



New Primary School at Murrumbateman

State Significant Development Assessment

SSD-1233241

October 2021



NSW Department of Planning, Industry and Environment | dpie.nsw.gov.au

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: New Primary School at Murrumbateman

Cover image: *Perspective view of the main entrance to the new school from Fairley Street (Source: Applicant's EIS 2021)*

© State of New South Wales through Department of Planning, Industry and Environment October 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
CIV	Capital Investment Value
COLA	Covered Outdoor Learning Area
Council	Yass Valley Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GANSW	Government Architect of New South Wales
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
LGA	Local Government Area
LoS	Level of Service
Minister	Minister for Planning and Public Spaces
MUSIC	Model for Urban Stormwater Improvement Conceptualisation
NPI	Noise Policy for Industry 2017
OOSH	Out of school hours
OSD	On site detention
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PSI	Preliminary Site Investigation
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy

Abbreviation	Definition
SHI	Statement of Heritage Impact
SIA	Social Impact Assessment
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
STP	School Transport Plan
TA	Transport Assessment
TfNSW	Transport for NSW
WQO	Water Quality Objectives
YVLEP	Yass Valley Local Environmental Plan 2013

Executive Summary

This report provides an assessment of a state significant development (SSD) application for the new primary school at Murrumbateman (SSD-11233241). The site is located at 2 Fairley Street, Murrumbateman within the Yass Valley Council local government area (LGA). The application was lodged by NSW Department of Education (the Applicant).

Assessment summary and conclusions

The Department of Planning, Industry and Environment (the Department) has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) and 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 include traffic, transport and parking, as well as built form and urban design. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement (EIS) and Response to Submissions (RtS), and that minor outstanding issues can be addressed through recommended conditions of consent.

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

The proposal

The application seeks approval for the construction and operation of a new primary school to accommodate up to 368 students, including the construction of three new two-storey buildings containing home base rooms, library, administrative facilities, canteen, storage rooms and amenities, and a single storey hall with covered outdoor learning area (COLA). Associated works include landscaping, signage, fencing, infrastructure works, outdoor play areas, on site car parking, bicycle parking, drop-off/pick-up facility and on-street works including a new bus bay.

The proposal has a Capital Investment Value (CIV) of \$31,110,808 million and would generate approximately 28 operational jobs and 250 construction jobs.

The site

The site is located in a mixed use precinct, that includes a hotel to the north, a library in the former Murrumbateman School and Schoolhouse to the south, a medical centre and childcare centre to the west, and equestrian facilities to the east across Barton Highway.

Statutory context

The proposal is SSD under section 4.36 (development declared SSD) *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is for the purpose of a new school under clause 15 Schedule 1 State Environmental Planning Policy (State and Regional Development) 2011. Therefore, the Minister for Planning and Public Spaces is the consent authority.

Engagement

The application was publicly exhibited between 17 June 2021 and 14 July 2021. The Department received a total of 10 submissions, including eight from public authorities and two the public. The key

issues raised in the submissions include built form and urban design, traffic and parking, and noise impacts during construction.

On 26 August 2021, the Applicant submitted a RtS which responded to the comments made in the submissions and included amended architectural drawings and updated landscape plans. The RtS was referred to the submitters and five submissions from public authorities, including Council, were received in response to the Applicant's RtS.

Contents

1	Introduction	1
1.1	Site description.....	1
1.2	Existing development and use	2
1.3	Surrounding development	2
2	Project.....	4
2.1	Physical layout and design.....	5
2.2	Uses and activities	8
2.3	Timing.....	8
3	Strategic context	9
4	Statutory Context.....	10
4.1	State significance	10
4.2	Permissibility	10
4.3	Other approvals.....	10
4.4	Mandatory Matters for Consideration.....	10
4.5	Ecologically sustainable development	12
4.6	Biodiversity Development Assessment Report.....	14
5	Engagement.....	15
5.1	Department's engagement.....	15
5.2	Summary of submissions	15
5.3	Public authority submissions.....	15
5.4	Public submissions.....	17
5.5	Response to submissions	17
5.6	Supplementary Response to Submissions	18
6	Assessment	19
6.1	Traffic, transport and parking	19
6.2	Built form and urban design	29
6.3	Other issues	31
6.4	Public interest.....	40
7	Evaluation.....	41
8	Recommendation.....	42
9	Determination.....	43
	Appendices	44
	Appendix A – List of referenced documents.....	44
	Appendix B – Statutory Considerations.....	45
	Appendix C – Recommended Instrument of Consent	55

1 Introduction

This report provides an assessment of a state significant development (SSD) application for the New Primary School at Murrumbateman at 2 Fairley Street, Murrumbateman (the site) (SSD-11233241).

The application was lodged by NSW Department of Education (the Applicant) and the site is located within the Yass Valley Council local government area (LGA). The proposal includes the construction and operation of a new primary school to cater for up to 368 students from Kindergarten to Year Six.

1.1 Site description

The site is located on the south-western corner of Barton Highway and Fairley Street in Murrumbateman and is legally described as Lot 302 DP1228766. The site is irregular in shape, with an area of approximately 1.54 hectares (ha) and has a primary frontage to Fairley Street to the north and secondary frontage to Barton Highway to the east.

The site is located at the northern end of the Murrumbateman village, which is characterised by a mix of uses including low density residential and some commercial development. The site is located in the Southern Tablelands region of NSW and is approximately 30 kilometres (km) northwest of Canberra. The site location is shown in its regional context in **Figure 1**.

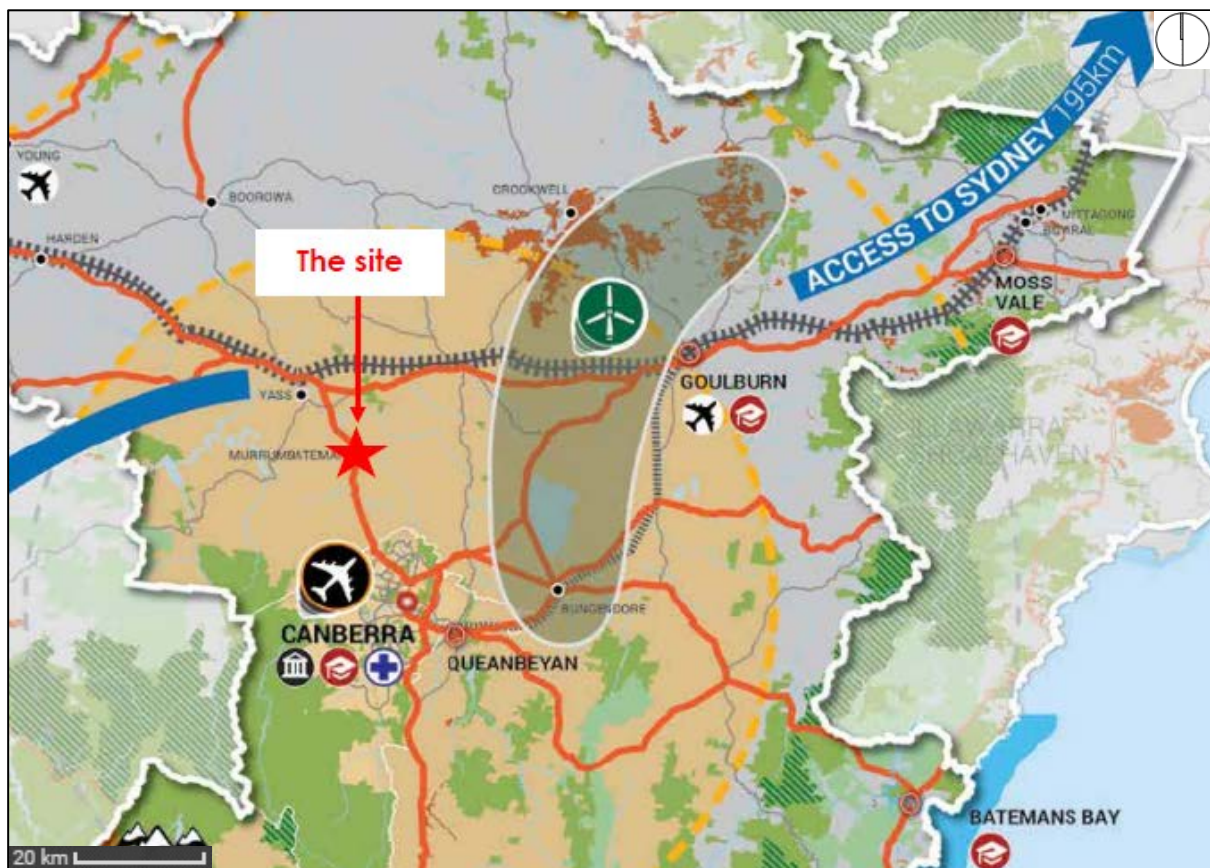


Figure 1 | Regional Context Map (Source: Applicant's EIS 2021)

1.2 Existing development and use

The site contains an existing parking lot at its northern end and a private access road along its western boundary (**Figure 2**). The site is otherwise currently cleared and vacant with a mound of soil located at the southern end of the site.



Figure 2 | Local Context Map (Source: Applicant's EIS 2021)

1.3 Surrounding development

A hotel is located to the north of the site across Fairley Street and a medical centre (Murrumbateman Health Hub) and childcare centre is located to the west. A local library in the former Murrumbateman School and Schoolhouse (ceased being used as a school in 1973 and is now a local heritage item) is located to the south. Since the school's closure, the nearest public school to Murrumbateman is Berinba Public School located in Yass. Equestrian facilities are to the east of the site, across the Barton Highway. A pedestrian/cycling and equestrian pathway is located to the south of the site between it and the library.

A commercial development known as 'Fairley Square' has been approved by Council on the currently vacant land to the west of the site between, the medical centre and childcare centre (see item number 3 on **Figure 3**). The approved development includes eight separate tenancies that are expected to accommodate cafes/restaurants, retail shops and other local businesses.

Other surrounding land uses include the showground, BP service station, Murrumbateman Showgrounds and Murrumbateman Country Inn.

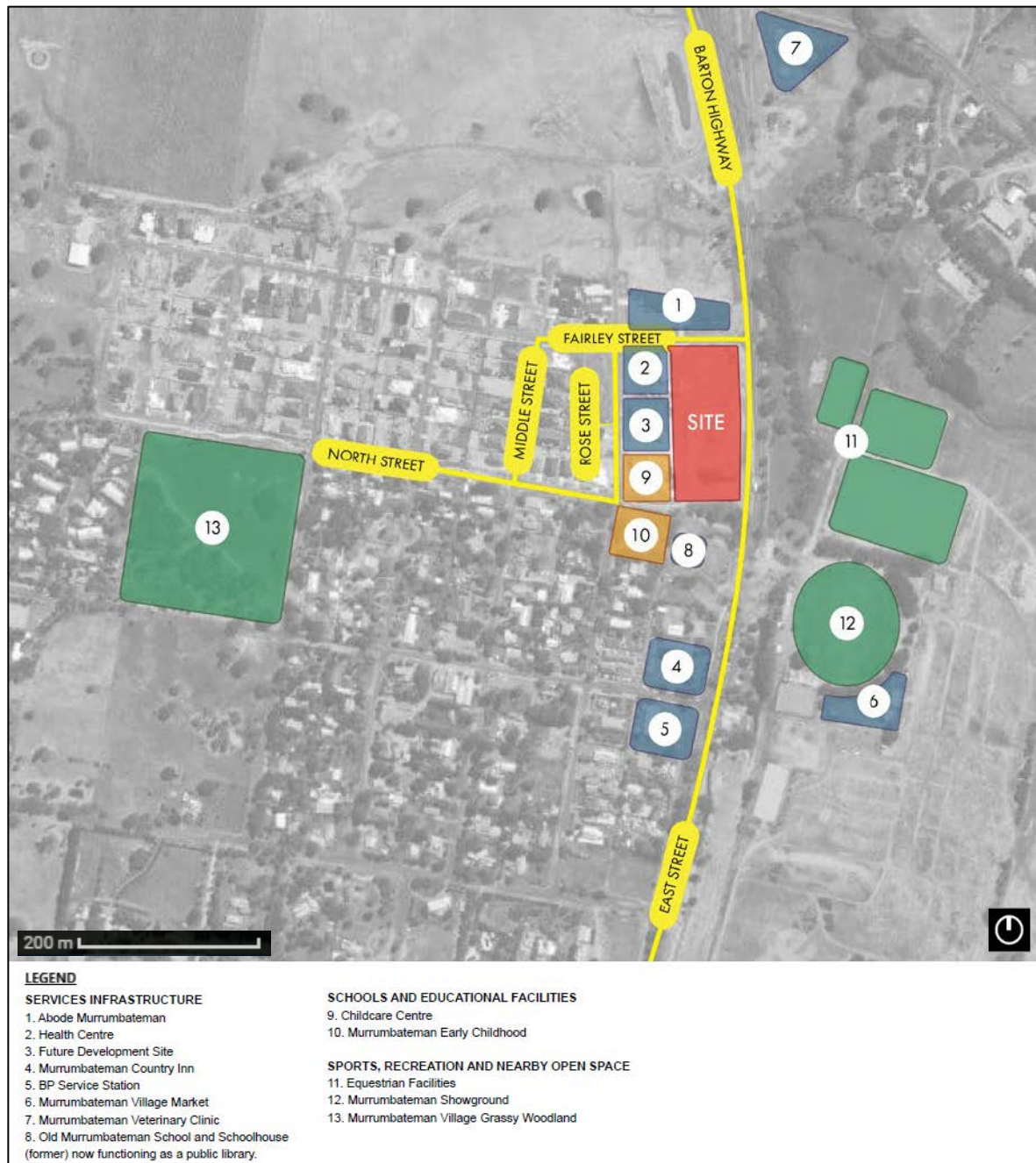


Figure 3 | Surrounding land uses (Source: Applicant's EIS 2021)

2 Project

The key components and features of the proposal (as refined in the Response to Submissions) are provided in **Table 1** and are shown in **Figure 4** to **Figure 8**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	Construction and operation of a new primary school, including the construction of three new two-storey buildings containing home base rooms, library, administrative facilities, canteen, storage rooms and amenities, and a single storey hall with covered outdoor learning area (COLA). Associated works include landscaping, signage, fencing, infrastructure works, outdoor play areas, on site car parking, bicycle parking, drop-off/pick-up facility and on-street works including a new bus bay.
Built form	<ul style="list-style-type: none"> Two-storey building (Block A) containing administrative facilities and library. Two two-storey buildings (Blocks B and C) containing homebase rooms and special education learning units. Single-storey building (Block D) containing a canteen, community hall, storage rooms and amenities.
Gross Floor Area	<ul style="list-style-type: none"> 3,345.39 sqm.
Site Area	<ul style="list-style-type: none"> 1.54 ha.
Floor Space Ratio	<ul style="list-style-type: none"> Approximately 0.22:1.
Uses	<ul style="list-style-type: none"> Educational establishment (primary school).
Operational hours	<ul style="list-style-type: none"> School accessible from 6.30am to 6.30pm weekdays. Morning bell at 9am and afternoon bell at 3pm. Out of school hours (OOSH) care to run from 7am to 9am and from 3pm to 6pm.
Access and roadworks	<ul style="list-style-type: none"> Two pedestrian access points, including: <ul style="list-style-type: none"> main entry point at the northern end of the site, via the existing crossover off Fairly Street. a secondary entry at the southern end of the site linking from the existing pedestrian/cycling and equestrian path. Reconfiguration of existing intended parking spaces on Fairley Street to provide a new bus bay.
Car parking and drop-off/pick-up	<ul style="list-style-type: none"> On site car park with 40 spaces. On site parent/carer drop-off/pick-up zone with 14 spaces.
Bicycle parking	<ul style="list-style-type: none"> 36 bicycle parking spaces.

Aspect	Description
Tree removal and landscaping	<ul style="list-style-type: none"> • Removal of 11 trees. • Site landscaping including 142 trees and various groundcovers and grasses
Students and staff	<ul style="list-style-type: none"> • 368 students. • 25 teaching staff. • Three maintenance and cleaning staff.
Signage	<ul style="list-style-type: none"> • Two signs, including: <ul style="list-style-type: none"> ○ a digital pylon sign located at the main driveway entry. ○ a plinth sign located at the main pedestrian entry along the security gate.
Jobs	<ul style="list-style-type: none"> • 250 construction jobs • 28 operational jobs.
CIV	\$31,110,808

2.1 Physical layout and design

The proposed car park and drop-off/pick-up zone would be located at the northern end of the site, adjacent to Fairley Street. The proposed school buildings would be located in the centre of the site, with the four buildings positioned in an inverted 'U' shape around a central outdoor space.

The proposed site layout is shown in **Figure 4**. Elevations of the proposed buildings are shown in **Figure 5** and **Figure 6** and perspectives in **Figure 7** and **Figure 8**.

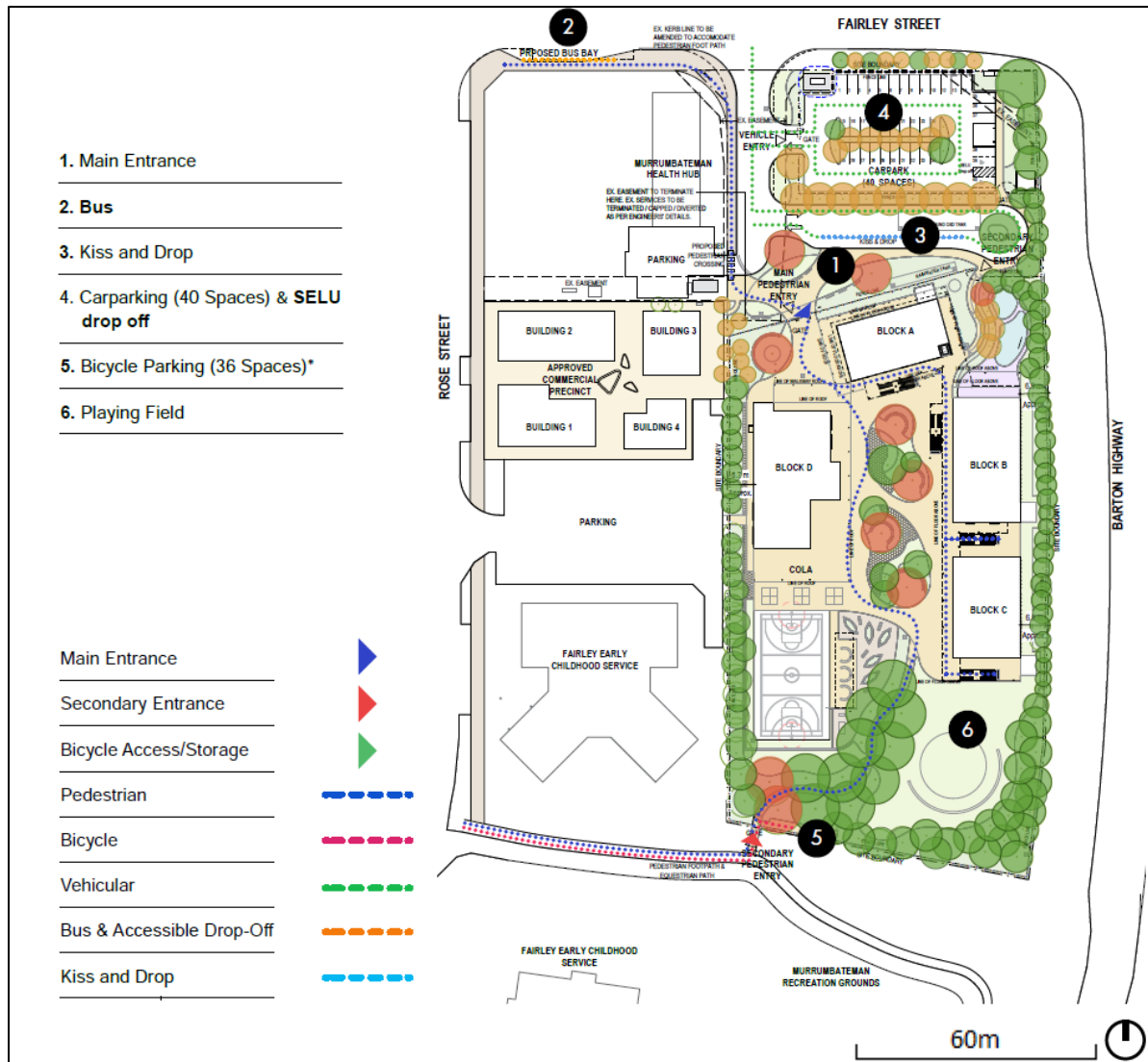


Figure 4 | Site Layout (Source: Applicant's RtS 2021)



Figure 5 | North and East Elevations (Source: Applicant's RtS 2021)



Figure 6 | South and West Elevations (Source: Applicant's RtS 2021)



Figure 7 | Perspective from the main entry of the school (Source: Applicant's RtS 2021)



Figure 8 | Perspective from the internal play area (Source: Applicant's RtS 2021)

2.2 Uses and activities

The development is for the purpose of a primary school (Kindergarten to Year Six) for up to 368 students and 28 staff with ancillary facilities including a multi-purpose hall and a variety of outdoor play areas.

2.3 Timing

The Applicant advises that the construction of the proposed buildings would occur in one stage and is expected to be completed in 2022.

3 Strategic context

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

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

- Transport for NSW's Future Transport Strategy 2056 as it would provide an improved educational facility in an accessible location and provide access to additional new employment opportunities.
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum as it proposes:
 - new school facilities to support the growth in demand for student enrolments.
 - a school design to accommodate infrastructure and facilities sharing with communities.
- NSW South East and Tablelands Regional Plan 2036 as the proposal would meet the goal for the region by providing for a new school that is essential for achieving a connected and prosperous economy.

The proposal would also provide direct investment in the region of approximately \$31 million and would support 250 construction jobs and 28 operational jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is for the purpose of a new school under clause 15 Schedule 1 State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

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

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

4.2 Permissibility

The site is zoned RU5 Village under the Yass Valley Local Environmental Plan 2013 (YVLEP). Educational establishments are permissible with development consent in the RU5 zone. The proposal also includes shared use of some facilities for the community which would be ancillary to the use as an Educational Establishment and is also permissible with consent.

Therefore, the Minister or a delegate may determine the carrying out of the development in accordance with section 4.5 EP&A Act.

4.3 Other approvals

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

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

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

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

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

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

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 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 the development would not unreasonably impact negatively on the economic welfare of the community, or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.5).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic development and use of the land as it provides for a fit for purpose educational establishment to support the demand in a growing area.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would not affect any protected or threatened species or vegetation communities. The proposal involves landscaping and planting that would provide for new habitat opportunities.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The site does not include any buildings with European heritage values or significance. The built and cultural heritage of the site and adjoining properties has been considered as part of this EIS (Section 6.3).</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which</p>

Objects of the EP&A Act	Consideration
	identified that no Aboriginal heritage sites would be harmed by the proposed development.
(g) to promote good design and amenity of the built environment,	The proposal has been designed to minimise potential amenity impacts whilst maximising its internal amenity and ensuring good design is achieved (Section 6.2). The buildings have a contemporary functional design that would integrate with the surrounding future built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal, which included consultation with Council and other public authorities and consideration of their responses (Sections 5.1 and 6).
(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 during the exhibition period.</p> <p>Issues raised in the submissions have been considered in Section 6.</p>

4.5 Ecologically sustainable development

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

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

The development proposes ESD initiatives and sustainability measures, including:

- efficient energy consumption through a building design that reduces heat gain, maximises natural light and ventilation, and energy efficient light fittings and controls.
- water conservation measures, including efficient fixtures and fittings, water reuse and low water-dependent landscaping.

- resource management through the reuse and recycling demolition and building materials and utilising local sourced products.

The EIS included an ESD report that details how the principles of ESD would be addressed in the proposal. The Applicant is targeting a 4-Star Green Star (Australian Best Practice) rating which is in accordance with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (EFSG) design guide (NSW Department of Education).

The Department has considered the proposal 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 proposal.

In order to ensure that ESD is incorporated into the proposal, 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 proposal is consistent with ESD principles as described in Attachment 20 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

4.5.1 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.

4.5.2 Planning Secretary's Environmental Assessment Requirements

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

4.5.3 Section 4.15(1) matters for consideration

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

Table 3 | Section 4.15(1) matters for consideration

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

Section 4.15(1) Evaluation	Consideration
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - refer to Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 .
(e) the public interest	Refer to Sections 6 and 7 .

4.6 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 proposal is not likely to have any significant impact on biodiversity values”.

On 28 January 2021, the Energy, Environment and Science Group (EESG) of the Department determined that the proposed development would be not likely to have any significant impact on biodiversity values and a BDAR is not required. The Department supports EESG’s decision and on 19 February 2021 determined that the application is not required to be accompanied by a BDAR.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the EIS between Thursday 17 June 2021 until Wednesday 14 July 2021 (28 days). The application was exhibited on the Department's website and the Department notified adjoining landholders and relevant state and local government authorities in writing.

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

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

5.2 Summary of submissions

The Department received a total of ten submissions, including eight from public authorities (including Council) and two public submissions. No objections were received. A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of public authority submissions to the EIS exhibition

Yass Valley Council (Council)

Council made the following comments:

- traffic and access:
 - preference is that the bus bay be provided on site.
 - if the bus bay cannot be provided on site, the Applicant is encouraged to reconsider the option of providing an indented bus bay on the Barton Highway frontage with pedestrian barriers.
 - concerns are held regarding the safety of students crossing the Murrumbateman Health Hub driveway/carpark to access the proposed bus bay on Fairley Street.
 - upgrades to the intersection of Barton Highway and Hercules Street should be considered to support the buses and other vehicles turning right at this location.
- other:
 - a feasibility assessment of acquiring all or part of the old school site for use as part of the proposed school should be undertaken. The additional land would allow scope for future expansion and better amenity of the school and community.
 - an existing easement for an unused watermain may be extinguished but would require confirmation from Council's Water and Sewer Manager as well as the hydraulic designer.
 - previously-mooted proposals for the joint use of the recreation grounds on the eastern side of the Barton Highway are not supported due to safety risk to students crossing the highway.

- the Crown Land containing the public pathway to the south of the site is subject to an Aboriginal Land Claim. This may impact the proposed southern access to the school.
- the EIS contains a number of errors that should be corrected.

Environment Protection Authority (EPA)

The EPA advised that further information was required in relation to:

- appropriateness of construction outside of standard hours identified in the Interim Construction Noise Guidelines (ICNG) is required.
- consideration of relevant NSW Water Quality Objectives (WQO) given that the site is in the Murrumbateman Catchment.
- the capacity, sizing, design rain event, catchment and management of the sediment basins.

EPA provided recommended conditions be imposed in relation to:

- noise mitigation.
- standard construction hours
- dust and sediment control.
- waste control during construction.

New South Wales Rural Fire Service (NSW RFS)

NSW RFS initially advised that insufficient information had been provided to demonstrate that the proposal could comply with the requirements of Planning for Bushfire Protection 2019 (NSW RFS). NSW RFS sent a follow-up submission recommending a condition of consent requiring the development to comply with the recommendations at section 4.2 of the Bushfire Assessment Report submitted with the EIS.

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

EESG advised that it had no comments as there is no significant native biodiversity present on site.

Transport for NSW (TfNSW) incorporating Roads and Maritime Services

TfNSW advised that any new pedestrian crossing to be provided, should be raised to slow vehicle speed in line with the safe systems approach (i.e. wombat crossing). The design should comply with Austroads Guide to Road Design and Guide to Traffic Management.

TfNSW provided recommended conditions relating to preparation of a Construction Traffic Management Plan and School Transport Plan, implementation of school zones, consultation on bus services and design of the bus bay to comply with relevant standards.

Heritage NSW

Heritage NSW made the following comments:

- the ACHAR has considered and addressed Aboriginal cultural heritage matters for the site and as such, Heritage NSW support the recommendations outlined within the ACHAR.
- the ACHAR incorrectly refers to requirement for an Aboriginal Heritage Impact Permit if the project were to impact an Aboriginal object. The ACHAR should be updated to reflect the correct approval process.

5.4 Public submissions

One public submission provided comments, noting that the school should be developed away from major roads to avoid the impacts of school zones to motorists.

The second public submission was from the owner of the adjoining commercial site and supported the proposal. The submission recommended that the landscape design be amended to include a connection between the proposed primary school and the commercial development to the west, which includes an early learning centre and medical hub. This would allow for potential mutual benefits such as a safer travel path between the school entrance and the early learning centre and other commercial developments.

Copies of the public submissions received during the exhibition period may be viewed at **Appendix A**.

5.5 Response to submissions

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

On 26 August 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included:

- updated plans in response to the submissions received, including minor design amendments.
- minor amendments to the design and materials of the school buildings in response to feedback from Government Architect NSW (GANSW) State Design Review Panel.
- a letter from a traffic engineer to justify the assumed trip distribution rates and a road safety audit.
- an updated acoustic assessment with additional information on plant and equipment.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional five submissions from public authorities, including Council. A summary of the public authority submissions on the RtS is provided in **Table 5**.

Table 5 | Summary of public authority submissions to the RtS

Council

Council provided the following comments:

- concerns remain regarding the location of the bus bay and children's safety while crossing the Health Hub driveway.
- concerns remain regarding the cumulative number of vehicles exiting on Barton Highway and the consequent need for intersection upgrades.
- the provision of a connection through the adjoining commercial site is supported but it would funnel movements into a very small area adjoining the site, further exacerbating the vehicle/pedestrian conflicts between the school and adjacent businesses. A right of carriageway should be provided to include the proposed pedestrian access.
- agreement is required prior to allowing construction workers to park on the Murrumbateman Recreation Ground. A traffic safety plan would also be required to minimise pedestrian movement of workers during construction across the Barton Highway.
- it is requested that construction does not occur on Saturdays as parking would not be available on the Murrumbateman Recreation Ground at that time.

Environment Protection Authority (EPA)

EPA advised that it was satisfied that the RtS had addressed EPA's comments on the EIS. EPA recommended conditions to require the Applicant to manage:

- emission of air pollutants, including dust.
- noise impacts from construction in consideration of the ICNG.
- pollution of waters during construction and operation.

NSW RFS

NSW RFS reiterated its previous advice that the development should comply with the recommendations of the Bushfire Assessment Report.

Transport for NSW (TfNSW) incorporating Roads and Maritime Services

TfNSW advised that the matters raised in its EIS had been addressed. TfNSW provided recommended conditions.

Heritage NSW

Heritage NSW supported the updated ACHAR provided in the RtS and recommend the mitigation measures be implemented through conditions of consent.

5.6 Supplementary Response to Submissions

On 23 September 2021, the Applicant submitted a Supplementary Response to Submissions (SRtS) which responded to Council comments on the RtS. The SRtS included further information in response in relation to traffic generation and impacts to nearby intersections.

6 Assessment

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

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

These issues are discussed in the following sections of this report. Other issues taken into consideration during the assessment are discussed at **Section 6.3**.

6.1 Traffic, transport and parking

The EIS included a Transport Assessment (TA) which assessed the development's potential traffic, transport and accessibility impacts, a preliminary Construction Traffic and Management Plan and a preliminary School Transport Plan (STP). A supplementary letter from the traffic engineer was provided with the RtS which provided responses to issues identified during submissions.

6.1.1 Existing conditions

The site is bordered by two roads with Fairley Street (a local road) to the north and Barton Highway (a State Highway) to the east. The surrounding road network is shown in **Figure 9**.

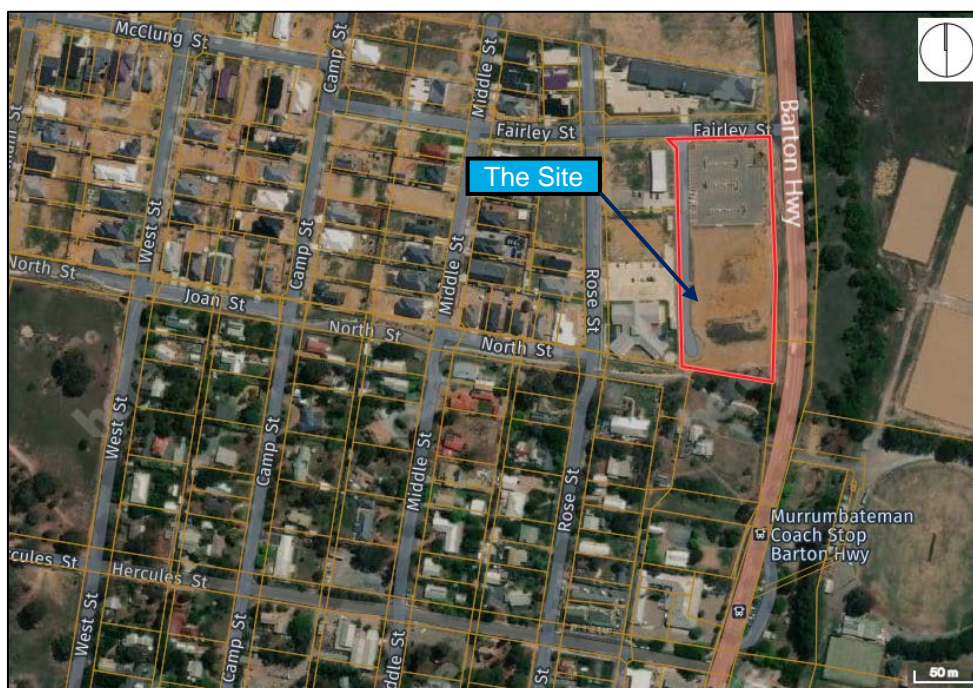


Figure 9 | Surrounding road network (Base source: Nearmap 2021)

The Barton Highway Improvement Strategy sets out the NSW Government's 20-year plan to guide the development and management of the Barton Highway corridor to improve road user safety and traffic efficiency. The strategy proposes the duplication of Barton Highway with a bypass around Murrumbateman. It is expected that the bypass would pass to the east of the village, meaning that the current Barton Highway adjoining the site would eventually accommodate local traffic once the bypass has been completed.

Murrumbateman is currently serviced by two bus routes (842 and 843) which provide connectivity between Yass and Canberra. The bus routes pass the subject site along Barton Highway, as illustrated in **Figure 10**.

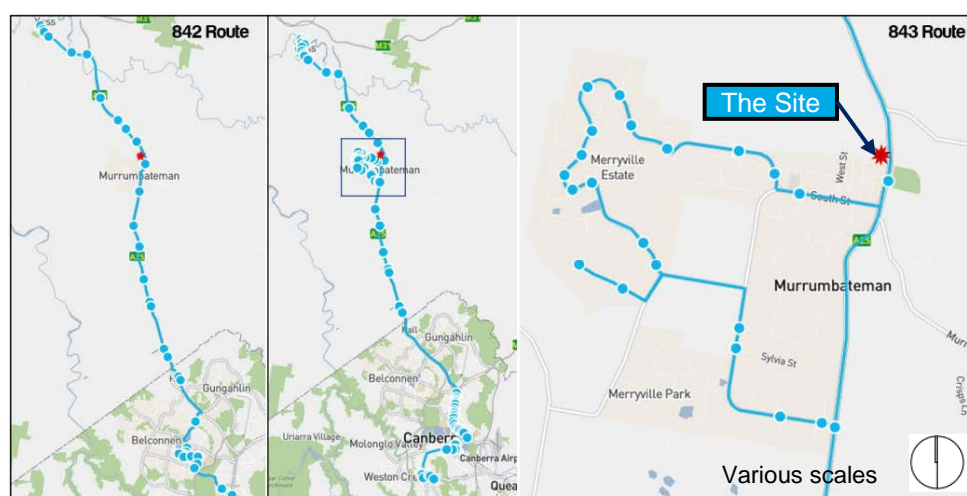


Figure 10 | Bus routes (Source: Applicant's EIS 2021)

Figure 11 shows the existing active transport network in Murrumbateman in the context of the site.



Figure 11 | Surrounding active transport (Source: Applicant's EIS 2021)

6.1.2 Operational traffic

The TA included traffic modelling using SIDRA to determine the potential impacts of the proposal on key nearby intersections. The intersections included (**Figure 12**):

- Barton Highway and Fairley Street.
- School access on Fairley Street.
- Rose Street and Fairley Street.
- Rose Street and North Street.
- Hercules Street and Rose Street.



Figure 12 | Intersections assessed (Source: Nearmap 2021)

The modelling was undertaken to determine current intersection performance as well as future performance at opening in 2023 and 10 years after opening in 2033 with and without the proposed development. The modelling found:

- the intersections currently provide good levels of operation (Level of Service (LoS) A).
- the intersections would continue to provide good levels of operation with ample spare capacity in 2023 and 2033 (LoS A and B) with the development and assuming 2% compounded background traffic growth.

Council's EIS submission raised concerns regarding the number of vehicles exiting via right turns onto the Barton Highway from Hercules Street, particularly during peak operating hours from traffic travelling to and from Canberra. Council argued that intersection upgrades would be required to accommodate this demand.

In response to Council's concerns, the Applicant's RtS noted that it is estimated that the proposal would require three buses to service the school. This would equate to six additional movements through the Barton Highway/Hercules Street intersection which would not warrant intersection upgrades.

In response to the RtS, Council reiterated its concerns, noting that the Applicant has not considered the volume of additional cars that would be placed onto the village road network as a result of the school in conjunction with the existing traffic travelling into Canberra each day, turning right from Hercules, South Street and Rose Street.

The Applicant's SRtS provided an additional SIDRA analysis for the potential queuing and delay for right turn movements from Hercules Street onto the Barton Highway. The assessment conservatively modelled the intersection assuming all movements turning right turn out of Hercules Street. The analysis concluded that the intersection would continue to operate with ample spare capacity and a maximum 95th percentile queue of 4.6m during the morning school peak of the 2033. In addition, the degree of saturation level for the intersection would be below 1, which suggests that the network would be operating under capacity. As such, the additional assessment concluded that the intersection would operate with spare capacity and good operation.

Regarding the South Street/Barton Highway intersection also raised by Council, the SRtS noted that the TA concluded that drop-off/pick-up and bus traffic would be focussed on the Fairley Street and Barton Highway intersection. On that basis, the SRtS stated that the proposal would have a minimal impact on the South Street/Barton Highway intersection and that an upgrade was not warranted.

Regarding the Fairley Street/Rose Street and North Street/Rose Street intersections raised by Council, the SRtS noted that the TA found that the intersections would be within capacity in 2023 and 2033. A Road Safety Audit also concluded that there was no need to upgrade the two intersections.

The Department has considered the information provided by the Applicant and advice provided by Council and TfNSW. The Department is satisfied that the Applicant has demonstrated that the key intersections would operate satisfactory, including with forecast population growth and traffic generated by the proposal. The Department notes the intended provision of bus services for students and an on site drop-off/pick-up facility (taking drop-off/pick-up activity off public roads) would alleviate traffic impacts associated with the school during peak periods. The Department is satisfied that the Applicant has demonstrated that the local road network could reasonably accommodate the additional traffic generated by the development of the school.

The Department notes that one public submission stated that schools should be developed away from major roads to avoid the impacts of school zones to motorists. The Department notes that the proposal provides for vehicular access off Fairley Street rather than Barton Highway and is satisfied that it would not adversely affect the safety, efficiency, or ongoing operation of Barton Highway. In addition, future construction of the Murrumbateman bypass would direct the highway away from the site and turn the existing highway into a local road.

6.1.3 Drop-off/Pick-up

The proposal includes the provision of a drop-off/pick-up facility on site as showed in the Figure 13.

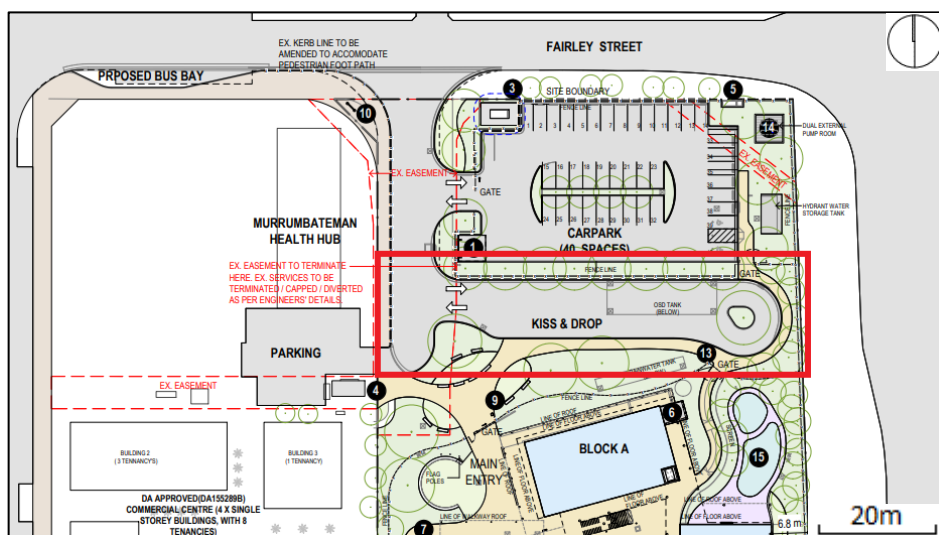


Figure 13 | Drop-off/pick-up facility (Base source: Applicant's RtS 2021)

The TA included as assessment of the function of the drop-off/pick-up facility. Assuming a maximum two minute wait per vehicle and a 45-minute drop-off/pick-up period, the TA found that the facility could accommodate 315 vehicles. As the estimated trips in the morning and afternoon peak would be 176 and 146 trips respectively, the TA concluded that the drop-off/pick-up area would have sufficient capacity and would not adversely affect the adjoining road network.

TfNSW recommended that arrangements be put in place to ensure the two minute wait period is enforced in perpetuity. Council did not make specific comments on the drop-off/pick-up capacity.

Following exhibition of the EIS, Department requested that the Applicant undertake a road safety audit report to consider the operation of, and potential hazards associated with, the drop-off/pick-up facility. The RtS included a road safety audit report which concluded that there would be no major safety issues associated with drop-off and pick-up operations. It recommended the preparation of a signage and line marking plan at the detailed design stage to clearly delineate lanes and drop-off/pick-up bays.

The Department has reviewed the Applicant's TA and RtS, and advice from TfNSW. The Department considers that the Applicant has demonstrated that the proposed drop-off/pick-up facility would sufficiently cater for demand that would result from the proposal. A condition has been recommended to require the preparation and implementation of a final detailed School Transport Plan that includes management arrangements for the drop-off/pick-up facility.

6.1.4 Bus bay

The development proposes the reconfiguration of existing indented parking bays on Fairley Street to a school bus bay. The bus bay would be operational during the school peak periods to allow students to travel to and from the school and for special events such as excursions. Students would be escorted to and from the bus stop.

TfNSW reviewed the EIS and did not raise any concerns regarding the operation of the bus bay subject to the final design complying with relevant guidelines and arrangements to ensure that students are escorted to the stop on an ongoing basis.

Council's EIS submission and response to the RtS advised that Council would prefer that the bus bay be provided on site to minimise impacts on local roads and to address concerns with students having to cross the Health Hub driveway to access the bus bay on Fairley Street. Given the limited area on site to accommodate an on site bus bay, Council suggested the option of providing an indented bus bay on the Barton Highway frontage, protected by appropriate barriers.

In response to the comments, the RtS:

- a safe path of travel would be provided from the school entry to the bus bay with designated crossings and fencing.
- highlighted TfNSW advice that it did not support the provision of a school bus stop on Barton Highway.
- noted that the final STP would include operational management procedures setting out staff responsibilities with respect to bus drop-off/pick-up arrangements.
- school infrastructure projects allow for the engagement of personnel to act in a School Travel Co-Ordinator role for the initial 13 months post-opening to assist with the implementation of STPs.

The Department has considered the information provided by the Applicant and advice provided by Council and TfNSW. The Department acknowledges the concerns raised by Council but also recognises that the site is constrained and use of the Barton Highway is restricted. On balance, the Department is satisfied that the proposed bus bay on Fairley Street is appropriate and could satisfactorily accommodate the bus services. The location would allow for students to access the school without having to cross a state or local road and suitable arrangements could be put in place to manage student movements. Pedestrian safety is considered further in **Section 6.1.5**.

The Department has recommended a condition that requires the STP to include arrangements to safely manage student movements between the school and the bus bay.

6.1.5 Pedestrian access and safety

The proposal includes three pedestrian access points:

- a main entry point at the northern end of the site accessed from Fairley Street via a pedestrian footpath alongside the main vehicular entrance.
- a secondary entry at the southern end of the site accessed from an existing pedestrian/cycling equestrian path.
- a side access connecting the commercial development on the western site boundary near the school main entrance gate.

Council's EIS submission raised concerns regarding traffic and pedestrian safety associated with the adjacent Barton Highway, particularly if parents were to drop-off/pick-up students at Jones Park located approximately 200m south east of the site on the opposite side of the highway (**Figure 14**). Council also raised concerns about the safety of students moving between the bus bay and the school.



Figure 14 | Jones Park (Base source: Google maps 2021)

TfNSW noted that the proposal included the occasional use of the oval on the eastern side of the Barton Highway for school activities. TfNSW recommended that the final STP consider the operational and supervision requirements and route access to the oval.

Following exhibition of the EIS, the Department requested that the RtS include an updated assessment on the current pedestrian footpath network servicing the walking catchment of the proposed school and identify upgrades needed to service the requirements.

In response to the comments made, the Applicant stated:

- as part of the Barton Highway Improvement Strategy, a new pedestrian fence has been installed between the Jones Park car park and the highway, with a single open point leading to a pedestrian refuge island (**Figure 15**). This would provide a safe route of travel between Jones Park and the school if required.



Figure 15 | Jones Park to the east and adjoining pedestrian refuge island on Barton Highway (Base source: Google maps 2021)

- the preliminary STP prepared as part of the EIS outlined proposed operational arrangements to encourage safe travel, including:
 - education initiatives such as road awareness/safety, independent travel.
 - advocate TfNSW to improve public transport services in response to increased development.
 - promote use of public transport for students with a rewards scheme.
 - liaise and discuss with TfNSW regarding the feasibility of providing bus services for students outside of the 2.3km driving distance from the school.
 - potentially introduce and enforce parking restrictions around the school in collaboration with Council's road safety officer.
- changes had been made to include fencing to the pedestrian pathway leading from the bus bay on Fairley Street to the main entry to ensure a safe passage for students (**Figure 16**).

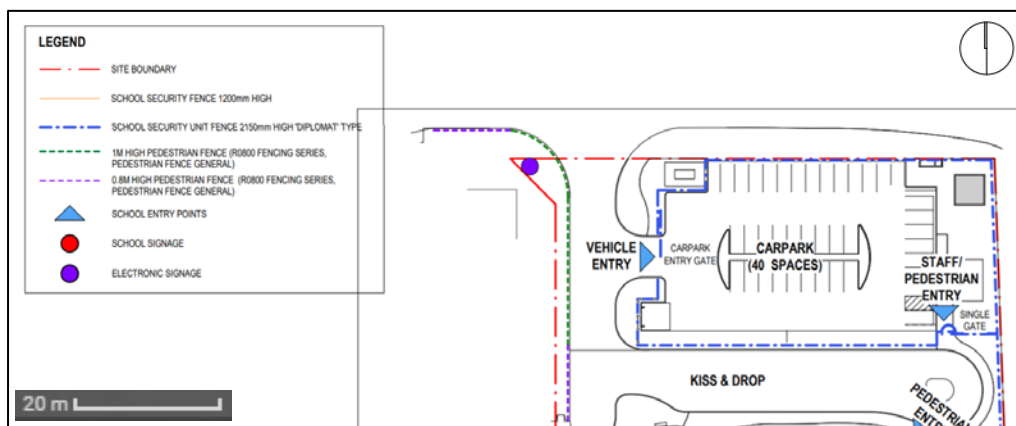


Figure 16 | Fencing at Fairley Street entry (Source: Applicant's RtS 2021)

- further assessment or upgrades of the footpath network are not required given that catchment data has indicated that approximately five potential students would be walking to school and the existing footpath network is sufficient to cater for this demand.

A public submission from the owner of the adjoining commercial site was supportive of the proposal but recommended the provision of a pedestrian connection between the school and the adjoining commercial site. This would better integrate the development with the locality to the west.

The GANSW State Design Review Panel (SDRP) also noted that that the new school would serve as a community hub and the Applicant should illustrate how the main entry would accommodate and encourage gathering and social interaction.

In response to the comments, the RtS updated the design to include a concrete pathway connecting to the future adjoining commercial development to the west (**Figure 17**). The path would be near the main school entrance outside of the school fence line and would integrate the school into the precinct allowing travel between the school entrance and the development to the west.

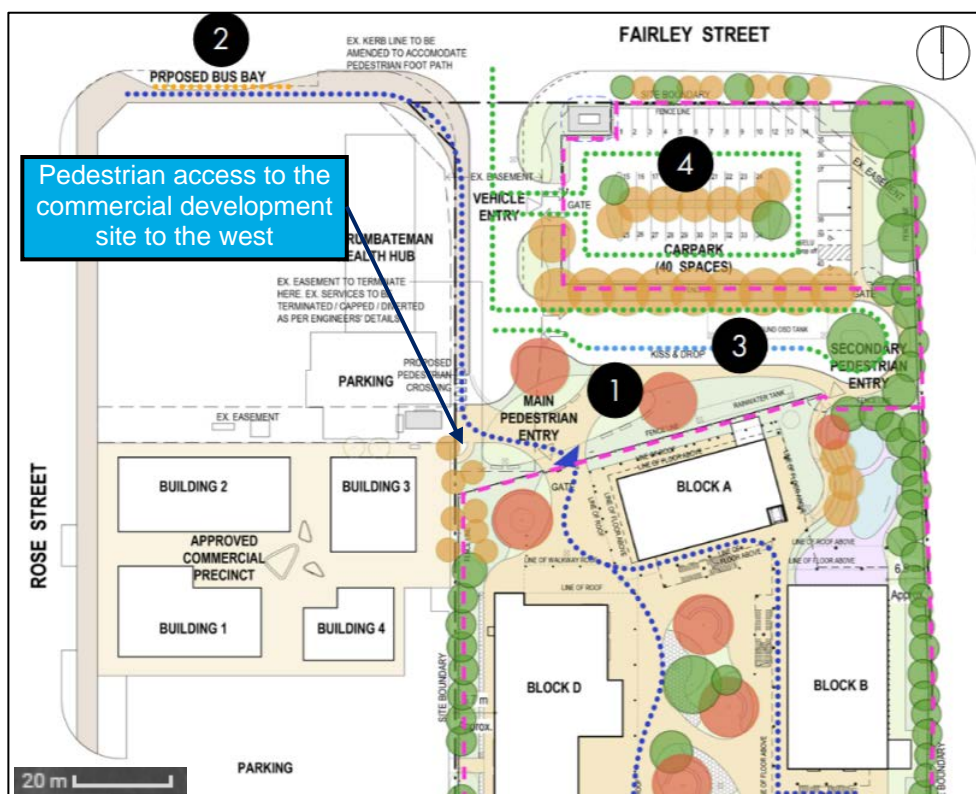


Figure 17 | Pedestrian access to commercial site (Base source: Applicant's RtS 2021)

Council advised that it was supportive of new connection as it would improve the connectivity lost from fencing the western boundary and removal of the existing internal access road on the site. Council requested that the existing right of carriageway on the site (that provides access to a car park and substation on the adjoining land) be extended to include rights for pedestrian access. This would ensure rights of pedestrian access from the commercial development site so that the connection was not able to be removed or restricted in the future. Council did note that the proposed path would increase movements into a very small area adjoining the site, further exacerbating the vehicle/pedestrian conflicts between the school and adjacent businesses.

The Applicant considered Council's request and advised that it did not support the extension of the right of carriageway as it would allow uncontrolled public pedestrian access through school property which is not supported. The Applicant advised that the proposed arrangements would allow for greater pedestrian permeability whilst ensuring that the Applicant could take action as required to ensure the safety of staff and students, and to protect Department of Education property.

The Department has considered the information provided by the Applicant and the comments made by Council and the public submitter. The Department is satisfied that existing pedestrian infrastructure exists to provide access to the proposed school and that the proposed design, including the pathway to the land to the west of the site, appropriately integrates the school into the existing and emerging surrounding development. The proposed fencing at the school entrances and the implementation of the STP would ensure that the pedestrian movement and potential conflicts would be appropriately managed.

The Department acknowledges Council's recommendation for the extension of the right of carriageway to also allow pedestrian access across the school site. However, the Department also

acknowledges the concerns raised by the Applicant and agrees that the extension of the easement would limit the Applicant's flexibility to manage the site and respond to issues that arise.

6.1.6 Construction traffic and parking

The TA included a preliminary Construction Traffic and Pedestrian Management Plan (CTMP), which detailed construction vehicle movements, truck and crane unloading details, routes of travel, parking and access arrangements, pedestrian management provisions, and measures to address potential impacts.

The preliminary CTMP stated that the largest construction vehicle expected to access the site would be a 26m long heavy road vehicle. Vehicles would access the site via the Barton Highway and Fairley Street (**Figure 18**). The maximum number of trucks accessing the site is estimated to be between four and 12 trucks per hour, depending on the works undertaken and type of material required on site.

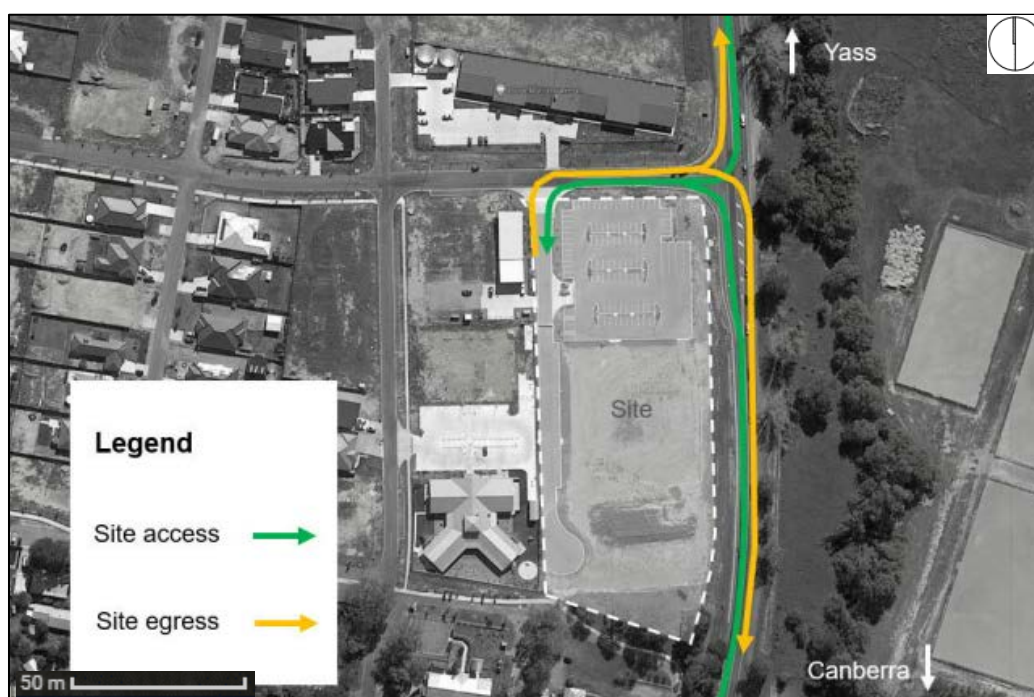


Figure 18 | Proposed construction vehicle routes (Base source: Applicant's EIS 2021)

Given the scale of the works, the preliminary CTMP concluded that construction works are not expected to generate a large quantum of construction vehicles, with any impacts to be minor and short lived.

The preliminary CTMP stated that pedestrian movements would be maintained along the western boundary of the site during construction.

The preliminary CTMP noted that the existing on site carpark is to be used to cater for construction worker parking where construction allows and use of off-street parking is to be minimised. The RtS provided further detail regarding the management of construction vehicle parking impacts, including a letter from a traffic engineer which stated that there would be approximately:

- 30 workers on site during early works such as earth works and building footings.
- 80 workers average on site during the main works.
- 40 workers on site during commissioning and defects.

The area at the front of the site which is to be retained for the staff carpark would be used for worker parking and could accommodate approximately 25 to 30 vehicles. Depending on scheduling, this area would accommodate most workers during the early works and commissioning works. Contractors would be encouraged to carpool whenever possible to reduce demand. During the more intensive periods, options would be explored to have the workers park across the Barton Highway in the Murrumbateman Recreation Ground. A final CTMP would be prepared which would ensure that workers are aware of the available on site parking and minimise any reliance on on-street parking.

In its comments on the RtS, Council stated that any use of the Murrumbateman Recreation Ground for construction parking would be subject to an agreement with Council to confirm the area and conditions of parking, noting that Council would not permit parking in this area during the weekends. A traffic safety plan would be required to minimise pedestrian/worker movement across the Barton Highway. Council stated that construction should not take place on Saturdays due to the disruptions that would be caused in the village.

The Applicant's SRtS reiterated that a final detailed CTMP would be prepared prior to commencement of construction and would be made available to Council. In its SRtS, the Applicant stated that it could not accept a restriction on working on Saturdays. The Applicant argued that construction works are not anticipated to run at full capacity on Saturdays, that construction parking demand could be managed and that the site is not adjacent to any residential housing and would not generate significant noise disruption to residents.

The Department has considered the information provided by the Applicant and advice provided by Council and TfNSW. The Department considers that the surrounding network has sufficient capacity to deal with the short-term increase in construction vehicle traffic. The Department concludes that impacts could be satisfactorily managed through the preparation and implementation of a final CTMP. The Department has recommended a condition to this effect.

The Department has also recommended a condition that requires the Applicant to prepare a construction worker transport strategy to manage and minimise impacts from construction worker parking. Both the CTMP and Construction Worker Transport Strategy would have to be prepared in consultation with Council and TfNSW. This would offer the opportunity discuss potential use of parking at the Murrumbateman Recreation Ground subject to appropriate arrangements.

6.2 Built form and urban design

6.2.1 Bulk, scale and siting

The Applicant states that the:

- design has been drawn from the site analysis and urban design principles to ensure the project responds to its context and is site and community specific.
- site planning is in keeping with the context by extending the landscape corridor to the south into the site as a secondary school entry.
- setback to the western boundary and the proposed carpark and drop-off/pick-up establishes a forecourt at the school's entry that addresses the neighbouring commercial facilities/carpark and vehicular/pedestrian entry points.
- two-storey scale of the school buildings is generally in keeping with the surrounding built form and means that the school nests within the surrounding landscape.

The site is not subject to height or floor space ratio controls under the Yass Valley Local Environmental Plan 2013 (YVLEP).

The Department is satisfied that the bulk and scale of the proposed buildings would be consistent with the scale of surrounding building form, ensuring that potential off-site amenity impacts are minimised, while providing a balanced response to the need to meet demand for the education facilities. In addition, the Department considers that the proposed site layout is appropriate, with car parking and drop-off/pick-up located at the front of the site, adjacent to similar commercial facilities, and open space at the southern end of the site adjacent to key open space corridor. The proposed layout provides for pedestrian access along the western boundary, providing a key connection with the adjoining health hub.

Overall, the Department is satisfied that the proposed bulk, scale and siting of the proposed development is appropriate for the site and its context.

6.2.2 Building expression

The material palette comprises of brickwork, corrugated iron and compressed fire cement cladding. These materials and proposed desaturated accent colours seek to emphasise the school's relationship within a rural setting.



Figure 19 | Selected perspectives (Source: Applicant's RtS 2021)

The Department is satisfied that the proposed external colours and finishes would provide a visually appealing and functional development which would positively contribute to the existing and future character of the locality.

6.2.3 Landscaping

The Applicant states that the landscaping design was developed based on several principles, including a need to provide shade and reduce the heat island effect, incorporate species native to the area and incorporate Aboriginal cultural heritage. The landscaping design includes the following key aspects:

- deciduous tree planting in the car park, main entrance and central outdoor area.
- buffer planting along the eastern boundary adjoining the Barton Highway that includes native trees and understorey of groundcovers and grasses.
- buffer planting along the western boundary including smaller native trees.
- open grass play area at the southern end of the site, surrounding by buffer planting.

Plant species considered for planting include species:

- from the ACT Government's "Municipal Infrastructure Standards Part 25 Plant Species for Urban 51 Landscape Projects" and Council's "Native Plant List for Water Wise Gardens in the Yass Valley".
- from the Yellow Box – Red Gum Grassy Woodland plant community type, a critically endangered community in the region.
- associated with the Ngunnawal people, and were utilised for a variety of uses such as food, medicine, tools, artworks and shelter.

Council raised safety concerns with the location of the proposed bicycle parking and storage adjacent to the south pedestrian gate, noting that it presents a security concern as there are no passive surveillance of the area.

In response to Council's comments, the Applicant relocated the bicycle parking to be closer to the school buildings.

The Department has considered the information provided by the Applicant, comments of Council and the Design Quality Principles in Schedule 4 Education SEPP. The Department concludes the proposed landscaping design responds appropriately to the context of the site, with buffer planting provided along the busy highway corridor and adjoining commercial uses. The proposed plant species are appropriate to the region and draw on the area's Aboriginal cultural history.

As the plans submitted only includes concept layout, the Department has recommended conditions of consent to require the preparation of revised landscape plans that include a detailed planning schedule. The Department has also recommended that the approved landscaping be implemented and maintained on site.

6.3 Other issues

The Department's consideration of other issues is provided at **Table 6**.

Table 6 | Summary of public authority submissions to the RtS

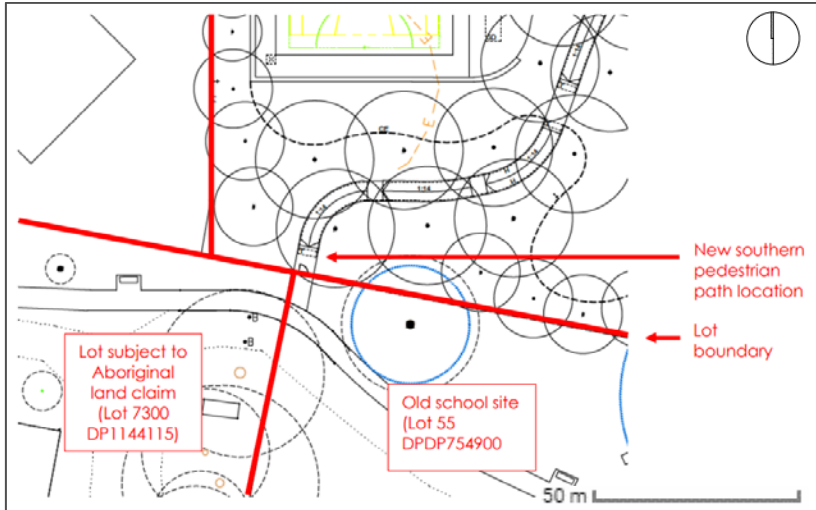
Issue	Findings	Recommendations
Construction noise and vibration	The EIS included an Acoustic Assessment which assessed the potential construction and operational noise and vibration impacts on the nearest sensitive receivers.	The Department is satisfied that construction activities could be managed to minimise noise or vibration impacts on nearby sensitive receivers.
	The assessment established construction noise management levels for the site as perceived at the noise sensitive receivers in	The Department has recommended conditions that require:

Issue	Findings	Recommendations
	<p>accordance with the Interim Construction Noise Guideline (DECCW, 2009) (ICNG).</p> <p>The Acoustic Assessment concluded that construction noise emissions would exceed noise affected levels, particularly in areas where works are occurring near the receiver. The Assessment recommended mitigation measures to limit the impacts which would be included in the Construction Noise and Vibration Management Plan.</p> <p>The Acoustic Assessment also recommended that to achieve compliance with the human comfort vibration criteria the indicative safe distances outlined in the Assessing Vibration: A Technical Guideline 2006 (Department of Environment and Conservation, 2006) should be complied with.</p> <p>EPA recommended that a Noise Mitigation and Management Plan be prepared prior to commencing works to minimise impacts on sensitive receivers. It also recommended that all reasonable and feasible measures be implemented to minimise noise impacts for nearby sensitive receivers during construction.</p>	<ul style="list-style-type: none"> • compliance with standard construction hours as per the ICNG. • intra-day respite periods from high noise generating construction activities be provided where necessary. • a Construction Noise and Vibration Management Plan be prepared that includes management strategies to reduce noise impacts to sensitive receivers in accordance with the ICNG.
Operational noise	<p>The Acoustic Assessment included an assessment of operational noise impacts on nearby sensitive receivers, including from outdoor play, public address systems, and mechanical plant and equipment. This was undertaken having regard to the Noise Policy for Industry 2017 (NPI).</p> <p>The Assessment also considered noise comfort levels within the proposed school having regard to external noise sources, including from the Barton Highway.</p> <p>The Applicant advises that the proposed buildings have been arranged to provide amenity both for students and neighbouring uses.</p>	<p>The Department has considered the findings of the Acoustic Assessment and concludes that the proposal would not unreasonably impact on the amenity of surrounding occupants.</p> <p>The Department has recommended conditions that require:</p> <ul style="list-style-type: none"> • a detailed assessment be undertaken of plant and equipment demonstrating compliance with the identified noise criteria. • the development be undertaken in accordance with the recommendations of the Acoustic Assessment and not exceed the identified noise criteria.

Issue	Findings	Recommendations
	<p>Along the eastern boundary, Blocks B and C serve to shield the central outdoor area from Barton Highway traffic noise. Along the western boundary, Block D helps to block noise emissions from the central outdoor play to the adjoining uses to the west.</p> <p>The Acoustic Assessment found that:</p> <ul style="list-style-type: none"> • noise from public address systems would comply with the noise trigger levels identified in accordance with NPI. • noise from outdoor play would be acceptable having regard to relevant Land and Environment Court determinations. • noise from classrooms and the community hall is anticipated to be acceptable, given that any loud learning activities would be undertaken with the door closed. • internal areas would achieve desired comfort levels. • parts of the student play area adjacent to the Barton Highway would be subject to higher levels of noise and were identified as areas not to be used for passive learning. <p>Following exhibition of the EIS, the Department requested information to demonstrate that it would be feasible for plant and equipment to achieve compliance with the project noise trigger levels.</p> <p>The RtS included an updated Acoustic Assessment that confirmed that plant and equipment could be designed to achieve compliance with the project noise trigger levels.</p>	<ul style="list-style-type: none"> • the Applicant undertake short term noise monitoring following commencement of use and address any exceedances of the noise criteria. • an Out of Hours Event Management Plan must be prepared for events involving over 100 patrons.
Historical heritage	<p>The EIS included a Statement of Heritage Impact (SHI) which assessed the heritage significance of the heritage items adjacent to the site. The school site is not a listed heritage item but is surrounded by a number of heritage items listed on the YVLEP, including:</p>	<p>The Department is satisfied that the SHI adequately assessed potential impacts on the heritage significance of the surrounding heritage listed items.</p> <p>The Department notes that the development would be outside the curtilage of the heritage items and considers it unlikely that the built form</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> the Old Murrumbateman Schoolhouse (I111) to the south east. Woodside Slab Cottage (I101) to the north. Hillview Homestead and Garden (I100) to the east. row of Memorial Street Trees (I099) along the eastern margin of the Barton Highway. <p>The SHI stated that all the heritage items in the vicinity of the study area are locally significant for their historical and aesthetic values and make a strong contribution to Murrumbateman's historic character. The SHI found that the study area has no archaeological potential and therefore no archaeological significance.</p> <p>The SHI concluded that the development would not encroach on the curtilage of the identified heritage items and no items would be directly or indirectly affected by the proposal.</p>	<p>and urban context of the development would have a detrimental impact on the surrounding heritage listed items.</p> <p>The Department has recommended conditions of consent relating to the implementation of an unexpected finds protocol.</p>
Aboriginal heritage	<p>The traditional custodians of the land in which the site is located are the Ngunnawal people.</p> <p>The EIS included an Aboriginal Cultural Heritage Assessment Report (ACHAR) that considered the impact of the proposal on Aboriginal cultural heritage, including the site's potential to contain archaeological remains.</p> <p>The ACHAR found that the site had been subject to high degree of disturbance associated with the soil removal/scraping, clearance and an existing car park. No artefacts were found during site surveys and it was concluded that the site contains no Aboriginal archaeological sites.</p> <p>Heritage NSW advised that it was satisfied that the ACHAR considered and addressed Aboriginal cultural heritage matters. Heritage NSW recommended:</p>	<p>The Department has reviewed the information provided by the Applicant and advice from Heritage NSW.</p> <p>The Department is satisfied that the ACHAR has demonstrated that the proposal would not adversely impact Aboriginal cultural values.</p> <p>The Department has recommended the following conditions to ensure Aboriginal cultural heritage would be protected:</p> <ul style="list-style-type: none"> implementation of the recommendations in the ACHAR. unexpected finds protocol for Aboriginal heritage be prepared and implemented prior to commencement of construction.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> • implementation of the mitigation measures set out in the EIS and ACHAR. • implementation of an unexpected finds protocol. • consideration of the Aboriginal Participation in Construction Policy as part of the development. • the ACHAR be updated to correct references to processes required when an unexpected find is encountered. <p>The ACHAR was updated as part of the RtS as requested by Heritage NSW.</p> <p>As part of the presentation of the project to the Government Architect NSW State Design Review Panel, the Applicant stated that the proposed had considered incorporate Aboriginal cultural elements into the proposal as part of connecting with Country, including:</p> <ul style="list-style-type: none"> • pathway designs connecting teaching and green spaces such as incorporating yarning circles. • sharing of stories and the use of language on site. • introducing flora and fauna in the green spaces with garden beds in the patterns of grinding grooves. Additionally, the Ngunnawal people have inspired the selection of many of the plant species. • the colours and textures are desaturated tones, which is derived by the surrounding landscape and draft Connecting to Country framework. <p>Following exhibition of the EIS, Council noted that the pedestrian/ cycling and equestrian path to the south of the site is located on Crown land that is subject to a Native title claim. Council noted that this may affect the delivery of the proposed secondary pedestrian access at the southern end of the site.</p> <p>In the RtS, the Applicant advised that the proposed pathway had been slightly relocated so that it exited slightly further to the east than</p>	

Issue	Findings	Recommendations
	<p>originally planned. This has resulted in the path no longer exiting onto the Crown land affected by the Native title claim (Figure 20).</p>	
		
<p>Figure 20 Revised southern pedestrian path (Source: Applicant's RtS 2021)</p>		
<p>Bush fire</p>	<p>The site is mapped as being located on bush fire prone land. A Bush Fire Assessment was submitted with the EIS.</p> <p>Following exhibition of the EIS, the NSW RFS advised that insufficient information had been provided to demonstrate that the development could meet the relevant provisions Planning for Bushfire Protection 2019.</p> <p>In response, the Applicant's bushfire consultant provided further information and the NSW RFS subsequently advised that it had no objection to the proposal subject to a condition that the development complies with the recommendations at section 4.2 of the Bushfire Assessment Report.</p>	<p>The Department has considered the Bushfire Assessment Report and advice of NSW RFS.</p> <p>The Department is satisfied that bush fire has been considered and that suitable bush fire protection measures have been proposed. The Department has recommended that the development be undertaken in accordance with the recommendations of the Bushfire Assessment Report.</p>
<p>Contamination</p>	<p>State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) stipulates the Department must be satisfied that the site is suitable or would be made suitable through</p>	<p>The Department has considered the information provided by the Applicant. The Department is satisfied the site is suitable for the use of a school subject to recommended conditions requiring the preparation and implementation of an unexpected</p>

Issue	Findings	Recommendations
	<p>remediation for the intended use of a school.</p> <p>The EIS included a Preliminary Site Investigation (PSI) which comprised a review of available current and historical site information, a site walkover, excavation of seven test pits, collection of soil samples and laboratory testing.</p> <p>The PSI found that some of the past uses of the site would have the potential to cause soil contamination including fill associated with the residential subdivision earthworks and potential use of pesticides during former agricultural use of the site. However, the results of soil investigations showed that concentrations of potential contaminants were well below the relevant assessment criteria or not detected. The assessment concluded that the site was suitable in its present state for the intended use but recommended that an unexpected finds protocol be prepared and implemented during construction.</p> <p>The EPA did not make any comments in relation to contamination.</p>	<p>finds protocol to manage any contamination. In addition, recommended conditions state that:</p> <ul style="list-style-type: none"> • should suspected asbestos containing materials be encountered at the site, the affected area should be fenced off and assessed by a licenced asbestos assessor. • should any fill or stockpiled material be required to be disposed off-site, they must first be assessed in accordance with NSW EPA Waste Classification Guidelines Part 1 Classifying Waste (2014) and assigned a waste classification prior to off-site disposal.
Stormwater management	<p>The development adds impervious surfaces to the site which require stormwater management to ensure post-development flows do not exceed pre-development flows.</p> <p>The EIS included a concept stormwater design and engineering report. This indicated that stormwater would be captured by a series of pits and pipes and drain to an on site detention (OSD) tank located under the drop-off/pick-up area before discharging to Council's stormwater infrastructure in Fairley Street.</p> <p>EPA required that the proposal consider the receiving environment and relevant NSW Water Quality Objectives (NSW WQO) as the receiving waterway is the</p>	<p>The Department considers that the proposed stormwater provisions would be sufficient for the proposed development.</p> <p>The Department has recommended conditions requiring the development to comply with the stormwater design and be compliant with relevant Australian Standards and industry best practice guidelines.</p>

Issue	Findings	Recommendations
	<p>Murrumbateman Creek and Yass River.</p> <p>The Applicant provided an updated engineering report which confirmed that the proposed stormwater design had considered the WQOs and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018). Water quality measures were proposed, including stormwater pit insets, rainwater tank and filtration cartridges in the OSD tank.</p> <p>The engineering report concluded that the proposal would meet the pollution reduction targets.</p>	
Utilities	<p>The EIS included an Infrastructure Management Plan which identified that upgrades to existing services would be required to cater to the proposal.</p> <p>The Plan identified that the electrical load required for the school was likely to be larger than any spare capacity on the existing padmount substation. Therefore, a new padmount substation would be required to service the school. The substation is proposed to be located at the north western portion of the carpark.</p> <p>The Infrastructure Management Plan identified the services to be undertaken under separate approval pathways, including power, communications and water and sewer.</p>	<p>The Department has recommended conditions to ensure the Applicant lodges the appropriate requests for the supply of these services and all utilities are available prior to operation.</p>
Flooding	<p>A Flooding Assessment was prepared as part of the EIS which found that the site is not flood affected by the 1% Annual Exceedance Probability event. The northeast corner of the site (part of the proposed car parking area) would be affected in the Probable Maximum Flood event, up to an approximate depth of 0.1m to 0.3m.</p> <p>The floor levels of the proposed school buildings have been designed</p>	<p>The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour.</p>

Issue	Findings	Recommendations
	to be above the Probable Maximum Flood level.	
Social	<p>The EIS included a Social Impact Assessment (SIA) that addressed key demographic characteristics of the area including:</p> <ul style="list-style-type: none"> • population characteristics. • education. • cultural diversity. • income. • health and wellbeing • family and dwelling types. <p>As part of the SIA, stakeholder and community consultation was undertaken. The key findings noted that:</p> <ul style="list-style-type: none"> • the new school would contribute towards the growth, wellbeing, sense belonging and cohesion of the community. • pedestrian safety, increased traffic and safety on the Barton Highway were a major concern during construction and operation. • dust, noise and vibration during construction was an undesirable effect identified by the neighbouring medical centre and childcare centre. • the size and location of the site may not allow room for expansion. <p>The SIA assessed the social impacts and provided mitigation measures to the identified impacts, including finalising and implementing management plans including for construction traffic and construction noise and vibration.</p> <p>The SIA considered the social impacts of the proposal and concluded that it would have an overall positive benefit as it would meet the growing demand for high quality public education in an area of significant population growth.</p>	<p>The Department is satisfied that the proposal would have a positive social benefit. The proposal would meet the needs of the growing population of the region and would not displace any community or other facilities, subject to the implementation of environmental management plans.</p>

6.4 Public interest

The Department is satisfied that the proposal would be in the public interest as it would benefit the community by delivering increased education facilities to cater for the growing population for the region. The proposal would provide contemporary teaching and learning facilities with adaptable and collaborative learning spaces that would improve educational outcomes. The proposal would also provide a direct investment of \$31,110,808 and could generate 250 construction jobs and 28 operational jobs.

7 Evaluation

The Department has reviewed the EIS, RtS and additional information provided by the Applicant and assessed the merits of the development, taking into consideration advice from the public authorities, including Council, and comments made in the public submissions.

The key issues identified with the proposal include traffic, transport and parking and built form and urban design. All environmental issues associated with the development have been addressed. The Department concludes that the impacts of the development would be acceptable and could be appropriately mitigated through conditions of consent.

The surrounding road network and local streets could accommodate construction and operational traffic and parking demands generated by the proposal. The proposed built form is appropriate in the context of the site and would make a positive contribution to the neighbourhood. The Department has recommended conditions to manage the construction and operational impacts on the surrounding land uses and require mitigation measures to be implemented.

The development is consistent with the objects of the EP&A Act and with the state's strategic objectives as it would improve education results through the provision of a new education facility in an area that is undergoing population growth.

The development is in the public interest as it would provide benefits including:

- increased educational facilities to cater for growth in the Yass Valley LGA.
- provision of new educational facilities in an accessible area for the community.
- investment \$31,110,808 to deliver 250 construction jobs and 28 operational jobs.

Consequently, the Department considers the development is in the public interest and should be approved.

8 Recommendation

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

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of the New Primary School in Murrumbateman (SSD-11233241), subject to the conditions.
- **signs** the attached development consent/project approval and recommended conditions of consent (see attachment).

Prepared by:



Tuong Vi Doan
Planning Officer
Social Infrastructure Assessments

Recommended by:



Jason Maslen
Team Leader
Social and Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:



26 October 2021

Karen Harragon
Director, Social and Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

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

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/40646>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/40646>
3. Applicant's Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/40646>
4. Applicant's Response to Submissions Supplementary information
<https://www.planningportal.nsw.gov.au/major-projects/project/40646>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the proposal 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 (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Yass Valley Local Environmental Plan 2013.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

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

An assessment of the proposal 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 proposal 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	The development is permissible with development consent. The development is for the purpose of a new school under clause 15 of Schedule 1 of the SRD SEPP.	Yes

Relevant Sections	Consideration and Comments	Complies
<p>environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>b) the development is specified in Schedule 1 or 2.</p>		

State Environmental Planning Policy (Infrastructure) 2007

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

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

The Department has considered potential traffic impacts at **Section 6** and is satisfied the proposal would not have a significant impact on the surrounding road network. The proposal provides for appropriate vehicle access arrangements and it is considered that there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified roads, subject to conditions.

The proposal seeks the provision of a new substation. In accordance with clause 45 Infrastructure SEPP, the development must be referred to the relevant electricity supply authority for comment. The application was referred to Essential Energy, which provided requirements for the construction of the substation.

The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP. The proposal is therefore consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

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

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

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

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

Clause 35(6)(a) requires that the design quality of the proposal should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the proposal against the design principles is provided in **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Principle 1 - Context, built form and landscape	<p>The proposal would be up to two stories in scale, which would be taller than the surrounding residential development, hotel, health care hub and childcare establishments. However, the setbacks, siting and design of the proposed buildings would mitigate the perceived bulk of the development when viewed from the street.</p> <p>The development also includes a landscape strategy, including gardens and outdoor play areas which would complement and provide a high level of amenity to the surrounding area.</p>
Principle 2 - Sustainable, efficient and durable	<p>The proposal includes ecologically sustainable development measures (Section 4.5). The materials chosen are durable and require low maintenance.</p> <p>Bicycle parking and storage for other wheeled devices (e.g. skateboards, scooters, etc.) is provided within the school site and sustainable travel modes would be encouraged.</p>
Principle 3 - Accessible and inclusive	<p>The proposal has been designed to be accessible and inclusive through the provision of lifts and accessible paths of travel from the site boundaries up to and around the school buildings.</p> <p>The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.</p>
Principle 4 - Health and Safety	<p>The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. All external environments are open and visually connected, hence promoting good surveillance. A fence would surround the campus to provide security and limit access. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.</p> <p>Environmental constraints have been considered and addressed, including internal acoustic comfort, air quality and site contamination.</p>
Principle 5 - Amenity	<p>The proposal provides a variety of internal and external learning places for both formal and informal educational opportunities.</p> <p>The design of the proposed buildings seeks to maximise natural light and ventilation to the indoor areas of the school, while the landscaping and covered outdoor areas provide ample shaded areas for students and staff use.</p>

Design Principles	Response
	The setbacks of the proposed buildings and play areas from adjoining commercial uses would assist in reducing excessive noise generated from within the school buildings.
Principle 6 - Whole of life, flexible, adaptable	The buildings would allow for long term flexibility through the provision of flexible formal and informal learning areas to adapt to future learning requirements.
Principle 7 - Aesthetics	The proposed built form would incorporate front setbacks, high quality external finishes and landscaping to contribute to the aesthetics of the neighbourhood. The proposal offers an articulated and dynamic built form with clear wayfinding.

State Environmental Planning Policy No 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. The proposal includes the installation of two signs:

- a digital pylon sign located at the main driveway entry (digital content area approximately 1,080mm by 1,720mm with a maximum height of 4,390mm).
- a plinth sign located at the main pedestrian entry along the security gate (630mm in width and 2,800mm in height).

The free-standing digital messaging school sign at the main driveway entrance would identify the name of the school and provide updated messaging relative to the functioning of the school. An assessment of the sign against Schedule 1 of SEPP 64 is provided in **Table B3**.

Table B3 | SEPP 64 Schedule 1 Compliance Table

Schedule 1 – Assessment Criteria	Compliance
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs would be compatible with the existing and future character of the locality. The location of the signs would be appropriately placed at the entrance of the school and the size of the sign is considered appropriate.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs are consistent with what would be expected for a school in a mixed use location. There are no common design themes for the locality.
Special areas	
Does the proposal detract from the amenity or visual quality of any	The proposed signs would not detract from the visual amenity of surrounding residential areas. The locations are

Schedule 1 – Assessment Criteria	Compliance
environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	not part of any environmentally sensitive area or area of identified heritage.
<i>Views and vistas</i>	
Does the proposal obscure or compromise important views?	The proposed signs would not obscure or compromise any view.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline nor reduce the quality of any vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed signs would not compromise the viewing rights of other advertisers.
<i>Streetscape, setting or landscape</i>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signs would be appropriate.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs would complement the school design and contribute to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.
Does the proposal screen unsightliness?	The signs have been designed in keeping with the site's educational establishment use.
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.
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.
<i>Site and building</i>	

Schedule 1 – Assessment Criteria	Compliance
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are of appropriate scale and proportion and is considered relatively understated in the context of the entire site.
Does the proposal respect important features of the site or building, or both?	The signs are appropriately located at the site entrances and would not impact on any other important features of the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have been appropriately located to fit in with the design of the proposed buildings.
<i>Associated devices and logos with advertisements and advertising structures</i>	
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.
<i>Illumination</i>	
Would illumination result in unacceptable glare?	No, the proposed LED-illuminated sign would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No, the illumination is minor and would not cause any safety concerns.
Would illumination detract from the amenity of any residence or other form of accommodation?	No, the illumination is minor and would not detract from the amenity of any nearby residences or the hotel across the site.
Can the intensity of the illumination be adjusted, if necessary?	Adjustment is considered unnecessary.
Is the illumination subject to a curfew?	No curfew is proposed.
<i>Safety</i>	
Would the proposal reduce the safety for any public road?	The proposed signs would not affect road safety.

Schedule 1 – Assessment Criteria	Compliance
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signs would not affect pedestrian or cyclists' safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs would not obscure any sightlines from public areas.

Under clause 8 SEPP 64, consent must not be granted for any advertising sign application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. The Applicant has provided an assessment of the proposed sign against the provisions of Schedule 1 of SEPP 64. The Department has considered the proposed signs against the same assessment criteria and found them to be acceptable.

The Department considers that the proposed signs have been designed in accordance with clause 3 of SEPP 64, are compatible with the desired amenity and visual character of the area, provides effective communication, and are of a high-quality design and finish.

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 EIS included a Preliminary Environmental Site Assessment which comprised a review of available current and historical site information and an intrusive soil investigation (**Section 6.3**).

In accordance with clause 7 of SEPP 55, the investigations undertaken on the site demonstrate that it is suitable for its intended use. The Department has recommended conditions relating to the implementation an unexpected finds protocol. The Department is satisfied the site is suitable for use as a school.

Draft State Environmental Planning Policy (Remediation of Land)

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

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work it to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on site remediation measures (such as a containment cell) are to be provided to Council.

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

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

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the state.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The Explanation of Intended Effects was exhibited from 20 November 2020 to 17 December 2020 and proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

The Department is satisfied that the proposal is generally consistent with the objectives of the Draft Education SEPP and would continue to meet the requirements for SSD in accordance with the Explanation of Intended.

Draft State Environmental Planning Policy (Environment)

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

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

Yass Valley Local Environmental Plan 2013

The YVLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Yass Valley Council LGA. The YVLEP also aims to protect and conserve the cultural heritage of Yass Valley as well as protect and enhance its environmental and biodiversity values.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the YVLEP and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the YVLEP. Consideration of the relevant clauses of the YVLEP is provided in **Table B4**.

Table B4 | Consideration of the YV LEP 2013

YVLEP	Department Comment/Assessment
Land Use Table – Zone RU5 Village	Educational establishments are permissible with consent in the RU5 Village zone. The proposal is considered to meet the objectives of the zone as it provides educational infrastructure to meet the needs of the community.

YVLEP	Department Comment/Assessment
Clause 4.3 Height of buildings	There is no maximum building height for the site.
Clause 4.4 Floor Space Ratio	The site is not subject to the Floor Space Ratio controls.
Clause 5.10 Heritage conservation	<p>The site is not mapped or described as an item of heritage significance under the YVLEP. The proposal responds appropriately to surrounding items of local heritage significance.</p> <p>The site adjoins local heritage item no. 111 “Murrumbateman School and schoolhouse (former)” to the south. The Statement Heritage Impact submitted with the EIS found the proposal would not diminish the heritage values of the adjoining heritage item. The Department considers that the proposal would be sympathetic to the heritage significance of these items. See Section 6.3.</p>
Clause 5.21 Flood Planning	<p>The northeast corner of the site is affected by the Probable Maximum Flood (PMF) level. This small area covers the car parking area. The site is not located within a flood affected area for the 1% annual exceedance probability (AEP) event. The floor levels of the proposed school buildings will be above the PMF level.</p> <p>The Department is satisfied that the proposal is compatible with the flood hazard of the land and is not likely to result in any adverse flood behaviour. See Section 6.3.</p>
Clause 6.1 Earthworks	<p>Earthworks are proposed, with approximately 2m of cut to cater for the proposed development. Surplus material generated from the proposed development would be spread over existing open areas. No basement excavation is proposed.</p> <p>The Department has assessed the proposal against the matters for consideration contained in clause 6.1. Subject to conditions, the proposal would not detrimentally impact on:</p> <ul style="list-style-type: none"> • drainage patterns or soil stability in the locality of the development. • existing school use. • amenity and redevelopment opportunities of adjoining properties. • nearby waterways. <p>The Department has recommended conditions of consent to address the management of soil, stormwater and unexpected finds during construction.</p>
Clause 6.4 Groundwater vulnerability	The site is identified as land with groundwater vulnerability. The proposal is not expected to have any adverse impacts on groundwater as it does not involve any on site storage of solid or liquid waste and chemicals, or any other potentially polluting activity, that would contaminate groundwater.

YVLEP	Department Comment/Assessment
Clause 6.6 Salinity	A Preliminary Site Investigation was provided with the EIS and indicated that the site is unlikely to be affected by soil salinity issues.
Clause 6.8 Essential Services	The site is currently serviced by water, electricity, sewage disposal and stormwater drainage. An Infrastructure Management Plan was provided with the EIS, which outlines the existing infrastructure, the proposed upgrades to the infrastructure and how connections to utilities would be maintained to the school during the development of the proposal.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. Notwithstanding this, the objectives of relevant controls under the Fairley Commercial Centre Development Control Plan 2015, where relevant, have been considered.

Appendix C – Recommended Instrument of Consent