



Budawang School for Specific Purposes

State Significant Development Assessment SSD 8845345

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AIA	Arboricultural Impact Assessment
BCA	Building Code of Australia
CIV	Capital Investment Value
CPP	Community Participation Plan
Council	Shoalhaven City Council
Crown Lands	Crown Lands, DPIE
DAWE	Department of Agriculture, Water and the Environment
Department	Department of Planning, Industry and Environment
DoE	Department of Education
DPI	Department of Primary Industries, Department of Planning Industry and Environment
DRG	Division of Resources & Geoscience, Department of Primary Industries, Department of Planning Industry and Environment
EESG	Environment, Energy and Science Group, Department of Primary Industries, 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
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, Department of Premier and Cabinet

SLEP 2014	Shoalhaven Local Environmental Plan 2014
Minister	Minister for Planning and Public Spaces
NPWS	National Parks and Wildlife Service, DPIE
NRAR	Natural Resources Access Regulator, DPIE
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the development of a new school, Budawang School for Specific Purposes, located at 17 Croobyar Road, Milton. The application has been lodged by the NSW Department of Education (the Applicant) in the City of Shoalhaven local government area.

Assessment summary and conclusions

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

The key issues identified with the proposal are traffic and transport, built form and urban design, and heritage. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement (EIS), and Response to Submissions (RtS). Minor outstanding issues can be addressed through the Department's recommended conditions of consent.

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

The proposal

Construction of Budawang School for Specific Purposes for 56 kindergarten to year 12 students. Works include demolition of three buildings and structures, and the construction of five one-storey buildings including a library and administration building, multi-purpose hall, hydrotherapy pool building and two homebase buildings. Other works include construction of internal drop-off and pick up facilities, a car park with 29 spaces, tree removal, earthworks and landscaping.

The project has a capital investment value (CIV) of \$21.45 million and would generate approximately 24 operational jobs and 64 construction jobs.

The site

The Budawang site is just outside Milton, on the South Coast of NSW within the Shoalhaven City Council LGA. The site is approximately 100km southwest of Wollongong and has an area of approximately 10,206m².

Statutory context

The proposal is State significant development (SSD) under section 4.36 EP&A Act as the proposal is for a new school. In accordance with Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011, development for a new school is classified as SSD.

Engagement

The application was publicly exhibited between 6 May and 2 June 2021. The Department received a total of 27 submissions. 12 were from public authorities including City of Shoalhaven Council (Council), and 15 from the public. The key issue raised in public submissions relate to the future use of the remainder of the lot. The Applicant's Response to Submissions (RtS) included responses to the issues raised in the submissions and additional information. Public authorities raised no further concerns.

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1 Introduction

This report provides an assessment of the SSD application for the Budawang School for Specific Purposes located at 17 Croobyar Road, Milton.

The existing Budawang School is located in Ulladulla, approximately 5km south east of the new site in Milton. The school provides for students with acute disabilities in the southern region of the Shoalhaven LGA. Budawang is operating at maximum capacity and requires expansion.

The proposal seeks approval for the part demolition of existing buildings and structures on the new site, and construction of five new buildings including a library and administration building, a multi-purpose hall, two one-storey home base buildings, a hydrotherapy building, an at grade car park and associated landscaping, fencing and signage.

The application has been lodged by NSW Department of Education (the Applicant), and is in the City of Shoalhaven local government area.

1.1 Site description

The site is located at 17 Croobyar Road, Milton, approximately 100km southwest of Wollongong and 175km southwest of Sydney. The site is on the southern urban edge of Milton, approximately 375m from the Milton town centre and northwest of the Ulladulla town centre. The site's location in the regional and local context is shown in | Regional context map (Source: Google Maps) **Figure 1** and

Figure 2.

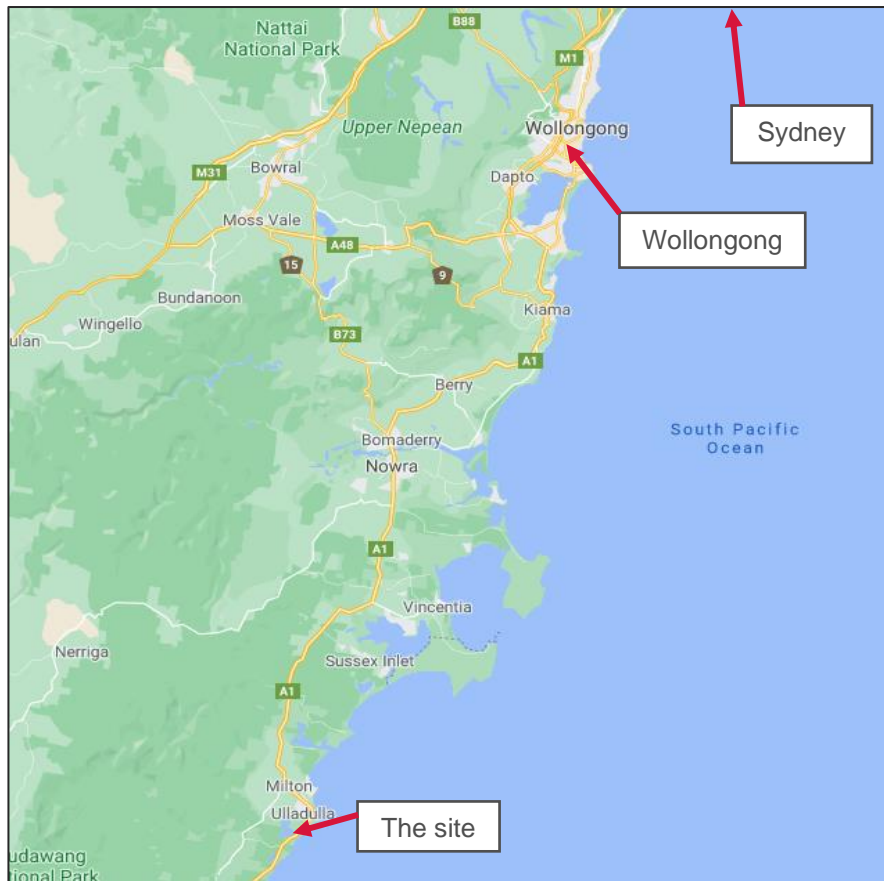


Figure 1 | Regional context map (Source: Google Maps)



Figure 2 | Local context map (Source: Nearmaps 2021)

Lot 200 DP1192140 is irregular in shape, with a total area of 7.71 hectares (ha) and a street frontage of 89m to Croobyar Road. The proposal uses 10,206m² of the lot on the north-eastern corner as seen in **Figure 2**. The remainder of the lot is not subject to development in this application.

The lot was previously used for the former Shoalhaven Anglican School which closed in 2017 when the property was purchased by DoE. The existing Anglican School contains a range of buildings constructed in the 1990's and includes a preschool area, classrooms, staff facilities, hall and outdoor recreational areas. The area proposed for the new school contains three buildings including the former preschool building, shed and block L, a sports pitch, play equipment, internal roads and patches of planted trees and shrubs.

The south-eastern corner of the lot is identified as being bushfire prone, however hazard and buffer zone does not impact the site. There is a pole mounted substation and a electricity easement running north/south to the west of the site. A sewerage easement intersects its south western portion as shown in **Error! Reference source not found..** An unnamed natural watercourse runs north-south through the north-eastern portion of the lot. The whole lot is mapped as as potentially containing 'Class 5' acid sulfate soils under the SLEP 2014.

The site experiences a gradual fall of approximately 5m from the highest point at the north eastern corner at 52.5m Australian Height Datum (AHD) to the site's lowest point at 47.5m. The site is free from remnant vegetation, with planted native trees and shrubs scattered throughout.



Figure 3 | Easements map (Source: Applicant's EIS)

1.2 Surrounding Development

The site is in a mixed-use area, with a variety of adjoining land uses (**Figure 4**). To the east is a bakery, east and north is residential, and the south and west, rural land.

Approximately 250m west of the site there is also industrial land that includes a concrete batching facility, auto repair shop, steel fabrication shop and hardware store.

The bakery to the east is local heritage item 296 “*Two Storey Victorian rendered masonry store*”, and the cemetery across Croobyar Road is local heritage item 264 “*Milton Church of England Cemetery*” within the SLEP 2014.

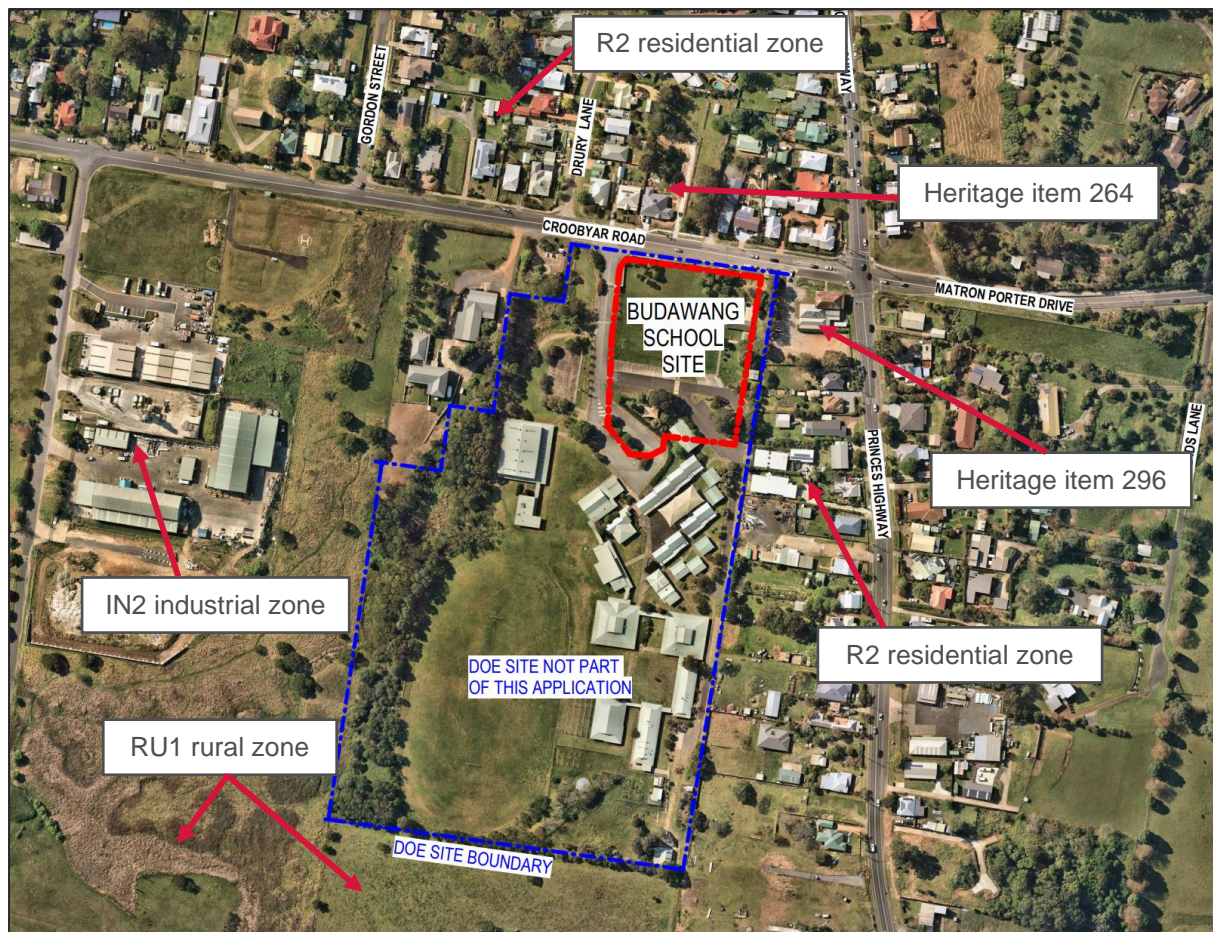


Figure 4 | I Surrounding development (Source: Applicant's EIS)

2 Project

The key components and features of the proposal as detailed in the Environmental Impact Statement (EIS) and amended in the Response to Submissions (RtS) are provided in **Table 1**.

Table 1 | Main components of the project

Aspect	Description
Project Summary	<ul style="list-style-type: none"> Construction of Budawang School for Specific Purposes for 56 kindergarten to year 12 students Physical works include demolition of three buildings driveways and surfaces, and construction of five one-storey buildings including a library and administration building, multi-purpose hall, hydrotherapy pool building and two homebase buildings. Other works include construction of internal drop-off and pick up facilities, a car park with 29 spaces, tree removal, earthworks, and landscaping
Demolition and site preparation	<ul style="list-style-type: none"> The proposal requires demolition of the existing Anglican preschool building, shed, building L and other small structures and hardstand areas Removal of 50 trees Installation of services and utilities 2,030m³ of cut 4,280m³ of fill
Site area	<ul style="list-style-type: none"> 10,206m²
Gross floor area (GFA)	<ul style="list-style-type: none"> 2,325m²
Built form	<ul style="list-style-type: none"> Four single storey school buildings arranged in a U-shape around a central courtyard A separate single storey hydrotherapy building on the north-eastern side of the site
Landscaping	<ul style="list-style-type: none"> External landscaping includes the construction of four dedicated outdoor landscaped areas that would be named the bush garden, sensory playground, bike track and productive garden

	<ul style="list-style-type: none"> Planting of up to 45 new trees, as well as shrubs and groundcovers
Uses	<ul style="list-style-type: none"> School, and community use of hydrotherapy pool outside school operating hours
Access, parking, and drop-off/pick-up	<ul style="list-style-type: none"> Access to the site would be via the existing street frontage and crossing on Croobyar Road. A roundabout would be constructed near the entrance to allow access to the site and new school carpark 29 car parking spaces have been proposed with an internal drop-off/ pick-up area included
Hours of operation	<ul style="list-style-type: none"> 8:55am to 3:00pm Monday to Friday
Student/Staff Capacity	<ul style="list-style-type: none"> 56 Students from kindergarten to year 12 Up to 34 staff.
Signage	<ul style="list-style-type: none"> 6 signs are proposed, predominantly building identification signage and wayfinding signage
Jobs	<ul style="list-style-type: none"> Construction: 64 Operation: 24
CIV	<ul style="list-style-type: none"> \$21,450,000

2.1 Site preparation

The site establishment works are identified in **Table 1** and **Figure 5** and **6**. Buildings and structures to be demolished include the:

- preschool building.
- shed and gatehouse associated with the preschool.
- building L.
- hardstand and parking areas including the existing pre-school vehicular crossing.
- playground and shade sail.

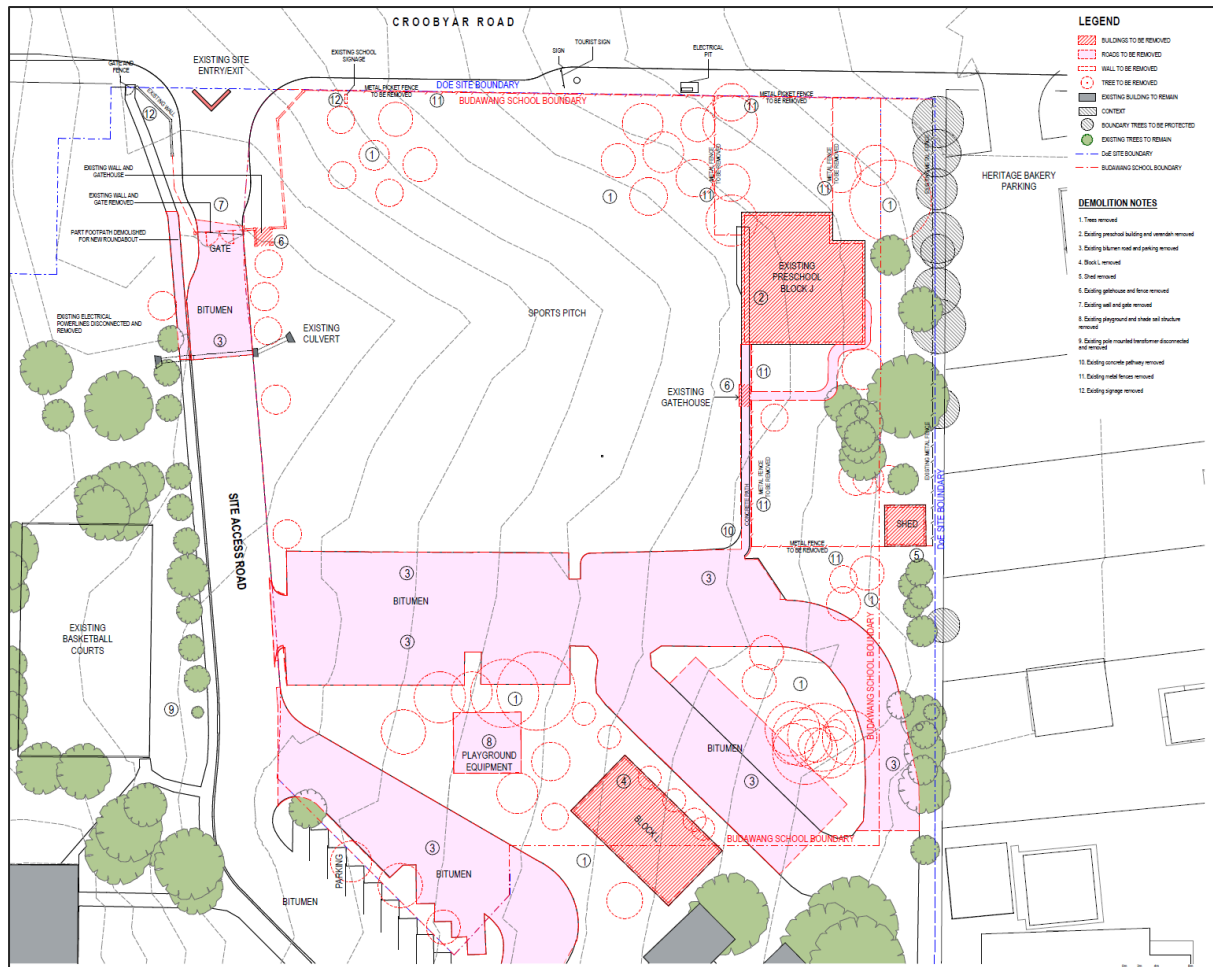


Figure 5 | I Demolition plan (Source: Applicant's RtS)

50 trees would be removed to facilitate the development.

As seen in **Figure 6**, 2,030m³ of cut would occur predominately on the eastern side of the site, to a maximum depth of approximately 1.6m around the swimming pool. A total of 4,280m² of fill would be required, on the western side of the site to a maximum level of approximately 2.4m near the proposed on-site detention (OSD) tank. It is anticipated that soil cut from the eastern portion would be re-used in the western side.



Figure 6 | Bulk earthworks plan (Source: Applicant's RtS)

2.2 Physical layout and design

2.2.1 Built form

The educational and accessible needs students have been a key consideration in the built form of the school. The new school would provide various internal and external learning spaces, administration facilities and landscaped areas.

The application proposes five buildings in total. Four of the buildings would be arranged in an inverted U-shape around a central courtyard, with the carpark and student drop off facilities located to the

north adjoining Croobyar Road. A separate hydrotherapy building would be located within the north-eastern portion of the site as seen in **Figure 7** and **8**. The intent of the proposed layout is to separate the public spaces (carpark, block A frontage and the hydrotherapy building) from the private learning spaces (homebase buildings and central courtyard). Accessible access would be provided between buildings and outdoor spaces for students.

All buildings would comprise a “shale grey” skillion sheet metal roof, along with a variety of grey and earth tone external features including textured coloured pre-cast concrete cladding, timber-effect panels, metal cladding, powder coated louvers and laser cut panels.

An electricity substation/padmount and fire hydrant booster is proposed adjacent to the site entry on Croobyar Road.

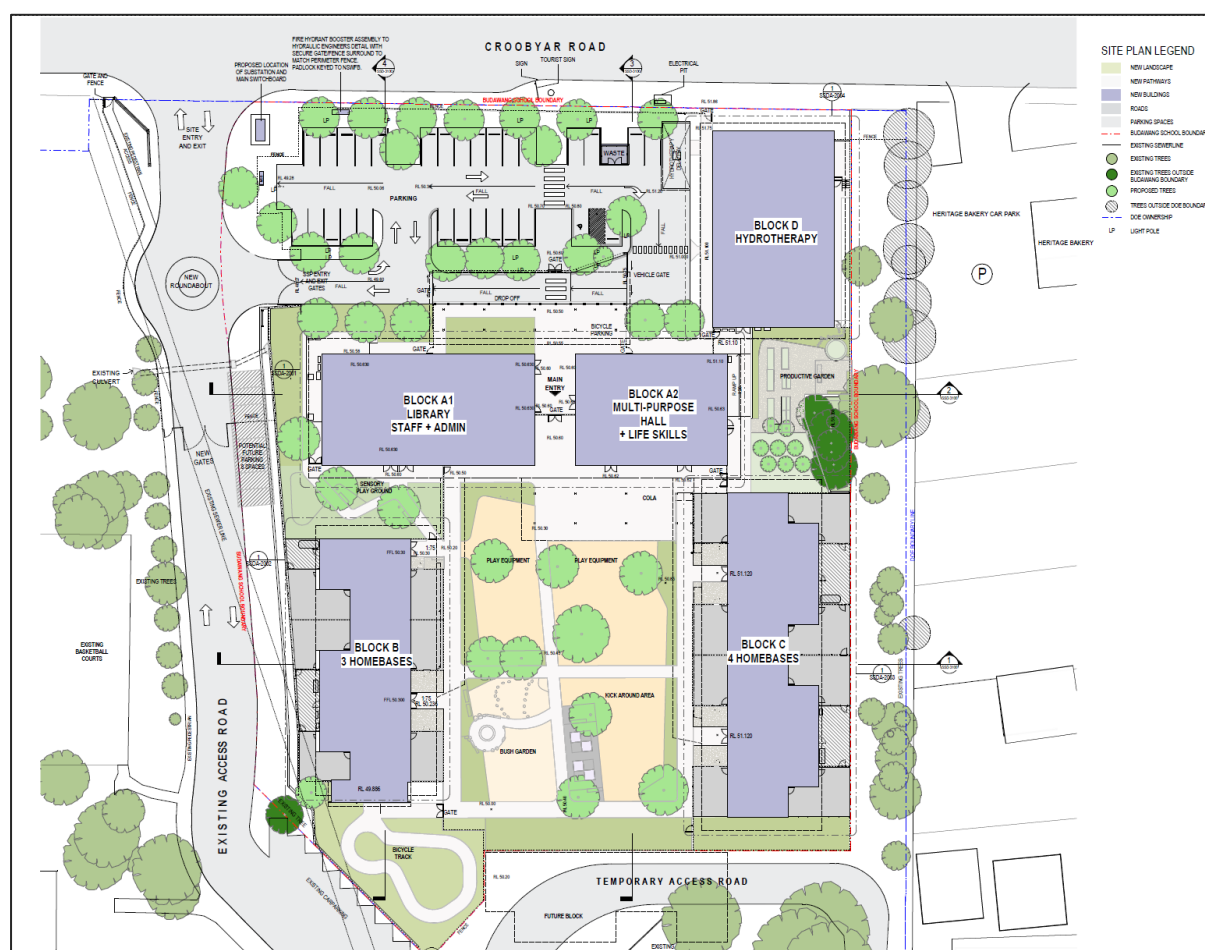


Figure 7 | Site layout plan (Source: Applicant's RtS)

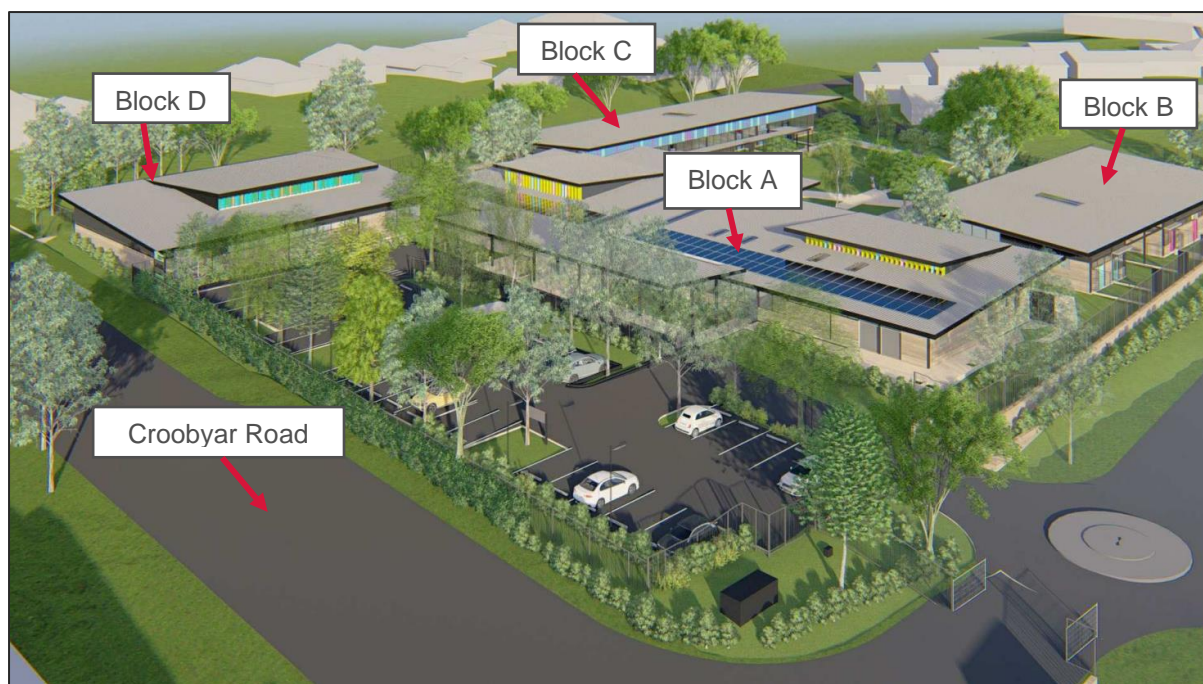


Figure 8 | Perspective view (Source: Applicant's EIS)

Block A

Block A, at the base of the U shape, contains two buildings: A1 and A2. A1 contains a library, administration area and staff spaces. A2 contains a multi-purpose hall and life skills area.



Figure 9 | Block A floor plan (Source: Applicant's Rts)



Figure 10 | Block A elevations (Source: Applicant's EIS)

Block B and C

Block B and C comprise the sides of the U shape and include three homebases (leaning areas) in Block B and four homebases in block C. Each building would also include multiple outdoor learning areas accessible from the homebase.



Figure 11 | Block B floor plan (Source: Applicant's RtS)

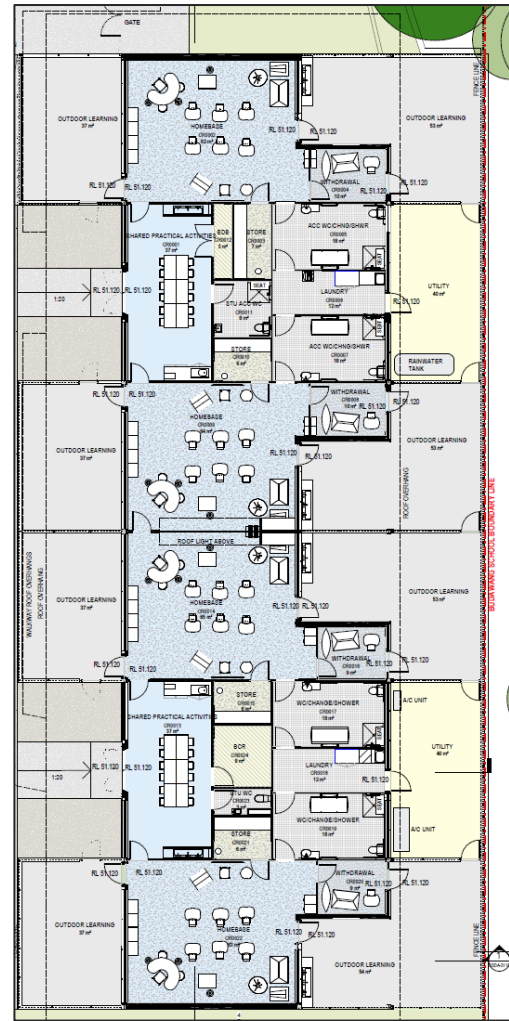


Figure 12 | Block C floor plan (Source: Applicant's RtS)



Figure 13 | Block B elevations (Source: Applicant's RtS)

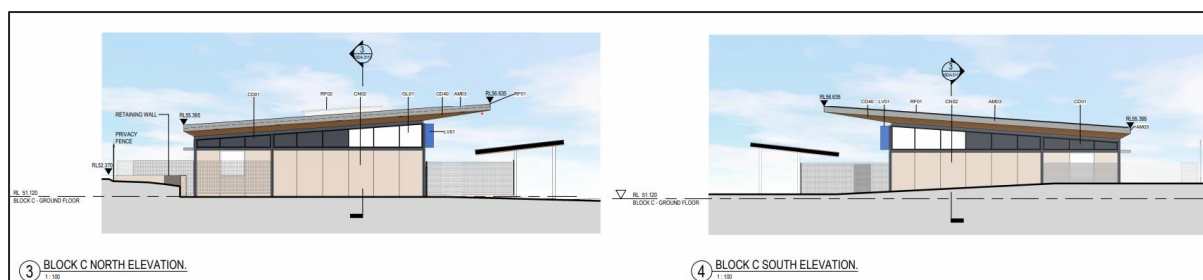


Figure 14 | I Block C elevations (Source: Applicant's EIS)

Block D

Block D contains the hydrotherapy building. The location of the pool allows direct access from the internal carpark and forms a public façade for the school. The building includes the front desk and reception, hydrotherapy pool (272m²), accessible change rooms, plant, and facilities.

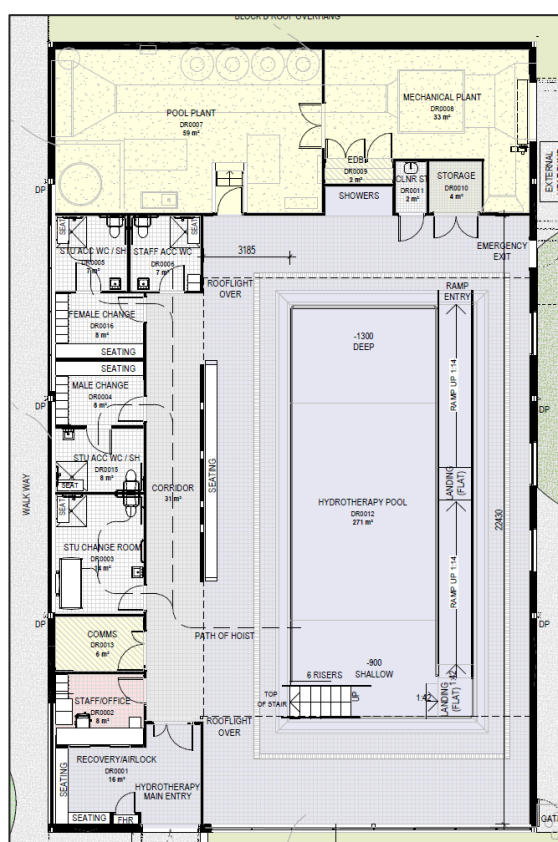


Figure 15 | I Block D floor plan (Source: Applicant's RtS)



Figure 16 | I Block D elevations (Source: Applicant's EIS)

2.2.2 Vehicle access, parking, and pedestrian movement

Vehicle access to the site would be via the existing crossing from Croobyar Road. A new roundabout is proposed to link the driveway to the new carpark with 29 spaces including two accessible spaces. A drop-off/pick-up area would be located on the southern side of the carpark in front of the entry to Block A. A pedestrian path would be provided from Crooybar Road to Block A that bypasses the entrance to the hydrotherapy building.

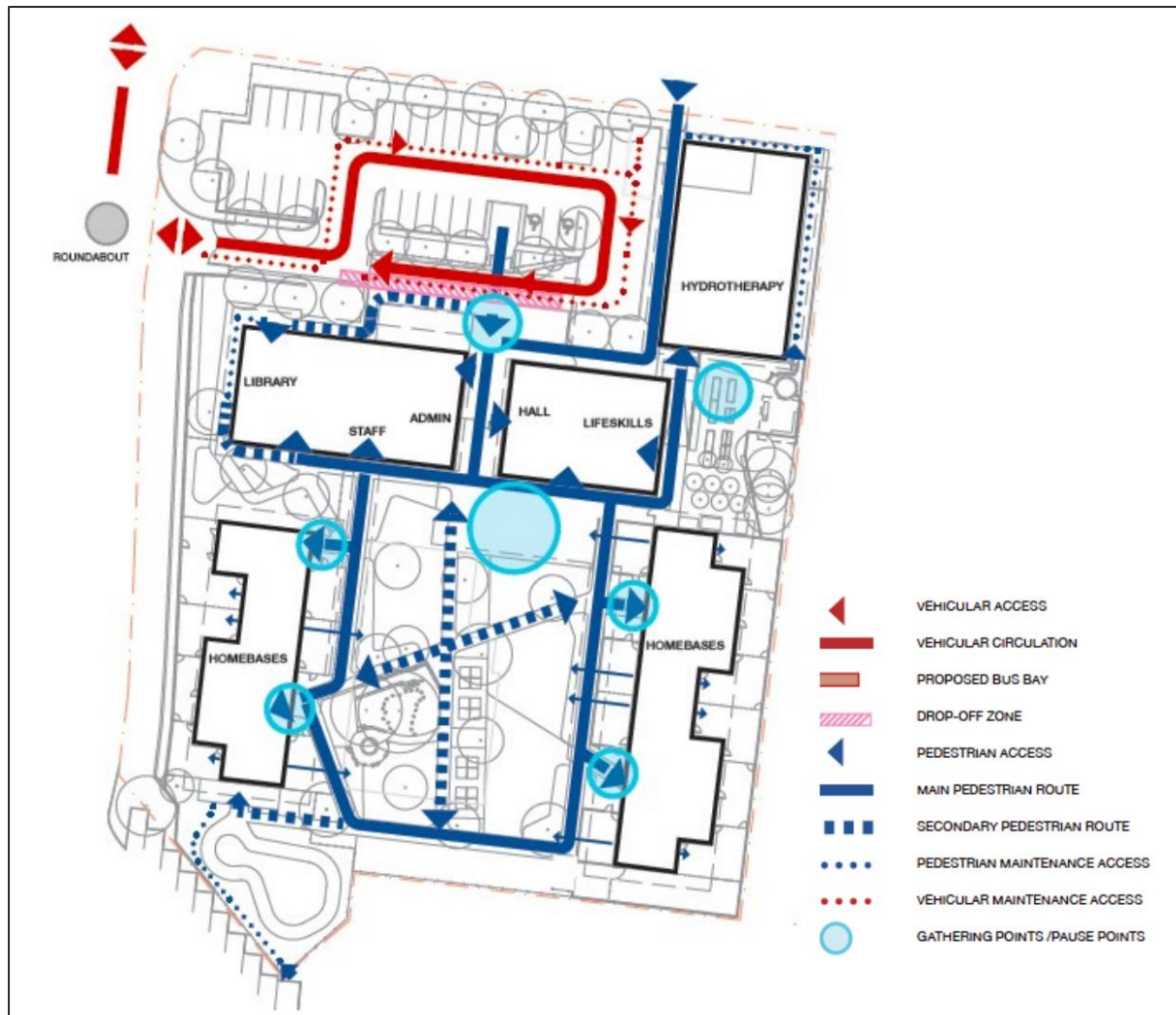


Figure 17 | Circulation diagram (Source: Applicant's EIS)

2.2.3 Signage

Six signs are proposed:

- Sign A (digital pylon sign) at the pedestrian entrance point and would comprise the school logo and an approximate 1.08m x 1.72m digital display. The sign would be a maximum of 4.3m in height and approximately 1.8m in width.
- Sign B (pylon sign) at the carparking entrance would direct traffic toward either the school or the hydrotherapy pool. The sign would measure 2.1m in height and 2.09m in width.
- Sign C (plaque) attached to the fence near the driveway entrance and would direct traffic toward the carpark. The sign would measure 0.76m in height and 1.72m in width.
- Sign D (pylon) in the carpark and would direct car traffic. The sign would measure a maximum height of 2.1m and 2.09m in width.
- Sign E (plaque building identification sign) attached to the hydrotherapy building to identify the building. The sign would be a maximum of 0.2m in height and 2.71m in width.

- Sign F (wall sign) attached to the northern elevation of Block A and would direct foot traffic to the main school entrance. The sign would measure approximately 0.66m in height and 1.4m in width.

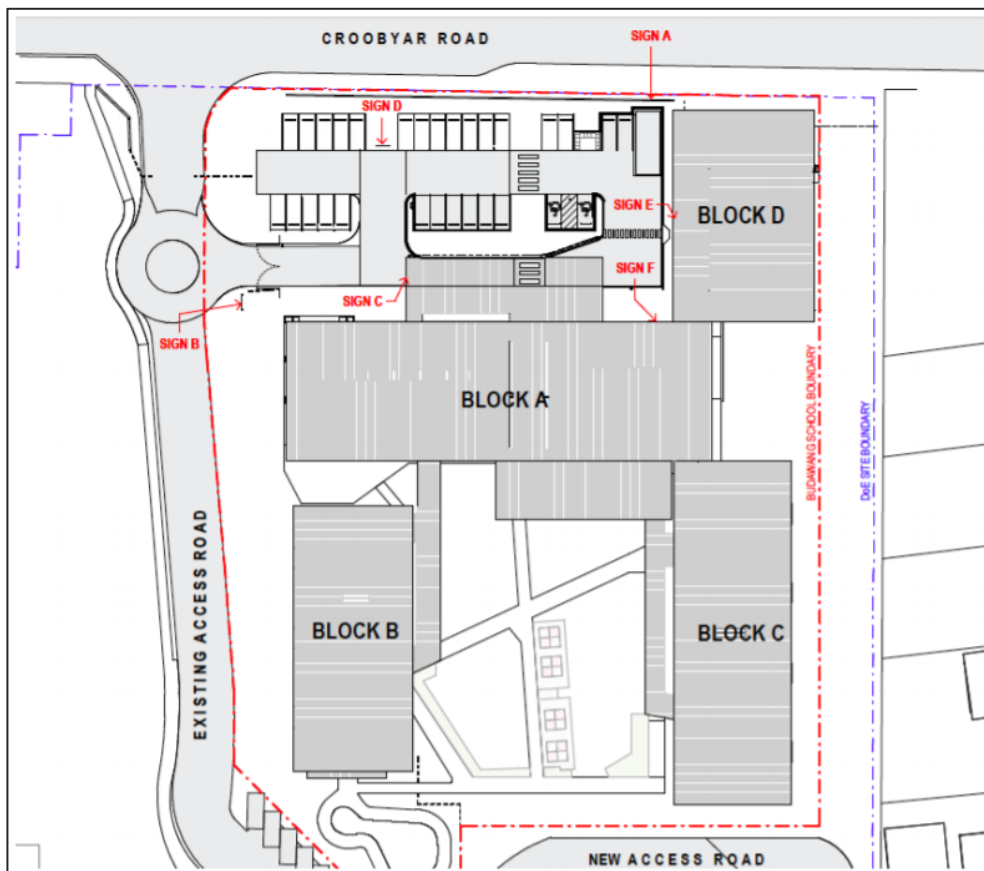


Figure 18 | Signage locations (Source: Applicant's EIS)

2.3 Landscaping

Four dedicated outdoor landscape areas have been provided as part of the school which include the:

- central courtyard that provides playground spaces, handball courts, bush/garden/play areas. The central courtyard would be planted with shade trees and groundcovers.
- productive garden that provides garden beds for herbs and plans on the eastern portion of the site to the south of Block D.
- the garden outdoor library/reading area located between Block A1 and Block B (sensory playground).
- cycle track at the south-western corner of the site below Block B.

The submitted landscape plan indicates a total of 45 trees, along with groundcovers are proposed to be planted for shade, amenity, and offset tree removal. The EIS notes that boundary plantings along the north, east and west boundary would comprise lilly pillys, bottlebrush, water gums and coastal rosemary. A mix of blueberry ash, dwarf yellow bloodwood, and water gums are also proposed to soften the appearance of the hardstand car parking area from the public domain.



Figure 19 | Landscape site plan (Source: Applicant's RtS)

2.4 Stormwater

Stormwater runoff from the buildings and impervious areas are proposed to be captured prior to quality treatment and storage in an on-site detention (OSD) tank. The tank would be located under Block A and its overflow would be connected into an existing 750mm diameter stormwater pipe that discharges under the existing access road into the unnamed natural watercourse.

2.5 Uses and activities

The site would continue to be used as an educational establishment. Previously the lot operated as a private school but was acquired by NSW Education and has remained vacant since 2017. The hours of operation are outlined in **Table 1**.

The new hydrotherapy pool and school car park is proposed to be used by the community outside of school hours. Hours of proposed operation are 3pm to 8pm on weekdays and 9am to 6pm on weekends.

2.6 Timing

The proposal is expected to be completed in one package to commence in late 2021 and completed early 2023.

3 Strategic context

3.1 Project need and justification

The existing Budawang School is located on a small site in Ulladulla with approximately 31 students. The school for specific purposes educates students with acute disabilities in the southern region of the Shoalhaven LGA. Since 2017, the school has been operating at maximum capacity and current waiting lists indicate significant demand for additional capacity.

The existing school has safety risks, inefficiencies, overcrowding and sub-optimal educational outcomes. Specialised facilities are not provided on-site for hydrotherapy, with students driven to a nearby aquatic centre up to five days a week.

The Applicant considered alternative options, including alterations to the existing school in Ulladulla, however it was decided that a new contemporary facility on a larger site was the most suitable option, given the demand for additional capacity and the inadequacies of the existing site. The new school would provide immediate space for an additional 25 students with ample space for the school to extend in the future.

3.2 Strategic context

The Department considers that the proposal is justified given it is consistent with the:

- Premier's Priorities to help improve education results and capacity through the provision of new and improved teaching and education facilities for special purposes.
- *Illawarra Shoalhaven Regional Plan 2041*, as it would contribute to Milton as a strategic centre with a high-quality community and school education facility.
- *NSW Future Transport Strategy 2056*, as it would provide a new education and community facility near the centre of Milton.
- NSW Government's *State Infrastructure Strategy 2018-2038*, as it would provide facilities to support modern and technologically enabled learning.
- It would provide direct investment in the region of approximately \$21.45 million, and support up to 64 construction jobs and 24 operational jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purpose of a new school.

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 26 April 2021, the Director, State Significant Acceleration may determine this application as:

- the relevant council has not made an objection.
- there are less than 15 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as RU1 Primary Production zone under the SLEP 2014. Education establishments are permissible with consent within the zone.

The Minister for Planning and Public Spaces or a delegate may determine the carrying out of the development.

4.3 Other approvals

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

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

The Department has consulted relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (**Appendix D**).

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 project and that have been considered in the assessment of the project.

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

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 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The site is suitable for use as an educational establishment and redevelopment would not unreasonably or negatively impact the economic welfare of the surrounding land.
(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 a number of ecologically sustainable development (ESD) measures outlined in Section 4.4.3 .
(c) to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use and development of land by placing a new school on an existing school site, while allowing flexibility for future development on the remainder of the lot.
(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,	<p>The proposal has avoided impacts on the environment where possible, and tree planting is used to provide new habitat. Impacts on tree removal have been appropriately mitigated or addressed through conditions of consent.</p> <p>A Biodiversity Development Assessment Report (BDAR) was included in the proposal which concluded that the impacts on the</p>

site's biodiversity were minor and acceptable.

(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS, which identified the Aboriginal cultural heritage values of the site in consultation with Aboriginal communities and sets out appropriate mitigation measures to protect these values.</p> <p>It is unlikely that the development would have any significant adverse impacts on any local heritage items or Aboriginal cultural heritage as discussed in Section 6.</p>
(g) to promote good design and amenity of the built environment,	<p>The proposal would promote good design and amenity of the built environment as discussed in Section 6.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The proposal would promote proper construction and maintenance of buildings, subject to recommended conditions of consent.</p>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	<p>The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Section 5 and 6).</p>
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the proposal as outlined in Section 5.1, which included notifying adjoining landowners and displaying the proposal on the Department's website</p>

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 Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development.

The Applicant is targeting a 4-Star Green Star (Australian Best Practice) rating which meets the suggested 4-Star Green Star rating in the Education Facilities Standards and Guidelines. To ensure that ESD is incorporated into the proposed development, the Department has recommended a condition that requires the Applicant to register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process as agreed by the Planning Secretary, prior to the commencement of construction.

Subject to this condition, the proposed development is consistent with ESD principles as described in Appendix 30 of the EIS, which has been prepared in accordance with the requirements of Schedule 2 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 would encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

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

4.4.5 Planning Secretary's Environmental Assessment Requirements

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

4.4.6 Section 4.15(1) matters for consideration

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

Table 4 | Matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .

(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD, however the objectives of the Shoalhaven Development Control Plan 2014 have been considered in Section 6 .
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 EP&A Regulation), public participation procedures for SSD, and Schedule 2 EP&A Regulation relating to the 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	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. See Section 5 and 6 .
(e) the public interest	Refer to Section 6 .

4.5 Biodiversity Development Assessment Report

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

A BDAR was provided with the EIS, which included an assessment of the biodiversity values on the site in accordance with the BC Act.

The BDAR identified that the vegetation on site is made up of predominantly plantings bordering driveways and car parks for shade purposes. The BDAR noted that while most trees and shrubs are

Australian natives, most are not native to the region such as *Lophostemon confertus* (brush box). Accordingly, the BDAR categorised the vegetation on the site as planted native vegetation, and found:

- approximately 0.15ha of planted native vegetation would be required to be removed.
- no threatened ecological communities listed under the BC Act or the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) were identified.
- no threatened species were identified on the site, with the exception of a planted *Eucalyptus scoparia* (Wallangarra White Gum), which is not native to the Shoalhaven region. The BDAR concluded that no threatened species, or their habitat, listed under the BC Act or EPBC Act would be directly impacted by the proposed development.
- no prescribed biodiversity impacts were identified.

The BDAR concluded that the proposal would have minor indirect impacts, and no offset requirement is generated by the proposal. The BDAR recommends appropriate conditions during construction to protect vegetation to be retained, and conditions regarding ongoing maintenance of landscaping (see **Section 6.4**). The BDAR was reviewed by the Department's Environment Energy and Science Group (EESG), who were satisfied that the BDAR sufficiently addressed biodiversity impacts and note no offset requirement is generated by the proposal.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 6 May until 2 June 2021 (28 days) on the Department's website.

The Department notified adjoining landholders and relevant state and local government authorities in writing.

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

5.2 Summary of submissions

The Department received a total of 27 submissions, comprising 12 submissions from public authorities and 15 public submissions.

The 15 public submissions included two community organisations objecting to the proposal, and one providing comments. The remaining 12 individual submissions by the public included five in objection, two in support and five providing comments.

A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the submissions from public authorities is provided in **Table 5**.

Table 5 | Summary of public authority submissions to EIS

Shoalhaven City Council (Council)

Council did not object but had concerns in relation to some aspects of the proposal. Council made the following comments:

- the location of the entry gates should be moved south of the new roundabout to ensure access is maintained for out of hours use of the hydrotherapy pool.
- an existing drainage easement intersects the site and further information is required to demonstrate that the proposal does not encroach or impede the easement.
- earthworks should be undertaken and retaining walls should be constructed according to relevant standards and assess the fall risk potential.

- for future maintenance and ease of access, OSD tanks should be relocated from underneath the building to an open space area.
- all drop off and pick up arrangements including a bus bay need to be located within the site boundary and not along Croobyar Road.
- the proposal includes 34 FTE staff although only 30 car spaces have been provided while no visitor parking has been proposed.
- a footpath along Croobyar Road must be provided to connect the street frontage with the Princes Highway intersection.
- landscaping, including the tree planting along Croobyar Road, appears to be incomplete. The tree selection for the car park should include canopy trees and provision of large trees to the west of the site.

DPIE Environment Energy and Science (EES Group)

EES Group were satisfied the proposal adequately addressed the proposal's impact on flooding and stormwater, and the BDAR sufficiently addressed biodiversity impacts and note no offset requirement is generated by the proposal. EES Group identified native vegetation outside the project footprint should be retained and protected from all construction activities.

Heritage NSW (HNSW)

HNSW provided comments on the assessment of significance and identified that the assessment should have been expanded to include the period before the early 1990's when the former Anglican College was established. The submission also referenced the local heritage items adjacent to site and requested that advice should be sought from Council.

Heritage NSW Aboriginal Cultural Heritage (HNSW ACH)

HNSW ACH commented:

- an unexpected find's procedure must be in place throughout the proposed works.
- further consultation with registered aboriginal parties (RAPs) is required to determine where artefacts recovered during construction and test excavations are to be stored or reburied.
- an Aboriginal Site Monitor should be present during works that impact subsurface within the location of the artefact scatter and associated potential archaeological deposit (PAD).
- all works must stop if suspected human remains are located at any stage during the proposed works.

Transport for NSW (TfNSW)

TfNSW commented:

- around the creation of a school zone consistent with the TfNSW requirements along Croobyar Road.
- pick up and drop off of students should occur within the site and not along Croobyar Road.

Environmental Protection Authority (EPA)

EPA commented:

Noise and vibration impacts

- predicted construction noise level will exceed management levels for nearby sensitive receivers despite the implementation of noise control measures.
- the Applicant should establish a consultation and notification strategy for the sensitive receivers.
- works that are anticipated to be undertaken outside of recommended standard construction hours require a noise impact assessment to show any impacts and mitigation measures proposed.

Water quality impacts and sediment and erosion controls

- a natural watercourse intersects the north west corner of the site. All stormwater should be captured onsite and reuse any stormwater impacted by construction to ensure no discharge leaves the site and pollutes the local waterways.

Air quality

- The EPA notes a large sum of fill will be imported to site and construction works such as excavation will require mitigation measures to ensure air quality is maintained.

Waste management

- Any building waste that contains hazardous materials such as asbestos or lead based paint must be classified in accordance with the Waste Classification Guidelines and disposed of accordingly.

Endeavour Energy

Endeavour Energy provided comments in relation to the proposed substation/padmount station north of the site adjacent to Croobyar Road and stated it should be designed to meet the requirements of Endeavour Energy's requirements.

It also noted that the site contains a pole-mounted substation which has the potential of soil contamination and should be investigated.

5.4 Public submission

The matters raised in the three submissions from organisations include that the:

- remainder of the site should be considered for a high school and assessed as a whole.
- pedestrian and traffic analysis should consider the remainder of the site and its future use.
- school should be aware of the nearby concrete batching facility and its hours of operation.

Matters raised in the twelve public submissions include:

- the future use of the remainder of the lot as a high school.
- alternative uses of the lot such as a hospital or university.
- overcrowding of existing schools within the region.
- road and pedestrian upgrades should occur.
- bus movements should be considered.
- public access to the hydrotherapy pool.
- tree planting and the time taken for mature trees to establish.
- re-use of equipment from the existing school site.
- overdevelopment of the site.
- tree removal is excessive.
- excessive bulk of the hydrotherapy pool building and its proposed 3m front setback.
- comments on construction traffic parking.
- concerns with signage illumination outside of school hours.
- wind impacts not considered within the EIS.
- consultation strategy.
- learning outcomes for children with a disability and integration within public schools.

5.5 Response to submissions

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

On 30 July 2021, the Applicant provided a response to submissions (RtS) (**Appendix A**), which included:

- responses to the Department's questions on:
 - car parking numbers.

- community access to the hydrotherapy facilities.
- construction of a bus bay on Croobyar Road.
- construction arrangements.
- an updated preliminary construction traffic management plan.
- an updated acoustic assessment.
- relocation of the entry gates to south of the roundabout.
- hydrant booster added to the architectural plans.
- an additional two trees proposed to be planted at the front of the site.
- removal of an additional three trees within the centre of the site due to safety concerns.
- clarification regarding the use of the remainder of the lot.
- updated architectural plans and reports to reference changes.

The RtS was made publicly available on the Department's website and referred to relevant public authorities. An additional four submissions were received, summarised in **Table 6**.

Table 6 | Summary of public authority submissions to RtS

Shoalhaven City Council (Council)

Council provided comments in relation to the existing sewer main located in the north-eastern portion, trade waste and water supply.

Council also provided recommended conditions.

Heritage NSW (HNSW)

HNSW noted that the subjected development would not affect any items listed under the *Heritage Act 1977* on the State Heritage Register.

Further, HNSW stated that they had reviewed the supporting documentation at the EIS stage and concur that there are no historical archaeological relics to manage at this stage.

An unexpected finds condition is recommended.

Heritage NSW Aboriginal Cultural Heritage (HNSW ACH)

HNSW ACH reviewed the RtS and support the proposal subject to recommended conditions included in their EIS response.

TfNSW

TfNSW raised no additional comments.

EPA

EPA reviewed the RtS and stated that they are satisfied that the RtS addressed their comments to the EIS. The EPA has included recommended conditions of consent relating to air and noise.

6 Assessment

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

- traffic and transport
- built form and urban design
- heritage

These issues are discussed in the following sections. Other issues considered during assessment of the application are discussed at **Section 6.4**.

6.1 Traffic and transport

A traffic impact assessment (TIA) was submitted with the EIS. The TIA includes an analysis on the existing transport network, assessment of vehicle access to the site associated with construction and operation, internal vehicle circulation, and servicing arrangements.

6.1.1 Existing access and road network

The site is currently accessible via an existing driveway off Croobyar Road, a local road that is one line in each direction. Croobyar Road is connected to Princess Highway approximately 50m to the east of the site.

Signalised & unsignalised Intersection Design and Research Aid (SIDRA) analysis as part of the TIA indicates that the nearby intersections generally achieve a minimum B Level of Service (good with acceptable delays and spare capacity).

Bus services to the site are limited with only three bus services that operate within 1,200m of the site.

6.1.2 Operational traffic

The application notes that private cars or minibus would be the likely source for staff and students of the school. SIDRA analysis of nearby intersections within the TIA included:

- Princes Highway/Croobyar Road/Matron Porter Drive
- Croobyar Road/Gordon Street
- Princes Highway/Gordon Street
- Croobyar Road/site driveway.

The SIDRA analysis included modelling of a completed school in 2023 as well as a future 2030 scenario. The modelling predicts that each intersection is not likely to be impacted by the operation of the school, with the exception of the Princess/Highway Gordon Street intersection which, in the 2030 scenario, may operate at a C to D capacity due to increased population growth. The TIA acknowledges that the intersection would still have 55% spare capacity in the PM peak and 50% spare capacity in the AM period.

The Department is satisfied that the proposal would not result in unacceptable operational traffic impacts. Further traffic analysis is required if the rest of the site were to be developed in the future.

6.1.3 Drop-off and pick-up (DOPU)

Vehicle access to the school would use the existing crossing off Croobyar Road. An internal roundabout is also proposed to prioritise traffic movements for vehicles exiting the carpark.

Three DOPU spaces are provided on the southern side of the carpark via a one-way traffic flow, in the form of a gated porte-cochere. The TIA anticipates that queuing for the DOPU facilities would be unlikely to exceed 3-5 vehicles at any one time, and an average wait time of 78 seconds (given up to 40% of students are expected to arrive via a minibus). Given the relatively small number of students, three DOPU spaces are considered acceptable.

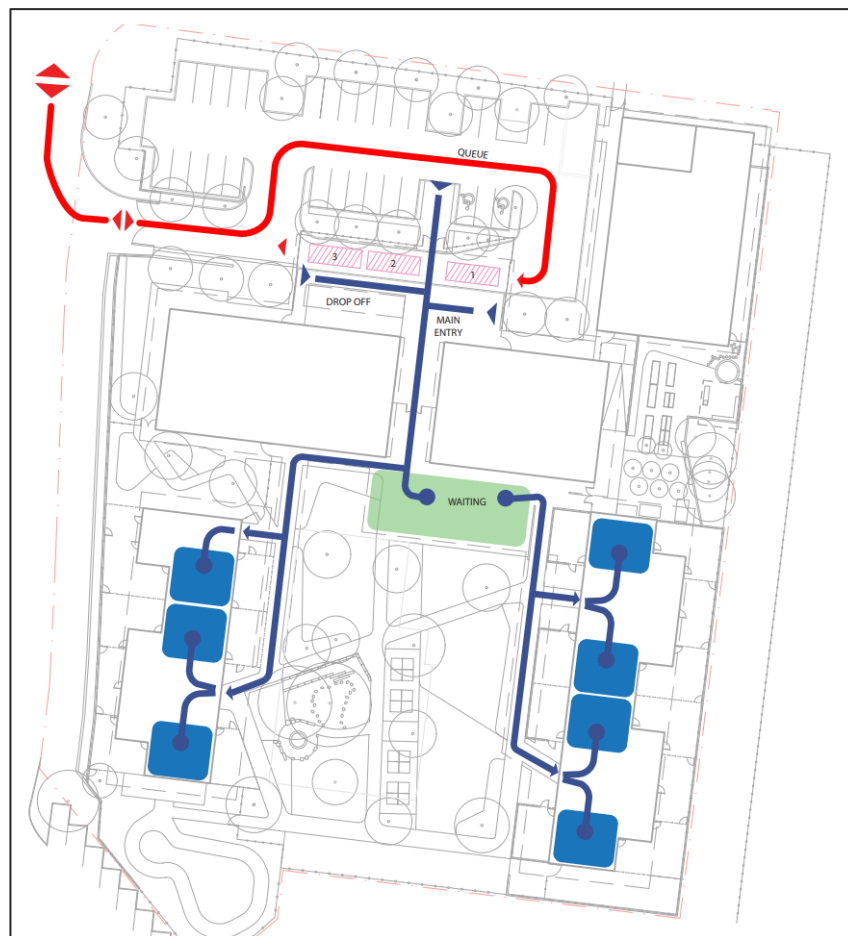


Figure 20 | DOPU facilities (Source: Applicant's RtS)

6.1.4 Operational parking

The RtS includes 29 car parking spaces accessible from the existing vehicle crossing on Croobyar Road and a new internal roundabout. Parking spaces comply with relevant Australian Standards regarding width, length, and manoeuvrability. Six bicycle spaces are provided for staff and visitors, adjacent to the school's main entry.

The car parking area would be accessible for hydrotherapy patrons outside of school hours.

Waste collection is proposed to occur from a shared delivery and waste collection area on the eastern end of the car park. Swept path analysis is provided to show entry / egress by an 11.3m heavy rigid vehicle.

The EIS included a green travel plan (GTP) which lists targets and strategies for walking, cycling, public transport and car share. The GTP is considered acceptable and conditions are recommended regarding the implementation of a school transport plan prior to operation of the school.

6.1.5 Construction traffic and management

The RtS included an updated draft preliminary construction traffic management plan (CTMP). The CTMP anticipates construction to occur in late 2021 and be finalised early 2023.

The CTMP notes that no cueing or marshaling would occur on public roads, and that all unloading and loading of goods would occur within the site (**Figure 21**). The draft CTMP states that no work zones are required on public roads. It is anticipated that most articulated vehicles accessing the site would arrive or depart via Princess Highway and Croobyar Road to the north and south. A temporary access road would be constructed south of the site to allow vehicles to safely leave the site in a forward direction as seen in **Figure 21**.

Subject to conditions requiring a detailed construction traffic and pedestrian management plan prior to commencement of construction, the Department is satisfied that potential impacts associated with construction traffic can be appropriately managed and mitigated.



Figure 21 | | Articulated vehicle (AV) entry and exit routes (Source: Applicant's RtS)

6.2 Built form and urban design

The site is not subject to a maximum height of buildings control or a maximum floor space ratio control under the SLEP 2014.

The EIS suggests that the north-western portion of the existing lot is the most suitable area for the development of Budawang School as it:

- allows for retention of existing school buildings on the centre of the site.
- retains the large sports oval to the south.
- retains the existing vehicle entry.
- allows expansion of the school to the south if required in the future.
- would be located above the flood planning level.
- is a relatively level portion of the site.
- would retain vegetation along the western boundary.

The proposal was considered twice through the State Design Review Panel (SDRP) process, and feedback received through this process has influenced design. The educational and accessibility requirements for students with acute disabilities influenced internal design spaces for different age/ability groups, flexible/adaptable design of spaces, accessible toilet and bathroom facilities, accessible walkways, level play areas, adequate storage, colour impact and colour contrasts, and control of light and noise.

The final school campus design is a U shape surrounding a central courtyard. Homebase learning areas are located beyond the public façade to create a private enclosed learning area for students. The private enclosed spaces create a high level of passive surveillance over the outdoor areas. Staff and administration spaces are located in order to provide sightlines through the central playground to monitor and manage difficult student behaviours, increase oversight of the playground, and improve safety of occupants, while reducing the sense of students being watched. The location of fences has been carefully considered to ensure that internal sight lines and visibility is not impeded.

The public interface is at the north of the site through the placement of the carpark, administration spaces and hydrotherapy building. This design separates public and private spaces and would allow for future expansion of the school to the south as seen in **Figure 22** if required. The location of the hydrotherapy building and carpark allow community use outside of school hours. Screen planting has been included to soften the view of the carpark from the public domain.



Figure 22 | Design principles (Source: Applicant's RtS)



Figure 23 | View of public interface (Source: Applicant's RtS)

The physical design of the five buildings is influenced by surrounding rural / single storey development and expressed with low pitched grey roofs. The external pre-cast concrete façade is influenced by the sandstone used on nearby historic buildings. Internal building colours have been chosen to present the blues, greys, and pink of the sky, as well as the greens and grey of the landscape.

Regarding student amenity, shaded outdoor areas have been provided by large internal roof overhangs and planting of shade trees. Large outdoor learning areas and courtyards are deemed sufficient for the proposed student population by the Department. Access to the adjacent sporting fields is not part of this application.

The Department is satisfied that the proposed Budawang buildings, coupled with proposed landscaping, incorporates a high standard of architectural design while responding to its specific function and location. The natural palette of colours, finishes, and landscaping complement the existing character of the area.

6.3 Heritage

The application is supported by a heritage and historical archaeological report prepared in accordance with the guidelines in the NSW Heritage Manual (Heritage Office and DUAP, 1996) and Assessing Heritage Significance (OEH, 2015).

The site is located near two heritage items of local significance:

- Item 296 “*Two Storey Victorian rendered masonry store*”, which adjoins the site to the east and is occupied by a bakery. The store is one of the oldest buildings in the region with considerable historical significance as a rare example of an early store. The early Victorian building retains its essential character and commercial prominence in the streetscape.



Figure 24 | View of heritage item 296 (Source: Applicant's RtS)

- Heritage item 264 "*Milton Church of England Cemetery*", located north of the site directly opposite Croobyar Road. The cemetery was used as a burial ground between 1864 - 1904. The heritage report notes the Anglican Church sold the property in the 1980's, and it is claimed that the new owner destroyed all evidence of the headstones. Due to community concerns, a memorial was constructed at the site in 1996 in memory of the many early pioneers of the area that were buried at the site.



Figure 25 | View of heritage item 264 (Source: Applicant's RtS)

The proposed development sits well within the context of the site and would not result in view loss from or into either nearby heritage item. Whilst visible from the streetscape, the proposed development would not detract from the significance of either item. An existing row of trees between the school site and the Victorian Rendered Masonry Store (Heritage Bakery) would be retained and maintain appropriate visual separation and curtilage. The Department supports the findings of the heritage report that the heritage impacts would be minor.

The Applicant also undertook an archaeological survey, which determined there are no items or features of historical significance in the existing lot. The report concludes there is very low potential for historical archaeological depots within the proposed building footprint, given it was subject to soil

disturbance during construction of the Anglican school. Conditions of consent are recommended regarding unexpected finds during construction.

6.4 Other issues

The Department's consideration of other issues is provided in **Table 7**.

Table 7 | Other issues

Issue	Findings	Recommendations
Site contamination	<p>The application is supported by a preliminary site investigation (PSI) and a limited soil assessment, both prepared by Cardno.</p> <p>The preliminary investigation by Cardno included a detailed site inspection, inspection of the surrounding area, desktop review, and collection of shallow soil samples.</p> <p>The desktop review notes that the historic land use at the site appears to be limited to low-intensity agricultural grazing and, more recently, educational purposes.</p> <p>The PSI notes bulk filling in the lot appears to have occurred in the lower-lying western portion when the Anglican school was constructed. Potential contaminant sources were not identified in the north-eastern section where works are proposed. Further, the PSI did not identify any known asbestos containing materials within ground surfaces for any building or structures.</p> <p>The PSI provides recommendations regarding unexpected finds during earthworks, hazardous materials assessment, clearance certificates for buildings to be demolished, and appropriate disposal of waste and excavated soil.</p> <p>The Department is satisfied that there is no indication of significant contamination and the site is suitable for the proposed use as an educational establishment, subject to conditions.</p>	<p>Conditions are recommended which consider the recommendations provided within the PSI.</p>
Earthworks	<p>As seen in Figure 6 of this report, 2,030m³ of cut would occur predominately in the eastern area, to a maximum depth of approximately 1.6m around the swimming pool. A total of 4,280m² of fill would be</p>	<p>Conditions are recommended that excavated soils be classified, excavated,</p>

<p>required predominantly in the western area to a maximum of approximately 2.4m in the centre of the site near the proposed OSD tank. It is anticipated that soil cut from the eastern portion of the site would be able to be re-used within the western portion.</p> <p>The earthworks are required to create a generally level building platform, accessible outdoor areas, and accessible paths of travel.</p> <p>Civil drawings provided with the RtS indicate various retaining walls would be required, up to a height of approximately 2.5m, to support the level building platform. Retaining walls would be provided in the form of sandstone logs and block walls, generally along the eastern and western boundaries of the development area.</p> <p>The Department is satisfied that the proposed earthworks are required to provide accessible school grounds. Conditions are recommended regarding the disposal of excavated soil and importation of soil.</p>	<p>disposed of to a licenced off-site facility, and only fill classified as virgin excavated natural material be imported to site.</p>
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Landscaping and tree removal

<p>The application is supported by an arboricultural impact assessment (AIA) report and landscape plans.</p> <p>The AIA lists 81 trees in or directly adjacent to the site. The application seeks consent to remove 50 trees listed within the AIA as having a low life expectancy or within the development footprint of buildings, driveways or retaining walls.</p> <p>Trees to be removed include 1-19, 23, 30-32, 34-37, 50-64, 73-75 and 77-81. All other trees are proposed to be retained and protected during construction.</p> <p>It is noted that in accordance with the Shoalhaven City Council Tree Preservation Order, trees are defined as being more than 5m tall or wide or having a trunk circumference more than 500mm. As a result, vegetation that did not meet these criteria were not listed within the AIA.</p> <p>Four dedicated outdoor landscape areas are proposed, including the central courtyard, sensory playground, bicycle track and productive garden.</p>	<p>Conditions are recommended regarding tree removal, tree retention and protection during construction and landscaping.</p>
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The submitted landscape plan indicates that 45 trees, along with hundreds of groundcovers, are proposed to be planted for shade, amenity and to offset tree removal. Their planting locations are identified in the landscape plans. The EIS notes boundary plantings along the north, east and west boundary would comprise lilly pillys, bottlebrush and water gums. A mix of blueberry ash, dwarf yellow bloodwood, and water gums are proposed to soften the appearance of the hardstand car park from the public domain.

Fencing would be provided surrounding the perimeter and internally for secure learning spaces.

The overall landscape strategy is considered appropriate by the Department subject to additional detailed landscape plans as a condition of consent. The detailed landscape plans will identify which tree species are planted in specific locations.

Further, it is recommended that a landscape management plan be provided prior to occupation, to ensure that trees and vegetation are appropriately managed the future in accordance with bushfire requirements.

Biodiversity

As discussed in **Section 4.5**, the application is supported by a BDAR that concludes that the proposal would have minor indirect impacts to existing vegetation. No offset requirement is generated by the proposal, given it does not contain any significant or endangered vegetation communities.

Conditions are recommended that vegetation to be retained is protected during construction and newly planted vegetation be maintained appropriately.

Conditions are recommended that retained vegetation be protected during construction, and a landscape management plan be prepared.

Noise and vibration

The application is supported by an acoustic assessment report. A survey of background noise levels near the existing driveway entry was conducted from 19 July 2020 to 25 July 2020. The survey provided background noise levels of 41 L_{A90} for the daytime period.

Construction noise and vibration

The report has undertaken a construction noise and

Conditions are recommended that a detailed construction noise and vibration management plan be submitted prior to any construction or demolition works.

vibration impact analysis for the school and details the potential impact on nearby sensitive receivers in accordance with the Interim Construction Noise Guideline (ICNG), NSW Noise Policy for Industry (NPfI), and Assessing Vibration: A Technical Guideline (AV:ATG).

The report provides noise criteria for nearby residential to the north, south-east and west, as well as commercial directly to the east. In the daytime, the residential noise affected criteria is listed as 51 L_{Aeq15} (background + 10 dB). A high noise affected level of 75 L_{Aeq15} is listed as a maximum where alternative construction should be considered. A noise management level of 70 L_{Aeq15} is provided for the nearby commercial land use to the east.

The report predicts that average noise levels are calculated to be under the high noise affected level, however, would be up to 23 dB above the residential noise criteria for limited construction activities including excavators, jack hammers and concrete pumps. The report suggests that due diligence by the site operator would be required as well as community consultation. To ensure that this is completed, conditions are recommended that a noise and vibration management plan be completed prior to the commencement of construction.

Construction vibration

With regard to vibration, the report provides a preferred value of 0.2 vibration dose value (VDV) and a maximum value of 0.4 VDV for vibration. Given the large distance for nearby receivers, the report calculates that significant vibration generating equipment are unlikely to give rise to vibration levels exceeding the criteria. A detailed and specific vibration impact assessment for the adjoining heritage-listed shop is recommended as part of a noise management plan. Conditions are recommended by the Department in this regard.

To ensure that noise and vibration related to construction does not result in any long-term unacceptable impacts, conditions are recommended that a detailed noise and vibration management plan be completed prior to any construction or demolition

works, including mitigation measures, maintenance of plant, complaints handling, consultation and notification, and equipment selection.

Operational noise

The report identifies various sources of noise emissions likely to have an impact on residential receivers to the north and east and west of the site.

Regarding student noise emission from outdoor play activities, the report assumes that up to 42 children may be in the central courtyard at any one time. Noise levels are predicted to be 50 dBA at the nearest eastern residential receiver, which is an acceptable daytime level.

Regarding noise from a PA or school bell system, recommendations are provided for speaker position and distribution locations in order to limit impacts to nearby receivers.

Regarding noise emissions from mechanical plant, the report notes that specific equipment has not been selected, however would be subject to NPfI noise criteria.

Noise from the carpark is calculated based on movements from private cars for student drop off and staff, mini-bus drop-offs, and rigid trucks for deliveries and waste collection. The calculated noise levels from operation of the carpark is predicted to be less than the project noise trigger level for all nearby residential and commercial receivers.

With regard to noise into the school from industrial operations to the west, nearby sites have been identified as Ulladulla Diesel Services & Mobile Repairs, Boral Concrete, and McConnell Steel & Fabrication, located between 60 and 110m from the boundary. The report suggest that noise levels are currently limited by residential dwellings between the proposed school and industrial lands, and that noise is unlikely to be a concern.

Predicted noise incursion levels from traffic are modelled to comply for all outdoor areas as well as internal learning areas. Block A1 and A2 are predicted to marginally exceed recommended noise

levels with the windows open. Alternative ventilation is suggested as a potential mitigation measure. Recommendations are provided for roof/ceiling, wall and glazing design.

Overall, the Department considers that the noise and vibration concerns during the construction and operational phase of the school can be addressed through appropriate conditions of consent.

Aboriginal cultural heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the EIS.

The ACHAR was prepared in line with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b) (the Code), Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) (the Guide) and Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants 2011. The ACHAR was carried out in consultation with RAPs for the project.

Overall, the ACHAR identifies that majority of the development footprint has been significantly disturbed during past construction. Two areas were identified within the study area that have the potential to retain undisturbed soil profiles. These soil profiles were predicted to contain a disperse low density artefact scatter consistent with the archaeology of the South Coast of NSW, taking into consideration the topography, distance to water, significant landscape features, and knowledge of the traditional owners and RAPs.

One of these areas is in the proposed development footprint. A test excavation methodology was designed and implemented to test for the presence of Aboriginal objects. Two lithic artefacts were identified during the test excavation program. An assessment of the scientific significance of the site and the lithic artefacts in accordance with the Australia ICOMOS Burra Charter 1999 concluded that they are of low significance.

The ACHAR concludes the proposal would result in a minor but acceptable impact on Aboriginal cultural heritage, and makes recommendations for

Conditions are recommended in line with advice received from Heritage NSW ACH with regards to unexpected finds, procedures, permits and consultation.

unexpected finds, procedures for the storage and reburial of Aboriginal objects, permits and further consultation.

Subject to conditions in line with recommended conditions provided by Heritage NSW ACR including an unexpected finds protocol, the Department considers the proposal acceptable with regard to Aboriginal cultural heritage.

Crime Prevention through Environmental Design (CPTED)

CPTED is a recognised crime prevention strategy that focuses on the planning, design, and structure of the built environment to reduce opportunities for crime and anti-social behaviour. CPTED has four key principles:

- natural surveillance
- access control
- territorial re-enforcement
- space and activity management.

To maintain good natural surveillance, publicly accessible spaces maintain visual connection to habitable areas. The proposed orientation of buildings around the central courtyard provides opportunities for natural surveillance within the school. Walkways provide views over the carpark, building entrances and loading zone. Appropriate lighting would ensure that footpath areas are well lit.

Access control is achieved through limited pedestrian entry points, fit for purpose fencing, a consolidated driveway and appropriate wayfinding signage. The school campus would be locked outside of school hours.

The design of the school provides separation between the public/private spaces with appropriate building identification signage for the publicly accessible spaces.

The Department has recommended a condition requiring all outdoor lighting be installed in accordance with ASINZS 4282:2019: *Control of the obtrusive effects of outdoor lighting*.

A condition is recommended that appropriate wayfinding signage be installed.

Flood risk

The application is supported by a preliminary flood advice study.

The site contains an unnamed creek flowing north-south through the western portion with a catchment extending approximately 10ha to the north of the

No recommendations are necessary.

site. The unnamed creek discharges to Pettys Creek 1km south of the site.

The advice provides hydrological modelling to estimate peak flow within the unnamed creek and an estimate of flood levels. The maximum flood level is predicted at 47m AHD, which is lower than the site's minimum level of approximately 48m AHD. It is predicted that the school would be largely unaffected by flooding.

Stormwater

Stormwater would be captured by a series of pits and pipes draining into a stormwater treatment system followed by an OSD tank located half under Block A. Stormwater exiting the OSD would connect to a 750mm diameter stormwater pipe that discharges under the existing access road into the natural watercourse. The OSD tank has been designed to match the post-development peak flow with the pre-development peak flow in accordance with Council's DCP.

Council, in their response to the Applicant's EIS, originally raised concerns regarding the location of the OSD under Block A. In response, the RtS noted that the location of the OSD is required as it would allow for majority of the site to be suitably drained and would not be accessible by students. The Department raises no concerns regarding the location of the OSD.

A condition is recommended that within three months of construction, the Applicant prepare an operational management system for the development, in accordance with the stormwater concept plan provided.

Shoalhaven Water

Council provided comments on the RtS and noted a critical sewerage asset traverses the site and the remainder of the lot that carries sewage from Milton to a pumping station.

Council suggested the exact position of the sewer rising main be identified on a survey plan and engineering plans as their policies do not permit structures to be construed over sewer rising mains greater than DN150 and that screw piles are not to be closer than 2m from a sewer pipe.

The RtS acknowledged the existing 225mm rising main sewage pipe contained in the existing sewage easement. An engineering report provided in the RtS

A condition is recommended that a certificate of compliance be obtained from Council relating to water supply and sewage.

indicates that no impacts to the pipe are anticipated based on load modelling.

To ensure that the sewage asset is protected, and matters relating to water supply are assessed, conditions are recommended that a certificate of compliance be obtained from the Council prior to construction commencing.

Bushfire risk

The south-eastern corner of the lot is identified as being bushfire prone, however the site is not mapped within the bushfire prone area.

The application is supported by a bushfire protection assessment, which was referred to the NSW Rural Fire Service (RFS) for advice. RFS did not comment on the proposal. The bushfire assessment was prepared in accordance with the requirements in *Planning for Bush Fire Protection 2019* (PBP).

Whilst the site is not mapped as being bushfire prone, the assessment identified vegetation within the riparian corridor of the unnamed creek to the west as capable of supporting bushfire. The riparian corridor is approximately 15m-50m wide and contains a mix of exotic (water lily, common reeds) and native species (casuarinas, acacia, and eucalyptus). In accordance with the PBP, the school is required to achieve a 47m asset protection zone and buildings constructed to a bushfire attack level of 12.5.

Further recommendations of the bushfire report include landscaping requirements, access width, water supply, electricity supply, gas supply and emergency management plans. The Department agree with these conditions and they have been included as conditions of consent.

Conditions are recommended with consideration of recommendations provided in the bushfire protection assessment.

Aviation

An aviation impact assessment was provided with the EIS, to assess the potential impacts on the operation of the Milton Helipad approximately 140m west from the site, that provides services to Milton-Ulladulla Hospital.

The assessment notes the proposed buildings are lower than the required approach and take off surface for helicopters. The application was referred

No recommendations are necessary.

to the Civil Aviation Safety Authority (CASA) who did not comment.

**Construction
waste
management**

A construction and demolition waste management plan was submitted with the EIS. The plan includes details of how an 80% target for waste minimisation and diversion from landfill can be achieved for construction and demolition waste. Materials detailed include excavation material, green waste, bricks, tiles, concrete and metals, timber, and plasterboard.

The Department supports the waste diversion targets and the plan and considers the construction waste management of the development to be appropriate.

The Department has recommended conditions to ensure compliance with the construction and demolition waste management plan.

**Operational
waste
management**

An operational waste management plan (OWMP) was submitted with the application. The plan detailed objectives to:

- promote responsible source separation to reduce the amount of waste that goes to landfill.
- ensure adequate waste provisions and procedures that cater for potential changes during operation.
- comply with relevant codes, policies and guidelines.

The plan estimates the following waste would be generated weekly based on 10 classrooms:

- 1,440L of general waste (144L per classroom).
- 720L of recycling (72L per classroom).
- 720L of sanitary waste (720L per classroom).

The plan recommends 6x 240L bins, 3x 240L recycling bins, and 3x 240L sanitary waste bins, all collected once per week.

On waste collection day, the waste collection vehicle up to 11.3m (heavy rigid vehicle) in length would enter the site from Croobyar Road and park within

The Department has recommended conditions to ensure compliance with the OWMP, an increase the size of the bin storage room and a bunded area be provided.

the loading bay, adjacent to the bin room where the bins would be collected. It is recommended that bin collection occur outside of school hours.

Liquid waste such as pool chemicals, cleaning products and other chemicals are required to be stored in a bunded area.

The Department supports the OWMP and considers that operational waste can be appropriately managed.

Community use

The Applicant proposes that the hydrotherapy pool be accessible to the community outside of school hours and users can access the staff parking at the front of the site.

The RtS noted community members would be allowed to access the hydrotherapy building outside of school hours (8:55am to 3:00pm), subject to prior arrangement with the school. Conditions are recommended that community access be limited to 3pm to 8pm on weekdays and 9am to 6pm on weekends.

The department recommends conditions relating to the hours of operation of the hydrotherapy pool.

Social impact

The EIS includes a social impact assessment (SIA) that identifies potential social impacts of the development, considers how potential environmental changes impact people's lives, assesses the significance of positive / negative and cumulative social impacts, includes mitigation measures and details how social impact would be monitored and managed over time.

The SIA assessed potential impacts, whether the impact may be perceived as positive or negative, the level of impact, and any mitigation measures. Impacts included construction impacts, traffic, community use of the pool, school location, sites context to surrounding land uses, ecology, Aboriginal and cultural heritage, employment, safety, and increase enrolment.

The Department reviewed the SIA and, on balance, considers the proposal would not result in any significant negative impacts subject to appropriate

No recommendations are necessary.

construction management in order to limit disturbance.

**Sediment,
erosion, and
dust control**

Erosion and sediment control details have been provided in a civil plan.

The plan outlines appropriate measures are to be incorporated during site preparation, construction, and demolition works.

The Department recommends conditions requiring sediment controls to be implemented during construction including, as a minimum, measures in accordance with Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) (commonly referred to as the 'Blue Book').

7 Evaluation

The Department has reviewed the Environmental Impact Assessment (EIS), Response to Submissions (RtS), and assessed the merits of the proposal, taking into consideration advice from public authorities, including Council. Issues raised in public submissions have been considered and environmental issues associated with the proposal have been addressed. The Department concludes that the impacts of the development are acceptable and can be mitigated through recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and is consistent with the State's strategic objectives.

The EIS was publicly exhibited for 28 days between 9 December 2020 and 29 January 2021. The Department received a total of 27 submissions, 12 were from public authorities including City of Shoalhaven Council (Council), and 15 from the public.

On 30 July 2021, the Applicant submitted an RtS, including an amended proposal, which included additional tree planting, revised gate location, additional details on plans, and other clarifications. The RtS was sent to relevant public agencies and four submissions received.

The Department identified key issues to be traffic and transport, built form and urban design, and heritage. The Department concluded that:

- the proposed school would not result in an unacceptable impact on the local traffic network.
- appropriate landscaping has been proposed that responds to the site's context.
- the proposed built form and urban design responds well to the rural character of the area and respects nearby heritage items.
- appropriate management strategies have been proposed to limit/mitigate construction impacts.

The proposal would provide benefits including:

- delivering updated educational specialised education facilities in the Shoalhaven LGA.
- delivery of 24 operational jobs and 64 construction jobs.

8 Recommendation

It is recommended that the Director, State Significant Acceleration, as delegate of the Minister for Planning and Public Spaces:

- **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 Budawang School for Specific Purposes (SSD 8845345)
- **signs** the attached development consent and recommended conditions of consent (**Appendix D**).

Recommended by:



Stephen Dobbs
Senior Planning Officer
State Significant Acceleration

Recommended by:



Gabriel Wardenburg
Team Leader
State Significant Acceleration

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, consisting of several overlapping loops and a final horizontal stroke.

Alan Bright

Director

State Significant Acceleration

Appendices

Appendix A – List of referenced documents

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/39516>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/39516>

3. Applications Response to Submissions and Supplementary Information

<https://www.planningportal.nsw.gov.au/major-projects/project/39516>

4. Public authority submissions to RtS

<https://www.planningportal.nsw.gov.au/major-projects/project/39516>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report refers to provisions of 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 (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy (Koala Habitat Protection) 2019 (Koala SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structure and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Shoalhaven Local Environmental Plan (SLEP) 2014

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

The aims of this SEPP are to identify State significant development (SSD) and State significant infrastructure. An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is state significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State Significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) The development on the land concerned is, by the operation of an environmental planning 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 and is development that is specified under Schedule 1 .	Yes

Schedule 1 State significant development – general
(clause 8 (1)).

The proposal comprises development for the purpose of a new school.

Yes

15 Educational establishments

(1) Development for the purpose of a new school
(regardless of the capital investment value)

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the state by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular type of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process. An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table B2**.

Table B2 | Consideration of the relevant provisions of Infrastructure SEPP

Clause(s)	Consideration and Comment
CI 44 – 45 Development likely to affect an electricity transmission or distribution network	The development is located near the electrical transmission or distribution network. The application was referred to Endeavour Energy, who raised no objections to the proposal. Endeavour energy commented on a proposed padmount station to the north of the site, and potential contamination occurring from an existing pole-mounted substation. These comments were considered in Section 6 .
CI 101 – 104 Development in or adjacent to road corridors and road reservations	The school would use an existing vehicle crossing off Croobyar Road which is not a classified or state road. The application was referred to Transport for NSW (TfNSW) who raised no objections to the proposal subject to the creation of a school zone along Croobyar Road.

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 was assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is State significant development, even though the development would contravene a development standard imposed by this or any other environmental planning instrument

under which the consent is granted. No development standards are proposed to be contravened in this development proposal.

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 of the Education SEPP. An assessment of the development against the design principles is provided at **Table B3**.

Clause 57 of the Education SEPP requires traffic generating development that involves the addition of 50 or more students is to be referred to TfNSW. The application was referred to TfNSW who did not object to the development.

Table B3 | Consideration of the design quality principles

Design Principles	Response
Principle 1 – context, built form and landscape	<p>The design of the proposed buildings, structures and landscaping would integrate well into the existing environment and local context.</p> <p>The Department considers that buildings have been sited appropriately, have been designed for their intended use, and external materials chosen have sufficient regard to the nearby heritage items, rural setting, and educational requirements of students.</p>
Principle 2 – sustainable, efficient and durable	<p>The proposal includes various ESD measures (Section 4.4.3) incorporated where possible including:</p> <ul style="list-style-type: none"> • shading and protection from excess solar through overhangs and louvres. • photovoltaic panels. • rainwater tanks. • waste management and recycling.
Principle 3 – accessible and inclusive	<p>Accessibility and inclusiveness have been considered throughout the design of the school to ensure that the school is suitable for students with differing needs and capabilities.</p> <p>Internal and external learning areas have been designed to ensure the school maximises flexibility as well as future-proofing the life of the school.</p>
Principle 4 – health and safety	<p>The design of the school additions has considered passive surveillance and security. Crime prevention through environmental design measures were considered to ensure a high level of safety for staff and students.</p>
Principle 5 – amenity	<p>The proposal provides a variety of internal and external learning places for formal and informal educational opportunities.</p> <p>The proposed school has been designed to be suitable for its intended purpose and provides a higher level of amenity than existing facilities in Ulladulla.</p>

Principle 6 – whole of life, flexible, adaptable	The design of the school encourages future use and flexibility of spaces. The new learning spaces allow for further adaptation throughout the life cycle of the school as much as possible.
Principle 7 – aesthetics	The proposed new buildings and outdoor areas include high quality finishes designed to be aesthetically pleasing while considering the site's rural and heritage context as well as specific educational requirements.

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 application is supported by a preliminary site investigation (PSI) and a limited soil assessment.

The PSI notes that bulk filling within the lot appears to have occurred within the lower-lying western portions including the sports field. Filling and potential contaminant sources were not identified in the north-eastern portion of the site where works will occur. Further, the PSI did not identify any known asbestos containing materials within ground surfaces for any building or structures.

As detailed at **Section 6.4**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable for the proposed use subject to the implementation of recommend conditions regarding unexpected finds.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. Six signs are proposed as follows:

- Sign A (digital pylon sign) located at the pedestrian entrance point and comprise the school logo and 1.08m x 1.72m digital display. The sign would be a maximum of 4.3m in height and approximately 1.8m in width.
- Sign B (pylon sign) located at the carparking entrance and direct traffic toward either the school grounds or the hydrotherapy pool. The sign would measure 2.1m in height and 2.09m in width.
- Sign C (plaque) attached to the fence near the driveway entrance and direct traffic toward the carpark. The sign would measure 760mm in height and 1.72m in width.
- Sign D (pylon) located within the carpark and direct car traffic. The sign would measure a maximum height of 2.1m and a width of 2.09m.
- Sign E (plaque building identification sign) attached to the hydrotherapy building and identify the building. The sign would be a maximum of 200mm in height and 2.71m in width.
- Sign F (wall sign) attached to the northern elevation of Block A and would direct foot traffic to the main school entrance. The sign would measure 6600mm in height and 1.4m in width.

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

Table B4 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is contemporary in design and would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area however they are simple and reflective of the educational use.	N/A
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline and would not impact the quality of any views or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	Proposed signs would not impact on existing views experienced by others or existing advertising rights.	N/A
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs would complement the educational establishment design and contribute to the visual interest of the streetscape.	Yes

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs are appropriate for the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	The signs would not screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would sit well below the height of proposed adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs have an appropriate scale and proportion and are considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The signs are appropriately located at the site entrance and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the signs are to identify the entrance of the school, identify buildings and provide wayfinding.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the signs.	N/A
7 Illumination		
Would illumination result in unacceptable glare?	No.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination is not anticipated to result in any reduced safety.	Yes

Would illumination detract from the amenity of any residence or other form of accommodation?	No.	N/A
Can the intensity of the illumination be adjusted, if necessary?	It is anticipated that the brightness level of the sign could be adjusted.	N/A
Is the illumination subject to a curfew?	Yes, conditions are recommended that it is illuminated only between the hours of 7am and 5pm.	N/A
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 of 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 provide a state-wide planning framework for the remediation of land, maintain the objectives and reinforce those aspects of the existing framework that have worked well, require planning authorities to consider the potential for land to be contaminated when determining development applications and planning proposals, clearly list the remediation works that require development consent, and introduce certification and operational requirements for remediation works that can be undertaken without development consent.

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 applicable existing SEPPs, the Department is satisfied that the proposed development would generally be consistent with the provisions of the Draft Environment SEPP.

Shoalhaven Local Environmental Plan 2014 (SLEP 2014)

SLEP 2014 aims to encourage proper management of land, facilitate social and economic wellbeing, ensure that land is suitable for proposed usages, and minimise risk of harm to the community. The SLEP 2014 also aims to ensure development achieves the desired future character of the area.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of SLEP 2014, 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 SLEP 2014. Consideration of the relevant clauses of the SLEP 2014 is in **Table B5**.

Table B5 | Consideration of SLEP 2014

SLEP 2	
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned RU1 Primary Production. Educational establishments are permitted with consent in this zone.
Clause 4.3 Height of Buildings	No control applies to the site although the proposed ridge lines on site are in accordance with the surrounding development. The hydrotherapy building's maximum height is lower than the Heritage Bakery to the east of the site.
Clause 4.4 Floor Space Ratio (FSR)	No FSR control applies to the site.
Clause 5.10 Heritage conservation	The site adjoins two local heritage item 296 "two storey Victorian Rendered Masonry Store" to the east of the site and local heritage item 264 "Milton Church of England Cemetery". A discussion on heritage is provided in Section 6.3 .
Clause 7.1 Acid sulfate soils	<p>The local mapping identifies the entirety of the site to be classified as potentially containing Class 5 acid sulfate soils, being the lowest classification. The proposed works are not within 500m of Class 1, 2, 3 and 4 land and there are no major excavations proposed.</p> <p>The geotechnical investigations report submitted with the application used two borehole samples at 0.5m and 1m depths, and were laboratory tested. The results did not include any positive indicators of acid sulfate soils.</p>

Other policies

Under clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD, however the objectives of the Shoalhaven Development Control Plan 2014 were considered in **Section 6**.

Appendix C – Community Views for Draft Notice of Decision

Issue	Consideration
<p><i>Use of the remainder of the lot</i></p> <ul style="list-style-type: none"> Multiple submissions note that the remainder of the lot should be included in the assessment. Specifically, a traffic assessment based upon a whole of lot development. Further, submissions suggest that the remainder of the lot should be development into either a high school, university, or hospital. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant wishes to retain the remainder of the lot for future educational purposes. The EIS and RtS suggest that there are no development plans or funding for the remainder of the lot at this time. The Department assessed the proposal only. Future development of the remainder of the lot would require separate development assessment. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>Overcrowding in existing school</i></p> <ul style="list-style-type: none"> Submissions raised concerns that the public school system within the Ulladulla region is overcrowded. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has determined there is no requirement for additional high school facilities in the area at this time. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>Road upgrades and bus movements</i></p> <ul style="list-style-type: none"> Submissions suggests that road upgrades, bus movements, a bus bay and a school crossing is required, based upon 400-800 children. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department assessed a proposal for 56 special needs students. The Department notes it is unlikely students will walk to school and neither Council nor Transport for NSW identified a need for a dedicated school crossing. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended that a footpath be provided along Croobyar Road outside of the site.
<p><i>Hydrotherapy Pool</i></p> <ul style="list-style-type: none"> A submission questions whether public access will be provided to the pool and clarification is required around supervision. A submission notes that an on-site hydrotherapy building would restrict students to the school grounds instead of allowing out of school travel. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The RtS provides that community members will be allowed to access the pool outside of school hours, subject to arrangement with the school. Pool supervision details are unresolved at this stage. The Department considers that the benefit of an on-site hydrotherapy building outweighs the positives of off-site travel for students. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended that the pools hours of operation is limited to 3pm to 8pm on weekdays and 9am to 6pm on weekends.

<p><i>Reuse of school equipment</i></p> <ul style="list-style-type: none"> A submission notes that equipment from old buildings should be retained. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The submitted construction waste management plans details a minimum target of 80% for the re-use or recycling of materials. It is unlikely that furnishings such as seats or boards in the existing pre-school or building L could be re-used. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended that a waste management plan be required.
<p><i>Trees</i></p> <ul style="list-style-type: none"> A submission raises concerns with tree removal. A submission raises concerns about the lack of detail within the proposed landscape plans. A submission comments that trees take time to reach mature height. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges the proposal aims to retain trees where possible and that the trees to be removed have been categorised as planted species. The Department does not object to proposed tree planting in the concept landscape plan with regard to species and location. It is acknowledged that tree species selected need to be appropriate for the use of an educational establishment. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended that a detailed landscape plan be provided.
<p><i>Overdevelopment</i></p> <ul style="list-style-type: none"> A submission notes that the proposal is an overdevelopment of the proposed site area and may cause issues such as stormwater runoff, heat island effect and lack of landscaping. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes the site area of 10,206m² is suitable for the proposed development, subject to appropriate stormwater management and tree planting. The bulk of the single storey buildings are considered acceptable as discussed in Section 6.2. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended regarding stormwater management and tree planting.
<p><i>Building setbacks</i></p> <ul style="list-style-type: none"> A submission raises concerns with the front setback of the hydrotherapy building and its impact on the nearby heritage bakery. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the front setback of the hydrotherapy building is acceptable, as it has been designed to provide a public interface to the school. The hydrotherapy building would be separated from the existing heritage building by approximately 38m and, at its peak height, would sit 5m lower. No adverse heritage impacts are anticipated as discussed in Section 6.3. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>Construction management</i></p> <ul style="list-style-type: none"> A submission raises concerns with construction vehicles being parked on the street. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The draft CTMP provides vehicles will be contained within the site. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended that a CTMP be prepared prior to construction and that all construction vehicles be parked within the confines of the site.

<p><i>Signage illumination</i></p> <ul style="list-style-type: none"> A submission raises concerns with the illumination of signage after school hours 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The sign would be switched off at night. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions are recommended that the digital display sign not be illuminated between 6pm to 7am.
<p><i>Public consultation</i></p> <ul style="list-style-type: none"> A submission raises concerns with the community consultation. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant states letter box drops and website updates occurred prior to lodgement of the application. The project was notified to the public (see Section 5). <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>Wind</i></p> <ul style="list-style-type: none"> A submission notes that the EIS does not consider strong August-October westerly winds. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed U-shape of the buildings is considered sufficient to provide usable outdoor play and learning areas during windy conditions. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.
<p><i>Social impacts</i></p> <ul style="list-style-type: none"> A submission raises concerns with the construction of the special needs school and notes that optimal learning can be achieved through inclusive education through mainstream educational establishments. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department assessed this application on its merits. The RtS notes: <p><i>“This is a broader policy issue rather than a specific matter for consideration under the current planning assessment. Nonetheless, advice has been received from DoE’s Disability Strategy team to assist in a response. The Disability Strategy team notes that DoE works with parents and carers to personalise support so that every student is engaged and learning to their fullest capability. For most students, this means attending their local school with individualised support. More than 85% of students with disability currently learn in mainstream classrooms in mainstream public schools. All parents and carers have a right to enrol their child in their local public school. Parents and carers are also entitled to apply to enrol their child in a support class in a mainstream school or school for specific purposes. This is consistent with the Australian Government’s interpretation of the United Nations Convention on the Rights of Persons with Disabilities Article 24, which allows the use of both mainstream education and specialist schools for persons with disability and, consequently, respects the rights of parents of children with disabilities to choose whether to put their children in mainstream or specialist education”.</i></p> <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions recommended.

Appendix D – Recommended Instrument of Consent/Approval

The recommended instrument of consent can be found on the Departments website as follows:

<https://www.planningportal.nsw.gov.au/major-projects/project/39516>.