

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-173 – DA2022-0278
PROPOSAL	Construction of a Two Storey Multi Use Classroom, Auditorium, Foyer, Landscaping & Retaining Walls
ADDRESS	Lot 62 in DP 1278645 (formerly Lot 420 in DP 1005750) – 242 Moore Creek Road, NORTH TAMWORTH NSW 2340
APPLICANT	GHD Pty Ltd
OWNER	The Corporate Trustees of the Diocese of Armidale
DA LODGEMENT DATE	28 January 2022
APPLICATION TYPE	Integrated DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of the SEPP (Planning Systems) 2021: Private infrastructure (educational establishment) over \$5 million
CIV	\$10,145,000 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Primary Production) 2021</i> • <i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i> • <i>Tamworth Regional Local Environmental Plan 2010</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	ANNEXURE A – Recommended Conditions of Consent ANNEXURE B – Statement of Environmental Effects

	ANNEXURE C – Architectural Plans
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	December 2022
PLAN VERSION	Architectural plans prepared by GHD, Project No. 12534461, Drawing No. A050, A051, A100, A101, A102, A400, A401, A550, A600, Undated.
PREPARED BY	Alice Elsley, Senior Development Assessment Planner
DATE OF REPORT	30 November 2022

EXECUTIVE SUMMARY

DA2022-0278 seeks development consent for the construction of a two (2) storey multi use classroom (MU2), auditorium, foyer, landscaping and retaining walls. The proposal will be carried out on Lot 62 in DP 1278645 (formerly Lot 420 in DP 1005750) known as 242 Moore Creek Road, NORTH TAMWORTH NSW 2340. The proposed development forms part of Stage 2 of a concept approval granted by Council via DA2019-0475 and will integrate with the existing multi-use classroom (MU1). The proposed development does not seek to increase the number of staff or students on the site, which is capped at 700 students and 65 staff under DA0480/2001.

The subject land is located on the eastern side of Moore Creek Road and is approximately 18.57 Hectares. The site contains the William Cowper Campus of the Calrossy Anglican School, and associated buildings and sporting facilities for both primary and secondary students.

The site is identified as being partially bushfire prone land but is not liable to inundation by flooding. There are no known items of heritage significance located on the site. There are however some records of Aboriginal sites on the adjoining allotment to the east.

The subject land is zoned Part RU4 Primary Production Small Lots and Part R1 General Residential in accordance with the provisions under the *Tamworth Regional Local Environmental Plan*. The proposed development will be located within the RU4 portion of the site. The proposal is identified as being for the purpose of an 'educational establishment' and is permissible with consent in the RU4 zone. The proposal is also permitted with consent under Clause 3.36 of *State Environmental Planning Policy (Transport & Infrastructure) 2021*.

The proposed development has been assessed to be compliant with the applicable statutory planning provisions and Council's Development Control Plan (DCP). The proposal is also deemed to be consistent with the applicable State Environmental Planning Policies, as identified and addressed within this assessment report.

The proposal constitutes Integrated Development pursuant to Section 4.46 of the *Environmental Planning & Assessment Act 1979*. The proposed development is defined as a Special Fire Protection Purpose (school) in accordance with Section 100B(6)(a) of the *Rural Fires Act 1997* and therefore requires a General Terms of Approval (GTAs) from the NSW Rural Fire Service (RFS). The GTAs have been obtained from the NSW RFS as a part of the assessment of the DA. No other Agency approvals or concurrences were required for the development.

The proposal was notified in accordance with the Council's *Community Participation Plan 2019* from 8 August 2022 until 22 August 2022. No submissions were received by Council during the public consultation period.

The application has been referred to the Northern Joint Regional Planning Panel (the Panel) as the proposal constitutes 'regionally significant development' pursuant to Section 2.19(1) and Clause 5(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. The proposal is development for the purpose of an educational establishment and has a capital investment value of more than \$5 million.

A briefing meeting with the Panel was held on 24 August 2022 where key issues were discussed, namely a stormwater servicing strategy, and the current approved cap of student and staff numbers on the site. The submitted and revised stormwater servicing strategy has not addressed Council's requirements for the detention of stormwater discharge from the site. Notwithstanding, Council are satisfied that this matter can be resolved via a proposed condition of consent requiring a detailed stormwater servicing strategy to be submitted prior to the issue of a Construction Certificate. Finally, the student and staff cap has also been clarified via a recommended condition of consent.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, it is recommended that DA2022-0278 be approved subject to the conditions of consent contained in **Annexure A**.

1. THE SITE AND LOCALITY

1.1 The Site

The subject land is known as Lot 62 in DP 1278645 (formerly Lot 420 in DP 1005750) – 242 Moore Creek Road, NORTH TAMWORTH NSW 2340 (see **Figure 1**). The subject site has a total site area of 18.57 Hectares. The site contains the William Cowper Campus of the Calrossy Anglican School, and associated buildings and sporting facilities for both primary and secondary students. The natural ground level generally slopes from the northwest to the southeast with approximately 3.5m fall across the site.



Figure 1. Aerial map of the subject land.

The site is mapped as being partially prone to bushfire hazards. The allotment is not identified as being liable to inundation by flooding.

1.2 The Locality

The subject land is located on the northern side of the township of Tamworth and directly to the south of the Hills Plain residential area (see **Figure 2**). The Tamworth landfill is located approximately 1km to the east of the site.

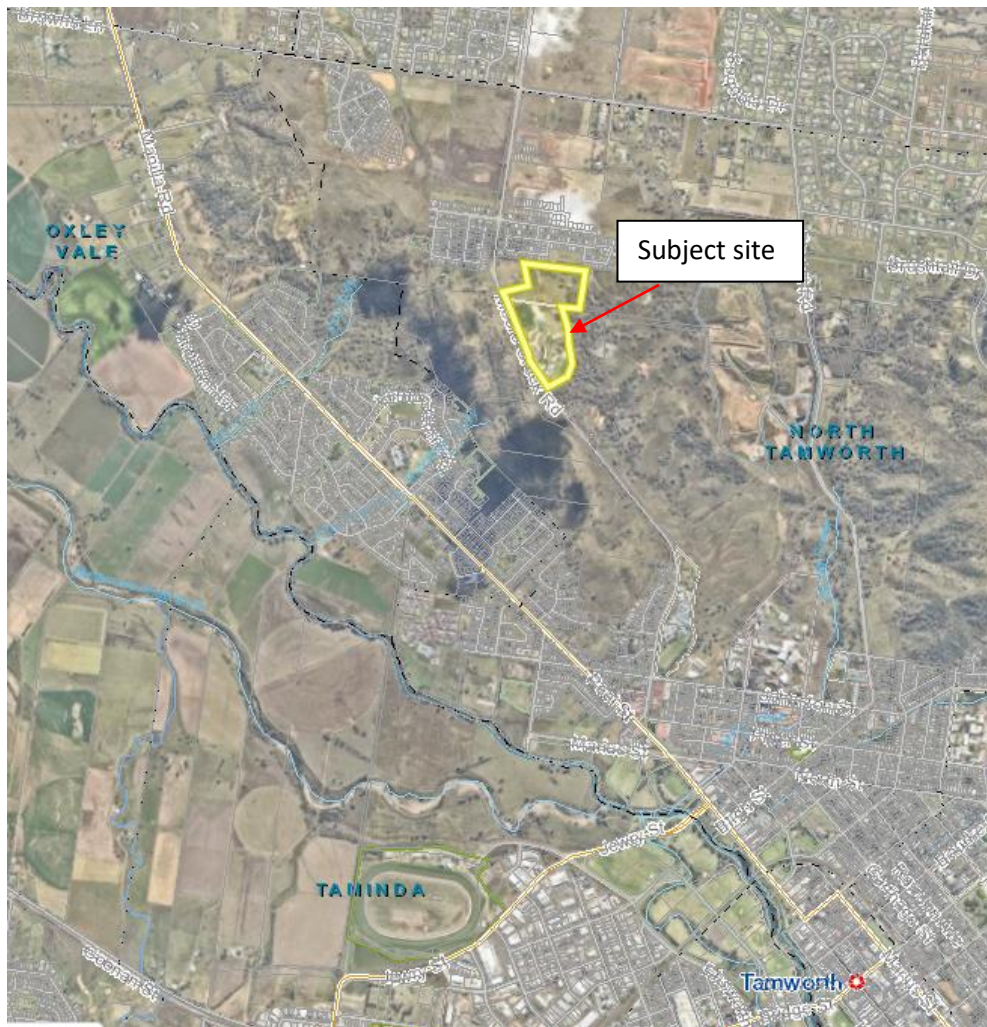


Figure 2. Locality map.

The site is surrounded by the following land uses:

- Rural-residential allotments that are improved with a dwelling and outbuildings to the north, north-west and north-east;
- Environmental (C3) zoned land to the west; and,
- Vegetated and vacant land to the south.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

DA2022-0278 (PAN-176992) seeks development consent for the construction of two (2) storey multi use classroom, auditorium and foyer on Lot 62 in DP 1278645, known as 242 Moore Creek Road, NORTH TAMWORTH NSW 2340. As outlined in the Statement of Environmental Effects (SEE) (see **ANNEXURE B**) accompanying the DA, the proposed multi use classroom (MUC2) will consist of two (2) levels, as outlined in the below table.

Level	Detail
Lower Ground Level	<ul style="list-style-type: none"> – Music Classrooms x 2 (area 90.0 m²) – Music storeroom x 1 (area 55.0 m²) – Music rehearsal rooms x 3 (area 30.0 m²) – Common staff room including kitchen (area 23.0 m²) – Locker room
Upper Level	<ul style="list-style-type: none"> – General Classrooms x 5 (areas ranging from 79 m² to 81.0 m²) – ILC Classrooms x 3 (area consisting of 37.0 m²) – Small Meeting/Music rooms x 6 (areas ranging from 10.5 m² to 11.0 m²) – Common staff room including kitchen (area 73.0 m²) – Unisex WC and accessible WC (areas 26.0 m² and 6.0 m² respectively) – Cleaners' cupboard (area 3.0 m²)
Auditorium and entry foyer	<p>The lower floor will connect onto an auditorium (359 m²) that contains 308 fixed seating and 50 loose seating.</p> <p>Two storage areas are located within proximity to the stage area.</p>

The MUC2 will be connected to MUC1 by a series of ramps and upper bridge walkway links. The MUC2 will also be surrounded by landscaped terracing to accommodate the slope of the land. A copy of the submitted plans are attached to this report at **ANNEXURE C**.

The SEE accompanying DA2022-0278 advises that the school has recently implemented changes to the William Cowper Campus which now accommodates Years 7 to 9 students on the site. Additional teaching spaces were required to support the change, thereby justifying the construction of the MUC2 facility. The changes implemented at William Cowper Campus has not resulted in an increase in students or staff.

As outlined in Section 2.3 'Site History' of this report, the current approved cap at the William Cowper Calrossy campus (242 Moore Creek Road, North Tamworth) is 700 students and 65 staff under the development consent granted via DA0480/2001. Any increase will require a modification application or a new DA. A condition has been included in the recommended terms of consent to clarify this matter accordingly.

2.2 Background

The DA was lodged on 28 January 2022. A chronology of the DA since lodgement is outlined in **Table 1**.

Table 1: Chronology of the DA

Date	Event
28 January 2022	DA lodged
2 February 2022	Referral to NSW RFS
3 February 2022	Request for Additional Information from Council to Applicant re: QS report to confirm CIV
22 February 2022	Internal referrals sent to Building Certification and Development Engineering
2 March 2022	Referral received from NSW RFS
22 June 2022	QS Report received from Applicant

30 June 2022	Internal Referral received from Development Engineering requesting additional information
7 July 2022	Internal Referral received from Building Certification
26 July 2022	Request for Additional Information from Council to Applicant re: stormwater servicing strategy
5 August 2022	DA referred to JRPP
8 August 2022 – 22 August 2022	Public consultation
24 August 2022	Briefing meeting
20 October 2022	Meeting between Applicant, Calrossy and Council re: stormwater management for the site
10 November 2022	Additional Information Received

2.3 Site History

Council granted development consent via DA0480/2001 on 10 October 2001 for the construction of an educational establishment on the subject land, comprising a maximum of 700 students and 65 staff. Over the ensuing years, there have been three (3) modifications to DA0480/2001, and subsequent DAs for buildings and infrastructure associated with the school. This has included but is not limited to: a farm shed, assembly building, resource centre, gymnasium, playing fields and basketball courts.

On 11 September 2019, Council granted development consent via DA2019-0475 for the staged construction of two (2) multi use classroom buildings and associated landscaping, covered/uncovered walkways and ramps. The consent was approved as a concept DA under Section 4.22 of the *Environmental Planning and Assessment Act 1979* and staged as follows:

- **Stage 1** – construction of Multi Use Classroom building 1, forecourt area, landscaping, walkways and ramps; and,
- **Stage 2** – construction of Multi Use Classroom building 1 (sic.) comprising lift and walkway connecting Stage 1 development.

Condition No. 17 of DA2019-0475 specified that a separate DA was required for Stage 2.

It is considered that the proposed development is not inconsistent with the concept proposal under DA2019-0475. The proposed development includes the two (2) storey MUC2 building which, in essence, contains similar features as the concept proposal. That is, classrooms, storerooms, toilets, staff rooms, kitchenettes and connecting walkways between the two (2) buildings.

3. STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Tamworth Regional Local Environmental Plan 2010*

A summary of the key matters for consideration arising from these EPIs are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
SEPP Biodiversity & Conservation	<ul style="list-style-type: none"> • Clause 4.9(2) – requires Council to consider the impact of development on koala habitat. Council is satisfied that the proposal will have minimal to low impact on koala habitat and therefore consent can be granted. 	Y
SEPP Planning Systems	<ul style="list-style-type: none"> • Clause 5 of Schedule 6 – declares the proposal as regionally significant development as it is private infrastructure (educational establishment) with a CIV over \$5 million. 	Y
SEPP (Primary Production & Rural Development)	<ul style="list-style-type: none"> • The proposed development will not be carried out on State Significant Land. 	Y
SEPP Resilience and Hazards	<ul style="list-style-type: none"> • Clause 4.6 – contamination and remediation have been considered and, as such, the site is suitable for the proposed development. 	Y
SEPP Transport and Infrastructure	<ul style="list-style-type: none"> • Chapter 3 – Educational Establishments & Childcare Facilities <ul style="list-style-type: none"> ○ Clause 3.36 Development Permitted with Consent – the proposed development is permitted with consent as it is located within a prescribed zone (RU4). The design principles set-out in Schedule 8 have been considered as a part of the assessment of the DA. ○ Clause 3.58 Traffic Generating Development – the proposed development is not considered to be traffic generating on the basis that it is not increasing the number of staff or students from that original approved under DA480/2001. 	Y
Draft EPIs	Nil known.	N/A
LEP	The proposed development is permissible with consent and is not inconsistent with the zone objectives.	Y
DCP	The proposed development can comply with the “Other Types of Development Controls” in the DCP.	Y

State Environmental Planning Policy (Biodiversity and Conservation) 2021:

Pursuant to Clause 4.9(2) of this Policy, Council must assess whether the development is likely to have any impact on koalas or koala habitat. The SEE advises that three (3) trees are required to be removed in order to facilitate the proposed development. However, the trees are not considered to be koala habitat or of high environmental value. On this basis, Council is satisfied that the development is likely to have a low or no impact on koala and consent can be granted to the DA.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP'):

The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria under Clause 5 Schedule 6 of this Policy. The proposal is development for the purpose of an educational establishment and has a capital investment value of more than \$5 million. In this regard, the Joint Regional Planning Panel (Northern Region) is the consent authority for the DA.

State Environmental Planning Policy (Primary Production) 2021:

The proposed development will not be carried out on State Significant Land. There are no other provisions under this Policy that apply to the proposal.

State Environmental Planning Policy (Resilience and Hazards) 2021:

Pursuant to Clause 4.6 of this Policy, Council is required to consider the potential for land contamination to exist on a site and whether or not the site is suitable for the proposed development. The issue of contamination was addressed as a part of the assessment of DA480/2001 and the site has been utilised for educational purposes with the likelihood of residue contaminants low. No further investigation is warranted in this regard.

State Environmental Planning Policy (Transport & Infrastructure) 2021:

Chapter 3 under this Policy contains the provisions under the former *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017*. The relevant provisions under this Policy are addressed in **Table 3** below:

Table 3: Assessment under Transport & Infrastructure SEPP 2021

SEPP Provisions	Comment
Clause 3.2 – Land to which this Chapter applies	Applies to the State.
Clause 3.3 – Interpretation	The proposed development is identified as being an 'educational establishment' which is defined as follows: <i>educational establishment means a building or place used for education (including teaching), being—</i> <i>(a) a school, or</i> <i>(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.</i>
Clause 3.36 – Schools development permitted with consent	Pursuant to Clause 3.36(1), development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone, which includes RU4 Primary Production Small Lots. The subject site is located in the RU4 Primary Production Small Lots zone. In accordance with Clause 3.36(6), before determining a development application for development, the consent authority must take into consideration the design quality principles set-out in Schedule 8 and whether the development enables the use of school facilities to be

	shared with the community. An assessment of the proposed development against the design quality principles contained within Schedule 8 of the SEPP is provided below. It is anticipated that both the MUC2 and auditorium are able to be shared with the community.
Clause 3.58 – Traffic Generating Development	<p>This Clause applies to development for the purpose of an educational establishment:</p> <ul style="list-style-type: none"> a) <i>that will result in the educational establishment being able to accommodate 50 or more additional students; and,</i> b) <i>that involves –</i> <ul style="list-style-type: none"> i. <i>an enlargement or extension of existing premises; or,</i> ii. <i>new premises.</i> <p><i>on a site that has direct vehicular access to any road.</i></p> <p>As the proposal does not seek to increase the number of staff or students from that originally approved via DA480/2001, a referral to TfNSW is not required in this instance. A condition of consent has been recommended to clarify that this DA does not authorise any increase in student numbers or staff on the site.</p>

Design Quality Principles

An assessment of the proposed development against the design quality principles contained within Schedule 8 of the SEPP is provided in **Table 4** below:

Table 4: Assessment under Design Quality Principles

Principle	Comment
Principle 1 – Context, Built Form and Landscape	<p>The buildings and landscaping have been designed in consideration of the character of the site and incorporate a modern design, which meets the future needs of the school community. The proposed works enable a centralised outdoor space which provides connection between MUC1 and MUC2.</p> <p>The proposed building represents a modern, high-quality design with a variety of materials, finishes and articulated elements which provide visual interest. The landscaped area includes a variety of active and passive play spaces which will function as alternate learning areas.</p>
Principle 2 – Sustainable, Efficient and Durable	<p>The SEE nominates that the development will include landscaping that incorporates drought and frost tolerant species to comply with Council's DCP and provide connectivity with MUC1. A condition has been included in the recommended terms of consent requiring a detailed landscaping plan to be submitted prior to the issue of a Construction Certificate.</p> <p>It is considered that the proposed building is sited and designed in consideration of solar access with windows on the northern side whilst the western elevation contains minimal windows and larger awnings.</p>
Principle 3 – Accessible and Inclusive	<p>MUC2 will be built over two (2) levels. A lift and stairs provide access to a new bridge link for connection to the existing MUC1. The lower ground floor includes music classrooms, music rehearsal rooms, an auditorium,</p>

	<p>staff room, storerooms and amenities. The Upper Ground Level provides general classrooms, small meeting / music tuition rooms, ILS classrooms, common staff room and amenities.</p> <p>An Access Report prepared by Lindsay Perry Access (dated 13 December 2021) has been submitted with the subject application. The Report concludes that the fundamental aims of the accessibility legislation are achievable for the proposed MUC2. Spatial planning and general arrangements will offer inclusions for all building users.</p>
Principle 4 – Health & Safety	<p>The proposed development includes a landscaped area centralised in the school grounds, which provides safety and security for children and staff. The new buildings are well setback from the adjoining roads and allow for passive surveillance of children.</p>

Tamworth Regional Local Environmental Plan 2010:

The relevant local environmental plan applying to the site is the *Tamworth Regional Local Environmental Plan 2010* ('the LEP'). The subject land is located within part of the RU4 Primary Production Small Lots and R1 General Residential zones under the LEP (see **Figure 3**). As such, the proposed development will be located within the RU4 zoned portion of the land.

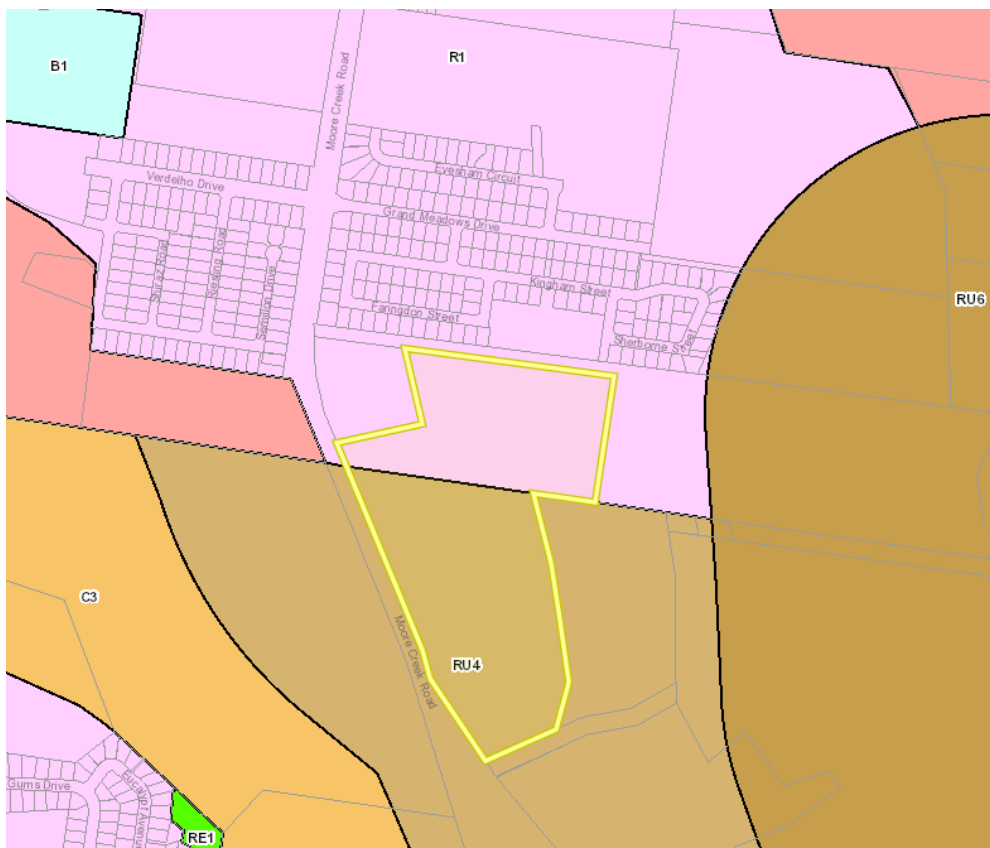


Figure 3. Zoning map.

The proposal is identified as being for the purpose of an educational establishment, which is permissible type of development in the RU4 zone. The proposal is also permitted with consent under Clause 3.36 of the Transport & Infrastructure SEPP 2021.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3).

RU4 Primary Production Small Lots

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

R1 General Residential

- *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.*

It is considered that the proposed development is not inconsistent with the abovementioned objectives for the RU4 and R1 zones. The proposed development will provide infrastructure and facilities for the William Cowper Calrossy school, being an educational establishment that services the needs of residents in the area. No land use conflict issues are anticipated subject to compliance with the recommended conditions of consent. Furthermore, no public submissions were received during the public consultation period for the DA.

The following provisions under the LEP are of relevance and addressed as follows:

- Heritage (Clause 5.10) – There are no known items of local heritage significance located on, or in proximity to the subject land. It is however noted that, according to the Aboriginal Heritage Information Management System (AHIMS) database search in Appendix A of the SEE, there are two (2) Aboriginal sites recorded near (to the east) of the subject land.

Aboriginal archaeology was considered as a part of the assessment of DA0480/2001 and it was determined that there were no items of Aboriginal heritage or cultural significance on the site. On this basis and given that the development site has been disturbed via the construction of the MUC1 and existing basketball courts, it is considered that the proposal is unlikely to impact Aboriginal objects or places of heritage significance. A condition has been included in the recommended terms of consent regarding the necessity to cease works if any Aboriginal items or objects are discovered during construction.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no known proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Tamworth Regional Council Development Control Plan 2010 ('the DCP')*

The DCP does not contain any specific controls for school developments. However, the controls under the "Other Types of Development Control's" are relevant and discussed in Table 5 below:

Table 5: Assessment under DCP

Development Control	Comment
Parking	Council's Development Control Plan 2010 specifies a parking requirement for an Educational Establishment as follows: <ul style="list-style-type: none"> • 1 car parking space per 2 staff members As mentioned earlier in this Report, the proposed development will not increase student or teacher numbers. Therefore, the current onsite parking arrangements are acceptable.
Landscaping	The SEE nominates that landscaping will be provided in accordance with this Part of the DCP, which requires frost and drought tolerant species. A condition has been included in the recommended terms of consent to ensure compliance in this regard.
Outdoor Lighting	A condition is recommended requiring all outdoor lighting to comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Tamworth Regional Section 7.12 (formerly Section 94A) (Indirect) Contributions Plan 2013*

The proposed development is subject to the provisions of the *Tamworth Regional Section 7.12 (formerly Section 94A) (Indirect) Contributions Plan 2013*. The nominated cost of the development is \$11,159,500 (including GST). Therefore, the applicable Section 7.12 contribution is \$111,595 based on 1% of estimated construction cost and shall be paid prior to the issue of a Construction Certificate. A condition of consent is recommended in this regard.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

There are no prescribed matters under the EP&A Regulation 2021 that apply to the proposed development.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality are considered as follows:

- Context and setting – It is considered that the proposed development is appropriate for the content and setting of the site, and the surrounding locality. The proposal will complement the existing MUC1 and school on the site. No land use conflict issues are anticipated subject to compliance with the recommended conditions of consent.
- Access and traffic – As there will be no increase in student numbers or staff on the campus, the proposed development will not trigger additional carparking under Council's DCP. The Applicant proposes to utilise overflow parking areas on the site during peak periods, including functions. No changes are proposed to be made to the existing site access arrangement as a part of the development.
- Water & Sewer – the subject land is connected to Council's reticulated water infrastructure and existing sewer infrastructure;
- Stormwater – is currently managed on the site through open channels, pipes, pits and detention basins. One (1) of the detention basins is located on the subject land and the other is situated on the adjoining allotment, being Lot 433 in DP 1054103, which is Crown Land. According to Council's records, Calrossy Anglican School have an existing licence agreement (RN 592093) with the Crown that covers the basin / dam. A condition has been included in the recommended terms of consent to ensure that all licences and approvals are obtained and kept up to date by the Applicant throughout the life of the development.

The site is located in the upper catchment area of an unnamed watercourse that discharges to the Peel River via a grassed channel through built up areas of North Tamworth. The conveyance of natural runoff from the upstream catchment to the west of Moore Creek Road through the site is restricted by the existing and proposed development on the site and will exceed the capacity of the internal stormwater network.

Discussions between the Applicant and Council's Engineering Division regarding the current and future stormwater arrangement within the Moore Creek Road reserve during the assessment of the DA resulted in a suggestion to partially divert the existing stormwater discharge from a culvert under the road via an internal stormwater network and back into the road reserve to the south of the site exit. A strategy for this is yet to be supplied by the Applicant.

Minimum finished floor levels for development downstream are controlled by the 1:100-year ARI storm event and freeboard in the drainage channel. As such, stormwater runoff from development in the upper catchment must be detained to pre-developed flows. Previous development consents for the site have all required detention. However, various works on the site have been undertaken under exempt development pathways (e.g. car parks) and have resulted in flaws in the stormwater strategy.

Consequently, the submitted and revised stormwater strategy has not fully addressed Council's requirements for the detention of stormwater discharge from the site to pre-developed flow and the management of upstream flow through the site. Notwithstanding, Council are satisfied that this matter can be resolved via a proposed condition of consent requiring a detailed stormwater servicing strategy to be submitted prior to the issue of a Construction Certificate.

- Flora and fauna impacts – the provisions under the Biodiversity and Conservation SEPP 2021 have been addressed in an earlier section of this report.
An assessment has also been undertaken against the provisions under the *Biodiversity Conservation Act 2016* and corresponding *Biodiversity Conservation Regulation 2017*. From this assessment, it is concluded that the proposed development is unlikely to significantly impact threatened species, ecological communities or their habitats based on the following:
 - The proposed development will not be carried out in a declared area of outstanding biodiversity value;
 - The subject land is not located on the Biodiversity Values Map;
 - The SEE specifies that three (3) trees will need to be removed in order to accommodate the proposed development. However, the trees are not considered to be of high environmental value or koala habitat; and,
 - The proposal is not expected to exceed the area of clearing threshold under Section 7.2 of the BC Regulation, being 1 Hectare or more.
- Natural environment – the proposed development has been designed in order to accommodate the natural contours on the site and minimise cut /fill. As a result, both buildings will be stepped into the land and include two (2) levels. Landscaped terracing will also be provided as a part of the development.
- Noise and vibration – the proposed development is expected to generate noise and vibration emissions both during construction and operations. It is noted that the dwelling immediately to the north of the development site is owned by Calrossy. However, given that there is approximately 300m-500m separation to the nearest dwelling and that no submissions were received during the public consultation period for the DA, no adverse impacts are anticipated. Conditions have also been included in the recommended terms of consent to preserve the amenity of the environment during construction and operations.
- Natural hazards – the subject land is identified as being partially bushfire prone but is not identified as being liable to inundation by flooding. No other natural hazards are known to affect the site. General Terms of Approval have been obtained from the NSW Rural Fire Service and are included in the recommended condition of consent.
- Safety, security and crime prevention – the proposed development is not expected to have an adverse impact in terms of safety, security and crime prevention. The proposal will be located within the confines of the existing school boundaries and towards the rear of the site.
- Construction impacts – construction impacts are not expected to be unreasonable given that they would occur over a short-term period and will be subject to mitigation measures (e.g. Construction Site Management Plan, hours of construction, maintenance of the site, and erosion and sediment control). Mitigation measures have been incorporated into the recommended conditions of consent.
- Social impact – the proposed development is expected to have a positive social impact by providing new facilities for an existing school, including an auditorium for use by the community.
- Economic impact – the proposed development is likely to contribute to a range of economic benefits in the Tamworth community by providing modern educational facilities for a growing population and employment of local tradespeople.

- Cumulative impacts – no adverse cumulative impacts are anticipated.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The subject site is considered suitable for the proposed development for the following reasons:

- The proposed development, being an 'educational establishment', is permitted with consent in the RU4 zone and under Clause 3.36 of the Transport & Infrastructure SEPP 2021;
- The proposed development is considered to be consistent with the objectives for the RU4 and R1 zones;
- The proposed development is not expected to result in deleterious impacts, subject to the imposition of suitable conditions of consent; and,
- The attributes of the site are conducive to the proposed development, as discussed throughout this assessment report.

3.4 Section 4.15(1)(d) - Public Submissions

The proposal was notified in accordance with the Council's *Community Participation Plan 2019* from 8 August 2022 until 22 August 2022. No submissions were received by Council during the public consultation period.

3.5 Section 4.15(1)(e) - Public interest

The public interest has been considered throughout the assessment of the subject proposal. The proposal is expected to contribute to the community by providing modern learning facilities, which aims to improve the school learning and play environments. The proposal is consistent with the zone objectives.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The proposal constitutes Integrated Development pursuant to Section 4.46 of the *Environmental Planning & Assessment Act 1979*. The proposed development is defined as a Special Fire Protection Purpose (school) in accordance with Section 100B(6)(a) of the *Rural Fires Act 1997*. The DA was referred to the NSW Rural Fire Service (RFS) for concurrence with General Terms of Approval (GTA) issued on 2 March 2022. The GTAs from the NSW RFS have been included in the recommended terms of consent.

No other agency referrals were required for the subject DA.

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 2: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	No objections subject to recommended conditions	Yes (conditions)
Building	No objections subject to recommended conditions	Yes (conditions)

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations, as outlined in this Report. Following a thorough assessment of the relevant planning controls, it is considered that the application can be supported.

6. RECOMMENDATION

That the DA2022-0278 for the construction of a two storey multi use classroom, auditorium, foyer, landscaping and retaining walls at Lot 62 in DP 1278645 (formerly Lot 420 in DP 1005750) – 242 Moore Creek Road, NORTH TAMWORTH NSW 2340 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.