

Proposed New K-12 Educational Establishment

BLESSED CARLO CATHOLIC COLLEGE

Corner of Lignum Road and Kiely Road, Moama

MANDATORY MATTERS FOR CONSIDERATION

To satisfy the requirements of section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the EIS takes into consideration the references to statutory requirements relevant to the proposal.

1 COMMONWEALTH CONTROLS

1.1 Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides a national framework for environmental protection and management of nationally and internationally important flora, fauna, ecological communities, and heritage places defined as “matters of national environmental significance” (MNES). A referral must be made to the Australian Government Minister for the Environment for actions that are likely to have a significant impact on MNES.

The proposal is not likely to have a significant impact on MNES, and therefore a referral to the Minister for the Environment is not required. This is confirmed in the *Biodiversity Development Assessment Report (Ozark 2022)* – see section 8 of Appendix K.

2 STATE CONTROLS

2.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 is the principal planning legislation from which development activity is considered. Environmental Planning Instruments (State Environmental Planning Policies, Regional Environmental Plans, and Local Environmental Plans) are generated and implemented under this Act, together with other legislative planning procedures and documents including strategic planning, development assessment, certification of development, enforcement and other administrative planning functions. The objects of the Act are outlined in the table below:

Table 1: Section 1.3 Relevant objects of the Act

Objects	Comment
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal will promote the social and economic welfare of the community by providing modern educational facilities for local staff and students. Construction of the establishment will promote economic welfare on a local and regional scale while its operation will improve educational services for community members of the Murray River Council local area.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	The proposal includes measures to deliver Ecologically Sustainable Development (ESD). See section 6 of EIS for detailed response.
<i>(c) to promote the orderly and economic use and development of land</i>	The proposal promotes the orderly and economic development and use of the land as it is permissible and will improve the educational demand for facilities. The subject land is within a designated urban release area endorsed within the Moama North West Strategic Plan.
<i>(d) to promote the delivery and maintenance of affordable housing,</i>	Not applicable. No housing proposed.
<i>(e) to protect the environment, including the conservation of threatened and other species of</i>	The proposal has been designed and will operate with minimal impact on the environment. A comprehensive

<i>native animals and plants, ecological communities and their habitats</i>	ecological and biodiversity investigation report accompanies the EIS.
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	The proposal will not affect European heritage items. Aboriginal heritage on site will be managed in accordance with recommendations of the Aboriginal Cultural Heritage Assessment Report that accompanies the EIS.
<i>(g) to promote good design and amenity of the built environment</i>	The proposal promotes good design and amenity of the built environment. The design response for this project has had reference to current GANSW design guides, including feedback from the SDRP.
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The proposal has been designed in compliance with relevant regulations, standards and codes. This is confirmed with the accompanying BCA and other engineering reports/plans that accompany the EIS.
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The SSD application will be prepared, submitted, and assessed in accordance with the relevant provisions of the EP&A Act, which will allow for the appropriate input and responsibility of multiple levels of government.
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>	Community participation will be invited in accordance with the relevant provisions of the EP&A Act. Draft of the proposal has including preliminary community consultation which has helped in form the design process.

2.1.1 Ecologically Sustainable Development Principles

A particular aim of the Environmental Planning and Assessment Act encourages all development to consider the principles of ecologically sustainable development (ESD).

A number of principles underpin ESD including:

- The precautionary principle.
- Intergenerational equity.
- Biodiversity and ecological diversity.
- Improved economic valuation including environmental factors.

The development satisfies the ESD principles and has been discussed further within Section 6 of the EIS. Factors relating to Energy and Water management have been discussed throughout the ESD report conducted by JN (Appendix S).

2.1.2 Section 4.15 Matters

The table below lists relevant section 4.15 evaluation matters for consideration:

Table 2: Matters for consideration under section 4.15

Objective	Comment
<i>Any environmental instrument and proposed instrument</i>	Satisfied. Consideration of relevant EPI's is outlined below.
<i>Any development control plan</i>	Not applicable. Clause 2.10 of the SEPP Planning Systems 2021 states that DCP's do not apply to SSD.
<i>Any planning agreement</i>	Not applicable. There are no known planning agreements applicable to the development proposal.
<i>The regulations</i>	Satisfied. The application meets the relevant requirements if the EP&A Regulation. See discussion below.
<i>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Satisfied. The impacts of the proposal are outlined in section 6 of the EIS.
<i>The suitability of the site for the development</i>	Satisfied. The site is considered suitable for the development based on the environmental assessment in the EIS.
<i>Any submissions</i>	Satisfied. Consideration has been given to the submissions received during the community consultation period. Further consultation will occur as part of the formal development assessment process.
<i>The public interest</i>	Satisfied. The public interest is supported with this application as the proposal is in accordance with the publicly endorsed strategies, legislation, planning policies

	and guidelines to ensure compatible and sustainable development on the site and within the facility. See further discussion on public interest matters in Section 7 of the EIS.
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2.2 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) provides a framework for addressing impacts on biodiversity from development and clearing through the Biodiversity Offsets Scheme (BOS). Section 7.9 of the BC Act requires State Significant Development to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless an exemption is approved. The proposal involves 4.85 ha of clearing which triggers the BOS threshold of 0.25 ha and BDAR assessment.

A BDAR assessment has been completed and attached as Appendix K. The report founded that *"no significant impact to any threatened entity likely to result in the extinction of a local population was identified"* (Ozark 2022). The site comprises up to 0.46 ha of a BC Act listed Endangered Ecological Community (EEC) which will be removed and requires 32 Species Credits to be offset. No significant impact is likely to any threatened entity and any impact will be adequately mitigated.

2.3 Environmental Planning and Assessment Regulation 2021

Part 8 Division 5 of the Regulations sets out the criteria for the content and procedures in relation to EISs to be prepared for this type of development proposal. The relevant Secretary's Environmental Assessment Requirements (SEARs) from NSW DPIE have been acquired and form the basis of the structure of the EIS. Further detail that clarifies the EIS reporting responses to the SEARs is provided at Appendix A.

2.4 State Environmental Planning Policies (SEPPs)

The proposed development is subject to the provisions of the SEPPs as listed below.

Table 3: Applicable SEPPs

Policy	Comments
State Environmental Planning (Primary Production) 2021	Applicable, not relevant.
State Environmental Planning (Resources and Energy) 2021	Applicable, not relevant.
State Environmental Planning (Vegetation in Non-Rural Areas) 2017	Applicable, not relevant.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 4 – Koala habitat protection 2021 is applicable and relevant. See discussion below. Chapter 5 – River Murray lands is applicable and relevant. See discussion below.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applicable, not relevant.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applicable, not relevant.
State Environmental Planning Policy (Housing) 2021	Applicable, not relevant.
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2 – State and Regional Development is applicable and relevant. See discussion below.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 – Remediation of Land is applicable and relevant. See discussion below.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 3 – Educational Establishments and Child Care Facilities is applicable and relevant. See discussion below.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Applicable, not relevant.
Draft State Environmental Planning Policy (Environment)	Applicable, not relevant.
Draft State Environmental Planning Policy (Remediation of Land)	Applicable and relevant. See discussion below.

2.4.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 – Koala habitat protection 2021

Chapter 5 of the SEPP (Biodiversity and Conservation) 2021 encourages the conservation and management of natural vegetation areas that provide habitat for Koalas to ensure that permanent populations will be maintained. Murray River Council LGA is listed in Schedule 2 as a local government area to which the SEPP applies. The BDAR report by Ozark and assessment undertaken as part of site investigations did not record Koala habitat or the presence of any resident populations.

Chapter 5 - River Murray Lands

Chapter 5 of the SEPP (Biodiversity and Conservation) 2021 seeks to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

There are no wetlands on the subject land however, the floodplain wetlands associated with the Murray River extend into the study area. The Murray River is a minimum of 1.3km from the subject land and any indirect sediment runoff impact poses no threat to the riverine environment provided appropriate mitigation measures are implemented during construction.

2.4.2 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 - State and Regional Development

The aims of chapter 2 in the SEPP (Planning Systems) 2021 are to identify development that is of state and regional significance. Clause 2.6 specifies that development is declared State Significant Development (SSD) if it is defined in Schedule 1 and not permissible without consent. Educational establishments are identified in Clause 15 of Schedule 1:

Development that has a capital investment value of more than \$20 million that—

- (a) is for the purpose of a new school, or*
- (b) involves the erection of a building for an existing school on land that, immediately before the commencement of the development, was not used for the purposes of a school.*

The development is for the purpose of a new school and will involve a capital investment of more than \$31 million, therefore, the proposal is considered a SSD and the Minister for Planning will be the consent authority for this application.

2.4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The objective of chapter 4 in the SEPP (Resilience and Hazards) 2021 is to provide a Statewide planning approach to the remediation of contaminated land. Clause 4.6 states that prior to development consent on the land, the consent authority must consider the contaminated status of the subject land. A DSI was undertaken at the subject site and attached as Appendix I which identified that there is a low risk of contamination.

An 'Unexpected Finds Protocol' will be established for use during earthworks, to ensure that due process is carried out in the event of a possible contaminated find.

2.4.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 - Educational Establishments and Child Care Facilities

Chapter 3 of the the SEPP (Transport and Infrastructure) 2021 seeks to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The table below provides an assessment of the proposal against relevant clauses, as extracted from the SSDA Architectural Report (CHC 2020) that accompanies the EIS.

Table 4: Schools - Specific Development Controls

Clause	Comment
3.36 Schools – Development permitted with consent	

<i>(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.</i>	Complies. The subject site is zoned R1 General Residential which is a prescribed zone.
<i>(6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration— (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</i>	Complies. a) The design quality principles are addressed below, b) the proposed development proposes to share facilities with the community.
<i>(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.</i>	Noted.
3.43 State significant development for the purposes of schools – application of development standards in environmental planning instruments	
<i>Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.</i>	Not applicable. The proposal does not contravene a development standard imposed by this or any other planning instrument.
3.58 Traffic-generating development controls	
<i>Development for the purposes of an 'educational establishment' that will accommodate 50 or more students and will involve the development of a new premises on a site that has direct vehicular or pedestrian access to any road requires referral to the RMS.</i>	The proposed development will accommodate more than 390 students and will involve a new premises on site that has direct vehicular or pedestrian access to any road. Consultation with TfNSW has been undertaken and considered.
Schedule 8 Schools – Design quality principles	
Principle 1 – Context, built form and landscape	<p>The school is designed to respond and enhance the experience of the site's natural green space. Classrooms are designed to orient themselves to exterior learning environments and are completely openable to the outdoors.</p> <p>The design and spatial organisation of the site responds to solar amenity – with learning modules arranged in a series of block forms for optimum solar capture and response.</p> <p>Landscape is designed to orientate into the centre of the school – with biophilic elements drawn into learning spaces and shared facilities.</p> <p>The overall proposal is oriented and positioned to retain as many of existing trees as possible, as an asset to enhance the experience of the future centre.</p>
Principle 2 – Sustainable, efficient and durable	<p>The design of the school pavilions incorporates at its core sustainable environmental principles. The Skillion roof design encourages water capture, energy consumption and passive ventilation strategies, while maintaining connectivity to the green space surrounding the new precinct.</p> <p>The school's resolution of elements and use of materiality takes into account durability resilience. A masonry base enables touchable surfaces to line the passive and active recreation areas.</p>

<i>Principle 3 – Accessible and inclusive</i>	The design of the school from first principles is designed to consider diverse needs by students. The site is relatively flat and through equitable design, the spaces have been designed in a way which is accessible to all, internally and externally. There is a seamless transition between the buildings and the landscape especially around the learning spaces, a continuity that only enhances pedagogy and learning opportunities. Where we have a proposed 2nd storey in the high school, there is a lift proposed for students and staff who require it and it is centrally located to all spaces for ease of access.
<i>Principle 4 – Health and safety</i>	Front of mind in the new design for the new schools is child safety and protection - with the school facilities designed to maximise passive surveillance and security for both staff and students. The intention of the open plan and operability/flexibility of the spaces allows for constant visual connection to all spaces and reduces dark corners and nooks.
<i>Principle 5 – Amenity</i>	<p>The shared schools lobby is designed to accommodate entry by parents, carers and students onto the grounds to reinforce the sense of community within the facilities. Soft furnishings and additional amenity have been provided to encourage long-stay by visitors, enabling families to further interface with the facility.</p> <p>The hall is intended as a facility that further enables the schools' community interaction; with the space designed to be serviced by the reheat kitchen/canteen. This highly flexible learning area is intended to facilitate family events – ie. Mothers' day morning teas, fathers' day celebrations, book week events and easter parades - - Where parents and carers actively participate in the event with the children.</p> <p>Amenity for the children is designed into the very framework of the learning facilities and includes equal access to the outdoors, considered daylight and learning space orientation, along with play areas for all abilities.</p> <p>Staff amenity is also front of mind - with shared facilities strategically located near reception and learning buildings.</p>
<i>Principle 6 – Whole of life, flexible and adaptive</i>	<p>The modular approach to the learning spaces throughout both of the schools encourages future use and flexibility of the spaces, and further adaption throughout the life time of the school.</p> <p>These learning spaces are highly specialised due to the in depth acoustic and visual requirements and therefore cannot be completely open or agile in comparison to a normal school.</p> <p>The learning module in itself however maintains a flexible interior and may be utilised in an 'agile way.'</p>
<i>Principle 7 - Aesthetics</i>	<p>The architectural realisation of the school is to take into account best practice environments for students. These approaches are highlighted through a 'domestic' approach to construction - or 'human scale' to the facilities.</p> <p>Skillion roofs are maintained as the consistent language throughout the learning areas.</p> <p>Apertures to the learning spaces are realised through sliding glazed doors and folding windows; with practical activity areas externalised to encourage workshopping to occur undercover, outdoors.</p>

2.4.5 Draft State Environmental Planning Policy (Remediation of Land)

The draft SEPP (Remediation of Land) contains content that is not dissimilar to the gazetted SEPP. Additional provisions to be added in the updated SEPP (Remediation of Land) are included in an explanation of intended effect from January 2018 which requires:

- All remediation work that is carried out without development consent to be reviewed and certified by a contaminated land consultant.
- Categorisation of remediation work based on the scale, risk and complexity of the work.
- Environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of an on-site remediation measures to be provided to Council.

The DSI provided as Appendix I confirms remediation is not required at the site and it is suitable for the proposed use.

3 REGIONAL CONTROLS

There are no regional statutory controls applicable to the site and proposal.

4 LOCAL CONTROLS

4.1 Murray Local Environmental Plan 2011

The subject land falls within the boundaries of Murray Local Environmental Plan 2011 (MLEP). Under the LEP definitions, the proposed land use of the site is defined as a "educational establishment" as follows:

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

- (a) a school"

The consent authority for the purpose of administering the LEP is Murray River Council. However, as determined under the provisions of the EP&A Act, Regulations and SEPP (Planning Systems) for this proposal, the Minister for Planning will consider and determine the SSD application on behalf of Council.

The aims of the LEP in clause 1.2 are listed in the table below together with comments on the proposal's consistency:

Table 5: Aims of the MLEP 2011

Aim	Comment
<i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts</i>	Satisfied. The proposal promotes the use of the land for arts and cultural activity, including music and performance arts, within the school facilities.
<i>(a) to encourage sustainable economic growth and development within Murray</i>	Satisfied. The proposal encourages economic growth in within the Murray through the generation of additional employment for teachers while supporting the next generation of students.
<i>(b) to encourage the retention of productive rural land in agriculture</i>	Satisfied. The proposal retains productive land in agriculture by utilising residential zoned land.
<i>(c) to identify, protect, conserve and enhance Murray's natural assets</i>	Satisfied. The proposal identifies, protects, conserves and enhances Murray's natural assets by utilising compatible residential land.
<i>(d) to identify and protect Murray's built and cultural heritage assets for future generations</i>	Satisfied. The proposal identifies and protects Murray's built and cultural heritage assets for future generations by utilising compatible residential land.

(e) to allow for the equitable provision of social services and facilities for the community	Satisfied. The proposal allows for equitable provisions of social services and facilities by providing a new educational establishment for the community.
(f) to encourage and focus growth in the Moama and Mathoura townships	Satisfied. The proposal encourages and focuses growth in the Moama townships by providing a new and modern educational establishment for current and future students of the community, with a designated urban release area.
(g) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area	Not applicable. No tourist or visitor accommodation proposed.

Land Zoning

The subject site is zoned R1 – General Residential and has a minimum lot size of 450m2.

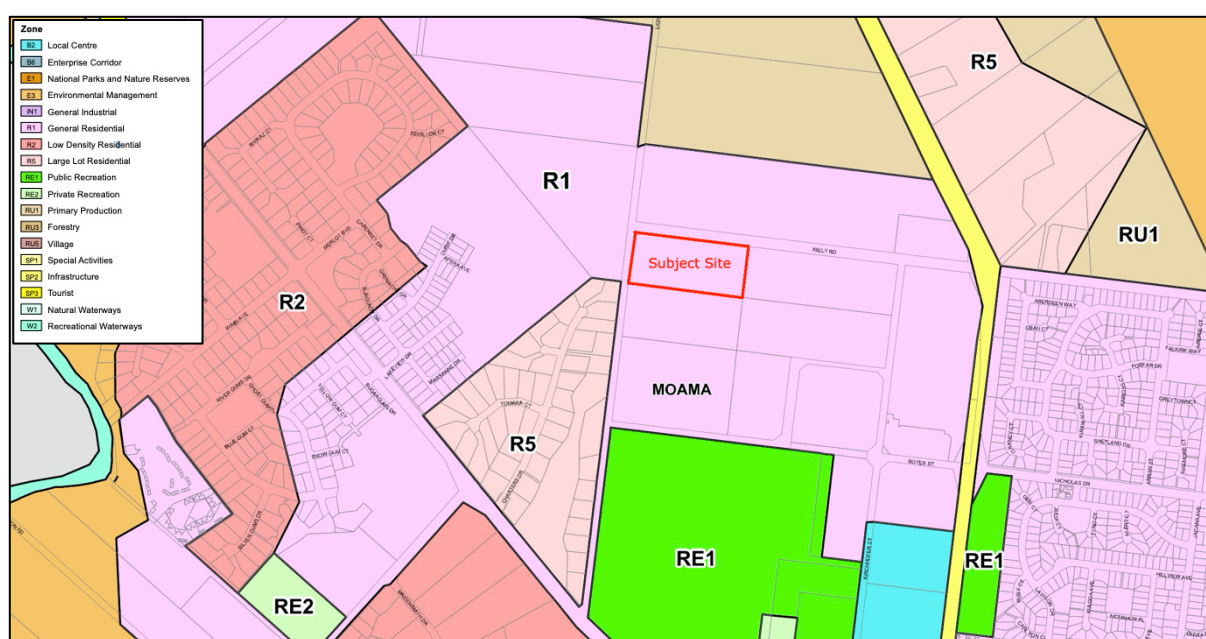


Figure 1: Land Zoning Map Sheet LZN_006B (MLEP 2011)

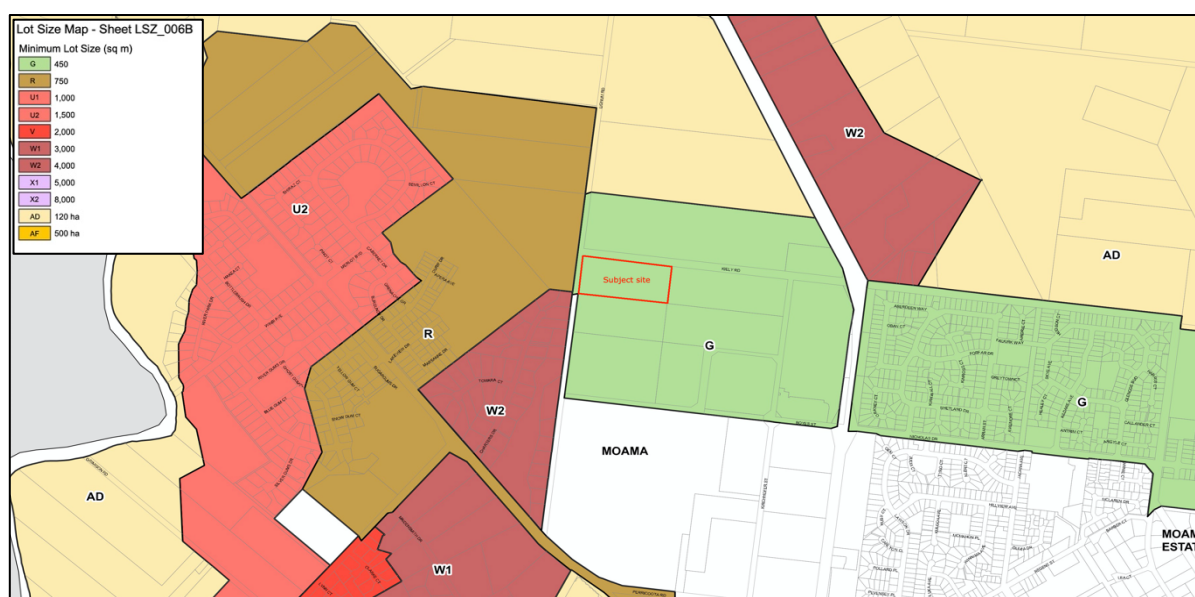


Figure 2: Land Zoning Map Sheet LZN_006B (MLEP 2011)

The zone objectives and land use table alongside the proposal are to be satisfied in accordance with clause 2.3 of the MLEP 2011. The R1 zone has been considered below:

Table 6: Land Use Table

R1 – General Residential	
1 Objectives of the zone	Comments
<i>To provide for the housing needs of the community</i>	Not relevant. Proposal is for an educational establishment.
<i>To provide for a variety of housing types and densities</i>	Not relevant. Proposal is for an educational establishment.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i>	Consistent. The proposal provides a compatible facility that services the educational needs of residents.
<i>To avoid potential land use conflict and protect the amenity of residents</i>	Consistent. The proposal appropriately responds to the surrounding residential dwellings and preserves their amenity through appropriate setbacks and building colours. The proposal also allows for appropriate setback for existing agricultural activities to minimise any potential land use conflict.
<i>To provide for tourist and visitor accommodation in appropriate locations</i>	Not relevant. Proposal is for an educational establishment.
2 Permitted without consent	
<i>Environmental protection works; Home occupations</i>	
3 Permitted with consent	
<i>Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4</i>	
4 Prohibited	
<i>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies</i>	

Educational establishments are permissible in R1 General Residential zone as any other development not specified in item 2 or 4 of the MLEP 2011 (an 'innominate' use). Furthermore, the proposal is permitted with consent under Clause 3.36 of the SEPP (Transport and Infrastructure) 2021 in a prescribed zone. R1 General Residential is specified as a prescribed zone.

Under Clause 2.7 of the SEPP (Transport and Infrastructure) 2021, where there is an inconsistency between the SEPP and other environmental planning instruments, the SEPP prevails.

Consideration of Relevant LEP Clauses

Consideration of other relevant clauses of the MLEP 2011 in relation to the proposal is provided below.

Table 7: MLEP 2011 Relevant Clauses

Clause	Comment
Part 3 Exempt and complying development standards 3.1 – 3.3	Not applicable.
Part 4 Principal development standards 4.1 – 4.6	Not applicable.
Part 5 Miscellaneous provisions 5.1 – 5.22	Not applicable.
Part 6 Urban release areas	

6.1 – Arrangements for designated State public infrastructure	Not applicable. The proposal does not involve the subdivision of land.
6.2 – Public utility infrastructure	Complies. The proposal has made adequate arrangements to ensure infrastructure is available. Refer to plan set.
6.3 – Development control plan	Not applicable. The proposal is State Significant and therefore, is not required to comply with DCP controls. Further discussion is provided below.
6.4 – Relationship between Part and remainder of Plan	Noted.
Part 7 Additional local provisions	
7.1 – Essential services	Complies. The proposal has made adequate arrangements to ensure essential services are available. Refer to plan set.
7.2 – Earthworks	Complies. The work is ancillary to the proposal for which development consent is being sought in this application.
7.3 – Biodiversity protection	Complies. Part of the subject site is identified as Terrestrial Biodiversity on the MLEP biodiversity map and the proposal achieves the objectives of this clause. Further discussion is provided below.
7.4 – Development on river front areas	Not applicable. The subject site is not within a river front area.
7.5 – Riparian land and Murray River and other watercourses – general principles	Not applicable. The subject site is not identified on the MLEP Watercourse Map.
7.6 – Additional provisions – development on river bed and banks of the Murray and Wakool Rivers	Not applicable. The subject site is not on a river bed or bank of the Murray and Wakool Rivers.

Biodiversity protection – Part 7.3

The subject site is partially mapped as pertaining to Terrestrial Biodiversity provisions as identified in the LEP map below.

The objective of this clause is to maintain aquatic diversity and terrestrial biodiversity by:

- (a) protecting native fauna and flora;
- (b) protecting the ecological processes necessary for their continued existence;
- (c) encouraging the recovery of native fauna and flora and their habitats.

The clause is relevant to the consent authority by identifying matters that it must be satisfied with in order to grant development consent. Development consent must not be granted to development unless the consent authority is satisfied that the development is not likely to have any adverse environmental impact or if it does, the impact can be minimised.

The proposal has integrated avoidance measures by avoiding a patch of grey box trees in the north-western corner of the site. Minimisation measures have been implemented which include developing in areas with the lowest vegetation integrity scores and removing vegetation in a manner that avoids damage to surrounding vegetation (refer to accompanying BDAR report by Ozark).

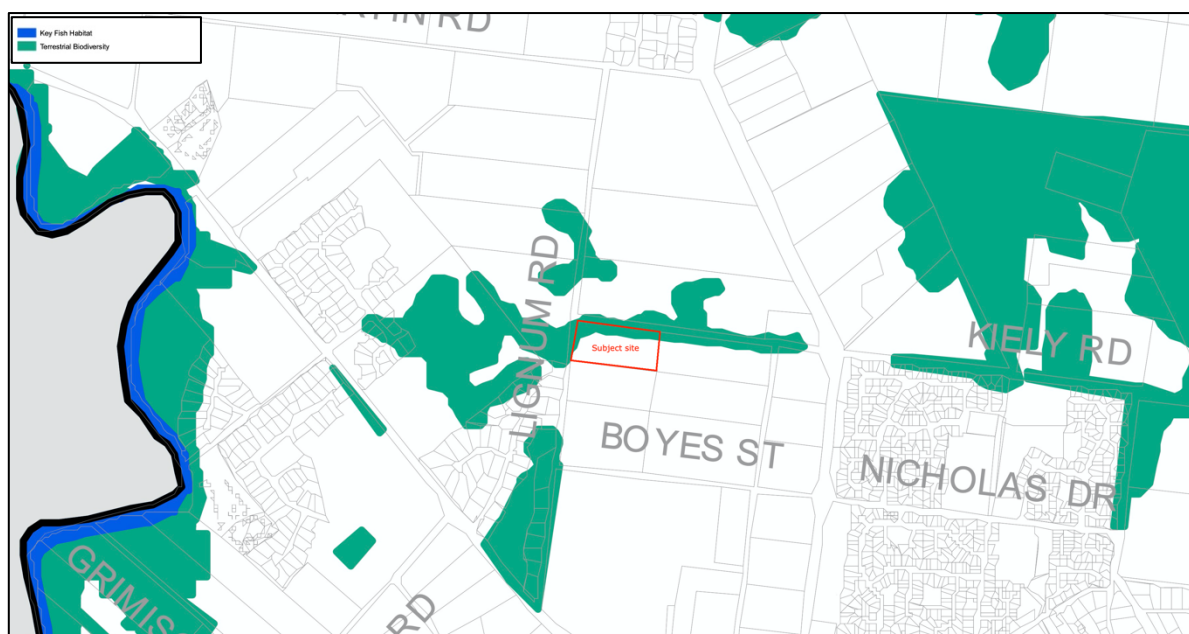


Figure 3: Biodiversity Map – Sheet BIO_003 (MLEP 2011)

4.1.1 Murray Development Control Plan 2012

In accordance with clause 2.10 of the Planning Systems SEPP, Development Control Plans (DCPs) do not apply to SSD. However, the objectives of relevant controls under the Murray DCP 2012 have been considered below.

Table 8: Murray DCP 2012 objectives and relevance

Reference	Comment
1 - Introduction	Noted.
2 - Residential development	Not applicable. Proposed development is not for residential purposes.
3 - Industrial development	Not applicable. Proposed development is not for industrial purposes.
4 - Commercial development	Not applicable. Proposed development is not for commercial purposes.
5 - Tourist accommodation	Not applicable. Proposed development is not for tourist accommodation purposes.
6 - Strategic land use plan	Consistent. The proposal is permissible and suitable.
7 - Subdivision	Not applicable. Subdivision is not proposed.
8 - Urban release areas	Consistent. Proposed development is suitable development of future urban land for an educational establishment.
9 - Vegetation removal	Noted. Vegetation removal is proposed and requires development consent which is being sought in this application.
10 - Watercourses and riparian land	Not applicable. Subject site is not within a watercourse or riparian land.
11 - Flood prone land	Not applicable. Subject site is not prone to flooding.
12 - Notification policy	Noted.

4.1.2 Section 94 Development Contributions Plan 2011

The site is covered by the Murray Shire Council Development Contributions Plan 2011. The plan has been developed to calculate an appropriate 7.11 contribution rate for the provision of public amenities and services. The contribution plan applies to land within the local government area of MRC zoned R1 General Residential which is relevant to the proposal. Indicative contributions for 10 enrolments were quoted as below in discussion with Council and are subject to change at the time of lodgement:

Table 9: Section 7.11 Contribution cost estimates

Development	Primary school and high school
Number of students	10 enrolments

Contribution rate	Daily trip rate = 1.4 per enrolment
Road upgrade	\$3,937.51
Open space	\$986.85
Community facilities	\$346.47
Waste	\$657.90
Stormwater	\$986.85

The total section 7.11 development contribution cost for 390 enrolments is quoted at \$268,953. Section 7.11 contributions are applicable at the time of assessment and the proponent has the option to seek a VPA if deemed appropriate and necessary. Further detailed discussion on developer contributions is including in Section 6 of the EIS.

Document History

Revision No.	Date	Authorised By Name/Position	Initial	Notes
Rev 1.0	08/03/2022	Emily Hewitt Town Planner	EH	For internal review
Rev 2.0	19/04/2022	Garry Salvestro Director	GS	Issued for DPE review
Rev 2.1	06/07/2022	Garry Salvestro Director	GS	Amendments for DPE review
Rev 2.2	19/10/2022	Garry Salvestro Director	GS	Amendments for SSDA lodgement

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