



COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-182 [0326/22DA, PAN-146201]
PROPOSAL	Educational Establishment (additions to existing school)
ADDRESS	Lot 2 DP 1194621, BONVILLE STATION ROAD BONVILLE
APPLICANT	MR GP BENSON
OWNER	COFFS HARBOUR CHRISTIAN COMMUNITY SCHOOL LTD
DA LODGEMENT DATE	23/9/2021
APPLICATION TYPE	INTEGRATED
REGIONALLY SIGNIFICANT CRITERIA	<p>Clause 5(b), Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>:</p> <p>Private infrastructure and community facilities over \$5 million.</p> <p>The proposed development involves additions to a private school (educational establishment) with a capital investment value of \$19,958,000.00 (over \$5 million).</p>
CIV	\$19,958,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	SEPP (Transport and Infrastructure) 2021, SEPP (Educational Establishments and Child Care Facilities) 2017 (now repealed), CH LEP 2013
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	One (1) Submission
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Statement of Environmental Effects, September 2022 Amendment, Prepared by de Groot and Benson Pty Ltd.</p> <p>Plans (Drawing No. 18093-DA-01 to 18093-DA-20, dated 26/09/22, prepared by de Groot and Benson Pty Ltd).</p>

SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Nil
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	3 March 2023
PLAN VERSION	6 September 2022 Revision No. 2
PREPARED BY	DRA Architects Pty Ltd
DATE OF REPORT	3 February 2023

EXECUTIVE SUMMARY

The development application seeks consent for constructing additions to the existing Bonville Christian Community School in the form of establishing a new library, administration office, canteen, Junior School, Middle School, Special Education School, covered walkways and outdoor learning areas. The proposed additions to the school will be capable of accommodating up to 480 new students who currently do not attend the existing school. In addition, 270 students will transfer from the existing school on adjacent land to populate the new school, which will have an ultimate student population of 750 students. This is to ease over-crowding at the existing campus and allow floor space to be re-purposed for additional curriculum needs. Additional growth of the student population to the existing campus is not proposed or planned. Bus services are in operation for the existing school.

The site is zoned RU2 Rural Landscape Zone and C2 Environmental Conservation Zone under Coffs Harbour Local Environmental Plan 2013. The proposal is defined as an educational establishment, which is prohibited in the RU2 zone under CH LEP 2013. Educational establishments are however permissible with prior development consent under State Environmental Planning Policy (Transport and Infrastructure) 2021.

The site has two development consents recently issued for works for the purpose of preparing the site for the proposed school additions. The site and the perimeter road of the existing school have had landform modifications undertaken to achieve a gentle gradient (development consent 0352/20DA). This allows the new development to be compatible with the existing school in terms of gradient and to allow connection to the existing school in a way that does not hinder movement. The road frontage, internal bus road and internal 'kiss and ride' carpark have been approved under development consent 0409/21DA and works are underway. Prior to these works, the site was a vacant rural parcel.

The site is known as Lot 2 DP 1194621 Bonville Station Road, Bonville. The site is located in a quiet rural location towards the eastern end of Bonville Station Road, Bonville. The site is 28.1 hectares in size and has a width along Bonville Station Road of 200m and length of 920m. The site is oriented north and gradually falls from the northern (front) boundary to southern (rear) boundary. The front section of the site (8.5ha) is predominantly clear of any vegetation. The rear section of the site mostly comprises vegetation and will not be disturbed. Adjoining development to the east is the existing Bonville Christian Community School. Land to the west comprises an agricultural land use (blueberry farm). Land to the north, opposite side of Bonville Station Road comprises ancillary buildings associated with the Bonville

School. Land to the south comprises a rural property that is predominantly covered with vegetation. A rural residential neighbourhood exists 500m to the west of this site. The Pacific Highway runs between this site and the rural residential neighbourhood. Bonville Station Road crosses the Pacific Highway via an overpass.

The application is integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') as the proposal is defined as a 'special fire protection purpose' under the Rural Fires Act, 1997. The NSW Rural Fire have provided a bushfire safety authority with conditions in accordance with section 100B of the Rural Fires Act, 1997. The application is defined as a 'traffic generating development' and was referred to Transport for NSW as required by section 3.58 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Comments and recommended conditions have been provided by TfNSW. The road layout and traffic management measures have been designed in accordance with the advice provided by Council and Transport for NSW. The stormwater management infrastructure has been designed to adequately cater for the new school buildings.

The proposal was advertised and notified in accordance with Council's Community Participation Plan on 2 occasions. The first period was from 9 October 2021 until 23 October 2021. The second period was from 30 October 2022 until 13 November 2022. Council received a total of one (1) unique submissions, objecting to the proposal. The issues raised were in relation to the future school additions possibly not being suitable for the site due to the blueberry farm operating next to it. The future school additions may be exposed to noise, dust and odours from the blueberry farm operations.

A land use conflict risk assessment (LUCRA) was undertaken by the proponent to examine and address potential impacts from the agricultural operation occurring on the adjoining property to the west. The school already exists in proximity to the blueberry farm. The impacts experienced by the school have been negligible. The blueberry farm must abide by regulations that control adverse impacts on adjoining properties. The school has planted trees to act as a visual buffer and windbreak to prevent exposure to dust, etc. Council had recently undertaken an inquiry into whether the school water supply was being affected by spray drift. It was concluded that the water supply was suitable for human consumption. It is considered that the proposal can be supported.

It is considered that the proposal is not contrary to the public interest. The proposed school additions will provide a positive contribution to the needs of the community without causing a risk of harm to public health and safety.

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, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The application is referred to the Northern Regional Planning Panel for determination ('the Panel') as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clause (5)(b) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is development for a private educational establishment with a CIV over \$5 million.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is located in a quiet rural location towards the eastern end of Bonville Station Road, Bonville. The site is 28.1 hectares in size and has a width along Bonville Station Road of 200m and length of 920m. The site is oriented north and gradually falls from the northern (front) boundary to southern (rear) boundary. The front section of the site (8.5ha) is predominantly clear of any vegetation. The rear section of the site mostly comprises vegetation. Adjoining development to the east is the existing Bonville Christian Community School. Land to the west comprises an agricultural land use (blueberry farm). Land to the north, opposite side of Bonville Station Road comprises ancillary buildings associated with the Bonville School. Land to the south comprises a rural property that is predominantly covered with vegetation.



Figure 1

1.2 The Locality

- The locality is generally a quiet rural setting. Adjoining land uses are rural. A rural residential neighbourhood exists 500m to the west of this site. The Pacific Highway runs between this site and the rural residential neighbourhood. Bonville Station Road crosses the Pacific Highway via an overpass. Bus services are in operation for the existing school.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

- The proposal involves constructing additions to the existing Bonville Christian Community School in the form of establishing a new library, administration office, canteen, Junior School, Middle School, Special Education School, covered walkways and outdoor learning areas. The proposed additions to the school will be capable of accommodating up to 480 new students who currently do not attend the existing

school. In addition, 270 students will transfer from the existing school on adjacent land to populate the new school, which will have an ultimate student population of 750 students. This is to ease over-crowding at the existing campus and allow floor space to be re-purposed for additional curriculum needs. Additional growth of the student population to the existing campus is not proposed or planned.

Table 1: Development Data

Control	Proposal
Site area	28.1ha
GFA	6046sqm
FSR	0.022
Clause 4.6 Requests	No
No. Additional Students	480 (total will be 750 students)
Max Height	7m
Landscaped area	See below site plan
Car Parking spaces	20 additional spaces. Another 34 car spaces plus drop area approved to be provided under 0409/21DA.
Setbacks	49m from front northern boundary, 18.5m from western side boundary, 3m from eastern side boundary and over 300m from rear southern boundary.



Fig 7 proposed development site plan

Figure 2



Figure 3

2.2 Background

A pre-lodgement meeting was held on 20 August 2020 where relevant issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Road layout and traffic management. Proposal is defined as a traffic generating development under SEPP (Transport and Infrastructure) 2021).
- Stormwater management
- Potential land use conflict with agricultural activity on adjoining property to the west (blueberry farm).

The road layout and traffic management measures have been designed in accordance with the advice provided by Council and Transport for NSW. The stormwater management infrastructure has been designed to adequately cater for the new school buildings.

A land use conflict risk assessment (LUCRA) was undertaken by the proponent to examine and address potential impacts from the agricultural operation occurring on the adjoining property to the west. The school already exists in proximity to the blueberry farm. The impacts experienced by the school have been negligible. The blueberry farm must abide by regulations that control adverse impacts on adjoining properties. The school has planted trees to act as a visual buffer and windbreak to prevent exposure to dust, etc. Council had recently undertaken an inquiry into whether the school water supply was being affected by spray drift. It was concluded that the water supply was suitable for human consumption. It is considered that the proposal can be supported.

The development application was lodged on 28 September 2021. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
28 September 2021	DA lodged
8 October 2021	Exhibition of the application
5 October 2021	DA referred to external agencies, NSW Rural Fire Service and Transport for NSW
13 December 2021	Request for Information from Council to applicant
7 September 2022	Amended plans submitted to provide sufficient parking and meet road width requirements in accordance with the bushfire safety authority issued by the NSW Rural Fire Service. Accepted by Council under CI 38(1) of the Environmental Planning and Assessment Regulation 2021 ('2021 EP&A Regulation') on 2 February 2023.
30 October 2022	Exhibition of the application (2 nd time)
1 March 2023	Panel briefing

2.3 Site History

- The site has two development consents recently issued for works for the purpose of preparing the site for the proposed school additions. The site and the perimeter road of the existing school have had landform modifications undertaken to achieve a gentle gradient (development consent 0352/20DA). This permits the new development to be compatible with the existing school in terms of gradient and to allow connection to the existing school in a way that does not hinder movement. The road frontage, internal bus road and internal 'kiss and ride' carpark have been approved under development consent 0409/21DA and works are underway. Prior to these works, the site was a vacant rural parcel.

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),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (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.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)

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 are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021 (former SEPP (State and Regional Development) 2011)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (former SEPP Educational Establishments and Child Care Facilities) 2017)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (former SEPP 55 Remediation of Land and SEPP (Coastal Hazards) 2018).
- Coffs Harbour Local Environmental Plan 2013

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy	Chapter 2: State and Regional Development	Y

(Planning Systems) 2021	<ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5(b) of Schedule 6 as it comprises private infrastructure and community facilities over \$5 million. <p>The proposed development involves additions to a private school (educational establishment) with a capital investment value of \$19,958,000.00 (over \$5 million).</p>	
SEPP (Resilience & Hazards) 2021	<p>Chapter 2: Coastal Management</p> <ul style="list-style-type: none"> Section 2.7(4) – certain development in coastal wetlands or littoral rainforest on the Coastal Wetlands and Littoral Rainforests Area Map Section 2.8(1) - Development on land in proximity to coastal wetlands or littoral rainforest Section 2.10(1) & (2) - Development on land within the coastal environment area Section 2.12 - Development in coastal zone generally - development not to increase risk of coastal hazards. Section 2.13 - Development in coastal zone generally - coastal management programs to be considered. <p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation to be considered in determining development application 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 3 Educational Establishments:</p> <ul style="list-style-type: none"> Section 3.58 - Traffic-generating development Part 3.4 – Schools- specific development controls 	Y
Coffs Harbour Local Environmental Plan 2013	<ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 4.3 – Height of Buildings Clause 5.21 – Flood Planning Clause 7.1 Acid Sulfate Soils Clause 7.8 Koala Habitat Clause 7.11 Essential Services 	Y
Coffs Harbour Development Control Plan 2015	<ul style="list-style-type: none"> Part B Public Consultation Part D Built Form Controls Part F1 Access and Parking Part F3 Landscaping Part F6 Waste Management 	Y

Consideration of the relevant SEPPs is outlined below:

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

Chapter 2: State and Regional Development

The proposal is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5(b) of Schedule 6 of the Planning Systems SEPP as the proposal is development for additions to a private school (educational establishment) with a capital investment value of \$19,958,000.00 (over \$5 million).

Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The land is not mapped as being potentially contaminated. It had been previously determined under two development consents recently issued for works for the purpose of preparing the site for the proposed school additions (development consent 0352/20DA and 0409/21DA) that the site is suitable to be used as a school and testing for land contamination is not necessary. Conditions had been imposed under 0352/20DA to ensure the exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the Office of Environment and Heritage "Waste Classification Guidelines" and shall comply with the terms of any approval issued by Council. The only fill material received at the site is to be virgin excavated natural material (within the meaning of the Protection of the Environment Operations (POEO) Act) or any other waste-derived material the subject of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material, excluding waste tyre. The road frontage, internal bus road and internal kiss and ride carpark have been approved under development consent 0409/21DA and works are underway.

It is therefore considered that the site is suitable to be used as a school and testing for land contamination is not necessary.

Chapter 2: Coastal Management

- Section 2.7(4) – certain development in coastal wetlands or littoral rainforest on the Coastal Wetlands and Littoral Rainforests Area Map
- Section 2.8(1) - Development on land in proximity to coastal wetlands or littoral rainforest
- Section 2.10(1) & (2) - Development on land within the coastal environment area
- Section 2.12 - Development in coastal zone generally —development not to increase risk of coastal hazards.

The area of the site mapped as Coastal Wetlands is located in the rear section of the site, which is highly vegetated and not proposed to be disturbed. The area proposed for the school additions are located on the front cleared area approximately 350m from the rear section of the site mapped as being Coastal Wetland. The hydrological integrity of the coastal wetland is protected. Stormwater flows and groundwater within the coastal wetland are not altered by proposed school development as the coastal wetlands are not disturbed by the proposed

development. Groundwater flows are not likely to be intercepted by any proposed earthworks. The grading of approved earthworks under 0352/20DA mimic the distribution of stormwater flows to that pre-development. Stormwater flows from the proposed school additions will be captured into bio-retention basins and impacts will be managed prior to discharge of stormwater. Sediment basins already established will continue in that role until completion of first stage buildings.

The areas mapped as being in proximity to coastal wetland and coastal environment area are managed grasslands and former tree plantation, thus on those grasslands there are negligible biophysical attributes and no biophysical environments occur that relate to threatened species. The playing fields and turfed batters will mimic the existing managed grasslands in terms of vegetation. Stormwater runoff is collected via gutters and downpipes to water storage for treatment as potable water and surface run off is directed to bio filtration basins for treatment prior to discharge to watercourse. A controlled activity approval has been issued by the DPE-Water (formerly NRAR) under 0352/20DA for the works within 40m of the watercourse. As the site has been disturbed for some time, it is considered that the proposed development will not cause harm to Aboriginal heritage. The site is located approximately 3.5km from the beach and will therefore not affect access to any headland, beach, foreshore or rock platform. The land between the beach and the site mostly comprises the Bongil Bongil National Park. The site will not be affected by coastal hazards.

It is considered that the proposed school additions are not inconsistent with the relevant considerations outlined in this SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3: Educational Establishments

Section 3.35 of this SEPP enables the development of a school to be carried out by any person with consent in a prescribed zone. Section 3.34 lists the prescribed zones in which section 3.35 applies. The land is zoned RU2 Rural Landscape, which is a prescribed zone. Therefore, the proposed development is permissible with prior development consent.

Section 3.36(6) requires the consent authority to take into consideration the design quality of the development when evaluated in accordance with the design quality principles set out in schedule 8 and whether the development enables the use of school facilities (including recreational facilities) to be shared with the community. The applicant has prepared an assessment addressing schedule 8 of this SEPP and is located in ATTACHMENT C of this report. It is considered that the proposal is consistent with the design quality principles of schedule 8. As this development is a private school, shared community use of the facilities associated with the school may be limited compared to a public school. However this is not considered to be a reason that warrants refusal of the development application.

Section 3.58(2) of this SEPP requires written notice to be given to Transport for NSW for comment on a proposed development for the purpose of a school accommodating for than 50 students. Written advice has been provided by TfNSW which Council has taken into consideration in accordance with clause 3.58(3)(a). As the school exists and bus services are utilised, it is considered that section 3.58(3)(b) is satisfied. The proposed additions will still allow for the efficient movement of people and minimise the need for people to travel by car. Any potential traffic safety, road congestion or parking implications are minimised through the design of on-site car parking, drop off areas and bus parking.

Coffs Harbour Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the *Coffs Harbour Local Environmental Plan 2013* (‘the LEP’).

Zoning and Permissibility (Part 2)

The site is located within the RU2 Rural Landscape Zone and C2 Environmental Conservation Zone pursuant to Clause 2.2 of the LEP.

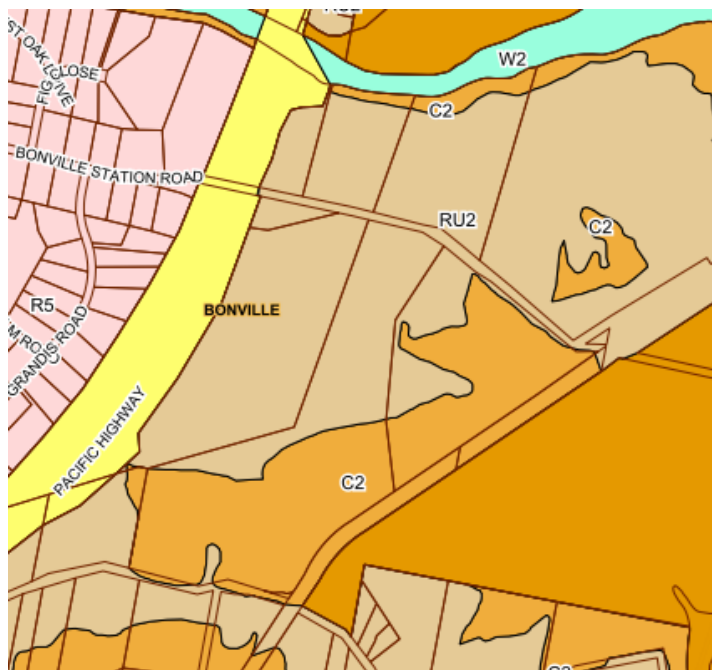


Figure 4

According to the definitions (contained in the Dictionary), the proposal satisfies the definition of ‘Educational Establishment’ which is a prohibited use in the Land Use Table in Clause 2.3. The land use is however permissible with development consent under State Environmental Planning Policy (Transport and Infrastructure) 2021 (as mentioned above). Section 3.35 of this SEPP enables the development of a school to be carried out by any person with consent in a prescribed zone. Section 3.34 lists the prescribed zones in which section 3.35 applies. The land is zoned RU2 Rural Landscape, which is a prescribed zone. Therefore, the proposed development is permissible with prior development consent.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	8.5m	7m	Yes
Heritage (CI 5.10)	Development consent is required for demolishing,	The site does not contain a heritage item and is not in	Yes

	removing or altering a heritage item or Aboriginal object.	proximity to a heritage item. The site has been disturbed for some time. It is considered that the site is unlikely to comprise items of Aboriginal Heritage.	
Acid sulphate soils (Cl 7.1)	Development Consent is required for works on land classed as being acid sulfate soils 5 if works are within 500m of adjacent class 1, 2, 3, 4 that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent class 1, 2, 3, 4.	<p>The works are not likely to lower the watertable, development consent is not required in accordance with clause 7.1(6)(b).</p> <p>The area to be developed is mapped as class 5 acid sulfate soil, and the geotechnical report and surface levels support the mapping, in that the soils encountered are clay soils decomposed from natural rock are not of the character of acid sulfate soils as defined in the Acid Sulfate Soil Manual. Class 2 mapped areas are outside the developable area and are not to be disturbed.</p>	Yes
Koala Habitat (Cl. 7.8)	Development consent must not be granted to development on land to which this Plan applies unless the development is in accordance with Coffs Harbour City Koala Plan of Management, ISBN 0 7313 6050 8, published in November 1999.	Bushland is not disturbed by the proposal. No feed trees occur in the development area. Koalas are not impacted by the proposal, and suitable land for koala habitat is maintained in its current forested state. The development of the proposed school does not warrant protective measures such as fencing.	Yes
Essential Services (clause 7.11)	Development consent must not be granted unless the following services are available for or can be made available when required: water; electricity; disposal and management of sewage; stormwater drainage; and vehicle access.	The proposed development is to be serviced via reticulated water, sewer and electricity. Access is to be provided off Bonville Station Road. The proposed method for stormwater drainage is considered satisfactory.	Yes

		The development satisfies the requirements of the Clause.	
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The proposal is considered to be generally consistent with the LEP.

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

There are no 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:

- Coffs Harbour Development Control Plan 2015('the DCP')

Part B Public Consultation

Part B has been repealed and replaced by Council's Community Participation and Engagement Plan. The proposal was advertised and notified in accordance with Council's Community Participation Plan on 2 occasions. The first period was from 9 October 2021 until 23 October 2021. The second period was from 30 October 2022 until 13 November 2022. Council received a total of one (1) unique submissions, objecting to the proposal. The issues raised in these submissions are considered in **Table 7**.

Part D4 Rural and Large Lot Residential Development Built Form Controls

This DCP control prescribes built form controls for land zoned RU2 Rural Landscape and R5 Large Lot Residential. Educational Establishments are not specifically covered by this DCP in terms of built form controls. The proposed school additions generally meets this DCP component in terms of building setbacks, stormwater management, landscaping and safer by design requirements. As the school is in proximity to a farming activity, a Land Use Conflict Risk Assessment (LUCRA) has been prepared as required by DCP component D4.21. The LUCRA examines and addresses potential impacts from the agricultural operation occurring on the adjoining property to the west. The school already exists in proximity to the blueberry farm. The school has planted trees to act as a visual buffer and windbreak to prevent exposure to dust, etc. The impacts experienced by the school have been negligible. The blueberry farm must abide by regulations that control adverse impacts on adjoining properties. Council had recently undertaken an inquiry into whether the school water supply was being affected by spray drift. It was concluded that the water supply was suitable for human consumption. It is considered that the proposal can be supported.

Part F1 Access and Parking

This DCP control prescribes that parking requirements for an educational establishment are subject to a parking study. This traffic and parking study has been considered by Council and referred to TfNSW in accordance with s3.58(2) of State Environmental Planning Policy (Transport and Infrastructure) 2021. As the school exists and bus services are utilised, it is considered that section 3.58(3)(b) is satisfied. The proposed additions will still allow for the efficient movement of people and minimise the need for people to travel by car. Any potential

traffic safety, road congestion or parking implications are minimised through the design of on-site car parking, drop off areas and bus parking.

Part F3 Landscaping

Landscaping is proposed along the frontage of the site and the various areas of open space throughout the school grounds. areas of the school.

Part F6 Waste Management

The proposal includes provision for a waste bin storage enclosure that is adequate in size to accommodate for all bins, based on estimated staff and student numbers.

The waste bin area is enclosed by a roofed and screened enclosure in accordance with the provisions of this DCP component. The enclosure accommodates for the minimum number of bins required to manage volumes of each waste stream generated during normal operations. The enclosure is graded and drained to the sewer (or equivalent on site waste water discharge arrangement) via a dry basket arrestor. A hose cock is provided in the enclosure. The bin storage area roof includes a 100mm overhang on all sides of the storage / wash area that are open to the weather and includes a bund (a minimum 50mm high) and grading to prevent ingress of stormwater/rainwater. The design and materials of the enclosure are compatible with the development.

(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

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

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 must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site. The school exists, the proposal if additions to the school/ The locality will remain a quiet setting.
- Access and traffic – The school will be equipped with adequate on-site parking and has an internal road layout that allows for the movement of vehicles without causing obstruction or congestion.

- Utilities – The site has no reticulated town water and sewer services. The existing school has water tanks and effluent disposal systems. The proposed school additions will also be equipped with water tanks and effluent disposal systems. The site has reticulated electricity and phone services.
- Heritage – The site is not heritage listed is not in proximity to a heritage item.
- Flora and fauna impacts – The proposal does not involve clearing of vegetation.
- Natural environment – The proposal does not involve any significant changes to the natural contours of the site.
- Safety, security and crime prevention – The proposal is consistent with the Safer by Design Principles
- Social impact – It is considered that the proposed school additions will have a positive social impact.
- Economic impact – It is considered that the proposed school additions will have a positive economic impact in the form of employment both during construction and when the school is in operation.
- Cumulative impacts – it is considered the proposal will not generate any adverse cumulative impacts.

Accordingly, it is considered that the proposal will result in any significant adverse impacts in the locality as outlined above.

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

As the school has existed for some time, it is considered that the proposed additions are suitable for the site and compatible with the locality. The proposal will cause minimal environmental impact as the proposed additions are sited on a cleared area of land. The NSW RFS have issued their bushfire safety authority with conditions. The proposed additions are not sited on flood prone land.

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

These submissions are considered in Section 5 of this report.

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

It is considered that the proposal is not contrary to the public interest. The proposed school additions will provide a positive contribution to the needs of the community without causing a causing risk of harm to public health and safety.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to relevant agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A	N/A	N/A	N/A
Referral/Consultation Agencies			
Transport for NSW	Section 2.121 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Development that is deemed to be traffic generating development in Schedule 3.	Comments provided and conditions imposed	Y
Integrated Development (S 4.46 of the EP&A Act)			
NSW RFS	S100B - Rural Fires Act 1997 bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Bushfire Safety Authority issued with conditions	Y

4.2 Council Officer Referrals

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

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted plans and other documentation and considered that there were no objections subject to conditions.	Y
Building	Council's Building Officer reviewed the submitted plans and other documentation and considered that there were no objections subject to conditions.	Y
Health	Council's Environmental Health Officer reviewed the submitted plans and other documentation and considered that there were no objections subject to conditions.	Y
Waste	Council's Waste Officer reviewed the submitted plans and other documentation and considered that there were no objections subject to conditions.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was advertised and notified in accordance with Council's Community Participation Plan on 2 occasions. The first period was from 9 October 2021 until 23 October 2021. The second period was from 30 October 2022 until 13 November 2022.

- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
- Notification on the Council's website.

The Council received a total of one (1) unique submissions, objecting to the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
The issues/concerns raised are that the future school additions may not be suitable for the site due to the blueberry farm operating next to it. He claims the future school additions may be exposed to noise, dust and odours from the blueberry farm operations.	1	<p>The applicant has previously provided a response to the issues/concerns raised in the submission under 0352/20DA. The school already exists in proximity to the blueberry farm. The impacts experienced by the school have been negligible. The blueberry farm must abide by regulations that control adverse impacts on adjoining properties. The school has planted trees to act as a visual buffer and windbreak to prevent exposure to dust, etc. Council had recently undertaken an inquiry into whether the school water supply was being affected by spray drift. It was concluded that the water supply was suitable for human consumption. It is considered that the proposal can be supported.</p> <p>Outcome: It is considered that the proposal can be supported.</p>

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

Traffic Management:

Section 3.58(2) of State Environmental Planning Policy (Transport and Infrastructure) 2021 requires written notice to be given to Transport for NSW for comment on a proposed development for the purpose of a school accommodating for than 50 students. Written

advice has been provided by TfNSW which Council has taken into consideration in accordance with clause 3.58(3)(a). As the school exists and bus services are utilised, it is considered that section 3.58(3)(b) is satisfied. The proposed additions will still allow for the efficient movement of people and minimise the need for people to travel by car. Any potential traffic safety, road congestion or parking implications are minimised through the design of on-site car parking, drop off areas and bus parking.

Land Use Conflict:

As the school is in proximity to a farming activity, a Land Use Conflict Risk Assessment (LUCRA) has been prepared as required by Coffs Harbour DCP component D4.21. A land use conflict risk assessment (LUCRA) was undertaken by the proponent to examine and address potential impacts from the agricultural operation occurring on the adjoining property to the west. The school already exists in proximity to the blueberry farm. The impacts experienced by the school have been negligible. The blueberry farm must abide by regulations that control adverse impacts on adjoining properties. The school has planted trees to act as a visual buffer and windbreak to prevent exposure to dust, etc. Council had recently undertaken an inquiry into whether the school water supply was being affected by spray drift. It was concluded that the water supply was suitable for human consumption. It is considered that the proposal can be supported.

6. 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, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application 0326/22DA for Educational Establishment (additions to school) at Lot 2 DP 1194621, Bonville Station Road, Bonville 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.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Architectural Plans
- Attachment C: Design Quality Principles Assessment
- Attachment D: Copy of Submission (1)