



# St Matthews Catholic College, Mudgee

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State Significant Development Assessment

SSD 9872

December 2020



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Title: St Matthews Catholic College, Mudgee

*Cover image: Proposed perspective by Alleanza Architects (Source: Applicant's Environmental Impact Statement 2020).*

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# Glossary

Abbreviation	Definition
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Mid-Western Regional Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EESG</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>DSI</b>	Detailed Site Investigation
<b>DPI</b>	Department of Primary Industry
<b>GTP</b>	Green Travel Plan
<b>LCDR</b>	Landscape Concept Design Report
<b>LoS</b>	Level of Service
<b>LUCRA</b>	Land Use Conflict Risk Assessment
<b>Minister</b>	Minister for Planning and Public Spaces
<b>MWDC</b>	Mid-Western Development Control Plan 2013
<b>MWLEP</b>	Mid-Western Regional Local Environmental Plan 2012
<b>OTAMP</b>	Operational Transport and Access Management Plan
<b>NVIA</b>	Noise and Vibration Impact Assessment Report
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SSTS</b>	School Student Transport Scheme
<b>STEM</b>	Science, Technology Engineering and Mathematics
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>TPTIA</b>	Traffic, Parking and Transport Impact Assessment

# Executive Summary

This report provides an assessment of a State significant development (SSD) application for the development of a new high school, St Matthews Catholic College, Mudgee (SSD 9872). The Applicant is the Trustees of the Roman Catholic Church for the Diocese of Bathurst and the site is located within the Mid-Western Regional Council local government area.

The Department of Planning, Industry and Environment (the Department) considers that the proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the site is suitable for the proposed use and would provide new educational facilities in a growing area. The Department concludes the proposal is in the public interest and recommends that the application be approved, subject to conditions.

The proposal seeks approval for the construction and operation of a new high school Year 7 to Year 12 to accommodate up to 680 students. The proposal includes the construction of five one to two storey buildings and associated works including road upgrade works, tree removal and landscaping. The proposal is associated with an existing Kindergarten to Year 12 school, known as St Matthews Catholic School, located on Lewis Street Mudgee, and would transfer existing students from Year 7 to Year 12 to the new school. Kindergarten to Year Six students would remain at the existing school.

The Department identified traffic, transport and accessibility, and built form and urban design as the key issues for assessment. The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) EP&A Act, principles of ecologically sustainable development, and issues raised in submissions and the Applicant's response to these. The Department is satisfied the impacts of the proposal have been addressed by the Applicant or can be managed through conditions of consent.

The Department considers that the surrounding road network has capacity to accommodate additional traffic generated by the proposal subject to proposed road and intersection upgrades. The proposed new buildings have been sensitively designed in respect the context of the site, including adjoining rural and low density residential land uses.

The proposed development has a Capital Investment Value of \$32,273,637 and would generate 104 construction jobs and 59 operational jobs. The application was exhibited between 27 May and 23 June 2020 (28 days). The Department received a total of ten submissions, comprising eight submissions from public authorities (including Council), one from a community organisation and one public submission. The community organisation objected to the proposal, raising matters related to community consultation and Aboriginal cultural heritage.

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# 1 Introduction

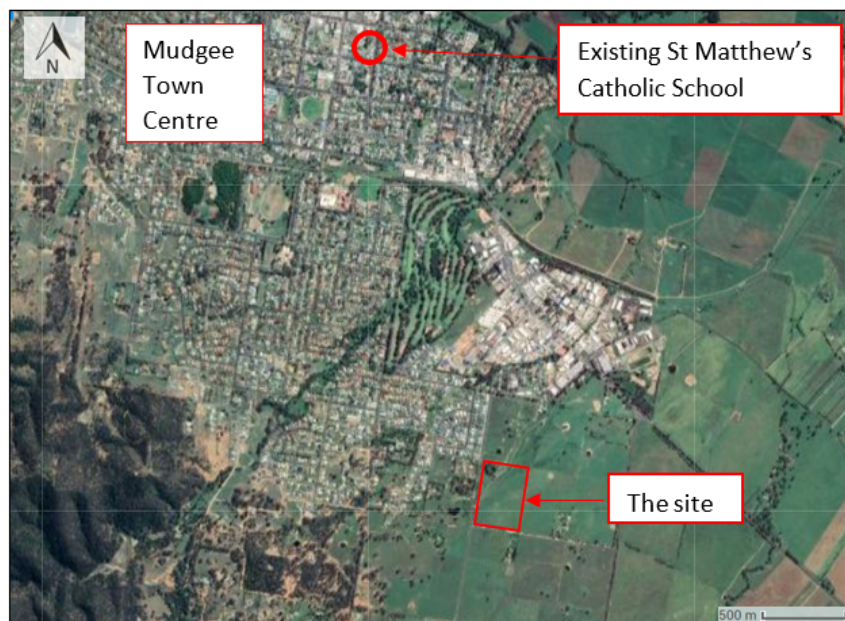
This report provides an assessment of a State significant development (SSD) application for the development of a new high school, St Matthews Catholic College, Mudgee at 48 Broadhead Road, Spring Flat (the site) (SSD 9872). The application has been lodged by the Roman Catholic Church for the Diocese of Bathurst (the Applicant) and the site is within the Mid-Western Regional Council (Council).

The application seeks to provide a new school for Year 7 to Year 12 with a capacity of 680 students. Proposed works include the construction of five one to two storey buildings, on-site car parking and drop-off / pick-up zone and associated works including landscaping, tree removal and road and footpath improvement works.

The proposal would accommodate Year 7 to 12 students currently accommodated at the existing St Matthew's Catholic School in Lewis Street, Mudgee. The existing school would continue to accommodate Kindergarten to Year Six students once Year 7 to 12 students are transferred to the new school.

## 1.1 Site Description

The site is located at 48 Broadhead Road, Spring Flat and is legally described as Lot 40 in DP 756894. The site is located three kilometres south-east of the Mudgee town centre. The location of the site in context of Mudgee and the existing St Matthew's Catholic School is shown in **Figure 1**.



**Figure 1** | Location of the site (Base source: Nearnmap 2020)

The site is a regular shaped allotment with primary frontage of 415 metres to Broadhead Road to the west and secondary frontage of 300 metres to Bruce Road to the south. The site has an area of 12.14 hectares. The site comprises mostly cleared grazing land with the exception of tree planting along the perimeter and within the north-western corner. Sawpit Gully, a medium sized stream, traverses the site from the north towards the south-west to Broadhead Road. The existing conditions of the site are shown in **Figure 2**.



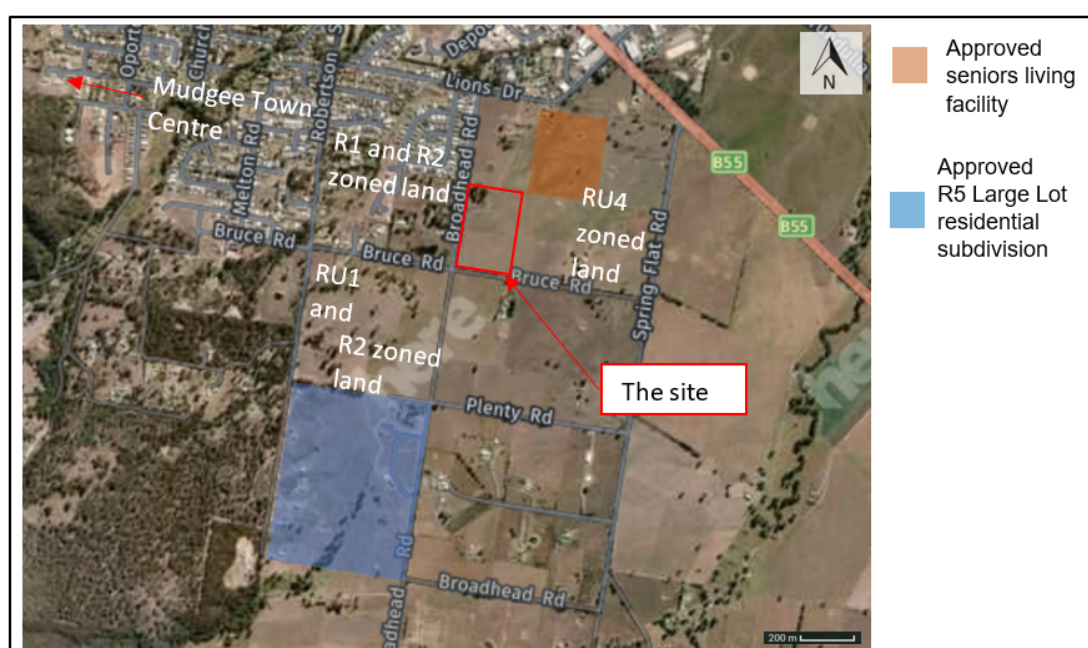
**Figure 2 |** Existing conditions of the site (Base source: Nearmap 2020)

## 1.2 Surrounding Development

The site is located at the south-edge of Mudgee township. Land to the north-west comprises relatively new residential dwellings on conventional lots. Land immediately to the west comprises rural residential development.

Land to the north, east and south of the site is currently used for rural purposes. However, local development consent was granted by Council on land to the north of the site for a seniors living development, although construction has not commenced (DA0370/2009). Land to the south-west of the site is zoned RU1 Primary Production and R2 Low Density Residential. A local development consent was granted by Council, on 12 August 2020, for a rural residential subdivision of land further to the south-west at 238 Broadhead Road (DA0089/2020).

The existing and future conditions of land surrounding the site is shown in **Figure 3**.



**Figure 3 |** Surrounding development (Base source: Nearmap 2020)

## 2 Project

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

**Table 1 | Main components of the project**

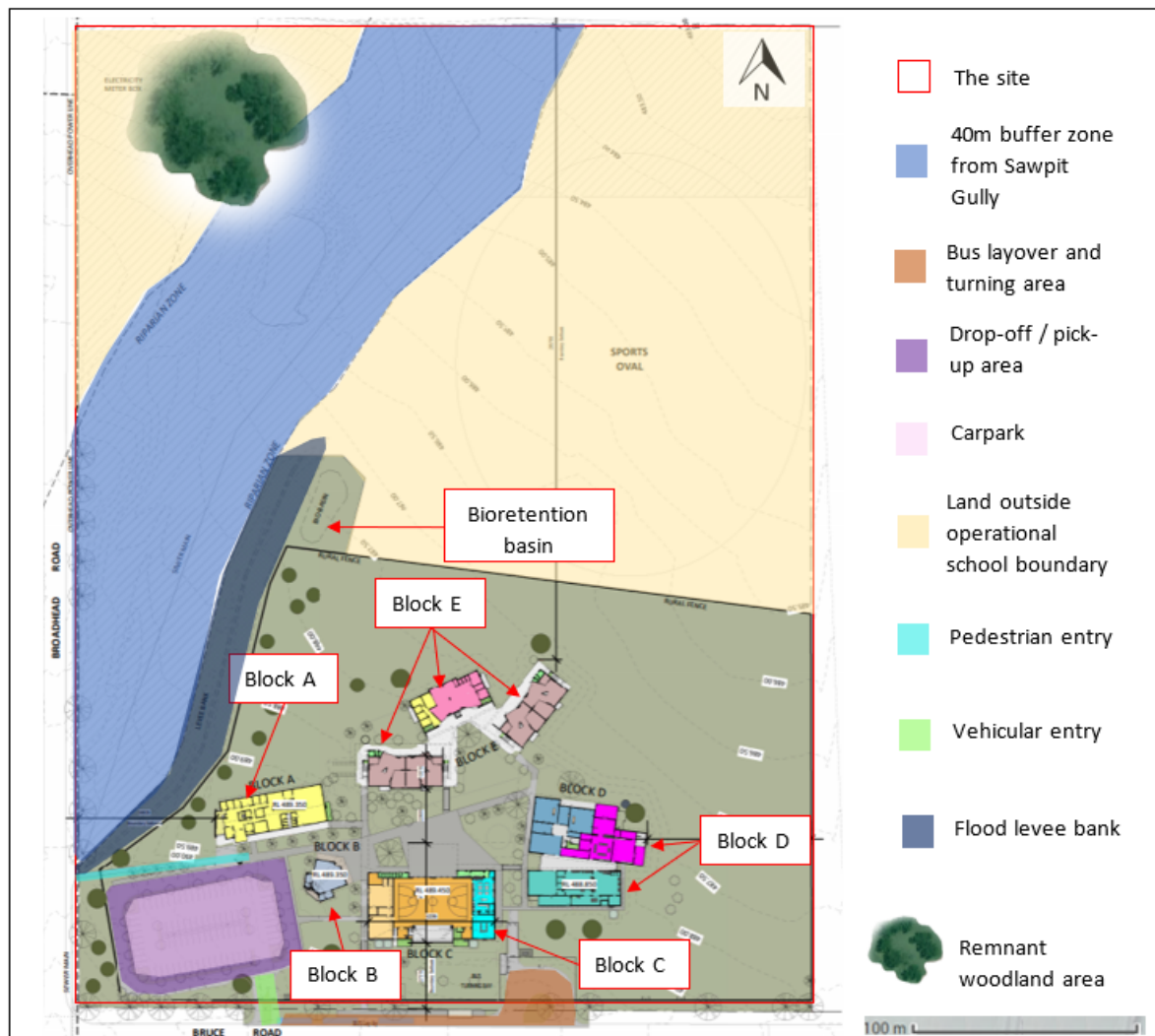
Aspect	Description
<b>Project summary</b>	Construction of a new high school to cater up to 680 students in Year 7 to Year 12.
<b>Built form</b>	<ul style="list-style-type: none"> <li>Construction of five new buildings comprising: <ul style="list-style-type: none"> <li>Block A – a single storey professional hub, including office and administration area.</li> <li>Block B – a single storey spiritual hub, including chapel.</li> <li>Block C – a single storey community hub, including multi-purpose hall, music / dance studio and canteen with rooftop photovoltaic system.</li> <li>Block D – two single storey buildings connected by an at-grade covered circulation area being the Science Technology Engineering and Mathematics (STEM) research hub, including teaching spaces.</li> <li>Block E – three, two storey buildings connected by a raised circulation area being the teaching and learning hub, including general teaching spaces and rooftop photovoltaic system.</li> </ul> </li> </ul>
<b>Site area</b>	<ul style="list-style-type: none"> <li>12.14 hectares.</li> </ul>
<b>Gross floor area (GFA)</b>	<ul style="list-style-type: none"> <li>6,556 square metres.</li> </ul>
<b>Uses</b>	<ul style="list-style-type: none"> <li>Private school catering to Year 7 to Year 12, for up to 680 students.</li> <li>Community use after school hours by community.</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>Vehicular access from Bruce Road.</li> <li>Pedestrian access from Broadhead Road.</li> </ul>
<b>Earthworks and flood levee</b>	<ul style="list-style-type: none"> <li>Up to 3,350 square metres of fill.</li> <li>Construction of the minimum building floor level above the flood level with 150 millimetres freeboard.</li> <li>Construction of a flood levee bank along the eastern perimeter of Sawpit Gully and raising of the intersection of Broadhead Road and Bruce Road.</li> </ul>

<b>Road upgrade works</b>	<ul style="list-style-type: none"> <li>• Construction of Broadhead Road as a sealed road with kerb and channel from the existing sealed formation adjacent to the northern site boundary to Bruce Road.</li> <li>• Construction of Bruce Road as a sealed road from Bruce Road to the main school entrance.</li> <li>• Construction of the intersection of Broadhead Road and Bruce Road to cater for buses.</li> <li>• Construction of a new footpath along the eastern side of Broadhead Road, from the existing footpath on the eastern side of Broadhead Road adjacent to the northern site boundary to the proposed pedestrian entrance.</li> <li>• Construction of a pedestrian refuge to connect the existing and proposed footpaths on either side of Broadhead Road. A formal pedestrian crossing would also be provided if the relevant Transport for NSW (TfNSW) thresholds are met following operation of the school.</li> <li>• Upgrade of external intersections to cater for increased traffic movements as a result of the proposal, including: <ul style="list-style-type: none"> <li>○ Broadhead Road and Lions Road.</li> <li>○ Lions Road and Robertson Road.</li> <li>○ Bruce Road and Robertson Road.</li> </ul> </li> </ul>
<b>Car parking and drop-off / pick-up</b>	<ul style="list-style-type: none"> <li>• 82 on-site car parking spaces, including two accessible spaces.</li> <li>• On-site drop-off / pick-up area for 25 vehicles.</li> <li>• Bus bay for three buses on Bruce Road with bus turning area.</li> </ul>
<b>Bicycle parking</b>	<ul style="list-style-type: none"> <li>• 36 bicycle spaces.</li> </ul>
<b>Public domain and landscaping</b>	<ul style="list-style-type: none"> <li>• Removal of 18 trees.</li> <li>• Planting of 127 new trees.</li> </ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>• School – 8am to 4pm.</li> <li>• Community use – 3pm to 10pm, Monday to Friday and 8am to 10pm, Saturday and Sunday.</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>• 104 construction jobs.</li> <li>• Approximately 59 operational jobs.</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>• \$32,273,637.</li> </ul>

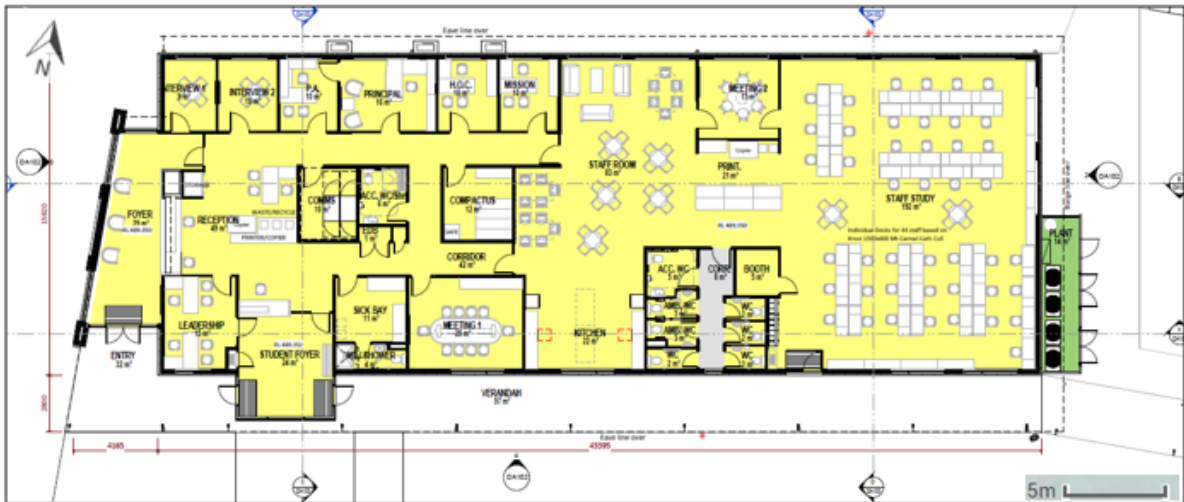
## 2.1 Physical layout and design

The proposed school would be located and limited to the southern end of the site presenting to Bruce Road. No works are proposed in the northern portion of the site (yellow area shown in **Figure 4**) including the Sawpit Gully buffer zone (blue area shown in **Figure 4**).

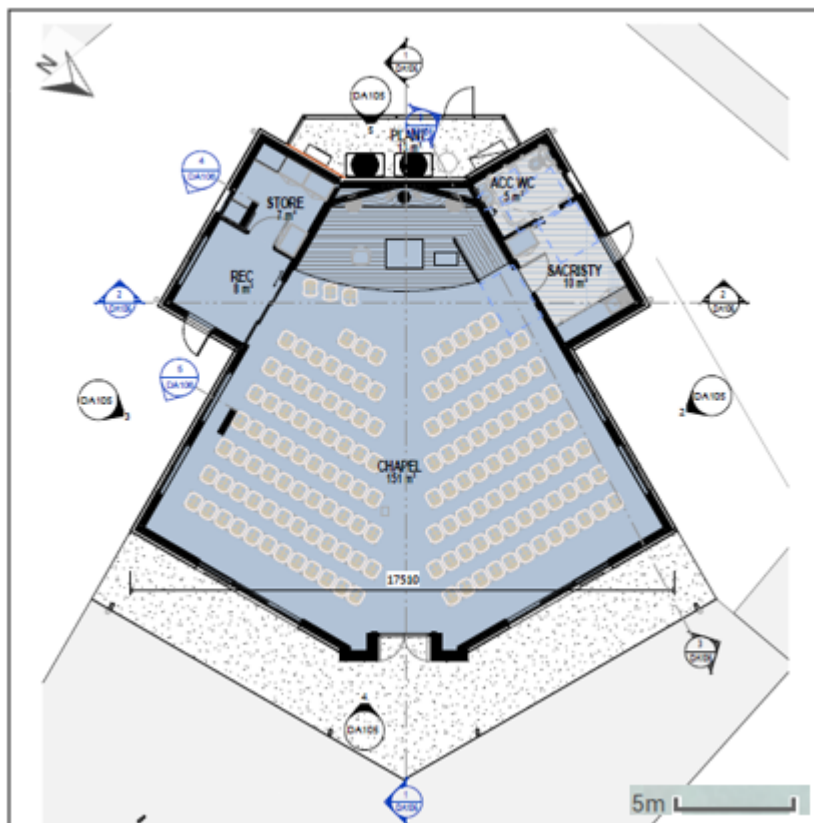
The proposed site layout is shown in **Figure 4**. The ground floor layout of each building is shown in **Figure 5** to **Figure 10** and elevations are shown in **Figure 11** to **Figure 14**.



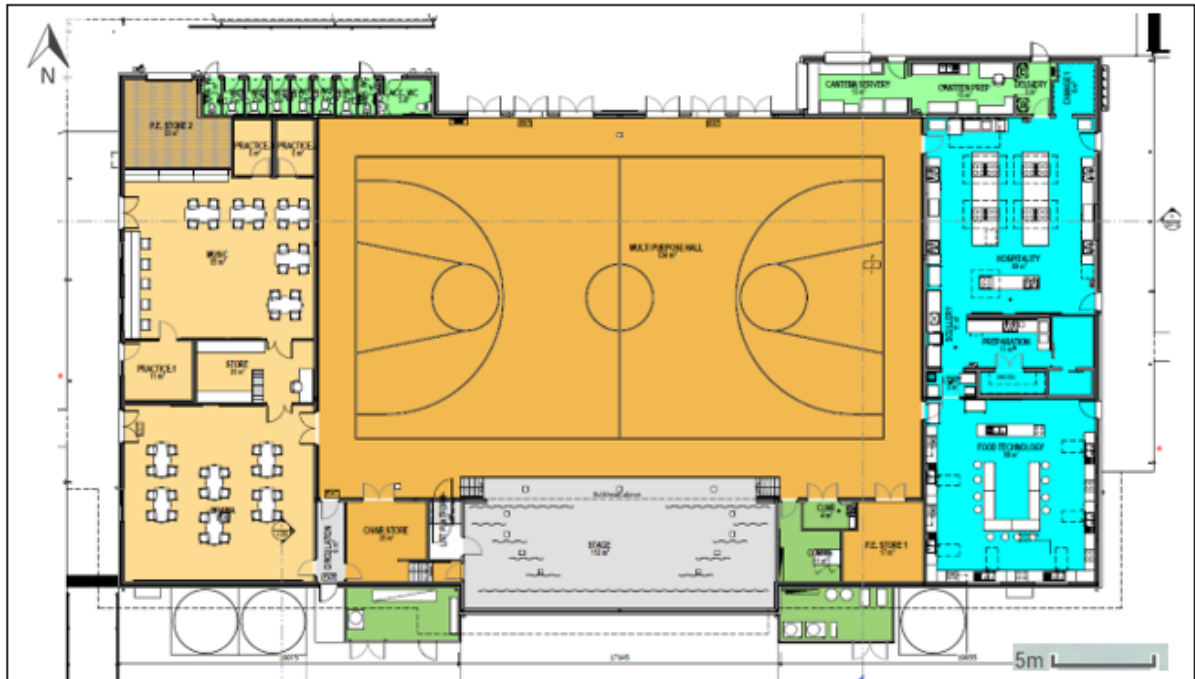
**Figure 4 | Site Layout** (Source: Applicant's RtS 2020)



**Figure 5 | Block A Layout (Ground Floor) (Source: Applicant's RtS 2020)**



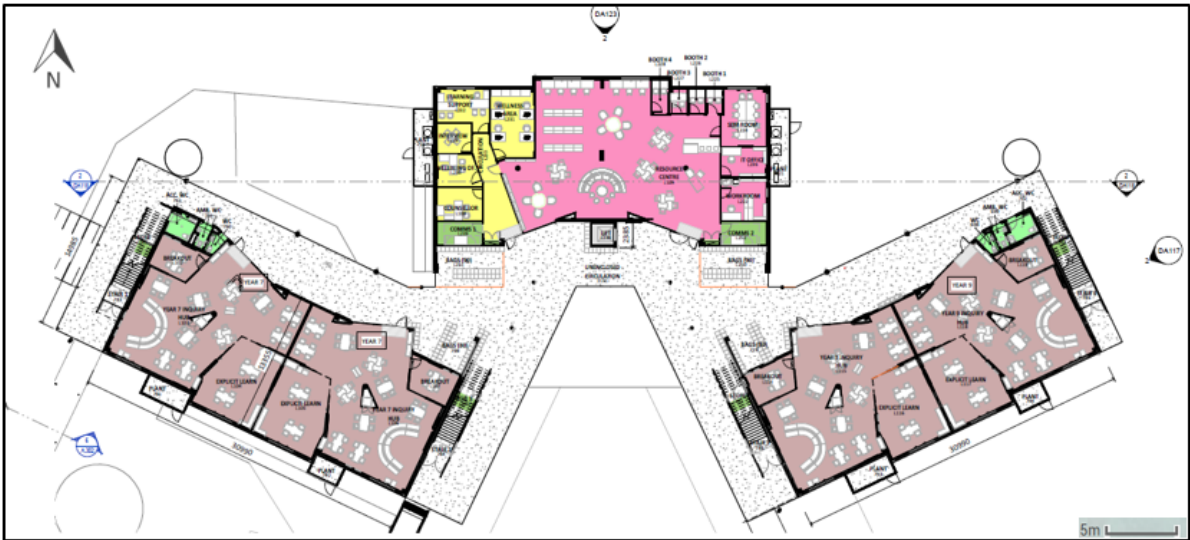
**Figure 6 | Block B Layout (Ground Floor) (Source: Applicant's RtS 2020)**



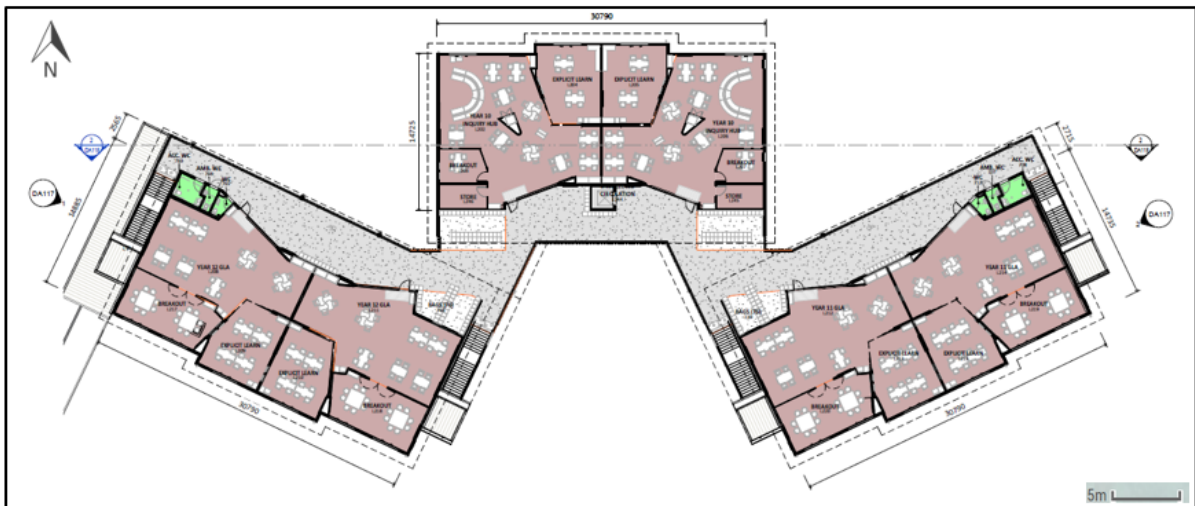
**Figure 7 | Block C Layout (Ground Floor) (Source: Applicant's RtS 2020)**



**Figure 8 | Block D Layout (Ground Floor) (Source: Applicant's RtS 2020)**



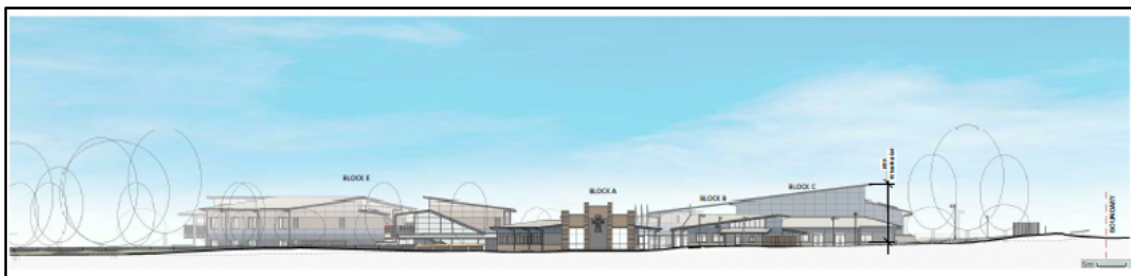
**Figure 9 | Block E Layout (Ground Floor) (Source: Applicant's RtS 2020)**



**Figure 10 | Block E Layout (First Floor) (Source: Applicant's RtS 2020)**



**Figure 11 | North Elevation (Source: Applicant's RtS 2020)**



**Figure 12 | West Elevation (Source: Applicant's RtS 2020)**



**Figure 13 | South Elevation (Source: Applicant's RtS 2020)**



**Figure 14 | East Elevation (Source: Applicant's RtS 2020)**

## **2.2 Uses and activities**

The development is for a high school (Year 7 to Year 12) for up to 680 students and up to 59 teaching staff, with ancillary facilities including a chapel, multi-purpose hall and a variety of outdoor play areas. The proposed community uses include music and dance lessons and performances, formal dinner functions, sporting groups and small-scale conferences and events.

## **2.3 Timing**

Construction is proposed to occur in one stage over 17 months. The anticipated school commencement date is Day 1 Term 1 of 2023 with full capacity of the school expected by 2026.

## **2.4 Potential future development**

The EIS noted that Kindergarten to Year 6 students may also be moved to the site from the existing St Matthews Catholic School in the future. However, the timing and works to facilitate the transfer has not been confirmed and does not form part of this application.

Any future expansion of the school on the site would be subject to a separate future assessment process.

### 3 Strategic context

The Applicant has advised the purpose of the new school is to broaden education and training opportunities in Mudgee to meet increased demand as a result of population growth.

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

- *Central West and Orana Regional Plan 2036*, as it would provide much needed school infrastructure and opportunities to co-share facilities with the local community.
- Transport for NSW's *Future Transport Strategy 2056*, as it would provide a new educational facility in an accessible location relative to Mudgee town centre, and provide access to additional new school transport services.
- *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it proposes:
  - new school facilities to support the growth in demand for high school student enrolments.
  - a school design to accommodate infrastructure and facility sharing with the community.

The development would also provide for a direct investment in the region of approximately \$36million and support up to 104 construction jobs and 59 operational jobs.

## 4 Statutory Context

### 4.1 State significance

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

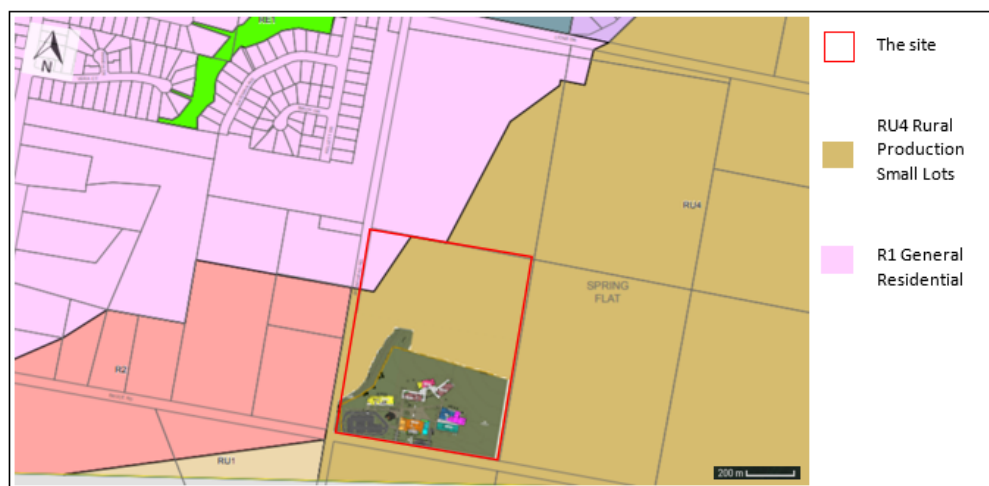
The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments, may determine the application as:

- the relevant Council has not made an objection.
- there are less than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

### 4.2 Permissibility

The area of building works is zoned 'RU4 Primary Production Small Lots' under the Mid-Western Regional Local Environmental Plan 2012 (MWLEP). The Department notes that a portion of the north-western corner of the site is zoned 'R1 General Residential'. However, the proposed buildings are approximately 200 metres from the north-western corner of the site (**Figure 15**).

'Educational Establishments' are permitted with consent in both the RU4 and R1 zone, as is development that is ordinarily ancillary to the use of the site. The Department is satisfied the proposed chapel would be ancillary to the use of the site an education establishment. Therefore the Minister, or a delegate, may determine the development.



**Figure 15 |** Land zoning (Base source: MWLEP, [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) 2020)

### 4.3 Other approvals

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

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

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

## 4.4 Mandatory Matters for Consideration

### 4.4.1 Environmental Planning Instruments

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

The Department has assessed of the relevant EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

### 4.4.2 Objects of the EP&A Act

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

**Table 2 | Response to the objects of section 1.3 EP&A Act**

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<p>The proposal involves the construction of a new education establishment that would provide for the growing needs of the Mudgee community.</p> <p>The proposal would provide for employment opportunities and result in economic and wider social benefits for the locality.</p> <p>The site is suitable for use as an educational establishment and would not significantly impact the natural environment, subject to conditions.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes measures to deliver ecologically sustainable development (ESD) (<b>Section 4.4.3</b>).</p>

(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 new education establishment to support demand in a growing urban 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,	<p>The proposal would protect the environment, as detailed in <b>Section 6</b>.</p> <p>The proposal would not affect any protected or threatened species or vegetation communities.</p> <p>The proposal involves landscaping and planting that would provide for new habitat opportunities.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any heritage items nor is it within the vicinity of heritage items of conservation areas. The development would conserve the Aboriginal cultural heritage value of the site.
(g) to promote good design and amenity of the built environment,	The proposed development has been designed to minimise potential amenity impacts whilst maximising its internal amenity and ensuring good design is achieved ( <b>Section 6</b> ).
(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, other public authorities and consideration of their responses ( <b>Section 5.3</b> ).
(i) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal, which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period. Issues raised in the submissions are considered in <b>Section 5.4</b> .

#### 4.4.3 Ecologically sustainable development

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

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

The development proposes ESD initiatives and sustainability measures, including:

- use of certified / best practice materials and consideration of durability, recycled content, location, embodied carbon and toxicity in their selection.
- installation of insulation to reduce heat transfer and consequent heat loss in winter and heat gain in summer.
- energy efficient design, including maximum use of natural light utilising suitably located windows and shading structures to reduce solar heat gain.
- installation of photovoltaic solar systems to provide on-site renewable energy.
- use of water conservation and quality measures, including highly efficient water fittings and fixtures, bio-retention basin and low water-dependent landscaping.

The Applicant is targeting an equivalent 4-Star Green Star (Australian Best Practice) rating in accordance with the Green Building Council's Five Green Star equivalent design. However, no formal rating is proposed to be pursued.

To ensure a 4-Star Green Star Rating is achieved, the Department has recommended a condition that requires the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia or an equivalent accreditation process.

Subject to this condition, the proposed development is consistent with ESD principles as described in Appendix N 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).

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

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives encourage ESD, in accordance with the objects of the EP&A Act.

#### **4.4.4 Environmental Planning and Assessment Regulation 2000**

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

#### **4.4.5 Planning Secretary's Environmental Assessment Requirements**

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

#### 4.4.6 Section 5.15(1) matters for consideration

**Table 3** identifies the matters for consideration under section 4.15 EP&A Act that apply to SSD in accordance with section 4.40 EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** 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 <b>Appendix B</b> .
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the relevant proposed EPIs is provided in <b>Appendix B</b> .
(a)(iii) any development control plan (DCP)	Under clause 11 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&amp;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	The impacts of the proposed development have been appropriately mitigated or conditioned ( <b>Section 6</b> ).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in ( <b>Section 6</b> ).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period ( <b>Sections 5 and 6</b> ).
(e) the public interest	The proposal is considered to be in the public interest ( <b>Section 6</b> ).

#### 4.4.7 Biodiversity Conservation Act 2016

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

On 18 March 2019, 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 26 March 2020 and 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 EP&A Act, the Department publicly exhibited the application from 27 May 2020 until 23 June 2020 (28 days). The application was exhibited on the Department's website and adjoining landholders and relevant state and local government authorities were notified in writing. A Department representative visited the site to provide an informed assessment of the development.

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

### 5.2 Summary of submissions

The Department received a total of ten submissions, including eight from public authorities (including Council), one from the Ibbai Waggan-Wiradjuri People and one public submission. The Ibbai Waggan-Wiradjuri People submission objected to the proposal.

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

### 5.3 Public authority submissions

A summary of the issues raised in public authority submissions is provided at **Table 4**.

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

#### Mid-Western Regional Council (Council)

Council advised that it did not object to the proposal, but had concerns in relation to some aspects. Council made the following comments:

- traffic:
  - the traffic rate and distribution assumed in the Traffic, Parking and Transport Impact Assessment (TPTIA) is inaccurate, including the number of trips entering and exiting the site off Bruce Road via Spring Flat Road and travelling through the intersection of Lions Drive and the Castlereagh Highway. The number of overall traffic movements is expected to be higher than predicted in the TPTIA.
  - construction drawings are required to be submitted for approval for the upgrade to the section of Broadhead Road that immediately adjoins the site, the upgrade to Bruce Road between Broadhead Road and Spring Flat Road and the upgrade to four intersections being:
    - Broadhead Road and Lions Drive.
    - Broadhead Road and Bruce Road.
    - Lions Drive and Robertson Road.

- 
- Bruce Road and Robertson Road.
    - construction drawings are also required to be submitted for approval for the pedestrian refuge opposite 44 Broadhead Road.
  - parking:
    - on-site car parking should be increased as the proposed 75 car parking spaces do not cater for the 81 teaching and support staff expected to support the school at its peak capacity.
    - additional car parking is required on site for senior students as the TPTIA does not accurately consider the potential number of senior students driving to school and parking on-site.
    - on-street parking should be prohibited as a condition of consent.
  - drainage, water and sewerage:
    - a detailed Stormwater Drainage Design and Management Plan is required, showing the appropriate detention devices or the creation of a drainage easement to mitigate localised flooding.
    - new water mains and upgrades to existing water mains are required to ensure suitable water pressure and flow to service the site.
    - water and sewer mains are required to be constructed to Council's specifications.
    - a Liquid Trade Waste application would be required for activities such as teaching laboratories, cooking and commercial kitchen uses.
  - other:
    - the Applicant's request for an exemption from the section 64 Contribution is unable to be waived. The section 64 Contribution and section 7.12 Developer Contributions are required to be paid.
    - a Workforce Construction Statement and Construction Management Plan are required to be submitted prior to the commencement of construction.
    - conditions of consent relating to signage are recommended to ensure compliance with relevant the Australian standards.
    - the use of the school after hours and on weekends should not cause amenity impacts to neighbouring residents, and conditions are recommended relating to management of noise, traffic and use of outdoor spaces.

#### **NSW Environment Protection Authority (EPA)**

EPA provided no comments in relation to the project.

#### **Transport for NSW (TfNSW)**

TfNSW made the following comments:

- traffic and parking:

- 
- the number of students travelling to school via car assumed in the TPTIA is unrealistic. Revised SIDRA modelling is required to be submitted that accurately reflects the likely traffic generation.
  - the TPTIA incorrectly assumed the rate of vehicles entering and exiting the site towards the east, via Lions Drive and the Castlereagh Highway. A revised SIDRA is required to be submitted to accurately reflect the traffic split.
  - the proposed on-site car parking is insufficient to accommodate expected demand and concern is raised that this will result in overflow parking on streets on the surrounding roads.
  - the carpark is required to be redesigned to limit the number of car parking spaces within the dead-end aisle from 16 to six to comply with the AS 2890.1: 2004 Parking facilities Part 1: Off-street car parking.
  - drop-off / pick-up:
    - the location of the drop-off / pick-up zone relative to the car park is not supported as it would create traffic congestion.
    - the close proximity of the entry of the drop-off / pick-up zone to the carpark entrance may result in safety issues during peak hour.
    - additional information is required showing the management of pedestrians from the car park through the drop-off / pick-up facility.
    - the proposed design of the internal pedestrian refuge across the drop-off / pick-up area does not provide adequate sight clearance for both pedestrians and drivers.
    - the drop-off / pick-up area and the refuge are required to be redesigned to comply with relevant standards and guidelines.
  - bus access and drop-off / pick-up:
    - additional information including a swept path analysis is required, to demonstrate manoeuvring of buses in the bus bay and movement at the intersection of Broadhead Road and Bruce Road.
    - weather protection structures should be provided for students waiting for buses.
  - other:
    - the loading area should be redesigned so that vehicles enter and leave the site in a forward direction.
    - all pedestrian crossings must comply with relevant standards and guidelines.
    - the existing Broadhead Road footpath is not shared with cyclists. The new section of Broadhead Road footpath forming part of the public domain works is proposed to be shared between cyclists and pedestrians. The Applicant is required to consider the safety of pedestrians and cyclists transitioning from the shared to non-shared portion of Broadhead Road.
    - any works to Castlereagh Highway requires concurrence from TfNSW.

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

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EESG advised that consultation has been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* and would not harm Aboriginal objects.

#### WaterNSW

WaterNSW advised that it had no comments in relation to the proposal.

#### Crown Lands

Crown Lands advised that it had no comment in relation to the proposal.

#### Essential Energy

Essential Energy advised that it has existing overhead lines along Bruce Road and Broadhead Road. The overhead lines could be used to service the development, subject to its approval of an application for connection.

#### Department of Primary Industries (DPI)

DPI advised it had no objections to the development and commented that:

- a Land Use Conflict Risk Assessment is recommended to be undertaken in relation to the adjoining lands used for agriculture. Mitigation measures should be included to address of current and potential agricultural land uses, including the potential for the soil landscape to support the viticultural industry to the north-east of Mudgee.

## 5.4 Public submissions

The submission received from the Ibbai Waggan-Wiradjuri People community group objected to the development. The submission stated that consultation with the Aboriginal stakeholder community was not carried out correctly and that the development impacts the Ibbai Waggan People's sacred sites. The submission also stated that the Planning Minister of NSW and the Department have never had the power to endorse any projects within the Ibbai Waggan Ngurangbang area.

The one public submission was in support of the development.

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 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.

On 6 October 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during EIS exhibition. The RtS included:

- updated site and landscape plans in response to Council and TfNSW submissions relating to the drop-off / pick-up zone and car parking arrangement. An additional seven car parking spaces and 13 drop-off / pick-up spaces were provided. The separate entrance for the drop-off / pick-up area was deleted and combined with the entrance to the car park.

- a supplementary Traffic Statement that responded to Council and TfNSW submissions relating to traffic split assumptions.
- updated floor plans, elevations and sections showing the proposed buildings raised by 150 millimetres in response to revised Stormwater Drainage Management Plan requested by Council.
- amended plans included additional design changes, comprising rearrangement of rooms and storage areas, amended door and window openings and amended loading bay and waste area location.
- updated civil plans providing additional detail requested by Council, including vehicle swept path analysis.
- a Land Use Conflict Risk Assessment in response to the DPI submission.
- a finalised Integrated Management Plan and Operations Plan.

The RtS was made publicly available on the Department's website and referred to relevant public authorities. Four additional submissions were received from public authorities. A summary of issues raised in the public authority submissions is provided in **Table 5**.

**Table 5 | Summary of public authority submissions to the RtS.**

### Council

Council recommended additional conditions to address outstanding issues in relation to the:

- submission of detailed plans to Council prior to the commencement of construction showing the road upgrade works to Broadhead Road.
- restriction on use of street parking by staff and students.
- preparation and approval of a works-in-kind agreement with Council to offset the section 64 Contribution water headworks levy (**Section 6.3**).
- payment of the section 64 Contribution sewer headworks levy and the section 7.12 Developer Contributions prior to the commencement of construction.
- confirmation of sewer connection points with Council prior to the commencement of construction.

Council noted the following outstanding issues:

- treatment of the following intersections to accommodate vehicle movements to and from the school from the surrounding area:
  - Broadhead Road and Lions Drive.
  - Broadhead Road and Bruce Road.
  - Lions Drive and Robertson Road.
- the kerb and gutter along Bruce Road should be extended for the full length of the school boundary to ensure no gaps in drainage infrastructure.
- the updated plans lack details of the road marking and signage required within the on-site car parking area.

### TfNSW

TfNSW requested the following outstanding issues be considered:

- a concept development application be developed in relation to the potential future inclusion of Kindergarten to Year 6 students on the site to address potential traffic impacts.
- the timing of the construction of the proposed school buildings in relation to public domain works, including the pedestrian footpath along Broadhead Road.
- clarification of the traffic volumes considered in the Traffic Statement and provision of existing background traffic volume data.

Conditions were recommended in relation to the proposed drop-off / pick-up area, public domain works, lighting, swept path analysis, operational traffic and signage.

#### EESG

EESG noted additional trees were proposed to be removed, however advised that the removal of these trees is unlikely to have adverse impacts on any threatened species and flight path integrity.

#### DPI

DPI advised the Land Use Conflict Risk Assessment was considered reasonable under the current agricultural land use circumstances. It noted that the Land Use Conflict Risk Assessment would raise the Applicant's awareness of the development's infringement into an agricultural area should land use changes take place.

## 5.6 Supplementary Response to Submissions

On 21 November 2020, the Applicant submitted a Supplementary Response to Submissions (SRtS) which responded to Council and TfNSW comments on the RtS and matters raised by the Department. The SRtS included:

- updated plans detailing the intersection works proposed to the Broadhead Road and Lions Drive to allow bus turning, and the Lions Drive and Robertson Road intersection and Bruce Road and Robertson Road intersection to accommodate traffic generated by the development.
- updated swept path analyses showing details of bus and service vehicle movements.

The SRtS advised that a concept development application would not be developed and future development, including extension of the school to accommodate Kindergarten to Year 6 students, would be subject to a future assessment process.

The Applicant advised that the current assessment has considered the existing known growth scenarios, and any future development on the site would consider the local traffic conditions and expected growth levels at that point in time.

## 6 Assessment

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

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

Each of these issues are discussed in the following sections of this report. Other issues considered during the assessment are discussed at **Section 6.3**.

### 6.1 Traffic, Transport and Accessibility

The EIS included a Traffic, Parking and Transport Impact Assessment (TPTIA) which assessed the development's potential traffic, transport and accessibility impacts. The EIS also included an Integrated Management Plan, incorporating a Construction Traffic and Pedestrian Management Plan, Construction Environment Management Plan, and Green Travel Plan (GTP). An Operations Plan, detailing the proposed school operation and construction hours including hours of use and parking, was provided with the RtS.

#### 6.1.1 Existing conditions

The site has frontage to Broadhead Road, which is a local road with a carriageway width of seven to eight metres. The portion of Broadhead Road adjoining the site is unsealed. However, the section of Broadhead Road from the northern boundary of the site to Lions Drive is sealed with a footpath along the western side (**Figure 16**). The site fronts Bruce Road to the south, which is also a local road with a carriageway width of eight metres. The road is unsealed with no existing pedestrian footpath.

Lions Drive and Castlereagh Highway are approximately one kilometre to the north of the site and provide access to Mudgee township and Lithgow. Lions Drive is a local sealed road, with kerb and gutter, and no existing pedestrian footpath. Castlereagh Highway is a classified road.

The site is approximately an eight-minute drive from the Mudgee town centre. There are no cycle paths from the Mudgee township to the site. The nearest existing public bus stops to the site are at the intersection of Spring Road and Robertson Road and the intersection of Robertson Road and Lions Drive, both approximately 1.6 kilometres from the site (**Figure 16**). At these stops, services run on weekdays with two mid-morning services and two afternoon services to Mudgee town centre.



**Figure 16** | Existing footpath and bus stop infrastructure (Base source: Nearmap 2020)

### 6.1.2 Construction traffic

The TPTIA and the Integrated Management Plan advised:

- construction is expected to commence in June 2021 and take 17 months.
- on-site parking would be provided for construction workers, with directional signage to be erected at the entrance of the site. Where possible, the workers would be encouraged to car-pool.
- all construction works would be carried out within the boundaries of the site and no work zones are required to be established on adjoining roads.
- construction vehicle routes to and from the site would be via Castlereagh Highway, Spring Flat Road and Bruce Road.
- six construction vehicles are expected to enter and exit the site per hour, with a peak of 20 during concrete pouring works. The peak construction vehicle movements would occur outside of typical peak periods.
- a final Construction Traffic Management Plan will be submitted to Council and TfNSW.

Council requested road improvement works be undertaken on Bruce Road prior to the commencement of construction, to support construction traffic. Council advised that the upgrade to Bruce Road should expand beyond the site boundary, extending the entire length of Bruce Road between Broadhead Road to Spring Flat Road. TfNSW did not make any comments relating to construction traffic in its submission to EIS.

The Applicant's RtS advised that the EIS and TPTIA mistakenly included Bruce Road as part of the construction vehicle route. Instead, the correct route would be via Castlereagh Highway, Lions Drive and Broadhead Road (Figure 17). On this basis, the Applicant clarified that improvement works to Bruce Road could be undertaken prior to the commencement of use of the school. Further details relating to road improvement works are in **Section 6.1.4**.



**Figure 17 | Proposed construction vehicle route (Base Source: Sixmap 2020)**

The Department has reviewed the TPTIA and the Integrated Management Plan and is satisfied that construction traffic could be adequately managed, subject to preparation of a Construction Traffic and Pedestrian Management Plan. This would detail more specific haulage route impacts and construction management measures to mitigate construction traffic impacts.

The Department accepts that driving would be the main mode of travel for workers and accordingly recommends a condition requiring the provision of on-site parking for construction workers. This is considered achievable given that the area to be developed is limited to the southern side of the site and ample parking can be accommodated on the eastern side of the site.

### 6.1.3 Operational traffic

The TPTIA assessed the impacts of the proposal on operational traffic. To assess the impacts, the TPTIA used data from the travel mode surveys conducted as part of the Green Travel Plan (GTP) for high school students and staff at the existing St Matthews Catholic School on Lewis Street.

The GTP found that over half of students are dropped-off / picked-up from school or drive (**Error! Reference source not found.**). Over 90% of staff currently drive to school either as a driver or passenger.

**Table 6 | Student and staff mode share (Base source: Applicant's EIS 2020)**

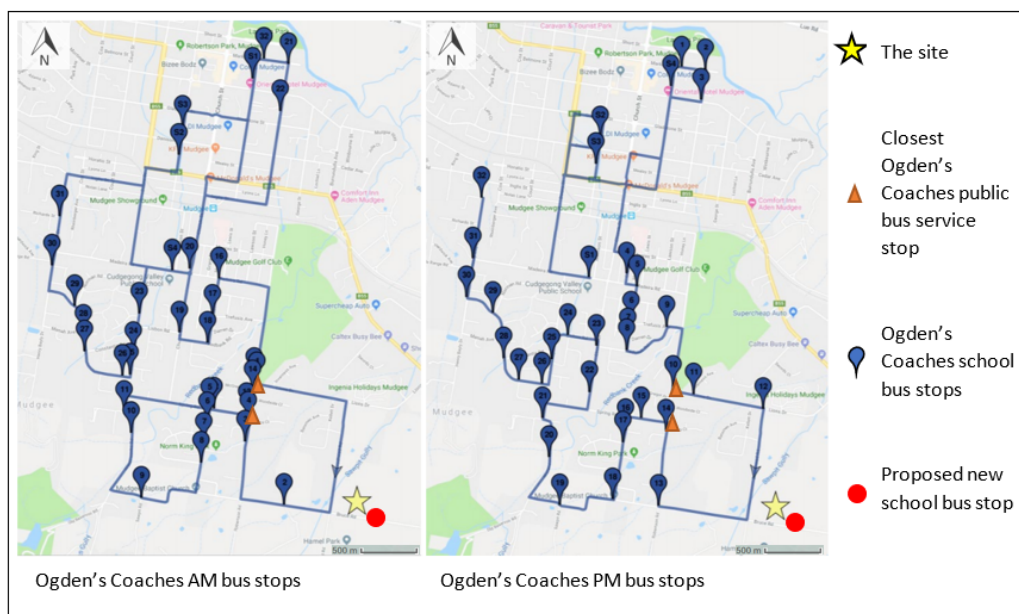
Mode Share	Students	Staff
Car (passenger)	43.3%	7.9%
Car (driver)	9.1%	84.2%
Bus	33.6%	2.6%
Walk / cycle	14%	5.2%

The GTP noted that 69.6% of the students reside in Mudgee. The remaining students reside in surrounding areas include Bombira (2.8%), Gulgong (2.6%) and Menah (1.9%) (Error! Reference source not found.).



**Figure 18 | Location of students' residence (Base source: Google Maps 2020)**

Existing school bus services provided by Ogden's Coaches currently cater to 33% of the high school students travelling to the existing Lewis Street school. **Error! Reference source not found.** shows Ogden's Coaches current morning and afternoon school bus stops and the two closest public stops to the site, which are approximately 1.6 kilometres from the site. New bus services are proposed to take students to the new school, with routes to be finalised with Ogden's Coaches and TfNSW prior to operation of the school. Three new bus bays are proposed on Bruce Road to service the school.



**Figure 19 | Existing bus services around the site (Base source: Applicant's EIS 2020)**

The GTP predicted that there would be a 6% increase in bus usage because more students would qualify for the School Student Transport Scheme (SSTS) due to the school's further distance from the Mudgee town centre, in contrast to the existing Lewis Street school. The GTP also speculated that public transport would improve in the future based on Council's forecasted population growth in the Spring Flat area. Using the survey results gathered and information collected, the GTP predicted that active and public modes of travel would increase when compared to the existing rates at the Lewis Street campus (**Error! Reference source not found.**).

**Table 7 | Mode share target** (Base source: Applicant's EIS 2020)

Mode Share	Students (existing)	Students (proposed)	Staff (existing)	Staff (proposed)
Car (passenger / driver)	52.4%	47 - 49%	92.1%	87 - 89%
Bus	33.6%	37 - 40%	2.6%	5 - 6%
Walk / cycle	14%	15 - 16%	5.2%	6 - 7%

The GTP included a number of measures to encourage bus usage and active travel to meet the mode share targets in **Error! Reference source not found.**, including:

- restriction on senior students who can drive to school based on special circumstances, e.g. disability, distance from home.
- limiting on-site car parking for staff who live within five kilometres of the school.
- offering suitable clothing (pants or shorts) to students that would give flexibility to walk / cycle to school.

Using the proposed travel mode share, the TPTIA modelled the traffic flows on the surrounding road network using a SIDRA analysis to forecast the expected future performance of key intersections (**Figure 20**) in the Year 2026 when the school would be at maximum capacity.



**Figure 20 | Intersections modelled** (Base source: Sixmaps 2020)

The SIDRA analysis found that the Castlereagh Highway / Lions Drive / Burrundulla Road intersection is expected to worsen from a level of service (LoS) A to a LoS B. It found that other intersections currently operate at LoS A and would continue to operate at LoS A in 2026, including:

- Broadhead Road / Lions Drive.
- Lions Drive / Robertson Road.
- Bruce Road / Robertson Road.
- Broadhead Road / Bruce Road.
- Spring Flat Road / Bruce Road.
- Spring Flat Road / Castlereagh Highway.

The TPTIA also modelled ten-year traffic flows on the surrounding road network, including traffic generated as a result of anticipated population growth in the region. The results found that by 2036, the Castlereagh Highway / Lions Drive / Burrundulla Road intersection would continue to operate at a LoS B and the remaining intersections would continue to operate at a LoS A. Based on these results, the TPTIA concluded that the school would not be expected to impact the road network efficiency.

Council raised concern regarding an assumption made in the TPTIA that no vehicles would access the site from Bruce Road via Spring Flat Road and Castlereagh Highway. Council noted that the number of traffic movements along this route would be significantly higher than assumed.

TfNSW also stated that the TPTIA included unrealistic assumptions regarding traffic split of vehicles likely to access the site from the Bruce Road / Spring Flat Road / Castlereagh Highway. TfNSW advised that the TPTIA underestimated the use of private vehicles to access the site due to its distance from the town centre. Therefore, the calculations relating to traffic generation are incorrect. Concern was also raised in relation to traffic generation along Bruce Road. TfNSW requested that a revised SIDRA analysis be provided that incorporates more realistic traffic generation and distribution assumptions which reflected expected population growth within the Spring Flat area.

Council and TfNSW also raised concern that students would be unlikely to walk or cycle to school due to the location of the school out of town. This would result in a greater than predicted car usage rate.

The Applicant's RtS included a Traffic Statement which confirmed that the traffic generation assumptions are accurate and can be attributed to an expected 6% increase in bus travel given access to the School Student Transport Scheme (SSTS) and a reduction of 24 drop-off / pick-up vehicles accessing the site during peak periods. A revised SIDRA analysis was also submitted that included 12% of vehicles accessing the site from Bruce Road / Spring Flat Road / Castlereagh Highway.

The revised SIDRA analysis found that the LoS ratings of the intersections assessed, with the increase in the Spring Flat population, would not be dramatically altered and remain at LoS A and LoS B. The Applicant's RtS advised that the revised SIDRA analysis indicated acceptable impacts to the local road network.

In its response to RtS, TfNSW stated that the expected traffic generation remains inadequately addressed, on the basis that the school is intended to be extended for Kindergarten to Year 6 students in the future. TfNSW advised that the SIDRA modelling should be based on the total number of students expected from Kindergarten to Year 12, as opposed to only Year 7 to Year 12 students. A concept development application was advised to be prepared to accurately reflect the implications of the development on the local road network. In addition, TfNSW advised that the SIDRA modelling

should include changed routes from the growth of future urban release areas, including those set out in the Mid-Western Local Strategic Planning Statement and the draft Mudgee Large Lot Residential Strategy.

Council did not make any comments in relation to operational traffic in its response to RtS but did confirm that upgrades to several intersections was required (**Section 6.1.4**).

The Applicant's SRtS further stated that a concept development application would not be lodged as requested by TfNSW and advised that the relocation of Kindergarten to Year 6 students to the site is not confirmed at this time or included in the application. The Applicant noted a future assessment process to relocate students would include new traffic modelling to reflect the proposal and the Spring Flat population at that point in time. The Applicant advised that SIDRA modelling has considered Council's Urban Land Release strategy which predicted 2% population growth per annum. The RtS also advised that the school aims to achieve the mode share targets through measures outlined in the GTP, including maximising awareness of the SSTS.

The Department has considered the information provided by the Applicant and advice provided by Council and TfNSW. The Department agrees the likely mode of travel is by car or bus due to the location of the site outside the Mudgee town centre, and that future development would alter the current usage of the surrounding road network. Nevertheless, the Applicant has demonstrated that the key intersections would operate at a satisfactory LoS, including with the forecast population growth. The Department notes the provision of new bus services to the school would alleviate traffic impacts during peak periods by reducing private vehicle usage associated with the school. The Department is satisfied that the Applicant has demonstrated that the local road network could reasonably accommodate the additional traffic generated by the development.

In relation to concerns raised by TfNSW in relation to any future extension of the school to accommodate Kindergarten to Year 6 students, the Department notes that it can only consider the application before it. Any future expansion of the school is subject to further assessment that would incorporate traffic modelling that considers the increased school population and other known development in the area.

The Department has recommended conditions requiring the implementation, monitoring and review of an Operational Transport and Access Management Plan (OTAMP) and a final Green Travel Plan (GTP) to manage operational transport arrangements and mitigate impacts on the local road network. This includes measures and monitoring to ensure mode share targets are achieved to reduce the number of vehicles travelling to and from the site during peak periods.

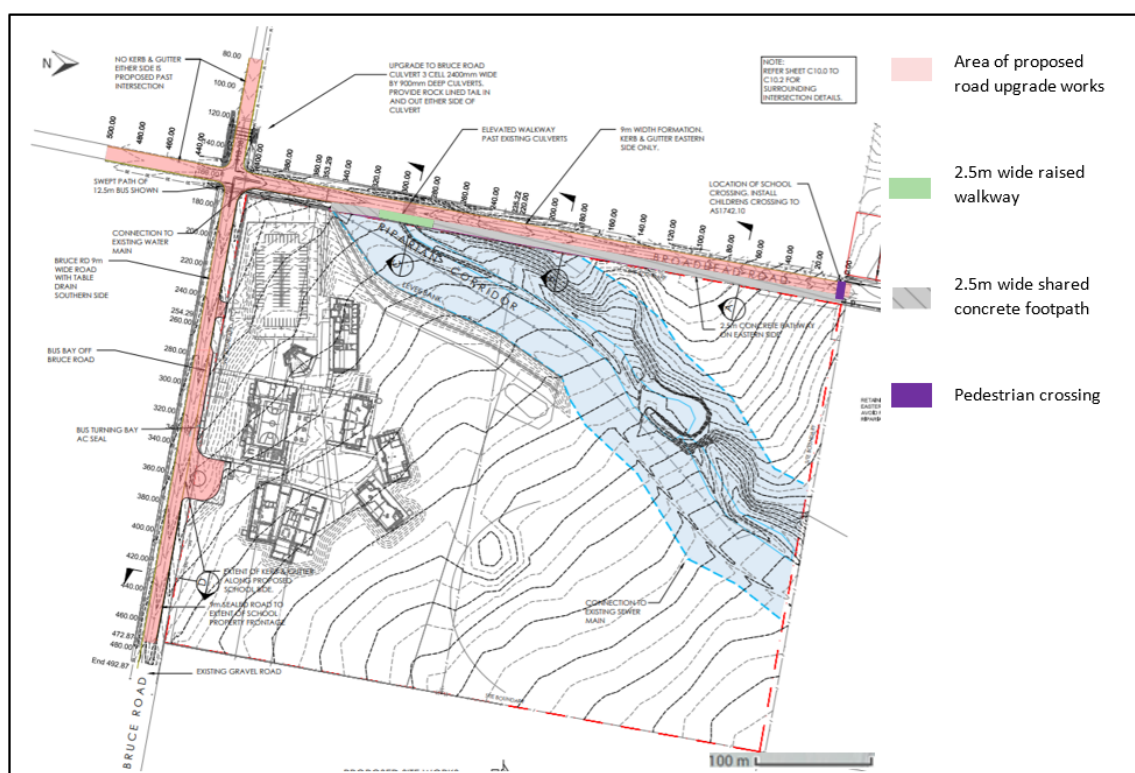
The Department has recommended conditions that require the school bus route(s) to be finalised in consultation with Council and TfNSW.

#### **6.1.4 Road and footpath upgrade works**

To facilitate access to the site, the proposal includes road upgrade works to Broadhead Road and Bruce Road. The works include sealing and widening of each road for the extent of the site frontages to accommodate one lane traffic in each direction. Both roads would have an overall carriageway width of nine metres and minimum lane width of 3.5 metres.

The EIS also committed to the construction of a 2.5 metre wide shared pedestrian footpath along the eastern side of Broadhead Road. The shared footpath would extend for the length of the site's

western boundary and connect to the existing footpath along the western side of Broadhead Road via a new pedestrian refuge. Proposed works are depicted in **Error! Reference source not found..** The Applicant noted that the pedestrian refuge could potentially include a pedestrian crossing, subject to review against TfNSW requirements once the school is operational.



**Figure 21 | Proposed road and footpath upgrade works (Base source: Applicant's RtS 2020)**

In its submission to the EIS, Council requested changes to the proposed works along Broadhead Road and Bruce Road, including that the proposed footpath on Broadhead Road should extend to Bruce Road. Council confirmed that a pedestrian refuge should be provided to facilitate safe movement from the proposed and existing footpaths on Broadhead Road. It also requested upgrades to three intersections to support bus turning and increased vehicle movements through intersections (shown as 2, 3 and 4 in **Figure 20**) including:

- Lions Drive and Broadhead Road.
- Lions Drive and Robertson Road.
- Robertson Road and Bruce Road.

TfNSW advised that the existing footpath on the western side of Broadhead Road is not wide enough to be shared with cyclists. It also raised concerns regarding pedestrian and cyclist safety when transitioning from the new shared path on the eastern side of Broadhead Road to the existing non-shared footpath on the western side of the road.

In its RtS, the Applicant advised that a meeting had been held with Council that agreed on the upgrades to Broadhead Road and Bruce Road. However, the Applicant advised that agreement had not been reached on the upgrade of the three additional intersections requested by Council. The Applicant also advised that it would not extend the Broadhead Road footpath beyond the proposed pedestrian entrance to the site.

In relation to Council's request for a pedestrian refuge, the Applicant confirmed that a pedestrian refuge is included in the proposal. The Applicant further advised that this may be subsequently upgraded to a pedestrian crossing after carrying out monitoring of operational traffic flows as per TfNSW's requirements.

In its response to RtS, Council confirmed that the Applicant's proposed works to the Broadhead Road and Bruce Road were acceptable. However, Council reiterated its request for the upgrade of the three intersections and requested further information from the Applicant to justify that the upgrades were not required to mitigate impacts of the school.

TfNSW advised that the proposed road and footpath upgrade works should be designed to accommodate flood planning (**Section 6.3**) and be completed prior to use of the site. TfNSW also advised that the shared footpath along Broadhead Road should extend beyond the site boundary.

The Applicant's SRtS advised that further discussions were held with Council to negotiate the treatment of the three intersections. The discussions concluded that the Applicant would upgrade two of these intersections for light traffic only (i.e. for parent/carers and staff traffic) and upgrade the third intersection to accommodate school bus movements. The SRtS included concept plans for the proposed upgrades. The SRtS also advised that Council agreed to use the section 7.12 Contributions to be paid by the Applicant (**Section 6.3**) to upgrade Bruce Road to the east of the site that would not be upgraded by the Applicant.

In response to TfNSW's comments, the Applicant did not agree to the extension of the proposed footpath to the end of the site's boundary on Broadhead Road. The Applicant advised that this encourages pedestrian access onto Bruce Road which has no footpath infrastructure and would cause conflict between pedestrians and drivers.

In response to the SRtS, Council confirmed that it agreed to the proposed intersection upgrades set out in the SRtS. Council requested that detailed plans of the upgrades be approved by Council prior to the commencement of construction. TfNSW reiterated its advice in relation to the extension of the proposed footpath.

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

Regarding TfNSW's request for the extension of the proposed Broadhead Road footpath to Bruce Road, the Department agrees with the Applicant that this would encourage pedestrians to continue onto roads that do not contain pedestrian infrastructure, and potentially result in safety issues. Consequently, the Department has not required the proposed footpath to continue past the pedestrian entrance to the site.

The Department notes that the upgrade of the pedestrian refuge to a pedestrian crossing requires TfNSW approval, following assessment of traffic once the school is operational. Accordingly, the Department has recommended that the Applicant consult with TfNSW within six months of operation to review the need for a pedestrian crossing.

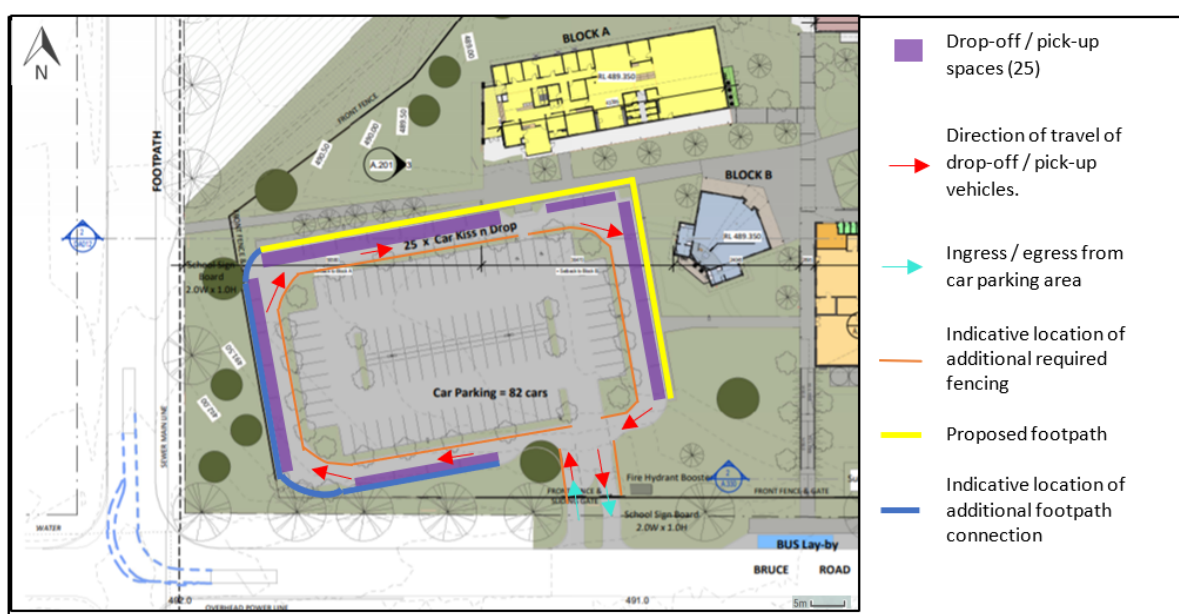
### 6.1.5 Drop-off and pick-up

Surveys conducted by the TPTIA found that 43.3% of senior students from the existing Lewis Street school are dropped-off / picked-up by car. Based on the survey results, the TPTIA forecasted that 41% students would be dropped-off / picked-up from the new school, with approximately 1.4 students per vehicle. Overall, 140 cars were estimated to use the drop-off / pick-up area during any peak period.

The EIS proposed a one-way driveway circulating clockwise around the on-site car park providing 12 drop-off / pick-up spaces. This was to have a dedicated entrance, but share an exit from the proposed car park.

TfNSW advised that the design of the proposed entrance / exit arrangements would result in confusion to drivers, traffic congestion and safety issues.

The RtS included a revised design (**Figure 22**) that increased the number of drop-off / pick-up spaces to 25 and introduced a shared entrance / exit for both the drop-off / pick-up area and car park.



**Figure 22 | Drop-off / pick-up area arrangement (Base source: Applicant's RtS 2020)**

In its response to RtS, Council and TfNSW requested that pavement marking and signage be incorporated to separate users of the drop-off / pick-up zone and the car parking area, to minimise confusion. TfNSW also recommended that a fence be installed along the perimeter of the carpark, to separate students using the footpath from the drop-off / pick-up area.

In its SRtS, the Applicant opposed the installation of a fence around the carpark and advised that the proposed landscaping around the carpark is a sufficient barrier to separate the uses. The Applicant also stated that the drop-off / pick-up zone would be appropriately managed during teaching and play periods to ensure the safety of students.

The Department has considered Council and TfNSW advice and the information provided by the Applicant. The Department is satisfied that the revised layout provides simpler access arrangements into the drop-off / pick-up area and car park. The Department agrees with TfNSW that appropriate line

marking, signage and fencing of the drop-off / pick-up facility and car park is required to ensure the safety of drivers and pedestrians. The Department has recommended conditions that require:

- an updated landscaping plan to be prepared, including a fence within a landscape strip that separates the car park from the drop-off / pick-up area.
- the drop-off / pickup area, car park and shared entrance / exit to comply with relevant Australian Standards.
- line marking and signage to guide users accessing the facilities.

In addition, the Department has required the revised landscape plan to include extension of the footpath around the perimeter of the drop-off / pick-up facility to connect to all drop-off / pick-up spaces. This is required as a footpath is not currently provided to the spaces in the south-western corner of the drop-off / pick-up area. The Department considers that footpath connection to all drop-off / pick-up spaces is necessary to provide a safe pathway for pedestrians away from vehicles.

The Department has also required the revised landscape plan to include the installation of a fence either side of the main vehicular entrance, to prevent pedestrians from the drop-off / pick-up area crossing the main vehicular entrance to access the school. This is particularly risky on the southern side of the drop-off / pick-up area as the most direct path of travel would be across the site entrance / exit. This would provide a significant safety risk given the expected number of vehicle movements in and out of the entrance / exit during peak periods.

Subject to the above requirements, the Department is satisfied that appropriate drop-off / pick-up arrangements would be provided.

#### 6.1.6 Car and bicycle parking

The plans submitted as part of the EIS included 75 on-site car parking spaces and 36 bicycle parking spaces. **Table 8** shows Council's prescribed car parking rate in the Mid-Western Development Control Plan 2013 (MWDCP). No minimum bicycle parking rates are prescribed in the MWDCP.

**Table 8 | Required car parking rate** (Base source: Applicant's EIS 2020)

DCP min. car parking rate	Proposed staff / students / shop area	Min. car parking spaces required
1 space per 1 staff member	59 staff	59
1 space per 10 senior students	200 senior students	20
1 space per 30 square metre of shop area	50 square metres (canteen)	1
Total car parking spaces		80

Following exhibition of the EIS, Council advised they did not support the proposed car parking as it fell short of the MWDCP requirements. Council advised that the Applicant should consider providing more than the minimum required car parking rate due to the distance of the site from the Mudgee town centre and consequent need to drive to the site. It also recommended on-street parking be prohibited.

TfNSW also advised that insufficient parking was provided that would cause overflow parking on the surrounding streets. This would particularly be problematic as proposed upgrades of roads adjoining the site (**Section 6.1.4**) do not include space for on-street parking. TfNSW also raised concern that enclosure of the car parking area by the drop-off / pick-up zone would limit any possibility to expand the car parking in the future.

In response to the above comments, the Applicant was amended the proposal in the RtS to provide 82 on-site car parking spaces, which exceeds the 80 required under MWLEP. The Applicant did not redesign the carpark to accommodate potential extension and advised that the additional on-site car parking spaces would meet the school future demands and would not require expansion. The Applicant stated that the drop-off / pick up area would be used for visitor parking out of drop-off / pick-up periods, providing a total of 107 spaces during off peak hours.

In its response to the RtS, Council advised that the additional car parking spaces did not meet the expected parking demands of senior students given the distance of the site from the Mudgee town centre. Council stated it did not support street parking and raised concern that the shortfall of on-site car parking would lead to increased street parking, and cause congestion and impact road safety. Council requested a condition be included to ensure staff and senior student car parking would be contained to the on-site car parking area. On the basis that the proposed road upgrades do not facilitate street parking, TfNSW advised that 'no stopping' signage should be installed along the Broadhead Road and Bruce Road frontages.

The SRtS stated that the provision of 'no stopping' signage should be considered after car parking trends have been observed following the commencement of operation.

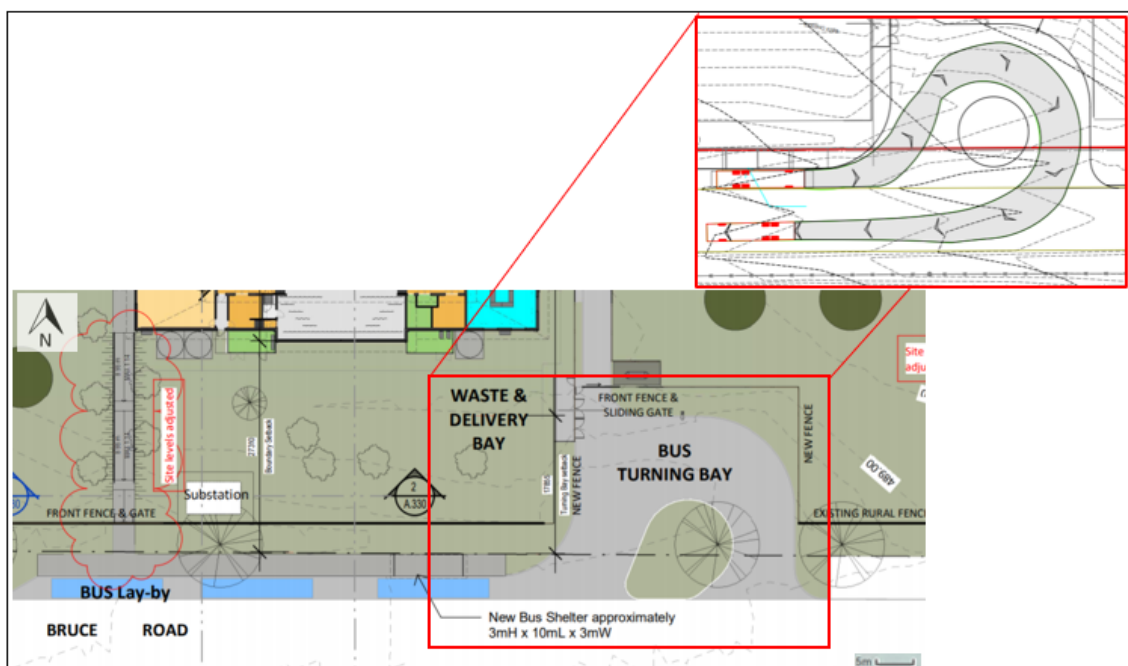
The Department considers the proposed car parking arrangements to be acceptable, on the basis that the proposed 82 spaces exceeds the requirements of the MWLEP and that 107 spaces would be available when the drop-off / pick-up area is not used. The Department agrees with Council and TfNSW that on-street parking should be discouraged given that proposed road upgrades fronting the site do not facilitate on-street parking. Accordingly, the Department has recommended conditions that require the implementation of parking restrictions and associated signage along the Broadhead Road and Bruce Road frontages of the site prior to the issue of an occupation certificate. This would be subject to the satisfaction of Council.

#### **6.1.7 Bus parking and manoeuvring**

Three bus parking bays are proposed adjacent to the school entrance on the northern side of Bruce Road. Buses access the bays using Broadhead Road and Bruce Road. After dropping-off / picking up students, buses turn around using a turning bay proposed immediately east of the bus bays. Buses would turn right into the westbound lane of Bruce Road, returning to Mudgee using the outward route.

In response to the EIS, Council requested further information to show that buses could safely exit via a right turn onto Bruce Road with the additional traffic expected during school pick-up / drop-off times. A swept path analysis was required to demonstrate that buses travelling south on Broadhead Road could appropriately conduct a left turn onto Bruce Road. Council also requested weather protection be provided for students waiting for buses.

Additional swept path analyses were provided with the RtS and the Applicant advised that it was expected there would gaps in traffic along Bruce Road to enable buses to safely exit the site. Amended plans were submitted as part of the RtS showing a bus shelter for students.



**Figure 23 | Bus parking and swept path analysis (Base source: Applicant's RtS 2020)**

Council made no further comments in response to Applicant's RtS. TfNSW requested that one additional space be provided to avoid bus queuing on roads. TfNSW recommended the redesign of the bus bays be prepared in consultation with Council and TfNSW, prior to the commencement of works.

In response to the above comments, the Applicant confirmed that the number of bus bays had been determined in consultation with the bus operator and would be sufficient.

The Department has considered information provided by the Applicant and agency advice. The Department considers that the proposed bus parking arrangements would be acceptable, noting that the bus operator has been consulted and the detailed design would be to Council's satisfaction as part of the upgrade works to Bruce Road.

The Department notes TfNSW's advice in relation to the need for a fourth bus bay. The Department has recommended a condition that the performance of the bus bays be monitored and reviewed within three months of the student capacity of the school exceeding 600, in consultation with the bus operator, Council and TfNSW. Measures such as the provision of a fourth bus bay would need to be done to the satisfaction of the relevant roads authority where performance or safety issues are identified and be implemented within three months of the review.

The Department has also recommended a condition that requires the Applicant to detail operational management procedures for bus operations, including staff management / traffic controller arrangements, as part of the Operational Transport and Access Management Plan.

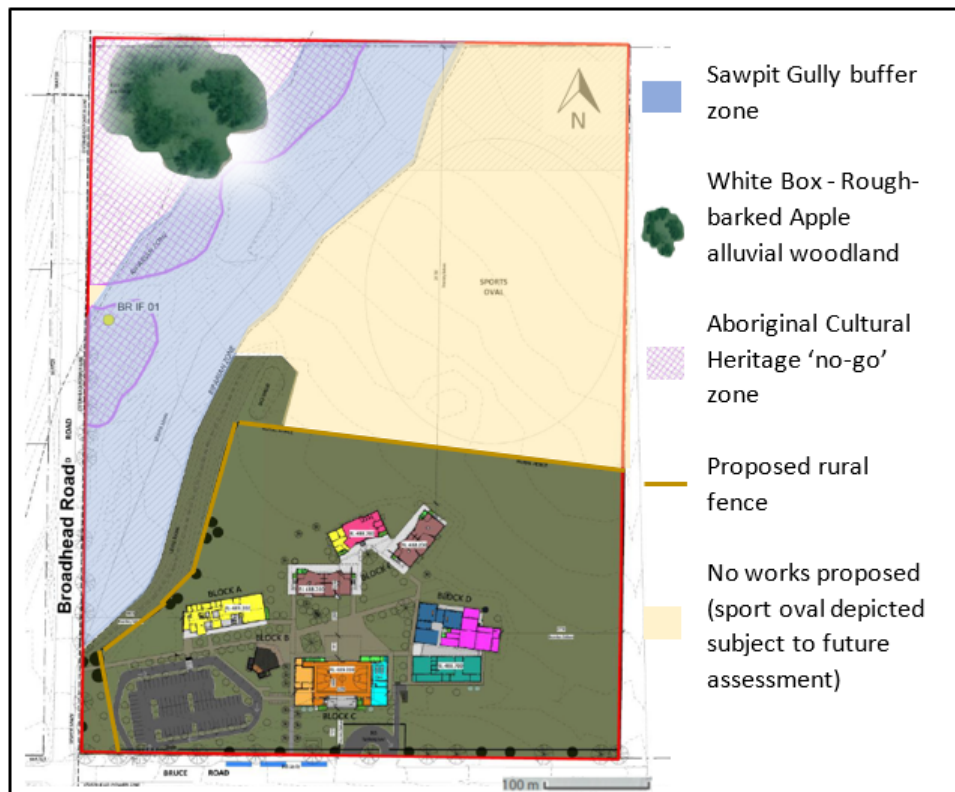
## **6.2 Built form and urban design**

The proposed development includes the construction of a new school on a rural lot currently used for grazing. Proposed built form comprises five, one to two storey buildings. The application was supported by an Architectural Design Report which provided a justification for the design. A Landscape Concept Design Report (LCDR) and Aboriginal Cultural Heritage Assessment Report

(ACHAR) were also submitted as part of the EIS and a Land Use Conflicts Risk Assessment (LUCRA) was submitted as part of the RtS.

### 6.2.1 Siting

The EIS advised that the proposed buildings are sited with respect to Sawpit Gully and the White Box - Rough-barked Apple Alluvial Woodland and to protect Aboriginal Cultural Heritage (**Figure 24**) in the north-western corner of the site. The Applicant stated that works would only occur to the site area in green in **Figure 24** and any area beyond would not be disturbed.



**Figure 24 | Siting of the development (Base source: Applicant's EIS 2020)**

The site is traversed by Sawpit Gully, a medium sized stream from the northern boundary to the western boundary. The EIS advised that Sawpit Gully is affected by an inline dam and is a flood hazard. The Applicant stated that a 40-metre riparian buffer zone was established around Sawpit Gully as part of the development. As shown in **Figure 24**, all proposed buildings have been sited outside of the 40 metre buffer zone to mitigate flood impacts. Further details on flood mitigation are in **Section 6.3**.

The EIS identified that some native tree species identified as part of the White Box - Rough-barked Apple Alluvial Woodland are present in the north-western side of the site which is an Endangered Ecological Community listed under the BC Act. It advised that the development has been designed to be sited away from the woodland (**Figure 24**). As detailed in **Section 4.4.7**, the Biodiversity Development Assessment Report (BDAR) Waiver issued by EESG noted the development is not likely to have a significant on the woodland vegetation on the site.

The Applicant's ACHAR identified that the north-western area of the site contains one Aboriginal site and one potential archaeological deposit. The ACHAR recommended that a physical barrier be

erected to establish a 'no-go' zone around the Aboriginal site and the area of potential archaeological deposit to protect Aboriginal cultural heritage values. The ACHAR noted that a rural fence, shown in brown in **Figure 24**, would be erected between the development and the 'no-go' zone and provided support for the fence to remain as a permanent barrier throughout the lifetime of the development. Further consideration of Aboriginal cultural heritage is detailed in **Section 6.3**. The EIS advised that the development has been sited away from 'no-go' zone and separated by the rural fence in accordance with the ACHAR recommendations.

No agency comments were made regarding the siting of the development in relation to Sawpit Gully, the White Box - Rough-barked Apple Alluvial Woodland or the Aboriginal site.

The Department has considered the information provided by the Applicant and finds the siting of the proposed new buildings appropriate to protect important archaeological and environmental values of the site. The Department has recommended conditions that require the Applicant to:

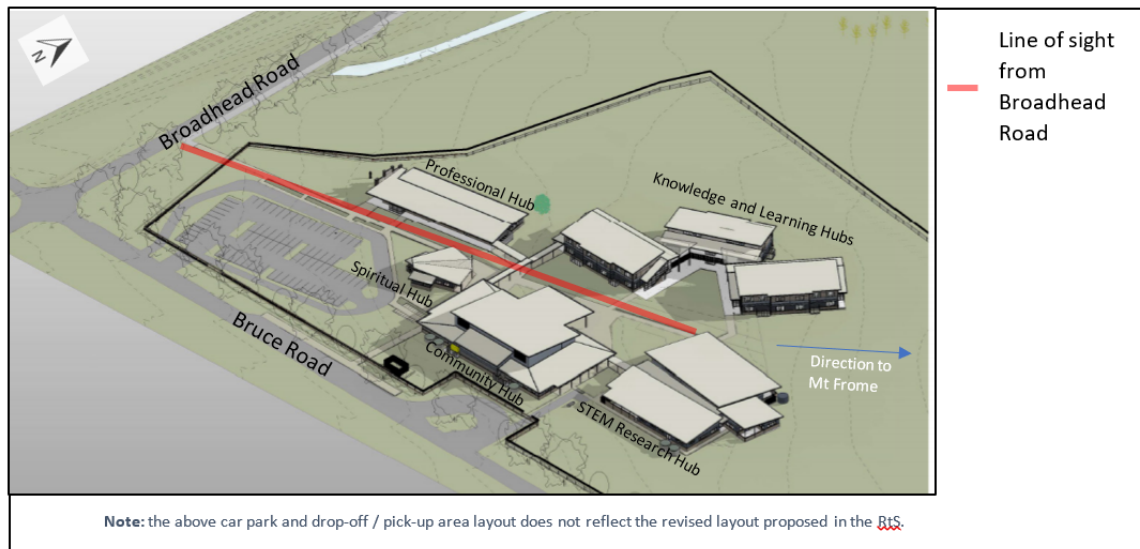
- establish an Exclusion Area around Sawpit Gully, the White Box - Rough-barked Apple Alluvial Woodland and areas of Aboriginal cultural heritage value.
- include procedures in the Construction Environmental Management Plan to prohibit access into the area and prevent construction work impacts.
- construct permanent fencing around the Exclusion Area and maintain this for the lifetime of the development.
- prepare a site operational management plan that sets out procedures to prevent access other than for vegetation management works and prohibits access by students and teaching staff.

The fence proposed by the Applicant and recognised in the ACHAR would provide a secondary line of protection for the White Box - Rough-barked Apple Alluvial Woodland and areas of Aboriginal cultural heritage value.

### 6.2.2 Design

The Architectural Design Report advised that the proposal has been designed having regard to access, views, functional layout, orientation and spatial planning to facilitate future expansion.

The Applicant advised that the buildings have been laid out so pedestrians entering from Broadhead Road and the carparking area would initially cross the site through the Spiritual Hub and covered outdoor learning area (COLA) to the Community Hub (**Figure 25**). The layout provides direct access for the community to the hubs dedicated for community use outside school hours and avoids unnecessary access to the remainder of the facilities. The location of the COLA at the centre of the site retains view corridors to Mount Frome, a key physical feature within the Mudgee area. The proposed layout creates a nest-like structure against Mount Frome, when viewed from the east, which allows the built form to reflect the Aboriginal derivative for Mudgee, a 'nest in the hills'.



The Applicant advised that the buildings are oriented to improve cross ventilation and achieve natural daylight, including the location of photovoltaic solar systems on the Community Hub and the STEM Research Hub roof.

The Applicant's EIS also advised that a variety of finishes have been chosen, including face brick, steel panels and fibre cement panels, based on durability and sustainability. The proposed colours include neutral tones of earth, stone and steel and reflect the Mudgee township character of a country town (**Figure 26**).



No agency submissions were received in relation to the proposed building design.

The Department notes that there are no height or floor space ratio standards that apply to the site under the MWLEP (**Appendix B**). The Department has considered the information provided by the Applicant and the proposed design in the context of the surrounding area. The proposed buildings range from one to two storeys and would not be an over-development of the site.

The Department concludes the proposed design is acceptable as the proposal:

- is low in scale, in keeping with the surrounding low density residential dwellings.
- maintains views across the site to Mount Frome.
- incorporates consideration of Aboriginal cultural heritage.
- maximises solar access and natural ventilation.

Accordingly, the Department considers that the proposed design is acceptable, and the development would sit well within the context of the surrounding area.

### 6.2.3 Landscaping

A Tree Assessment Report, Landscape Concept Plan, Landscape Design Statement and landscape plans were submitted as part of the EIS. These documents advised:

- there are 62 trees on site, mainly around the site boundaries. These comprise only three species:
  - Trees 1 - 35 are Narrow-leaved Black Peppermint (*Eucalyptus nicholii*)
  - Trees 36 - 43 are Wallangarra White Gum (*Eucalyptus scoparia*)
  - Trees 44 - 62 are Blue Bush (*Eucalyptus macrocarpa*).
- Blue Bush trees, all located in the north-western corner of the site, have been identified as having habitat hollows in the trunks and branches, with active beehive and bird activities. No Blue Bush trees would be removed as part of the development as the species is listed as an endangered ecological community.
- 16 trees would be removed, as they are in poor condition or would be impacted by the development, including eight Narrow-leaved Black Peppermint trees and eight Wallangarra White Gum trees.
- Tree 17, a Narrow-leaved Black Peppermint tree, may be retained subject to further investigation of the impact of the proposed driveway.
- 127 new trees are proposed to be planted.
- the proposed tree planting along the perimeter of Broadhead Road and Bruce Road define the site's edge and visually screens the development from the surrounding areas.
- as shown in **Figure 27** landscape works include:
  - a central COLA with seating areas, shade trees and artificial turf area linked by footpaths to open grass areas.
  - breakout areas between buildings for students, including shade trees.
  - outdoor gallery to display students' creative works.
  - a Yarning Circle with seating rocks and paved area (**Figure 28**).



**Figure 27 | Proposed landscape plan (Source: Applicant's RtS 2020)**



**Figure 28 | Yarning Circle (Source: Applicant's RtS 2020)**

No concerns were raised in relation to the proposed landscaping.

The Applicant's RtS included redesign of the driveway and bus bay from Bruce Road (**Section 6.1.5**) which resulted in the removal of two additional Narrow-leaved Black Peppermint trees. In its response to RtS, EESG advised removal of the trees is unlikely to have adverse impacts on the White Box Rough-barked Apple Alluvial Woodland. No other agencies made comments in relation to tree removal.

The Department acknowledges that 18 trees would be removed as part of the development and considers it acceptable as they are in poor condition or would be impacted by the development. The Department notes that the landscape plans submitted as part of the RtS show that the tree protection

zone and structural root zone of Tree 17 is now clear from the driveway because the drop-off / pick-up area had been redesigned. On this basis, the Department considers that Tree 17 can be retained.

The Department recognises the environmental value of the north-western area of the site. This includes the Blue Bush trees and vegetation within the Sawpit Gully buffer zone and White Box Rough-barked Apple Alluvial Woodland area. Accordingly, the Department recommends a condition requiring the preparation of a Vegetation Management Plan to detail management measures for the retained vegetation area, such as weed control and vegetation rehabilitation. This would be prepared in consultation with Council prior to the commencement of operation.

The Department considers the proposed perimeter landscaping along Bruce Road and Broadhead Road would adequately soften the site and provide visual distinction between the school and surrounding residential and rural development. However, the Department considers that additional planting is required along the southern and eastern perimeter of the operational school site. The Department notes that adjoining areas to the east and south would continue to be used for agricultural purposes. The planting would act as a visual and functional buffer between the school and adjoining agricultural uses, and minimise potential land use conflicts (**Section 6.3**). The buffer would also serve as a wind and dust screen and improve the amenity of the outdoor play area for students.

Accordingly, the Department has recommended conditions requiring the preparation of revised landscape plans showing a minimum three metre wide native tree buffer along the eastern perimeter and southern boundaries adjoining the south-eastern of the operational school site.

### 6.3 Other issues

The Department's consideration of other issues is in **Table 9**.

**Table 9 | Other issues**

Issue	Findings	Department's consultation and recommended Condition(s)
Land use conflict	The site and surrounding land are currently used for low intensity cattle grazing.	The Department has considered the information provided by the Applicant and advice from DPI.
	As part of its submission, Department of Primary Industries (DPI) requested that a Land Use Conflict Risk Assessment (LUCRA) be prepared to address any potential conflicts between the proposed school use and existing agricultural uses. DPI noted that the site's soil landscape could support the viticultural industry.	The Department is satisfied the Applicant has demonstrated the proposal complies with the <i>Buffer Zones to Reduce Land Use Conflict with Agriculture, DPI</i> .
	A LUCRA was provided as part of the Applicant's RtS. The LUCRA identified that 38 Spring Flat Road, to the north of the site, has been granted consent for a retirement village with 206 dwellings.	

	<p>However, no visible construction works have commenced, and the site remains under grazing use.</p> <p>The LUCRA advised that a minimum 50 metre buffer zone is suggested between the surrounding stock grazing land uses and the site in accordance with the <i>Buffer Zones to Reduce Land Use Conflict with Agriculture, DPI</i>. The LUCRA stated that the school would be 50 metres from adjoining stock grazing land uses, and no land use conflicts would arise from the development. The LUCRA stated that considerations other than soil quality would determine the desirability of the site to support the viticultural industry and generally, viticultural activities occur to the north of Mudgee. No management or mitigation measures were recommended.</p> <p>DPI advised that the LUCRA is acceptable under the current agricultural land use conditions.</p>	
<b>Aboriginal cultural heritage</b>	<p>The Department notes a copy of a letter was submitted by the Applicant from the Mudgee Local Aboriginal Land Council as part of its SEARs request. The letter requested that a Cultural Officer from the Aboriginal Land Council be present when earthworks begin.</p> <p>An ACHAR was included with the EIS that incorporated consultation with Aboriginal communities.</p> <p>The ACHAR advised that in addition to newspaper advertisements and letters / emails, correspondence was sent to the following organisations requesting the details of Aboriginal people who may wish to contribute to the proposal during the consultation stage:</p> <ul style="list-style-type: none"> <li>• The Registrar, <i>Aboriginal Land Rights Act 1983</i>.</li> </ul>	<p>The Department has reviewed the information provided by the Applicant, the public submission and advice from EESG. The Department considers that the consultation carried out by the Applicant is consistent with the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW)</i>.</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>

- Mudgee Local Aboriginal Land Council.
- Mid-Western Regional Council.
- Office of Environment and Heritage.
- Central Tablelands Local Land Services.
- Native Title Service Corporation.
- National Native Title Tribunal.
- implementation of the recommendations in the ACHAR.
- invitation to a representative of the Mudgee Local Aboriginal Land Council to observe earthworks.
- unexpected finds protocol for Aboriginal heritage be prepared and implemented prior to commencement of construction.

In response, six Aboriginal stakeholders registered an interest in the project.

The ACHAR:

- identified that the north-western corner of the site contains areas of Aboriginal cultural heritage significance (**Section 6.2.1**).
- recommended that a 'no-go' zone be established to protect sites of Aboriginal cultural heritage significance during construction and operation of the development.
- supported the rural fence proposed to separate the southern portion from the northern portion of the site as this would protect the areas Aboriginal cultural heritage.

The EIS advised that the recommendations ACHAR had been incorporated into the design of the site.

One public submission was received from the Ibbai Waggan-Wiradjuri People. The submission raised concern regarding the inadequate community consultation. The submission also stated that the Planning Minister of NSW and the Department have never had the power to endorse any projects within the Ibbai Waggan Ngurangbang area.

The Applicant's RtS confirmed that consultation has been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW)*.

EESG advised that it had examined the ACHAR and Aboriginal consultation undertaken by the Applicant. EESG noted the Applicant has undertaken consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW)* and acknowledged that the proposal would not harm Aboriginal objects.

## Stormwater and flooding

The site is at flood risk, including by Sawpit Gully that traverses the site. The EIS advised that the proposal aims to mitigate stormwater and flooding impacts by:

- upgrading the existing culvert under Bruce Road to improve stormwater drainage through the Bruce Road and Broadhead Road intersection.
- construction of a levee bank along the perimeter of the Sawpit Gully buffer zone to protect the school from stormwater flow through the Broadhead Road culvert.
- increasing the finished level of Broadhead Road towards the Bruce Road intersection.
- construction of two bioretention basins, one adjacent to the Sawpit Gully buffer zone and another below the north-eastern end of the carpark to control the quality of stormwater run-off.
- installation of seven 20 kilolitre and one 100 kilolitre rainwater tanks.
- construction of an on-site detention system (**Figure 29**).

The Department and Council requested the Applicant provide a detailed Stormwater Drainage and Management Plan.

A Civil and Stormwater Report was submitted as part of the RtS which recommended the construction of a

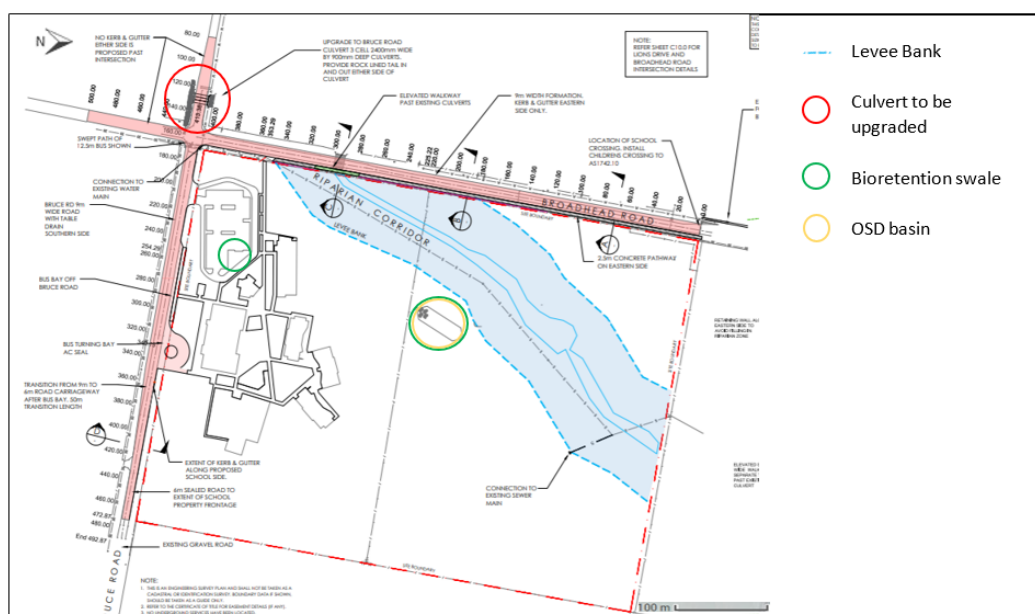
The Department has reviewed the information provided by the Applicant and Council, including the detailed Stormwater Drainage and Management Plan. The Department is satisfied that appropriate flooding and stormwater mitigations are proposed.

The Department has recommended conditions to require that flooding and stormwater mitigation works and structures be completed prior to the commencement of operation.

graded landscaped earthen mound 500 millimetres high and landscape bund along Bruce Road to divert upstream water around the school buildings. The report also recommended that all buildings incorporate 150 millimetre freeboard to mitigate flooding impacts in the event of a 1:100 year storm event. The report concluded that there would be minimal impacts on surrounding properties due to the proposed development. The Applicant's RtS included amended plans that incorporated the change.

The RtS confirmed a portion of the Broadhead Road footpath would be raised over the existing culvert below the road. This is consistent with recommended stormwater and flood mitigation strategies and would ensure the safety of pedestrians accessing the site via Broadhead Road.

Council made no further submissions relating to stormwater and flooding in its submission to RtS.



**Figure 29 | Flood and stormwater mitigation works (Base source: Applicant's RtS 2020)**

## Development contributions

Council's section 7.12 Developer Contributions Plan 2019 applies to the

The Department has recommended conditions of consent requiring payment of a development

## Services and utilities

site and seeks to raise funds for public facilities and infrastructure.

The Applicant sought an exemption from making contributions on the basis that the proposal would support community growth.

Council did not agree to the Applicant's request to waive the development contributions and advised a contribution of \$362,740 is required.

The Applicant's RtS advised that it liaised with Council and requested that Council use the full amount of section 7.12 paid by the Applicant to upgrade Bruce Road beyond the site boundary.

Council confirmed the discussions held with the Applicant, advising that it would apply the contributions paid by the Applicant to upgrade Bruce Road.

The EIS stated that the site is currently serviced by a gravity sewer main and water main. New services to be provided as part of the proposal include:

- electricity connection.
- telecommunications connection, including mobile coverage and internet.
- fire services, including booster pump.
- stormwater drainage infrastructure.

An exemption was also sought from developer charges required in Council's Development Servicing Plan prepared under section 64 *Local Government Act 1993* and section 306 *Water Management Act 2000*, on the basis that the Applicant would provide infrastructure improvements to benefit Council and itself.

The electricity provider advised that existing overhead lines to the west and south of the site may be used to service

contribution in accordance with the development contributions plan and Council's advice.

The Department is satisfied that the site could be adequately serviced, subject to utilities being constructed and connected prior to the commencement of use, to the specific requirements of the relevant supply bodies.

The Department notes Council's advice in relation to sewer and water developer charges. The Department has recommended conditions of consent that these be paid and/or a works-in-kind agreement be reached prior to the commencement of construction.

the site, subject to an application for connection.

Council, as the water and sewerage authority, provided specifications for sewer and water mains. It advised that it did not agree to the Applicant's request to waive the developer charges.

The Applicant's RtS noted the electricity provider's comment. The RtS also advised that an agreement had been reached with Council regarding works to be undertaken to improve water services. The Applicant accepted the payment of sewer headworks.

Council confirmed developer charges of \$106,161 for sewer headworks and \$232,505 for water headworks would be required. However, Council noted that the Applicant would put forward a works-in-kind agreement for Council approval, to be offset against the water charge.

## **Contamination**

A Detailed Site Investigation (DSI) was included in the EIS. This identified existing stockpiles and a dam in the north-western corner of the site to be potential contamination risks. Potential contaminants from agricultural use in underlying soil were also identified as a site risk.

Sampling carried out found concentrations of metals and organochlorine pesticides to be at an acceptable level and the site is not at risk of contamination. The DSI confirmed that the site would be suitable for the proposed use without remediation.

The Department has reviewed the DSI and considers that it demonstrates the site is suitable for the proposed use.

The Department that notes that the stockpiles and dam discussed in the DSI are located in the north-western corner of the site. While the DSI did not find these to be contaminated, the Department notes that these would be located in the Exclusion Area that is to be fenced under recommended conditions of consent with no access to be allowed to students and staff (**Section 6.2.1**).

## **Noise**

A Noise and Vibration Impact Assessment (NVIA) was submitted as part of the EIS.

The NVIA advised that a noise exceedance of up to 12dBA may be

The Department considers that construction and operational noise levels can be managed and would not be excessive or sustained over long periods throughout the day.

experienced by the nearest sensitive receivers during construction. However, this would for short periods and be unlikely to adversely impact normal daytime activities. The NVIA recommended measures to mitigate construction impacts, including erection of barriers around mechanical pumps and generators and use of rock saws instead of rock breakers. The NVIA also recommended a Noise and Vibration Management Plan be prepared to protect the noise amenity of the surrounding receivers.

The NVIA identified that operational noise may be generated by mechanical services plants, additional traffic movements and school activities such as outdoor sporting events and services in the Spiritual Hub. The NVIA advised that the development could comply with the Noise Policy for Industry noise criteria, subject to the following recommendations:

- mechanical plant be selected, during the detailed design stage to comply with the noise trigger levels.
- siting and design of public announcement systems to reduce noise levels, including location, angle and installation of a sound limiter.
- limitation on the use of outdoor play areas to after 7am.

Council requested a condition be applied to limit the use of the school after hours, including weekends.

### **Operational waste collection**

The EIS detailed that waste collection vehicles would access the site from Bruce Road and serve a designated loading dock on-site. Waste collection services would require a medium sized rigid vehicle and be scheduled to occur

In this regard, the Department has recommended that a Construction Noise and Vibration Management Plan be prepared to include the recommendations of the NVIA prior to the commencement of construction.

The Department has also recommended conditions in relation to operational noise, requiring:

- plant and equipment to be designed in accordance with the recommendations of the NVIA.
- short term monitoring be undertaken to confirm compliance with the noise trigger levels.
- limits on hours of operation for community events and maintenance activities.
- preparation of an Out of Hours Event Management Plan.

The Department considers the proposed waste collection zone and manoeuvring to be appropriate as it is separated from the on-site car parking area and would be

	<p>twice a week between 9.30am and 2.30pm, outside of peak school periods.</p> <p>Council advised that the loading dock should be designed so that vehicles can enter and exit the site in a forward direction.</p> <p>In response to Council's advice, the loading dock was redesigned as part of the Applicant's RtS and a swept path analysis was provided for waste service vehicles.</p>	<p>arranged to avoid the school bus schedule.</p> <p>The Department has recommended a condition that requires an Operational Waste Management Plan be prepared prior to the operation of the development to set out clear procedures for the collection of waste on the site. This includes restrictions on waste collection service times to outside of school peak periods.</p>
<b>Community use of school facilities</b>	<p>The EIS stated that selected facilities would be available for community use, including the Community Hub and Spiritual Hub.</p> <p>The proposed usage times are 3pm to 10pm on weekdays and 8am to 10pm on weekends. Potential uses include music lessons, dance classes and competitions, formal dinner functions, sporting groups using the outdoor and indoor facilities, and small-scale conferences and events.</p> <p>Council requested that a condition be applied to limit the use of the school after hours, including weekends.</p>	<p>The Department is satisfied that community use of the school is appropriate and would benefit the community. The large size of the site and setbacks available to nearby sensitive uses mean that impacts can be appropriately managed subject to conditions.</p> <p>The Department has recommended a condition that requires an Out of Hours Event Management Plan be prepared and implemented to manage community uses. Other recommended conditions limit use of the hours for community use on the site.</p>
<b>Signage</b>	<p>The proposal includes the installation of two digital signage boards. One would be at the school pedestrian entrance on Broadhead Road and the other would be at the main Bruce Road entrance. The two signs would be erected on posts, showing the school's name and static school related messages on an LED display panel.</p> <p>As part of its submission, Council requested that the digital signage not be turned on between 6am and 9pm and that illumination comply with the Australian Standard AS 4282:1997 –</p>	<p>The Department has assessed the signs against the principles of the State Environmental Planning Policy No. 64 Advertising and Signage in <b>Appendix B</b>.</p> <p>Subject to conditions including Council's advice, Department is satisfied that the proposed signage would not have detrimental illumination impacts and would provide identification for the school along Broadhead Road and Bruce Road.</p>

*Control of the Obtrusive Effects of  
Outdoor Lighting.*

**Public interest**

The proposal would benefit the community by delivering a new school including contemporary teaching and learning facilities with adaptable and collaborative learning spaces to improve educational outcomes.

The proposal would also provide direct investment of around \$32.3million and support approximately 104 construction jobs and 59 operational jobs.

The Department is satisfied that the proposal would be in the public interest.

Overall, the Department considers that the proposal would have acceptable environmental impacts subject to recommended conditions of consent.

## 7 Evaluation

The Department has reviewed the information provided by the Applicant and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in the public submissions have been considered and all environmental issues associated with the proposal have been addressed. The Department concludes the impacts of the development are acceptable and impacts can be mitigated through the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and the State's strategic planning objectives set out in the *Central West and Orana Regional Plan 2036* and the *State Infrastructure Strategy 2018-2038 Building the Momentum*. The proposal would provide new school infrastructure located in a growing area and includes opportunities to co-share facilities with the community.

The proposal is suitable for the site and the identified environmental impacts are considered satisfactory on balance. The Department considers that the local road network has capacity to accommodate traffic generated by the proposal subject to proposed infrastructure upgrades and that adequate parking and drop-off arrangements are proposed. The design of the proposed school is appropriate and would respect the character and amenity of the area. Significant tree planting and landscaping is proposed to visually screen the site and provide habitat. Conditions have been recommended to protect the Sawpit Gully, White Box Rough-barked Apple Alluvial Woodland area and the Aboriginal cultural values throughout construction and operation of the development.

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

- delivering a new education facility to cater to the growing population in the Mid-Western regional local government area.
- providing facilities for community use outside of standard operational hours.
- investment of \$32.3million to deliver approximately 104 construction jobs and 59 operational jobs.

## 8 Recommendation

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

- **considers** the findings and recommendations of this report.
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD 9872.
- **signs** the attached conditions of consent (see **Attachment C**).

**Prepared by:**



**Jenny Chu**

Planning Officer

Social and Infrastructure Assessments

**Recommended by:**



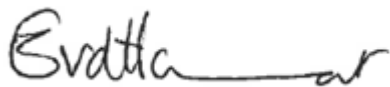
**Jason Maslen**

Team Leader

School Infrastructure Assessments

## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', with a long horizontal flourish extending to the right.

16/12/2020

**Erica van den Honert**

A/Executive Director

Infrastructure Assessments

# Appendices

## Appendix A – Relevant Supporting Information

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/12161>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/12161>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/12161>

## Appendix B – Statutory Considerations

### Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP).
- Mid-Western Regional Local Environmental Plan 2012 (MWLEP).

### Compliance with Controls

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

The aims of the SRD SEPP are to identify state significant development (SSD), state significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table B1**.

**Table B1 | SRD SEPP Compliance Table**

Relevant sections	Consideration and comments	Complies
<b>3 Aims of Policy</b> The aims of this Policy are as follows:  (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
<b>8 Declaration of State significant development: section 4.36</b>  (1) Development is declared to be State significant development for the purposes of the Act if:  (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent. The proposal is for the purpose of a new school under clause 15 of Schedule 1 SRD SEPP.	Yes

- (b) the development is specified in Schedule 1 or 2.

### State Environmental Planning Policy (Infrastructure) 2007

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

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. However, the application was referred to Transport for NSW (TfNSW) for comment. TfNSW did not object to the development.

The proposal seeks the provision of a new electricity connection. In accordance with clause 45 of the Infrastructure SEPP, the development was referred to Essential Energy, which did not object to the development. The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP.

### 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 SSD even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted. The proposed school redevelopment complies with the relevant development standards imposed by the Mid-Western Regional Local Environmental Plan 2012 (MWLEP).

Clause 57 of the Education SEPP requires traffic generating development that involves addition of 50 or more students to be referred to TfNSW. The Application was referred to TfNSW in accordance with this clause.

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

**Table B2 | Consideration of the Design Quality Principles**

Design Principles	Response
Principle 1 - context, built form and landscape	The proposed built form has been designed to be sympathetic to the surrounding context and emerging built form. The proposal protects

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	Sawpit Gully and retains significant native trees in the north-western corner of the site.
Principle 2 - sustainable, efficient and durable	The proposal includes ecologically sustainable development (ESD) ( <b>Section 4.4.3</b> ).
Principle 3 - accessible and inclusive	<p>The proposal has been designed to be accessible and inclusive through the provision of 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> <p>The school hall and outdoor spaces are proposed to be used for community activities after school and during weekends.</p>
Principle 4 - health and safety	The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. Environmental constraints have been considered and addressed, including internal acoustic comfort and site contamination.
Principle 5 - amenity	The proposal creates a variety of interesting and useable outdoor spaces between buildings, linked by the central covered outdoor learning area. The proposal has been designed with a building layout that maximises solar access during the winter solstice.
Principle 6 - whole of life, flexible, adaptable	The proposed learning areas are flexible and provide adaptable presentation areas throughout the buildings. The Community Hub provides flexible learning and play areas which could be easily adapted for community use.
Principle 7 - aesthetics	The proposal is sympathetic in scale and form to the surrounding development. The new school buildings are low in scale and in proportion with the surrounding low scale residential dwellings.

### **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 Environmental Impact Statement (EIS) has addressed contamination on-site and concluded that the site is suitable for the use as a school as required by SEPP 55 (**Section 6.3**).

### **State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)**

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 development includes two digital identification signs, one fronting Broadhead Road and the other fronting Bruce Road. The signs would display the school's name and school related messages on an LED panel.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. The EIS included an assessment of the proposed signages against 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 proposed signage has been designed in accordance with clause 3 of SEPP 64, is compatible with the desired amenity and visual character of the area, provides effective communication, and is of a high-quality design and finish (**Table B3**).

**Table B3 | Consideration of SEPP 64**

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
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 appropriately placed at the entry of the school.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area or locality, and the proposal does not seek to provide any advertising.	N/A
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of the surrounding area. The location is not part of any environmentally sensitive area.	Yes
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	No	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	No	Yes
Does the proposal respect the viewing rights of other advertisers?	No	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	Yes

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable	N/A
Does the proposal screen unsightliness?	Not applicable	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	Yes
Does the proposal require ongoing vegetation management?	No	Yes

## 5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The proposed signs have been located in the most appropriate location to assist in place identification.	Yes
Does the proposal respect important features of the site or building, or both?	Yes	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are appropriately located to fit in with the design of the proposed buildings.	Yes

## 6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable	N/A
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## 7 Illumination

Would illumination result in unacceptable glare?	No. Recommended conditions of consent require the signs to comply with relevant Australian Standards.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?	No. Recommended conditions require the signs to comply with relevant Australian Standards.	Yes
Can the intensity of the illumination be adjusted, if necessary?	Recommended conditions require the signs to comply with relevant Australian Standards.	Yes
Is the illumination subject to a curfew?		

## 8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed signs would be attached to posts and be within the boundary of the site.	Yes
Would the proposal reduce safety for any public road?	No	Yes

### **Draft State Environmental Planning Policy (Remediation of Land)**

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

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

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

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

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

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

### **Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP)**

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and childcare 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 exhibited Explanation of Intended Effects (EIE) also 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 consistent with the objectives of the Draft Education SEPP and continues to meet the requirements for SSD in accordance with the EIE.

## Mid-Western Regional Local Environmental Plan 2012 (MWLEP)

The MWLEP aims to promote growth and provide for a range of living opportunities throughout the local government area and encourage proper management, development and conservation of resources. It also aims to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure.

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

**Table B4 | Consideration of the MWLEP**

Clause	Department Comment/Assessment
<b>Clause 2.3 Zone Objectives and Land Use Table</b>	<p>The part of the site where buildings works are proposed to occur is zoned RU4 Primary Production Small Lots. The north-western corner of the site is zoned R1 General Residential, but no development is proposed within that area.</p> <p>Nonetheless, educational establishments are permissible within the RU4 and R1 zone and the proposal is consistent with the zone objectives.</p>
<b>Clause 4.3 Height of Buildings</b>	<p>The part of the site zoned RU4 Primary Production Small Lots has no applicable height of building standard.</p> <p>The area of the site zoned R1 General Residential has a maximum height standard of 8.5 metres. No development is proposed within the R1 General Residential part of the site.</p> <p>Nonetheless, the development has an overall building height that is sympathetic to the surrounding buildings and is maximum two storeys in height.</p>
<b>Clause 5.3 Development Near Zone Boundaries</b>	<p>This clause applies to a site within 50 metres of a boundary between any two zones but does not apply to land in zone RU4 Primary Production Small Lots. Therefore, this clause does not apply to the site.</p>
<b>Clause 6.3 Flood Planning</b>	<p>The site is not subject to flood planning. However, the site is traversed by Sawpit Gully which is a potential flood hazard. The Department has assessed flood management of the site in <b>Section 6.3</b>. The Department is satisfied that the development includes appropriate flood mitigation works.</p>
<b>Clause 6.9 Essential Services</b>	<p>Under this clause, consent must not be granted to development unless the consent authority is satisfied that services that are essential for the proposed development are available or adequate arrangements have been made to make them available when required.</p> <p>The Department has considered the provision of services to the site in <b>Section 6.3</b>. Conditions of consent have been recommended to ensure</p>

that essential services are provided to the site prior to the commencement of use of the school.

### **Other policies**

In accordance with clause 11 SRD SEPP, development control plans do not apply to SSD. However, the objectives of relevant controls under the Mid-Western Regional Council Development Control Plan 2013, where relevant, have been considered in **Section 6** of this report.