



SINSW North Coast Asset Management Unit

## **Statement of Environmental Effects**

Demolition of existing fencing and construction of new security fencing

Wingham Brush Public School, Wingham

April 2025

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## 1 Introduction

Barker Ryan Stewart (BRS) has been engaged by the NSW Department of Education (DoE), for the preparation and lodgement of a Crown development application for new security fencing for Wingham Brush Public School. The site is located within Mid-Coast Local Government Area (LGA) at 4 Isabella Street, Wingham.

The proposed fencing is a direct response to ongoing security and safety issues at the school. The issue is exacerbated by inadequate fencing which has facilitated regular abscondment of students which impacts operations at the school and puts both students and staff at risk during incidents.

It is noted that as a Crown development application, the determination of the application must be in accordance with Section 4.33 of the Environmental Planning and Assessment Act 1979. In particular, attention is drawn to section 4.33(1) which is as follows:

- (1) A consent authority (other than the Minister) must not—*
  - (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
  - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

As such, it is requested that the applicant be provided a copy of the draft conditions of consent prior to determination.

A detailed description of the proposal is provided at Section 3.0, and development plans are included in the appendix to this report.

This report has determined that the proposal is generally compliant with relevant State and the various Mid-Coast Council Planning Instruments.

## 2 Site Analysis

### 2.1 Site Description

The subject site is comprised of two lots, being Lot 4 DP 820546 and Lot 1 Section 20 DP 759099, which are collectively identified as 4 Isabella Street, Wingham. An aerial image of the site is provided in **Figure 1**.

The site is surrounded by roads on three sides, with Farquhar Street to the south, Wynter Street to the west, and Isabella Street to the north. The site is an irregular site, noting that Wingham Post Office and Wingham Library are located within a smaller lot indented into the western side of the subject site.

The subject site is currently occupied by the Wingham Brush Public School, which has been operating on the site since the 1800's. Most of the buildings on the site, including classrooms, administration building, and storage sheds, are located within the north and north-west portion of the site. Vehicle access and on-site parking are provided along the northern and western sides of the site and maintain vehicular access to Isabella Street and Wynter Street. The eastern and southern areas of the site are comprised of landscaped areas and grassed recreation areas.



Figure 1: Aerial image of the subject site (Nearmap, 2025)

### 2.2 Locality

The subject site is located within Wingham in the Mid-Coast Local Government Area (LGA). Wingham is a small town located several kilometres west of Taree. The surrounding locality contains a mix of residential, commercial, and recreational land. The town of Wingham is surrounded by predominantly rural land, and the Manning River is located a short distance south of the subject site.

Specifically, the surrounding area is comprised of:

- To the north: Predominantly general residential development, with some mixed use and recreational land. Further north is rural land.
- To the south: The Manning River is located approximately 250m south of the site and flows through rural and environmental conservation land.
- To the east: The site adjoins environmental conservation land to the east, and beyond that is the Manning River and rural lands.
- To the west: Recreational land, containing cricket fields, play equipment, and public facilities, are located along the western side of Wynter Street. Beyond this is the Wingham town centre, which contains a range of commercial, retail, and residential development.

An aerial image of the locality is provided in **Figure 2**.



Figure 2: Aerial image of the locality (Nearmap, 2025)

### 3 Proposal in Detail

This development application seeks consent for the removal of the existing boundary fence and sandstone blocks at the entrance of Wingham Brush Public School, and the erection of a new boundary fence with associated gates, CCTV, and security signage.

All existing fencing, except the wood panelled fence along the shared boundary with the post office and the existing metal fence along the eastern boundary of the site, is to be removed to facilitate the proposed fencing works. The areas of retained fencing area shown in black in **Figure 3**. The existing sandstone blocks at the entrance of the school will also be removed to facilitate these works. The sandstone blocks and existing fencing can be seen in **Figure 4 and 5** below. It is noted that the subject site and adjoining post office site contain a number of heritage listed items, however no construction or demolition work is proposed to any heritage item, and the fencing and sandstone blocks identified for removal are of minimal importance to the heritage value of the site as demonstrated in the supporting heritage report.

The proposed fencing is to be 2.1m high tubular steel secure fencing, including new lockable gates at all vehicle and pedestrian entries. The proposed fencing is consistent with the standard NSW DoE design model. The fence will have a total length of 825m and will replace the existing boundary fencing. The fence will be located along the lot boundary of all elevations, except to the eastern boundary, where it will have a setback of at least 5m to avoid impact to the existing trees, and the western elevation around Wingham library and post office, where it will have a setback of 3m to avoid adverse impact to the existing heritage items. The proposed fence will include four (4) single and eight (8) manual vehicle and pedestrian gates, and one (1) electronic access pedestrian gate. The location of the proposed fencing and gates is provided in **Figure 3** below, and an example drawing of the fencing is provided at **Figure 6**.

To meet the relevant construction and safety requirements for the proposed fencing, all vegetation and potential climbing points within 1.2m of the proposed fencing will need to be removed. This will result in the removal of three trees, identified as trees 7-9 in **Figure 7** below, and the pruning of other trees along the boundary, identified as trees 1-5 and Groups A, D and E. Refer to the Arborist Report in Appendix C for further details.

The security fencing has been proposed in response to significant security concerns raised by the school and is therefore a priority for NSW DoE and Wingham Brush Public School. The existing fences, as seen in the images below, are wholly insufficient to address current safety concerns and safety obligations of the school. It is therefore required that this application be expedited where possible to suitably manage the regular abscondment of students due to the inadequate fencing currently on site.

It is noted that the installation of security cameras and associated CCTV signage will be completed in conjunction with this proposal, however no approval is sought for these works as it is permitted as exempt development under Schedule 5 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the T&I SEPP).

Development plans are provided in Appendix A and an overview of the works and technical details are provided in Appendix B.

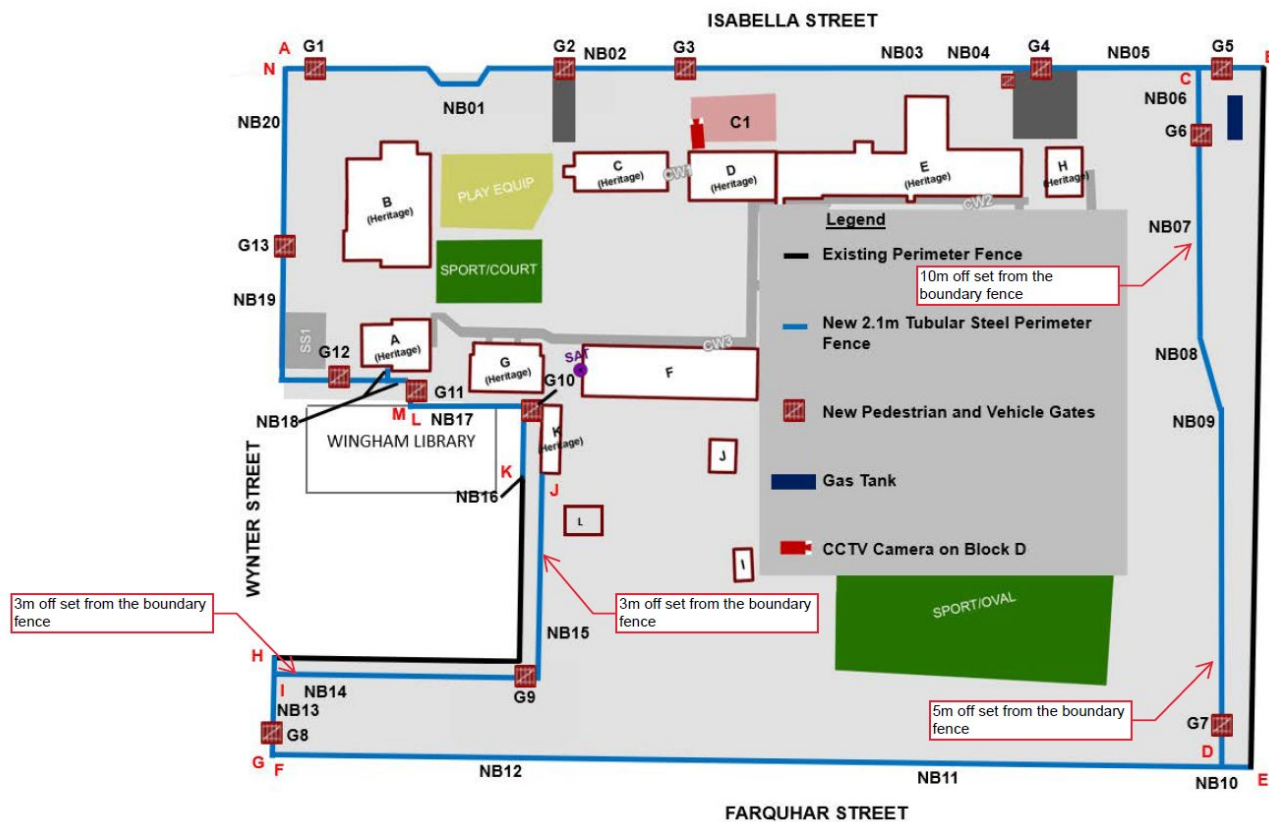


Figure 3: Extract of proposed site plan (NSW DoE, 2025)



Figure 4: View of sandstone blocks at one of the Isabella Street entrances of the site (NSW DoE, 2025)



Figure 5: Existing fencing and gate at one of the Isabella Street entrances (NSW DoE, 2025)

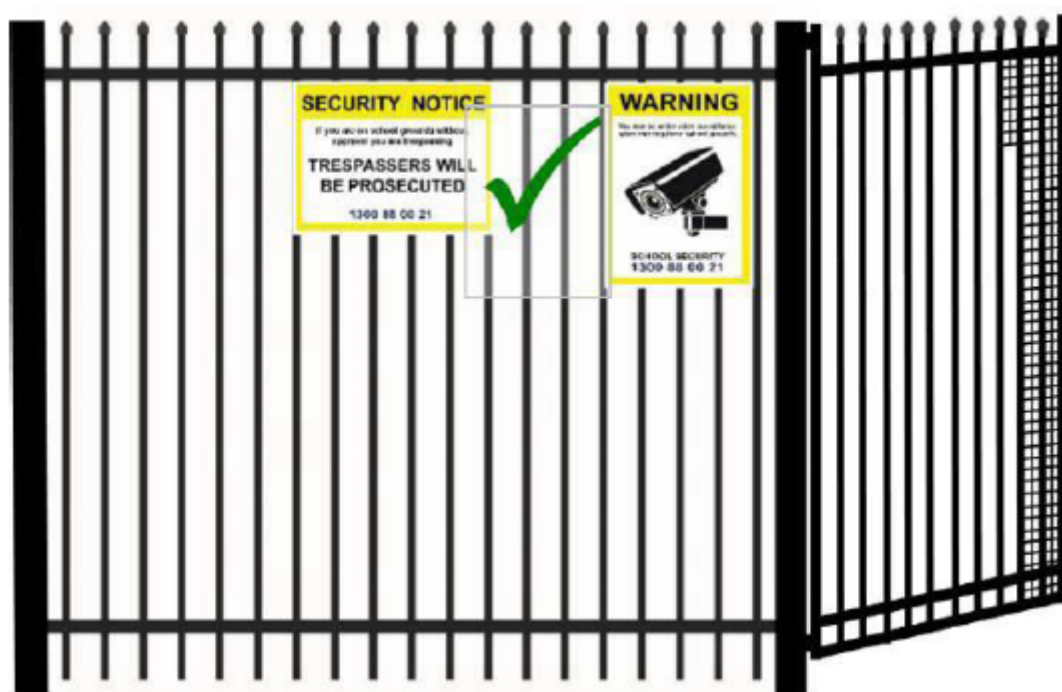


Figure 6: Proposed fencing and gate design (NSW DoE, 2025)



Figure 7: Extract of the tree removal and pruning plan (Valley Tree Services, 2025)

## 4 Statutory Matters

### 4.1 Environmental Planning and Assessment Act 1979

#### 4.1.1 Crown Development Application

A Crown development application is a development application made by or on behalf of the crown. The NSW Department of Education is a statutory body representing the Crown, and therefore this application is a Crown DA in accordance with Division 4.6, Part 4 of the EP&A Act.

### 4.2 State Environmental Planning Policies

#### 4.2.1 Overview of SEPPs

**Table 1** below includes details of the relevant State Environmental Planning Policies (SEPPs) applicable to the subject site and the proposal.

*Table 1: Relevant SEPPs overview*

State Environmental Planning Policy	Relevant	Comment
<b>SEPP (Biodiversity and Conservation) 2021</b>	Yes	See below.
Chapter 2 Vegetation in non-rural areas	Yes	The proposal includes the removal of three trees, which has been supported by an Arborist Report, see Appendix C. As the tree removal is associated with development under Part 4 of the Act, approval for the tree removal is sought as part of this development application and no further assessment under this SEPP is required.
Chapter 3 Koala habitat protection 2020	No	
Chapter 4 Koala habitat protection 2021	No	
Chapter 5 River Murray Lands	No	
Chapter 6 Water Catchments	No	
<b>SEPP (Sustainable Buildings) 2022</b>	No	
<b>SEPP (Resilience and Hazards) 2021</b>	Yes	See below.
Chapter 2 Coastal management	Yes	The subject site is located within the Coastal Use Area and Coastal Environment Area and is discussed in <b>Section 4.2.2</b> below.
Chapter 3 Hazardous and offensive development	No	
Chapter 4 Remediation of land	No	

State Environmental Planning Policy	Relevant	Comment
SEPP (Transport and Infrastructure) 2021	Yes	See below.
Chapter 3 Educational establishments and childcare facilities.	N/A	The proposed development is not considered to be exempt under this SEPP as the proposed security fencing will require the removal and pruning of trees that is not exempt. As such, approval is sought through this DA. An assessment against the relevant provisions of this SEPP is provided in <b>Section 4.2.3</b> below.
SEPP (Housing) 2021	No	
SEPP (Industry and Employment) 2021	No	
SEPP (Planning Systems) 2021	No	
SEPP (Primary Production) 2021	No	
SEPP (Resources and Energy) 2021	No	
SEPP (Precincts- Central River City) 2021	No	
SEPP (Precincts- Eastern Harbour City) 2021	No	
SEPP (Precincts- Regional) 2021	No	
SEPP (Precincts- Western Parkland City) 2021	No	

#### 4.2.2 SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management

Chapter 2 Coastal Management of this SEPP contains planning provisions regarding land use planning within the coastal zone. This applies as the subject site is located within the Coastal Environment Area and Coastal Use Area, as indicated in **Figure 8** below. An assessment against the relevant provisions of this SEPP has been provided in **Table 2** below.



SEPP Requirement	Comment
<b>Division 3 Coastal Environment Area</b>	
<b>2.10 Development on land within the coastal environment area</b>	
<i>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following –</i>	
<i>(a) The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	<p>Complies.</p> <p>The proposed development does not include any changes to the existing stormwater system and will result in negligible impacts to hardstand area. It is noted that the proposed earthworks and tree removal are minor in nature and will be restricted to the development footprint. Furthermore, the recommendations of the Arborist report and erosion and sedimentation control measures will be implemented during works to mitigate any potential adverse impacts to the surrounding environment. As such, no adverse impact to the biophysical,</p>

SEPP Requirement	Comment
	hydrological, and ecological environment as a result of the proposal are expected.
(b) Coastal environmental values and natural coastal processes	Complies. The proposed development will not have an adverse impact on the coastal environmental values and natural coastal processes.
(c) The water quality of the marine estate, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1	Complies. The proposed development is not located in proximity to a marine estate or any of the coastal lakes identified in Schedule 1.
(d) Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	Complies. The proposed development is not located in proximity to marine vegetation or any native flora or fauna on undeveloped headlands and rock platforms.
(e) Existing public open space and safe access to and along the foreshore, beach, headland, or rock platform for members of the public, including persons with a disability	Complies. The proposed fencing will not have an adverse impact on any existing public access to and along a foreshore, beach, headland, or rock platform.
(f) Aboriginal cultural heritage, practices and places	Complies. An Aboriginal Heritage Due Diligence Report has been provided with this application, which confirmed that there are no Aboriginal items or sites within the subject site and is unlikely to disturb or result in any adverse impact to any such items or sites. Refer to Appendix D for further details.
(g) The use of the surf zone	Complies. The subject site is not located in proximity to a surf zone.
(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that –	
(a) The development is designed, sited, and will be managed to avoid an adverse impact referred to in subsection (1)	The proposed development has been designed and sited so as to avoid any adverse impact referred to in subsection 1 above, noting that the subject site is not located in proximity to areas of significant environmental or coastal values.
(b) If that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or	

SEPP Requirement	Comment
(c) If that impact cannot be minimised – the development will be managed to mitigate that impact	
(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.	Noted. Not applicable.
<b>Division 4 Coastal Use Area</b>	
<b>2.11 Development on land within the coastal use area</b>	
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority –	
(a) Has considered whether the proposed development is likely to cause an adverse impact on the following –	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Complies. The proposed development will not prevent or restrict public access to and along the foreshore, beach, headland, or rock platform.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Complies. The proposed development will not result in any adverse overshadowing, wind funnelling, or privacy impacts to the foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Complies. The proposal has been designed to reflect the visual amenity of the area and will not have an adverse impact on the visual amenity or scenic qualities of the coast.
(iv) Aboriginal cultural heritage, practices and places,	Complies. As discussed above, an Aboriginal Heritage Due Dilligence Report has been provided which confirms that the proposed development is not considered likely to have an adverse impact on any Aboriginal heritage items or sites. Refer to Appendix D for further details.
(v) cultural and built environment heritage, and	Complies. A Statement of Heritage Impact has been provided with this application, which confirms that the proposed development is not considered likely to result in any significant impact to the heritage value of the surrounding area. The fencing and sandstone blocks identified for removal are not heritage items and

SEPP Requirement	Comment
	provide minimal heritage value. Additionally, the proposed fence will result in minor visual impacts to the heritage items but will otherwise not result in any significant adverse impacts to any heritage items or the heritage conservation area. Refer to Appendix E for further details.
<i>(b) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that –</i>	
<i>(i) The development is designed, sited, and will be managed to avoid an adverse impact referred to in subsection (1)</i>	The development has been designed and sited so as to avoid the adverse impacts referred to in subsection 1.
<i>(ii) If that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or</i>	
<i>(iii) If that impact cannot be minimised – the development will be managed to mitigate that impact</i>	
<i>(c) Has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development</i>	Complies. The scale of the proposed fencing is considered to be appropriate, noting that it provides improved security and safety for the existing school and uses a simple design which is consistent with the built environment and is appropriate for the scale of the existing development.

#### 4.2.3 SEPP (Transport and Infrastructure) 2021

The proposed fencing is associated with an existing school and therefore Chapter 3 of this SEPP applies. An assessment against the relevant provisions of this SEPP is provided in **Table 3** below.

Table 3: T&I SEPP Assessment

SEPP Requirement	Comment
<b>Part 3.4 Schools – specific development controls</b>	
<b>3.36 Schools – development permitted with consent</b>	
<i>(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.</i>	Complies. The proposed fence is associated with an existing school, and the subject site is located within the R1 zone, which is a prescribed zone under Section 3.34.

SEPP Requirement	Comment
(2) Development for a purpose specified in section 3.40(1) or 3.41(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing or approved school.	Not applicable – the proposed development is not complying development under Section 3.40 or 3.41.
(3) Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing or approved school.	Not applicable – the subject site is located within a prescribed zone.
(4) Subsection (3) does not require development consent to carry out development on land if that development could, but for this Chapter, be carried out on that land without development consent.	Not applicable – the proposal is not considered as development without consent.
(5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.	Not applicable.
<p>(6) Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration—</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>Complies.</p> <p>The development proposed is referred to under subsection (1), and therefore this section applies.</p> <p>(a) An assessment against the design quality principles set out in Schedule 8 is provided below.</p> <p>(b) The proposed development does not enable the use of school facilities to be shared with the community.</p>
(7) Subject to subsection (8), the requirement in subsection (6)(a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.	Noted.
(8) A provision in another environmental planning instrument that requires a competitive design	Noted.

SEPP Requirement	Comment
<i>process to be held as a prerequisite to the granting of development consent does not apply to development to which subsection (6)(a) applies that has an estimated development cost of less than \$50 million.</i>	No competitive design process is required for this proposal.
<i>(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.</i>	Noted.
<i>(10) Development for the purpose of a centre-based childcare facility may be carried out by any person with development consent on land within the boundaries of an existing or approved school.</i>	Not applicable.
<i>(11) In this section— <b>estimated development cost</b> has the same meaning as in the Environmental Planning and Assessment Regulation 2021.</i>	Noted.

### Schedule 8 Design quality principles in schools – Chapter 3

#### 1 Responsive to context

<i>Schools should be designed to respond to and enhance the positive qualities of their surroundings.</i>	<p>The proposal is for fencing associated with the existing school, and therefore no changes to existing school buildings are proposed.</p> <p>The proposed fencing will be black tubular steel secure fencing, with spacing between each of the vertical pickets. This design will allow for the school buildings (including existing heritage buildings) to be viewable through the fencing and therefore responds to the important heritage qualities of the existing school, post office, and other surrounding heritage items.</p>
<i>In designing built forms and landscapes, consideration should be given to a Country-centred approach and respond to site conditions such as orientation, topography, natural systems, Aboriginal and European cultural heritage and the impacts of climate change.</i>	<p>An Aboriginal Heritage Due Diligence Report and Statement of Heritage Impact Report have been provided, which confirms that the fencing is appropriate with the surrounding Aboriginal and European cultural heritage. See Appendix D and E for further details.</p> <p>The proposed development has been designed to respond to the site conditions, noting that the fence has been setback from the boundary</p>

SEPP Requirement	Comment
	along the eastern boundary to reduce tree removal and pruning requirements where possible. Despite this, three trees are required to be removed to facilitate the construction and remove potential climbing points. The proposal also includes minimal earthworks and will therefore be generally consistent with the topography of the site.
<i>Landscapes should be integrated into the overall design to improve amenity and to help mitigate negative impacts on the streetscape and neighbouring sites.</i>	No landscaping is included in this proposal. It is noted that all climbing points, including trees and vegetation, are required to be at least 1.2m from the fence to meet the minimum security requirements. Despite this, the proposed development is not expected to have any significant impact on the streetscape or neighboring sites as the proposed design will not obstruct views, detract from surrounding heritage items or the heritage conservation area, or otherwise impact the amenity of the area.
<b>2 Sustainable, efficient, and resilient</b>	
<i>Good school design combines positive environmental, social and economic outcomes and should align with the principles of caring for Country.</i>	<p>The proposed development seeks to improve the safety and security of the school by replacing the existing fence with a 2.1m high security fence. The security fence has been designed to address existing security concerns, maintain appropriate and secure pedestrian and vehicle access, and minimize impact on the heritage and environmental values of the site and surrounding area. This has been supported by the provided heritage reports and arborist report, provided in the appendices, which confirm that the development will have no significant adverse impacts on European or Aboriginal Heritage and has been appropriately located to minimize potential impacts to existing trees.</p> <p>No other changes are proposed to the existing school.</p> <p>The proposed development will therefore contribute to positive social and environmental outcomes and is consistent with the principles of caring for Country.</p>
<i>Schools should be designed to be durable and resilient in an evolving climate.</i>	The proposed fencing has been designed to be durable and is appropriate for the climate risk of the site.

SEPP Requirement	Comment
	The proposed development will not adversely impact the durability or resilience of existing school buildings.
<i>Schools and their grounds should be designed to minimise the consumption of energy, water and other natural resources and reduce waste.</i>	The proposed development will have no impacts on waste generation or the consumption of energy, water, or other natural resources.
<b>3 Accessible and inclusive</b>	
<i>School buildings and grounds should be welcoming, easy to navigate and accessible and inclusive for people with differing needs and abilities.</i>	<p>The proposed development will not result in any changes to the accessibility of existing buildings. It is noted that the proposed fencing may appear less welcoming than the existing fencing arrangements, however this is considered to be acceptable in this instance given the security concerns of the school. It is noted that the proposed fence has been designed to mitigate the potentially unwelcoming appearance by limiting the visual obstruction of the fence and providing clear, accessible gates along the main vehicle and pedestrian areas, including along Isabella Street and Wynter Street. The fence will include a total of thirteen (13) vehicle and pedestrian gates across the site, which results in an additional five gates and therefore improves the existing accessibility of the site. Furthermore, a pedestrian electronic access control gate has been provided to Isabella Street which has been designed to meet the minimum opening force of about 15 Newton/square Meters for persons with disability access.</p> <p>The proposed development therefore ensures that the school remains accessible and inclusive for people with differing needs and abilities.</p>
<i>Schools should be designed to respond to the needs of children of different ages and developmental stages, foster a sense of belonging and seek to reflect the cultural diversity of the student body and community.</i>	Not applicable to this proposal.
<i>Schools should be designed to enable sharing of facilities with the community and to cater for activities outside of school hours.</i>	The proposed development will not prevent sharing facilities with the community outside of school hours.
<b>4 Healthy and safe</b>	

SEPP Requirement	Comment
<i>Good school design should support wellbeing by creating healthy internal and external environments.</i>	It is noted that the provision of security fencing is of urgent importance to Wingham Brush Public School. The school has experienced multiple security incidents recently, including incidents that resulted in the school being placed in lockdown. The current fence is wholly insufficient to address these security concerns, and therefore the proposed fence design has been carefully designed to ensure appropriate safety measures are provided to improve the security of the site and support the safety and wellbeing of staff and students.
<i>The design should ensure safety and security within the school boundaries, while maintaining a welcoming address and accessible environment.</i>	The proposed fence has been designed to address the safety needs of the school, which includes a durable fence design, lockable gates to all entries, and removal of all potential climbable points. Additionally, the fence allows for the school to be viewable from the streetscape, provides ample secure pedestrian and vehicle access points, and does not require the removal of any vegetation along the street frontage, which will assist in maintaining a welcoming address and accessible site.
<i>In designing schools, consideration should be given to connections, transport networks and safe routes for travel to and from school.</i>	The proposed development will include a number of gates to all street frontages to ensure that there is connection to the surrounding road network and pedestrian areas. The proposed development will not have an adverse impact on existing travel networks and safe routes.
<b>5 Functional and comfortable</b>	
<i>Schools should have comfortable and engaging spaces that are accessible for a wide range of formal and informal educational and community activities.</i>	Not applicable.
<i>In designing schools, consideration should be given to the amenity of adjacent development, access to sunlight, natural ventilation, proximity to vegetation and landscape, outlook and visual and acoustic privacy.</i>	The proposed development will not have an adverse impact on solar access, privacy, or ventilation, and will have minimal adverse visual impact.
<i>Schools should include appropriate indoor and outdoor learning and play spaces, access to services and adequate storage.</i>	Not applicable.

SEPP Requirement	Comment
<b>6 Flexible and adaptable</b>	
<i>In designing schools, consideration should be given to future needs and take a long-term approach that is informed by site-wide strategic and spatial planning.</i>	Not applicable.
<i>Good design for schools should deliver high environmental performance and ease of adaptation, and maximise multi-use facilities.</i>	Not applicable.
<i>Schools should be adaptable to evolving teaching methods, future growth and changes in climate, and should minimise the environmental impact of the school across its life cycle.</i>	Not applicable.
<b>7 Visual appeal</b>	
<i>School buildings and their landscape settings should be aesthetically pleasing by achieving good proportions and a balanced composition of built and natural elements.</i>	The proposed development does not include any changes to the existing school buildings or landscaping. Furthermore, the proposed fencing has been designed to not obstruct views or detract from the built environment
<i>Schools should be designed to respond to and have a positive impact on streetscape amenity and the quality and character of the neighbourhood.</i>	The proposed development has been designed to improve the safety and security of the site while minimizing impacts on the streetscape where possible. Additional gates are provided to provide connection to Wingham Library and Wingham Post Office, Farquhar Street, and to the eastern elevation, to maintain visible entry/exit points and connection to adjoining heritage items. Furthermore, not tree removal is proposed along the road frontage to minimize visual impact to the streetscape. The design of the fencing includes vertical palisade pickets with spacing of up to 100mm, which will minimize visual obstruction from the streetscape. As such, the proposed development is considered to be an appropriate balance between the security needs of the site and impacts on the streetscape.
<i>The identity and street presence of schools should respond to the existing or desired future character of their locations.</i>	As detailed above, the proposed development has been designed to provide security for the site while minimizing adverse impacts to the streetscape. The Statement of Heritage Impact, provided in Appendix E, has confirmed that the proposed fencing will have minimal adverse impacts on the heritage character of the area.

SEPP Requirement	Comment
	No changes are proposed to the school buildings or other structures, and therefore the proposed development is considered to have a minor impact on the identity and street presence of the school.
<i>The design of schools should reflect the school's civic role and community significance.</i>	The proposed development will positively contribute to the security and safety obligations of the school.

### 4.3 Local Environmental Plans

#### 4.3.1 Greater Taree Local Environmental Plan 2010

The Greater Taree Local Environmental Plan 2010 (GTLEP) applies to the subject site, and under the provisions of the GTLEP, the site is zoned R1 General Residential, as seen **Figure 9** below.

The zone objectives are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents

The proposed development is for fencing works, which are ancillary to the existing education establishment (school), which is permitted with consent within the R1 zone. The development is consistent with the objectives of this zone as it provides additional security for the existing school facility and will contribute to ongoing use of this facility.



Figure 9: Extract of LEP Map - Land Zoning (NSW ePlanning Spatial Viewer, 2025)

Other clauses of the LEP relevant to the proposal are identified and assessed in **Table 4** below.

Table 4: Additional LEP Provisions

LEP Provision	Comment
<b>Part 2 Permitted or Prohibited Development</b>	
2.7 Demolition requires development consent	Development consent for the demolition of the existing fence is sought as part of this application.
<b>Part 4 Principal Development Standards</b>	
4.3 Height of Buildings	The proposed fence will have a maximum height of 2.1m, which is below the maximum height limit of 8.5m.
<b>Part 5 Miscellaneous Provisions</b>	
5.10 Heritage Conservation	<p>The site is identified as containing several heritage items and is located within a heritage conservation area as seen in <b>Figure 10</b> below. However, no works to any heritage items are included in the proposal.</p> <p>Nonetheless, a Statement of Heritage Impact and Aboriginal Due Dilligence Report has been provided to assess any potential indirect impacts to the heritage items or heritage conservation area.</p> <p>The Statement of Heritage Impact has considered the potential impact of the proposal on items of European heritage and the heritage conservation area and has concluded that the proposed development</p>

LEP Provision	Comment
	<p>will have no direct impacts to any heritage items, however, it is expected to have a minor impact on the streetscape and views of the site. An assessment of the impact of the development on the heritage significance of the site was conducted, which noted that the existing fencing and sandstone blocks at the school's entrance are not heritage items and have little to moderate heritage value. This report has also provided recommendations for the development, which include a heritage induction for all construction personnel and an unexpected finds procedure to be utilised should any heritage or archaeological items be identified during works. These recommendations will be complied with during works. See Appendix E for further details.</p> <p>The Aboriginal Heritage Due Dilligence Report has noted that no Aboriginal items or sites are identified on the subject site, and as the site is considered to be disturbed it is considered unlikely that any Aboriginal items or sites will be identified during works. However, it is noted that Aboriginal sites and items have been identified in the wider area, including on the adjoining site. As such, this report has recommended that all construction personnel be made aware of their obligations relating to the reporting and protection of any Aboriginal sites or items, and implementation of an unexpected finds protocol should any heritage items or human remains be identified during works. These recommendations will be complied with during works. See Appendix D for further details.</p> <p>On this basis, the proposed development is considered to be appropriate for the heritage value of the site and will not result in any significant adverse impacts to any heritage items or heritage conservation area. The proposal is therefore consistent with the requirements and objectives of this section.</p>
5.21 Flood planning	<p>The subject site is located within mapped flood prone land. As seen in <b>Figure 11</b> below, only the south-east corner of the site is located within mapped flood prone land, while the rest of the site is only located within the Probable Maximum Flood (PMF).</p> <p>The proposed fencing has been designed to allow for the free of water and will have a negligible impact on the topography of the site. The development is compatible with the flood behaviour of the site and will not result in any increase in flood risk.</p>
<b>Part 7 Additional Local Provisions</b>	
7.1 Acid Sulfate Soils	<p>The subject site is located within mapped class 5 Acid Sulfate Soils. The proposal includes only minor earthworks and is considered unlikely to disturb any ASS. A management plan is therefore not required.</p>
7.3 Earthworks	<p>Minor earthworks are required as part of this proposal and will be only to establish the footings of the proposed fencing. The proposed earthworks will not result in any adverse impact to adjoining properties, and</p>

LEP Provision	Comment
	appropriate erosion and sediment controls will be imposed during works to prevent dust impacts.

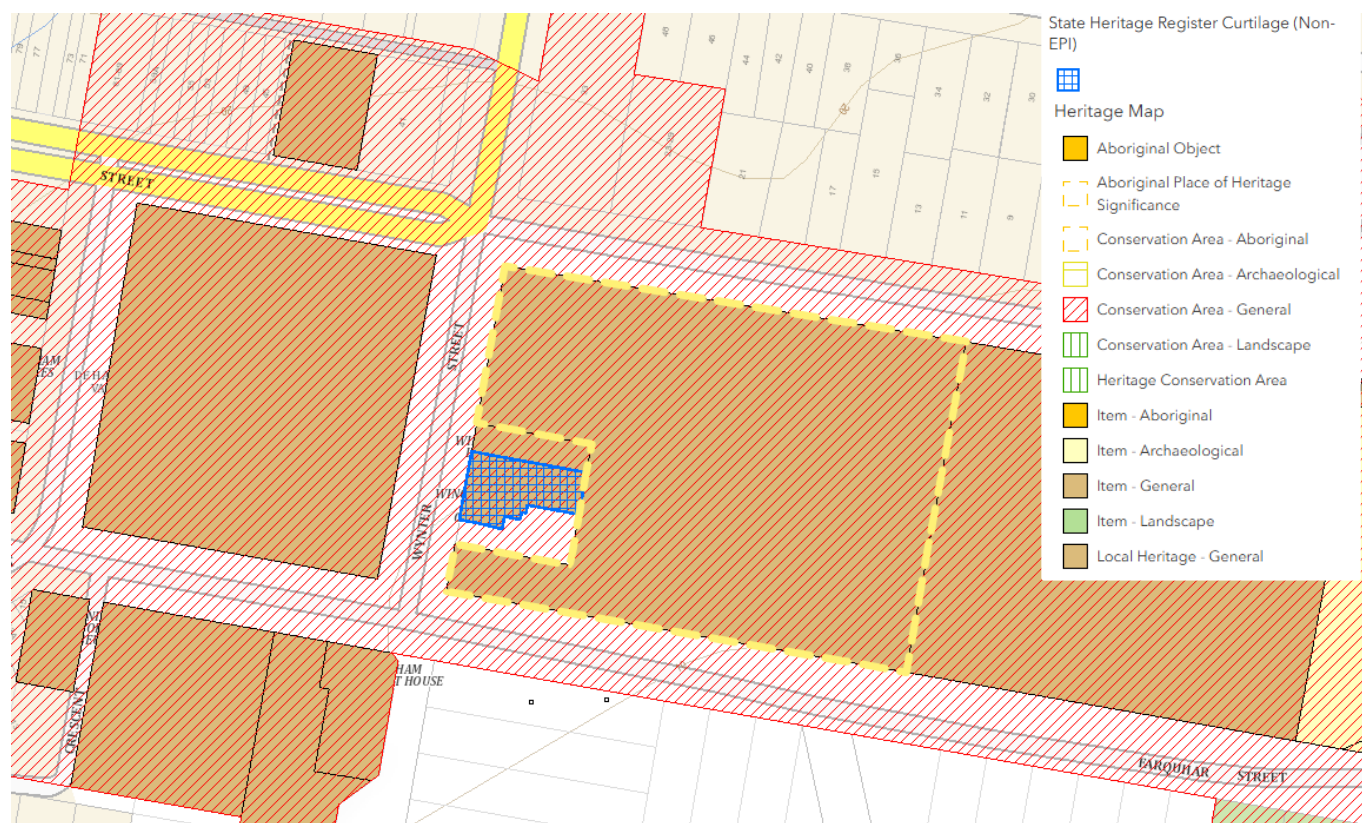


Figure 10: Extract of LEP Map - Heritage (NSW ePlanning Spatial Viewer, 2025)

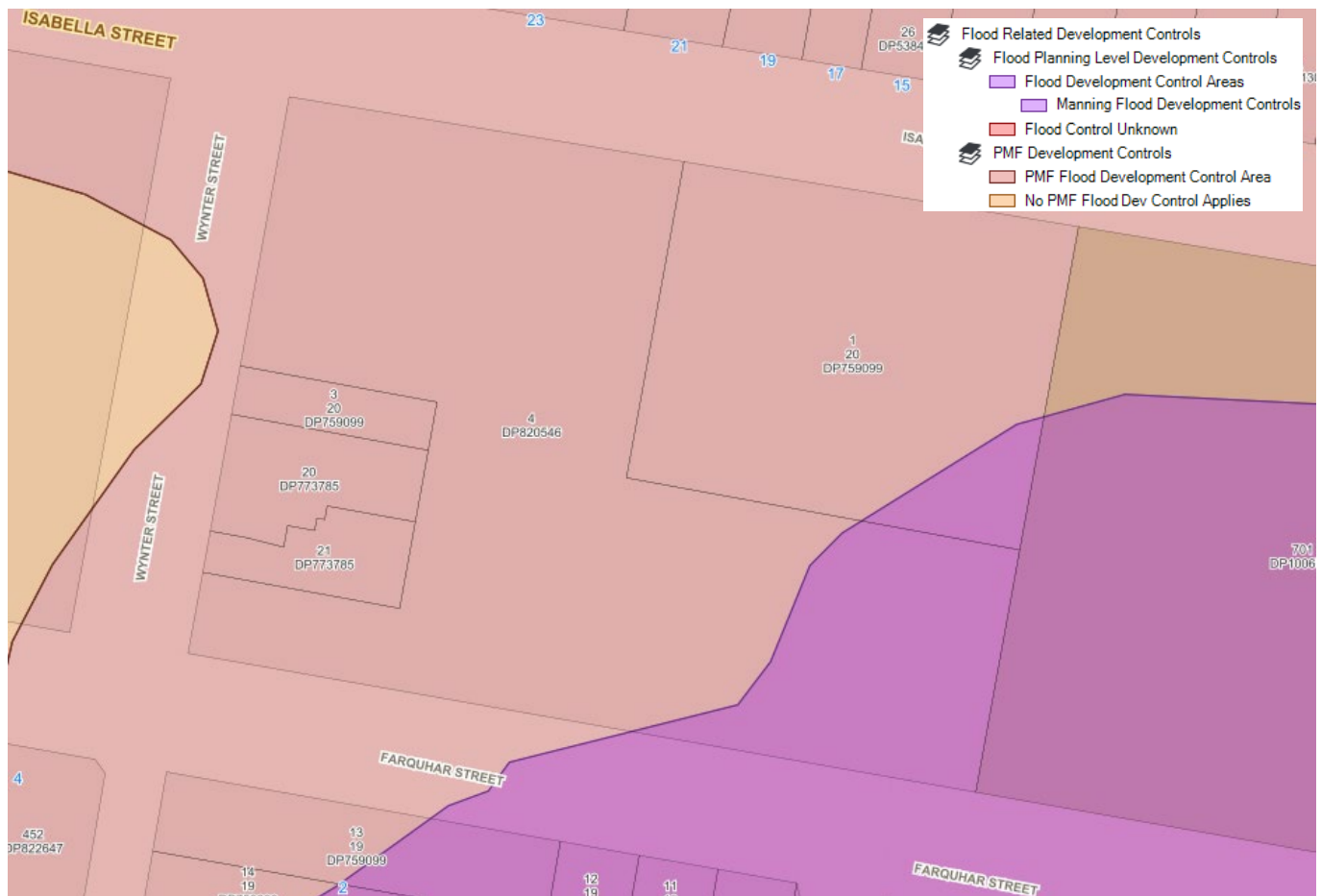


Figure 11: Extract of Flood Prone Land Map (MidCoast Council Mapping, 2025)

#### 4.3.2 Draft MidCoast Local Environmental Plan

It is understood that MidCoast Council is in the process of developing the MidCoast Local Environmental Plan (MCLEP) to replace the three existing LEPs applicable to the MidCoast LGA. The MCLEP received Gateway Approval on 5 April 2024, and a draft has been exhibited for community feedback. Council's website indicates that the updated LEP will be presented to Councillors in early 2025.

Section 4.15(1)(a)(ii) of the EP&A Act required consideration to be given any draft EPI which has been subject to public consultation. The NSW Department of Planning has issued Planning Circular PS 24-007 summarising relevant legislative and caselaw requirements regarding the consideration due to draft EPIs required by this section. The Land and Environment Court has found that an instrument that has been gazetted or notified should be considered as both certain and imminent unless the savings provisions clearly state that it does not apply. However, it is noted that giving significant weight to a draft EPI does not mean strict compliance is required. As the draft MCLEP has been publicly exhibited but no date of gazettal has been provided, consideration of this proposed EPI is appropriate in this instance.

Under the draft MCLEP, the subject site is located within the R1 General Residential Zone, as seen in **Figure 12** below.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To facilitate forms of low rise, medium density development that are compatible with the existing and desired future character and amenity of the surrounding neighborhood.

The proposed development is for fencing works ancillary to the existing educational establishment (school). Educational establishments are permitted with consent within the R1 zone. The development is generally consistent with the objectives of this zone as the proposal seeks to improve the security of the existing school and assists in the school continuing to provide facilities and services to the needs of the residents.

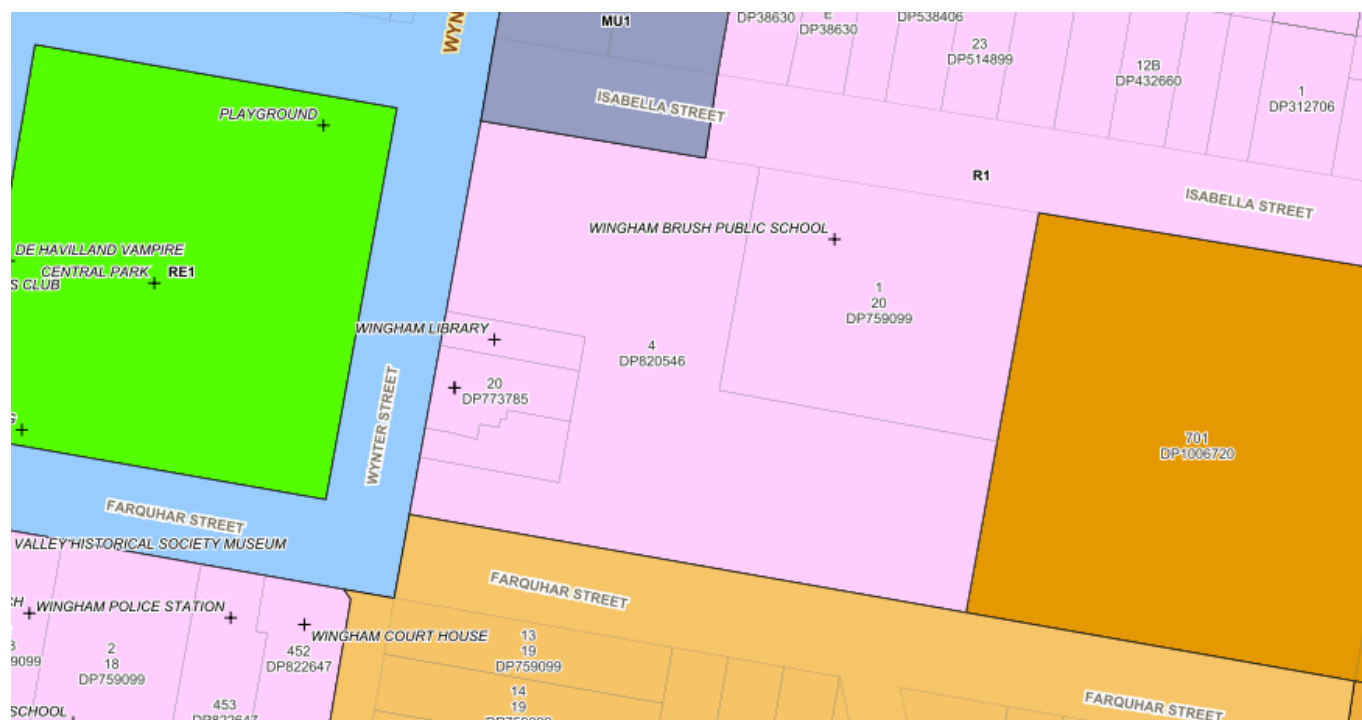


Figure 12: Extract of Draft LEP Map – Land Zoning (MidCoast Council, 2025)

Other relevant provisions of the draft MCLEP have been considered in **Table 5** below.

Table 5: Draft MCLEP Provisions

Draft LEP Provision	Comment
<b>Part 1 Preliminary</b>	
1.8A Savings provision relating to development applications	Under these savings provisions, as this application has been lodged prior to the commencement of this Plan, and therefore it is to be determined as if this Plan has not commenced. However, it is noted that consideration of the draft Plan is still required under S4.15(1)(a)(ii) of the EP&A Act.
<b>Part 2 Permitted or prohibited development</b>	
2.7 Demolition requires development consent	The demolition/ removal of the existing fence is included in this DA as required by this provision.
<b>Part 4 Principal development standards</b>	

Draft LEP Provision	Comment
4.3 Height of buildings	The maximum height of buildings applicable to the subject site is 8.5m. The maximum height of the proposed fencing is 2.1m, which complies with this provision.
<b>Part 5 Miscellaneous provisions</b>	
5.10 Heritage Conservation	The heritage items and conservation area identified in <b>Figure 10</b> above are included in the Draft MCLEP, and therefore this section applies. As discussed in Section 4.3.1 above, a Statement of Heritage Impact Report and Aboriginal Due Dilligence Report has accompanied this application and confirms that the proposal will not have a significant impact on any heritage items or sites. The proposed development is consistent with the objectives of this section as it will conserve the heritage significance of the heritage items and conservation areas.
5.21 Flood Planning	No updated flood mapping has been provided as part of the draft LEP. The proposal is generally consistent with the objectives of this clause as the proposed fencing will allow for the free flow of water and is compatible with the flood risk of the site. The proposed fencing will not contribute to any cumulative or adverse impacts to flood behavior.
<b>Part 7 Additional local provisions</b>	
7.1 Acid Sulfate Soils	The subject site is located within Class 5 Acid Sulfate Soils. The proposal includes only minor earthworks and is considered unlikely to disturb any ASS.
7.2 Earthworks	The proposal includes minor earthworks for the footings only. The proposed earthworks are generally consistent with the objectives of this clause as it will not result in any adverse impact on the surrounding natural environment, adjoining properties, or heritage items.

## 4.4 Greater Taree Development Control Plan 2010

### 4.4.1 Greater Taree Council Development Control Plan 2010

The provisions of the Greater Taree Development Control Plan 2010 (GTDCP) that are relevant to the proposed development are considered in **Table 6** below.

Table 6: Development Control Matrix

DCP Requirement	Comment
<b>Part B Character Statements</b>	
<b>B1 General</b>	
B1.2 Towns	See below

### B1.2.1 Wingham Town Centre

The subject site is partially located within the Wingham Town Centre, as identified in **Figure 13** below. Specifically, the subject site is identified as being within the Public Building Precinct of the town centre.

Within the Public Building Precinct any new building is to reflect the built form in terms of design, materials, and colour. The proposed fence does not constitute a building and therefore this does not strictly comply. However, it is noted that the proposed fencing will not detract from adjoining heritage buildings or the character of the area and is therefore appropriate for the existing land use of the subject site.

## Part D Environmental Requirements

### D3 Earthworks, Erosion and Sedimentation

#### D3.1 Earthworks

The proposal will include minor earthworks for the footings of the proposed fencing. No other cut and fill or retaining walls are proposed, and the proposal will not require the use of any fill stockpiles.

The proposal is consistent with the objectives of this section as it will not have an adverse impact on the surrounding natural environment or adjoining properties. Furthermore, any earthworks would not result in any changes to the topography of the site or result in any adverse impacts on the aesthetic quality and amenity of the area.

#### D3.2 Erosion and sediment control requirements

An erosion and sediment control plan will be developed by the contractor prior to construction works, and applicable erosion and sediment control measures will be implemented during works to ensure there are no adverse impacts to the subject site or surrounding properties.

### D4 Vegetation Management

#### D4.1 Vegetation Management

An Arborist Report has been provided to support this application, which has confirmed that the proposed development will require the removal of Trees 7-9 and pruning of Trees 1-6 and Groups A-E as identified in **Figure 7** above. All other trees on the site can be retained, and tree protection measures will be implemented during construction works. Trees 7-9 are identified as *Lophostemon confertus* (Bush Box), which is not identified as an endangered or threatened species and cannot be retained without significant changes to the alignment of the fence. Refer to Appendix C for more details.

## Part E Flooding Requirements

### E4 Development controls

#### E4.1 Critical Uses and Facilities

The proposed development is not for a critical use or facility and therefore this does not apply.

#### E4.2 Sensitive Uses and Facilities

It is noted that an educational establishment is identified as a sensitive use or facility. However, the proposed development is for fencing only and does not include any alterations and additions to the existing school, car parking and driveway arrangements, or operational details.

	The proposed fencing incorporates gates for pedestrian and vehicular access which are located along existing access points and will maintain existing flood free access opportunities for the site. Furthermore, the proposed fencing will not result in any changes to flood behaviour, flows, velocities, or flood storage. As such, the proposal is consistent with the provisions of this section.
E4.7 Recreation or Non-Urban Uses	The proposed development is not for a recreation or non-urban use and therefore this does not apply.

## E5 Other Development

E5.5 Fencing	The proposed fencing is not located within a high-risk flood hazard area and is a security design style which will allow for the unobstructed flow of flood waters. The proposal is consistent with the requirements of this section.
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## Part F Heritage Requirements

F1 Heritage introduction	The proposed is located within a heritage conservation area and therefore is development which requires consent.
F2 Development Requirements	Not applicable – the proposal does not include any new buildings or alterations and additions to existing buildings.
F3 Ancillary development requirements	Strict compliance with the requirement for fences to be located on the building line, constructed of materials characteristic of the area, and the avoidance of plain or colour treated metal fencing is considered to be unreasonable in this instance as this would not meet the safety requirements of the Department of Education or the security needs of the school. Furthermore, all car parking areas, school buildings, and outdoor spaces are required to be contained within the fenced area which cannot be achieved by locating the fencing along the building line. It is noted that the proposed fencing is consistent with the requirement for the fencing to not be solid and does not include the removal of any historically significant fencing. Despite the non-compliance with these requirements, the proposed fencing is considered to have minimal adverse impacts on the heritage character of the area, as detailed in the provided Statement of Heritage Impact Report, contained in Appendix E, as it will not detract from the heritage items on the site or adjoining site and will not obstruct views of any heritage items.

## Part M Site Waste Minimisation and Management

M1 General	Please see the provided waste management plan, contained in Appendix F.
M2 Demolition of buildings or structures	Please see the provided waste management plan, contained in Appendix F.
M3 Construction of buildings and structures	Please see the provided waste management plan, contained in Appendix F.

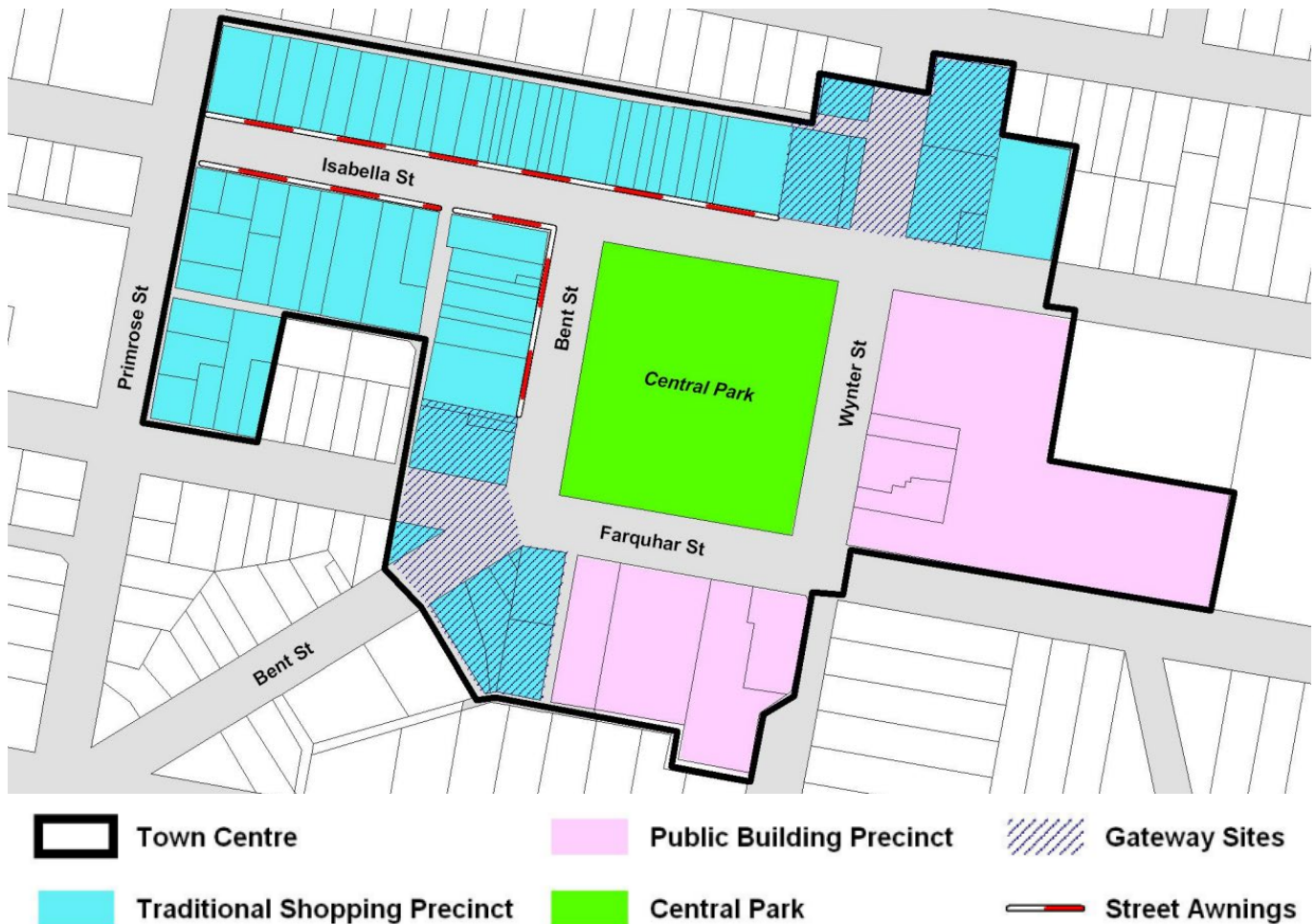


Figure 13: Extract of the Wingham Town Centre Character Map (MidCoast Council)

#### 4.5 Water Management Act 2000

Under Part 3 of Chapter 3 a person must obtain a permit for water use approval, water management work approval or activity approval.

No building works are proposed in close proximity to a water course and the integrated approval of Office of Water is not required in this instance.

#### 4.6 Rural Fires Act 1997

The subject site is partially located within mapped bushfire prone land, as seen in **Figure 14** below.

Under Section 100B of the *Rural Fires Act 1997* educational establishments are identified as a Special Fire Protection Purpose. However, Section 46(1)(0) of the *Rural Fires Regulation 2022* states:

- (1) For the purposes of the Act, section 100B(5)(a1), the following development is excluded from the operation of the Act, section 100B—
  - ...
  - (o) development of a minor nature that relates to an existing building that is for a special fire protection purpose.

This section allows for this proposal to be excluded from the operation of Section 100B, and therefore an integrated referral to the Rural Fire Service is not required in this instance.

The proposed development is not a habitable structure, and as such there are no specific requirements applicable under the Planning for Bushfire Protection 2019 and no further assessment is required.

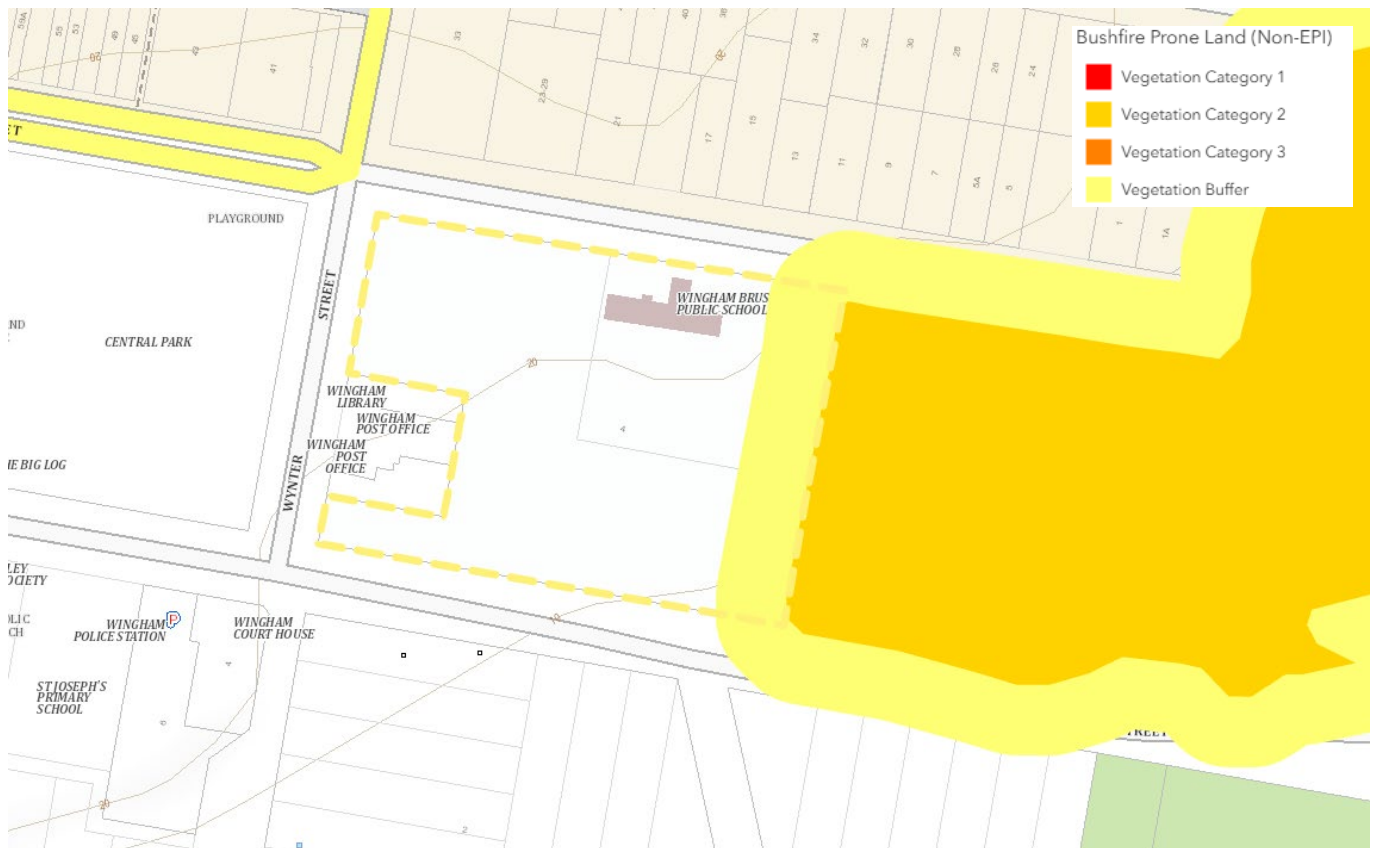


Figure 14: Extract of the Bushfire Prone Land mapping (NSW ePlanning Spatial Viewer, 2025)

#### 4.7 Biodiversity Conservation Act 2016

In accordance with Part 7 of the Biodiversity Conservation Act, the proposal does not require a supporting biodiversity development assessment report because:

- (a) the development is not likely to significantly affect threatened species or ecological communities, or their habitats,
- (b) the development does not trigger any biodiversity offsets schemes; and
- (c) the development is not proposed in a declared area of outstanding biodiversity value.

## 5 Section 4.15 Assessment

### 5.1 (a)(i) The provisions of any Environmental Planning Instrument

As outlined in Section 4.0 the proposal has been prepared in light of the relevant environmental planning instruments.

### 5.2 (a)(iii) The Provisions of any Development Control Plan

The proposal has been prepared having regard for relevant DCP requirements, refer Section 4.0.

### 5.3 (b) The Likely Impacts of That Development

#### Natural Environment

The proposed development will include the removal of three trees and the pruning of other trees located along the site boundary and has been accompanied by an Arborist Report (Appendix C) to support this. Notwithstanding, the proposal is not considered to have any significant impact on the natural environment as the proposal does not require the removal of any endangered or threatened species, will not cause harm to surrounding flora and fauna, or otherwise adversely impact the ecology of the surrounding area.

#### Social Impact & Economic Impact

The proposed development is intended to improve the security of the site in response to a number of safety concerns and security incidents raised by the school. The design and location of the proposed fencing will minimise risk of unauthorised entry while maintaining appropriate access to the site and minimising visual impact to the streetscape and surrounding heritage items. The proposal will therefore result in beneficial social impacts through the improved safety outcomes.

The proposed demolition and construction works will provide short-term employment opportunities for the area, and the improved security of the site will reduce opportunities for property damage, thereby indirectly reducing ongoing maintenance costs for the school. On this basis the proposal is considered to have beneficial economic impacts.

#### Built Environment

The proposed development is considered to be consistent with the existing land use and needs of the site and will not have an adverse impact on the surrounding built environment. The proposed fencing is consistent with the Department of Education's guidelines and requirements for school fencing and addresses the security needs and obligations of the school. Furthermore, the proposed fence utilises a permeable design which reduces the visual impact of the fence and will mitigate adverse impacts to the streetscape.

This proposal has been accompanied by a Statement of Heritage Impact Report (Appendix E) which confirms that the proposed development will have a minor visual impact on the heritage character of the area but will otherwise not result in any direct impacts to the heritage items on the subject site or adjoining site.

No Aboriginal items or sites are identified on the subject or likely to be adversely impacted by the proposed development as confirmed by the Aboriginal Due Diligence Report (Appendix D).

On this basis the proposed development is considered to be appropriate for the character and land use of the site and will not result in any significant or unreasonable impacts to identified heritage items or the built environment as a whole.

#### **5.4 (c) The Suitability of the Site for the Development**

The subject site is currently occupied by Wingham Brush Public School and is located within an established residential area adjoining the Wingham town centre, and there are no constraints that would restrict the development as proposed. This Statement of Environmental Effects has determined that the proposal is consistent with the relevant requirements, will address the safety concerns of the site, and is appropriate for the use and heritage character of the area. The site is therefore suitable for the development proposed.

#### **5.5 (e) Public Interest**

The public interest is best served by promoting sustainable development that is rational, orderly and economic. As detailed above, the proposed development will improve safety outcomes for the site and has been designed to mitigate adverse impacts to the natural environment and heritage character of the area. Furthermore, the proposal will generate beneficial social and economic benefits.

Accordingly, the proposal is considered to be in the public interest.

## 6 Conclusion

The Statement of Environmental Effects has been prepared addressing relevant matters outlined in section 4.15 of the Environmental Planning and Assessment Act, 1979 and satisfies all relevant planning legislative requirements.

Our assessment of the proposal confirms:

- The proposed development is permissible and is meets the security needs of the Wingham Brush Public School;
- Potential impacts on identified heritage items and the heritage conservation area have been appropriately mitigated and will be minimal;
- The proposed tree removal and pruning required will not result in unreasonable or significant environmental impacts and has been mitigated and avoided where possible;
- The proposal complies with the applicable legislation, environmental planning instruments, and development controls.

The proposal represents rational, orderly, economic and sustainable use of the land and should therefore be supported.

## **Appendix A – Development Plans**

## **Appendix B – Overview of Works and Technical Details**

## **Appendix C – Arborist Report**

## **Appendix D – Aboriginal Heritage Due Diligence Report**

## **Appendix E – Statement of Heritage Impact**

## **Appendix F – Waste Management Plan**