

20 February 2023

Albury City Council
553 Kiewa Street
Albury NSW 2640

Attention: David Christy, Service Leader City Development

Via Planning Portal

Dear David,

**Re: Submission of amended Plans
Development Application No. 10.2022.39717.1 – Alterations & Additions to
Educational Establishment - Three (3) School Buildings, Tree Removal, Carparking
and Landscaping
421 Elizabeth Mitchell Drive, Thurgoona – Trinity Anglican College**

Habitat Planning continues to act on behalf of Trinity Anglican College in relation to Development Application No. 10.2022.39717.1 for alterations and additions to an existing educational establishment, construction of three school buildings, tree removal, car parking and landscaping at 421 Elizabeth Mitchell drive, Thurgoona. The site is more commonly known as the Trinity Anglican College.

The information provided in this letter and the accompanying amended plans respond to Council's further information request received via email dated 9 February 2022 following the recent completion of a number of early works.

Specifically, enclosed with this further information response is a copy of an amended existing and demolition site plan to reflect current day conditions following the recent removal/relocation of:

- Approximately 30 trees and shrubs;
- A transportable building/site office; and
- Two shipping containers.

Whilst these trees, buildings and structure were previously identified for removal as part of the originally submitted application and were considered as part of the previous Statement of Environmental Effects and biodiversity assessment, these trees have been subsequently removed in the interim.

It is acknowledged that these works were undertaken in the interim to allow for the completion of early works, however the applicant was of the belief that the removal of these trees did not require approval in accordance with Section 3.39(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

Specifically, the majority of these trees were planted ('prunus') and in several circumstances, a number of the trees had structural defects or were sick and would have required removal regardless of the proposed works.

In addition, the tree removal works were included in the initial Development Application and were supported by a biodiversity assessment, which concluded that their removal would not have an adverse impact on any threatened species. Furthermore, upon review, Council's environmental planning staff did not raise concern with their removal given their proximity to proposed buildings, as well as the fact that these trees would be offset by new compensatory plantings.

Notwithstanding, the above the applicant apologies for any inconvenience that these works may have caused and is willing to seek retrospective approval for the tree removal should Council deem it necessary.

Similarly, the removal and relocation of the transportable building and two shipping containers were also completed as part of the early works phase of the project given that these buildings were not being used and were not connected to any services (storage only).

Previous advice received from relevant Albury City Council building surveying staff initially advised that development consent would not be required to remove these structures, however a subsequent response was received advising that a modification of a previous approved should be obtained instead.

Despite this later advice, given the lag time between when this advice was received and when the works were completed, development consent was not obtained to remove these structures.

Notwithstanding the above, in recognition of the tight timeframes associated with the project, which aims to have the proposed K-2 Junior School open for students at the start of the 2024 school term, a number of additional early works are proposed in the interim, to avoid delays in achieving this target date.

These works have previously been discussed with Council and would occur in accordance with Section 3.39 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

These works include:

- Demolition of existing multi-sports courts and construction of new multi-sports courts;
- Internal civil and stormwater drainage works; and
- Removal of the existing transportable uniform shop.

The undertaking of these works can occur in accordance with the following (emphasis added):

3.39 Existing schools—exempt development

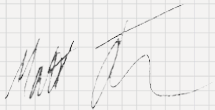
(1) Development for any of the following purposes is exempt development if it is on land within the boundaries of an existing school and complies with any requirements of this subsection that apply to the development—

- (a) an awning or canopy attached to a building, that is more than 1 metre from any property boundary,
- (b) the removal or pruning of a tree that has been assessed by a Level 5 qualified arborist as posing a risk to human health or safety or of damage to infrastructure, but only if a replacement tree that is capable of achieving a mature height of 3 metres or more is planted within the grounds of the school,
- (c) landscaping, including irrigation schemes (whether using recycled or other water),
- (d) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is more than 1.2 metres from any fence,
- (e) routine maintenance (including earthworks associated with playing field regrading or landscaping).
- (f) walking paths (including raised walking paths), boardwalks, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures,
- (g) a sporting field, tennis court, basketball court or any other type of court used for sport, and associated awnings or canopies,
- (h) the use of existing facilities or buildings for the purposes of school-based child care between the hours of 7:00am and 7:00pm on a weekday only, whether or not it is a commercial use of the establishment,
- (i) the use of existing facilities or buildings for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment,
- (j) an amenities building, workshop or storage shed—
 - (i) that is not more than 1 storey high, and
 - (ii) that is more than 5 metres from any property boundary with land in a residential zone and more than 1metre from any property boundary with land in any other zone,

- (k) environmental management works,
- (l) a short-term portable classroom (including its removal)—
 - (i) that is not more than 1 storey high, and
 - (ii) that is more than 5 metres from any property boundary with land in a residential zone and more than 1 metre from any property boundary with land in any other zone, and
 - (iii) that is removed within 48 months of being installed,
- (m) demolition of development that would be exempt development under this or any other environmental planning instrument if it were being constructed or installed, if it is not carried out on or in a State or local heritage item or in a heritage conservation area.

We trust that this information will enable Council to progress to a determination of this matter, and the revised drawings attached appropriately address the issues raised.

Should you have any queries please contact the undersigned directly on 6021 0662 or matt@habitatplanning.com.au.



Matt Johnson
Senior Planner