

31 January 2019

Ms Carolyn McNally
Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY, NSW 2001

Dear Ms McNally

**RE: CATHOLIC EDUCATION DIOCESE OF BATHURST
ST MATTHEWS CATHOLIC COLLEGE, MUDGEE
LOT 40 DP 756894 – 48 BROADHEAD ROAD, SPRING FLAT (MUDGEE)
REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

I write on behalf of the Catholic Education Diocese of Bathurst (CEDB), the applicant for a proposed new school at Lot 40 DP 756894, 48 Broadhead Road, Spring Flat.

As the proposed development is for a new school, it satisfies the relevant criteria to be State Significant Development (SSD) under the relevant provisions of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

The project qualifies as a SSD as it is *development for the purpose of a new school (regardless of the capital investment value)* as set out in clause 15(1) of Schedule 1 of the SRD SEPP.

In accordance with Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and clause 15(1) of Schedule 1 of the SRD SEPP, CEDB requests the issue of Secretary's Environmental Assessment Requirements (SEARs) for the proposed development.

The purpose of this letter of request is to provide a preliminary environmental assessment and other supporting documentation to allow for the SEARs to be issued to facilitate the preparation of an Environmental Impact Statement (EIS) in support of a future SSD development application.

1.0 THE PROPOSED DEVELOPMENT AND SCOPE OF WORKS

The original St Matthews school was built in 1912 at Lewis Street in the centre of Mudgee. In subsequent decades the school was progressively expanded and now continues as a Kindergarten to Year 12 (K-12) Catholic school. Increased enrolments and the physical constraints of the current school site have led to overcrowding and expansion into nearby commercial spaces. With no further room to expand, the decision has been made to move forward with the construction of a new secondary campus of St Matthews Catholic School at 48 Broadhead Road, Spring Flat – a greenfield location to the south of Mudgee.

The Broadhead Road site is proposed to initially accommodate 600 secondary school students with an ultimate comprehensive relocation to the new site as a K-12 school (accommodating a total of 1,230 students). The 630 K-6 students will join the secondary school in the second stage of development. St Matthew's will continue as a K-12 school across two campuses, with the K-6 campus retained on the current school site in Lewis Street, in the short term. The timing for Stage 2 is yet to be determined.

The current program seeks lodgement of the EIS for the SSD DA during Q2 2019, with approval within Q4 2019. To meet the overall project program an offsite construction / modular school design approach is being considered.

A Master Plan / Concept Design has been prepared by Alleanza Architecture to guide the initial stage of development. The Master Plan / Concept Design (as included as **Appendix A** to this request) seeks to provide the most efficient use of the site to provide facilities and services for the spatial arrangement and floor space allocation for the 600-student secondary element of the overall development.

The proposed development subject of this SEARs Request and the SSD can be provisionally briefly summarised as follows:

- A cluster of 7 low-rise school buildings to accommodate 600 secondary students and the corresponding staff. The buildings will range from 1 to 2-storeys only;
- At-grade car park and bus drop-off area with access to / from Bruce Road (TBC);
- An anticipated GFA in the order of 7,000m² (TBC as the scheme develops);
- Accommodation and facilities including:
 - Teaching and learning spaces
 - General learning
 - Visual Arts
 - Performing Arts
 - Science
 - Technological and Applied Studies (TAS)
 - Covered Outdoor Learning Area (COLA)
 - Library
 - Student Facilities
 - Administration and staff facilities
 - Building Services
 - Sports oval
- Landscaping works;
- Afterhours access to facilities as broader Community Facilities (including halls, COLA, sports oval, and parking); and
- Other improvements (perimeter roadworks, site stormwater and drainage, civil engineering works, etc)

It is not proposed to lodge a Concept DA seeking approval of all aspects of the development in the first instance. The development subject of this SEARs Request is only for Stage 1 of the overall development with this SSD component only as a standalone DA. Subsequent stages of the school's development will be addressed at that time – likely as either a Development without Consent, Complying Development or a further separate DA to Council, as the case may be.

No demolition is necessitated as the site is a greenfield and undeveloped site. Further, no works are proposed within the creekline or within 40m of either side of the bank to the creekline.

It is noted that for the purposes of a SSD DA, CEDB is neither a public authority or a Crown Developer. The DA would therefore not be a Crown DA.

2.0 THE SITE

The site is located at Lot 40 DP 756894 – 48 Broadhead Road, Spring Flat some 3km south-east of the centre of Mudgee. Whilst being a greenfield site it adjoins an area of semi-rural / semi-urban development and which has also been earmarked for future urban land release and residential development. Mudgee (and the site) sits within the Mid-Western Regional Council Local Government Area (LGA).

The site has frontages to both Broadhead Road (approx. 415m at the western boundary) and Bruce Road (approx. 300m to the southern boundary). The land has an area of approx. 12.14ha, and is generally level, undeveloped vacant rural land with a rectangular shape. See **Figure 1**.

The site is subject to a mapped natural watercourse (Sawpit Gully) which is understood to be a 4th order stream and which traverses the site with a flow to the north through the site's north-western quadrant. Site drainage is affected by an inline dam.

The site forms part of typical cleared lands for grazing at Mudgee's fringe. The few native tree species which occur on the north-western extremity of the site are 'White Box – Rough-barked Apple alluvial woodland' (PTC 274). Notwithstanding, the majority of the land is cleared grazing land predominantly vegetated with exotic grasses and planted trees lining the road frontages.



Figure 1 – The Site (SIX Maps)

2.1 Site Characteristics

A previously sourced s149 Certificate generally remains relevant and accurate and identifies the following with respect to the site:

- It is not subject to any road widening or road re-alignment under current circumstances.
- It is not identified or mapped in a landslip area or a mine subsidence district.
- It does not contain any identified critical habitats.
- It is not within a Flood Risk Precinct as identified by the Mudgee Floodplain Management Study.
- It is not a mapped bushfire prone location.

Using the current NSW Planning Portal webpage, the site is further not mapped as being subject to:

- Acid Sulfate Soils
- Native Vegetation
- Terrestrial Biodiversity
- Wetlands

Further LEP-related and mapped information is also set out below under the Strategic and Statutory Planning Framework sections that follow.

2.2 Drainage

The Council-commissioned *Spring Flat Drainage Study Report, Mudgee* prepared by Insites (dated February 2010) addresses flooding and drainage issues within the Spring Flat catchment, including the subject site.

The subject site sits at a midway point within the study area and is subject to proposed works to mitigate flooding and downstream impacts – see **Figure 2**. The intent of the drainage study was to develop a drainage model, channel design and cost estimates for two options. Option 1 allowed for a channel to convey flows from Sawpit Road in the south to the Castlereagh Highway in the north. Option 2 considered the inclusion of a detention basin south of Sawpit Road (at the southern extremity of the study area) to reduce peak flows and the corresponding size of the channel and the cost of construction.

The proposed drainage channel would be designed to convey stormwater through Spring Flat from the low point in Sawpit Road across Bruce Road and Broadhead Road down to existing culverts across the Castlereagh Highway. For Option 2 a detention basin would be located immediately south of Sawpit Road.

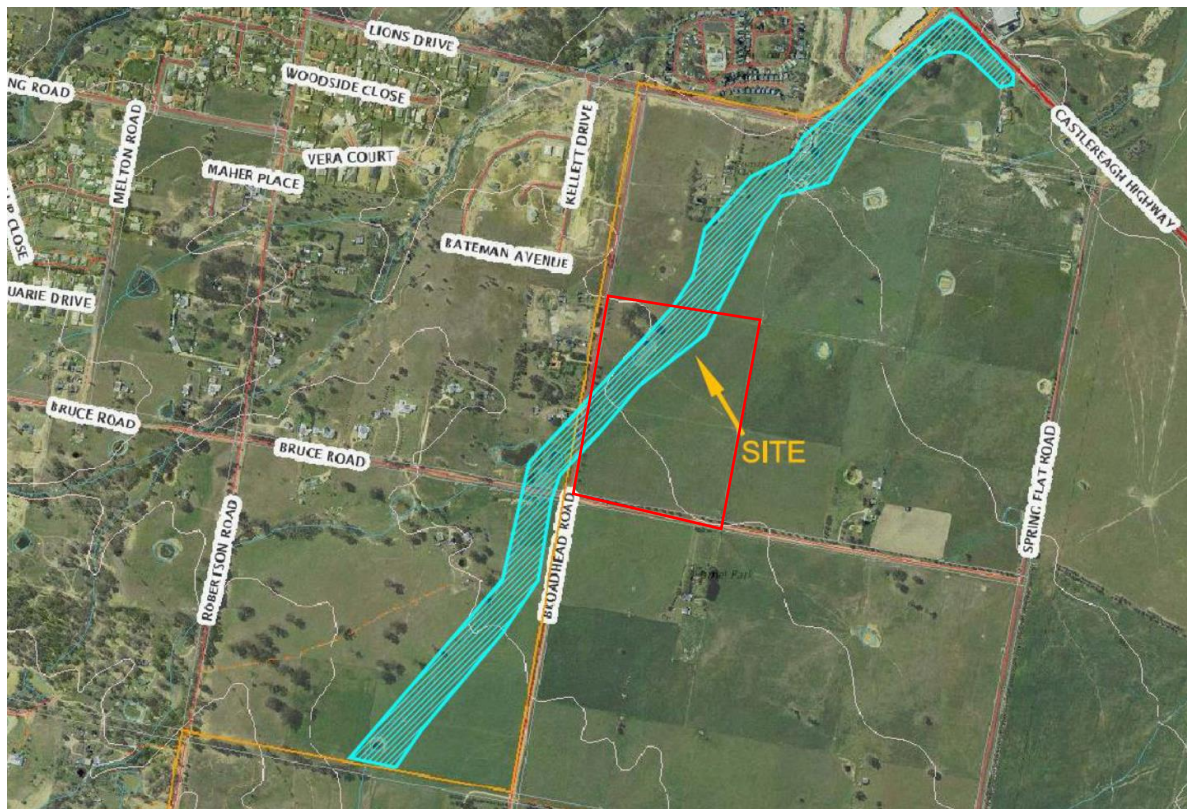


Figure 2 – Spring Flat Drainage Study Area Map (Mid-Western Regional Council / Insites)

The study concluded that the preliminary design of the Spring Flat drainage corridor in the study had adequate capacity to control the 100-year ARI storm event. A flood study based on the preliminary alignment of the channel and design cross-sections and levels demonstrated that the size of the channel was adequate and the existing culverts under Castlereagh Highway could be retained for the new channel alignment.

It appears the works for either of the options were not commissioned or completed.

As noted in the *Biodiversity* section below, the corridor also aligns with recently mapped biodiversity values by NSW Office of Environment & Heritage (OEH), despite the generally unvegetated, degraded, and disturbed nature of the site in this location.

2.3 Biodiversity

Council's s149 Certificate indicates that the site does not contain any identified critical habitats, as consistent with mapping under the NSW Planning Portal. This is however now at odds with further detailed and contemporary mapping from the OEH webpage as shown in **Figure 3**.

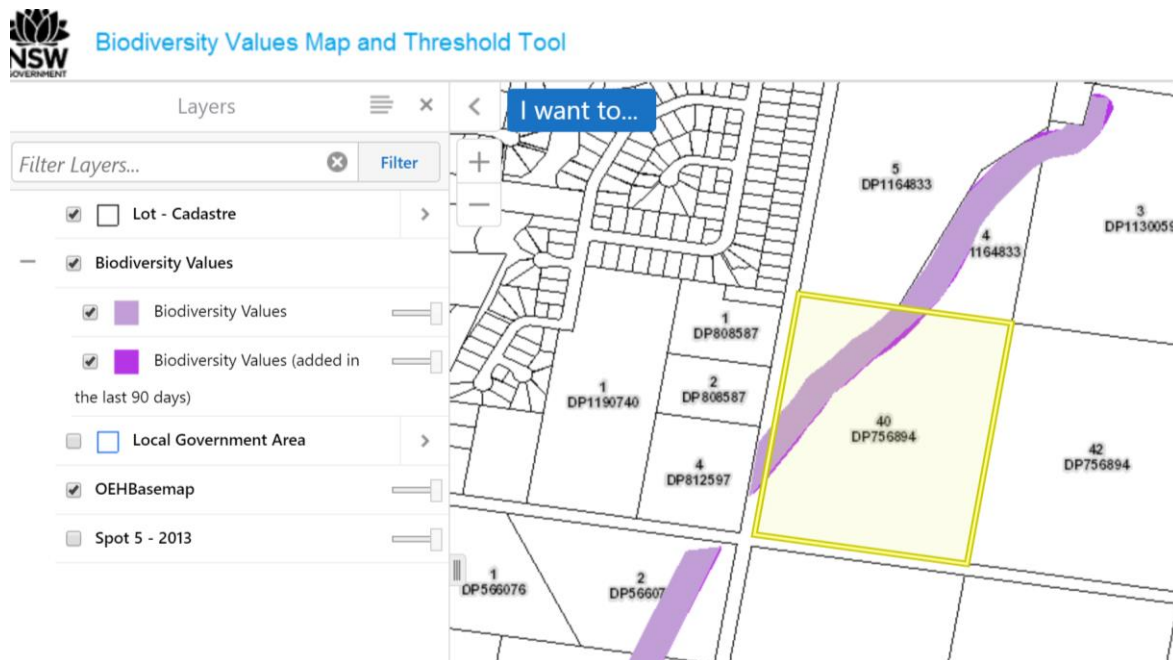


Figure 3 – Biodiversity Values Map (OEH)

This map identifies the Sawpit Gully stream and corridor as having biodiversity value, despite aerial photography and other mapping suggesting otherwise. No significant vegetation is visible within this corridor.

Further, as identified by prior planning advice secured by CEDB, whilst the LEP (from 2012) does not map the site as having terrestrial biodiversity sensitivity, *an occurrence of the Hoary Sunray was identified in south Mudgee, discovered on and around the intersection of Robertson Street and Bruce Road (in 2014).*

The Hoary Sunray is an endangered species listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). A targeted survey and assessment for this species was commissioned by Council: 'Eco Logical Australia (2015) Hoary Sunray (Leucochrysum albicans var. tricolor) Targeted Survey and Management Recommendations. Prepared for Mid-Western Regional Council, March 2015'.

*The subject site was included within the study area. The field survey aimed to allocate a ranking of likelihood of the Hoary Sunray occurring within any lands owned and managed by Council in the Mudgee Township and immediate surrounds. The resulting map is reproduced from the report below (at **Figure 4** with the site identified with a bold blue border). The subject land is mapped with a 'low' potential for the species to occur.*

Given the legislated requirement for a Biodiversity Development Assessment Report (BDAR) or alternatively a ability to seek a waiver for a BDAR as part of a SSD DA, Ecoplanning was engaged to review the biodiversity values of the site. Ecoplanning concluded that a BDAR Waiver is relevant and recommended given the site's current and historically cleared and disturbed state, its limited

biodiversity values, and the avoidance of impacts by the siting of the proposed development. Accordingly, the BDAR Waiver request will be lodged shortly.

With respect to the occurrence of the Hoary Sunray, no specimens or other threatened flora species were found on site as part of targeted surveys involving traversing the entire site. Based upon the habitat present and the surveys conducted, it is unlikely that any threatened flora species are present within the site. See Ecoplanning's Biodiversity Assessment attached to the SEARs Request at

Appendix B.

Figure 5 also provides Ecoplanning's assessment of the site's biodiversity and vegetation communities on the site.

2.4 Bushfire

The Rural Fire Service bushfire mapping webpage identifies the site as 'green' on **Figure 6**, and as follows:

The parcel of land selected is not identified as bush fire prone however you could still be affected by a bush fire.

This accords with Council's advice from the s149 Certificate. On face value, it appears no bushfire reporting will be needed for the DA, and a s100B Bushfire Safety Authority for the school as a 'special fire protection purpose' will not be necessitated.

2.5 Aboriginal Cultural Heritage

_planning Pty Ltd undertook a basic web-based Aboriginal Heritage Information Management System (AHIMS) search of the site on 27 November 2017. The recorded results received from OEH indicates that the site (and environs within a 50m radius of the site) does not include any recorded Aboriginal sites or declared Aboriginal places – see **Figure 7**. A similar search undertaken in prior planning advice for CEDB in 2017, and which with a 200m radius garnered the same result.

Notwithstanding this result, CEDB has consulted with the Mudgee Local Aboriginal Land Council (MLALC) in relation to the proposed development and the status of the site with respect to Aboriginal cultural heritage. The MLALC has advised as follows in a Clearance Letter dated 19 November 2018.

Following an assessment of the proposed development area by our Cultural Heritage Officer and a review of other Aboriginal Cultural Heritage Assessments conducted in the vicinity we can advise you that whilst there are Aboriginal sites recorded nearby there are none identified as being potentially impacted by your development.

However, when earthworks begin MLALC requests that a cultural officer from MLALC be present.

As such the Mudgee Local Aboriginal Land Council has no problem with the development proceeding.

This clearance letter is included in this SEARs Request at **Appendix C**.

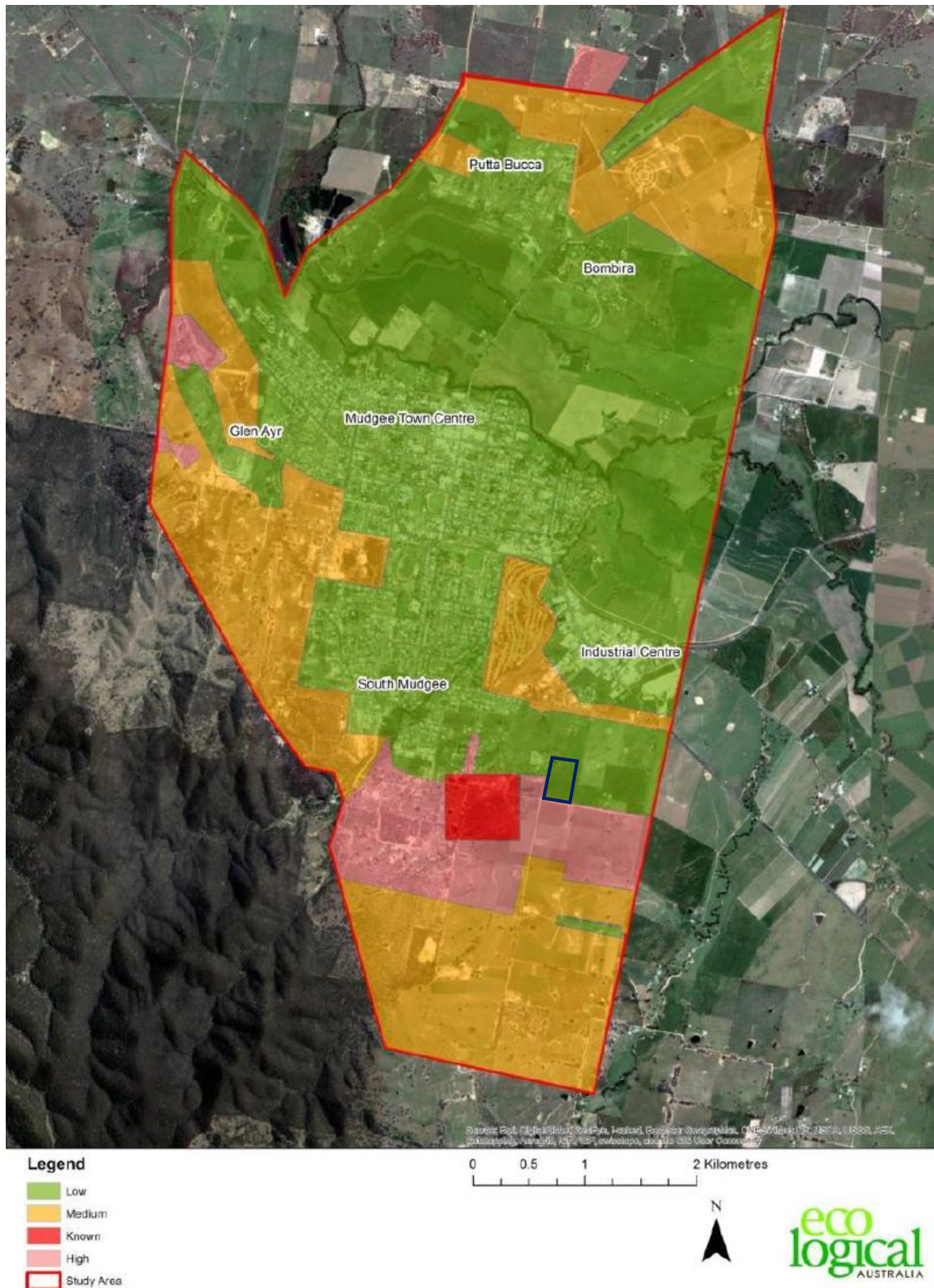


Figure 4 – Hoary Sunray Assessment (2015) (Eco Logical / Atlas Environment & Planning)

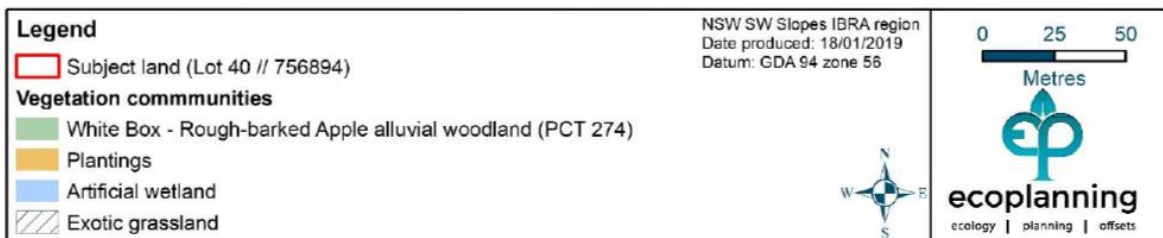
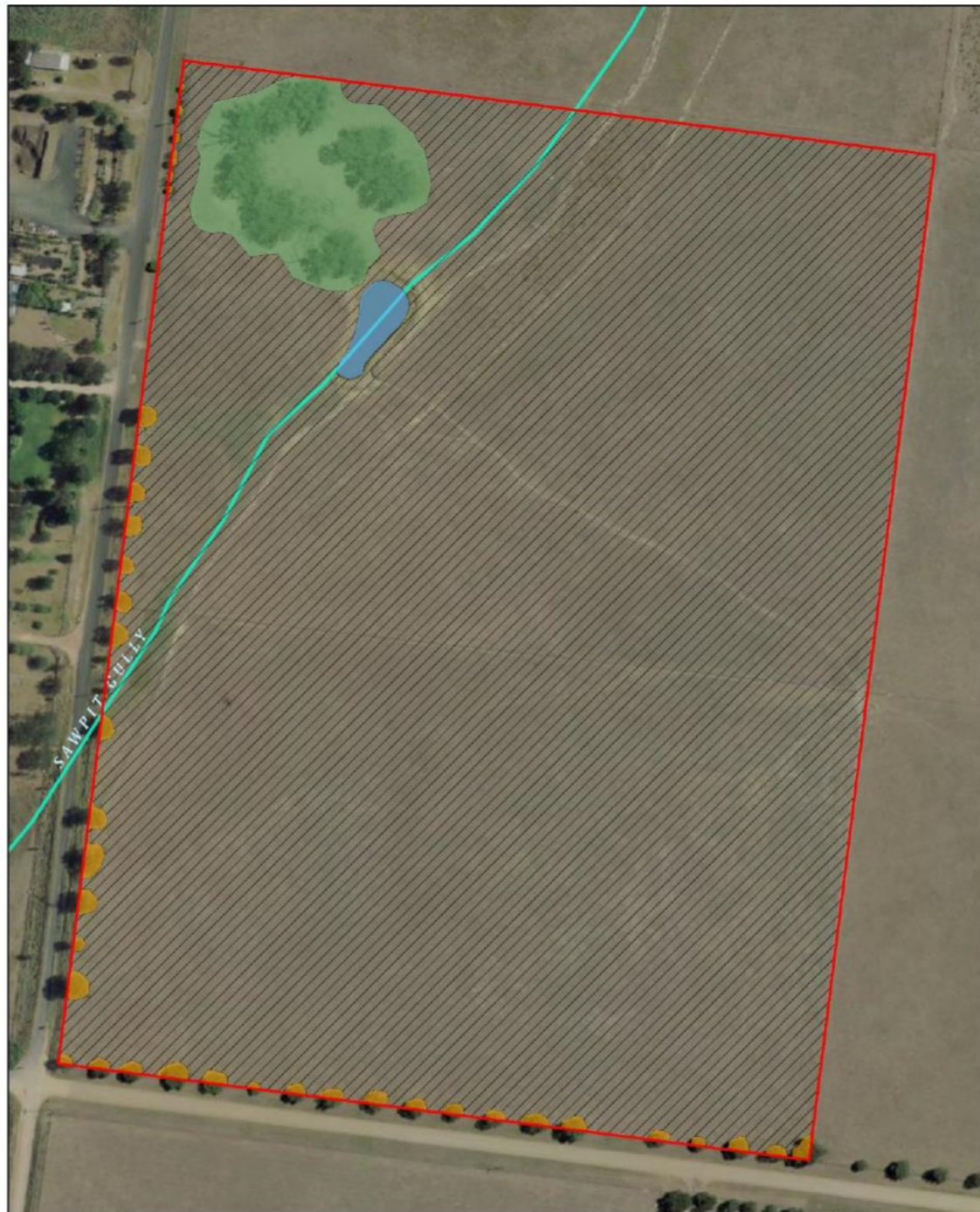
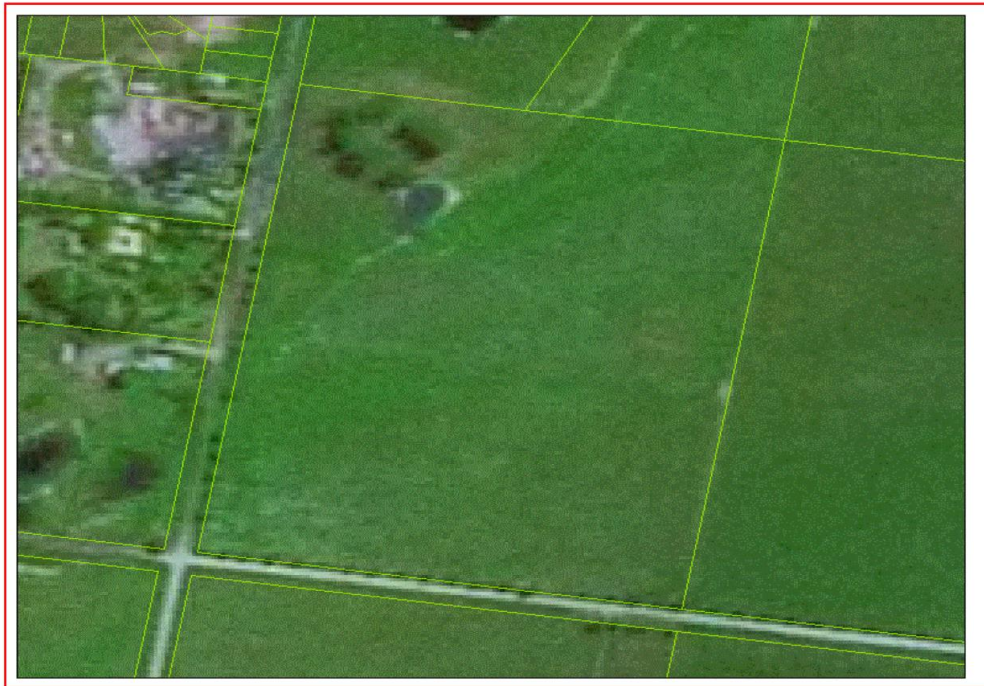


Figure 5 – Vegetation communities within the site



Figure 6 – Bushfire Prone Land (RFS)



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 7 – Result of basic AHIMS search (OEH)

3.0 STRATEGIC AND STATUTORY PLANNING CONTEXT

3.1 Strategic Planning Framework

The site, proposal, and LGA are subject to the following strategic planning policies:

- NSW Premier's and State Priorities; and
- Central West and Orana Regional Plan 2036.

NSW Premier's and State Priorities

The Premier's priorities are:

- Creating jobs
- Building infrastructure
- Reducing domestic violence
- Improving service levels in hospitals
- Tackling childhood obesity
- Improving education results
- Protecting our kids
- Reducing youth homelessness
- Driving Public Sector diversity
- Keeping our environment clean
- Faster housing approvals
- Improving Government services

The NSW State priorities are:

- Making it easier to start a business
- Encouraging business investment
- Boosting apprenticeships
- Accelerating major project assessment
- Increasing housing supply
- Protecting our credit rating
- Delivering strong budgets
- Improving Aboriginal education outcomes
- Transitioning to the National Disability Insurance Scheme
- Better Government digital services
- Cutting wait times on planned surgeries
- Increasing cultural participation
- Ensuring on-time running of public transport
- Creating sustainable social housing
- Reducing violent crime
- Reducing adult re-offending
- Reducing road fatalities
- Improving road travel reliability

Of these, those relevant to the project are:

- Creating jobs
- Improving education results
- Improving Aboriginal education outcomes

The development provides an opportunity to enhance the achievement of these priorities.

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 is a 20-year blueprint for the future of the Central West and Orana region.

The DPE's vision is *to create a leading diverse regional economy in NSW, with a vibrant network of centres leveraging the opportunities of being at the heart of NSW*. The plan will deliver this vision through four goals and 29 directions:

- Goal 1 - The most diverse regional economy in NSW
 - Direction 1: Protect the region's diverse and productive agricultural land
 - Direction 2: Grow the agribusiness sector and supply chains
 - Direction 3: Develop advanced manufacturing and food processing sectors
 - Direction 4: Promote and diversify regional tourism markets
 - Direction 5: Improve access to health and aged care services
 - Direction 6: Expand education and training opportunities
 - Direction 7: Enhance the economic self-determination of Aboriginal communities
 - Direction 8: Sustainably manage mineral resources
 - Direction 9: Increase renewable energy generation
 - Direction 10: Promote business and industrial activities in employment lands
 - Direction 11: Sustainably manage water resources for economic opportunities
 - Direction 12: Plan for greater land use compatibility
- Goal 2 - A stronger, healthier environment and diverse heritage
 - Direction 13: Protect and manage environmental assets
 - Direction 14: Manage and conserve water resources for the environment
 - Direction 15: Increase resilience to natural hazards and climate change
 - Direction 16: Respect and protect Aboriginal heritage assets
 - Direction 17: Conserve and adaptively re-use heritage assets
- Goal 3 - Quality freight, transport and infrastructure networks
 - Direction 18: Improve freight connections to markets and global gateways
 - Direction 19: Enhance road and rail freight links
 - Direction 20: Enhance access to air travel and public transport
 - Direction 21: Coordinate utility infrastructure investment
- Goal 4 - Dynamic, vibrant and healthy communities
 - Direction 22: Manage growth and change in regional cities and strategic and local centres
 - Direction 23: Build the resilience of towns and villages
 - Direction 24: Collaborate and partner with Aboriginal communities
 - Direction 25: Increase housing diversity and choice
 - Direction 26: Increase housing choice for seniors
 - Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces
 - Direction 28: Manage rural residential development
 - Direction 29: Deliver healthy built environments and better urban design

The project would support the Vision, Goals, Directions and Delivery of the Regional Plan. This will be further addressed in the EIS.

3.2 Other policy documents

Of relevance to the project are also the following strategic or other policy documents:

- Better Placed – An integrated design policy for the built environment of NSW 2017 (Government Architect NSW (GANSW) 2018);
- Design Guide for Schools (GANSW 2018); and
- Environmental Design for Schools (GANSW October 2018).

Consideration and design-based focus on the suite of GANSW guidelines will need to be undertaken in tandem with consultation with GANSW, DPE and the State Design Review Panel process. This will be addressed in further and relevant detail in the project's EIS.

3.3 Council's Strategic Planning

With respect to Council's strategy planning for the area near and around the site, the following is largely taken from prior planning advice prepared for CEDB.

The Mid-Western Regional Comprehensive Land Use Strategy (CLUS) was prepared in 2010 and provides a basis for identifying options for the region to meet long term urban and rural growth needs. The Mudgee Town Structure Plan identifies opportunities for future land uses. Certain environmental constraints assessments were carried out as part of the development of the Strategy. The subject land is identified for urban purposes and has been identified as a future release area (see Figure 8).

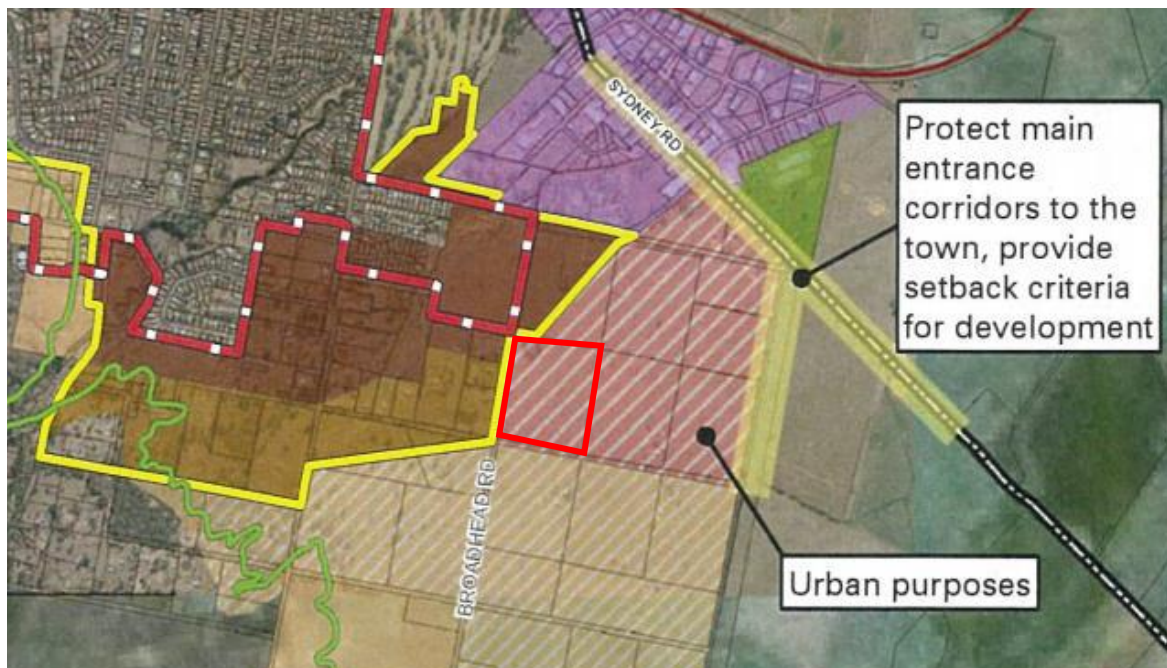


Figure 8 – Excerpt from CLUS – Figure 3-1 Mudgee Town Structure Plan p42 (Atlas Environment & Planning)

Additionally, the Mudgee and Gulgong Urban Release Strategy 2012 was prepared for the towns of Mudgee and Gulgong to guide decision making around the timing, location and type of future urban development. The subject land falls within Area 19 (see Figure 9 below).

In summary, the area has been identified for residential development, and associated with the approved adjoining seniors living development. The strategy identifies that if this development does not proceed, that the land should be retained with the current zoning and minimum lot size for the medium term (10-15 years), as future residential land, if the Caerleon development does not meet housing demands. The development of a school may impact future predicted residential lot yields, but does not raise any issue of environmental constraint.

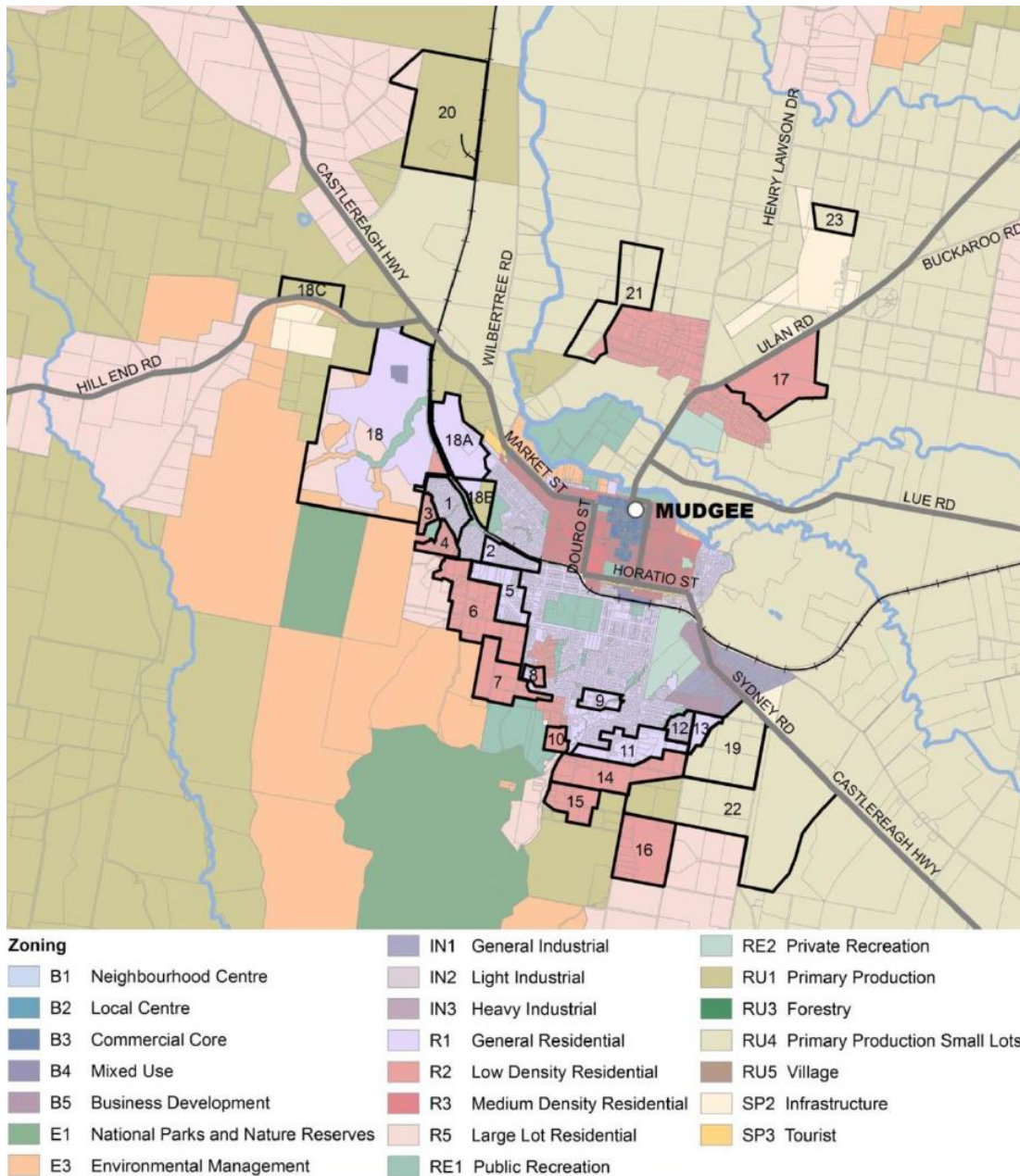


Figure 9 - Mudgee and Gulgong Urban Release Strategy 2012 (Atlas Environment & Planning)

3.4 Statutory Planning Framework

The key and relevant statutory planning legislation and instruments applicable to the site and project include:

- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy No. 55 – Remediation of Land & Draft Remediation of Land SEPP*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*

- *State Environmental Planning Policy (Rural Lands) 2008*
- *Mid-Western Regional Local Environmental Plan 2012*

The land is also subject to Council's Development Control Plan (DCP) 2013, which however only applies as far as providing general guidance, noting also that DCPs do not apply to SSD.

Environmental Planning and Assessment Act 1979

The objects of the Act are:

- (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,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal satisfies these objects.

State Environmental Planning Policy (State and Regional Development) 2011

Compliance with this SEPP is as set out throughout this SEARs request.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP specifies development that qualifies as traffic generating development that must be referred to the Roads and Maritime Services (RMS). In the context of the proposal, Schedule 3 applies a threshold of 200 or more motor vehicles per hour with access to a road generally in relation to 'any other purpose', noting schools or educational establishments are not listed as a separate purpose of development. On this basis, given the on-site car parking will be well below 200 referral to the RMS is not required under the Infrastructure SEPP. See also the Education SEPP below.

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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 commenced in early September 2017. It seeks to improve regulatory certainty and efficiency through a consistent planning regime for educational establishments, including non-government schools. Part 4 – Schools – specific development controls, in particular, seeks to simplify planning approval pathways for schools (including identification of certain development of minimal environmental impact as exempt development and other works as Complying Development or as subject to Development without consent).

The SEPP has limited provisions applying to a new school project of this type and the approval pathway in this case is unlikely to be altered by the SEPP. Further consideration of the SEPP to guide alternative pathways is both redundant and unnecessary.

This SEPP does however apply to confirm that schools are permitted with consent in a 'prescribed zone' where a LEP may otherwise prohibit development of a school or educational establishment. The SEPP also requires the consent authority to consider (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

The Schedule 4 design quality principles to be addressed in the EIS and design documentation are:

- Principle 1—context, built form and landscape
- Principle 2—sustainable, efficient and durable
- Principle 3—accessible and inclusive
- Principle 4—health and safety
- Principle 5—amenity
- Principle 6—whole of life, flexible and adaptive
- Principle 7—aesthetics

The SEPP also further confirms that Council's DCP does not apply in relation to the school development. This is on top of the SRD SEPP provision which removes consideration of a DCP for SSD DAs.

Lastly, clause 57 relates to educational establishments as traffic-generating development, and to the greater part has replaced corresponding provisions from the Infrastructure SEPP – as set out above.

Under clause 57 any educational establishment that will accommodate 50 or more additional students, and that involves either an enlargement or extension of existing premises, or new premises, on a site that has direct vehicular or pedestrian access to any road, must be referred to the RMS for comment.

Relevant considerations in relation to traffic-generating development under this clause are:

- the accessibility of the site concerned, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and the potential to minimise the need for travel by car, and
- any potential traffic safety, road congestion or parking implications of the development.

As the school is a new school with more than 50 students it will need to be referred to the RMS by the DPE.

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land provides for a State-wide planning approach to the remediation of contaminated land. A determining authority must consider whether the land subject of a proposal is contaminated and, if the land is contaminated, be satisfied that the land is suitable in its contaminated state for the use proposed. If the land requires remediation to be made suitable for the proposed purpose, the determining authority must be further satisfied that the land will be so remediated before the land is used for that purpose.

Subclause 7(4) of the SEPP specifies land in relation to which the consent authority must consider the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines before determining a development application for change of use.

(4) *The land concerned is:*

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The DA / EIS will be supported by environmental assessment reporting in relation to contamination.

State Environmental Planning Policy No.64 – Advertising & Signage

The *State Environmental Planning Policy No 64-Advertising and Signage* seeks to ensure that signage (including advertising) is compatible with the desired character of an area, provides effective communication in suitable locations, and is of high quality design and finish. SEPP 64 does not regulate the content of signage.

Signage does not form part of the current proposal. Development approval for future identification signage will be sought separately, if required. The provisions of SEPP 64 will be considered at this time and addressed (if required) in conjunction with guidance provided by the relevant sections of the Mid-Western Regional DCP (if required).

State Environmental Planning Policy (Rural Lands) 2008 (Rural Lands SEPP)

The Rural Lands SEPP applies to the Mid-Western Council LGA and the site and aims to:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Broadly, the DA/EIS will need to address the potential loss of agricultural land, its conversion to another land use, possible loss of large-lot residential opportunity, and possible land use conflicts arising, whilst noting that Council's strategic planning objectives for the site and adjoining lands is for its conversion to urban purposes.

Mid-Western Regional Local Environmental Plan 2012

The Mid-Western Regional Local Environmental Plan 2012 (LEP) zones the site part 'R1 General Residential' and part (predominantly) 'RU4 Primary Production Small Lots' – see **Figure 10. Educational Establishments** (which includes schools) are permitted with DA consent in both zones

under the LEP, and would if prohibited by the LEP otherwise be permitted through *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (the Education SEPP) and through the operation of clauses 33 and 35(1) of that SEPP.

The LEP also maps the site as being subject to the following:

- Groundwater Vulnerability (entire site).
- Minimum lot size of 600m² in the R1 zoned land and 20ha on the RU4 zoned land – see **Figure 11**.
- Building Height control of 8.5m only in the R1 zoned land. The vast majority of the site (under the RU4 zone) has no height control.

As noted previously in this request letter, the LEP **does not** map the site as being subject to:

- Land Reservation Acquisition.
- Flood Planning Area controls.
- Active Street Frontage controls.
- Visually Sensitive Land controls.
- Any local heritage (whether built or landscape) items or a Heritage Conservation Area.
- Sensitive Biodiversity.

Further, no Floor Space Ratio (FSR) controls apply over the entirety of the site.

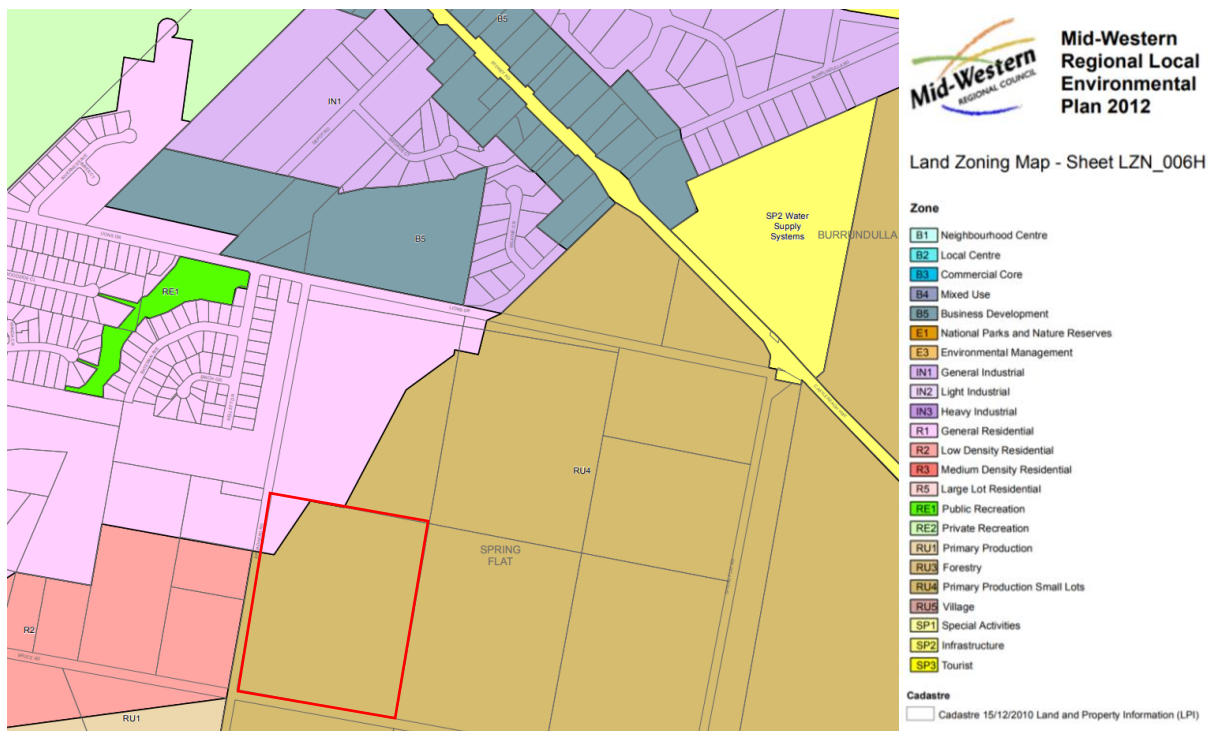


Figure 10 – Zoning Map

The Groundwater Vulnerability provisions applicable to the site are found at clause 6.4 of the LEP. The objectives are:

- to maintain the hydrological functions of key groundwater systems,*
- to protect vulnerable groundwater resources from depletion and contamination as a result of development.*

Before determining a DA on the site, DPE must consider the following:

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The LEP states that development consent must not be granted unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The above will need to be addressed as part of the DA/EIS, particularly in consideration of any existing bores that may be present on the site.

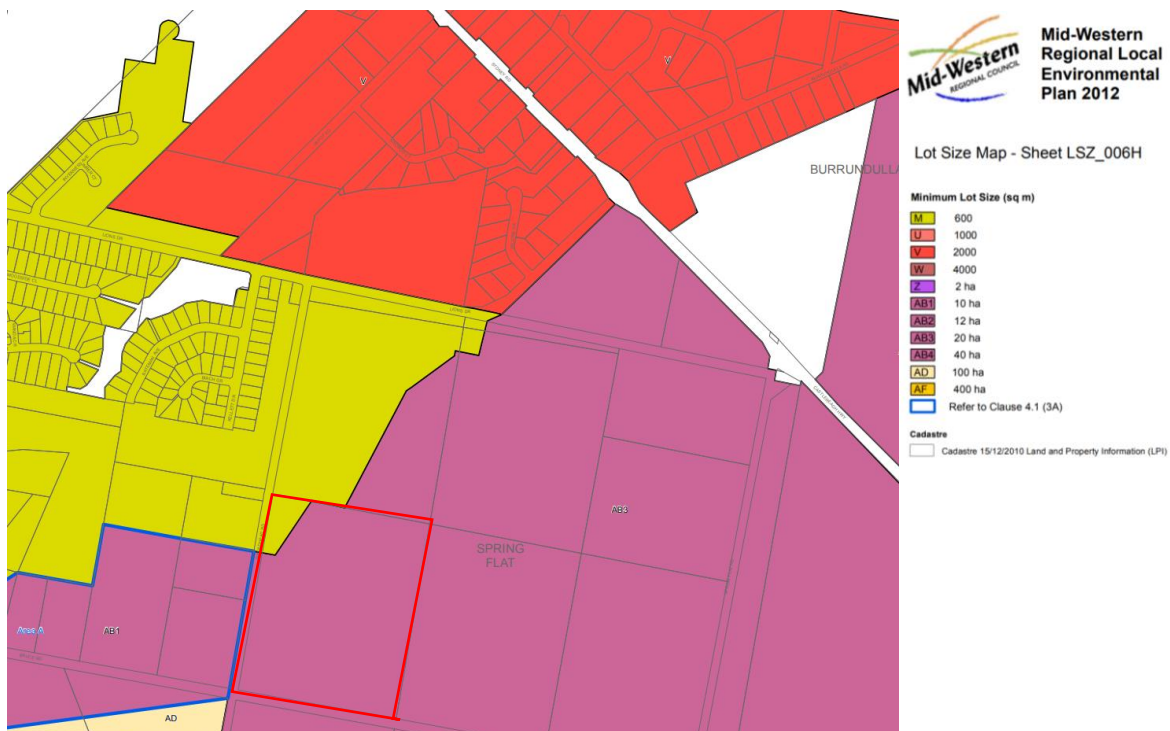


Figure 11 – Minimum Lot Size

Section 94 and Section 94A – Developer Contributions

Based on a review of the two plans, Council's Section 94 Development Contributions Plan 2005-2021 does not apply to the development because it only *applies to commercial/retail/industrial development in the Mudgee Town Centre and subdivision within the Mid-Western Regional Council Local Government Area*. The project is outside of the mapped Mudgee Town Centre and is not for subdivision purposes.

Council's Section 94A Development Contributions Plan 2005-2021 (setting a levy of between 0% and 1% of development cost) applies to the following development types and locations:

- *Commercial and Retail Development in Catchments 2,3 and 4*
- *Industrial Development in Catchments 2,3 and 4 not including large industry such as mines, extractive industries which are dealt within the Section 94 Plan*
- *Residential development (excluding subdivision) that has the potential to increase the population including multi-unit dwellings, integrated development, additions to dwellings increasing floorspace, etc*
- *Tourism development with a total construction cost less than \$20 million*

The school development is also none of these development types.

Section 5 of the plan also states with respect to Exemptions that *Council may consider exempting developments, or components of developments from the s94A levy. Exemptions will be based on the merits of the development and whether the development will have an impact of the proposed infrastructure.*

The public benefits and social infrastructure status of the development will be articulated as part of the EIS for the DA to justify exemption.

Section 64 and Section 306 – Levies for water and sewer services

The Mid-Western Regional Council Development Servicing Plan for Sewerage and the Mid-Western Regional Council Development Servicing Plan for Water Supply each state as follows at Section 5.5 (with emphasis):

*Mid-Western Regional Council may waive Developer Charges ordinarily attributable to subdivision and development, where the proponent demonstrates to Mid-Western Regional Council's satisfaction that it is a **non-profit and charitable organisation, which by virtue of carrying out such development, is considered** by the Mid-Western Regional Council **to be making a significant and positive contribution to the community.***

It is understood that CEDB is a not-for-profit organisation. An ATO Certificate or the like will be provided with the EIS as well as further justification in the same manner as per the exemption request from the s94A contribution.

4.0 RELEVANT PLANNING ISSUES TO GUIDE THE SEARS

The EIS for the project will address the full range of relevant environmental planning issues. Consultants are engaged to address relevant known issues and matters. These include:

- Statutory and strategic planning context, including relevant legislation, permissibility and matters of compliance;
- Architectural design, design principles, GANSW Guidelines, and the State Design Review Panel role and process (architectural drawings, photomontage, schedule of materials etc.);
- Landscape design (planting schedule, external lighting, connections etc.);
- Environmental impact, amenity and compatibility of the proposed use to adjacent uses (privacy, noise etc);
- Environmentally sustainable design (approach, water and energy saving measures etc);
- Transport and access (private & public transport modes, parking etc.);
- Ecological and/or Arboricultural assessment(s);
- Aboriginal cultural heritage;
- Stormwater management (drainage, detention, water quality etc.);
- Geotechnical and contamination by any previous land uses;
- Groundwater vulnerability;
- Services and utilities (existing and likely new or augmented connections);
- Building compliance (BCA/NCC, fire safety, access);
- Construction Management (noise, traffic, water and air quality etc.);

- Waste management (construction and operation phases);
- Developer contributions and levies, noting the various exemptions that would apply.

Whilst the current Master Plan / Concept is still to be further developed, the relatively benign range of environmental and planning issues associated with the site, coupled with the spatial arrangement of the development avoiding more 'sensitive' parts of the site, provide suitable and ample information for the development of SEARs at this stage.

5.0 PRIOR CONSULTATION

Consultation on the project to date has involved:

- Informal meetings with Council on the overall project;
- Informal meeting with GANSW on the general approach to design excellence and the State Design Review Panel process and follow-up to secure a meeting date with the Panel – provisionally set for 12 March 2019;
- Liaison by consultants with OEH and the Mudgee Local Aboriginal Land Council on Aboriginal cultural heritage matters – see the Clearance Letter appended; and
- General liaison by consultants with OEH on biodiversity matters.

6.0 CONCLUSION

On the basis that the project falls within the requirements of clause 15(1) of Schedule 1 of the SRD SEPP being *development for the purpose of a new school (regardless of the capital investment value)*, CEDB formally requests the Department issue the SEARs for the project to facilitate the preparation of the EIS to accompany the SSD Application. Note the request for SEARs relates only to the initial stage of development of the school, with subsequent stages likely to be able to be addressed as either Complying Development or Development without Consent or potentially a future DA to Council at some point into the future.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any questions or queries with respect to any of the above information, please don't hesitate to contact me on 0437 259 581.

Yours Sincerely



Oliver Klein
Director
_planning Pty Ltd

Attachments:

- Appendix A – Architectural Concept drawings - Alleanza
- Appendix B – Biodiversity Assessment - Ecoplanning
- Appendix C – Aboriginal Cultural Heritage Clearance Letter - Mudgee Local Aboriginal Land Council