 without (1) and with (2) trees / tree canopy cover, and PCT Zone 2 was the only PCT zone considered part of the Commonwealth-listed ecological community (**Figure 28**).

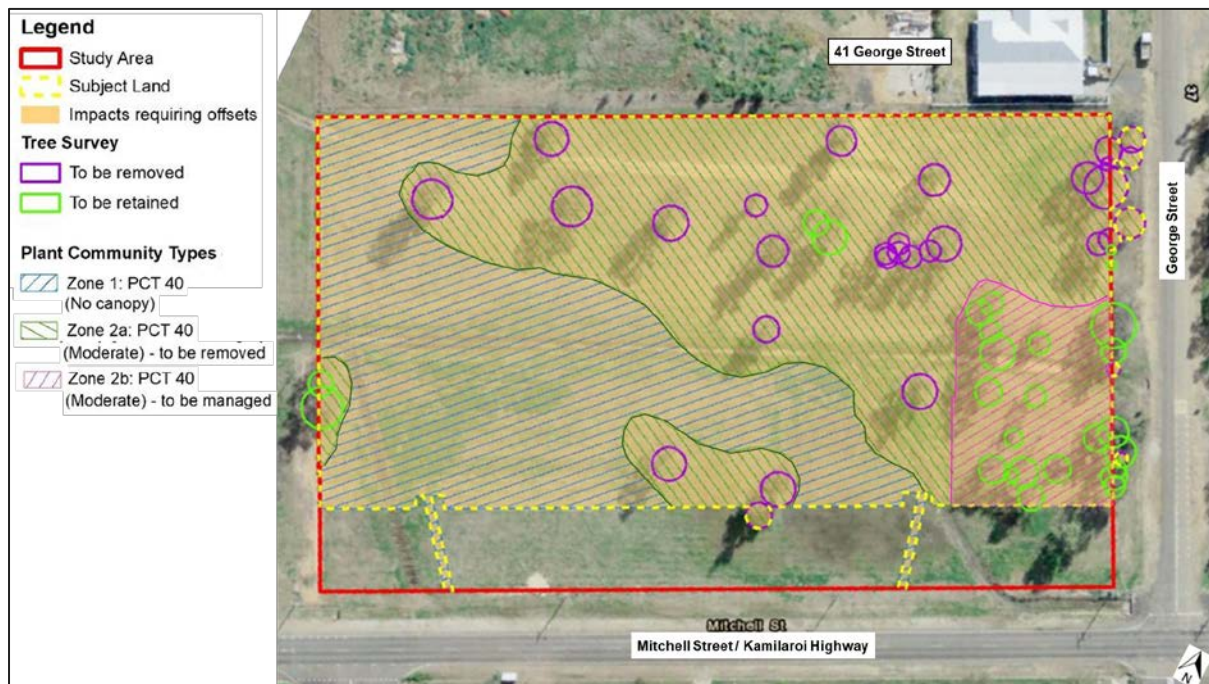


Figure 28 | Impacts requiring offsets (Applicant's SRtS 2022)

The BDAR found that within this PCT, of the 1.66ha impacted (**Figure 28**):

- 0.63ha of grassland would be cleared in PCT 40 Zone 1
- 0.86ha of remnant canopy would be cleared within PCT 40 Zone 2
- 0.16ha of remnant canopy would be retained and managed within PCT 40 Zone 2.

Based on the proposed clearing of 1.49ha, and management of 0.17ha, of native vegetation the BDAR identified that 37 ecosystem credits would be required to offset the development.

The BDAR also included a habitat assessment for threatened flora and fauna species and their likelihood to occur on the development site. The BDAR stated the site comprises a fragmented urban landscape including an isolated patch of vegetation with minimal connectivity to nearby habitat. The BDAR identified the vegetation:

- is likely to provide habitat for four threatened flora species including the Creeping Tick-trefoil, Finger Panic Grass, Belson's Panic and Winged Peppergrass. The BDAR recommended 37 species credits are required to offset the impact to these threatened flora species
- provides only marginal foraging habitat for threatened fauna and marginal habitat for threatened flora species and did not identify any threatened fauna species on the site. No offsets were recommended.

The BDAR recommends management and mitigation measures for direct and indirect impacts including, undertaken a pre-clearing survey to ensure no hollow trees are removed in the 0.17ha retention area, undertake clearing works outside breeding events, install temporary fencing to retained vegetation, use of salvage hollows and nest boxes and construction management.

Submissions and Applicant's response

EHG stated that it was unable to comment on the BDAR until the separate Part 5 planning pathways was confirmed for the remainder of the site and a copy of the Part 5 works impact assessment is provided. Notwithstanding this, EHG provided preliminary comments on the BDAR requesting additional information relating to the size of the PCT, plot data, species exclusions and habitat suitability, vegetation integrity score justification and mitigation measures.

In response to the comments provided the Applicant stated the Part 5 process is being pursued and provided an amended BDAR, which responded to EHG's comments. EHG stated it would not provide further comment until approval was granted for the Part 5 works or those works were assessed under the BDAR submitted with this application.

In response to EHG's comments, the Applicant confirmed the Part 5 works were determined by DoE on 19 May 2022. The Part 5 works assessment included a Flora and Fauna Assessment, which assessed and addressed biodiversity impacts. In addition, the BDAR was further amended to reflect the changes to the development and tree removal since exhibition.

EHG requested the BDAR be further updated to clarify and incorporate plot data, vegetation integrity score for Zone 2B, consider inclusion of concrete footpaths and low-flow channel within the management zone, update mitigation measures and prepare and implement a Biodiversity Management Plan.

In response the Applicant provided an updated BDAR to address EHG's request for additional information. EHG reviewed the updated BDAR and confirmed it has no further issues with the revised BDAR subject to:

- the required biodiversity credits (37 ecosystem and 37 species credits) being offset prior to commencement of construction
- Biodiversity Management Plan being prepared, in consultation with EHG, which outlines the management actions to be implemented to ensure that the management zone (Zone 2b) achieves the nominated future vegetation integrity score.

Department's consideration

The Department considered the information provided by the Applicant and comments by EHG. Department considers that the amended BDAR undertook an appropriate assessment of the impacts on biodiversity values, and identified appropriate management and measures to mitigate impacts.

Based on the BDAR and EHG's comments, the Department is satisfied the development has minimised direct impacts on vegetation and the residual impact due to the removal of 1.49ha PCT 40 can be appropriately offset by retiring the 37 ecosystem and 37 species credits prior to the commencement of any works. The Department concludes subject to the retiring of the credits that the direct impacts would not adversely impact on the biodiversity values of the site. The Department has recommended a condition accordingly.

The Department is satisfied that indirect impacts occurring during construction are likely to be minor and can be adequately managed and mitigated by the implementation of the BDAR mitigation measures and the Department's recommended Construction Environmental Management Plan (discussed later in this report) and EHG's recommended Biodiversity Management Plan. The Department has recommended a condition requiring the BDAR mitigation measures be implemented.

6.5.2 Tree removal

The proposal includes the removal of 31 trees. Initially the Applicant proposed the removal of 19 trees under the EIS, which was amended to 21 trees (plus 11 trees 'at risk of removal') under the RtS and increased to a total of 31 trees for removal under the SRtS to facilitate the development (**Figure 29**).

The AIA indicates the 31 trees identified for removal have the following values:

- 29 trees with high retention value
- two trees with medium retention value.

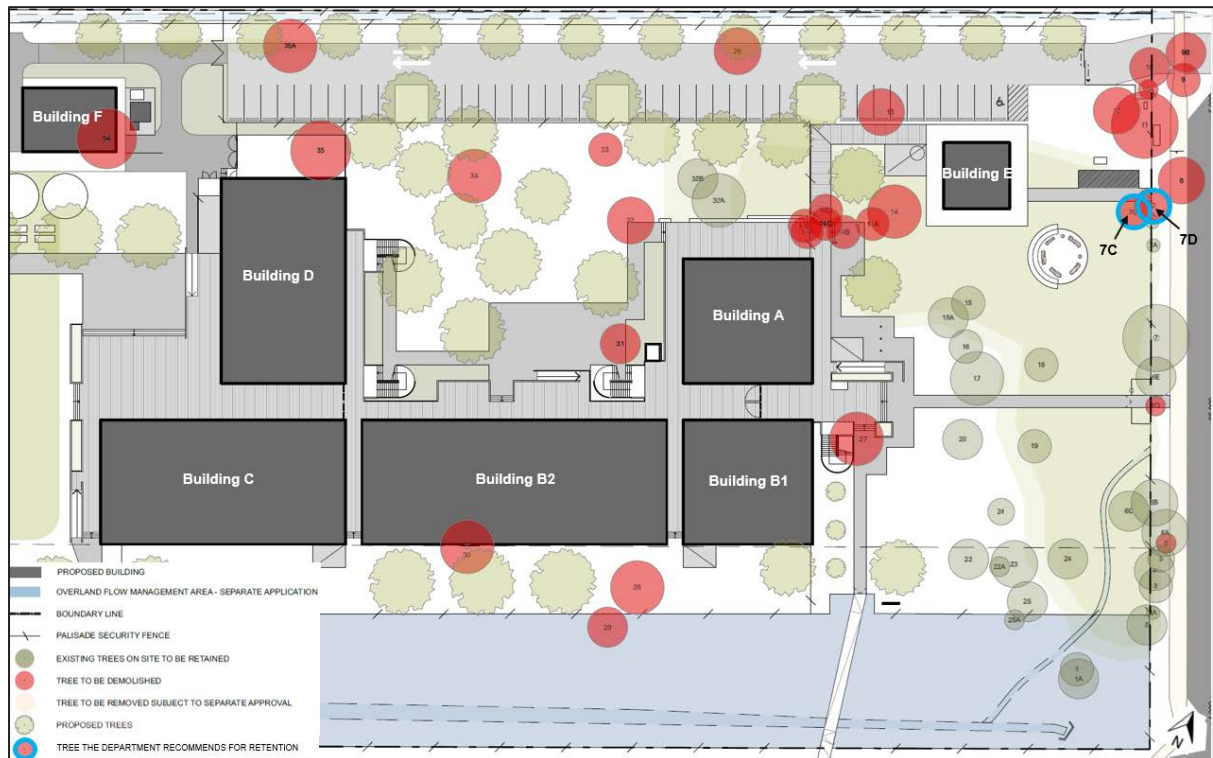


Figure 29 | Tree removal plan, including existing trees proposed for removal that the Department recommends for retention (circled blue) (Base source: Applicant's SRtS 2022)

The Applicant has stated that the proposed trees for removal conflict with the proposed development and it is not possible to retain the trees identified for removal. The AIA includes management, mitigation and tree protection measures for all retained trees during the construction phase of the development.

Submissions and Applicant's response

Concerns were raised in the public submissions about the removal of trees on the site. Council did not provide comments on tree removal.

The Department reviewed the tree removal plan and recommended the Applicant consider options to retain some of the trees proposed for removal. The Applicant reiterated its view that it was not possible to retain the trees proposed for removal. In addition, it clarified that another two trees were required to be removed, 11 additional trees were 'at risk of removal' due to civil works and flood mitigation measures and that 200-300mm of topsoil would be removed across the entire eastern part of the site as part of site-preparation works.

The Department raised concern about the tree removal, unjustified inclusion of trees 'at risk of removal', impact of stripping topsoil on the proposed viability of all retained trees, noted inconsistencies between the documents and requested the AIA be updated to assess the amended tree removal proposal.

In response to the concerns raised, the Applicant clarified that a final total of 31 trees are proposed for removal, no trees are now classified as 'at risk of removal' and provided an updated AIA to support the amended tree removal proposal. In addition, the Applicant confirmed the application no longer seeks to strip 200-300mm of topsoil from the site.

Department's consideration

The Department notes that the majority of the trees (29) proposed for removal (shown as solid red circles at **Figure 29**) are located within the footprint of the proposed buildings or vehicle circulation areas. In addition, it would not be reasonably possible to amend the development to retain these trees without adversely compromising the internal layout of the school buildings or vehicle circulation spaces. The Department therefore considers the removal of these 29 trees is necessary and unavoidable and therefore acceptable.

Notwithstanding the above, the Department notes that nearly all trees proposed for removal are classified as having a high retention value and therefore considers that every effort should be made to consider options to retain those trees where reasonably feasible to do so. Noting this, the Department has identified that two (trees 7C and 7D) of the 31 trees proposed for removal (shown circled blue at **Figure 29**) could be retained without adverse impact to the development including underground services. If the northern entrance pedestrian footpath and bicycle store were relocated further northwards, trees 7C and 7D (medium and high retention value) could be retained.

The Department concludes the removal of 29 existing trees is acceptable and unavoidable due to their location on the site. However, the Department considers that two of the 31 trees proposed for removal could be retained subject to no, or only minor, amendments to the development. The Department therefore recommends conditions requiring the Applicant amend the tree removal plan to retain the two trees identified above and that all trees for retention be protected during construction in accordance with the recommendations of the AIA.

6.5.3 Tree replacement

To offset the proposed tree removal and to provide for appropriate landscaping, the proposal initially proposed the provision of 172 trees across the site, which was reduced to a total of 78 trees under the RtS. The application proposes the provision of a mixture of native and non-native trees (**Figure 30**).



Figure 30 | Landscaping and tree replacement plan. Non-native trees circled and those the Department recommends be replaced starred (Base source: Applicant's SRtS 2022)

Submissions and Applicant's response

Concern was raised in the public submissions, by Council and the Department about the extent of non-native tree planting within the landscaping and the Applicant was requested to increase the proportion of native planting throughout the development.

The RtS amended the landscape design and included a reduction in the total number of replacement tree planting by 94 trees (from 172 to 78). The Applicant confirmed that the total number of non-native trees has been reduced from 42 to 20 trees. In addition, the Applicant stated that the inclusion of non-native trees is justified as they provide shade in summer months and solar access in winter months, their deciduous nature adds to visual amenity and the surrounding township also includes non-native plantings.

The final landscaping plan for the development includes the following proposed 78 trees (58 native and 20 non-native):

- 42 *Casuarina cristata* (Belah) – native
- 16 *Eucalyptus microtheca* (Coolabah) – native
- 10 *Ulmus parvifolia* (Todd Chinese Elm) – exotic
- 7 *Zelkova serrata* (Japanese Zelkova) – exotic
- 3 *Washingtonia filifera* (California Palm) – exotic.

Council considered the RtS and stated it supports a reduction in non-native trees. The Department requested the Applicant justify the overall site-wide reduction of 94 replacement trees (from 172 to 78).

In response to the Department's request the Applicant stated that to balance the constraints of the development (speed of construction, cost, design functionality and buildability), the RtS landscape design was amended. The Applicant asserts the core principles of the landscape design remain and, although there is an overall reduction in the total number of replacement trees, the proposal provides for an

increase of 2,000sqm tree canopy cover (from 2,000sqm to 4,000sqm) when compared with the existing site.

Department's consideration

Non-native trees

The Department notes the Applicant's response to concerns raised about the number of non-native trees included in the landscaping design, in which it stated total number of non-native trees had been reduced to 20. The Department accepts that the number of non-native trees has been reduced. However, due to the RtS' overall reduction of 94 replacement trees, the number of non-native trees as a proportion of the total revised proposal (78 trees) has in fact increased, as detailed below:

- EIS: 172 replacement trees, including 42 non-native (24%)
- RtS: 78 replacement trees, including 20 non-native (26%).

In addition, the Department notes the Applicant's reasons for the inclusion of non-native trees within the development is justified primarily on the basis of solar access and visual character. While the inclusion of some non-native trees is justified, the Department notes that the six Todd Chinese Elm trees within the carpark and adjoining the water tanks (south of Building F), together with the three Japanese Zelkova trees south of Building B2 do not fit with the Applicant's reasoning for inclusion. In addition, the inclusion of these trees is at the expense of a suitable native alternatives, which would have a significant benefit of contributing to the site's habitat and biodiversity value.

In light of the above, the Department maintains its concern that the overall proportion of non-native trees within the proposed landscaping scheme remains excessive and recommends a condition requiring that the landscaping proposal be amended to remove the nine Todd Chinese Elm and Japanese Zelkova trees identified above be replaced with native alternatives, which results in the provision of no more than 11 non-native replacement trees.

Replacement trees

The Department notes that the overall reduction of replacement trees is particularly apparent in the western half of the site around the playing field and along the Charles Street and Michell Street / Kamilaroi Highway school fence lines. In addition, the planting in the western part of the site has been amended from a mixture of species to a monoculture of Belah trees.

The Department notes one key recommendations of the AIA is that the development must include replacement trees of the same species as those being removed to maintain the biodiversity of the site. Notwithstanding this requirement, the proposal includes the removal of 22 Coolabah trees (**Section 6.5.3**) and provision of 16 replacement Coolabah trees, which is an overall reduction of 6 Coolabah trees.

The Department acknowledges that the proposal would increase the tree canopy cover of the site, when compared to the existing situation by approximately 2000sqm (from 2000sqm to 4000sqm). However, the overall reduction in the number of replacement trees is unfortunate and represents a reduction in the future visual and habitat values of the development, creates large unshaded grassed areas (particularly along the Mitchell Street / Kamilaroi Highway frontage) and does not adequately provide suitable compensation for the removal of 22 existing mature Coolabah trees.

The Department also notes, as shown at **Figure 16**, the proposed tree planting within the Part 5 work flood drainage channels (not part of this application) is sparse, and therefore would not contribute significantly to addressing the above concerns.

The Department therefore recommends a condition requiring the Applicant amend the landscape plan to provide:

- a minimum of 28 additional Coolabah trees (being a total of 44, representing a replacement ratio no less than 2:1)
- provide for tree planting along the Charles Street and Mitchell Street / Kamilaroi Highway school fence lines, within the north-east and north-west corners of the playing field
- all proposed trees comprise advanced tree stock to ensure canopy cover is achieved rapidly.

Subject to the above condition the proposal would provide for a minimum of 106 replacement trees.

The Department considers subject to the above conditions, the proposal would provide for a reasonable number of replacement trees, in appropriate locations and would include sufficient compensation for the 22 Coolabah trees which are required to be removed to facilitate the development.

6.6 Flooding and drainage

The township of Wee Waa is located on the Namoi River floodplain approximately 34km west (downstream) of Narrabri. Wee Waa is protected from Namoi River flooding by an 8.6km long, 2-4m tall earthen ring levee. While the town levee would not be overtopped for Namoi River floods up to about 0.2% AEP (500 year event) in magnitude, the urbanised parts of Wee Waa are subject to relatively frequent inundation as a result of local catchment runoff, including the application site, as summarised at **Section 1.1**.

Part 5 works including flood mitigation works have been separately assessed and approved by DoE, and do not form part of this application. The Part 5 works include off-site mitigation works including the upgrade of the township's flood conveyance network and on site mitigation works including excavation and construction of overland flow channels along the southern, western and partly along the northern and eastern boundaries of the site, as summarised at **Section 2.6**.

6.6.1 Drainage

A Stormwater Management Plan and civil drawings were submitted with the EIS, which confirm the proposal includes the provision of new flooding and drainage infrastructure to connect into the Part 5 works flood mitigation infrastructure.

Council and EPA recommended the Applicant prepare and implement a Stormwater Operational Management Plan. The Department requested the Applicant clarify the route of the south-eastern drainage channel and what specific works form part of the application (rather than Part 5 works).

In response to the comments, the Applicant provided updated civil drawings, which confirm the proposed on site flooding and drainage works proposed as part of this application are located within the eastern part of the site and include construction of (**Figure 31**):

- a stormwater channel along the northern boundary of the eastern half of the site and a separate channel at the south-eastern corner of the site
- stormwater pipes, pits, inlets throughout the eastern half of the site

- above ground stormwater detention tanks to capture school building roof stormwater runoff.

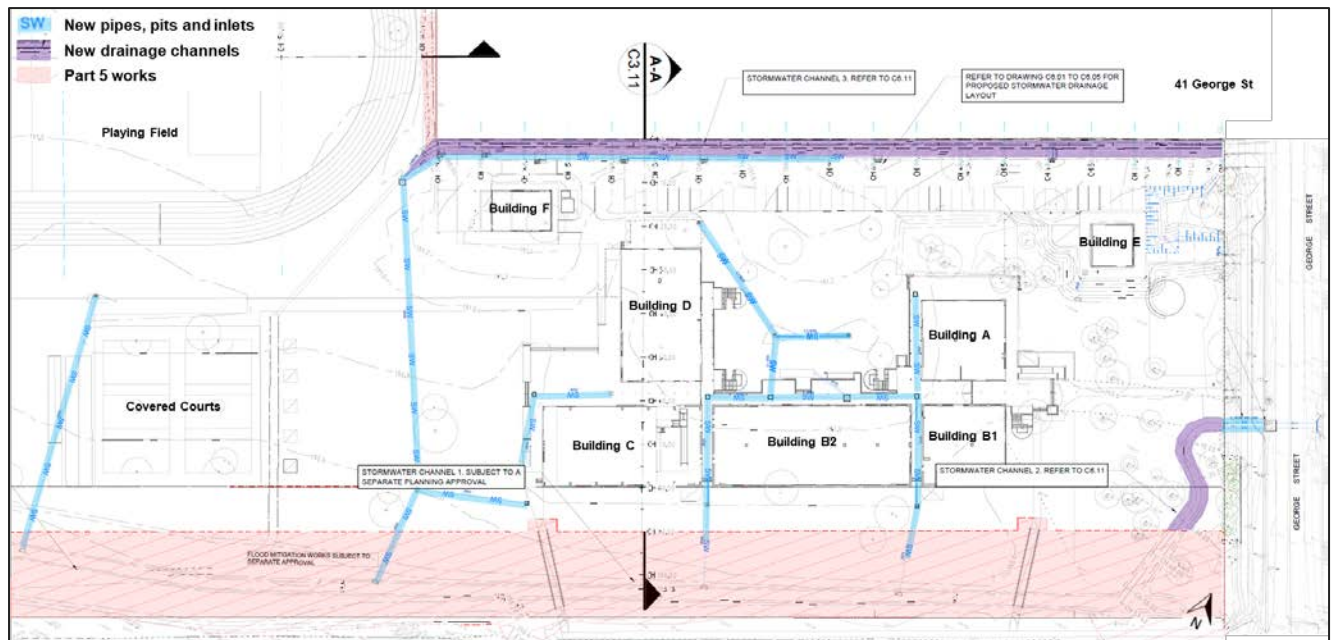


Figure 31 | New flood and drainage infrastructure provided on site (Base source: Applicant's SRtS 2022)

The Department is satisfied that the Applicant has demonstrated that the site can accommodate required stormwater and drainage systems and that the systems would connect into the broader existing drainage infrastructure and future Part 5 works flood mitigation infrastructure.

The Department has recommended conditions requiring the design and implementation of a final stormwater system for the site in accordance with relevant standards and guidelines and the preparation and implementation of a Stormwater Operational Management Plan.

6.6.2 Flooding

A Flood Impact Assessment (FIA) was submitted with the EIS and updated by the RtS and SRtS. The FIA includes flood modelling and provides an assessment of overland and riverine flooding risks to the site and the impacts of the proposal on flood behaviour. The FIA takes into account the effects of climate change for the full range of flood events, including the PMF and has incorporated the flood mitigation impact of the Part 5 flood mitigation works and the proposed on site flooding and drainage works (**Figure 32**).

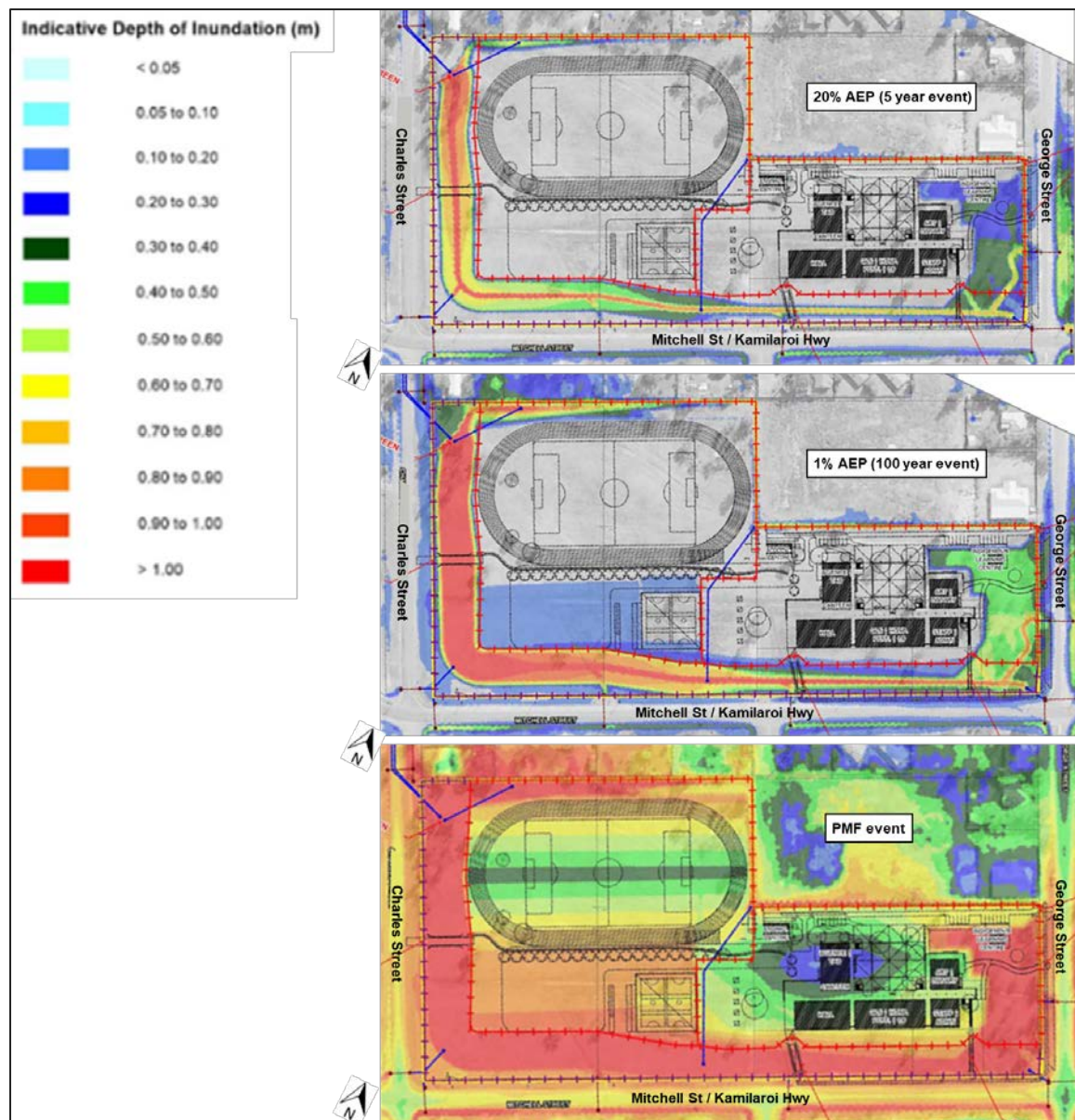


Figure 32 | Predicted flood conditions during the 20% (top) and 1% (middle) AEP and the PMF (bottom) flood events, following on site and separate Part 5 flood mitigation works (Base source: Applicant's EIS 2022)

The key findings of the FIA are:

- peak maximum 1% AEP flood level RL 191m AHD. Depths of inundation would generally exceed 1m during the PMF
- flooding would be generally confined to the Part 5 works flooding channels and landscaped areas during the 20% and 1% AEP flood events
- land on which school buildings, driveway and sports field are located remain flood free up to the 1% AEP flood events and would be inundated to a maximum of 0.6m during the PMF event
- school buildings would have a minimum finished floor level of 191.5m AHD, providing 500mm freeboard during the peak 1% AEP flood event
- the ground floor of the school buildings would experience a maximum 0.1m above-floor inundation during the PMF event
- in the event of levee overtopping:

- the township would be inundated to depths of 0.7-3.5m and the ground floor of proposed buildings would be inundated to a depth of 1.5m, first floor level would remain flood free
- flood mitigation works would not have an impact on flooding during an overtopping event
- the township has approximately three days warning of a peak flood height and there is sufficient time to close the school and advise staff and students of flood risk.
- the proposal, in combination with the Part 5 works, would reduce the depth of inundation to existing neighbouring development.

Submissions and Applicant's response

Concern was raised in one public submission that the proposal would worsen flooding at 32 Boundary Street, which is currently subject to inundation during the 20% AEP flood event by up to 0.4m and deeper during more extreme flood events.

Council requested the Applicant provide technical details of the flood modelling undertaken and prepare a safety in design assessment of proposed flooding/drainage works, particularly relating to the Charles Street culverts (which form part of the Part 5 works) and confirm ongoing maintenance arrangements. In addition, Council recommended that the development should not exacerbate runoff onto neighbouring properties and should consider emergency matters, including backup generator requirements and role of the school as designated Evacuation Centre.

EHG noted the development relies on the Part 5 works to largely address flooding impacts and requested that the Part 5 works impact assessment be provided for its consideration. The Department recommended the Applicant prepare a Flood Emergency Management Plan (FEMP) in consultation with Council and SES.

In response to the comments provided, the Applicant confirmed the Part 5 works and proposed flood and drainage mitigation results in 32 Boundary Street being almost entirely free of inundation during the 20% AEP event and reduces flooding during more extreme flood events.

The Applicant provided an update to its FIA to clarify the methodology used to model the proposed drainage works and details on resulting flood investigations. In addition, the FIA included a safety in design statement that confirmed the site would be fenced and locked and flood warning signage would be installed. The Applicant confirmed the Part 5 works culverts would include a grated inlet to prevent access and a chain-wire debris control device would prevent blockages. Maintenance of infrastructure within school grounds would be undertaken by the school.

The Applicant agreed to prepare and implement a FEMP and the FEMP would address the emergency matters raised by Council. In addition, The Applicant requested, given the operational nature of the plan, that it be required to be prepared prior to the occupation of the school.

EHG recommended given that the development relies on the Part 5 works flooding mitigation measures, the Part 5 works should be approved prior to the determination of this application.

Council requested that the FIA be further updated to incorporate the amendments made since the exhibition of the EIS, provide modelling and undertake further blockage assessment of the proposed grated inlets and chain-wire debris control device and consider the impact of removing the culvert originally proposed as part of the vehicle crossover from Charles Street.

The Applicant confirmed the Part 5 works were approved by DoE on 19 May 2022. In addition, the FIA was updated to incorporate the final configuration of flood mitigation works and updated the flood

modelling, which demonstrates that the flooding impacts remain similar to those previously predicted. In addition, the Applicant confirmed the chain-wire debris control device would be replaced with vertical posts and confirmed blockage analysis showed the provision of a screen to the culverts does not increase blockage factor above the adopted value of 25%. The Applicant confirmed the FEMP would be prepared in consultation with Council and SES.

EHG confirmed it is now satisfied that the potential for flooding of the site has been addressed.

Council stated that stormwater and flooding management issues relating to the Part 5 works are still under discussion with the Applicant and raised additional technical concerns about the design and construction of the Part 5 works. Council reiterated that the FEMP should be prepared in consultation with Council.

In response, the Applicant advised DoE have addressed Council's concerns as they relate to both the SSD and the Part 5 flood mitigation works. Where Council has made comments on the flood mitigation works to date, be it through the SSD RtS process or through direct consultation, they have been captured in the Part 5 approval where relevant. The Applicant advised it met with Council on 15 July 2022 and further discussion was held regarding the detailed design of the Part 5 flood mitigation works and the outcome of the detailed design was agreed to.

In relation to the FEMP, the Applicant confirmed that it will be prepared prior to operation of the school in consultation with Council, the SES and the Local Emergency Management Committee, consistent with the recommendations of Council and the SES. The Applicant advised that this approach was discussed and agreed with Council on 15 July 2022 and SES on 20 July 2022.

In relation to the potential for fencing to cause blockages, the revised FIA recommends that the proposed fencing incorporates a 100mm gap at the bottom to reduce risk of a blockage occurring.

Department's consideration

The Department has considered the Applicant's revised FIA and advice from Council, EHG and SES.

The Department is satisfied that the finished flood levels of the proposed buildings would be located above the 1% AEP flood event, plus 500mm freeboard flood planning level (FPL). The Department also notes that the vehicle access to and from the site would not be impacted by the 1% AEP flood event.

In relation to emergency management, the Department notes that the Applicant's proposed approach during the PMF event is early closure of the school. SES advised that:

- the school should be closed prior to the impact of flooding or isolation due to flooding. There would be ample time for this to occur due to riverine flooding, with at least two days' notice provided by SES for road closures in the area.
- the primary strategy should be to ensure early closure of the school, for instance based on a flood warning.
- sheltering in a building within the flood extent is not safe and should not be considered in the FEMP to be developed. Sheltering in buildings where entrances and exits may become flooded in the larger floods may result in isolating the children potentially without food or water.
- isolation also increases the risk of fire or medical emergencies and likelihood of caregivers entering floodwater to get to their children. It is unrealistic to assume parents or caregivers will not attend the school to pick up children in circumstances of flooding.

SES agreed that the final FEMP will be informed by further consultation between the SES, Council and DoE. SES stated it supports the exception for the FEMP to be completed prior to operation of the school based on the level of flood risk and its ability to be appropriately managed.

During an extreme flood event, where there is overtopping of the township levee, the Department acknowledges that flood mitigation measures would not have an appreciable impact on flooding within the township. However, the Department notes the township usually has approximately two to three days to prepare for such an event and it is extremely unlikely that the school would be in operation during this time.

The Department considered the preparation and implementation of a FEMP is critical, given the flood circumstances of the site. However, based on the advice from SES the Department is satisfied preparation of this document can occur prior to first occupation of the school, subject to it being prepared in consultation with Council and the SES.

The Department notes the proposal, coupled with the Part 5 works, would result in a reduction of flooding impacts to 32 Boundary Street and other adjoining neighbouring properties. The Department therefore considers the development would not cause any unacceptable adverse off-site flood impacts.

The Department notes Council has provided detailed technical comments about the design and operation of the Part 5 works culverts, channels and flooding infrastructure, including relating to blockage, debris control and safety/access. The Department considers as these works do not form part of this application it would be inappropriate to recommend conditions relating to the design or operation of that infrastructure. In addition, the Applicant has confirmed that Council's comments and concerns have been addressed and amendments incorporated into the design of the Part 5 works infrastructure.

The Department considers it is appropriate that the school maintain the flooding and drainage infrastructure located on the school site and as discussed in **Section 6.6.1**, the Department has recommended the Applicant prepare a Stormwater Operational Management Plan. Consideration of the maintenance of the separate Part 5 works flooding mitigation infrastructure does not form part of this application.

The Department has considered the information provided by the Applicant and comments made by Council, EHG and SES. Overall, the Department considers that the Applicant's FIA, as revised, undertook an appropriate assessment of the potential riverine and overland flow flooding impacts, and identified appropriate design, management and measures to mitigate impacts and risk to site occupants and surrounding properties. The Department concludes that flood impacts can be appropriately managed in relation to the SSD development and recommends conditions requiring:

- all Part 5 works flooding mitigation measures be constructed and operational prior to the occupation of the development
- the preparation of a FEMP in consultation with Council and the SES
- all floor levels must not be lower than the 1% AEP flood event, plus 500mm of freeboard (FPL) in accordance with the recommendation of the FIA
- any structure located below the FPL must comprise flood compatible materials
- 100mm gap is to be provided at the bottom of fences to prevent blockages

- preparation of a methodology statement and accompanying flood impact assessment to mitigate impacts should a flood event occur during construction works (discussed further at **Section 6.7**).

6.7 Other issues

The Department's consideration of other issues is provided at **Table 10**.

Table 10 | Department's assessment of other issues

Issue	Findings	Department's consideration and recommended conditions
Boundary fencing	<p>The proposal includes the erection of security fencing around the school boundary and within the site. Fencing of the stormwater channels forms part of the separate Part 5 works.</p> <p>Concerns were raised in the public submissions about the design and impacts of the proposed northern boundary fence shared with 41 George Street and 32 Boundary Street.</p> <p>Council and the Department initially stated the extent, location and design of the proposed fencing within and around the site is unclear.</p> <p>In response to the concerns raised in public submissions the Applicant confirmed it met with affected residents to agree an alternative northern fence proposal. The RtS amended the fencing proposal to retain all existing fencing along the northern boundary and provide a new 2.1m tall palisade school fencing setback from the northern boundary and include a landscaped buffer.</p> <p>The Applicant confirmed that the owner of 32 Boundary Street supports the amended design. The owner of 41 George Street supports the fence proposal, however, requested further time to agree to the details of the fence design.</p> <p>The Applicant also updated the drawings to clarify the location and design of all other internal and boundary fencing (Figure 9).</p> <p>Council noted the changes to the fencing and recommended the fenced and secure areas within the site should be accessible by service providers, Council and for maintenance.</p> <p>The Applicant confirmed that the landscaping and fencing has been designed to allow maintenance access by Council, service and utility provider access.</p>	<p>The Department has considered the revised fencing proposal and notes that all boundary fencing is now a consistent 2.1m tall palisade fence around the site boundary (including a setback from northern boundary) and internally within the site. All pedestrian entries and the vehicle entrance include secure gates.</p> <p>The Department notes the affected adjoining neighbours at 32 Boundary Street and 41 George Street support the revised proposal. In addition, the Applicant has committed to enter into a private agreement with the owner of 41 George Street about the final design of fencing adjacent to that property.</p> <p>The Department supports the proposed fencing design and location and recommends conditions requiring:</p> <ul style="list-style-type: none"> • the fencing be installed in accordance with the proposal • maintenance access be provided to fenced areas by Council, service and utility providers (as required) • the final design of the fence adjoining 41 George Street be agreed with the owner of that property • compliance with the recommendations of the FIA including provision of a gap below the fencing (Section 6.6.2).

Issue	Findings	Department's consideration and recommended conditions
Landscaping	<p>The proposal incorporates extensive landscaping throughout the site and creates a school courtyard, native meadow, open play spaces and sports field (Figure 30).</p> <p>The RtS amended the landscaping proposal in response to development constraints (speed of construction, cost, design functionality and buildability) resulting in the removal of outdoor furniture, hard and textured paved areas.</p> <p>The Applicant confirms the landscaping forms a key part of the design of the proposal and the RtS amendment have not changed the core objectives to provide for high quality landscaping.</p> <p>No concerns were raised by Council or in public submissions about the proposed landscaping</p>	<p>The Department notes that the landscaping forms part of the overall design and composition of the development.</p> <p>Subject to the Department's recommendations regarding tree retention and replacement (Section 6.5), the Department is satisfied the proposed landscaping works are acceptable for the site/development.</p> <p>The Department has recommended conditions requiring the development be carried out in accordance with the landscaping plan (as amended) and the preparation and implementation of an operational landscaping management plan.</p>
Site selection	<p>Concern was raised in one public submission that the site is inappropriate, and an alternative site should be selected.</p> <p>Council initially raised concerns that limited detail had been provided on the consideration of alternative siting options for the school.</p> <p>In response to the comments provided, the Applicant stated alternative sites considered and discounted, including but not limited to the former school and the showgrounds site. None of these were considered appropriate as:</p> <ul style="list-style-type: none"> • former Wee Waa High School site – this site was evacuated due to ongoing health concerns and investigation of the cause of the issue(s) is ongoing. In addition, the site would not benefit from co-location with the primary school. • the showgrounds site – this site does not have adequate street frontages or vehicular access and is zoned RE1 Public Recreation where school development is not permissible. In addition, the site would not benefit from co-location with the primary school. <p>Council considered the RtS and did not provide any comments on the Applicant's</p>	<p>The Department has considered the Applicant's alternative sites and notes the Applicants comments that the alternative sites are inappropriate for the proposed school development for the reasons listed. In addition, the rezoning of RE1 lands to allow school use would add a significant delay to the provision of the new school and would result in the detrimental loss of public recreation space for the township.</p> <p>Based on the Applicant's alternative site analysis, the Department considers the application site is an appropriate site for the development as it has sufficient street frontages and access, school development is permissible on the site, it is co-location with the primary school which allows the sharing of facilities and the land is owned by the Applicant.</p>

Issue	Findings	Department's consideration and recommended conditions
	clarification of site selection process.	
Aboriginal cultural heritage	<p>An ACHAR was prepared for the site, which included a field survey of the site and consultation with the Registered Aboriginal parties. The ACHAR concluded the site contains no Aboriginal cultural heritage values or objects.</p> <p>The ACHAR recommended Aboriginal cultural heritage be managed in accordance with an Aboriginal Cultural Heritage Management Plan (ACHMP) and subject to conditions including:</p> <ul style="list-style-type: none"> • ground disturbance to be limited to study area • all construction staff made aware of site/object protective requirements • preparation of protocols relating to unexpected finds, unexpected skeletal remains and long term management of artefacts. <p>Heritage ACH supported the ACHAR conclusions and recommends the ACHMP mitigation measures be implemented.</p> <p>Council stated that although no items of Aboriginal cultural heritage were identified, management of heritage matters should continue in accordance with the proposed mitigation measures.</p>	<p>The Department reviewed the ACHAR and although it indicates the potential for Aboriginal cultural heritage impact is limited, the Department agrees with the conclusion of the ACHAR that an ACHMP is required and that the proposed mitigation measures be implemented to manage any impacts.</p> <p>The Department has recommended conditions requiring construction be undertaken in accordance with the recommendations of the ACHAR and the Applicant prepare and implement an ACHMP.</p>
Community use	<p>The EIS states that the new facilities within the school would be available for use by the community when not required by the school.</p> <p>The Applicant's community use strategy for the site is indicative at this stage and comprises potential use of the following facilities between the hours of 7am and 10pm:</p> <ul style="list-style-type: none"> • sports fields and open space • school hall and two learning support spaces • Agricultural and Environmental Centre and Indigenous Cultural Centre. 	<p>To ensure community use of the development is adequately managed, the Department has recommended conditions that:</p> <ul style="list-style-type: none"> • limit the hours of operation of use of the school facilities to between 7am and 10pm • require the preparation of an Out Of Hours Event Management Plan for school and community events • the Out of Hours Event Management Plan must be prepared in consultation with Council.
Operational waste	<p>The EIS included a preliminary Operational Waste Management Plan (OWMP) which provided operational waste generation</p>	<p>The Department has reviewed the Applicant's revised OWMP and is satisfied the collection of waste from within the site</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>estimates for the proposal. The OWMP estimates that the proposal would generate a total of 754 litres (L) of waste and recyclables per day. The OWMP recommended the following number of bins:</p> <ul style="list-style-type: none"> • general waste – 2 x 240L bins • recycling – 1 x 240L bin • green organics - 1 x 240L bin. <p>Waste would be collected by private waste contractor daily from the Georges Street kerb. Concern was raised in one public submission that the daily kerb-side pickup of waste would be unsightly.</p> <p>Council recommended the OWMP be updated to ensure cardboard is recycled and separated from landfill waste. The EPA did not provide any comments.</p> <p>In response to the concerns raised, the Applicant amended the OWMP so that all operational waste would be collected from within site, adjacent to the Agricultural and Environmental Centre building. The Applicant has confirmed the driveway and collection area have been designed to accommodate waste collection vehicle movements.</p> <p>The Applicant stated that it would not object to a condition requiring the separation of cardboard for recycling.</p>	<p>would address the concerns raised regarding impact on the George Street visual amenity.</p> <p>The Department is satisfied that appropriate arrangements would be put in place to manage operational waste so that the proposal would not result in adverse impacts on the local environment.</p> <p>The Department has recommended conditions to ensure that appropriate waste handling and management arrangements are implemented during operation and that cardboard is separated from the landfill waste-stream and recycled.</p>
Access across site to adjoining properties	<p>Concern was raised in the public submissions that the development of the site would prevent rear vehicle access to properties along the northern boundary of the site.</p> <p>In response to the concerns raised, the Applicant undertook further investigations including title searches, which confirmed no easements exist providing legal access across the site to neighbouring properties.</p>	<p>The Department notes the absence of any existing legal access across the site. In addition, provision of vehicle access to the properties along the northern boundary would result in significant redesign of the development and potential loss of open space, playing fields and school accommodation.</p> <p>The Department therefore concludes rear access to properties along the northern boundary of the site is not required or appropriate.</p>
Overlooking	<p>The proposal includes a mixture of single and two storey school buildings and playing fields along its northern boundary.</p> <p>Concerns were raised in the public submissions about the potential for</p>	<p>The development does not include a residential component and therefore the State Environment Planning Policy 65, Apartment Design Guide (ADG) does not apply to the site. Notwithstanding this, in</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>overlooking of adjoining properties north of the site, including:</p> <ul style="list-style-type: none"> • 41 George Street from proposed school buildings • 32 Boundary Street as a result of the open palisade fence along the northern boundary. <p>Council raised concern about potential overlooking of 41 George Street.</p> <p>The Applicant has stated the proposal would not overlook 41 George Street due to the generous setback of school buildings from the northern boundary and the inclusion of landscaping and fencing.</p> <p>The Applicant confirmed it consulted with the occupant 32 Boundary Street and has agreed to retain the existing boundary fencing along the northern boundary. This amendment would prevent any overlooking from the proposed playing field.</p> <p>Council considered the RtS and recommended that the fencing and landscaping to address overlooking be installed and maintained throughout the life of the project.</p>	<p>the absence of any other planning controls/standards relating to overlooking applicable to the site, the Department considers the ADG provides a useful guide.</p> <p>The ADG recommends buildings up to four storeys provide for a building separation distance of 12m between neighbouring habitable rooms.</p> <p>The Department notes (Figure 24):</p> <ul style="list-style-type: none"> • the two storey component of the school includes windows, which are setback between 21m and 32m from the shared site boundary with 41 George Street • no buildings are located near 32 Boundary Street • the Applicant's retention of existing fencing along the northern boundary would prevent overlooking at eye-level to 32 Boundary Street. <p>The Department concludes the proposal would not result in unacceptable overlooking of neighbouring properties and is therefore acceptable in this regard.</p> <p>The Department has recommended a condition requiring that all fencing and landscaping be installed prior to occupation of the development and is maintained thereafter.</p>
Contamination	<p>As part of the EIS, the Applicant undertook a Preliminary Site Investigation (PSI) followed by a Detailed Site Investigation (DSI) to investigate potential sources and areas of contamination on the site. The investigations found that the:</p> <ul style="list-style-type: none"> • site had been previously used for agricultural activities including livestock grazing • north-eastern corner of Lot 124 of the site includes remnants of demolished structures and demolition waste. <p>Sampling undertaken indicate contaminants of concern, including asbestos containing material (ACM), hydrocarbon compounds and heavy metals were localised to the north-east corner of Lot 124. The hydrocarbon</p>	<p>The Department has considered the findings of the site investigations and the recommendations of the RAP.</p> <p>The Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for its use as an educational establishment, as required by State Environmental Planning Policy No 55 – Remediation of Land.</p> <p>The Department considers that the minor localised clearing that occurred prior to the submission of the application does not require separate approval as part of this application.</p> <p>The Department has recommended conditions consistent with EPA and</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>compounds and metals exceeded screening levels used in the assessment. However, human exposure does not pose an immediate health risk. Contamination was not found elsewhere on the site and the site has an extremely low probability of acid sulfate soil occurrence.</p> <p>The RAP sets out remediation objectives, strategies and processes for remediation of the site, including off-site disposal of ACM and contaminated soils and capping of the affected area with clean soil so that the site is suitable for use as a school. Once the contaminated material is excavated, the RAP recommends that additional sampling and analysis of the material is undertaken to determine the most appropriate form of remediation (off-site disposal or capping).</p> <p>Concern was raised in one public submission that the site is unsuitable due to the identification of land contamination.</p> <p>The EPA reviewed the PSI, DSI and RAP and raised no concerns subject to conditions requiring implementation of the RAP and subsequent site validation. EPA recommended the classification of fill removed from the site and the disposal of fill to be undertaken in accordance with appropriate guidelines. In addition, the Applicant should consult with Council regarding resource recovery and waste disposal operations.</p> <p>Council recommended that a Long-Term Environmental Management Plan (LEMP) be prepared, an EPA accredited site auditor be engaged and the Applicant consult Council about the disposal of waste, particularly ACM.</p> <p>Council raised concern that demolition works and waste removal had already been undertaken prior to the lodgement / approval of the current SSD application.</p> <p>TfNSW recommended that the transportation of contaminated fill or materials from the site be in accordance with the Australian Dangerous Goods Code (Code) and relevant Australian Standards.</p> <p>In response to the submissions, the Applicant stated that it agrees to implement the RAP</p>	<p>Council advice, requiring:</p> <ul style="list-style-type: none"> • an NSW EPA-accredited Site Auditor be engaged throughout the works • implementation and adherence to the management measures in the RAP as approved by the Site Auditor. • the Applicant must obtain a Section A1 or Section A2 Site Audit Statement accompanied by an Environment Management Plan from the Site Auditor prior to commencement of use of new buildings • preparation and implementation of a contamination unexpected finds protocol • classification and appropriate disposal of any soil/material removed from the site • preparation of a validation report. <p>The Department agrees that it is not necessary to require a LEMP at this stage. However, the Department recommends a condition requiring an LEMP be prepared should the validation report deem this necessary.</p> <p>The Department recommends a condition requiring the Applicant consult with Council about waste disposal and ensure the transportation of fill and material is in accordance with the Code and Australian Standards.</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>and a validation report and a LEMP would be prepared if deemed necessary under the validation report. The Applicant committed to consulting Council about waste disposal and transportation of fill and material in accordance with the Code and Australian Standards.</p> <p>The Applicant confirmed that minor localised clearing was undertaken in the north-west corner of Lot 124 as part of the detailed site investigations. These works were undertaken in accordance with Clause 20 and Schedule 1 of the ISEPP and the existing Crown Land access and investigation license.</p>	
Earthworks	<p>The Application includes a Geotechnical Report which considers earthworks, site preparation works and building foundations. The report recommends cut and fill associated with the construction of the development, flood mitigation and drainage. The report initially included stripping approximately 200mm-300mm topsoil from the site and importation of fill.</p> <p>Council raised concern that it was not clear whether soil cut from the site would be used as fill on the site. In addition, the Geotechnical Report notes soil on the site is highly reactive and is not appropriate for use as fill.</p> <p>Council recommended a condition requiring the Applicant engage an engineer to design an earthworks management plan, including clarifying cut/fill balance, volume of material to be removed and imported and sources.</p> <p>The Department requested justification for the proposal to strip 200-300mm of topsoil from the site.</p> <p>In response to the comments provided, and the amount of fill to be imported would be determined prior to construction commencing. The Applicant confirmed it agreed to the requirements of Council's recommended condition.</p> <p>The SRtS amended the footing design of the proposed buildings and consequently confirmed the proposal no longer includes the stripping of soil from the site. In addition, it</p>	<p>The Department notes, based on the information provided, that the likely amount of cut / fill earthworks is not significant and relates largely to site preparation, flooding and drainage works.</p> <p>Notwithstanding this, the Department agrees with Council that additional information is required relating to the extent and nature of the cut / fill earthworks on the site. In this regard, the Department supports Council's recommended condition.</p> <p>The Department also recommends a condition requiring</p> <ul style="list-style-type: none"> • all material to be cut from the site to be classified and appropriately disposed of • cut material must not be used on the site as fill unless it has been classified and determined to be appropriate • all fill material should be appropriately sourced. <p>The Department is satisfied the proposed earthworks are acceptable subject to the clarification of the amount of cut / fill and the appropriate use/importation of fill on the site.</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>clarified that on site fill formed part of the Part 5 works and is expected to be suitable for use on the site.</p>	
Other construction impacts	<p>The Application includes a preliminary Construction Environmental Management Plan (CEMP), which considers potential mitigation measures to prevent adverse construction impacts during the excavation and construction phases of the development. The EPA recommended the Applicant implement:</p> <ul style="list-style-type: none"> • dust mitigation measures and the monitoring outlined in the Construction Air Quality Impact Assessment • erosion and sediment controls in accordance with Management Urban Stormwater Soils and Construction. <p>Council recommended a CEMP be prepared prior to any earthworks commencing on the site. In response to Council's comments, the Applicant confirmed the CEMP would be prepared prior to earthworks commencing.</p> <p>The Department requested information on how the Applicant intends to manage the construction site in the event a flood event occurs to mitigate environmental impacts and safety risks. The Applicant submitted a statement from a flooding engineer which states that detailed construction staging plans will need to be prepared and additional flood modelling undertaken to confirm that the stages construction of the proposal would not result in unacceptable adverse flooding conditions. The Applicant advised that a methodology statement and appropriate procedures for mitigating flood waters during construction and implemented as part of the CEMP would be prepared.</p> <p>In relation to the construction traffic, the TAIA details that construction vehicle routes are expected to be along Mitchell Street through the township, with site access off George Street. The predicted number of construction vehicle trips per day would range between 5 to 10 during the early works and would</p>	<p>The Department notes the site is located within an established township and in this context, it is likely that some construction impacts would be unavoidable. However, the Department considers impacts can be kept within acceptable parameters subject to the construction occurring in accordance with the hours of construction and works being undertaken in accordance with standard practices for development sites.</p> <p>To address construction impacts, the Department recommends the preparation of detailed dilapidation surveys and the final CEMP prior to commencement of construction works, including management plans relating to construction pedestrian traffic management, soil and water management, air quality and waste management and methodology statement for the management of flood waters.</p> <p>The Department has also recommended a condition requiring a Construction Worker Transport Strategy to manage and minimise impacts from construction worker parking. The strategy would be required to include arrangements to restrict worker parking to the north of Mitchell Street.</p> <p>The Department concludes subject to the implementation of the construction noise and tree protection mitigation measures (discussed previously), dilapidation plans, the Construction Worker Transport Strategy and the CEMP and its associated management, construction impacts can be appropriately managed and mitigated in accordance with standard practice for development sites.</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>increase to 10 to 12 vehicles during the main stage works. In relation to parking for construction workers, the TAIA noted that workers would park within the spare capacity on the streets surrounding the site.</p> <p>Preliminary mitigation measures proposed by the Applicant to minimise construction vehicle and parking impacts on the surrounding roads include:</p> <ul style="list-style-type: none"> • staggering construction vehicle arrival and avoiding the school DOPU peak period • directing construction workers to park north of Mitchell Street to reduce any impacts to the operation of the existing PUDO facility and bus zones at the primary school and temporary high school. <p>Council did not make any comments on construction vehicles and parking in its submissions.</p>	
Utilities	<p>The EIS included an Infrastructure Services Report to assess the existing capacity of utility services to service the site and the proposed works.</p> <p>The report confirmed the necessary electricity augmentation was undertaken as part of the Part 5 works, the site can connect to existing NBN infrastructure and does not require or have access to gas infrastructure.</p> <p>The report indicated that the site would require connection to sewer and water infrastructure, which is likely to require upgrades.</p> <p>Council requested that details be provided of sewerage calculations, water services required and storage and pumping arrangement for fire and potable water.</p> <p>The Applicant confirmed the requested information would be provided prior to construction. However, Council reiterated the information is required at this stage.</p> <p>The Applicant provided calculations and confirmed the sewer system would comprise a collection tank and pump system and new</p>	<p>The Department has considered the information provided and is satisfied that the required utilities would be available to the site.</p> <p>The Department has recommended conditions to ensure the Applicant lodges the appropriate requests for the supply of these services, utilities meet the specific requirements of the relevant supply bodies and that all utilities are available prior operation.</p> <p>The Department notes Council's initial concern about the Applicant's design, connection and augmentation of water and sewer infrastructure. However, the Department notes that Council has not objected to the proposal or stipulated that water and sewer connections would not be possible in-principle. In addition, following the Applicant's meeting with the Council additional amendments to the hydraulic services clarify the infrastructure can be appropriately designed / constructed.</p> <p>The Department therefore recommends a</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>branch line. Due to low flow rate, potable water will be fed to an on site tank and pumped at appropriate pressure / flow to the school. Two water tanks are proposed for firefighting purposes (144,000L storage).</p> <p>Council reiterated that the Applicant has not addressed its concerns about water and sewer design, connection and augmentation.</p> <p>The Applicant confirmed it met with Council on 15 July 2022 and subsequently amended the hydraulic services including additional calculations in equivalent tenements, details of the water services, calculations and storage/pumping arrangement of the fire system and provision of an additional site plan.</p>	<p>condition requiring the Applicant to design the water and sewer works in consultation with Council and seeks Council's endorsement of the infrastructure prior to any works commencing on the development.</p>
Heritage	<p>Council initially commented that no assessment was undertaken of the heritage significance of the structures demolished on the site. Heritage NSW did not raise any objection to the proposal.</p> <p>The Applicant has stated that the structures were demolished to undertake detailed site investigations relating to potential soil contamination. A heritage assessment was not required as the site is no listed as a State of local heritage item.</p> <p>Council considered the RtS and did not provide any further comments on heritage.</p>	<p>The Department has considered the proposal and agrees that no heritage assessment is required for the demolition of existing structures as the site is not listed as a State or local heritage item.</p> <p>The Department notes the site is not located near any off-site heritage items and therefore is satisfied the proposal would not have any adverse heritage impacts.</p>
Public art	<p>The proposal includes the intention to install public art that raise awareness, shares knowledge, and instils pride in local histories, of cultural diversities.</p> <p>The Department recommended the Applicant prepare a Public Art Strategy (PAS) for the site, including confirmation of likely locations. Council did not initially provide comments on public art.</p> <p>In response to the Department's request, the RtS includes an indicative PAS. The PAS confirms artwork could be located within seven outdoor locations around the school buildings and/or also on the elevations of Buildings B1, B2 and E.</p> <p>The PAS proposes engaging artworks and sculptures, spaces for creative expression</p>	<p>The Department supports the PAS for the site and is satisfied public art would complement the overall design and visual character of the development. In addition, the proposed consultation with the local Aboriginal and school communities ensures the resulting artwork will be relevant and appropriate for the site.</p> <p>The Department recommends a condition requiring the final PAS be prepared in consultation with key stakeholders and Connecting to Country should continue to be embedded in the public art process.</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>such as performative arts, dance, song, community gatherings and events. Artworks are to demonstrate relevance and connection to the locality and consultation with local indigenous and school communities.</p> <p>Council considered the PAS and stated Connecting to Country should continue to be embedded in the public art process.</p>	
Lighting	<p>The application includes a Lighting Report, which considers the impact of internal and external lighting and potential light spill resulting from the development.</p> <p>The site is located within 200km of the Siding Spring Observatory in Coonabarabran and therefore the NSW Dark Sky Guideline applies pursuant to clause 61(3)(b) of the EP&A Act. The guideline aims to ensure activities apply best practice regarding lighting.</p> <p>The Lighting Report confirms all lighting would be in accordance with the relevant Australian Standards and would be appropriately angled and shielded as necessary to prevent light spill.</p> <p>In addition, the report confirmed that light design can be further adapted to suite specific requirements of the NSW Dark Sky Planning Guideline (DSPG), if required. Concern was raised in one public submission that lighting along the driveway may result in adverse light spill on neighbouring properties north of the site. Council recommended that light spill mitigation measures be incorporated into the OMP.</p> <p>The Department requested that the Applicant clarify if an outdoor lighting curfew is proposed and if lighting is proposed to the sports field and covered court.</p> <p>In response to comments raised, the Applicant confirmed:</p> <ul style="list-style-type: none"> • no sport field or covered court lighting forms part of this application • all lighting would be subject to a curfew, however, the Applicant did not confirm the curfew time • lighting mitigation measures would be 	<p>The Department considers the proposal would not result in adverse lighting impacts, noting lighting would be designed/installed in accordance with the relevant Australian Standards, no sports field / court lighting is proposed and all lighting would be subject to a curfew to ensure the proposal appropriately manages potential light spill impacts on adjoining residential properties.</p> <p>The DSPG sets out nine principles including eliminate upward spill light, direct light downwards, avoid over-lighting, switch lights off when not required, ensure lights are not directed to reflective surfaces and use energy efficient bulbs, shield fittings, asymmetric beams (for flood lighting) and warm white colours.</p> <p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • lighting comply with the relevant Australian Standards • the lighting be adapted to address the nine principles of the Dark Sky Guideline • the Lighting Report mitigation measures be implemented • confirmation that no approval is granted for sports field / court lighting • the OMP be updated to include lighting mitigation measures • the development be operated in accordance with the OMP. <p>Subject to the above conditions the Department is satisfied that the development would not have adverse lighting impacts.</p>

Issue	Findings	Department's consideration and recommended conditions
	reflected in the future OMP.	
Signage	<p>The application seeks approval for five non-illuminated business identification signs, as summarised at Section 2.5.</p> <p>The Applicant advised the signage would display the school name on Building A and C and individual building names on Buildings E and F. The free-standing pylon sign would include the school name and partnership and funding information.</p> <p>TfNSW recommended that all signage within the site or along the boundary with the road reserve be designed in accordance with the relevant Austroads guidance, Australian Standards and the Transport Corridor Outdoor Advertising and Signage Guidelines 2017.</p> <p>The Applicant has confirmed the proposed signage would be designed in accordance with the relevant guidelines and standards.</p>	<p>The Department has assessed the proposed school signs against the provisions of State Environmental Planning Policy 64 – Advertising Signage (Appendix B) and considers the signs are of an appropriate size, which are proportionate to the overall scale of the development.</p> <p>In addition, as the signage is not proposed to be illuminated it is unlikely to result in any adverse amenity impacts.</p> <p>The Department concludes the proposed signage is acceptable subject to conditions requiring the signage to be installed in accordance with the approved drawings and the relevant guidelines and standards and that no consent is granted for internally illuminated signage.</p>
Native title claim	<p>The proposal is proposed to be built on former Crown land (Section 1.1) which is within the Gomeroi Native Title Claim Area.</p> <p>The Applicant's EIS stated DoE has engaged the representatives of the land claimants, the Kamilaroi/Gamilaroi people, and the Wee Waa Local Aboriginal Land Council to ensure all due process and consultation is followed in relation to any future claims made.</p> <p>Crown Lands advice on the EIS and RtS (received prior to the site acquisition being completed) confirmed that DoE is currently undertaking negotiations to resolve issues relating to the Gomeroi Native Title claim.</p> <p>Council recommended that the Applicant ensure appropriate mechanisms are in place to continue to proactively engage with the Wee Waa Aboriginal Community and Local Aboriginal Land Council to minimise any overarching project risks and ensure community aspirations are met.</p> <p>In response to the comments raised the Applicant confirmed that it has undertaken all necessary consultation with the Native Title claimant and their representatives under the <i>Native Title Act 1993</i> for the acquisition of the Crown Land parcels. The project was</p>	<p>The Department has considered the proposal, the Crowns Lands advice and information provided by the Applicant and is satisfied that the Applicant has undertaken necessary consultation in relation to the acquisition of the Crown Land parcels and that appropriate ongoing consultation would occur in relation to Native Title claim.</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>presented to the claimant group on 23 February 2022.</p> <p>DoE will continue the ongoing consultation and engagement with the Native Title claimant group.</p>	
Social impact	<p>The EIS included a Social Impact Assessment (SIA) that considered the social impacts of the proposal. The SIA found that:</p> <ul style="list-style-type: none"> • construction activities are likely to result in potential negative temporary impacts to adjoining occupier's amenity • new school facilities would result in improved health and wellbeing of students and staff • the Indigenous Cultural Centre would have cultural benefits • community access to school facilities would be of benefit to the township. <p>Overall, the SIA concludes that the proposal would have substantial social benefits as it would provide a much needed high school to cater for the educational, cultural and community needs of the area. Temporary construction impacts can be managed through implementation of construction management plans.</p>	<p>The Department is satisfied that the proposal would have positive social impacts as it would meet the educational, cultural and community needs of the area.</p> <p>Short term impacts arising from the construction phase would be mitigated through construction management plans detailed in Section 6.7.</p>
Development contributions	<p>The application provides for 4,858.9sqm GFA comprising wholly educational establishment floorspace.</p> <p>Council has raised concern the Applicant has not committed to pay development contributions in accordance with the <i>Section 7.12 Fixed Development Consent Levies Contribution Plan 2011</i> (Contributions Plan).</p> <p>Council considers the development should not be exempt for the purposes of the Contributions Plan to ensure appropriate resourcing and so Council can meet community expectations.</p> <p>In response to Council's concern, the Applicant stated that as the site is Crown Land and as the proposal provides for new educational facilities it should be exempt from the requirement to pay development contributions. In addition, the Contributions</p>	<p>The Department notes that Circular D6 'Crown Development Applications and Conditions of Consent' states that Crown activities providing a public service or facility lead to significant benefits for the public in terms of essential community services, and these activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective.</p> <p>The Circular provides that for Educational Services, contributions should only be levied towards funding for drainage (where the proposal is likely to increase site runoff or add to drainage infrastructure needs) or local traffic management at the site entrance, if required. However, the Circular does not apply to Section 7.12</p>

Issue	Findings	Department's consideration and recommended conditions
	<p>Plan states that consideration can be given to request development be exempt from payment of contributions for the purposes of education facilities.</p> <p>Council considered the Applicant's responses in the RtS and SRtS and reiterated that development contributions should be paid.</p>	<p>Contributions Plans such as is relevant here.</p> <p>The Narrabri Shire Section 7.12 Plan makes provisions for the consideration of exemptions for public infrastructure for or on behalf of the NSW Government including education facilities. The Department considers the development has adequately addressed drainage on site and separately as part of the Part 5 process with no cost to Council. The proposal would also not result in adverse traffic impacts as discussed at Section 6.2 requiring Council to upgrade roads.</p> <p>As the development will deliver public infrastructure (new secondary school), community use of facilities together with pedestrian infrastructure upgrades it is reasonable to exempt the development from the payment of development contributions.</p>
Consultation	<p>Concern was raised in public submissions that inadequate public consultation was undertaken.</p> <p>The Applicant confirmed that it undertook a range of community and stakeholder engagements prior to the lodging the application (between February and October 2021).</p> <p>Community consultation activities included creation of public website and project email/contact, online survey, community information session and fact sheets.</p> <p>In addition, the Applicant established and consulted with a Project Reference Group (PRG), including representatives of the Public School, High School, P&C, Aboriginal Educational Consultancy Group, and Council.</p>	<p>The Department exhibited the EIS for total of 28 days in accordance with the statutory requirement under the EP&A Act (Section 5).</p> <p>The Department made the Applicant's RtS and SRtS publicly available on the Department's website and considered all submissions received in its assessment (Section 6).</p> <p>The Department is satisfied that sufficient community consultation has occurred, and the community has had sufficient opportunity to comment on the proposal.</p> <p>Notwithstanding the above, to ensure adequate community consultation throughout and during construction the Department recommends a condition requiring the preparation and implementation of a Community Communication Strategy to be established prior to commencement of construction and continued for a period of 12 months following completion of the development.</p>

Issue	Findings	Department's consideration and recommended conditions
Property values and subdivision	<p>Concern was raised in the public submissions that the proposal would have an adverse impact on property values and prevent subdivision of adjoining land.</p> <p>In response to the concerns raised the Applicant has stated the value of adjoining land is not a planning consideration, there is no predetermined subdivision pattern for the township and subdivision is to be considered by private landowners.</p>	<p>Matters relating to the private contracts of sale and/or value of properties are not planning matters. Objections based on loss of property value are not able to inform the assessment of the application under the EP&A Act.</p> <p>The Department has considered the merits of the proposal at Section 6 and concludes the development is acceptable subject to conditions.</p> <p>The school buildings include generous setbacks from shared boundaries and, subject to conditions, would not result in adverse traffic or amenity impacts. The Department concludes the proposal would not unreasonably impact on potential future adjoining land subdivision.</p>

6.8 Summary of Department's consideration of public submissions

A summary of the Department's consideration of the issues raised in public submissions is provided at **Table 11**.

Table 11 | Department's assessment of issues raised in public submissions

Issue raised	Department's consideration
Building height and visual impact	<p>The site is not subject to building height or floor space ratio development standards under the NLEP. The height and scale of the development is considered acceptable as it is not dissimilar to the heights of surrounding low density development and would fit within the established character and context of this part of the Wee Waa township (Section 6.4).</p> <p>In addition, buildings have been spread out across the eastern half of the site, which ensures building heights have been minimised and would not result in any adverse amenity or heritage impacts (Section 6.7).</p> <p>The Department considers the buildings achieve a high standard of design, materiality and appearance and would not have an adverse impact on the character of the locality or surrounding streetscapes. In addition, the building achieves a high internal amenity and whole of life flexibility and adaptability in accordance with the Design Quality Principles for schools.</p> <p>The Department concludes the proposal has balanced the reasonable developable potential of the site and the need to cater for the demand for secondary school enrolments in the area (Section 6.4).</p>
Tree removal and replacement	<p>The Department acknowledges the proposal would result in direct impacts by removing 1.49ha of native vegetation located at the eastern end of the site. The</p>

Issue raised	Department's consideration
	<p>Department has reviewed the submitted BDAR and considers that the impacts of removing the vegetation are considered acceptable noting the Applicant has committed to retire / purchase 37 ecosystem and 37 species offset credits prior to the commencement of clearing of any vegetation (Section 6.5.1).</p> <p>The proposal seeks approval for the removal of 31 existing trees. The Department has concluded the removal of 22 of the 31 trees for removal are acceptable and unavoidable due to the location of proposed buildings and associated works. However, two of the 31 trees for removal do not conflict with the development and the Department has recommended a condition requiring these two trees be retained and protected during the construction phase of the development (Section 6.5).</p> <p>The proposal includes the provision of 78 replacement trees including 58 native and 20 non-native trees. The Department considers the proposed proportion of non-native replacement trees (26%) is too high and that the proposal does not include sufficient number of native Coolabah trees to offset those removed. The Department therefore recommends conditions requiring the number of replacement trees be increased to no less than 106, with no more than 11 non-native trees and an include an additional 28 native Coolabah trees.</p>
Boundary fencing	<p>The Department notes the Applicant met with the owners of 32 Boundary Street and 41 George Street to agree amendments to the proposed school fencing along the northern boundary of the site.</p> <p>The Application was subsequently amended to retain existing fencing and install new fencing setback from the northern boundary and including a landscaped buffer. In addition, the Applicant committed to continue to negotiate with the owner of 41 George Street about the final design of the proposed fencing.</p> <p>The Department supports the revised fencing design and location and recommends a condition requiring the fencing be installed in accordance with the proposal and the final design of the fence adjoining 41 George Street be agreed with the owner of that property.</p>
Site contamination	<p>The Department has considered the findings of the site investigations and the recommendations of the RAP and is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for its use as an educational establishment, as required by State Environmental Planning Policy No 55 – Remediation of Land.</p> <p>The Department recommends conditions relating to the implementation of RAP mitigation measures, Site Audit Statement and Environment Management Plan, classification and appropriate disposal of waste (including consultation with Council) and subsequent site validation.</p>
Site selection	<p>The Department has considered the Applicant's alternative sites, including but not limited to the former Wee Waa school site and the showgrounds site.</p> <p>The Department agrees the alternative sites are inappropriate for the proposed school development due to existing constraints, zoning permissibility and lack of co-location with the primary school.</p> <p>The Department considers the application site is an appropriate site for the development as it has sufficient street frontages and access, school development is permissible on the site, it is co-located with the primary school which allows the</p>

Issue raised	Department's consideration
	sharing of facilities and the land is owned by the Applicant (Section 6.7).
Operational and construction noise	The Department considers that the noise and vibration impacts during operation and construction of the development can be adequately mitigated or managed through the recommended conditions (Section 6.3).
Amenity impacts (overlooking and light spill)	<p>The Department has considered the proposed development against the recommended amenity standards within the Apartment Design Guide (as a guide) and concludes the proposal would not result in unacceptable overlooking of neighbouring properties and is therefore acceptable as:</p> <ul style="list-style-type: none"> • school building windows are setback between 21m and 32m from the shared site boundary with 41 George Street • no windows are opposite 32 Boundary Street and fencing along the northern boundary would prevent overlooking at eye-level to 32 Boundary Street. <p>The Department has recommended the Applicant prepare and implement an OMP to ensure the school operation does not have unacceptable amenity impacts on neighbouring properties.</p> <p>Any lighting to buildings and spaces outside the standard school hours would be subject to a 10pm curfew and is therefore unlikely to result in adverse light spill subject to compliance with relevant Australian Standards (Section 6.7).</p>
Flooding impact to 32 Boundary Street	<p>The proposal and separate Part 5 works include flooding and drainage improvements that would result in the 32 Boundary Street property being almost entirely free of inundation during the 20% AEP event and reduce flooding during more extreme flood events.</p> <p>The Department concludes the proposal would not cause any adverse off-site flood impacts (Section 6.7).</p>
Access across the site to adjoining properties	<p>Title searches have confirmed no easements exist providing legal access across the site to neighbouring properties. In addition, if vehicle access was provided this would result in significant redesign of the development and potential loss of open space, playing fields and school accommodation.</p> <p>The Department therefore concludes rear access to properties along the northern boundary of the site is not required or appropriate.</p>
Consultation	<p>The Department is satisfied that sufficient community consultation has occurred and the community has had sufficient opportunity to comment on the proposal (Section 6.7).</p> <p>A condition is recommended requiring the preparation of a Community Communication Strategy , which will facilitate ongoing consultation with the community.</p>
Property values and subdivision	<p>The Department notes that matters relating to the private contracts of sale and/or value of properties are not planning matters.</p> <p>In addition, the Department has considered the merits of the proposal and concludes the development is acceptable and would be unlikely to have an adverse impact on future land subdivision (Section 6.7).</p>

7 Evaluation

The Department has reviewed the EIS, RtS, SRtS, RRFI and assessed the merits of the proposal, taking into consideration the issues raised in the submissions including Council and advice from Government agencies. The key issues identified by the Department with the proposal include traffic and parking, noise, built form and tree removal and replacement. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department concludes the impacts of the development are acceptable and can be mitigated through the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The new school includes a student capacity of approximately 200 students and would result in minimal impacts to the surrounding road network through the provision of on site car and bicycle parking, formal on-street Pick-up/drop-off, bus bay areas, new pedestrian footpaths, a pedestrian crossing across Mitchell Street / Kamilaroi Highway and implementation of the Green Travel Plan / School Travel Plan.

The school buildings would be setback from the site boundaries, include extensive landscaping and are contextually appropriate for the locality. The proposal would not result in adverse amenity impacts on surrounding residents through noise, overshadowing, visual privacy or school fence design or locations. The Department is satisfied the landscape strategy for the site is acceptable, subject to conditions requiring a reduction in tree removal to a maximum of 29 trees and an increase in tree replacement to a minimum of 106, including a maximum of 11 non-native trees and minimum of 44 Coolabah trees. Biodiversity impacts resulting from the removal of 1.49ha of native vegetation would be appropriately offset by the purchase of 37 ecosystem and 37 species credits and via biodiversity management measures during the construction and operational stages.

The proposal includes appropriate on site flood and drainage infrastructure and the Applicant has demonstrated that the proposal would not cause detrimental increases in flood affectation of surrounding properties. Risks from flooding would be appropriately addressed through the preparation and implementation of a Flood Emergency Management Plan. Construction impacts have been considered and the Department is satisfied impacts can be addressed through appropriate management and mitigation measures.

The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. The proposal is considered to be in the public interest as it would provide the following public benefits:

- provision of educational facilities to meet the needs of the existing school population as well as future increases in student enrolments to cater for population growth in the area
- investment of \$30,647,789 to deliver approximately 150 construction jobs and 11 additional operational jobs
- use of the school facilities by the community outside of school hours including use of the Indigenous Cultural Centre by the local Aboriginal community as a designated space to practice culture.

Consequently, the Department considers the development is in the public interest and is recommended for approval subject to conditions.

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the Wee Waa High School project (SSD 21854025), subject to the conditions
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

Reviewed by:

Tuong Vi Doan

Planning Officer

Social and Infrastructure Assessments

Recommended by:



Tahlia Alexander

Team Leader

School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Karon Harragon', with a stylized, cursive script.

Karon Harragon

Director

Social and Infrastructure Assessments

Appendices

Appendix A – List of Referenced Documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. Environmental Impact Statement
<https://pp.planningportal.nsw.gov.au/major-projects/projects/new-wee-waa-high-school>
2. Submissions
<https://pp.planningportal.nsw.gov.au/major-projects/projects/new-wee-waa-high-school>
3. Applicant's Response to Submissions
<https://pp.planningportal.nsw.gov.au/major-projects/projects/new-wee-waa-high-school>
4. Applicant's Supplementary Response to Submissions and additional information
<https://pp.planningportal.nsw.gov.au/major-projects/projects/new-wee-waa-high-school>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

As discussed at **Section 4.4.1** since the submission of the EIS, all SEPPs have been consolidated into 11 policies. However, the SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the EIS was submitted.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)
- Narrabri Local Environmental Plan 2012 (NLEP).

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of this SEPP are to identify state significant development (SSD) and state significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

An assessment against the relevant considerations of the SRD SEPP is provided in **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant sections	Consideration and comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: a) the development on the land concerned is, by the operation of an environmental planning	The proposed development is permissible with development consent. The proposal is for a new school under clause 15(1) of Schedule 1 of the SRD SEPP that was in force at	Yes

Relevant sections	Consideration and comments	Complies
instrument, not permissible without development consent under Part 4 of the Act, and b) the development is specified in Schedule 1 or 2.	the time the application was made on 9 November 2021.	

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant Government agencies about certain development during the assessment process.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table B2**.

Table B2 | Consideration of the relevant provisions of Infrastructure SEPP

Clause(s)	Consideration and comment
98 – 104 Development in or adjacent to road corridors and road reservations	<p>The development has frontage onto a classified road (Mitchell Street). In accordance with clause 101(2) of the Infrastructure SEPP, the consent authority must be satisfied that, where practicable and safe, vehicular access is to be provided by a road other than the classified road and that the development would not impact on the safety, efficiency and ongoing operation of the classified road.</p> <p>The Department has considered potential traffic impacts at Section 6.2 and is satisfied the development would not have a significant impact on the surrounding road network. The proposal provides for appropriate vehicle access arrangements and it is considered that there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified roads.</p> <p>The Department has consulted with TfNSW being the relevant roads authority for the classified road network. Department has considered TfNSW's submission (Section 6.2).</p>

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

The permissibility of the development under clause 35(1)(2) and (3) of the Education SEPP is discussed at **Section 4**.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is state significant development even though the proposal would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The Department has considered the relevant clauses of the NLEP later in this Appendix, no development standards apply to the site.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application was referred to TfNSW (incorporating Road and Maritime Services) in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B3**.

Table B3 | Consideration of the Design Quality Principles

Design Principles	Response
Principle 1 - Context, built form and landscape	<p>The site planning provides good aspect for the learning areas and for maximising light to play areas. The height and scale of the development is acceptable and appropriate within its setting.</p> <p>The school buildings are articulated, include appropriate materials and overall achieve a high standard of architectural design and appearance. Buildings are setback from the street, are of a similar height to the surrounding residential dwellings and will fit into the surrounding urban context.</p> <p>Proposed retained and replaced trees together with new landscaping contribute to softening the visual impact of the development (Section 6.4).</p>
Principle 2 - Sustainable, efficient and durable	<p>The proposal has been designed with consideration of ESD principles and the materials chosen are durable and require low maintenance. The Applicant is targeting measures to achieve a 4-Star Green Star rating or equivalent (Section 4.4.3).</p> <p>Bicycle parking is provided to encourage sustainable modes of travel. Conditions are recommended requiring the preparation and implementation of a Green Travel Plan prior to the operation of the facilities (Section 6.2).</p>
Principle 3 - Accessible and inclusive	<p>The proposal has been designed to be accessible and inclusive through the provision of a lift and accessible paths of travel from the site boundaries up to and around the school buildings.</p> <p>The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.</p> <p>The Applicant intends that school facilities would be made available for community use, activities after school and during the weekends (Section 6.7).</p>
Principle 4 - Health and Safety	<p>The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.</p> <p>The buildings have been designed to maximise access to natural light and ventilation. In addition, buildings are surrounded by landscaping to benefit the health and well-being of students, staff and visitors.</p>
Principle 5 - Amenities	<p>The proposal would not unreasonably impact on the amenity of adjoining residential properties through operational noise, overshadowing or overlooking impacts (Sections 6.3.1 and 6.7).</p> <p>The proposal provides a variety of internal and external learning places for both formal and informal educational opportunities. In addition, buildings maximise access to natural light and ventilation to the indoor areas of the school, while the landscaping and covered outdoor areas provide ample shaded areas for students and staff use.</p>
Principle 6 - Whole of life, flexible, adaptable	<p>The buildings would allow for long term flexibility through the provision of flexible formal and informal learning areas to adapt to future learning requirements.</p>

Design Principles	Response
Principle 7 - Aesthetics	<p>The buildings achieve a high standard of design and appearance and provide a coherent overall architectural composition and would positively contribute to the surrounding streetscapes. The proposal offers an articulated and dynamic built form with clear entry points and wayfinding. The Department supports the use of materials and modern design of the development (Section 6.4).</p> <p>The proposal includes tree retention and replacement planting and extensive hard and soft landscaping treatments. The proposed removal of 29 existing trees is unavoidable and acceptable subject to the retention of an additional two trees and provision of a minimum of 106 replacement trees (Section 6.5).</p>

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. As detailed at **Section 6.7**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the use as an educational establishment as required by SEPP 55.

The Department recommends conditions relating to the implementation of RAP mitigation measures, Site Audit Statement and Environment Management Plan, classification and appropriate disposal of waste (including consultation with Council) and subsequent site validation. A LEMP was not considered necessary at this stage, however, a LEMP would be required should site validation deem this necessary.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes five business identification signs. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B4** demonstrates the consistency of the proposed signage with these assessment criteria.

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are contemporary in design, would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	Yes

Assessment Criteria	Comments	Compliance
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline and would not impact the quality of any views or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	Proposed signs would not impact on existing views experienced by others or existing advertising rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs would complement the design of the development and contribute to the visual interest of the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs is appropriate for the streetscape and setting within which it is proposed.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would sit well below the height of proposed adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are of appropriate proportions to the scale / size of the development.	Yes
Does the proposal respect important features of the site or building, or both?	The sign is appropriately located at the site entrances at first floor levels of buildings and	Yes

Assessment Criteria	Comments	Compliance
	would not impact on any other important features of the site.	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage has been fully integrated into the design of the development	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the signs. No logos are proposed.	Yes
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7 Illumination

Would illumination result in unacceptable glare?	The application does not seek approval for the illumination of the signage.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable.	N/A
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	N/A
Is the illumination subject to a curfew?	Not applicable.	N/A

8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Extensive views of the footpath and entrance area would still be available.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

The sustainability provisions for non-residential development include:

- embodied emission measurement and reporting for all developments
- energy standards for large commercial development with energy performance to be verified after the building is occupied and offsets purchased for residual emissions

- minimum water standards for large commercial development
- certain developments to be 'all electric' or capable of converting to operate without fossil fuels by 2035.

The Sustainable Buildings SEPP and associated amendments to Environmental Planning and Assessment Regulation 2021 and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 will commence on 1 October 2023. Savings and transitional provisions have been included so that the Sustainable Building SEPP does not apply to development applications that have already been submitted, but not yet determined by the commencement date. Therefore the Sustainable Buildings SEPP is not applicable to the assessment of the subject SSD application.

Narrabri Local Environmental Plan 2012 (NLEP)

The NLEP aims to provide a choice of living opportunities and types of settlements, facilitate a range of business enterprise and employment opportunities, ensure development is sensitive to both the economic and social needs of the community of the Narrabri local government area. The NLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the NLEP and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the NLEP. Consideration of the relevant clauses of the NLEP is provided in **Table B5**.

Table B5 | Consideration of the NLEP

NLEP Clause	Department Comment/Assessment
Clause 2.1 Land Use Table (R1 General Residential Zone)	Educational establishments are not permissible with consent within the R1 zone. However, the proposal is permissible with consent under clause 35(1)(2) and (3) of the Education SEPP (Section 4.2).
Clause 4.3 Building height	The site is not subject to building height or FSR controls. The Department has considered the design and built form of the development at (Section 6.4).
Clause 4.4 Floor Space Ratio	
Clause 5.10 Heritage conservation	There are no heritage impacts arising from the proposed works. No known Aboriginal archaeological sites or objects, or Aboriginal places of significance are located within the site boundary (Section 6.7).
Clause 5.21 Flood Planning	<p>The Department has considered the matters contained in Clause 5.21(3) and is satisfied the proposal has been designed to appropriately respond to flood risks including projected changes as a result of climate change. The proposed development incorporates measures to minimise risk to life, subject to conditions, including the preparation of a Flood Emergency Management Plan to ensure the safe evacuation of students and staff. This is discussed further at Section 6.6.</p> <p>Necessary major flood mitigation works under the Part 5 works were determined by the DoE on 19 May 2022, as discussed at Section 6.6.</p>

NLEP Clause	Department Comment/Assessment
Clause 6.1 Earthworks	Earthworks are proposed to facilitate the development. The Department has considered the earthworks and concludes they are acceptable subject to the implementation of the CEMP (Section 6.7).
Clause 6.5 Essential Services	The development includes appropriate connections to essential services, including water, electricity, sewer, stormwater drainage and vehicle access.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to state significant development.

Appendix C – Recommended Instrument of Consent

The recommended instrument of consent can be found on the Department's website as follows.

<https://pp.planningportal.nsw.gov.au/major-projects/projects/new-wee-waa-high-school>