



Kingscliff Public School Redevelopment

State Significant Development Assessment

SSD-8378620

December 2021



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Cover photo: Artist's impression looking from the open space play area (Source: Environmental Impact Statement 2021)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
Applicant	NSW Department of Education
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
COLA	Covered Outdoor Learning Area
Council	Tweed Shire Council
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EESG	Environment, Energy and Science Group, Department of Planning, Industry 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
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LGA	Local Government Area
Minister	Minister for Planning
NVIA	Noise and Vibration Impact Assessment
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
STP	School Transport Plan
TDCP	Tweed Development Control Plan
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
VIA	Visual Impact Assessment

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the Kingscliff Public School Redevelopment (SSD-8378620). The site is located at 12 Orient Street, Kingscliff within the Tweed Shire Local Government Area, and the Applicant is the NSW Department of Education (the Applicant).

The proposal

The proposal seeks approval for the redevelopment of Kingscliff Public School, including demolition of buildings and structures, construction of three new buildings, and associated works including tree removal, landscaping, and infrastructure improvements. The proposal would increase capacity of the school from 614 to 730 students.

The proposed development has a Capital Investment Value (CIV) of \$25,276,363 and would generate 90 construction jobs and eight operational jobs. The proposal is SSD under clause 15 of Schedule 1 State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of alterations or additions to an existing school with a CIV of more than \$20 million.

The Minister for Planning is the consent authority.

The site

The site is located approximately 10 kilometres south-east of the Tweed Heads town centre and 400m south of the Kingscliff town centre. The site has an area of approximately two hectares and located in a primarily residential area.

Engagement

The application was exhibited from 2 June to 29 June 2021 (28 days). The Department received four submissions, including three public submissions providing comments and an objection from Tweed Shire Council (Council). The Department also received advice from four public authorities. Council objected to the proposal based on its impact to local roads, due to inadequate car parking proposed. Other matters raised in submissions included traffic, drop-off / pick-up operation, and pedestrian safety.

On 8 September 2021, the Applicant submitted a Response to Submissions (RtS) which responded to comments and public authority advice. The RtS included the provision of nine additional car parking spaces to be constructed on an existing grassed verge area on Sutherland Street.

The RtS was referred to public authorities and Council. A further submission from Council and advice from four public authorities were received in response. The four public authorities were satisfied the previously raised issues had been addressed with remaining issues able to be addressed subject to conditions. Council supported the Applicant's proposal for nine new parking spaces on Sutherland Street, but maintained its objection. Council requested the Applicant also widen Orient Street to create 13 additional indented car parking spaces and improve traffic flow.

On 4 November 2021, the Applicant submitted a Supplementary Response to Submissions (SRtS) that argued that the proposal, as amended in the RtS, meets expected car parking demand. The Applicant argued that the additional car parking spaces requested by Council was excessive and not necessary to meet expected demand.

Assessment summary and conclusions

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

The Department identified traffic, transport and accessibility, and built form and urban design as the key issues for assessment. The Department is satisfied these issues have been adequately addressed by the Applicant, and outstanding impacts can be managed through conditions of consent.

The Department considers the car parking proposed by the Applicant meets demand generated by the school and requiring a further 13 spaces, as recommended by Council, would not be reasonable.

The Department considers the proposed new buildings have been sensitively designed to respect the residential character of the surrounding neighbourhood. The proposed new built form would be of a scale and design that would not significantly impact existing water views to or through the site.

The Department considers that the proposal is consistent with the objects of the EP&A Act and would provide new educational facilities in the Kingscliff area. The Department concludes the proposal is in the public interest and recommends the application be approved subject to conditions.

Supporting details

Traffic and access

The Applicant's assessment set out in the EIS and amended in the RtS concluded that the local road network has capacity to accommodate the proposal and that drop-off / pick-up arrangements would be adequate. In addition, the construction of new pedestrian crossings and footpath upgrades would improve safe pedestrian movements.

The Department considered the Applicant's assessment and concerns raised in public and Council submissions and public authority advice. The Department has concluded that the proposal would have acceptable impacts, subject to recommended conditions including the preparation of final Construction Traffic and Pedestrian Management Plan, Construction Worker Transportation Strategy and School Transport Plan, and the approval of public realm works by Council.

Built form and urban design

The EIS stated that the proposed school buildings have been designed to retain existing water views of Kingscliff Beach from the nearby residential dwellings.

The Department has considered the Applicant's justification and undertaken its own assessment having regard to the established planning principles. The Department notes that the proposed built form complies with the applicable height limit set out in the Tweed Local Environmental Plan 2014 (TLEP) and has been set below the natural ground level where necessary to maintain water views. The Department is satisfied that the proposed development would result in view sharing.

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1 Introduction

This report provides an assessment of a state significant development (SSD) application for the redevelopment of Kingscliff Public School at 12 Orient Street, Kingscliff (the site) (SSD-8378620). The application has been lodged by NSW Department of Education (the Applicant) within the Tweed Shire Local Government Area (LGA).

The proposal seeks approval for the redevelopment of Kingscliff Public School, including demolition of selected buildings and structures, construction of three new buildings, and associated works including tree removal, landscaping, and infrastructure improvements. The proposal would increase capacity of the school from 614 to 730 students.

1.1 Site Description

The site is located at 12 Orient Street, Kingscliff and is legally described as Lot 1 in DP 384195. The site is approximately 10 kilometres south-east of the Tweed Heads town centre and 400m south of Kingscliff town centre. The location of the site in the context of Tweed Heads is shown in **Figure 1**.

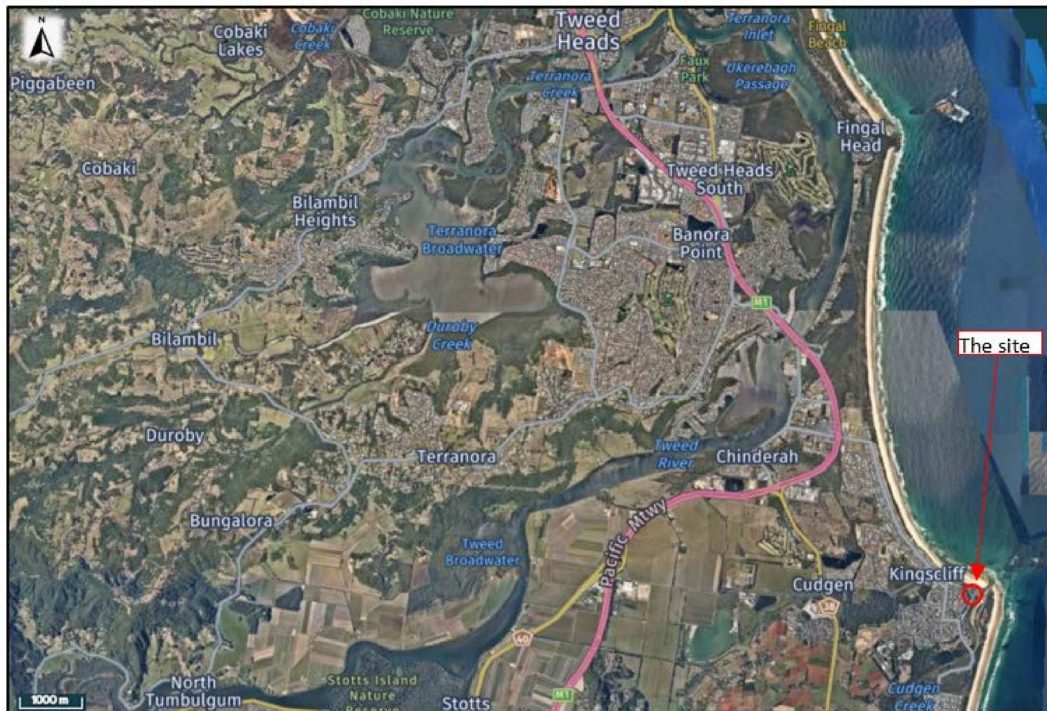


Figure 1 | Regional Context Map (Source: Nearmap 2021)

The site is an irregular shaped allotment with primary frontage to Orient Street to the west and secondary frontage to Sutherland Street to the east (**Figure 2**). The site is bounded by School Lane to the north which partially separates it from adjoining residences. The site has an area of approximately two hectares (ha).



Figure 2 | Existing conditions of the site (Base source: Nearmap 2021)

The site slopes from the north to the south, with an overall level change of approximately 4.39m. Towards the southern end, the site falls approximately 3.17m from the south-western corner to the south-eastern corner towards the ocean (**Figure 3 to Figure 5**).



Figure 3 | Site as viewed from the south (Base source: Google Earth 2021)



Figure 4 | Site as viewed from the east (Base source: Google Earth 2021)

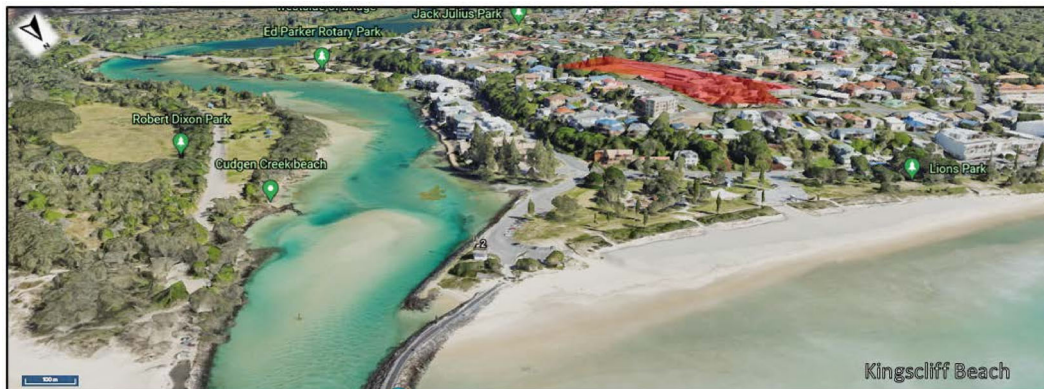


Figure 5 | Site as viewed from the north-east (Base source: Google Earth 2021)

1.2 Existing conditions

The site is currently occupied by Kingscliff Public School and contains the following buildings:

- Building A, a single storey building arranged in a 'L' layout with primary frontage to Orient Street, currently used as administration space, library and teaching area
- Building C, a single storey building arranged in a 'Y' layout with primary frontage to Sutherland Street, currently used as teaching space
- Building D, a single storey building with primary frontage to Sutherland Street, containing student amenities
- Building E, a single storey building with primary frontage to Sutherland Street, currently used as storage area
- Building F, a single storey building located to the north of the site, currently used as teaching space
- Building G, a two storey building, currently used as teaching space, school hall and canteen
- various demountable buildings currently used as teaching spaces
- a carpark accommodating 32 parking spaces, accessed from Orient Street.

The buildings are located in the northern end of the site with the main play areas, including a covered outdoor learning area (COLA) between Building A and Building C. A sports oval is located at the southern end of the site. The staff carpark is located at the western boundary of the site, accessed via a driveway midway along the Orient Street frontage (**Figure 6**).

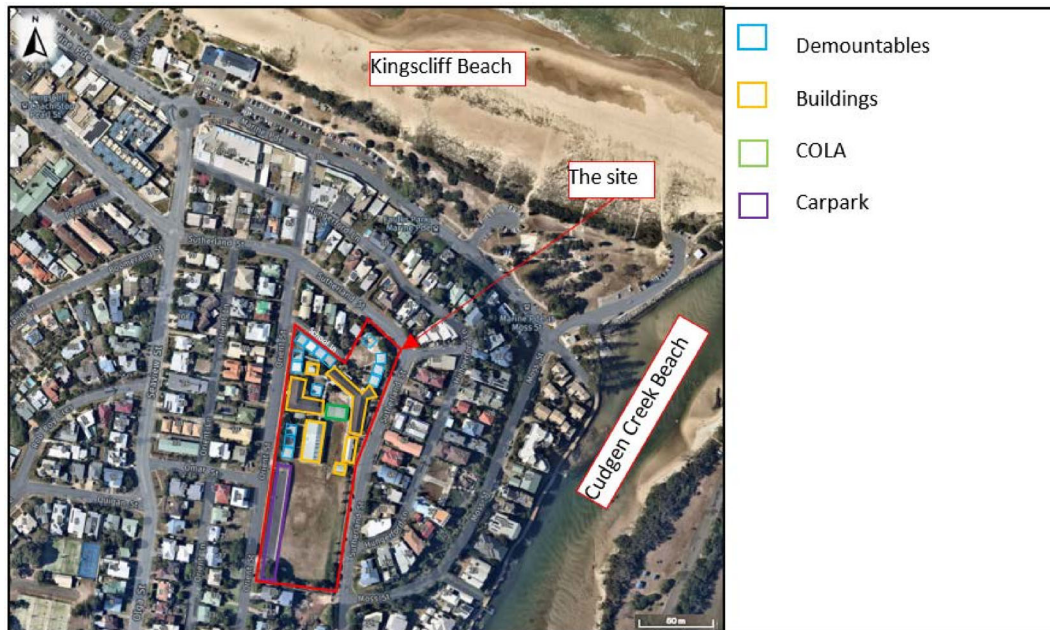


Figure 6 | Existing built form (Base source: Nearmap 2021)

1.3 Surrounding development

The site is located in a residential area. Land further north contains a mix of residential and commercial development adjacent to Lions Park and Kingscliff Beach. Cudgen Creek Beach, Robert Dixon Park, Ed Parker Park and Kingscliff Beach are further east.

Dwellings located to the north-western of the site are positioned on land relatively level with the northern portion of the site. Dwellings located to the south-west of the site are slightly elevated above the southern portion of the site. The surrounding development is shown in **Figure 7**.



Figure 7 | Surrounding site context map (Source: Nearmap 2021)

2 Project

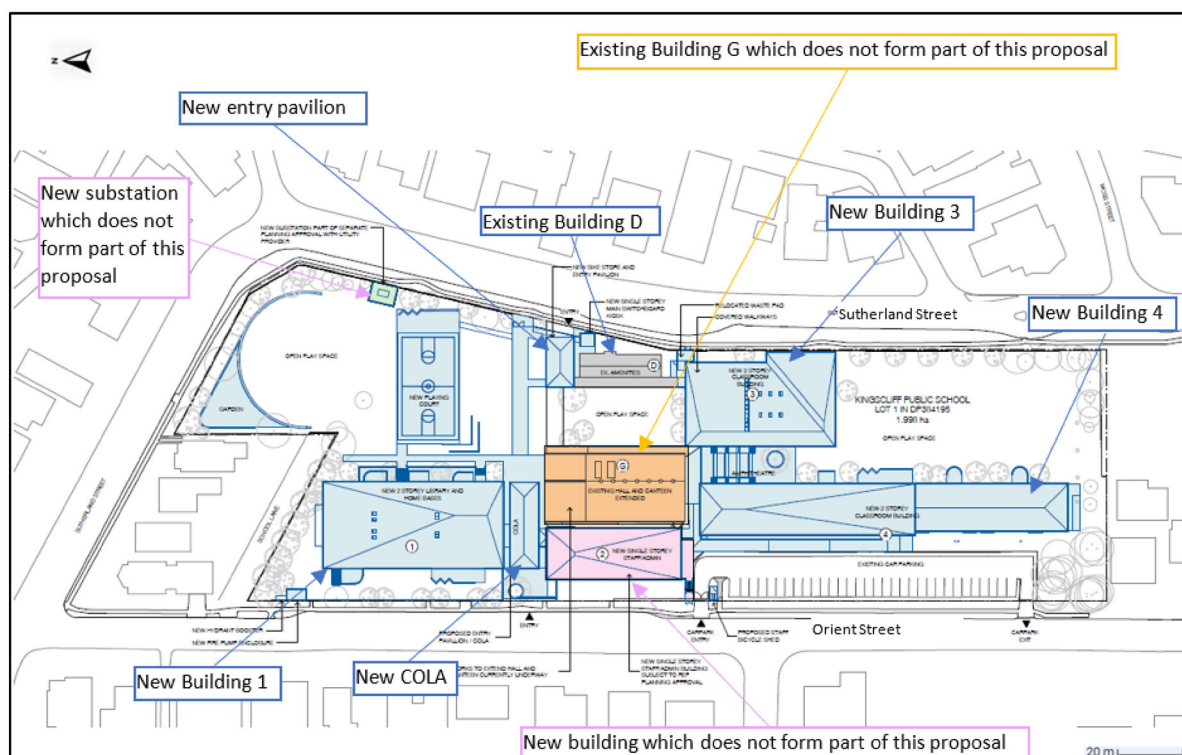
The key components and features of the proposal (as revised in the RtS) are provided in **Table 1**.

Table 1 | Main components of the project

Aspect	Description
Project summary	The proposal seeks approval for the redevelopment of Kingscliff Public School, including demolition of selected buildings and structures, construction of three new buildings and associated works including tree removal, landscaping, and infrastructure improvements. The proposal would increase capacity of the school from 614 to 730 students.
Demolition	- Demolition of: - library and administration building (Building A) - teaching facilities (Building C) - maintenance building (Building E) - program room (Building F) - demountables - COLA.
Built form	- Construction of three new buildings comprising: - one two storey building with ground floor library, 12 homebases and special program rooms (Building 1) - one two storey building comprising eight homebases (Building 3) - one part one and part two storey building comprising 12 homebases and special programs rooms (Building 4) - New main pedestrian entry from Orient Street - New entry pavilion from Sutherland Street.
Site area	1.998ha.
Gross floor area (GFA)	- Proposed – 3,935 square metres (sqm). - Total – 5,036sqm.
Uses	Primary school catering to Kindergarten to Year Six.
Access and drop-off / pick-up	- New main pedestrian entry from Orient Street - New secondary pedestrian entry from Sutherland Street - Existing drop-off / pick-up on Orient Street - Existing bus zone on Orient Street.
Car and bicycle parking	- Construction of nine car parking spaces on Sutherland Street 37 new bicycle spaces, including four covered bicycle spaces for staff - Retention of existing driveway and 32 space car park.
Road and footpath upgrade works	- New pedestrian crossing on Orient Street - Relocation of pedestrian refuge on Sutherland Street - New shared paths on Orient Street - Widening of part of the existing Sutherland Street footpath - Road signage and line marking on Orient Street and Sutherland Street.
Landscaping	- Removal of 24 trees - Replacement planting including 59 new trees

	- COLA connected with walkways - Playing court at the northern end of the site - Amphitheatre between Building 3 and Building 4 - Open play space area located towards the southern side of the site.
Hours of operation	- School – 9am to 3pm - Out of School Hours – 7am to 5.30pm.
Jobs	90 construction jobs - Eight additional operational jobs.
CIV	\$25,276,363.

The proposed new buildings (Buildings 1, 3 and 4) would be located immediately east and west of the existing school buildings. The buildings step down the site along the existing natural slope. The buildings include naturally finished materials, including red and brown brickwork, concrete and glass.



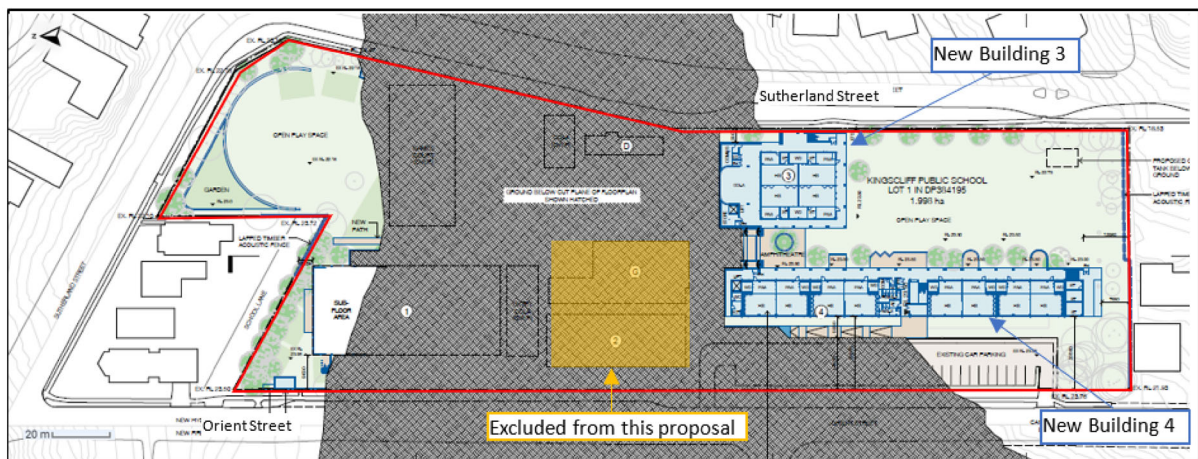


Figure 9 | Lower ground floor level (Base source: EIS 2021)

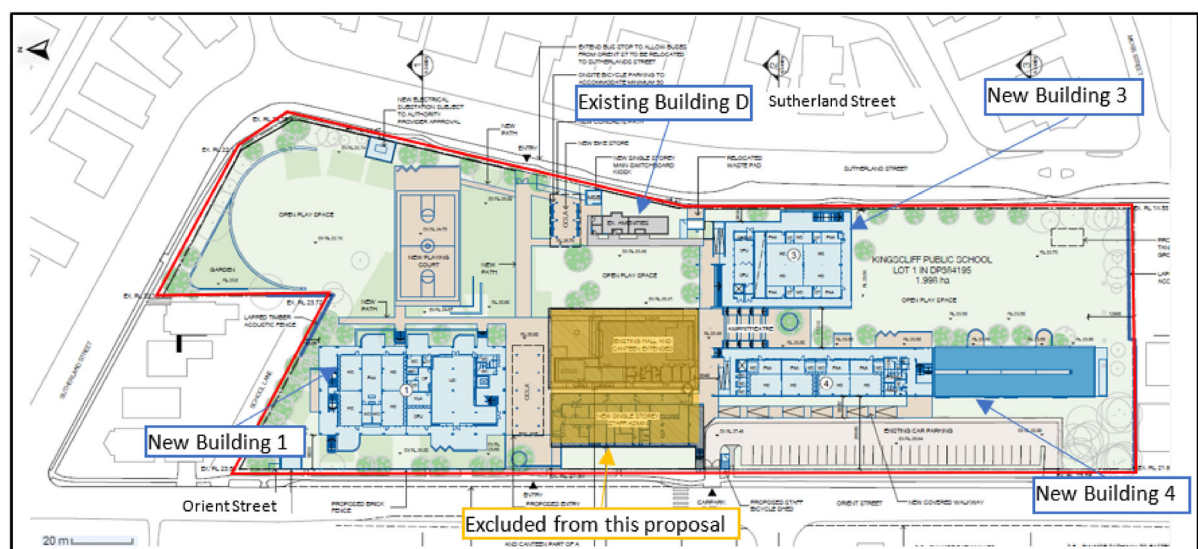


Figure 10 | Ground floor level (Base source: EIS 2021)

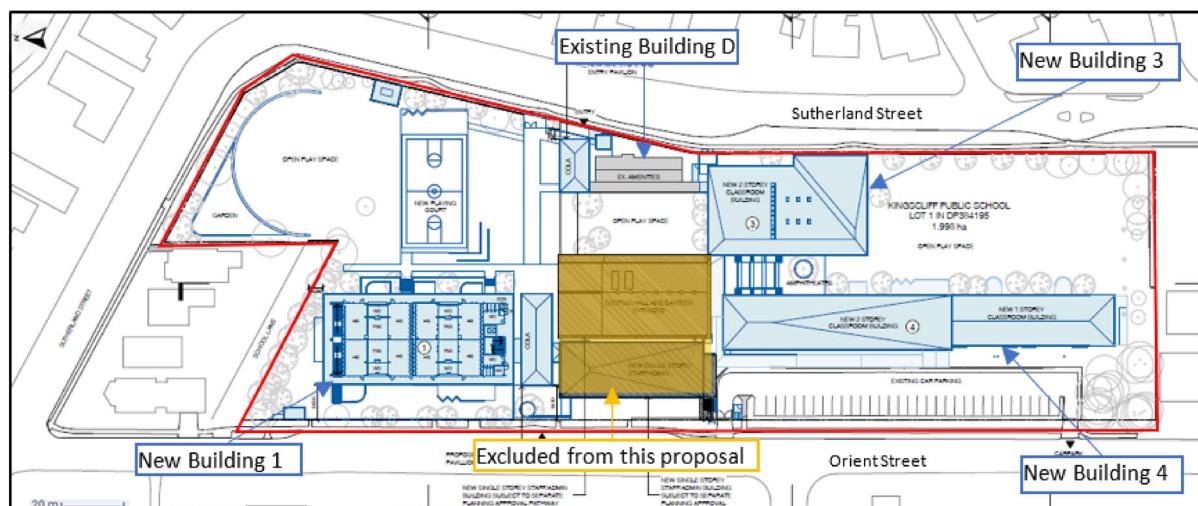


Figure 11 | First floor level (Base source: EIS 2021)

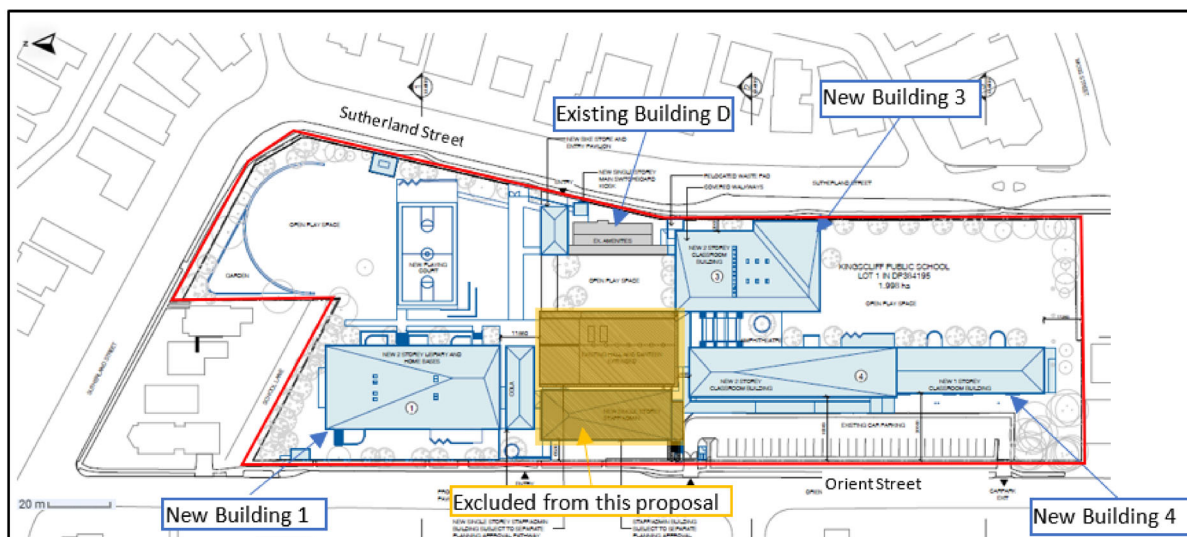


Figure 12 | Roof level (Base source: EIS 2021)

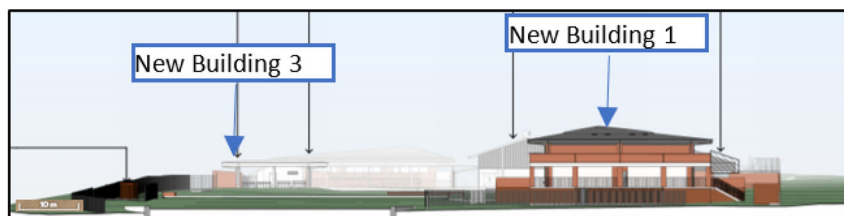


Figure 13 | Northern elevation (Base source: EIS 2021)

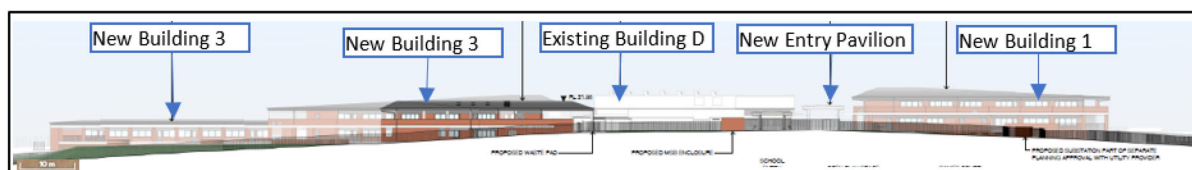


Figure 14 | Eastern (Sutherland Street) elevation (Base source: EIS 2020)

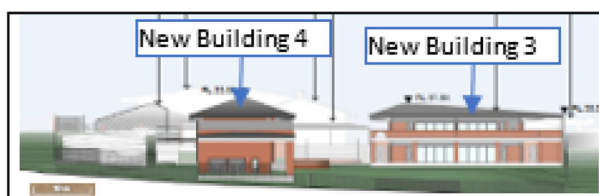


Figure 15 | Southern elevation (Base source: EIS 2021)

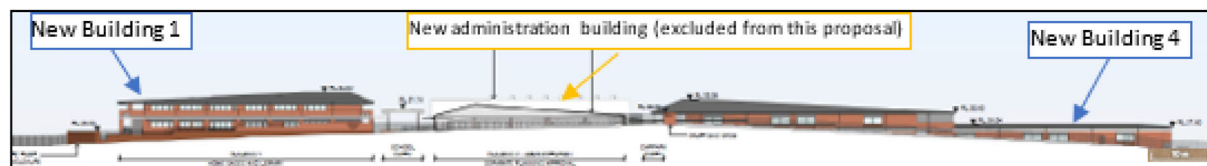


Figure 16 | Western (Orient Street) elevation (Base source: EIS 2021)

2.2 Uses and activities

The proposal would continue the use of the site as an educational establishment with an increased capacity from 614 to 730 primary school students. The EIS advises community use of the school facilities would be considered in the future under a separate assessment process.

2.3 Construction works and timing

The application proposes construction hours as follows:

- Monday to Friday: 7am - 6pm
- Saturdays: 8am - 4pm
- Sundays and public holidays: no work.

Construction is proposed to occur in three stages over 19 months:

- Stage 1: demolition of Building E and construction of Building 3 and Building 4 and associated landscape works over 10 months
- Stage 2: demolition of Building A, Building C and Building F and removal of select demountables over one month
- Stage 3: removal of select demountables, construction of Building 1, the COLA and part of the entry pavilion (the reminder of the pavilion is under construction under a separate assessment pathway (**Section 2.4**) and completion of landscaping over eight months.

The school would remain operational throughout construction works. The proposed staging would physically separate construction works from the school operations. During Stage 1, students would occupy the existing buildings and demountables at the northern side of the site, and site establishment works would occur at the southern end. Throughout Stages 2 and 3, students would occupy Building 3 and Building 4 at the southern portion of the site. The existing car parking would remain available for staff use throughout all stages of construction. The proposed construction stages are shown in **Figure 17** to **Figure 19**.

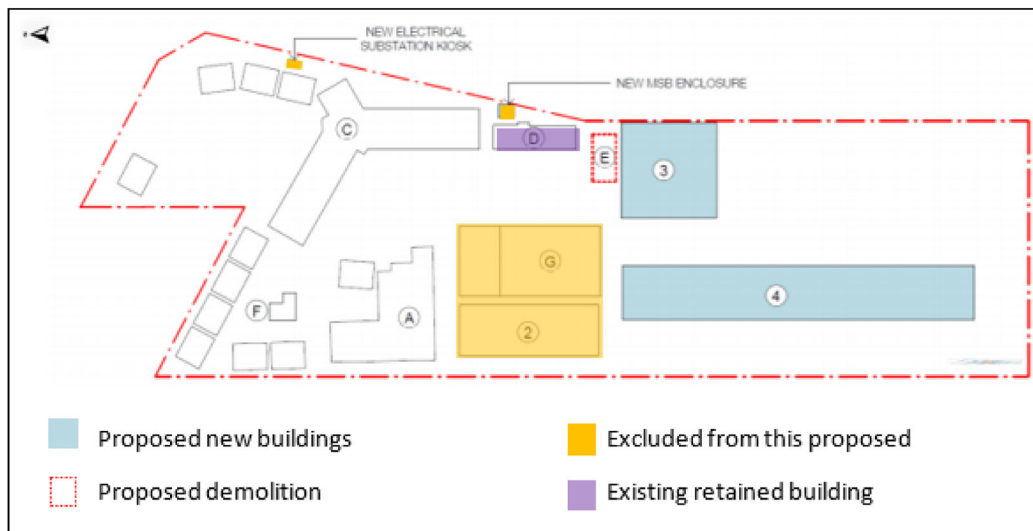


Figure 17 | Stage 1 development (Base source: EIS 2021)



Figure 18 | Stage 2 development (Base source: EIS 2021)

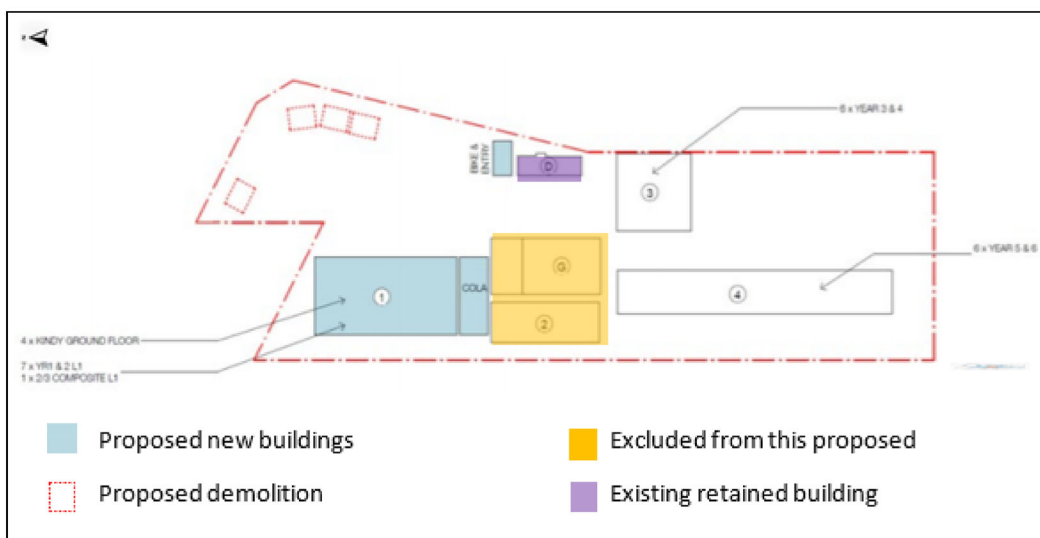


Figure 19 | Stage 3 development (Base source: EIS 2021)

2.4 Related development

The Applicant advised Building G is being refurbished and a new administration building, part of the entry pavilion and a substation (shown in yellow in **Figure 17** to **Figure 19**) are proposed to be constructed under a separate assessment pathway.

3 Strategic context

It is anticipated that there will be a 26% growth in student numbers by 2041 across the Tweed Shire LGA . This means schools within the Tweed Shire LGA will need to accommodate an extra 4,720 students by 2031. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is investing in the delivery of new schools and upgrade of existing schools.

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

- Transport for NSW's *Future Transport Strategy 2056*, as it would provide an improved educational facility in a growing urban area and provide access to additional new employment opportunities in Kingscliff and surrounding areas
- *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it proposes improved school facilities to support the growth in demand for primary student enrolments
- *North Coast Regional Plan 2036*, as it would complement population growth on the North Coast and would provide upgrades to the existing public domain.

The proposal provides direct investment in the region of approximately \$25,276,363, to support 90 construction jobs and eight operational jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRDP SEPP).

The Minister for Planning is the consent authority under section 4.5 of the EP&A Act.

4.2 Permissibility

The site is located in the R3 Medium Density Residential zone under the Tweed Local Environmental Plan 2014 (TLEP). Educational establishments are permissible with consent within the zone and consistent with the zone objectives. Therefore, the Minister for Planning may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 EP&A Act, several 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 EP&A Act, several 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 public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (**Appendix C**).

4.4 Mandatory matters for consideration

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 environmental planning instrument (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 proposal and that have been considered in the assessment.

The Department has assessed the relevant 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 / approval) 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 2**.

Table 2 | Response to the objects of section 1.3 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 and conservation of the State's natural and other resources	The proposal involves the redevelopment of an existing primary school to cater for demand in the growing North Coast region. The site is suitable for use as an educational establishment and its development would not negatively impact the economic welfare of the community, or the natural environment.
(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 is an orderly and economic development and use of the land as it is consistent with the site's historical use as an educational establishment and would provide improved educational facilities to support growing demand.
(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 would protect the environment as detailed in Section 6. The proposal would not affect any protected or threatened species or vegetation communities. The proposal involves landscaping and planting that would provide for new habitat opportunities.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any heritage items nor is it within the vicinity of heritage items of conservation areas. The development would conserve the Aboriginal cultural heritage value of the site.
(g) to promote good design and amenity of the built environment,	The proposed development has been designed to minimise potential visual amenity impacts whilst maximising its internal amenity and ensuring good design is achieved (Section 6.2).
(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, and consulted Council and other public authorities, and considered their responses (Section 5 and 6).
(i) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application, notified adjoining landowners, and displayed the proposal on the Department's website during the exhibition period. Issues raised in the submissions have been considered in Section 6 .

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 development proposes ESD initiatives and sustainability measures, including:

- use of certified / best practice materials and consideration of durability, recycled content, and location in their selection
- use of efficient materials, including high performance glazing, and installation of insulation to reduce heat transfer and consequent heat loss in winter and heat gain in summer
- energy efficient design, including maximum use of natural light utilising suitably located windows and shading structures, to reduce solar heat gain
- use of water conservation measures, including highly efficient water fittings and fixtures, roof water harvesting and low water-dependent landscaping.

The Applicant is targeting an equivalent 4-Star Green Star (Australian Best Practice) rating which is in accordance with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (NSW Department of Education).

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 and rigorous assessment of the environmental impacts of the proposed development.

To ensure a 4-Star Green Star Rating is achieved, the Department has recommended a condition that requires the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certification process as agreed by the Planning Secretary, prior to the commencement of building works.

Subject to this condition, the proposed development is consistent with ESD principles as described in Section 4.2.1 and Appendix 15 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will 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 5.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 EP&A Act that apply to SSD in accordance with section 4.40 EP&A Act. The table summarises additional information, consideration provided for in **Section 6** and relevant appendices or other sections of this report and EIS.

Table 3 | 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	Satisfactorily complies. The Department's consideration of the relevant 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)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	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 in (Section 6).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (Sections 5 and 6).
(e) the public interest	The proposal is considered to be in the public interest (Section 6).

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) *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. A BDAR was provided with the EIS which provided an assessment of the biodiversity on the site in accordance with the BC Act. It concluded that no ecosystem credits for plant community types are required as the site is already disturbed and mainly comprises exotic species or previously planted native vegetation. The impact of the proposal on biodiversity values is assessed in the BDAR and considered in **Section 6.3**.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 2 June to 29 June 2021 (28 days). The application was exhibited on the Department's website and adjoining landholders and relevant state and local government authorities were notified in writing.

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

The Department has considered the comments raised in the public authority advice and public submissions during assessment of the application (**Section 5 and 6**) and / or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of advice received from government agencies

During the exhibition period, the Department received advice from four government agencies. A summary of the government agencies who provided advice is in provided at **Table 4** and copies are in **Appendix A**.

Table 4 | Summary of agency advice

NSW Environment Protection Authority (EPA)

EPA made the following comments:

- background noise monitoring is required to be undertaken in accordance with the Noise Policy for Industry 2017 (EPA)
- demolition and construction noise and vibration are expected to impact neighbouring sensitive receivers and compliance with standard construction work hours is required
- dust, sediment, and waste associated with demolition and construction should be controlled and managed in accordance with EPA's guidelines.

Heritage NSW

Heritage NSW noted that there is a registered site in the Aboriginal Heritage Information Management System, an unregistered archaeological site, and two areas of high cultural sensitivity within the site.

Heritage NSW advised that the Aboriginal Cultural Heritage Assessment Report was suitable, and provided recommended conditions of consent in relation to management and mitigation measures to be undertaken throughout the demolition and construction of the development.

Environment, Energy and Science Group of the Department (EESG)

EESG advised the BDAR was suitable and had no issues relating to biodiversity, climate change, sustainability, flooding and coastal and estuary matters.

EESG recommended that the mitigation and management measures in the BDAR should form conditions of consent.

Transport for NSW (TfNSW)

TfNSW made the following comments:

- further information is required in relation to pedestrian and construction vehicle conflict mitigation measures and the construction vehicle and worker routes, including Austroads turn warrant assessments at intersections that could be impacted

- a Cumulative Construction Traffic Impact Assessment is required that considers Kingscliff High School and Tweed Valley Hospital redevelopment projects
- further information is required in relation to the background and generated traffic data and any drop-off / pick-up associated movements, including midblock vehicle queuing
- drop-off / pick-up and staff parking behaviours are recommended to be addressed as part of the School Transport Plan
- detailed plans, prepared in consultation with TfNSW and Surfside Bus Lines, are required to show the proposed drop-off / pick-up and bus zone locations and layout and the proposed works within the road reserve of Sutherland Street and Orient Street.

TfNSW provided recommended conditions of consent, requiring:

- consultation with the Local Traffic Committee, Council and TfNSW in relation to any works impacting the road reserve
- construction of new and/or upgraded pedestrian crossings subject to further investigation of pedestrian crossing movements with Council
- end-of-trip facilities to be provided prior to the commencement of construction
- the final School Transport Plan be prepared in consultation with TfNSW.

5.3 Summary of submissions

During the exhibition period, the Department received a total of four submissions on the proposal, including an objection from Council and three public comments. A summary of the issues raised in the Council submission is provided at **Table 5** and copies of submissions are in **Appendix A**.

Table 5 | Summary of Council submissions

Council	
EIS	Council objected to the proposal for the following reasons: • traffic, parking and pedestrian infrastructure: ○ the proposal does not provide car parking rate to satisfy staff demand and is likely to impact street parking ○ the proposal does not include adequate measures to improve the existing traffic congestion and safety on Sutherland Street ○ further upgrades are required to pedestrian infrastructure on Sutherland Street, including additional pedestrian crossings to improve pedestrian safety. • other: ○ insufficient information has been provided in relation to the proposed stormwater drainage infrastructure and sewer connection arrangements ○ insufficient information has been provided in the Detailed Site Investigation in relation to acid sulfate soils and organochlorine pesticides ○ the proposal has not adequately considered the impact of lighting on the surrounding developments ○ a Dewatering Management Plan and Out of Hours Management Plan should be prepared.
RtS	Council advised that it while it supported the Applicant's proposal for nine additional parking spaces on Sutherland Street, it recommended that 13 additional parking spaces be constructed on Orient Street. Council also advised that it did not support the use of on street and public parking for construction worker parking. Council recommended conditions in relation to organochlorine phosphate contamination, acid sulfate soils, water and sewerage, external lighting, dewatering and out of hours noise management.

Key concerns raised in the three public submissions included:

- operational traffic:
 - predicted use of Sutherland Street for drop-off / pick-up despite drop-off / pick-up having been relocated to Orient Street
 - cumulative operational traffic impacts from Tweed Valley Hospital and the surrounding schools have not been considered
 - ways to improve existing driver behaviour on surrounding streets have not been addressed
- pedestrian safety:
 - limited pedestrian infrastructure has been provided for students accessing the school from the east
 - traffic direction and movement on Moss Street has not been reviewed to improve pedestrian safety.

Copies of the public submissions received are at **Appendix A**.

5.4 Response to submissions and government agency advice

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

On 8 September 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS included:

- confirmation that consolidated parent/carer drop-off/pick-up on Orient Street and bus drop-off / pick-up on Sutherland Street (originally proposed in the EIS) had been implemented with the approval of Council
- construction of nine additional car parking spaces on the existing grassed verge of Sutherland Street
- amended reports in response to Council's submission, including:
 - Traffic and Transport Assessment Report following further traffic observations and consultation with Council
 - Preliminary Construction Management Plan
 - Utilities Infrastructure Report
 - Detailed Site Investigation and Acid Sulfate Soils Management Plan
 - architectural, stormwater and civil drawings
- a Drainage and Flooding Assessment Statement to confirm that the proposed stormwater management system would have sufficient capacity to accommodate the proposal
- a statement from the acoustic consultant that prepared the Noise and Vibration Impact Assessment Report to confirm the noise amenity category of the site
- technical advice in relation to the treatment of organochlorine pesticides on the site
- a detailed Social Impact Assessment.

The RtS was made publicly available on the Department's website and referred to public authorities and Council. A further submission was received from Council and advice received from four public

authorities. A summary of the comments received from government agencies is provided in **Table 6**. Council's submission is provided in Table 5 above.

Table 6 | Summary of agency advice received in response to the RtS

EPA
EPA advised that it considered the RtS to be satisfactory and it had no further comments to make.
Heritage NSW
Heritage NSW considered the RtS to be satisfactory. It noted that it had consulted with the Applicant and advised that further test excavation for culturally significant landforms and Aboriginal objects is required to be carried out in the north-eastern corner of the site following the completion of demolition works. Heritage NSW advised no other areas are likely to have Aboriginal cultural heritage constraints.
EESG
EESG requested that its previous recommended conditions be applied.
TfNSW
TfNSW advised that it the cumulative impacts on Viking Street should be considered during the construction and operation of the development, as it provides a connection to the emerging health and education precinct. TfNSW recommended conditions in relation to the detailed design of the drop-off / pick-up area, bus zone and parking.

5.5 Supplementary response to submissions and government agency advice

On 4 November 2021, the Applicant submitted a Supplementary Response to Submissions (SRtS) that included:

- a response to Council's comments, including advice that the Applicant did not agree to the provision of the 13 additional parking spaces requested by Council on Orient Street
- further justification that sufficient parking would be provided to cater for staff demand either on site, by the Applicant's nine spaces proposed on Sutherland Street or existing parking on surrounding streets
- further information in relation to organochlorine phosphate contamination testing
- amended plans that rationalised the proposed design and materials in response to trade supply issues.

6 Assessment

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

- traffic, transport and accessibility
- built form and urban design.

Each of these issues is discussed below. Other issues considered during assessment are discussed at **Section 6.3**.

6.1 Traffic, transport and accessibility

The application included a Traffic Impact Assessment (TIA) and Preliminary Construction Traffic Management Plan that assessed the potential traffic, transport and accessibility impacts throughout the construction and operation phases.

6.1.1 Existing conditions

Orient Street forms the site's western frontage, and is a local road with one lane of traffic and unrestricted street parking in each direction. Orient Street connects the school and surrounding residential properties to Sutherland Street in the north to Viking Street to the south.

Sutherland Street forms the site's eastern frontage and part of the site's northern frontage. Sutherland Street is a local collector road, accommodating one lane of traffic in each direction and unrestricted street parking on its southern side. Sutherland Street connects the residential area of South Kingscliff with the Kingscliff town centre.

Parent and carer drop-off / pick-up occurs on Orient Street from 8.30am to 9am and 2.30pm to 3.30pm. The drop-off / pick-up zone is signposted allowing five minute parking. A bus zone, servicing both public and school routes is located on Sutherland Street. The drop-off / pick-up and bus zones were consolidated by the Applicant in April 2021 to improve traffic flow (**Section 6.1.2**). This originally formed part of the application but was delivered by the Applicant in consultation with Council following exhibition of the EIS.

Vehicle access to the site is available at the end of School Lane, a single lane gravel road that forms part of the site's northern boundary. Two one-way crossovers also provide access to the on site car park from Orient Street. The car park includes 32 spaces reserved for staff use.

The school's main pedestrian entry is located on Orient Street adjacent to the drop-off / pick-up zone. Two further pedestrian access points include Sutherland Street adjacent to the bus zone and Orient Street at the southern of the drop-off / pick up zone.

Pedestrians accessing the site from the north use the footpath on the eastern side of Orient Street. However, other parts of Orient Street do not have pedestrian footpaths. Pedestrians accessing the site from the south use the footpath and stairs along the western side of Sutherland Street. There are no existing footpaths on the eastern side of Sutherland Street.

Figure 20 shows the existing access arrangements and pedestrian infrastructure.



Figure 20 | Access arrangements and pedestrian infrastructure (Source: EIS 2021)

6.1.2 Operational traffic

The TIA assessed the impact of the proposal on operational traffic. The TIA included surveys of existing school traffic movements during the morning peak (8am to 9am) and afternoon peak (2.45pm to 3.45pm) to determine the existing mode share. The results of the surveys are summarised in **Table 7** and **Table 8**. Overall, the surveys found that more than half of the students are currently dropped off / picked up by car.

Table 7 | Existing school traffic trips

Staff / non-staff	AM	PM
Staff	37 trips to school	37 trips from school
Non-staff	64 to and from school	53 to and from school

Table 8 | Existing mode share

Mode share	Student	Staff
Car	58.4%	96.4%
Public transport	28.9%	0%
Walk (only)	7.2%	3%
Cycle / scooter (only)	4.6%	0.6%
Other	0.9%	-

The proposal increases student capacity from 614 to 730. Using the survey data, the TIA estimated the proposal would result in 32 additional vehicle movements during the morning peak and 29 during the afternoon peak by 2032 when the school would be at maximum capacity.

The TIA modelled the existing and future traffic flows using a SIDRA analysis to consider performance of the following key intersections (**Figure 21**):

- Sutherland Street / Viking Street
- Sutherland Street / Orient Street
- Sutherland Street / Pearl Street
- Viking Street / Orient Street.



Figure 21 | Key intersections (Base source: Nearmap 2021)

The analysis found all four intersections currently operate at Level of Service A (good operation with spare capacity) and would continue to operate at Level of Service A in 2032.

Public submissions raised concerns with the potential traffic impacts to the surrounding streets, including cumulative traffic impacts from Tweed Valley Hospital and nearby schools.

In its EIS submission, Council raised concern that the proposed changes to the drop-off / pick-up and bus zones would not sufficiently reduce delays on Sutherland Street. Council requested the Applicant address bus and vehicle queuing along Sutherland Street as a result of vehicles travelling to the Orient Street drop-off / pick-up zone, including from vehicles turning right from Sutherland Street into Orient Street. Council recommended the need for 'no right turn' restriction be considered.

TfNSW requested further information in relation to potential cumulative traffic impact, including from Kingscliff High School and Tweed Valley Hospital, and that the Applicant clarify the background traffic volumes considered in the TIA.

The Applicant's RtS advised that works originally proposed in the EIS had been undertaken with Council approval to consolidate parent/carer drop-off / pick-up on Orient Street and bus drop-off / pick-up on Sutherland Street. As a result, local traffic conditions had improved. Observations found:

- during peak school times, a maximum of five vehicles turned right out of and into Sutherland Street from Orient Street
- vehicles parked along the southern side of Sutherland Street and eastern side of Orient Street contributed to the traffic congestion on Sutherland Street
- vehicles queuing along Sutherland Street to turn right into Orient Street were cleared within eight minutes of the school bell.

The RtS stated the Applicant had consulted Council and concluded a 'no right turn' would not be required, on the basis that few vehicles make right turns at the intersection. Instead, the proposal was revised to include 'no stopping' restrictions along the southern side of Sutherland Street and eastern side of Orient Street during school drop-off / pick-up times. The RtS stated that traffic associated with Kingscliff High School and Tweed Valley Hospital are not within the site's immediate catchment, and are unlikely to impact the key intersections assessed.

In its comments on the RtS, Council confirmed that the changes to drop-off / pick-up had been made and that traffic congestion had reduced. TfNSW noted the importance of Viking Street as a connector road for Kingscliff High School and Tweed Valley Hospital and that the cumulative traffic impacts of the proposal be addressed.

The Department has considered the issues raised in the public submissions, advice of Council and TfNSW and information provided by the Applicant. The Department is satisfied that the Applicant's modelling has demonstrated the local road network could reasonably accommodate the additional traffic generated by the development. The Department acknowledges work undertaken by the Applicant in consultation with Council to consolidate drop-off / pick-up and reduce congestion on Sutherland Street. The Department considers that these works, combined with proposed works to restrict parking on Sutherland Street and Orient Street, would minimise future congestion from the school.

The Department notes the Applicant prepared a preliminary School Transport Plan (STP) to encourage sustainable travel modes and reduce car trips to the school (**Section 6.1.6**). The Department supports initiatives to encourage sustainable transport travel modes and considers this further assists in minimising traffic impacts.

The Department has recommended conditions requiring the implementation of the proposed parking restrictions on Orient Street and Sutherland Street subject to the approval of Council. The Department has also recommended conditions requiring the preparation, implementation, monitoring and review of a detailed STP to encourage sustainable transport, manage operational transport arrangements and mitigate impacts on the road network. This includes a requirement to monitor and review cumulative impact of projects including Tweed Valley Hospital development and Kingscliff High School Redevelopment.

6.1.3 Drop-off and pick-up

The school previously had dual drop-off / pick-up zones and bus zones located on Orient Street and Sutherland Street. The proposal set out in the EIS originally included the consolidation of drop-off / pick-up into a single zone Orient Street and bus operations onto a single zone on Sutherland Street (**Section 6.1.2**).

Public submissions commenting on the EIS proposals raised safety concerns with the interaction between public traffic and drop-off / pick-up on Orient Street. Hungerford Lane was suggested as an alternative location for drop-off / pick-up.

Council's EIS submission requested that the proposed drop-off / pick-up zone on Orient Street be revised to address potential traffic congestion on Sutherland Street as a result of queuing. TfNSW requested the Applicant consult further with TfNSW and provide detailed drawings for the consolidated drop-off / pick-up zone and bus zones.

The RtS noted the Applicant had consulted Council and completed the drop-off / pick-up and bus zone consolidation works in April 2021 under relevant Council approvals under the *Roads Act 1993*. The drop-off / pick-up zone on Orient Street is shown in **Figure 22** and provides space for 15 cars.

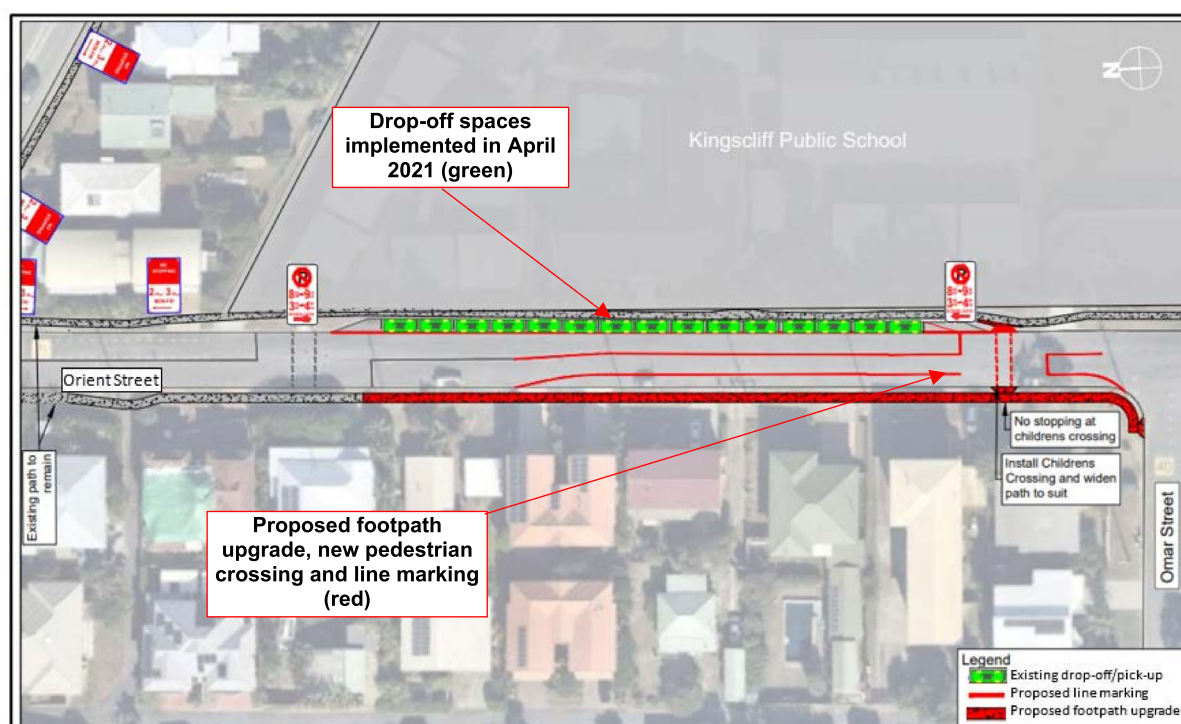


Figure 22 | Drop-off / pick-up zone on Orient Street (Base source: EIS 2021)

In response to public submissions, the RtS stated that the proposal has been designed to avoid use of other roads for drop-off / pick-up, including Hungerford Lane, to reduce vehicle movement on residential streets. The Applicant acknowledged that the narrow width of Orient Street meant that when cars were parked for students to disembark / embark, traffic needed to move into the opposite side of the carriageway to pass the parked vehicles. To improve the safety and efficiency of the drop-off / pick-up operations, the Applicant provided amended plans to include additional works including:

- 'No Stopping' signage at the new pedestrian crossing on Orient Street
- timed 'No Parking' zones in the drop-off / pick-up zone
- timed 'No Stopping' zones on the eastern side of Orient Street

- additional line marking along Orient Street to further demark the drop-off / pick-up zone, the travel lane and street parking
- additional signage to prevent incorrect drop-off / pick-up driving behaviour close to the intersection of Sutherland Street and Orient Street (**Figure 23**).

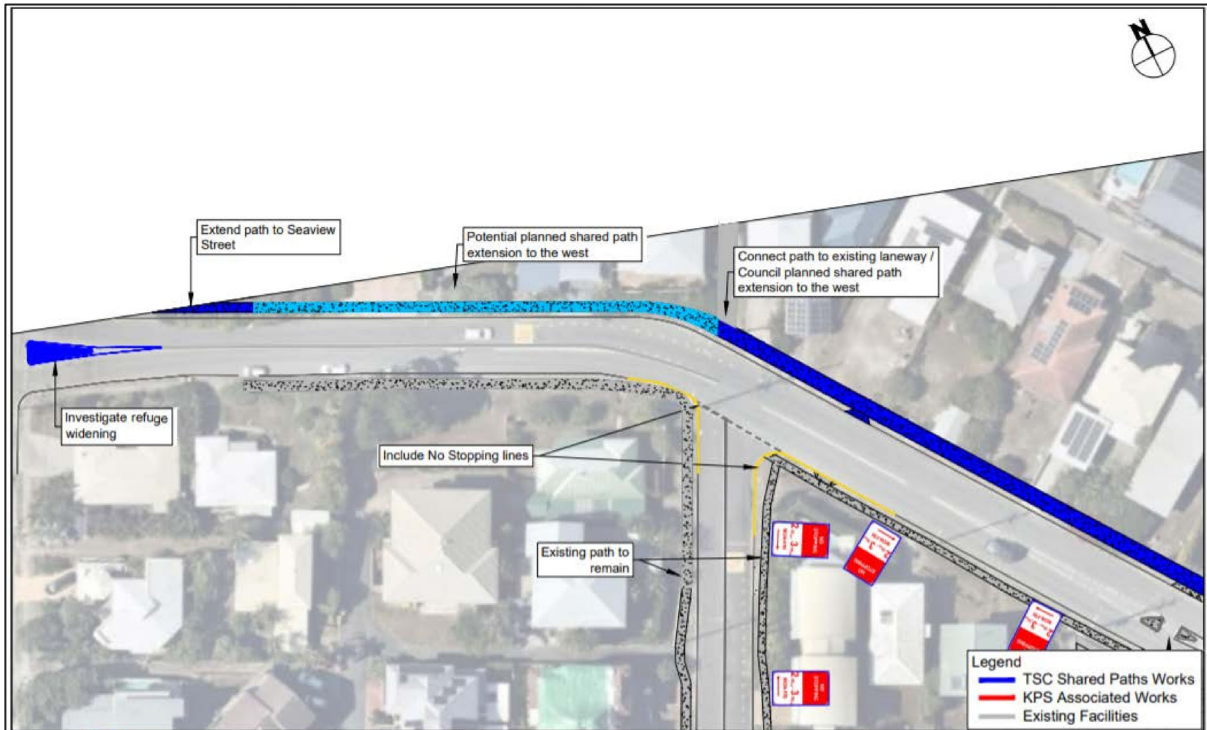


Figure 23 | Proposed signage along the Sutherland Street and Orient Street intersection
(Source: RtS 2021)

Council noted that drop-off / pick-up and bus zone consolidation works had improved the local traffic flow and it supported the amended plans. TfNSW advised that it is satisfied the proposals in the RtS could improve the efficiency and safety for road users.

The Department has considered the comments made in the submissions and information provided by the Applicant in the EIS and RtS. To ensure the safety of students during school peak hours, the Department has recommended conditions require that the final STP details measures to be implemented to manage drop-off / pick-up operations and any potential conflicts.

6.1.4 Pedestrian access and safety

The TIA included a historical crash analysis which found that between 2015 and 2019, 14 car crashes occurred near the school. One crash involved a pedestrian at the intersection of Orient Street and Omar Street and could be attributed to a lack of safe pedestrian infrastructure. The TIA concluded the remaining car crashes were likely caused by poor sightlines due to the terrain and unsafe pedestrian crossing behaviours. The TIA acknowledged that existing pedestrian infrastructure does not facilitate safe pedestrian movements and improvements are required to connect missing pedestrian links to the school. **Figure 24** shows pedestrian infrastructure deficiencies identified in the TIA.

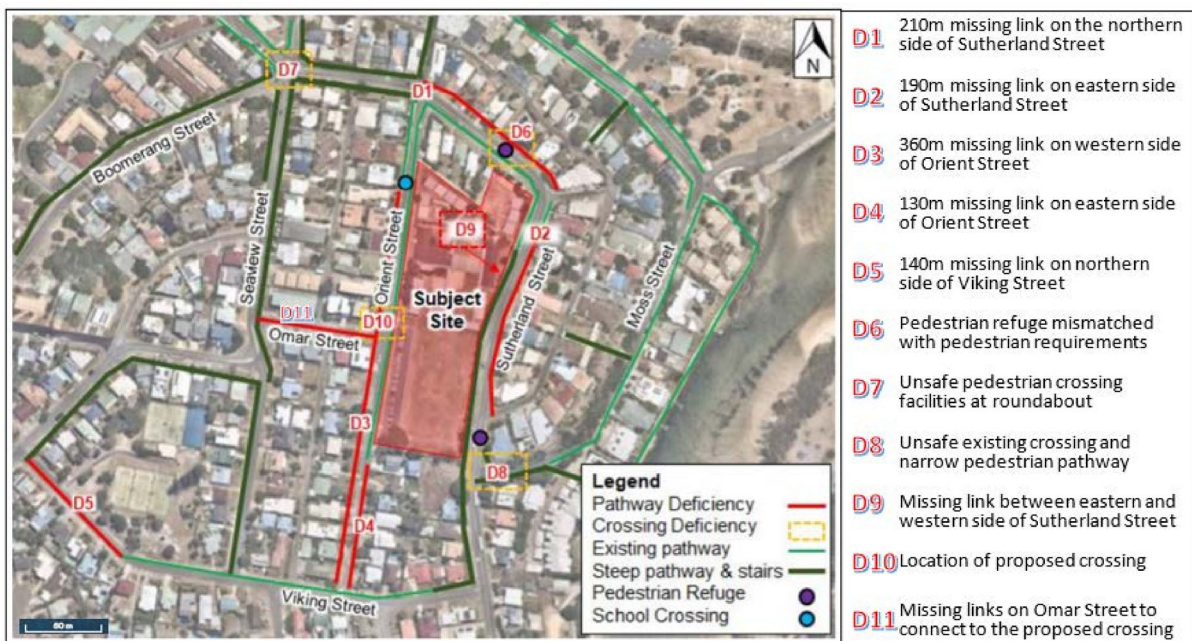


Figure 24 | Pedestrian infrastructure and deficiencies (Base source: EIS 2021)

Public submissions raised concerns in relation to the existing pedestrian infrastructure for students accessing the site from the east.

The application includes the construction of the following upgrades to improve pedestrian infrastructure for students:

- 360m shared pathway on western side of Orient Street (D3)
- 130m shared pathway on eastern side of Orient Street (D4)
- new pedestrian crossing adjacent to the Omar Street and Orient Street intersection and the main school entrance (D10).

In its submission, Council recommended the Applicant construct the missing section of footpath on the eastern side of Sutherland Street (D9). TfNSW requested the Applicant to consult Council and the Local Traffic Committee to identify informal crossing points and any additional upgrades required.

The RtS argued that the completion of D9 would promote unwanted drop-off / pick-up and pedestrian movements on Sutherland Street. The Applicant advised that it had consulted with Council during preparation of the RtS and agreed it would not construct the footpath on the eastern side of Sutherland Street requested by Council. However, the Applicant would widen the western side of the Sutherland Street footpath which adjoins the bus zone area to be a shared path.

Council supported the revised proposals in the RtS and recommended conditions to ensure all pathway upgrade works are constructed to its requirements. TfNSW noted the additional works proposed and recommended that the detailed design be undertaken in consultation with Council and the Local Traffic Committee.

The Department has considered the information provided and the advice of Council and TfNSW. The Department is satisfied that appropriate footpath upgrade works are proposed to facilitate pedestrian travel to the site. The Department has recommended conditions requiring these works be designed and delivered to the satisfaction of Council prior to the commencement of operation.

6.1.5 Car and bicycle parking

The original proposal set out in the EIS did not propose any additional parking for the school. However, the proposal would increase bicycle parking on site from 15 to 33 spaces.

In its submission to the EIS, Council objected to the proposed development on the basis that it did not provide sufficient parking to accommodate demand by staff. Council requested the Applicant provide 13 additional on site car parking spaces, to provide a total of 45 parking spaces for staff. Council also noted that the proposal did not adequately address existing informal parking along the grassed verge of Sutherland Street.

In response to Council's comments, the RtS stated the Applicant had consulted Council regarding parking arrangements. As a result of that consultation, the Applicant amended the proposal to include construction of nine parking spaces on the grassed verge of Sutherland Street, to provide a total of 41 staff spaces. The location of the proposed spaces is shown in **Figure 25**.

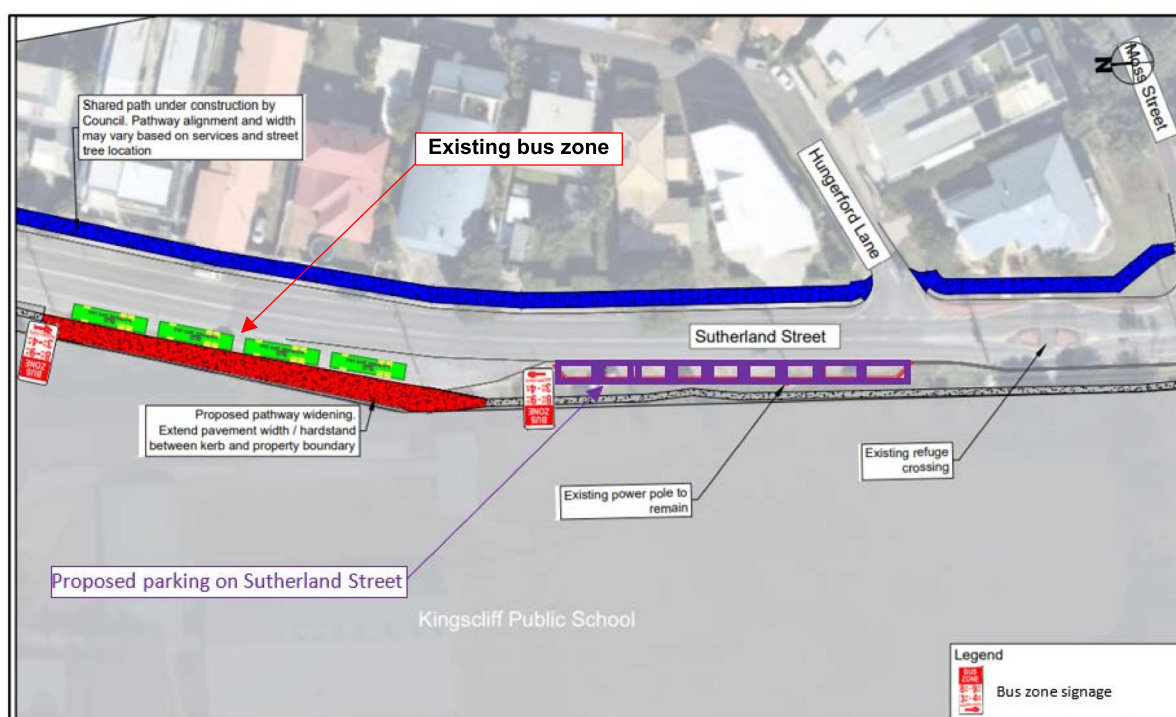


Figure 25 | Location of additional parking proposed on Sutherland Street (Source: Applicant's RtS 2021)

Whilst Council advised that it supported the proposed parking spaces on Sutherland Street, it stated that the spaces on Sutherland Street would most likely be used by parents, not staff. To ensure sufficient parking for parents and staff, Council requested that an additional 13 spaces be constructed on Orient Street (**Figure 26**). This would provide a total of 54 parking spaces on and around the school. Council stated that the provision of indented spaces on Orient Street would also assist in improving traffic flow when vehicles are parked on both sides of the southern end of Orient Street.



Figure 26 | Recommended car parking along Orient Street (Source: Council advice 2021)

To maximise use of the on site car park, Council also requested the Department impose a condition of consent to prevent the on site parking spaces being reserved for particular members of staff.

The Applicant responded to Council's comments in the SRtS, confirming it did not agree to the provision of the 13 additional parking spaces. The Applicant argued that the additional parking was not required as:

- travel surveys found that 96.4% of staff drive to the school, indicating a maximum demand for 43 spaces for staff
- the proposal would provide 41 spaces, meaning that two staff members would need to park on streets surrounding the site
- overflow parking for staff and visitors could easily be accommodated on surrounding streets, with a parking demand survey finding significant availability (106 spaces)
- the proposal includes significant works to improve public infrastructure, including new on street parking, footpath upgrades and a new pedestrian crossing
- the proposed infrastructure upgrades would encourage sustainable travel modes, reduce demand for parking and represent a significant investment by the Applicant
- the width of the southern end of Orient Street creates a natural pinch point that slows traffic and improves safety – widening the road to provide the additional parking would remove the pinch point and could lead to faster speeds and poorer safety outcomes
- imposition of 'no stopping' restrictions on the southern end of Orient Street could improve traffic flow
- the additional spaces on Orient Street requested by Council would require the relocation of existing services and a footpath that would incur significant cost.

In addition, the Applicant noted that if the parking requirements of the Tweed Development Control Plan 2008 (TDCP) were applied, the proposal would require 23 parking spaces to be provided for staff and 52 for visitors. The Applicant noted the proposal would provide almost double the number of staff parking spaces required under the TDCP. While acknowledging the proposal would not provide visitor

spaces, the Applicant noted that visitor parking rates required in the TDCP are excessive and it would not be practicable or a good use of public land to provide short-term parking for visitors on site.

The Department has carefully considered the Council submission, and the information provided by Applicant. The Department accepts the Applicant's justification of the proposed parking provision and considers the proposal represents a balanced outcome that meets staff parking demand. The Department considers that the proposed 41 spaces would represent a minor shortfall from Council's original request for 43 spaces, and measures in the STP would reduce staff car-based travel.

The Department has recommended conditions that require the Applicant to design and construct the nine parking spaces on Sutherland Street to Council's satisfaction prior to the commencement of operation.

The Department notes that Council's request to create additional parking spaces on Orient Street was also sought to improve traffic flow on the southern end of Orient Street. The Department accepts that this could be achieved in other ways, such as using 'No Stopping' signage on either side of the road during school peak hours. The Department has recommended a condition requiring the Applicant to consult Council regarding implementation of parking restrictions on the southern end of Orient Street.

6.1.6 School Transport Plan (STP)

The preliminary STP noted the school is serviced by both public and school bus services running between Tweed Heads and Kingscliff. The STP found 75% of students live within 400m of a bus stop and 96% are within 400m of a bus route. However, only 51% of students have been issued with a free school bus pass. The STP stated that bus services reach maximum capacity during school peak hours and the operator has advised that it cannot provide additional bus services.

The STP noted that 31% of students reside within a 15-minute walking catchment and 81% within a 15-minute cycling catchment of the school (**Figure 27**). However, only approximately 11.8% of students currently walk or cycle to the school.

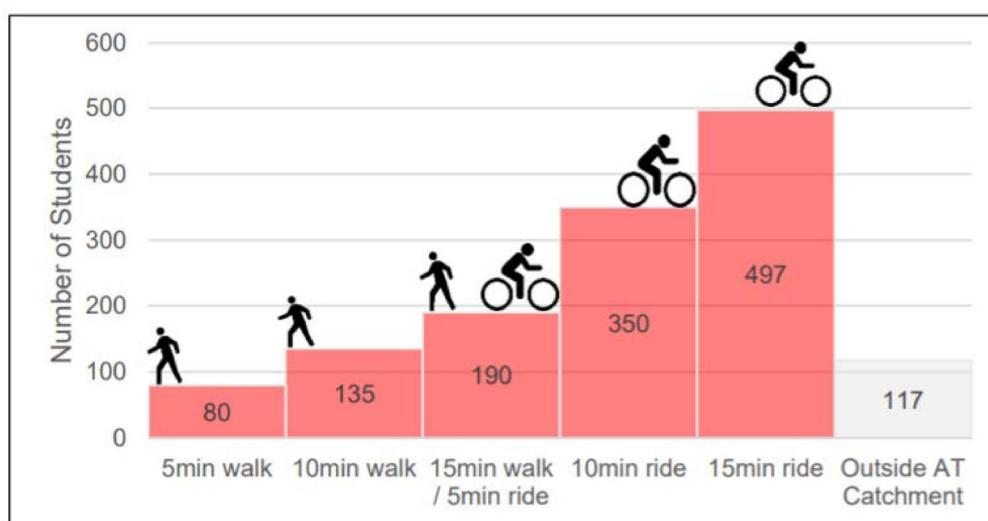


Figure 27 | Student walking and cycling catchment (Source: EIS 2021)

The STP noted that the Applicant cannot increase the frequency and capacity of existing school bus services. However, it acknowledged there is potential to increase active transport as the main mode of transport for students by improving pedestrian safety. In addition to pedestrian infrastructure upgrades (**Section 6.1.4**), the STP included measures to encourage active transport, including:

- establishment of walking bus groups to allow multiple students, accompanied by adults, to walk to school safely
- provision of a Travel Access Guide for students before enrolment and at the start of the school year to promote walking and cycling
- provision of secure bicycle, skateboard, and scooter parking spaces.

Council did not comment on the STP. TfNSW recommend the Applicant further consult with TfNSW and the bus provider to understand the impacts an increase in student numbers would have on the current bus services, and methods to increase students taking up bus services.

The Department has recommended conditions that require the final STP to be prepared in consultation with TfNSW and Council, and incorporate monitoring and review of the plan to ensure its objectives are met. The STP also requires consideration of bus service access to the site.

6.1.7 Construction traffic and parking

The preliminary Construction Traffic Management Plan stated:

- construction worker parking would not be provided on site, instead workers could use on street parking or public parking at Ed Parker Rotary Park and Faulks Park (**Figure 28**)
- construction activities, including truck movements, would be coordinated with the school to avoid movements during school peak hours
- construction vehicle access would not impact the staff car parking area and be via Sutherland Street in Stage 1 (**Figure 29**) and School Lane in Stage 2 (**Figure 30**) and Stage 3 (**Figure 31**)
- construction vehicles would use Tweed Coast Road, Cudgen Road, McPhail Avenue, Viking Street and Orient Street to access the site.



Figure 28 | Proposed construction worker parking (Source: EIS 2021)

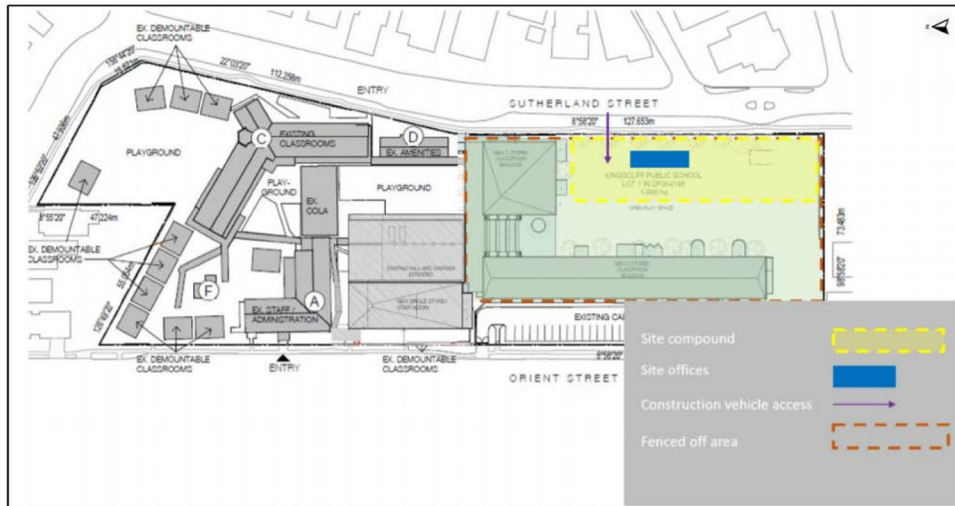


Figure 29 | Stage 1 construction (Source: RtS 2021)

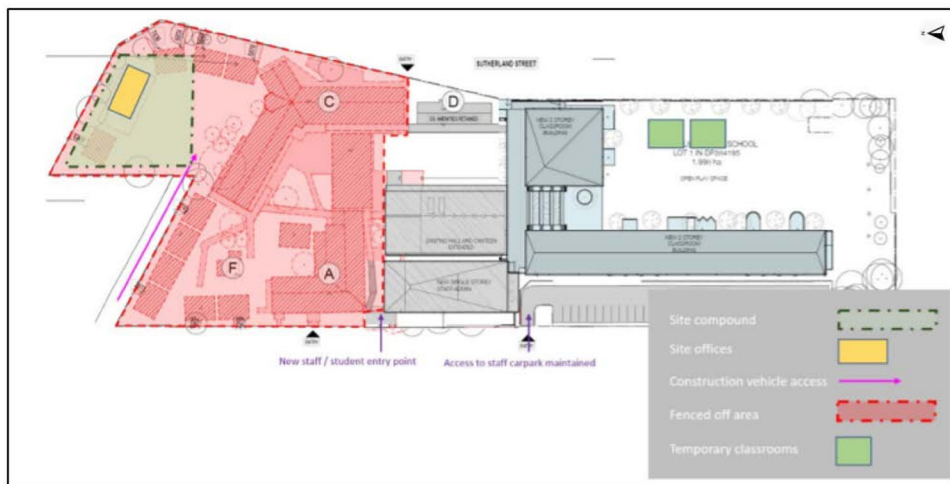


Figure 30 | Stage 2 construction (Source: RtS 2021)

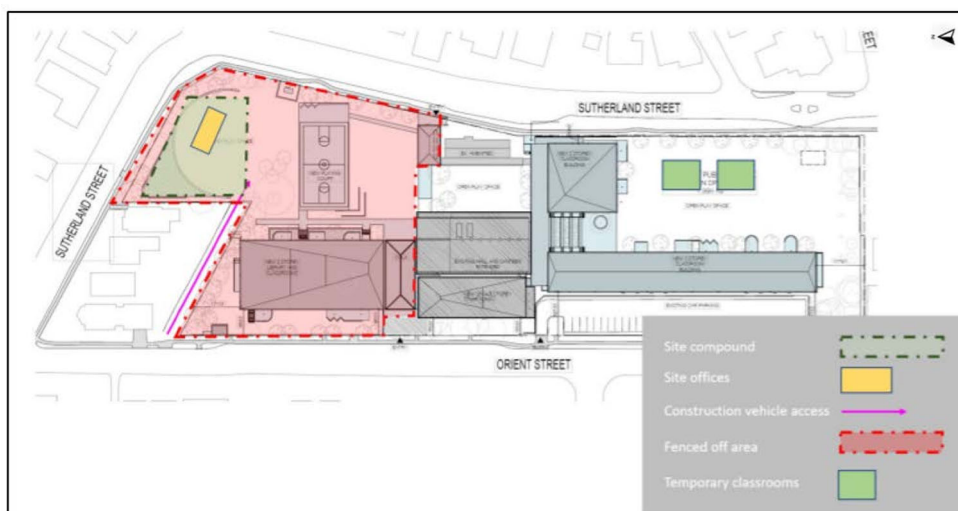


Figure 31 | Stage 3 construction (Source: RtS 2021)

In its comments on the RtS, Council raised concerns in relation to proposed construction worker parking, and stated that construction worker parking should be provided on site.

TfNSW raised concern regarding potential cumulative construction traffic impacts arising from other projects in the area, including Kingscliff High School Redevelopment and Tweed Valley Hospital. TfNSW also raised concern in relation to the safety of the interactions between pedestrians, cyclists, drop-off / pick-up vehicles, and construction vehicles along School Lane. TfNSW requested the final Construction Traffic Management Plan include mitigation measures to avoid conflicts on School Lane. TfNSW supported construction worker parking in existing public car parks and recommended that the final Construction Traffic Management Plan be prepared in consultation with TfNSW and Council.

The RtS noted the comments made, and stated that the construction traffic impact of Kingscliff High School and Tweed Valley Hospital are not within the site's immediate catchment and would be unlikely to impact the construction of the proposal.

The Department has reviewed the information provided and is satisfied that construction traffic impacts could be adequately managed, subject to preparation of the final Construction Traffic Management Plan in consultation with TfNSW and Council. The Department notes that the school would be operational throughout construction and accepts that on site parking is not possible. The Department has recommended a condition requiring the Applicant to prepare a Construction Worker Transport Strategy to set out travel arrangements for construction workers to minimise impacts from construction worker parking.

6.2 Built form and urban design

The proposed development includes the demolition of buildings and construction of three new buildings up to two storeys in height. The application was supported by an Architectural Design Report which provided a detailed site investigation and design justification. A Visual Impact Assessment (VIA) and Arboricultural Impact Assessment were also submitted as part of the EIS.

6.2.1 Building layout and design

The EIS stated that the proposed design had been considered with respect to:

- the need to provide improved and expanded learning facilities while maintaining open space
- using the topography to capitalise on coastal views from the site
- the need to share views with residential properties to Kingscliff Beach (**Section 6.2.2**)
- the need for varying setbacks to establish the school's presence on Orient Street, respond to the bend along Sutherland Street, and minimise impacts to adjoining residences to the north and south of the site (**Figure 32**)
- the bulk and scale of the surrounding residential development, which includes structures of one to three storeys with various massing and roof forms
- the use of materials and finishes that are sympathetic to the surrounding residential area, including the use of red and clay coloured bricks and Colourbond steel roofs (**Figure 33**).

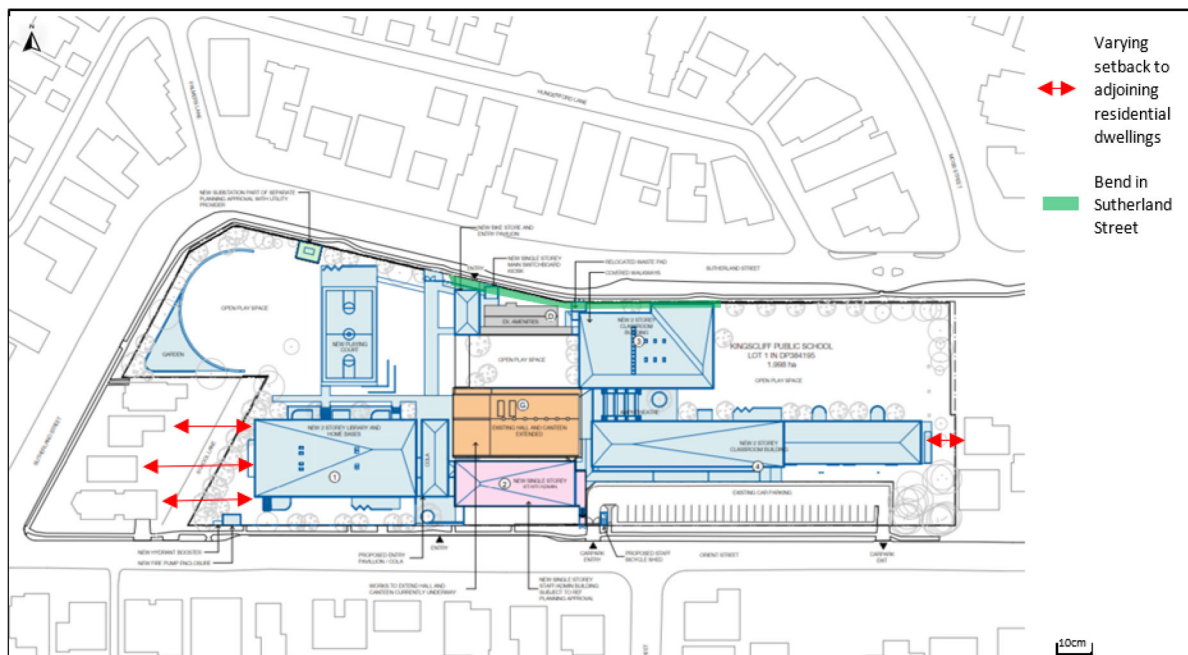


Figure 32 | Proposed varying setbacks (Base source: EIS 2021)

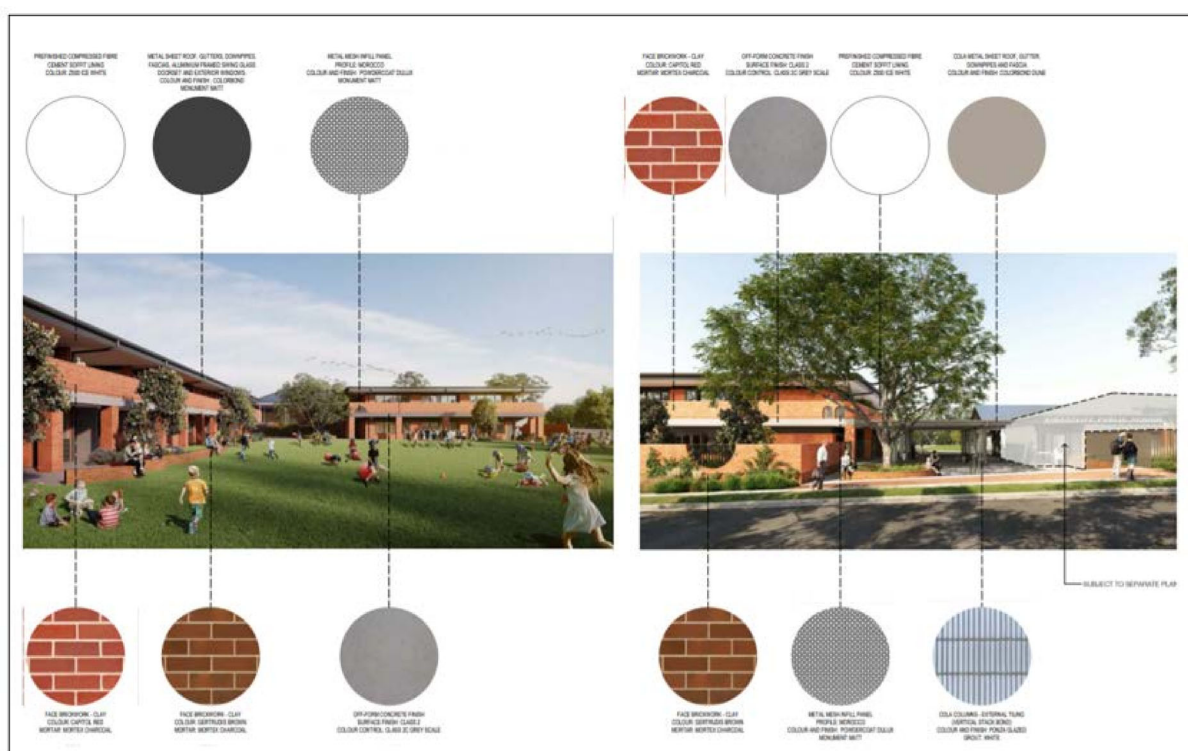


Figure 33 | Proposed materials and finishes (Source: EIS 2021)

Council and public submissions did not raise concerns in relation to design.

The site is subject to a maximum building height standard of nine metres under the TLEP. The proposed buildings have a maximum height of 8.75m and therefore comply with the height standard. The site is also subject to a maximum floor space ratio standard of 2:1 under the TLEP. The total floor space ratio, including the existing buildings to be retained, new buildings proposed in this application, and buildings to be constructed under separate assessment pathways (**Section 2.4**), would be 0.251:1. The proposal therefore complies with the FSR standard.

The Department is satisfied that the proposal appropriately responds to the constraints and opportunities of the site, particularly through the inclusion of a single storey building at the southern end of the site to preserve views across the site (**Section 6.2.2**). Overall, the Department concludes that the materials and finishes, height, bulk and scale of the buildings are contextually appropriate and are consistent with the character of the surrounding residential development.

6.2.2 View impacts

A VIA was included in the EIS which assessed the potential impact the development could have on views to and across the site.

6.2.2.1 Public domain views

The VIA assessed the proposal having regard to impacts on views from the public domain. The VIA found that the primary visual catchment surrounding the school encompasses Kingscliff Beach between low scale residential dwellings, vegetation, and undulating streets. The VIA found that the proposed built form is most likely to impact:

- northerly views from Orient Street to Kingscliff Beach, and southerly views from Orient Street to the existing open space play area
- easterly views from Omar Street and Seaview Street to Kingscliff Beach – views are more prominent from the western end of Omar Street which benefit from a higher position
- westerly views of the existing perimeter landscaping of the school from Sutherland Street.

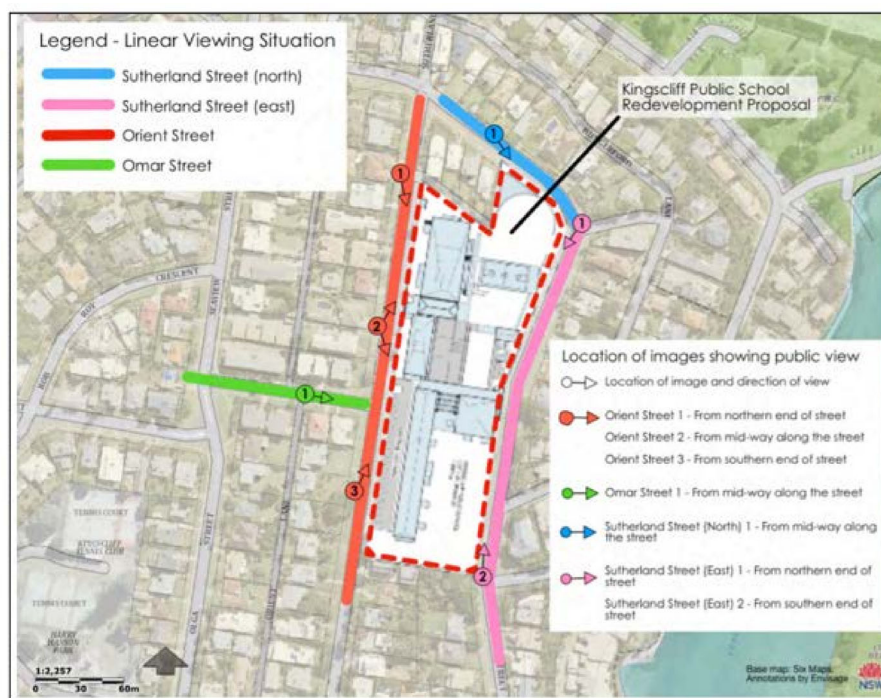


Figure 34 | Direction of views across the site (Source: EIS 2021)



Figure 35 | Views across the site along Orient Street (Source: EIS 2021)



Figure 36 | View across the site from Omar Street midway of Seaview Street (Source: EIS 2021)



Figure 37 | View across the site from Sutherland Street (Source: EIS 2021)

The VIA found that the proposal would have a minor to moderate impact on public domain views as:

- water views from public streets are experienced temporarily while moving and by people most likely accessing the school
- views from public streets are not considered points of outlooks from public places
- the proposal would not be visible from Kingscliff Beach, Cudgen Creek Beach and Cudgen Headland, as direct views would be obscured by the natural landform, vegetation and other existing buildings
- existing views of open space play area impacted by the new buildings would be mitigated by tree planting.

The Department has considered the impact of the proposal on views from the public domain, taking into consideration established planning principles established by the Land and Environment Court in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 (principles of view sharing: the impact on the public domain). The first part of the process to analysing the public domain impacts requires identifying the:

- nature and scope of the existing views from the public domain
- locations in the public domain from which the potentially interrupted view is enjoyed
- extent of the obstruction at each relevant location
- intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development; and
- whether there is any document that identifies the importance of the view to be assessed.

The second part of the process to analysing public domain impacts requires a quantitative and qualitative evaluation of the impacts. The quantitative evaluation considers the extent of the existing view, and the extent to which the view would be obstructed. The qualitative evaluation establishes notable factors and elements of the view, and the magnitude to which it contributes towards the aesthetic. The quantitative evaluation should also consider any planning document with an objective/aim for the maintenance, protection and/or enhancement of public domain views.

The Department has considered the assessment in the Applicant's VIA. The Department has undertaken its own assessment of the impacts of the proposal on key views from the public domain, having regard to established planning principles, and concludes that:

- views are available from public streets, Kingscliff Beach, Cudgen Creek Beach and Cudgen Headland
- water views are generally available through the northern side where the site slopes towards Kingscliff Beach
- views of the school open space are available through the southern side of the site
- the proposal would result in additional built form towards the southern side of the site and would obstruct views of the school open space area and partial, lower portions of views to the sky and distant ocean
- the extent of the impact is:
 - low at Kingscliff Beach, Cudgen Creek Beach and Cudgen Headland, as the site is obscured by existing buildings and vegetation due to the topography of the site and surrounding land
 - moderate at the southern end of Orient Street, Omar Street and Seaview Street, as the proposal would obscure some lower sky views and distant ocean views and remove the existing view of the school open space play area
 - low at the northern end of Orient Street, as the proposed new buildings are consistent in form with the existing buildings
 - low at Sutherland Street, as the proposed new landscaping would provide visual relief of the school buildings.
- from Kingscliff Beach, Cudgen Creek and Cudgen Headland, views to the site are generally obscured by the topography and existing developments
- views from public streets are transitory
- the proposal would not impact on views protected in the TDCP.

The Department's assessment concludes that the proposal would have limited impacts on views from the public domain, and would not detrimentally obstruct water views. View impacts from public streets can be minimised by landscaping. In addition, in considering the reasonableness of the impact with compliance with development standards, the site is neither subject to a Height of Building or Floor Space Ratio controls. The Department concludes that the VIA is acceptable and has demonstrated that public domain views would be reasonable.

6.2.2.2 *Private views*

The VIA conducted a view loss analysis of private views from affected properties taking into consideration planning principles established by the Land and Environment Court in *Tenacity Consulting v Warringah Council [2004]* NSWLEC 140 (principles of views). This includes a four step process to analysing the impact of view sharing on neighbours, including:

Step one - an assessment of the views to be affected (water views/iconic views/whole views)

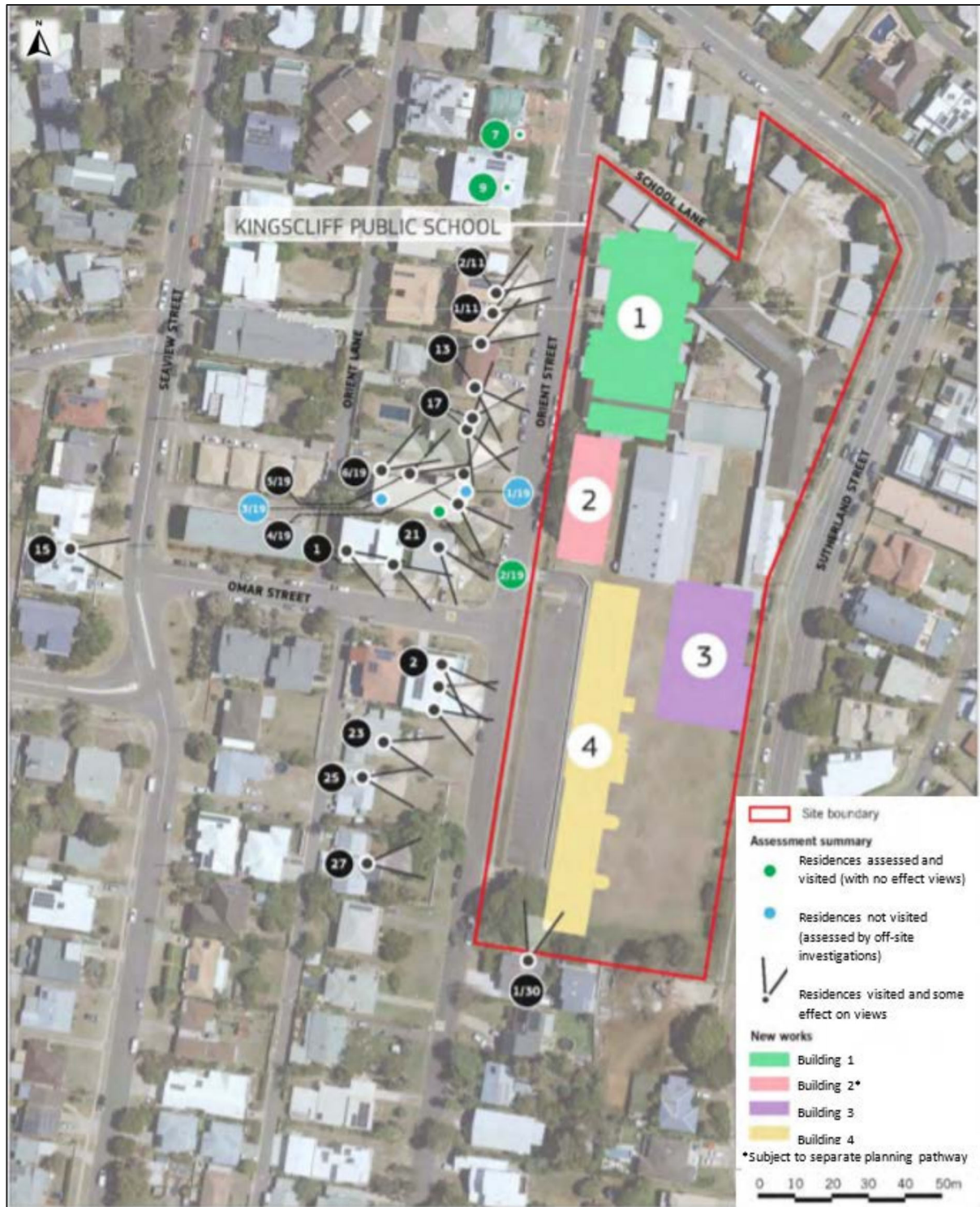
Step two - consideration from which part of the property the views are obtained (the expectation to retain side views and sitting views is often unrealistic)

Step three - an assessment of the extent of the impact (impact on living areas is more significant than bedrooms and view loss should be expressed quantitatively as negligible, minor, moderate, severe or devastating)

Step four - determination of the reasonableness of the impact (compliance with development controls is considered more reasonable).

The VIA assessed the impact of water views from affected residences, including from rooms and balconies. The VIA determined that 20 residences could be impacted by the development. The viewpoints assessed are shown in **Figure 38**.

The Applicant noted it was not able to obtain access to 1/19 and 3/19 Orient Street to assess existing views. However, analyses were conducted on immediately adjoining properties which allowed an assessment to be undertaken.



The VIA categorised the extent of visual impact on water views on the 20 residences from high to minor. As summary of the assessment of properties with moderate to high impact is provided in **Table 9**. All other residences were found to experience no more than a minor visual impact in relation to water views. A summary of additional view analyses is provided in **Appendix D**.

Table 9 | Summary of VIA's assessment of high to moderate impacts

13 Orient Street

High impact - all views to Kingscliff Beach from within the residence impacted by Building 1 (**Figure 39**) and Building 4 (**Figure 40**).



Figure 39 | View from the first floor living area of 13 Orient Street (Source: EIS 2021)



Figure 40 | View from the first floor southern bedroom of 13 Orient Street (Source: EIS 2021)

17 Orient Street

High impact - views to Kingscliff Beach impacted by Building 1 (**Figure 41**) and Building 4 (**Figure 42**). Water views across the northern side of the school would be retained.



Figure 41 | View from the first floor living area of 17 Orient Street (Source: EIS 2021)



Figure 42 | View from the first floor living area of 17 Orient Street (Source: EIS 2021)

1/11 Orient Street

Moderate impact - all views to Kingscliff Beach from within the residence impacted by Building 1, but some views from the balcony would be maintained.

2/11 Orient Street

Moderate impact - with views to Kingscliff Beach impacted by Building 1. Some views from northern living area and kitchen and balcony would be retained.

1/19 Orient Street

Moderate impact - with views to Kingscliff Beach impacted by Building 4. Some views across the north of the school would be retained.

23 Orient Street

Moderate impact - with views to Kingscliff Beach impacted by Building 4, including from the balcony and living area. Views across the single storey portion of Building 4 would be retained.

The VIA noted water views from 13 Orient Street and 17 Orient Street would be most impacted by the development. The VIA noted the proposal's maximum height of 8.75m complies with the Height of Building Standard of 9m under the TLEP. The proposal has a FSR of 0.251:1 which complies with the maximum FSR standard of 2:1 under the TLEP. The VIA stated design refinements have been undertaken to reduce visual impacts as much as practically possible without diminishing the functionality of the school. For example, during the design process, Building 4 was amended from two storeys to a part one and part two storey structure, to reduce the visual impact at the southern-most end of the site (and). The VIA concluded that the visual impacts of the proposal have been mitigated by incorporating a design which maintains the existing predominant features of the school, including:

- limiting building height to one to two storeys
- retaining large open grassed areas
- use of materials and finishes consistent with the existing local character.

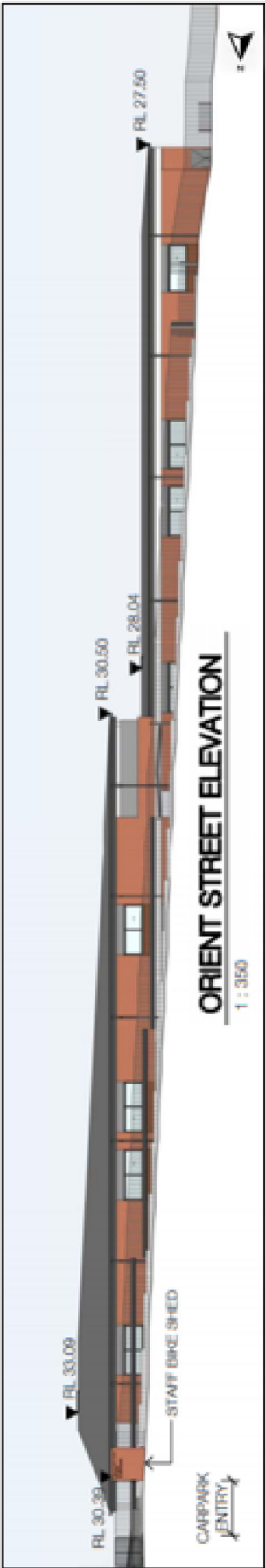


Figure 43 | Orient Street elevation of Building 4 (Source: EIS 2021)

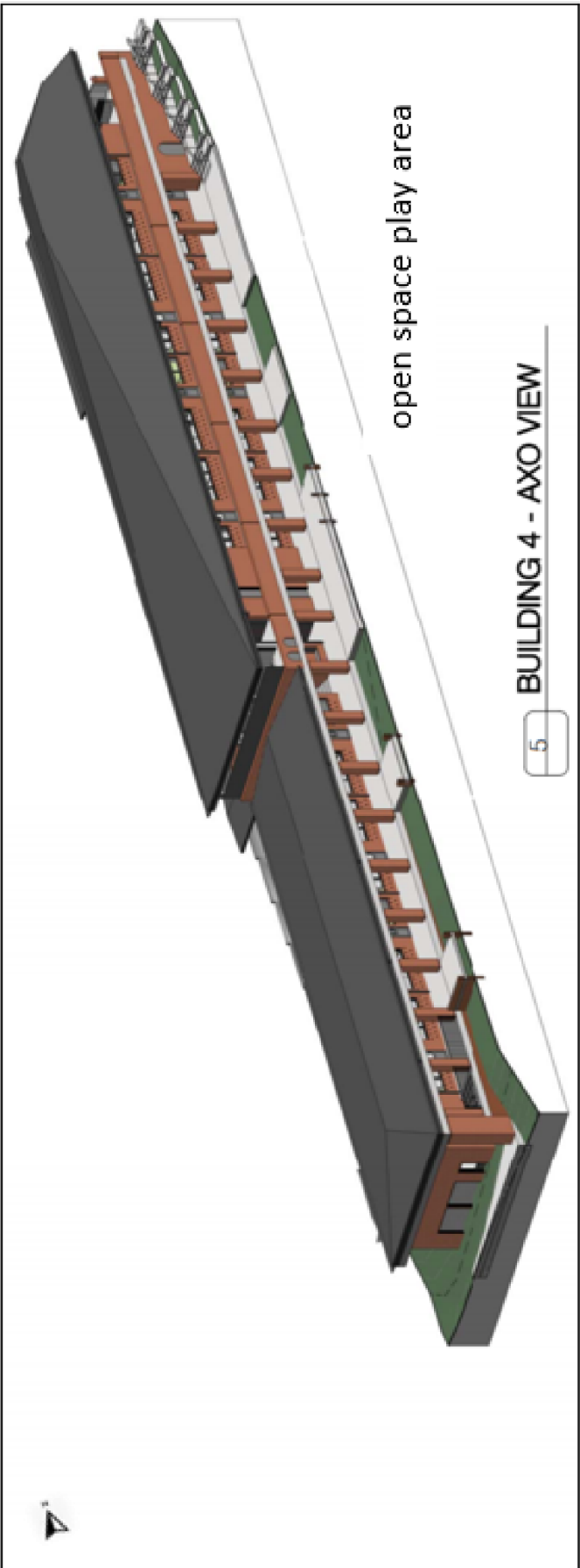


Figure 44 | View of Building 4 from the open space play area (Source: EIS 2021)

No public submissions raised concerns regarding visual impacts.

The Department has considered the Applicant's assessment of view impacts. The Department considers that the proposal has the greatest potential to impact views from properties west of Building 1 and Building 4, due to the site's natural slope and the height of the proposed buildings. The affected properties include:

- 11 - 25 Orient Street
- 1 - 2 Omar Street
- 15 Seaview Street.

The Department's assessment of impacts to these properties is provided in **Table 10**. Five categories define the impacts from negligible (barely perceivable), minor (minor loss of water view), moderate (some loss of water view), severe (high impact water view) and devastating (total loss of view).

Table 10 | Department's assessment of impacts on views from residences

Property	View	View type	Department's Assessment
1/11 Orient Street	School buildings, adjoining dwellings and vegetation with ocean horizon behind	Across front boundary to the north of the school - from the balcony off the living area and kitchen and living area windows. Across the front boundary to the south of the school - balcony off master bedroom.	Loss of ocean views from the living and kitchen window and external balcony from master bedroom. However, some views from the balcony off the living area are retained. Overall impact is considered moderate.
2/11 Orient Street	School buildings, adjoining dwellings and vegetation with ocean glimpses	Across front boundary to the north of the school – from the balcony off the living area and kitchen and living area windows.	Some impact to ocean views from the balcony. However, views from the kitchen window and living area are retained. Overall impact is considered moderate.
13 Orient Street	School buildings, adjoining dwellings and vegetation with limited ocean glimpses	Across front boundary to the north of the school – from the living area and some bedroom windows. Across the front boundary to the south of the school - from the master bedroom window.	All ocean views would be impacted. Overall impact is considered severe.
17 Orient Street	School buildings, adjoining dwellings and vegetation with ocean horizon behind	Across front boundary to the north of the of the school - from the front yard and window of the living area. Across the front boundary to the south of the school – from the window of a	Views from the yard would be impacted. From the living area, some views across the northern boundary of the school would be retained. All views across the southern boundary towards the school would be impacted.

		bedroom and the living area.	Overall impact is considered severe.
1/19 Orient Street	School buildings, adjoining dwellings and vegetation with ocean horizon behind	Exact location from where views are obtained is unknown. It is assumed views are across the front boundary to the north and south of the school.	Most existing views across the north of the school are expected to be retained. Some views across the south of the school are expected to be retained. Overall impact is considered to be moderate.
2/19 and 3/19 Orient Street	School buildings, adjoining dwellings and vegetation with ocean horizon behind	Across front boundary to the north of the school – balcony from the living area.	Minimal impact to views from the living area. Overall impact is considered minor.
4/19, 5/19 and 6/19 Orient Street	Wide district views with ocean horizon and Kingscliff Beach behind.	Across front boundary to the north of the school - balcony from the living area and bedroom windows.	Most existing views across the north of the school expected to be retained. Overall impact is considered minor.
21 Orient Street	School site, adjoining dwellings and vegetation with ocean horizon behind.	Across front and southern boundary of the south of the school – from the living area window.	Views across the southern side of the school from the front yard and from the living area of Cudgen Creek would be lost. However, most views of Kingscliff Beach from the living area would be retained. Overall impact is considered moderate.
23 Orient Street	School car park and playing field, adjoining dwellings and vegetation with ocean horizon behind	Across the front boundary to the south of the school - from the front yard and balcony from the living area.	Some ocean views across the southern side of the school from the front yard and balcony from the living area would be impacted but majority retained. Overall impact is considered moderate.
25 Orient Street	School car park and playing field, adjoining dwellings and vegetation with partial ocean horizon behind.	Across the front boundary to the south of the school – from the front patio and the living area window.	Views across the centre of the school would be impacted where Building 4 is two storeys. However, most views would be retained for the portion where Building 4 is single storey. Overall impact is considered moderate.
1 Omar Street	School site, adjoining dwellings and vegetation with ocean horizon behind.	Across the front and rear boundary and south of the school – most rooms and balconies from first floor level.	Views across the southern boundary would be retained. Overall impact is considered minor.

2 Omar Street	School site, adjoining dwellings and vegetation with ocean horizon behind.	Across the front boundary to the south of the school – from the front yard and the porch and the first floor living area.	Views across the south of the school would be impacted where Building 4 is two storeys. However, all views across the single storey portion of Building 4 are retained. Overall impact is considered minor.
15 Seaview Street	Omar Street with residential buildings either side, school site at end of street with ocean views behind.	Across front boundary along Omar Street – from the front yard and porch and upstairs area.	Most ocean views across the south of the school would be retained. Overall impact is considered minor.

Considering the reasonableness of the proposal under step four of the planning principles, the Department notes the proposal complies with the applicable Height of Building and Floor Space Ratio standards. As to whether an alternate design could reduce the impact, the Department accepts that redevelopment of the site is necessary to provide improved and expanded educational facilities for the community. The Department acknowledges the Applicant has carefully designed the development to minimise impacts on views, particularly through the stepping down of the height and roof slope of Building 4 (and). The Department is satisfied that the proposal represents skilful design in accordance with established planning principles.

Overall, the Department acknowledges that the proposal is a significant change to some existing views, including severe impacts on partial ocean views from 13 and 17 Orient Street, and moderate or minor views of other properties overlooking the site. However, following a careful assessment of the proposal against the established planning principles, the Department considers that the impacts would be acceptable.

6.2.3 Landscaping

The Architectural Design Statement and Arboricultural Impact Assessment advised in relation to landscaping:

- 24 of the 66 existing trees on site would be removed, as they are in a poor condition or within the footprint of the proposed development
- a Preferred Koala Food Tree Species, *Eucalyptus tereticornis* (Forest Red Gum), is located at the northern end of the site. This tree is to be retained and would require protection from construction works
- new trees would be planted along the northern, eastern and western perimeter of the site, to visually screen the development from surrounding areas
- the new school entry would improve pedestrian connection between Orient Street and Sutherland Street and link the administration, library, hall and staff buildings.

The proposed landscape works are shown in **Figure 45** and include:

- open lawn play areas with a mix of synthetic and lawn areas, shade structures and trees and bench seating

- games court
- pocket gardens with raised gardens beds that connect indoor and outdoor learning areas
- covered and uncovered outdoor learning areas with bench seating and shade trees
- a bush tucker garden
- a tiered amphitheatre with a mix of concrete and soft cover areas (**Figure 46**).

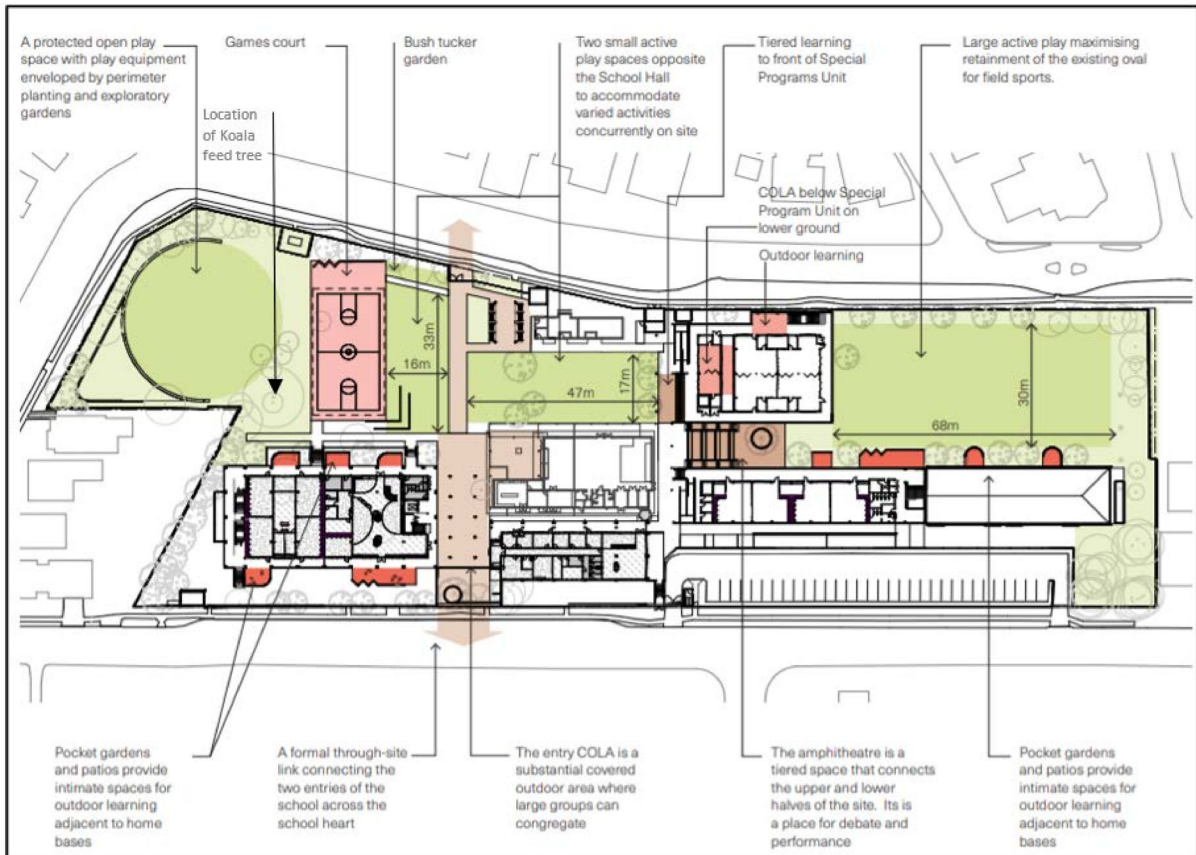


Figure 45 | Proposed landscape plan (Source: EIS 2021)



Figure 46 | Proposed amphitheatre (Source: EIS 2021)

Council and public submissions did not raise concerns in relation to tree removal or landscaping. The Department acknowledges 24 trees would be removed and considers it acceptable as they are in poor condition or would be impacted by the development. The Department also considers that the replacement tree planting rate of three to one improves the existing tree canopy site coverage and compensates for the tree removal. The Department notes that construction works would encroach the tree protection zone of the Koala feed tree, and has recommended conditions to give effect to the mitigation and management measures in the BDAR to protect the tree.

The Department considers the proposed landscaping includes an appropriate mix of shade structures and open play areas, with the perimeter planting providing visual softening between the school and surrounding residences. However, the Department considers that Orient Street frontage could benefit from street tree planting to visually soften the built form created by Building 3 and Building 4, and create canopy cover on the street. The Department notes that street tree planting should be considered in consultation with Council, noting existing paving, other structures, or constraints that may limit these opportunities.

The Department has recommended a condition requiring street tree planting on Orient Street be provided subject to consultation with Council. The Department has also recommended conditions that require the development to comply with the recommendations of the Arboricultural Impact Assessment and BDAR.

6.3 Other issues

The Department's consideration of other issues is provided at **Table 11**.

Table 11 | Other issues

Issue	Findings	Department's conclusion and recommended Condition(s)
Social impacts	The EIS included a Social Impact Assessment (SIA) that considered the social impacts of the proposed development. The SIA found the that proposal would likely result in: • short term negative impacts from construction activities • view loss for some residences • long term positive outcome for the community, which has a predicted population growth of 26% over 20 years • improved pedestrian and vehicular safety and accessibility • opportunity for community use of the new school facilities and existing open space. The SIA's recommendations to mitigate impacts of the proposal included preparation of an Accessibility Capability Statement and investigation into shared use agreements with the community. Council did not make any comments in relation to the SIA.	The Department acknowledges that short-term negative social impacts may arise for students, teachers, and parents during the construction period. However, the proposed development would provide a significantly improved, accessible educational facility with increased capacity, providing significant long-term positive social impacts. The Department has recommended conditions to manage construction impacts.

Biodiversity	The BDAR stated that a Little Bent-winged Bat was found on site during surveys. The BDAR advised that its breeding and foraging habitat were not present on the site, and would not be impacted by the proposal. The site is near Cudgen Creek Beach and Riparian Buffer zone. The BDAR recommended mitigation and management measures to avoid indirect impacts to watercourses. EESG recommended that any consent issued include the mitigation and management measures set out in the BDAR.	The Department has reviewed the BDAR and considered EESG advice. The Department has recommended conditions to give effect to the mitigation and management measures in the BDAR.
Construction noise and vibration	A Noise and Vibration Impact Assessment (NVIA) was submitted with the EIS. The NVIA predicted that the proposed construction activities would generally comply with noise affected levels recommended in the NSW Interim Construction Noise Guideline. However, some construction works may exceed noise affected levels and the noisiest activities may exceed highly noise affected levels at some sensitive receivers. The NVIA recommended measures to manage impacts, including standard construction hours and the installation of acoustic barriers where required. The NVIA recommended vibration works be monitored as necessary, depending on the ground substrate and equipment used during excavation works. A revised Construction Management Plan included in the RtS indicated that acoustic barriers would be installed during works to limit noise impacts. EPA recommended compliance with standard construction hours.	The Department has reviewed the NVIA and advice from EPA. The Department supports the advice of EPA that working hours be limited to standard construction hours, with intra-day respite periods. The Department has recommended conditions accordingly. The Department has also recommended conditions that require a detailed Noise and Vibration Management Plan be prepared and implemented to manage and minimise impacts.
Operational noise	The NVIA assessed potential operational noise impacts, including from school bells, outdoor play periods and car associated movements. The NVIA concluded that operational noise levels are likely to comply with the applicable noise limits. The NVIA stated that noise mitigation treatments are likely to be required for operational activities impacting residences on the southern boundary of the site. The NVIA recommended:	The Department has considered the information provided by the Applicant and advice from Council and TfNSW. The Department considers that operational noise levels can be managed subject to mitigation measures recommended in the NVIA. The Department has recommended conditions requiring: • a noise barrier be installed, and plant and equipment be designed in accordance with the recommendations of the NVIA

	- the installation of a 1.8m high acoustic barrier along nominated sections of the site boundary - outdoor activities be limited from 7am to 10pm, Mondays to Saturdays and 8am to 10pm, Sundays - mechanical plant equipment be designed to comply with recommended noise levels. Council requested that an Out of Hours Event Management Plan be prepared. EPA advised that the Applicant is required to undertake operational noise impact monitoring. As part of the RtS, the Applicant advised that the only out of hours use of the school is the existing after school care. The Applicant did not provide an Out of Hours Event Management Plan but offered to provide one in consultation with Council, prior to the commencement of operation.	- noise monitoring be undertaken to confirm compliance with the noise trigger levels - preparation of an Out of Hours Event Management Plan.
Aboriginal cultural heritage	The site is located on Bundjalung country. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS. The ACHAR advised the site is located on red Cudgen soils which are fertile soils that have value to the Aboriginal people. However, previous disturbance has cleared the site of its native vegetation and impacted its natural soils. The ACHAR found one isolated Aboriginal object beneath a demountable structure in the north-western corner of the site. The site also contains an unregistered archaeological site and there is an area of cultural sensitivity to the east of the site. The ACHAR advised that the proposed works avoid archaeologically and culturally sensitive areas, and that the likelihood of the presence of other cultural material on site is low. The ACHAR recommended development of an Aboriginal Heritage Management Plan. Heritage NSW advised that the ACHAR had been prepared in accordance with the relevant guidelines and it agreed with its recommendations. To ensure that the cultural heritage values of the site are adequately investigated, Heritage NSW recommended that test excavations be undertaken of unvalidated areas of the site prior to determination of the project. The RtS advised that the Applicant had consulted Heritage NSW on the timing of	The Department is satisfied that the proposal is unlikely to result in any significant impacts to Aboriginal cultural heritage. The Department has recommended a condition requiring further test excavation following demolition works. Additional conditions require implementation of the recommendations in the ACHAR, including the preparation and implementation of an Aboriginal Heritage Management Plan and unexpected finds protocol.

	further archaeological excavations, noting that these could only occur following the demolition of existing structures. Heritage NSW stated that the Applicant is required to undergo further test excavation for culturally significant landforms and Aboriginal objects in the north-eastern corner of the site following the completion of demolition works.	
European heritage	A Historic Heritage Assessment (HHA) was included with the EIS. The HHA found that since construction of the school in 1957, the site has been highly disturbed, and any structures or relics are unlikely to have lasted. The assessment concluded that the site has low archaeological values and development may proceed with an unexpected finds procedure in place. The HHA acknowledged the existing Kingscliff Public School building may have historical significance to the public, however the structure has no heritage value. The assessment advised that photographic and oral archival records should be kept preserving the history of the school.	The Department is satisfied that the proposal would not result in any adverse impacts to historic heritage.
Contamination	A Hazardous Materials Management Plan and Detailed Site Investigation were included with the EIS. The Detailed Site Investigation found the site was previously used for residential purposes and unlikely to be contaminated. Soil testing found that the site contained acid sulfate soils, and an Acid Sulfate Soil Management Plan was included in the Detailed Site Investigation. The Hazardous Materials Management Plan found the presence of lead, synthetic mineral fibre and asbestos, and included recommendations relating to the treatment and handling of hazardous materials. Council requested the Applicant prepare a Dewatering Management Plan and amended Acid Sulfate Soil Management Plan to address the treatment of acid sulfate soils and organochlorine pesticides. EPA did not make any comments in relation to contamination. The RtS: included an updated Acid Sulfate Soil Management Plan that addressed	The Department has reviewed the information provided by the Applicant and comments from Council. The Department is satisfied that the site remains suitable for the use as a school. The Department has recommended conditions requiring: - the preparation of a Hazardous Materials Management Plan prior to demolition works - an EPA Site Auditor to be appointed prior to remediation commencing - further site investigations be undertaken following demolition works to determine if organochlorine pesticides are present on the site - construction/remediation to be done in accordance with a Remediation Action Plan if contamination from organochlorine pesticides is found on site - unexpected finds procedure to be implemented throughout works - the Applicant ensure that the proposed works do not result in a

	how acid sulfate soils should be treated • addressed Council's comments on organochlorine pesticides, noting that previous investigations indicate that contamination is unlikely, but further investigations could be undertaken following demolition if required • included a Dewatering Plan. Council provided conditions of consent to ensure that the site could be made suitable for the proposed use.	change to contamination risk on the site • Site Audit Statement to be issued prior to operation, including an Environment Management Plan where on site containment is proposed • that the site is managed in accordance with the approved Environment Management Plan where on site containment is required.
Waste collection	A Waste Management Plan was included in the EIS which addressed waste management and disposal throughout the construction and operation of the development. The Waste Management Plan stated that demolition and construction waste would be handled in accordance the relevant Australian standards, including disposal of hazardous wastes. The operational waste storage area is proposed on the eastern boundary of the site and accessible by waste collection vehicles via Sutherland Street. The RtS confirmed that waste collection would be scheduled to avoid conflict with bus operations on Sutherland Street.	The Department has recommended conditions that require an Operational Waste Management Plan to be prepared prior to the operation of the development, to set out clear procedures for the collection of waste on the site. This includes restrictions on waste collection service times to outside of school hours.
Over-shadowing	The EIS included shadow diagrams which showed that during the Winter Solstice, minimal overshadowing would occur onto 30 Orient Street and 17 Sutherland Street. No other overshadowing would occur to residential properties.	The Department considers that the overshadowing to the adjoining residential properties would be minimal, and the proposal would not result in unacceptable impacts.
Stormwater, flooding, and sewerage	A Drainage and Flooding Assessment was provided with the EIS. This noted that the site is located near Cudgen Creek Beach, but is elevated well above the flood planning level and not located within flood prone land in accordance with the TLEP. The assessment advised the site contains limited stormwater infrastructure, and the proposal may impact stormwater runoff and flows. It recommended further assessment to determine the stormwater network requirements and design. Following exhibition of the EIS, Council requested additional drainage information, including revised plans demonstrating compliance with its standards, and showing the location of the proposed sewerage connections.	The Department is satisfied that an appropriate stormwater management system can be implemented on site. The Department has recommended conditions that require the stormwater management system be completed prior to the commencement of operation.

	The RtS included additional information and updated stormwater plans that indicated that the: • proposed on site detention system would mitigate peak stormwater runoff and flows • proposed stormwater management system would comply with Council's engineering requirements. Council provided recommended conditions of consent to ensure that the stormwater system is designed to its standards.	
Aviation and airspace protection	The site is located approximately 15km south-east of Gold Coast Airport. The EIS includes a copy of correspondence from Gold Coast Airport that advised the proposed building height would not impact the prescribed airspace of the airport, and recommended that all activities occur below a critical height of 154.5m. Gold Coast Airport, Air Services Australia and the Civil Aviation Safety Authority were notified of the EIS and did not provide any comments.	The Department considers the design of the proposed buildings are appropriate and would not impact aviation and airspace protection. The Department has recommended conditions to ensure that construction cranes are below the critical height.
Outdoor play space	The EIS stated that 9,350 sqm of open play area would be provided for students. This is more than the 10 sqm per student recommended in the Department of Education's Education Facilities Standards and Guidelines.	The Department considers that the proposal includes adequate outdoor play areas with a range of facilities for students.

7 Evaluation

The Department has reviewed the information provided by the Applicant and assessed the merits of the proposal, taking into consideration comments in the submissions, including from Council, and advice from public authorities. The key issues identified with the proposal include traffic, transport and accessibility and built form and urban design. Issues raised have been considered and environmental issues associated with the proposal have been addressed in the Applicant's EIS, RtS and SRtS. The Department concludes the impacts of the proposal are acceptable and can be mitigated through the recommended conditions of consent. Consequently, the Department recommends that the application approved subject to conditions.

The proposal is suitable for the site and the impacts of the proposal are considered satisfactory on balance in the context of the community benefits. The local road network has capacity to accommodate additional traffic generated by the development, and sufficient car parking would be provided to cater for expected demand. The proposal would provide improved pedestrian infrastructure on Orient Street and Sutherland Street. Implementation of parking restrictions, subject to Council approval, combined with recent changes to drop-off / pick-up and bus zones, would improve traffic flow. The proposed school buildings have been designed to minimise view impacts to surrounding residences and is appropriate.

The proposal is considered to be in the public interest as it would provide public benefits including:

- provision of updated educational facilities to meet the needs of a growing area, and
- investment of approximately \$25.3 million to deliver approximately 90 new construction jobs and eight operational jobs.

8 Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** 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 SSD-8378620
- **signs** the attached conditions of consent (see **Attachment C**).

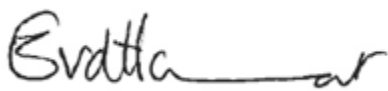
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Jenny Chu

Planning Officer

Social and Infrastructure Assessments

Reviewed by:



Erica van den Honert

Executive Director

Infrastructure Assessments

Recommended by:



David Gainsford

Deputy Secretary

Assessment and Systems Performance

9 Determination

The recommendation is **Adopted** by:



The Hon. Anthony Roberts
Minister for Planning

Appendices

Appendix A – Relevant Supporting Information

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://www.planningportal.nsw.gov.au/major-projects/project/38056>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/38056>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/38056>

Appendix B – Statutory Considerations

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) *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.

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 (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- Tweed Local Environmental Plan (TLEP) 2014.

Compliance with Controls

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

The aims of the SRD SEPP are to identify State significant development (SSD), State significant infrastructure (SSI), critical SSI and confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **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 instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The proposal has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school under clause 15 (2) of Schedule 1 SRD SEPP that was in force at the time the application was made 28 May 2021.	Yes

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 types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Notwithstanding, the application was referred to TfNSW for advice.

The proposal is consistent with the Infrastructure SEPP, given the consultation and consideration of advice from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (**Appendix C**).

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 Education SEPP was amended on 17 December 2021. In accordance with the “Saving and Transitional Provisions” that apply, the application has been assessed against the relevant provisions of the Education SEPP that were in force at the time the SSD application was made on 28 May 2021.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is SSD, even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school redevelopment complies with the relevant development standards imposed by the TLEP 2014.

Clause 57 of the Education SEPP requires traffic generating development that involves addition of 50 or more students to be referred to TfNSW. The Application was referred to TfNSW 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 B2**.

Table B2 | Consideration of the design quality principles

Design principles	Response
Principle 1 - context, built form and landscape	The proposed built form has been designed to be sympathetic to the surrounding residential area and not significantly interrupt views across the site.

Principle 2 - sustainable, efficient and durable	The proposal includes ecologically sustainable development (ESD) measures (Section 4.4.3).
Principle 3 - accessible and inclusive	The proposal has been designed to be accessible and inclusive through the provision of accessible paths of travel around the school buildings. The Department has recommended conditions requiring wayfinding signage to identify key areas within the school and assist visitors to navigate the site.
Principle 4 - health and safety	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. Environmental constraints have been considered and addressed, including site contamination.
Principle 5 - amenity	The proposal creates a variety of interesting and useable outdoor spaces between buildings, linked by the central COLA and amphitheatre. The proposal has been designed with a building layout that maximises solar access during the winter solstice.
Principle 6 - whole of life, flexible, adaptable	The proposed learning areas are flexible and provide adaptable learning spaces throughout the buildings. The proposed shade structures provide flexible outdoor learning and play areas.
Principle 7 - aesthetics	The proposal is sympathetic in scale and form to the surrounding development. The new buildings reflect the character of the area.

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. The Applicant's EIS and RtS have addressed contamination on site and concluded that the site is suitable for the continued use as an educational establishment. The Department has considered the EIS and advice provided by the EPA and is satisfied that the site is suitable for the continued use as a school as required by SEPP 55 (**Section 6.3**).

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal would be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Tweed Local Environmental Plan 2014 (TLEP)

The TLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Tweed LGA. It 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 TLEP and those matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the TLEP. Consideration of the relevant clauses of the TLEP is provided in **Table B3**.

Table B3 | Consideration of the TLEP 2014

SLEP 2012	Department Comment/Assessment
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned R3 Medium Residential Density. Educational establishments are permissible with consent within the zone and consistent with the zone objectives.
Clause 2.7 Demolition requires development consent	Demolition of selected buildings form part of the proposed development. The Department has considered the proposed demolition in its assessment.
Clause 4.3 Height of Buildings	The site is subject to a 9m maximum height of building standard. The maximum building height proposed is 8.75m, which complies with the standard.
Clause 4.4 Floor Space Ratio (FSR)	The site is subject to a maximum Floor Space Ratio of 2:1. The proposed development includes a FSR of 0.251:1, which complies with the FSR standard.

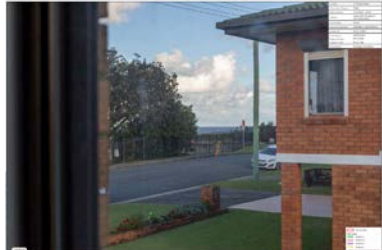
Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. However, the objectives of relevant controls under the Tweed Development Control Plan 2008, where relevant, have been considered in **Section 6**.

Appendix C – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/38056>

Appendix D – Summary of key findings of Applicant's Visual Impact Assessment

Location	Existing View	Proposed View	Impact	
1/11 Orient Street – from the first floor balcony				Moderate
2/11 Orient Street - from the first floor balcony				Moderate
13 Orient Street – first floor living area window				High
13 Orient Street – first floor bedroom window				High
17 Orient Street – first floor level window				Moderate to high
17 Orient Street – first floor side window				



Moderate to high

1/19 Orient Street



No inspection conducted

Moderate – based on secondary data

2/19 Orient Street



Inspection conducted – no images provided.
Views are from a balcony oriented to the north and would be unaffected by the development

None

3/19 Orient Street



No inspection conducted

None - based on secondary data

4/19 Orient Street – third floor northern balcony



Minor

4/19 Orient Street – third floor southern balcony



Minor

5/19 Orient Street – third level side balcony



Minor

6/19 Orient Street – third level balcony



Minor

21 Orient Street – living room



Minor

23 Orient Street – front veranda



Minor to moderate

25 Orient Street – front veranda



Minor

27 Orient Street – front veranda



Minor

1/30 Orient Street – first floor balcony



Minor to moderate

1 Omar Street – first floor balcony



Minor

1 Omar Street – first floor bedroom



Minor

2 Omar Street – first floor living room



Minor

2 Omar Street – front veranda



Minor

2 Omar Street – first floor level living room



Minor

15 Seaview Street – front veranda



Negligible