

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE	PPSNTH-256
DA NUMBER	DA2023/65
PROPOSED DEVELOPMENT	Construction of a new administration building, alterations and additions to existing buildings and site works
ADDRESS	Lot 1 DP154366, Lot 1 DP221606, Lot 1 DP1113204 at 55 Boston Street, Moree
APPLICANT	Matthew Rayment
OWNER	Trustees of the Roman Catholic Church for the Diocese of Armidale
DA LODGEMENT DATE	12 September, 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : CIV >\$5m – Private infrastructure and community facilities
CIV	\$7,571,668 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <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 (Transport and Infrastructure) 2021</i> • <i>Moree Plains Local Environmental Plan 2011</i> • <i>Moree Plains Development Control Plan 2013</i>
TOTAL SUBMISSIONS UNIQUE OBJECTIONS	No public submissions were received.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Plans: demolition, sections, elevations, floor plans, roof and sub-floor plans, external works, existing site plan, proposed site plan, site analysis plan and drainage services layout

	<ul style="list-style-type: none"> Statement of Environmental Effects (SEE) prepared by Salvestro Planning dated December 2023 and an addendum to the SEE dated 15 December 2023. Letter from Dryside Engineering dated 18 May 2023 Engineering specification for acoustic services dated 21 July 2023
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (s7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	24 January 2024
REPORT PREPARED BY	Lillian Charlesworth, Manager RSD Assessment, Department of Planning, Housing and Infrastructure (on behalf of Moree Plains Shire Council)
DATE OF REPORT	10 January 2024

EXECUTIVE SUMMARY

The development application DA2023/65 seeks consent for alterations and additions to an existing school (St Philomena's Catholic School). The subject site is known as 55 Boston Street, Moree ('the site') and comprises a corner lot with three (3) road frontages including the primary frontage of Boston Street to the east, Gwydir Street to the south and a laneway to the west. The site has an area of approximately 2.35ha. There is a vehicle access point from Boston Street to an informal 16 space bitumen car park and vehicle access from Gwydir Street to a 5-space car park to service the multi-purpose hall.

Existing development on the site consists of a number of buildings between one and three storeys in height, labelled Block A to G and Block I. The maximum height of existing buildings on site is 11.5m (Block B). The Saint Francis Xavier Catholic Church forms part of the site and is located at the corner of Boston and Gwydir Streets. The majority of buildings are clustered on the southern half of the site with the exception of the parish and presbytery offices that are located off Boston Street to the north of the site adjoining an extensive grassed open space area.

The site is located on the Gwydir Highway and therefore there are various commercial uses in proximity to the site along the highway, with the edge of the central commercial area approximately 90m to the east. The site is predominantly surrounded by low density residential uses adjoining its other property boundaries.

The site is located in the R1 General Residential zone pursuant to Clause 2.2 of the Moree Plains Local Environmental Plan 2011 (the LEP).

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Planning Systems) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *Moree Plains Local Environmental Plan 2011* and the *Moree Plains Development Control Plan 2013* (the DCP). The proposal is generally consistent with various provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act').

The application was placed on public exhibition from 9 October to 23 October 2023, with no submissions being received.

The application is referred to the Northern Regional Planning 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 an educational establishment with a CIV over \$5 million.

The key assessment matters associated with the proposal include:

1. *Flooding* – the site is flood affected being within a flood storage area. Given demolition associated with the proposal, there will be a net increase in flood storage area with no negative impacts on flood affectation within the surrounding area. Council's Development Engineer has raised no objection to the proposal. The recommended conditions include preparation/updating of a Flood Preparation Plan and Flood Evacuation Plan.
2. *On-site vehicle pick up and drop off area* - the DCP requires provision of an on-site car and bus drop off and pick up area for all educational establishments. There is currently no on-site vehicle drop off and pick up area and none is proposed. Given that the proposed development will not result in any increased traffic movements (since there will be no increase to students or staff numbers) and that Council's Development Engineer has raised no concerns in relation to traffic and parking, it is considered that the proposed variation to the DCP control is acceptable.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, DA2023/65 for alterations and additions to an existing school at 55 Boston Street, Moree is recommended for APPROVAL subject to the conditions of consent at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is legally described as Lot 1 in DP 154366, Lot 1 in DP 221606, Lot 1 in DP 1113204 and Lot 2 in DP 663680 (**Figure 1 and 2**) and is known as 55 Boston Street, Moree (the site). The site is located on the western side of Boston Street, approximately 1.7km to the NW of Moree Train Station. The site has a 195m frontage to Boston Street on the eastern boundary, a 186m frontage Gwydir Street/Highway on the southern boundary,

there is a laneway on the western boundary and adjoining properties along the northern boundary. The site is not bushfire prone, although it is flood prone.



Figure 1: Lot boundaries (source: SEE)



Figure 2: the subject site (source: Google Earth)

St. Philomena's School was established on the site in 1898 and currently operates a primary school and junior high school (operated by the Christian Brothers) i.e. kindergarten to year 10. The new administration building will be located between the church and the carpark (the fenced area in **Figure 3**). The car park entrance is from Boston Street (15 spaces) with other parking provided near the school hall.



Figure 3: location of the proposed administration building on the right, as viewed from Boston Street (source: council site inspection)

1.2 The Locality

The school is located within a low density residential zone, immediately surrounded predominantly by detached dwellings. Surrounding features include Apex Park approximately 95m to the west, approximately 90m to the east is the edge of the commercial centre with a mix of retail, commercial and business uses. In terms of natural features, Broadwater Creek is approximately 250m east, with Mehi River approximately 560m to east. A locality map is at **Figure 4**.

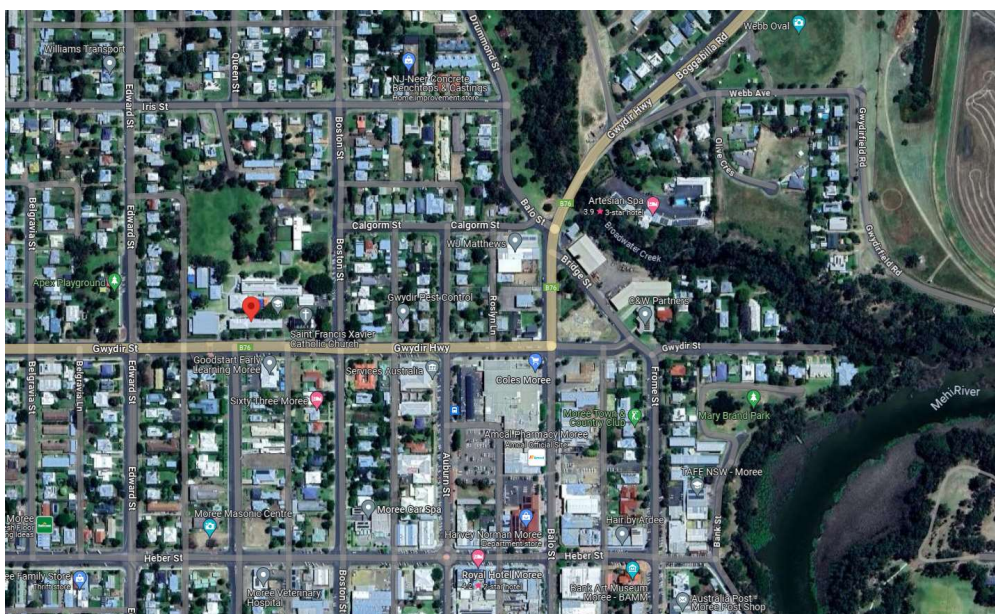


Figure 4: Locality map (source: Google Maps)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for construction of a new administration building, alterations and additions to existing buildings and site works.

Specifically, the proposal involves:

- Construction of a new administration building (Block K – **Figure 5**) (including new pathways, a new veranda, stairs and perimeter fencing)
- Refurbishment to Block A (including a new lift, stairway and veranda as well as refurbishment of classrooms)
- Refurbishment to Block C (including new doorway, an operable wall between music rooms, creation of tutorial rooms and an IMAX viewing room)
- Site works including resurfacing and line marking the existing car park off Boston Street and demolition of paved surfaces, shade structures and artificial turf areas.

The development will not result in any change to staff (48) or student numbers (there is capacity for 540 students, although there are currently 365 students enrolled). There will be no changes to the current vehicle access and car parking arrangements, other than resurfacing and line marking within the existing Boston Street carpark. No tree removal is required.

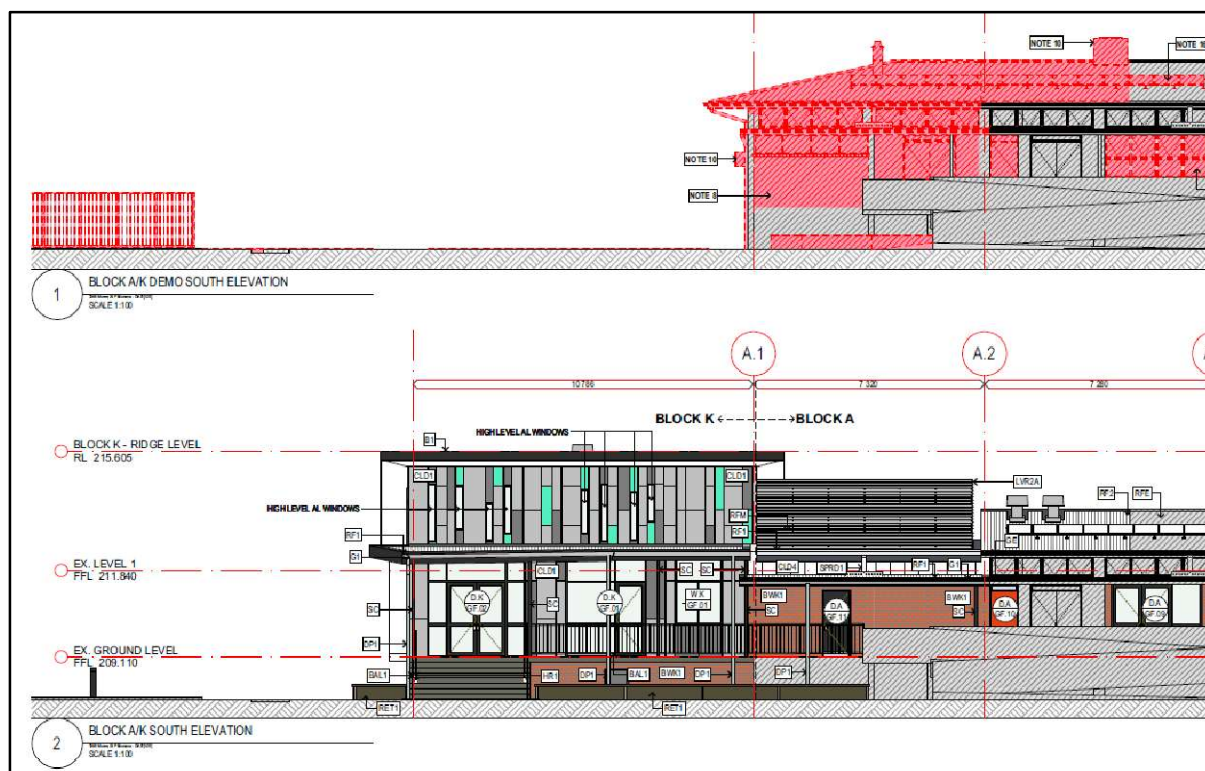


Figure 5: Proposed new administration building Block K (source: Glendenning Szoboszlay Architects)

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	2.35ha
Clause 4.6 Requests	No
Max Height	Maximum height of proposed Block K is 7.9m
Car Parking spaces	No change to the existing 20 spaces provided
Site access	No change to existing access points off Boston Street and Gwydir Street
Setbacks	Proposed Block K will be setback 24.9m from the Boston Street property boundary

2.2 Background

A pre-lodgement meeting was not held prior to the lodgement of the application.

The development application was lodged on 12 September 2023. A chronology of the development application since lodgement is outlined in **Table 2**, including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	Event
12 Sept 2023	DA lodged
9 Oct to 23 Oct 2023	Exhibition of the application
20 Nov 2023	Initial request for information
15 Dec 2023	Subsequent request for information
24 Jan 2024	Panel determination briefing

2.3 Site History

The following **Table 3** shows the available approval history for the site (minor modification applications have been excluded e.g. installing solar panels and raising floor height).

Table 3: Approval history for the past 16 years

DATE	DA NO.	PURPOSE
19 July 2007	DA07-0104	New classroom
9 March 2011	DA10-0140	A new multi-purpose communal hall and a new 5 space car park off Gwydir Street (the line marking appears to indicate 6 parking spaces, although one slot is not intended for parking, in order to access an existing shutter)
27 June 2012	DA2012/58	Erection of a steel shade structure
24 May 2013	DA2013/36	Alterations and additions to existing classrooms and library (requiring access to and within the building for persons with a disability)

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,*
- (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 not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

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

A summary of the key matters for consideration arising from the relevant EPIs are outlined in **Table 4** and considered in more detail below.

Table 4: Summary of Relevant Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021	Yes
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development	Yes
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Section 4.6 Contamination and remediation to be considered in determining development application. 	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.119(2) Impact of road noise and vehicular emissions on sensitive non-road development Chapter 3: Educational Establishments <ul style="list-style-type: none"> • Section 3.36 – matters for consideration by consent authorities. This section applies to a public authority or a person acting on behalf of a public authority. This proposal is for a non-government school and therefore the provisions of chapter 3 are not applicable. 	Yes
State Environmental Planning Policy	Chapter 3: Advertising and signage – not applicable as advertising and signage is not proposed.	N/A

(Industry and Employment) 2021		
Moree Plains Local Environmental Plan 2011	<ul style="list-style-type: none"> • Clause 1.2 Aims of Plan • Clause 2.3 Permissibility and zone objectives • Clause 2.7 Demolition requires development consent • Clause 5.10(5) Heritage conservation • Clause 5.21 Flood planning • Clause 7.1 Earthworks • Clause 7.3 Airspace operations (re Moree Airport) 	Yes

State Environmental Planning Policy (Planning Systems) 2021

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 an educational establishment with a CIV of more than \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2021

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Moree Plains is listed in Schedule 2 as a local government area to which the SEPP applies. The site lies within the Northwest Slopes Koala Management Area, although there is no koala plan of management for this area. Where there is no koala plan of management and the site is at least 1ha (the site area is approximately 2.35ha), clause 4.9(2) requires that council assess whether the development is likely to have any impact on koalas or koala habitat. As the site is within a built-up urban area and no tree removal is proposed, it's considered that the development is not likely to not impact koalas or koala habitat and is therefore consistent with the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of land

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Section 4.6 requires contamination and remediation to be considered in determining a development application. The proposal is for the expansion of an existing school and therefore does not involve a change of use and no preliminary investigation is required. The Saint Philomena Catholic School was founded in 1898 and the site also includes the Saint Xavier's Catholic Church. There are no records of any previous potentially contaminating uses, and the site is not listed in council's records as potentially contaminated. It is considered that the site is unlikely to be contaminated and is consistent with the SEPP, although standard conditions of consent are recommended regarding unexpected contamination discovered during construction.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

- *Section 2.48 – Determination of development applications – other development* - This section requires referral to the electricity supply authority for a development application involving development carried out within specified distances to electrical infrastructure or that is within or adjacent to an easement for electricity purposes. The proposed development does not meet the criteria of this clause and therefore referral was not required.
- *Section 2.119 – Development with frontage to a classified road* – this section includes matters for consideration for development that has a frontage to a classified road. The school has a southern boundary to Gwydir Street/Highway, which is a classified (State) road and therefore the following matters apply:

2.119 (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

Comment

The existing primary site access is located off Boston Street (a local road) on the eastern property boundary to access an unmarked bitumen parking area with 15 parking spaces. There is an existing secondary access point from Gwydir Street to access five car parking spaces. There will be no increase in parking spaces to either car park and no new access points are proposed.

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Comment

No new access points are proposed from the classified road i.e. Gwydir Street. Conditions of consent can be applied to manage any smoke or dust during the construction stage. There will be no change to the nature, volume or frequency of vehicles accessing the site via Gwydir Street as the proposal does not include any increase in staff or student numbers.

- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment

It is considered that a school is a type of development that is sensitive to traffic noise and vehicle emissions. The location of the proposed alterations and additions (shown in green and orange at **Figure 1**) are not directly adjacent to the classified road, but are positioned behind existing buildings, which together with appropriate design measures, acts to mitigate the potential impacts of traffic noise and vehicle emissions.

- *Section 2.120 – Impact of road noise or vibration on non-road development* – This section requires any guidelines published by the Planning Secretary for the purpose of this section to be considered, should this section apply. This section applies to an educational establishment adjacent to any road with an annual average daily traffic volume of more than 20,000 vehicles and that the consent authority considers may be adversely impacted by road noise or vibration. Council's Development Engineer has advised that a traffic count along Gwydir Street in the vicinity of the school indicates an average daily traffic volume of approximately 1,100 vehicles. As the average daily traffic volume does not exceed 20,000 vehicles, this section of the SEPP does not apply.
- *Section 2.122 Traffic generating development*- This section requires traffic generating development to be referred to Transport for NSW (TfNSW). Schedule 3 does not specifically identify educational establishments, which therefore fall under the category of "any other purpose." To fit the criteria for traffic generating development in this category, there would need to be 200 or more vehicles per hour accessing the site via any road or 50 or more vehicles per hour accessing the site via Gwydir Street. In the case of an extension of existing premises, the criteria apply to the additional traffic generated as a result of the extension. As the development will not result in any additional students or staff, there will be no change to existing traffic generation and the provisions of clause 2.122 do not apply. The application was therefore not referred to TfNSW.

Chapter 3: Educational establishments and childcare facilities

- *Section 3.36(1) Development permitted with consent* - provides that 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 the Zone R1 General Residential, pursuant to Section 3.34(1)(e).

Pursuant to Section 3.36(6), before determining a development application for development of a kind referred to in subsection (1), the consent authority must 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.*

Comment: In relation to whether the school facilities will enable use by the community, the proposed development is for alterations and additions and therefore does not include any additional facilities that would ordinarily be shared with the community.

The design quality principles are considered in **Table 5**. The proposed development is consistent with these principles.

Table 5: Schedule 8 Design Quality Principles

DESIGN PRINCIPLE	REQUIREMENT	PROPOSAL	COMPLY
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Principle 1— context, built form and landscape	<p>Designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</p>	<p>The proposed new buildings are integrated into the site to ensure there are minimal disruptions to the natural environment. The existing buildings fronting Boston Street are 1980's brutalist style and therefore the setting will be enhanced with the addition of a building that has a more sympathetic, modern design.</p> <p>The proposed landscaping includes planter beds on three sides of the new administration building that will assist in integrating the new building into the site.</p> <p>The site is not in a scenic protection area, however, the visual amenity of nearby land is not adversely impacted by the proposal given the proposed new buildings are of a satisfactory size and scale for the site.</p>	<p>Yes</p>
Principle 2— sustainable, efficient and durable	<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>The proposed development is designed to relocate the administration area for improved connectivity between learning spaces, to enable flexibility in their future use.</p> <p>The passive design of buildings with an east west axis allows better thermal control to the north and south.</p>	<p>Yes</p>
Principle 3 - accessible and inclusive	<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>The proposed development will address the front of the school to Boston Street with new stairs and an existing access ramp for use by students, staff and visitors to ensure walking through the site is separate from the car parking and road areas. A new lift will be provided to service the existing</p>	<p>Yes</p>

		<p>classrooms in Block A.</p> <p>The existing school hall will continue to be used by community groups.</p>	
Principle 4 - Health and safety	<p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>The proposal provides enhanced safety for students, with the administration building relocated to the front of the site alongside new fencing and gates. Visitors will therefore check-in at the administration building adjoining Boston Steet, rather than the current situation where visitors are out of view and can access the whole school.</p>	Yes
Principle 5 - amenity	<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The proposed development will provide improved facilities, amenity and security for students and is not expected to impact the amenity of the local area following the construction stage.</p> <p>An engineering specification for acoustic services was prepared by JHA Services in July 2023. The recommendations primarily aim to reduce internal noise transfer, although the report does consider controls for the building envelope (walls, external glazing, ventilation openings and roof) to control noise break-in. Regardless that the report did not consider traffic noise specifically, it is considered that implementation of the measures indicated in the report will assist to mitigate traffic noise impacts.</p> <p>Large areas of open space</p>	Yes

		are retained on the site for student enjoyment and physical activity.	
Principle 6 - whole of life, flexible and adaptive	School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	A key reason for the redevelopment is to create enhanced learning spaces with better connectivity and flexibility of use. The new administration building will include partition walls that can be altered in future without major structural alterations. Renovations to the top floor of Block A are also aimed at converting this to a more flexible space to meet current and future needs.	Yes
Principle 7 - aesthetics	<p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</p>	The proposed new building has been designed to be an attractive addition to the school whilst harmonizing with existing buildings on site.	Yes

Moree Plains Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Moree Plains Local Environmental Plan 2011* ('the LEP'). The aims of the LEP are:

(2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the management, development and conservation of environmental, economic and social resources,*
- (b) to facilitate economic growth and development that is consistent with the aim specified in paragraph (a) and that—*
 - (i) embraces the principles of environmentally sustainable development, and*
 - (ii) minimises the cost to the community of fragmented and isolated development, and*
 - (iii) facilitates the efficient and effective delivery of amenities and services, and*
 - (iv) facilitates stimulation of demand for a range of residential, enterprise and employment opportunities and promotes agricultural diversity, and*
 - (v) facilitates farm adjustments, and*
 - (vi) utilises, where feasible, existing infrastructure and roads for new development and future potential development,*
- (c) to facilitate development in accordance with flood management planning,*
- (d) to facilitate development that is compatible with adjoining and nearby uses,*
- (e) to facilitate development that is appropriate in scale and type to the characteristics of the relevant zone,*
- (f) to recognise places of European heritage significance and Aboriginal heritage and cultural significance*

The proposal is consistent with these aims as the proposal is generally consistent with the planning controls and provides the following outcomes:

- the proposal does not adversely impact on any known Aboriginal cultural items
- the proposal does not result in any significant adverse impacts on the natural environment, given earthworks will be minimal and additional landscaping will be provided
- the development has taken flood management into consideration
- the development is compatible with adjoining and nearby uses in that it has been operating from the site for around 125 years, serving the educational needs of the local community, and
- the scale of development is in keeping with existing buildings on the site and in the vicinity.

Zoning and Permissibility (Part 2)

The site is located within the R1 General Residential Zone pursuant to Clause 2.2 of the LEP (**Figure 6**).

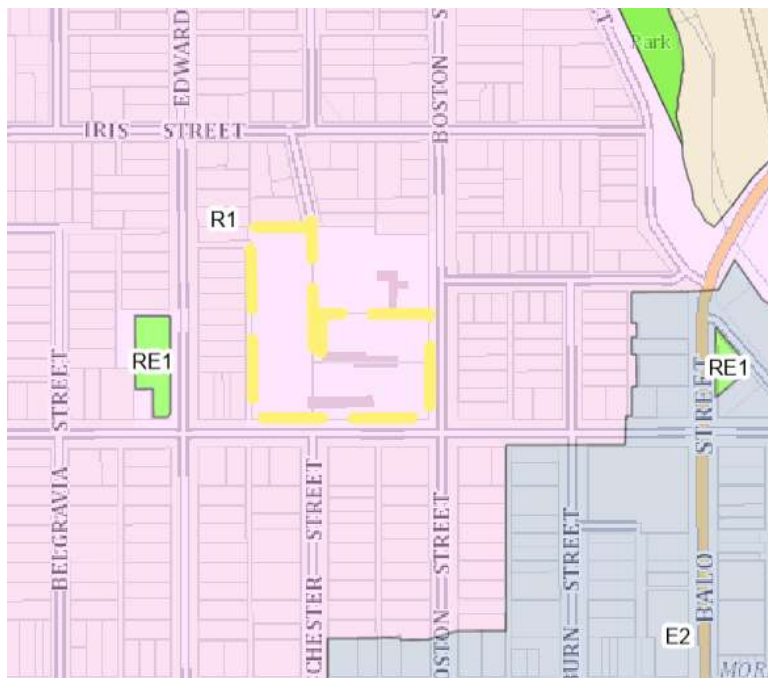


Figure 6: Zoning Map (source: NSW Planning Portal Spatial Viewer)

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of educational establishment, which is a permissible use with consent in the Land Use Table in Clause 2.3.

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

- *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 proposal is considered to be consistent with these zone objectives as it provides for the educational needs of children in the local community.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

Table 6: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Demolition (cl.2.7)	Consent is required for demolition	Seeks consent for partial demolition of Block A and Block C	Yes

Height of buildings (CI 4.3)	Not adopted	7.9m for new Block K	N/A
FSR (CI 4.4)	Not adopted	N/A	N/A
Heritage Conservation (CI 5.10(5))	To conserve the environmental heritage of Moree, the heritage significance of heritage items and heritage conservation areas (including associated fabric, settings and views), archaeological sites and Aboriginal objects and Aboriginal places of heritage significance.	<p>The site is not heritage listed, is not within a heritage conservation area, does not include an archaeological site or Aboriginal place of heritage significance and given the site is highly disturbed, it's unlikely to contain any Aboriginal objects.</p> <p>An AHIMS search has indicated there are no Aboriginal sites or places within 200m of the site. There are no landscape features in the locality that would indicate the likely presence of Aboriginal objects. The recommended conditions include a condition regarding unexpected finds. Two heritage items in the vicinity in Chester Street (Figure 6) are unlikely to be impacted given their distance from the school and as the proposed development is in keeping with the existing scale of buildings on the site.</p>	Yes
Flood planning (CI 5.21)	Refer below	Refer below	Yes
Earthworks (cl.7.1)	Includes matters for consideration prior to consent.	Refer below	Yes
Airspace operations (cl.7.3)	If a proposed development will penetrate the Obstacle Limitation Surface (OLS) for Moree Airport, the relevant Commonwealth body must be consulted prior to granting consent.	The site is affected by the OLS Map for the Moree Airport (Figure 7), which indicates an OLS for the site at between 256.5m AHD and 265.5m AHD. As the maximum HOB for proposed Block K is 7.9m, it will not penetrate the OLS	Yes

		and therefore referral is not required.	
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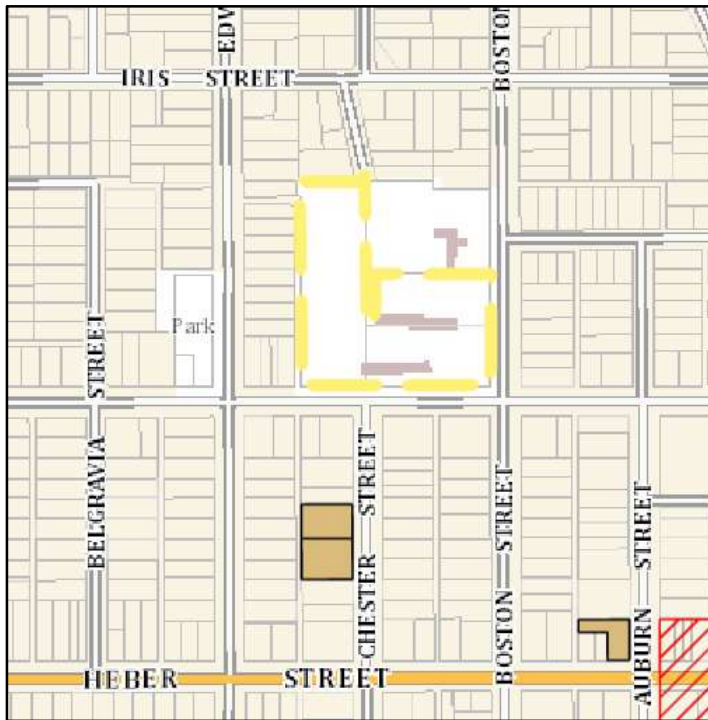


Figure 6: Nearby heritage items (source: NSW Planning Portal Spatial Viewer)

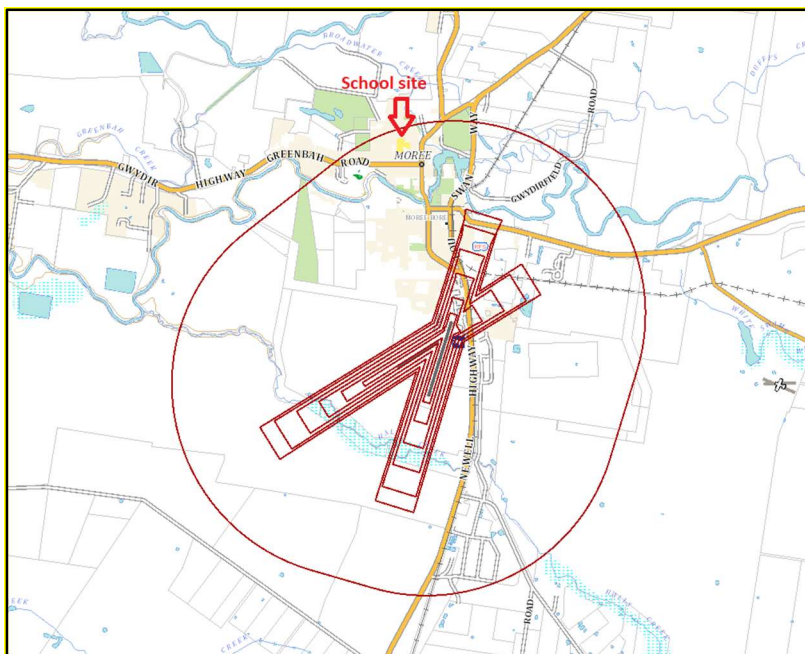


Figure 7: Moree Airport Obstacle Limitation Surface Map (source: NSW Planning Portal Spatial Viewer)

Clause 5.21 Flood Planning of Moree Plains Local Environmental Plan 2011

The site is within a flood storage area as shown in the *Moree and Environs Flood Study/Floodplain Risk Management Study and Plan Volume III* (May 2019) (**Figure 8**).

Clause 5.21 requires consideration of certain matters before granting consent, which are considered below:

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) *is compatible with the flood function and behaviour on the land, and*

Comment: The proposal is compatible with the flood function and behaviour of the land based on a Flood Certificate provided by Council that assists to identify the flood planning level and flooding advice from Dryside Engineering dated 18 May 2023. The proposed floor level is 209.11 AHD which is above the minimum floor levels of 209.01 AHD.

- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

Comment: The area of building extension is approximately 300sqm, whereas demolition works for the temporary library involves an area of 230sqm and an area of undercroft to be opened up in Block B is 469sqm. Therefore, there is a net gain in flood storage area and no detrimental increase in potential flood affectation in the surrounding area.

- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

Comment: The school has an existing Flood Preparation Plan that is proposed to be updated. Updating of the Flood Preparation Plan has been included in the recommended conditions.

- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*

Comment: A Flood Evacuation Plan is proposed to address this issue. This has been included in the recommended conditions.

- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.*

Comment: There is no riparian vegetation, riverbank or watercourses on or in proximity to the site. The proposal is unlikely to adversely affect the environment, subject to conditions, including standard conditions for erosion and siltation.

- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*

Comment: The development will result in a net increase in flood storage area and therefore is not expected to have a negative impact on flood behaviour resulting from climate change.

- (b) *the intended design and scale of buildings resulting from the development,*

Comment: The design and scale of the alterations and additions are in keeping with the existing development and have been designed to comply with flood requirements within the LEP and DCP.

- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

Comment: The proposed alterations and additions are largely within the existing building footprint, and this will assist in a legible evacuation route in the event of flooding.

- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment: This is not feasible given the development involves alterations and additions to existing school buildings.

The proposed development is considered to be consistent with the provisions of clause 5.21 Flood planning.



Figure 8: Flood storage area (source: SEE)

Clause 7.1 Earthworks of *Moree Plains Local Environmental Plan 2011*

Clause 7.1(3) requires consideration of certain matters before granting consent for earthworks, which are considered below:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality,*

Comment: The proposed earthworks are unlikely to adversely impact on drainage patterns or soil stability given the excavation activity is confined to the proposed building footprint to facilitate the establishment of footings and piers associated with Block A and proposed Block K.

- (b) *the effect of the development on the likely future use or redevelopment of the*

land,

Comment: The proposed earthworks are required to facilitate footings and piers. These proposed earthworks will not adversely impact on the future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: The development does not propose any fill activity.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The site slopes down towards the watercourse and retained vegetation along the eastern side of the site and accordingly, adjoining properties will not be adversely affected by the proposed earthworks.

(e) the source of any fill material and the destination of any excavated material,

Comment: As outlined above, fill material is not required. The majority of works involve the refurbishment of existing buildings and therefore minimal excavation is required. Material excavated for service trenches will be backfilled and compacted. Strip footings and screw piles for the building extension will generate a small amount of excess material that will be retained on site and used to make ground levels safe. There are therefore no concerns regarding fill or excavated material.

(f) the likelihood of disturbing relics,

Comment: It is unlikely that any relics will be disturbed as a result of the proposed works. In the event that material is discovered, works will need to cease to allow further investigation and assessment as outlined in the recommended consent conditions.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Comment: The site is not located in proximity to these features and therefore no adverse impacts will arise from the proposed works in this regard.

The proposed earthworks are satisfactory, and it is considered that the proposal is satisfactory having regard to the matters required to be considered before granting consent pursuant to clause 7.1(3) of the LEP.

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, that 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:

- *Moree Development Control Plan 2013* ('the DCP')

The DCP controls relevant to the proposal are considered in **Table 7** below.

Table 7: Consideration of the DCP controls

Design Element	Minimum Development Standard	Assessment	Complies
Part 2 Parking	<u>Performance outcomes:</u> New car parks are sufficient in number and design to provide appropriately for the needs of new developments. All parking bays must be readily accessible, and an adequate area provided for the turning and manoeuvring of vehicles. <u>Acceptable solutions:</u> The provision of on-site car parking at the rate set out in Table 2.1 of 1 space per staff employed. Table 2.1 requires all educational establishments to provide on-site set down and pick up areas for buses and cars taking students to or from the school. Specific requirements depending on the educational use must also be met.	No new car parks are proposed. There are 15 spaces in the Boston Street carpark (including one disabled parking space and 5 spaces in the Gwydir Street car park (including one disabled space), making a total parking provision of 20 spaces. The new development will not increase staff numbers and therefore no additional parking provision is required. There is no on-site set down or pickup area for cars and therefore the proposal is inconsistent with this aspect of the DCP. Car drop off and pick up occurs on Boston Street and bus drop off and pick up occurs at a 59.8m long bus zone directly outside the school on Gwydir Street. It is considered that given the proposed development will not increase traffic generation (as staff and student numbers will not be increased), there will be no additional traffic impacts and therefore an on-site drop off and pick up area is not warranted and inconsistency with this control is justified in this instance. An advisory note has	Yes

	<ul style="list-style-type: none"> • Car parking is provided on-site • Layout and dimensions in accordance with design standards and principles identified in the DCP • All parking areas, driveways, turning areas and loading areas are to be paved • Parking spaces are suitably marked • Free and uninterrupted access to parking spaces is maintained 	<p>been included in the recommended conditions that development consent does not include approval for any increase in existing student or staff numbers.</p> <p>Existing car parking is provided on-site and each of the parking design requirements can be conditioned as far as they relate to the proposed resurfacing and line marking of the existing Boston Street car park.</p>	Yes
Part 4 Moree and Environs Floodplain Development and Management	<p>All development in a flood affected area is to be accompanied by a Flood Information Certificate containing the information indicated in the DCP.</p> <p>Table 4.2 Commercial, Industrial and other buildings applies and includes the following controls:</p> <ul style="list-style-type: none"> • For new buildings or extension to existing buildings, floor levels are to be not less than 350mm <u>below</u> the flood planning level. • Mounds are preferred to raised buildings where feasible, particularly in the light and general industrial zones. <p>Schedule 1 – Flood planning materials are to be used where the component specified will be below the flood planning level.</p>	<p>The site is within a flood storage area as shown in the <i>Moree and Environs Flood Study/Floodplain Risk Management Study and Plan Volume III</i> (May 2019). A Flood Certificate has been provided.</p> <p>The floor level of the new Block K will be 150mm <u>above</u> the flood planning level.</p> <p>The site is not in an industrial zone and the floor levels are suitably raised.</p> <p>It is proposed that the sub-floor structure utilises flood compatible materials. A recommended condition addresses this.</p>	Yes

Part 10 Notification Policy		The application was exhibited in accordance with the DCP. Further details are provided below at 4.3 Community consultation.	Yes
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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):

- *Moree Plains Shire Council S 94A Development Contributions Plan 2006* (as amended January 2016)

This Contributions Plan has been considered and included the recommended draft consent conditions. Contributions under the Plan are charged at 1% for development with a CIV of more than \$200,000.

(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

The following matters require consideration in relation to Part 4, Division 1 of the 2021 Regulations:

- Section 61(1) - In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures - minor demolition is proposed to the veranda roof of Block A, partial demolition of Block C, as well as site works including demolition of existing paved surfaces, shade structures and artificial turf areas. Relevant conditions are included in the recommended consent conditions in relation to demolition of structures.
- Section 62 (consideration of fire safety) – this is not relevant as a change of building use is not proposed;
- Section 64 (consent authority may require upgrade of buildings) – this provision is to ensure the fire safety of certain existing buildings undergoing rebuilding or alteration. Council's Building Surveyor advises that no building upgrade is warranted and raises no objections to the proposal subject to conditions, which have been included in the recommended consent conditions.

Accordingly, the provisions of the 2021 EP&A Regulation have been adequately considered.

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. Potential impacts related to the proposal that have not been considered above in response to SEPPs, LEP and DCP controls are assessed below.

Context and setting

The proposal is considered to be generally consistent with the context of the site, in that the proposed new building and alterations are of an appropriate scale for the site with large areas of open space and landscaping retained, particularly within the northern portion of the site. The character and amenity of the locality is maintained given the large areas of open space on the site. The street frontages are satisfactory given the new building is designed to address Boston Street, providing legible and safe pedestrian access. Given the large site and adequate setbacks, the character of the surrounding development is maintained and potential impacts on adjoining properties is minimal.

Site design and internal design

There are no design controls in the LEP or DCP and the proposal is consistent with the design principles for schools set out in Schedule 9 of SEPP (Transport and Infrastructure) 2021. The new building will utilise modern external finishes such as Vitrapanel and Mondoclad in subtle tones and include a skillion roof for light, volume and interest. It is considered that the proposed new building, alterations and formalised car parking have been set out appropriately on the site to mitigate potential impacts (subject to conditions of consent as outlined in the recommended consent conditions).

Access, parking and traffic

Existing vehicle access is from Boston Street and Gwydir Street (**Figure 9**) and this will remain unchanged. There are a total of 20 existing car parking spaces and the existing parking arrangements are:

- 15 informal spaces within the Boston Street carpark (including one disabled parking space) and
- 5 formal spaces in the Gwydir Street carpark (including one disabled space). This was provided as part of an approval for the multi-purpose hall in March 2011.

No new car parking spaces are proposed, although the proposal includes formalisation of the Boston Street carpark via resurfacing and line marking.



Figure 9: Existing access (source: SEE)

The DCP requires parking to be provided at the rate of 1 space per staff employed. The existing car parking provision for the school does not meet this standard as there are 48 staff and 20 parking spaces, although all previous development applications (**Table 3**) were lodged prior to the adoption of the DCP in April 2013. The proposed alterations and additions will not increase staff numbers and therefore no additional car parking spaces are required. The school considers that the existing car parking is adequate to meet its current needs.

The DCP also requires all educational establishments (including alterations and additions) to provide on-site set down and pick up areas for cars taking students to or from the school. The application seeks a variation to this requirement in that an on-site set down and pick up area for cars does not currently exist (although there is a bus zone on Gwydir Street from 8am to 9.30am and 2.30pm to 4pm on school days) and is not proposed, as traffic generation will remain as existing, given there will be no increase in staff or student numbers.

Due to the nature of the proposed development (not resulting in any additional traffic generation, or any changes to existing access and car parking arrangements, other than minor resurfacing and line marking) it would be unreasonable to require the applicant to revisit the current arrangements in place for drop-off and pick up. Council's Development Engineer has raised no concerns in relation to traffic and parking. Given these factors, it is considered that the proposed variation is acceptable.

As the application will not result in an increase in student or staff numbers, there will be no change to existing traffic impacts and therefore a Traffic Impact Assessment was not required. Despite frontage to a classified road, referral to Transport for NSW was also not required for the same reason.

Flooding

The site is flood affected being located within a flood storage area. The proposed development has been considered above against the provisions of clause 5.21 Flood Planning within the LEP and Part 4 Moree and Environs Floodplain Development and Management within the DCP and is consistent with all relevant controls.

Biodiversity

The site is not mapped as having biodiversity values. The proposal is unlikely to significantly affect threatened species or ecological communities or their habitats, given that no vegetation removal is proposed and the location for the new administration building is a cleared site devoid of vegetation.

Utilities

All of the required utilities are available at the site and where required consent conditions are recommended.

Construction

Two builder holding compounds (including material and rubbish stockpiles) to the north of the Block I and Block A with access from Boston Street and the laneway on the western boundary will facilitate on-site construction and be reinstated with turf following the completion of works.

Social Impact

The proposal enhances the facilities at an existing school which will support current and future students in education, which is a social benefit. The proposal is considered to result in a positive social impact.

Economic Impact

The proposal will assist with employment generation in relation to construction related jobs. The school would also provide additional investment in local businesses to provide goods and services to the school required for the redevelopment. The proposal is considered to result in a positive economic impact.

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

Cumulative Impact

The proposal will not result in any adverse cumulative impacts as it is generally consistent with the planning controls and is considered to be in the public interest.

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

The site is considered to be suitable for the development given the proposal is for alterations and additions to an existing school and the proposed new administration building has been integrated into the site. The proposed additions are considered to be compatible with the locality given they are to be constructed having regard to harmonising with existing buildings on site and include additional landscaping to help integrate the new building into the natural environment.

The site is flood prone (being a flood storage area) although Dryside Engineering have considered the flood controls within Schedule 6 of SEPP (Transport and Infrastructure) 2021 to ensure the new building is adequately designed to address flood concerns.

The site attributes are conducive to the development in that the proposal will provide an enhanced learning environment within an existing school and formalise existing car parking

arrangements. There are not any adjoining uses which are prohibitive of the proposal.

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

The DA was publicly notified from 9th to 23rd October 2023 and no public submissions were received.

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

The proposal is considered to generally be in the public interest as the proposal provides enhanced learning opportunities at an existing school where adequate car parking and access arrangements have been provided. The potential impacts of the proposal have been adequately mitigated as discussed in this report.

The proposal is also generally consistent with the applicable planning controls as outlined in this report. The proposal is also considered to result in positive social and economic impacts as outlined above and the health and safety of the public will not be affected.

Accordingly, on balance, it is considered that the proposal is consistent with the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was not required to be referred to agencies for comment/concurrence/referral under the EP&A Act, as outlined below in **Table 8**.

Table 8: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
			N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	The site is not bush fire prone land.	N/A
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	The development will not be carried out near electrical infrastructure.	N/A

Transport for NSW	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p>Section 2.118 – Development on land reserved for purposes of a classified road</p> <p>Section 2.121 – Development in or immediately adjacent to nominated road corridors</p> <p>Development that is deemed to be traffic generating development in Schedule 3.</p>	<p>The land is not reserved for road corridor or adjacent to a nominated road corridor.</p> <p>The proposal is not traffic generating development as there will be no increase in student or staff numbers and therefore no change to current traffic generation.</p>	N/A
Integrated Development (S 4.46 of the EP&A Act) – N/A			
			N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 9**.

Table 9: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	<p>Council's Engineering Officer:</p> <ul style="list-style-type: none"> reviewed the submitted stormwater drainage plan and raised no objections. noted there are no changes to the vehicular access arrangement and raised no objection with exiting access. Conditions were provided regarding the paving, layout and dimensions of the refurbished car park. 	Yes (conditions)
Building	No objections subject to recommended conditions regarding the need for compliance with the Premises Standards, BCA and provision of fire safety certificates.	Yes (conditions)

The Council referral officers raised no issues and the required conditions have been included in the recommended consent conditions.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 9 October 2023 until 23 October 2023. No submissions were received.

Notification included the following:

- a sign placed on the site
- notification letters sent to adjoining and adjacent properties, and
- notification on the Council's website.

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

The key issues of flooding and provision of an on-site car and bus pick up and drop off area have been considered in detail in this report and found to be satisfactory subject to the recommended conditions of consent. Similarly, the other issues including noise, unexpected Aboriginal cultural heritage or contamination, are resolved subject to the recommended consent conditions.

It is considered that the key issues as outlined in this report have been resolved satisfactorily through the recommended draft conditions at **Attachment A**.

6. RECOMMENDATION

That the Development Application DA No 2023/65 for alterations and additions to an existing school at 55 Boston Street, Moree 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**.

7. ATTACHMENTS

The following attachments are provided:

- **Attachment A:** Draft conditions of consent