


Review of Environmental Factors Decision Statement

Milton Public School Upgrade

Table 1: REF Details

Document Name	Milton Public School Upgrade (The REF)
REF Date	5 August 2025
REF Version No.	Version 7
Portal Reference No.	P5- 2025-100
Location	Milton Public School, 9 Thomas Street, Milton 2538
Summary of Proposed Activity	Construction of a new permanent homebase building and associated works, including off-site works.
Prepared by	Rosie Sutcliffe, Urbis Ltd
Assessments Manager Endorsement	<p>I certify that I have reviewed and endorsed the contents of the REF document and the Decision Statement and, to the best of my knowledge, it is in accordance with the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and the Guidelines approved under section 170 of the EP&A Regulation and the information it contains is neither false nor misleading.</p>  <p>Helen Mulcahy Senior Manager Early Childhood and Assessments</p>

The Review of Environmental Factors (**REF**) has been assessed and considered in accordance with the requirements of sections 1.7, 5.5, 5.7 and 5.10 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), sections 171 and 171A of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**) and the Guidelines approved under section 170 EP&A Regulation.

In considering the activity and for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, the NSW Department of Education (**the department**) has examined and taken into account to the fullest extent possible, all matters

affecting or likely to affect the environment arising from the activity, as addressed in the REF including any necessary mitigation or management measures.

The REF is supported by specialist investigations and studies that have assessed the following matters and key impacts:

- Transport, traffic and access
- Non-Aboriginal Heritage
- Bushfire
- Design Quality
- Tree Removal and Biodiversity

The REF provides an environmental assessment of the activity against the requirements of Division 5.1 of the EP&A Act and the EP&A Regulation, including but not limited to:

- *Guidelines for Division 5.1 Assessments*, prepared by the Department of Planning and Environment, June 2022; and
- *Guidelines for Division 5.1 assessments—Consideration of Environmental Factors for Health Services Facilities and Schools* prepared by DPHI, October 2024.

Notification of the activity occurred in accordance with s3.38 of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)* and having regard to:

- the *Stakeholder and Community Participation Plan* published by the Department of Education in October 2024.

The REF was publicly exhibited on the NSW Planning Portal for 21 days from 12 May 2025 until 1 June 2025. Written notice was provided to neighbouring and nearby property owners and/or occupants in vicinity of the proposal. Shoalhaven City Council (Council) was provided written notice of the proposed activity on 9 May 2025, as well as relevant State and Commonwealth government agencies and service providers on 9 May 2025.

Six submissions were received during the exhibition period, comprising three submissions from government agencies, and three submissions from the community. One late submission from the community was also received. The late submission was not addressed in the final REF but was considered as part of the assessment and determination of the project.

The activity has considered the issues raised in submissions received during the consultation period and these submissions have been addressed in the assessment of the proposed activity. As the determining authority, the department is satisfied that appropriate consultation has been undertaken, having regard to the relevant stakeholder and community participation plans.

This determination is made following consideration of the matters in sections 1.7, 5.5, 5.7 and 5.10 of the EP&A Act, and section 171 and section 171A of the EP&A Regulation. This determination is also made following consideration of the design quality of the development, evaluated in accordance with the design quality principles set out in schedule 8 of the TI SEPP and the design principles set out in the *Design Guide for Schools* (May 2025) published by the NSW Government Architect.

The REF has considered the potential impacts arising from the proposal, including any impacts on critical habitat and threatened species, populations and ecological communities and their habitats in accordance with Part 7 of the *Biodiversity Conservation Act 2016 (BC Act 2016)*. The REF has also assessed the need for referral to the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The REF identifies a range of environmental outcomes and safeguards as mitigation measures that would be required to avoid or reduce environmental impacts. The mitigation measures for the proposal are included at Appendix 1 of the REF.

As an authorised person on behalf of the department who did not prepare the REF, I discharge the duty as a determining authority under Division 5.1 of the EP&A Act and conclude that based on the REF document and other information provided:

- the proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement is not required;
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement and/or Biodiversity Development Assessment Report is not required;
- the proposed activity may proceed given the ongoing demand for permanent educational facilities in this locality and the proposal generally complies with, or is consistent with all relevant legislation, plans and policies;
- mitigation measures are required to eliminate, minimise or manage environmental impacts and have been addressed in the updated mitigation measures (August 2025) at **Appendix 1** of the REF and endorsed by the Assessments Manager at **Table 1** of this Decision Statement; and
- the proposed activity is not likely to have a significant impact on matters of national environmental significance, or on the environment of Commonwealth land, and therefore referral to the Minister under the EPBC Act is not required.

Having regard to the above, and having the power to exercise the functions of the determining authority under Part 5, Division 5.1 of the *Environmental Planning and Assessment Act 1979* and Part 8, Division 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposal as described in the REF at Milton Public School, 9 Thomas Street, Milton 2538 is **APPROVED** on behalf of the department and may proceed without the need for further assessment, subject to compliance with and implementation of the following:

- The REF and associated appendices;
- The Mitigation Measures included at **Appendix 1** of the REF; and
- All other relevant statutory requirements, including approvals, licences, notifications, permits, and authorisations.

Yvette Buchli

Yvette Buchli
Executive Director, Planning and Assessments
15 August 2025