



Trinity Anglican College Expansion
421 Elizabeth Mitchell Drive, Thurgoona

FEBRUARY 2023

Submitted to Albury City Council
On behalf of Trinity Anglican College

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1. Introduction

1.1. Overview

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of Trinity Anglican College and is submitted to Albury City Council in support of a Development Application (DA) for the construction of three (3) new school buildings, tree removal, car parking and other associated works at Lot 71 in DP1048990 and addressed as 421 Elizabeth Mitchell Drive, Thurgoona. The site is more commonly known as Trinity Anglican College Campus Thurgoona.

More specifically, the development involves the construction of the following:

- K-2 Classroom building (2 storeys).
- Senior School Classroom building (2 storeys).
- Music and Drama Centre building (1 storey).
- Open aired multi-sports courts including fencing and lighting.
- Upgrade of existing southern driveway access including construction of bus bays, car parking and a roundabout.
- Other associated ancillary works (civil works, demolition, tree removal and landscaping).

The DA and this report have been prepared in accordance with the Environmental Planning and Assessment Act 1979 (“EP&A Act”) and the Environmental Planning and Assessment Regulation 2021 (“EP&A Regs”).

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

1.2. Project Need and Background

The purpose of the application is to seek Council approval to construct three new purpose-built buildings at the Trinity Anglican College Thurgoona campus.

The works have been proposed in response to the school’s sustained and ongoing growth, which between 2008 and 2021 has seen the student population double from 598 students to 1,200 students. In response to this growth, Trinity Anglican College has taken a more holistic approach to the future demands of the school via the preparation of a masterplan, which will guide the future expansion of the existing school and ensure the most efficient use of infrastructure and staffing resources.

The construction of the new school buildings will not only have a positive benefit on the Trinity school community, but the wider suburb of Thurgoona as a whole, which has been experiencing rapid sustained growth. This suburb is located within Albury’s identified residential growth front and has seen the total population grow to 11,028 persons at the 2021 Census.

The need for additional educational facilities within Thurgoona has recently been recognised with the NSW State Government committing to the investigation of a new public school site.

In recognition of the ongoing rapid population growth rate of Thurgoona and the lag time involved in constructing a new public school, there will be an ongoing need to provide additional (private) educational facilities within Thurgoona.

1.3. Pre-Lodgement Meeting

A pre-lodgement meeting was conducted with relevant Council staff members on 1 September 2022.

The purpose of the meeting was to provide Council with an update on the project and outline key information requirements and planning requirements that will need to be addressed as part of any subsequent development application submitted to Council.

Below is a summary of the discussion topics:

- Background and overview of the growth of the school and previous development options to cater for the long-term needs of the school, including the acquisition of the Somerset Rise Site.
- It was confirmed that the development would not be classified as State Significant Development (SSD) as it did not involve the construction of a new school or school campus.
- The works are however classified as 'Regionally Significant' as they involve works to an educational establishment with a Capital Investment Value of more than \$5M.
- The application will therefore need to be determined by the Southern Regional Planning Panel.
- The application will be supported by other technical sub-consultant reports including traffic, biodiversity and bushfire.
- It was requested that the panel be contacted to arrange a time to convene to avoid delays. Council recommended a potential option of providing a fly through/video of the area of works to avoid the need for a site inspection.
- Council's traffic officer advised that the Traffic Impact Assessment (TIA) would need to address the new bus drop off and pick up arrangements, as well as addressing the mixing of large and light vehicles. Matters regarding car parking and kiss and drop will also need to be assessed.
- Council's environmental planner requested that a flora and fauna assessment be undertaken. Given that the land is biodiversity certified, this assessment would largely be limited to a report detailing the proposed trees to be removed. It was recommended that the report address the need for the tree removal works, including options to avoid or mitigate impacts. Landscaping details would also need to be provided as part of the application.
- The application will be referred to the NSW Rural Fire Service as it represents Integrated Development as the development represents a Special Fire Protection Purpose and requires approval under Section 100B of the Rural Fires Act 1997.
- It was recommended that a review of Essential Energy's network portal be undertaken to determine whether the development needs to be referred to this authority.
- Council requested that a basic Crime Prevention Through Environmental Design (CPTED) assessment be undertaken to address site security and safety.
- Other general comments that need to be addressed as part of the application include consideration of outdoor lighting on the multi-sports courts, which could create biodiversity and amenity impacts.
- A concept stormwater strategy will need to be prepared prior to the issue of a Construction Certificate. Council confirmed that the site has access to existing infrastructure with additional capacity.
- The development will need to be assessed the NSW Design Quality Principles for School as contained within Schedule 8 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The subject application has been prepared in accordance with these discussions.

1.4. Planning history

A summary of the relevant recent planning approvals issued and applications in progress for Trinity Anglican College since 2013 is outlined in **Table 1** below.

Table 1 – Relevant Application History

Development Consent No.	Description	Endorsed Date
10.2013.32039.1	Science Centre & Construction of Fencing around and within school grounds	21 February 2013
10.2014.32855.1	Maintenance Shed & Water Tank – Trinity College	20 May 2014
10.2014.32917.1	Trade Skills Centre – Trinity College	29 May 2014
10.2014.33315.1	Senior School Buildings – Trinity College	17 November 2014
10.2014.33315.2	Modification of Consent – Senior School Buildings – Trinity College	16 January 2015
10.2015.33952.1	Infants School – Trinity College	21 August 2015
10.2015.34108.1	Covered Outdoor Learning Area – Trinity College	30 October 2015
10.2015.34220.1	Relocation of Store Room & Uniform Shop – Trinity College	14 December 2015
10.2017.35683.1	Conversion of Classroom Building to Canteen and Demolition of Existing Canteen – Trinity Anglican College	8 December 2017
10.2017.35742.1	Temporary Demountable Classroom & Additions and Alterations to Library – Trinity Anglican College	21 December 2017
10.2018.36527.1	Change Rooms & Storage – Trinity Anglican College	5 February 2019
10.2019.36999.1	Installation of Two (2) Transportable Classrooms including Alterations & Additions - Trinity Anglican College	17 October 2019
10.2020.37649.1	Colorbond Shed	21/08/2020
10.2020.37741.1	Alterations & Additions to Hospitality Classroom - Trinity Anglican College	04/11/2020

Development Consent No.	Description	Endorsed Date
10.2020.37777.1	Science Building - Trinity Anglican College	18/12/2020
10.2020.37813.1	Relocation of existing Demountable Classroom	18/12/2020
10.2022.39640.1	Demolition of School Canteen Building - Trinity Anglican College	Pending

1.5. Supporting Plans and Documentation

This application is accompanied by:

- Quantity Surveyors Report, prepared by Currie & Brown
- Architectural Plans, prepared by Vincent Chrisp Architects
- Landscaping Plan, prepared by Vincent Chrisp Architects
- Bushfire Risk Assessment, prepared by Bushfire Planning Services Pty Ltd
- Traffic Impact Assessment, prepared by One Mile Grid
- Flora and Fauna Assessment, prepared by Steve Hamilton
- NSW Design Quality Principles in Schools Compliance Table, prepared by Habitat Planning
- Planning Compliance Table, prepared by Habitat Planning
- Geotechnical Report, prepared by Civil Test
- Concept Stormwater Drainage Plan, prepared by JCA Land Consultants
- Tree Removal Details, prepared by Habitat Planning

2. Site Analysis

2.1. Site Location and Context

The subject land to which this application relates is described as Lot 71, DP1048990 and addressed as 421 Elizabeth Mitchell Drive, Thurgoona. The site is more commonly known as Trinity Anglican College.

The subject land is contained within the residential growth area of Thurgoona and is located approximately 1.5 kilometres north west of the Thurgoona commercial centre and 5 kilometres from the Lavington Central Business District (CBD).

The location of the site is shown at Figure 1.

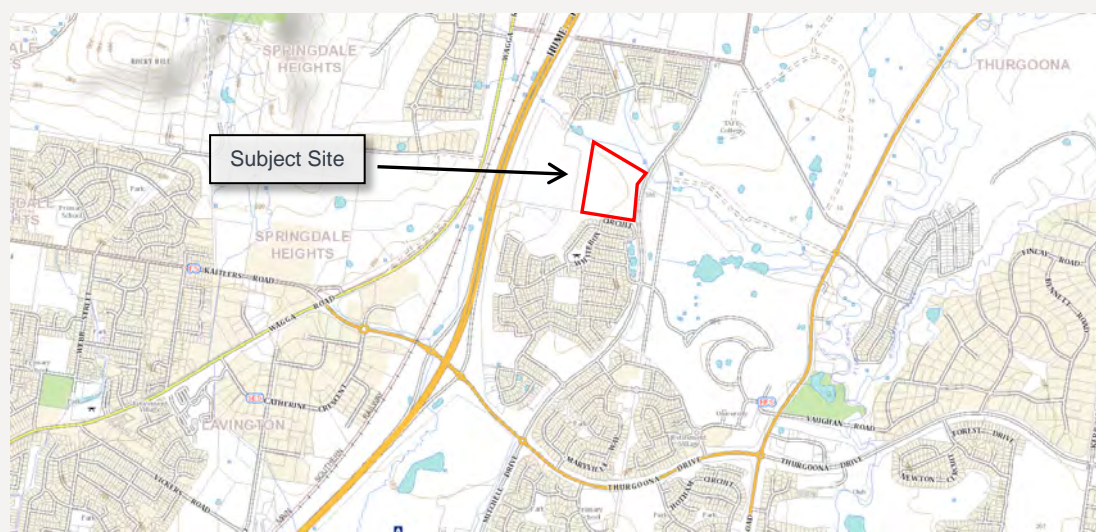


Figure 1 – Context Map

2.2. Site Description

The subject land is irregular in shape and has a total area of 10.14 hectares. The topography of the land is gently undulating and slopes downwards (downslope 0-5°) towards the adjoining watercourse located to the north.

The land is improved and has been developed for a school campus (Trinity Anglican College) with associated administration and classroom buildings, sports ovals and car parking areas that are both single storey and two storey in height.

The subject land is developed and therefore is connected to all relevant infrastructure and services including reticulated water, sewerage, drainage, electricity, gas and telecommunications. Vehicular access to the property is available from Elizabeth Mitchell Drive to the east, which provides access for both staff and student parking, as well as short term parent drop off and pick-up points and bus bays.

A plan showing the existing conditions of the site is provided in **Appendix B** of this report and an aerial image and photographs of the property are provided below.



Figure 2 – Aerial Image of the subject land



Figure 3 – Outdoor futsal and basketball courts, location of the proposed Years K-2 building



Figure 4 – View looking east towards the outdoor futsal and basketball courts



Figure 5 – View looking north towards the outdoor futsal and basketball courts



Figure 6 – Vegetation Reserve, location of the proposed Music and Drama building
(Note: several of these trees have since been removed)



Figure 7 – View looking west towards the vegetation reserve



Figure 8 – View looking north west towards the vegetation reserve from the school entry



Figure 9 – View looking north east towards the vegetation reserve (Note: several of these trees have since been removed)



Figure 10 – informal parking area, location of the proposed Senior School building



Figure 11 – View looking west towards the informal parking area



Figure 12 – View looking north west towards the location of the proposed senior school building
(Note: several of these trees have since been removed)

2.3. Surrounding Development

The surrounding area is mixed in nature and contains a variety of uses, including both residential and educational uses, as well as a number of environmental lands that are in public ownership.

More specifically, an environmental reserve, which is owned by Albury City Council and contains a local watercourse forms the northern boundary of the site. This reserve comprises both planted and remnant vegetation, inclusive of indigenous revegetation areas, as well as grassy tall open forests. Land located further north of this environmental reserve is zoned R1 General Residential and comprise vacant parcels and an establishing residential estate. This land is held in both private ownership, whilst the large undeveloped parcel of land adjoining the creek is owned by Trinity Anglican College, but does not form part of this Application.

Elizabeth Mitchell Drive forms the eastern boundary of the site and provides vehicular access to the property. Land located on the opposite side of this roadway is in public ownership and is used by both Charles Sturt University and the NSW Department of Education as part of the National Environment Centre.

Land to the south has been developed for residential purposes as part of the Mitchell Park Estate. A perimeter road and narrow environmental reserve separates the subject land from the adjoining houses, which have been orientated to address the school.

An approximate 60 metre wide Council owned environmental reserve adjoins the subject land to the west and forms the western boundary of the site. This reserve contains both remnant and planted vegetation, as well as a recently constructed off-road pedestrian pathway. Land located on the opposite side of this reserve is currently vacant, but has approval for a residential subdivision and forms Stage 3 of the Somerset Rise Estate.



Figure 13 – View looking north on Whitebox Circuit towards the southern boundary of the land



Figure 14 – View looking south towards the established residential estate south of the land



Figure 15 – View looking east from the southern boundary of the land

3. Description of Proposal

3.1. Overview

The proposal seeks approval to construct three new school buildings and other associated works on the existing Trinity Anglican College Thurgoona campus.

More specifically, the development involves the following:

- Junior School (K-2) Classroom building (2 storeys).
- Senior School Classroom building (2 storeys).
- Music and Drama Centre building (1 storey).
- Open aired multi-sports courts including fencing and lighting.
- Upgrade of existing southern driveway access including construction of bus bays, car parking and a roundabout.
- Other associated ancillary works (civil works, demolition, tree removal and landscaping).

A copy of the proposed site Master Plan is included in the attached Appendix B and is reproduced below.

A detailed description of the proposal is provided in the following sections.



Figure 16 – Proposed Site Master Plan identifying the proposed works (coloured)

3.2. Demolition and Tree Removal

In order to construct the proposed new buildings and works, the initial stage of the development involves the demolition of a number of existing buildings and structures. These are primarily limited to concrete or hardstand areas and several above ground water tanks. The works will also include the demolition of the existing basketball courts, sealed areas and the kiss and drop facility located adjacent to the front car park area.

Furthermore, the development also requires the removal of 19 planted trees. Of these, 16 of the trees are non-native (primarily *prunus*), whereas the other 3 (two River she-oaks and a yellow gum) are native. It is noted that approximately 30 trees have recently been removed on-site, however these do not form part of this approval.

Details of the individual trees proposed to be removed are detailed in Appendix K including their location, species type and diameter. It is noted that of the 19 trees proposed to be removed, five (5) of them do not require approval as they do not meet the size requirements of control (iii)(a) of Section 5.2 of the DCP.

To compensate for the loss of vegetation on-site, the school proposes to undertake extensive landscape plantings in accordance with the recommendations of a landscaping plan prepared for the site. See Section 3.7 for further details.

A copy of the demolition plan is provided below.



Figure 17 – Demolition Plan (zoomed in)

3.3. Junior School (K-2) Building

Approval is sought to construct a new Kindergarten to Year 2 (K-2) Building ('Primary Precinct') in the eastern portion of the site adjacent to Elizabeth Mitchell Drive. The proposed new building will be located in the area currently occupied by the existing basketball courts and will be setback 15.9 metres from the adjoining front property boundary.

Internally, the building will comprise twelve (12) General Learning Areas (GLA's) ranging in size from 82m² to 89m² with associated store rooms extending off from these rooms. These new classrooms will be connected by a shared circulation area and will also have access to a range of shared facilities and services including a kitchen, toilets (including accessible toilets) and a common lift and stairwell. A

covered balcony also extends from the eastern side of the building at the first floor, which is available for use by students and staff. The building will have a total area of 2,367m².

Externally, the new building will be two storeys in height and will have an overall height of 10.12 metres above ground level. Similarly, the building will have an overall length of 50.83 metres and a width of 31.92 metres.

The building will be constructed of a variety of materials and finishes including brickwork/blockwork, metal cladding, polished concrete with an exposed aggregate finish, Colorbond, glazing, as well as compressed fibre cement painted in the schools' colours (red, white and blue) so as to ensure a high quality of architectural design.

In order to reduce building bulk and scale, the building incorporates a skillion roof and the building will have covered awnings and a covered front door to ensure all weather protection. Similarly, the building will incorporate a large number of windows and doors to break up the appearance of this building, as well as to provide passive surveillance to surrounding land.

Plans of the proposed building are included in Appendix B and a copy of the elevation plans and a perspective are provided below:

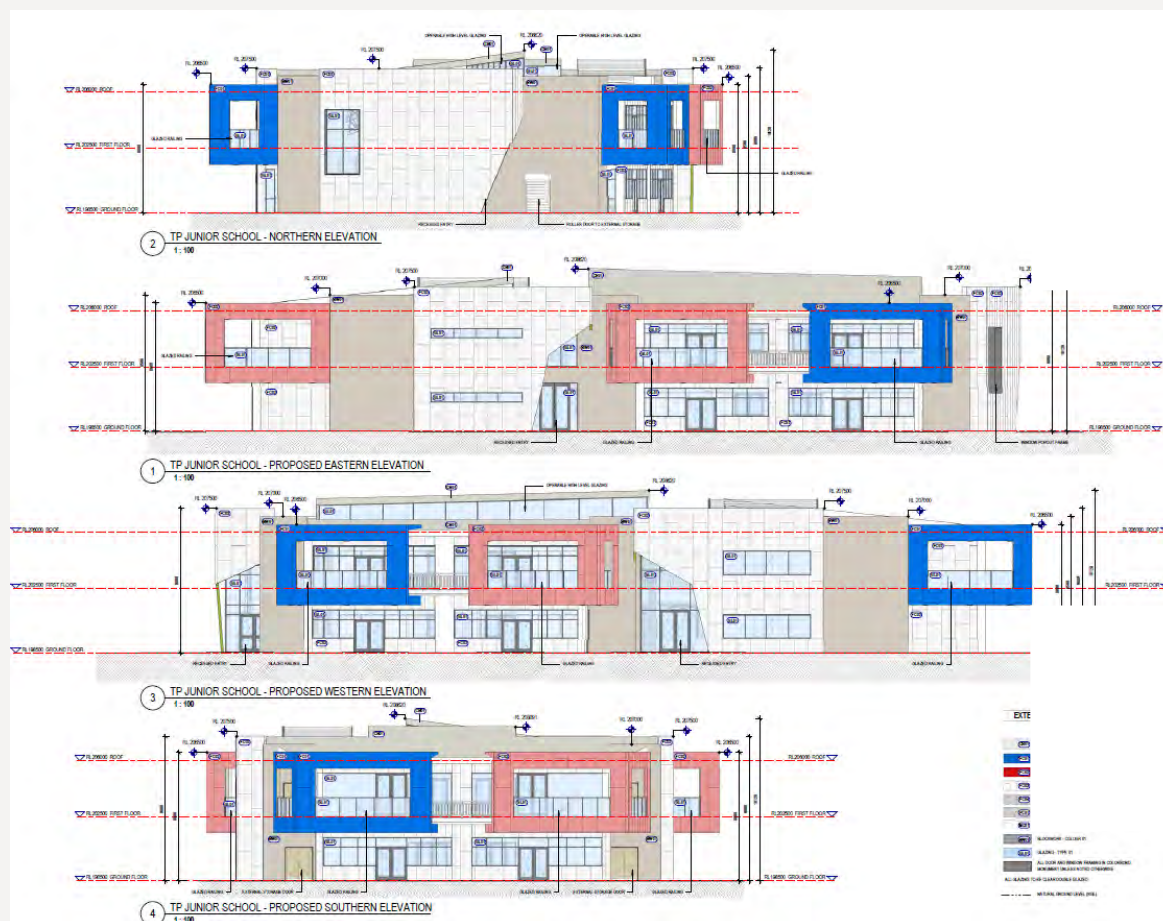


Figure 18 – Elevation Plans – Junior School



Figure 19 – Building Perspective – Junior School

3.4. Senior School Building

Approval is also sought to construct a new Senior School Building ('Primary Precinct') in the south western portion of the site adjacent to existing trades and science buildings. The proposed new building will be located in the area currently occupied by an informal gravel car park area and will be setback 35.6 metres from the closest (western) boundary of the site.

Internally, the building will comprise twelve (12) GLA's ranging in size from 66m² to 71m². These new classrooms will be connected by a shared circulation area and will also have access to a range of shared facilities and services including toilets (including accessible toilets) and a common lift and stairwell. Two staff rooms are also proposed at the northern end of the building at both the ground floor and first floor. The building will have a total area of 1,632m².

Externally, the new building will be two storeys in height and will have an overall height of 10.11 metres above ground level. Similarly, the building will have an overall length of 45.23 metres and a width of 23.57 metres.

The building will be constructed of a variety of materials and finishes including brickwork/blockwork, metal cladding, polished concrete with an exposed aggregate finish, Colorbond, glazing, as well as compressed fibre cement painted in the schools' colours (red, white and blue) so as to ensure a high quality of architectural design.

In order to reduce building bulk and scale, the building incorporates a skillion roof and the building will have covered awnings and a covered front door to ensure all weather protection. Similarly, the building will incorporate a large number of windows and doors to break up the appearance of this building, as well as to provide passive surveillance to surrounding land.

Plans of the proposed building are included in Appendix B and a copy of the elevation plans and a perspective are provided below:

3.5. Music and Drama Centre

Approval is also sought to construct a music and drama centre in the south eastern portion of the site adjacent to Elizabeth Mitchell Drive and the site entrance. The proposed new building will be located in the area currently occupied by the existing bus parking area and will be setback 17.87 metres from the southern boundary and 49.71 metres from the front property boundary.

Internally, the building will comprise four classrooms (2 dance and 2 music) each with an area of 100m², as well as a large multi-purpose space, which has provision to be reconfigured via the operation of a moveable internal wall. Other facilities within the building include breakout practice rooms, internal circulation areas, staff room, amenities (kitchen and toilets), as well as a large foyer area adjacent to the multipurpose space, which is accessed via the covered main entry. The building will have a total floor area of 1,323m².

Externally, the new building will be two storeys in height and will have an overall height of 8.61 metres above ground level. Similarly, the building will have an overall length of 48.98 metres and a width of 38.05 metres.

The building will be constructed of a variety of materials and finishes including brickwork/blockwork, metal cladding, polished concrete with an exposed aggregate finish, Colorbond, glazing, as well as compressed fibre cement painted in the schools' colours (red, white and blue) so as to ensure a high quality of architectural design.

In order to reduce building bulk and scale, the building incorporates a skillion roof and the building will have covered awnings and a covered front door to ensure all weather protection including an architecturally designed vaulted entry. Similarly, the building will incorporate a large number of windows and doors to break up the appearance of this building, as well as to provide passive surveillance to surrounding land.

Plans of the proposed building are included in Appendix B and a copy of the elevation plans and a perspective are provided below:





Figure 22 – Elevation Plans – Music and Drama Building



Figure 23 – Building Perspective – Music and Drama Centre

3.6. Multi-Sport Courts

New multi-sport courts are proposed as part of the development to replace the existing basketball courts, which are proposed to be demolished in order to construct the new junior school building. The new multi-purpose courts will be located to the south of the existing science building adjacent to the new bus bay area.

These courts will have overall dimensions of 36.6 metres x 42.7 metres, which will consist of a sealed surface with associated line-marking that can be reconfigured to suit the type of sport proposed. The courts will be enclosed by a 3.6 metre high black chainmesh fence consistent with the current fencing contained around the basketball courts (see Figure 5).

Similarly, the courts will be supported by tiered seating in the north west corner to allow for spectator viewing. To avoid amenity impacts, the courts will have no external lights and courts will be used during school hours. Generally, between 8:00am and 4:30pm. All night time sports will be played within the existing school facilities. A plan showing the proposed multi-sport courts is provided below.



Figure 24 – Proposed Multi-Sports Court

3.7. Landscaping

As part of the works, the development will undertake extensive site landscaping works which will soften and improve the overall appearance of the site. These landscaping works will include new lawned and planted garden beds containing low level shrubs and small tree species.

These areas will be connected to an irrigation area and will be maintained ongoing by existing maintenance and groundskeeping staff. Individual landscaping plans for each building are contained in Appendix C and are reproduced below.



Figure 25 – Landscape Plan – Junior School



Figure 26 – Landscape Plan – Senior School



Figure 27 – Landscape Plan – Senior School

3.8. Traffic, Access and Parking

Vehicular access to the site will continue to occur via the adjoining Elizabeth Mitchell Drive to the east. Specifically, the site is serviced via two existing driveways including a southern access driveway (ingress and egress) and a northern driveway (egress only).

Car parking is available at both the front (130 spaces) and rear (94 spaces) of the site and comprises a total of 224 spaces, which is far in excess of Council's car parking controls. An informal student parking area is currently located on the southern side of the existing science building, which is proposed to be removed as part of the works.

The existing site access and car parking arrangements will remain unchanged with the exception of the student parking area with ample car parking available in the existing car parks.

In order to improve pedestrian and vehicular safety, as well as improve traffic flow, the development proposes to construct new purpose built bus bays on the southern side of the new multi-sport courts. Access to these spaces will be available via the upgraded southern driveway and will include provision for the parking of 7 buses. These spaces will be appropriately sealed, drained and line-marked consistent with the requirements of Councils' DCP. They will also be angled to allow for bus passing.

The development also proposes to upgrade the intersection of the southern driveway with Elizabeth Mitchell Drive via localised shoulder widening works that will be provided similar to that of a BAL treatment (basic left turn) to allow for the existing volume of left turning motorists into the site from the south, whilst allowing for through traffic along Elizabeth Mitchell Drive.

In addition, the development seeks to relocate 3 x existing bicycle racks to the southern side of the covered basketball court, which will cater for up to 30 bicycles. Supporting this will be end of trip facilities contained in the existing change room building located immediately to the north.

A plan showing these existing and proposed arrangements is provided in Figure 16.

3.9. Signage

The application seeks development consent for two (2) business identification signs (school logos). These signs will be affixed to the southern elevation of the new junior school building, as well as the northern elevation of the new music and drama building.

These signs will consist of flush wall signs and will be similar to the existing logos erected on the main administration building located at the front of these site. These signs will be non-illuminated and painted in the school colours (red, white and blue).

3.10. Infrastructure and Services

The subject site is urban zoned and therefore has access to all relevant infrastructure and services including reticulated water, sewerage, electricity, drainage, telecommunications and gas. These services will be extended and connected to the new buildings as required.

3.11. Operational Summary

The table below provides a summary of operations proposed as part of the ongoing use and activities undertaken at the site.

Table 2 – Operational Summary

Operational Matters			
Days and Hours of Operation	Normal school day: Monday to Friday – 8:00am to 4:00pm Out of hours operations (performances, parent teacher interviews etc) – on an as needs basis		
Student & Staff Numbers	Component	Existing	Predicted
	Students	1,198	1,461
	Staff	103	112
	Total	1,301	1,574
Car parking	224		
Deliveries	No change from existing arrangements.		
Loading/Unloading	No change from existing arrangements.		
Signage	Two non-illuminated small logos on the new junior school and music and drama buildings.		
Waste management	Existing waste collection and storage areas to be relocated to the northern side of a proposed storage shed (by others). This area will be screened by a proposed new retaining wall, which will be subject to separate construction certificate details.		
Security	No change from existing arrangements (fencing, cameras, alarms)		

4. Planning Assessment

Under Section 4.15(1) of the EP&A Act when considering an application for development, the consent authority must take into consideration the relevant environmental planning instruments. This section details and responds to the relevant planning framework applicable to the proposal.

5.1. Applicable Environmental Planning Policies, Instruments and Controls

- Environmental Protection and Biodiversity Conservation Act 1999
- Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Albury Local Environmental Plan 2010
- Albury Development Control Plan 2010
- Strategic Planning Policies

Compliance with the applicable legislation and policies is discussed below.

5.2. Environmental Protection and Biodiversity Conservation Act 1999

The *Environmental Protection and Biodiversity Conservation Act 1999* ("the EPBC Act") is the principal Commonwealth legislation relating to environmental protection. Specifically, it sets out a framework for identification, protection and management of significant flora, fauna, ecological communities and heritage places as specified within the EPBC Act. The EPBC Act stipulates that approval from the Commonwealth Environment Minister is required if a development is likely to have a significant impact on matters considered to be of "national environmental significance".

These Matters of National Environmental Significance include:

- World Heritage properties;
- National Heritages Places;
- RAMSAR wetlands;
- Cetaceans, migratory species, threatened species, critical habitats or ecological communities listed in the EPBC Act;
- Commonwealth land, marine areas or reserves; and
- Nuclear actions.

Whilst it is acknowledged that the subject land is biodiversity certified under the provisions of the *Biodiversity Conservation Act 2016*, it is noted that biodiversity certification is not bipartisan and does not cover matters listed under the EPBC Act.

Consequently, a flora and fauna assessment has been prepared to determine the presence of any threatened ecological communities (TEC's) within the study area and where applicable, assess the impacts of the project on any threatened species, populations and/or ecological communities (entities), or their habitat, listed under the EPBC Act.

The area of works does not comprise any farm dams or waterbodies that may contain habitat for Sloane's Froglet *Crinia sloanei* (Endangered under the EPBC Act). Similarly, the land does not provide any habitat for endangered reptile species such as the Pink Tailed Worm-Lizard *Aprasia parapulchella* (Endangered under the EPBC Act).

The remainder of EPBC Act species predicted to occur by database searches are relatively generalist avian, microbat or flying-fox species that would at best be occasional visitors to the R1 zoned portion of the site, given the tree species present and the level of fragmentation within the site.

Overall, the flora and fauna assessment concluded that the site contains relatively few ecological values for species listed under the EPBC Act and Significant Impact Criteria assessments are not considered necessary. Accordingly, it is not anticipated that a MNES as listed under the EPBC Act will likely to be significantly impacted by the proposed works.

Further details regarding these impacts are discussed in the attached Flora and Fauna Assessment Report (**Appendix F**).

5.3. Biodiversity Conservation Act 2016

The NSW *Biodiversity Conservation Act 2016* ("the BC Act") is the NSW state legislation that seeks to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. This legislation includes the requirements considerations regarding biodiversity conservation.

In respect of Part 4 developments, the BC Act establishes a framework to avoid, minimise and offset the impacts of the proposed development and land-use change on biodiversity. It provides a scientific method for assessing the likely impacts of the proposed development on biodiversity values, for calculating measures to offset those impacts and for assessing improvements in biodiversity values.

The Act aims to maintain the diversity and quality of ecosystems and to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature.

The primary requirement of the BC Act is to determine if a proposed development is considered *likely to significantly affect threatened species*. According to clause 7.7(2), this is if:

- a) *The development is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, (5-part Test) or*
- b) *The development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- c) *The development is carried out in a declared area of outstanding biodiversity value.*

Notwithstanding the above, as the land is biodiversity certified, development on biodiversity certified land is taken to be development that is not likely to significantly affect any threatened species, population or ecological communities or their habitats.

Therefore, a consent authority is not required to take into consideration the likely impact of the development on biodiversity values. As such, no further assessment of impacts to threatened species, populations or ecological communities is required under the BC Act for development on land zoned R1.

Further details regarding the operation of biodiversity certification and the BC Act are discussed in the attached Flora and Fauna Assessment Report (**Appendix F**). Notwithstanding the land is biodiversity certified, the works do not trigger the biodiversity Offset Scheme (BOS) requirements as it only involves the removal of 0.004ha of native vegetation. The remaining vegetation to be removed is planted.

Notwithstanding the above, in recognition of the proposed tree removal works and general matters for consideration in Section 4.15 of the EP&A Act and Chapter 5 of the *Albury Development Control Plan 2010*, a Flora and Fauna Assessment has been prepared that identifies all the trees to be removed.

5.4. Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (“the EP&A Act”) is the principal piece of legislation governing the use and development of land in NSW. The objects of the Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The objects of the EP&A Act are intended to guide land use planning and management. Section 4.15 (discussed below) of the Act lists matters for consideration when assessing and determining a development application.

4.4.1 Evaluation

Section 4.15 of the EP&A Act sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (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 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), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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.”*

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

The proposed development requires consent under Section 4.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act). This Statement of Environmental Effects and supporting documentation addresses the matters to be considered under clause 4.15 of the Act.

4.4.2 Approval Pathway

Designated Development

The proposal is not identified as “Designated Development”, pursuant to section 4.10 of the EP&A Act.

Integrated Development

The application has been identified as Integrated Development under Section 4.46 of the EP&A Act as the subject development requires concurrence under the following Acts:

- **Rural Fires Act 1997 (s100B)** – authorisation under section 100B in respect of 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. As the development application proposes works to an existing school, which is classified as a Special Fire Protection Purpose, concurrence is required from the NSW Rural Fire Service.

Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body concerning the development.

State or Regionally Significant Development

The proposal does not meet the threshold for State Significant Development as it does not involve the construction of a new school.

The development is however classified as Regionally Significant Development pursuant to Item 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as outlined below (emphasis added):

5 *Private infrastructure and community facilities over \$5 million*

Development that has a capital investment value of more than \$5 million for any of the following purposes—

- air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

Consequently, the consent authority for the development is the Southern Regional Planning Panel.

5.5. State Environmental Planning Policy (Resilience & Hazards) 2021

5.5.1. Chapter 4 – Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience & Hazards) 2021* sets out considerations relating to land contamination across the state. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

In the context of this application, clause 4.6 of Chapter 4 generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose. The SEPP requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be 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 subject land has been previously developed for educational purposes and is not known to be contaminated, nor is it expected to be at risk of contamination given its historical use and surrounding context. Furthermore, the site is not listed on Council's contaminated land/unhealthy building land map, nor is it identified within the EPA's Contaminated Land Register.

In addition, as part of the project design stage of the proposed development, geotechnical investigations have been undertaken by Civil Test Pty Ltd. Specifically, this involved the carrying out of appropriate in-situ soil tests and observations at twelve (12) locations across the subject land to a depth of 3 metres. These tests directly relate to the three development sites as identified in the figure below.

In conclusion, the geotechnical investigations did not identify instances of land contamination.



Figure 28 – Geotechnical Testing Locations (Source: Civil Test)

5.6. State Environmental Planning Policy (Planning Systems) 2021

5.6.1. Chapter 2 – State and Regional Development

Chapter 2 of *State Environmental Planning Policy (Planning Systems) 2021* sets out considerations relating to 'state' and 'regionally significant' development.

The works are not classified as state significant development or state significant infrastructure for the purposes of Parts 2.2 and 2.3 of this Chapter.

The works are however classified as 'regionally significant' development for the purposes of Item 5 of Schedule 6 of this SEPP as outlined in Section 4.4.2 above. Specifically, the development involves works to an educational establishment with a CIV of more than \$5 million.

Consequently, the consent authority for the development is the Southern Regional Planning Panel.

5.7. State Environmental Planning Policy (Industry and Employment) 2021

5.7.1. Chapter 3 – Advertising and Signage

Chapter 3 of *State Environmental Planning Policy (Industry and Employment) 2021* relates to advertising and signage. The purpose of this Policy is to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provide effective communication in suitable locations and is of a high degree of quality design and finish.

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that;

- a) *That the signage is consistent with the objectives of this Chapter as set out in Section 3.1(1)(a); and*
- b) *That the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

An assessment of the proposed signage against the relevant considerations of this chapter is provided below.

Table 3 – Schedule 5 Assessment criteria

Criteria	Comment	Complies
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is generally consistent with the existing character of the area. The proposed sign is small and discrete and located on the northern elevation of the proposed music and drama building. The signage will be largely internal facing and has been designed to integrate with the overall appearance of the building and surrounds.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The area consists of largely residential uses, however the subject land has been developed for the purposes of a school,	Yes

Criteria	Comment	Complies
	which already has associated signage of similar sizes, styles and colours.	
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed signage will not detract from the amenity or visual quality of the area due to the small size of the sign and its general internal facing direction.</p> <p>The building will be well setback from the adjoining Elizabeth Mitchell Drive and will be largely secluded from view.</p>	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	<p>No, the proposed development will not obscure or compromise any important views.</p> <p>The signage will be limited to the proposed location and will not obscure or compromise important views.</p>	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the signage is attached to the building elements and of an appropriate scale not to dominate.	Yes
Does the proposal respect the viewing rights of other advertisers?	Not applicable.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the proposed signage is of a scale and form that is considered appropriate for the area such as the location proposed.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the signage will integrate with the overall building design. The proposal is considered to positively contribute to the streetscape and will help break up the visual appearance of an otherwise blank section of wall.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable, as the site does not currently represent visual clutter.	Yes
Does the proposal screen unsightliness?	Given the proposed works this consideration is not relevant.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage will complement the building form on the subject site and locality.	Yes
Does the proposal require ongoing vegetation management?	No.	Yes

Criteria	Comment	Complies
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, given the scale of the building and the land to which the development relates, the proposed signage is considered to be compatible.	Yes
Does the proposal respect important features of the site or building, or both?	Yes, the proposed signage respects the building and site and enables an appropriate outcome for the subject signage.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the proposed signage incorporates use of the proposed building materials and colour schemes which achieves the purpose of identifying the building.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes, the signage will contain the logo of the school.	Yes
7 Illumination		
Would illumination result in unacceptable glare?	No illumination proposed.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	See above for further details.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	See above for further details.	N/A
Can the intensity of the illumination be adjusted, if necessary?	See above for further details.	N/A
Is the illumination subject to a curfew?	See above for further details.	N/A
8 Safety		
Would the proposal reduce the safety for any public road?	No, the location of signage is appropriately located to ensure no road safety issues.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the location of signage is appropriately located to ensure no pedestrian safety issues.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the location of signage is appropriately located to ensure no safety issues.	Yes

5.8. State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.8.1. Chapter 2 – Vegetation in Non-Rural Areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* aims to protect the biodiversity and amenity values of trees and other vegetation in non-urban areas of the State.

The SEPP applies to vegetation in any non-rural area of the State (such as the R1 General Residential zone) that is declared by a Development Control Plan to be vegetation to which this SEPP applies. Section 5.2 of the *Albury Development Control Plan 2010* (“the DCP”) outlines trees that are declared by a DCP for the purposes of this SEPP (formerly Clause 5.9 of the LEP).

Following a review of Section 5.2 of the DCP, as well as the requirements of this SEPP, the proposed tree removal is considered appropriate in this instance as the subject land is biodiversity certified and the trees do not form part of a heritage item. Similarly, of the 66 trees to be removed, only four of these comprise native vegetation (juvenile Blakely’s red gum recruits) that contain no hollows.

Furthermore, the potential for these trees to provide habitat to threatened species has been assessed as a part of the Flora and Fauna Assessment Report (**Appendix F**) and their removal will not result in the loss or extinction of any threatened species.

Accordingly, the proposed development will not have an adverse environmental impact on threatened species.

5.9. State Environmental Planning Policy (Transport & Infrastructure) 2021

5.9.1. Chapter 2 – Infrastructure


Chapter 2 of *State Environmental Planning Policy (Transport & Infrastructure) 2021* provides a consistent and flexible planning system to facilitate the delivery of infrastructure and services. The policy identifies environmental assessment categories for types of infrastructure, matters to consider when assessing development adjacent to infrastructure and provides for consultation with relevant public authorities.

Chapter 2 contains provisions relating to approval processes and assessment requirements for infrastructure proposals according to the type or sector of infrastructure. It outlines land-use zones where types of infrastructure are permissible with or without consent and identifies certain works as exempt and complying development.

There are several Clauses under the SEPP that trigger referral and concurrence matters. These are addressed in the table below for consideration.

Table 4 – Matters for consideration

Matter for consideration	Response
Clause 2.48 – Determination of development applications – other development	<p>This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <ul style="list-style-type: none"> (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out—

Matter for consideration	Response
	<p>(i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i></p> <p>(ii) <i>immediately adjacent to an electricity substation, or</i></p> <p>(iii) <i>within 5m of an exposed overhead electricity power line,</i></p> <p>(c) <i>installation of a swimming pool any part of which is—</i></p> <p>(i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i></p> <p>(ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i></p> <p>(d) <i>development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i></p> <p>Comment:</p> <p>Referral under Clause 2.48 will be required as the development site for the Years K-2 building is in close proximity to an existing underground 22kv power line infrastructure as identified in figure below.</p>  <p>Figure 29 – Extract from Essential Energy Network Information Portal</p>

Matter for consideration	Response
Clause 2.118 – Development with frontage to a classified road	<p>The objectives of this clause are—</p> <p><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p> <p>Comment:</p> <p>The development does not front a classified road, as such referral to TfNSW is not required.</p>
Clause 2.121 – Traffic generating development	<p>This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p><i>(a) new premises of the relevant size or capacity, or</i></p> <p><i>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i></p> <p>Comment:</p> <p>The proposed development does not trigger the requirement for referral and consideration under Schedule 3. Whilst it is noted that the site contains more than 200 car parks and involves an enlargement of an existing premises, referral under this requirement only applies where the new works exceed the threshold.</p> <p>Notwithstanding, the proposed development is classified as a “traffic generating development” in accordance with Section 3.12(3) of SEPP (Transport and Infrastructure) 2021, as the works will accommodate 50 or more additional students.</p>

5.9.2. Chapter 3 – Educational establishments and child care facilities

Chapter 3 of *State Environmental Planning Policy (Transport & Infrastructure) 2021* refers to educational establishments and child care facilities”) and sets out considerations relating to educational establishments and child care facilities. This Chapter of the SEPP seeks to facilitate the effective delivery of educational establishments and early education and care facilities across the state.

One of the primary aims of this SEPP is to establish consistent state-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas.

Part 3.4 of the SEPP outlines that development for the purposes of a school may be carried out by any person with development consent on land within the boundaries of an existing school. The subject land is already development for the purposes a school and the proponent is seeking development consent.

In accordance with clause 3.36(6) of this SEPP, before determining a development application, the consent authority must take into consideration the following matters:

- (a) *The design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8 of this SEPP; and*
- (b) *Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

An assessment of the design quality principles as contained within Schedule 8 of this SEPP has been undertaken and is addressed in **Appendix H** of this report.

The key design quality principles for schools is outlined as follows:

- Principle 1 – Context, built form and landscape
- Principle 2 – Sustainable, efficient and durable
- Principle 3 – Accessible and inclusive
- Principle 4 – Health and safety
- Principle 5 – Amenity
- Principle 6 – Whole of life, flexible and adaptive
- Principle 7 – Aesthetics

In summary, the proposed development is consistent with the design quality principles of the SEPP and will result in a high-quality built form within an established school.

Matters regarding the shared use of school facilities have also been considered in accordance with the requirements of the SEPP. Consistent with the recommendations of this SEPP, the school would seek to allow the use of its facilities (primarily limited to the music and drama or sports stadium) by community groups. It is noted these activities would be limited to outside of normal school hours due to the public safety and liability risks associated with using these facilities whilst the school is operational.

Furthermore, the proposed development is classified as a “traffic generating development” in accordance with Section 3.12(3) of this SEPP, as the works will accommodate 50 or more additional students.

5.10. Albury Local Environmental Plan 2010

The *Albury Local Environmental Plan 2010* (“the LEP”) is the principal planning instrument that guides development within the LGA. The applicable provisions of the LEP are:

- Clause 2.3 — Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 5.10 — Heritage Conservation
- Clause 5.21 – Flood Planning
- Clause 7.1 — Earthworks
- Clause 7.6 — Essential services

The below provides an overview of consistency and compliance of the proposal against the relevant provisions.

5.10.1. Clause 2.3 — Zone objectives and Land Use Table

The subject land is within the R1 General Residential Zone (“R1 zone”) under the LEP.

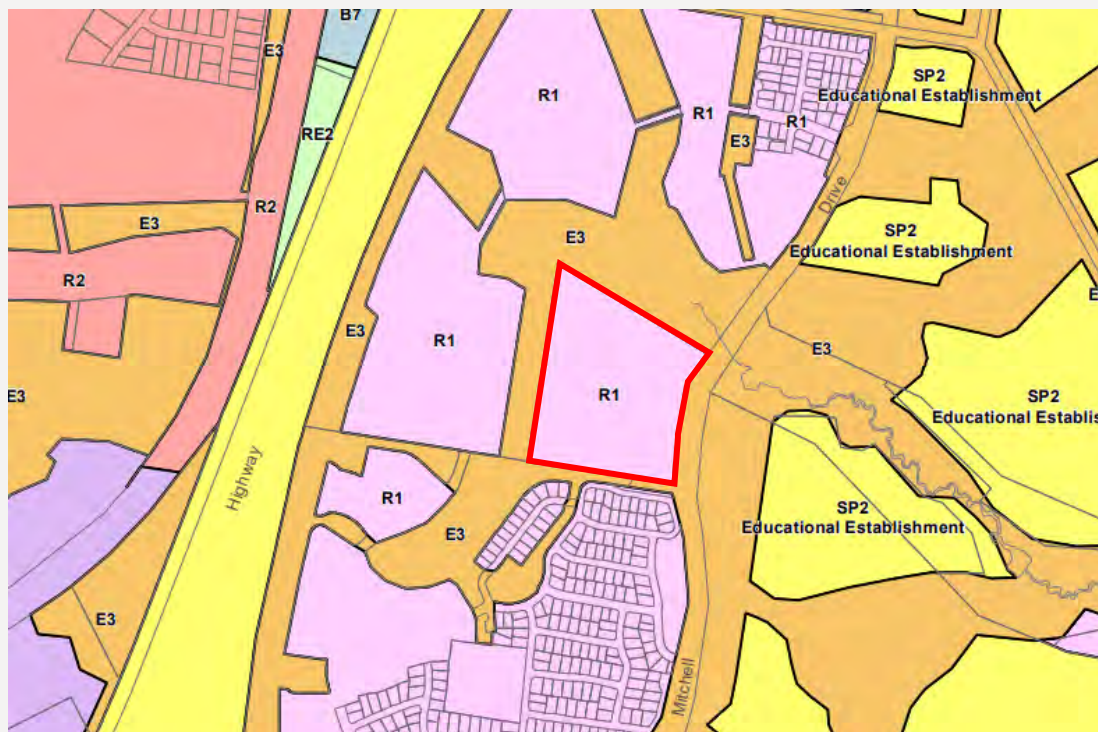


Figure 30 – Extract of the Land Zoning Map (LZN_006)

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

The proposed development is generally consistent with the objectives of the R1 zone as it seeks to construct new ancillary buildings within an established school. The proposed buildings will continue to be used for educational purposes and is not expected to create any land use conflict.

Development for the purposes of an education establishment is permitted with consent in the R1 General Residential zone.

5.10.2. Clause 2.7 — Demolition requires development consent

Clause 2.7 of the LEP requires that the demolition of a building or work may be carried out only with development consent unless the works are identified as exempt or complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

It is confirmed that the works are not exempt development and the proposal is seeking development consent.

5.10.3. Clause 5.10 — Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation and seeks to conserve the environmental heritage of Albury, the heritage significance of heritage items and heritage conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.

Following a review of Schedule 5 and the Heritage Map of the LEP, it is confirmed that the subject land is not identified as a heritage item, nor is it located within a heritage conservation area. Similarly, the land does not adjoin any heritage items or conservation areas.

Similarly, matters regarding Aboriginal Cultural Heritage have also been considered and will not be adversely affected by the subject proposal as the subject land is highly disturbed and is already improved with multiple buildings. Consequently, the likelihood of items of Aboriginal Cultural heritage significance being present on-site is considered to be low. See Section 5 for further details.

5.10.4. Clause 5.21 – Flood Planning

Clause 5.21 of the LEP refers to flood planning considerations and applies to land shown on the flood planning area.

It is acknowledged that the very north west corner of the subject site is identified as being ‘flood prone’ and is subject to certain considerations outlined in this clause.

- (1) *The objectives of this clause are as follows—*
- (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

It is considered that the proposed development meets the objectives of the clause.

Under Clause 5.21 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*
- (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*
- (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*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The proposed development is considered to be compatible with the flood function and behaviour of the land as only a very small portion (approximately 300m²) of the subject site in the north western corner is identified as being flood prone.

The proposed works are located well outside of this area, some approximate 300 metres away from the hazard. Consequently, for all intents and purposes, the works are located on flood free land.

Similarly, the works are well setback from the adjoining water course to the north and will not adversely impact the environment in terms of avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or water courses.

Additionally, 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,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (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,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The location of the subject development is not considered to have potentially adverse impacts on the flood behaviour, nor is the development considered to have additional cumulative impacts on the surrounding environs as it is located on the flood free portion of the site.

5.10.5. Clause 7.1 — Earthworks

Clause 7.1 of the LEP relates to earthworks and applies in this instance as the excavation works are not classified as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Consequently, consent is required for the earthworks and the provisions of this clause require consideration.

Before Council can grant development consent, it must consider the following matters:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area;*

The proposed development is consistent with these matters for consideration as follows:

- The development will not adversely affect the existing drainage conditions or soil stability in the area as it does not involve works to an existing drainage line;
- The purpose of the application is to allow for construction and demolition works to allow for the ongoing use of the site for educational purposes;
- The development is not expected to require large scale excavation or land filling and will be limited to minor site scraping;
- The proposed earthworks are not expected to adversely affect any adjoining properties and are largely limited to site scrape only;
- As outlined in response to Clause 5.10, the subject land is developed and is not expected to contain any relics; and
- The subject land is well setback from nearby watercourses and is not expected to reduce water quality in the area.

5.10.6. Clause 7.6 — Essential services

Clause 7.6 of the LEP refers to essential services and requires that consent must not be granted to development unless the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.

As outlined above, the subject land is already developed, and the proposal is seeking approval to construct new associated buildings. As a result, the proposed buildings will have no impacts upon existing infrastructure and all existing services can be appropriately extended to these buildings.

5.11. Albury Development Control Plan 2010

The *Albury Development Control Plan 2010* (“the DCP”) provides specific requirements for development within the LGA, including the subject site.

The following parts of the DCP are applicable to the proposed works:

- Part 3 – Development Notification Policy
- Part 4 – Developer Contributions Plan
- Part 5 – Tree Preservation
- Part 6 – Planning for Hazards
- Part 10 – Development in the Residential Zones
- Part 16 – Outdoor Advertising
- Part 17 – Off Street Car Parking

These matters are addressed in the following sections below.

5.11.1. Variations to Development Controls

In considering the requirements of the DCP, it is important to acknowledge the changed role of DCP's since the *Environmental Planning and Assessment Amendment Act 2012*. The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority rather than statutory controls. If a development application does not comply with provisions in a DCP, the consent authority must be flexible in the way it applies the controls and allow for reasonable alternative solutions to achieve the objectives of those standards.

Planning Circular PS13-003 provides an overview as to what weight should be given to controls within a DCP when assessing development applications.

It is noted that the development does not seek a variation to any development controls in this instance.

5.11.2. Part 3 – Development Notification Policy

Part 3 of the DCP provides Council's requirements for notification of applications. This chapter defers to the requirements of Appendix B, which has been subsequently repealed by Council's Community Participation Plan (CPP).

The proposal is not identified as a type of development exempt from notification and therefore must be notified in accordance with the requirements of the CPP noting that the development is classified as 'integrated'.

5.11.3. Part 4 – Developer Contributions Plans

Part 4 of the DCP provides details regarding the payment of developer contributions, which will be levied in accordance with the requirements of the *Albury Infrastructure Contributions Plan 2014* ("ICP").

The subject site is located within a Section 7.11 area ('Thurgoona/Wirlinga'), where contributions are calculated on a per lot basis and are charged towards the provision or improvement of amenities or services.

Notwithstanding, following a review of the ICP, it is noted that educational establishments are not subject to Section 7.11 contributions.

Section 64 of the *Local Government Act 1993* outlines the relevant contribution requirements with respect to water and sewer. In accordance with the ICP, it is expected that a developer contribution will be levied in relation to water and sewer consistent with the recommendations of the NSW Water Directorate. In this instance, contributions are calculated on a per person basis.

5.11.4. Part 5 – Tree Preservation

Part 5 of the DCP seeks to conserve and enhance the public amenity of Albury, control the management and/or removal of trees and assist in the retention and ongoing protection of native vegetation.

As outlined above, the development involves the removal of 62 planted/exotic trees and four juvenile Blakely's red gum recruits. None of these trees to be removed contain hollows. Whilst the trees may provide occasional foraging and roosting habitat for local birdlife, the site immediately adjoins a defined vegetation reserve to the south and west which contains higher quality and connected vegetation. The proposed works are not expected to have an adverse impact on threatened species.

The buildings have been located and designed to reduce any potential biodiversity impacts. Whilst it is acknowledged that the works involve the removal of vegetation, this is considered satisfactory in this instance for the reasons outlined below:

- Of the total trees to be removed (62 of the 66) comprise planted non-native species (ornamental pears or the like).
- The site is relatively constrained in terms of locating the buildings elsewhere on-site ('avoidance' option) given the large footprint of the proposed buildings and the location of the existing buildings on-site. At present, the proposed works area have been selected as they adjoin existing buildings and services and comprise largely under-utilised portion of the site.
- The location of the buildings avoid impacts resulting from adjoining bushfire hazards and also avoids the need to have to remove the large sporting ovals that currently exist on-site, thereby reducing the amount of usable play spaces for students.
- The vegetation only represents small patches and does not provide a linear corridor. As a result, its removal will not fragment or isolate an existing habitat corridor.
- As part of the proposed works, the development will include new more appropriately located landscape plantings and revegetation works.

The relevant controls of Chapter 5 are addressed in the DCP compliance table at **Appendix H**. In accordance with the requirements of the DCP, a flora and fauna assessment (Vegetation Management Plan) has been prepared as the works involve the removal of more than 10 trees.

In summary, the proposed works will not have an adverse impact in terms of tree removal.

5.11.5. Part 6 – Planning for Hazards

Part 6 of the DCP seeks to minimise the risks associated with natural hazards, including bushfire, flooding, and land contamination. As outlined within Section 4.1.1 of this report, the subject site is not known to be contaminated.

As outlined within Section 4.10.4 of this report, a very small portion of the subject land is identified as being flood-prone within Council's *Albury Floodplain Risk Management Study and Plan* (Figure 32).

Section 6.2 of the DCP refers to flooding and supports the considerations set out at clause 5.21 of the LEP.

The objectives of Section 6.2 are:

To ensure consideration of the appropriateness of certain development types within identified Flood Referral Areas.

To ensure that development/s proposed within Flood Referral Areas are capable of withstanding flooding events and additional safeguards against flood damage are incorporated into development plans.

An assessment of the proposal against the relevant controls of Part 6 are addressed the DCP compliance tables **attached**. In summary, the proposed development is consistent with the controls of Part 6 of the DCP.



Figure 31 – Flood Prone Land Map

Similarly, the subject site is however identified as affected by bushfire “Vegetation Buffer” hazard on the *Albury Bushfire Prone Land Map* (see **Figure 32**).

Section 6.4 of the DCP sets out controls relating to bushfire prone land and bushfire hazards and therefore this part applies. Accordingly, an assessment of the proposal against the relevant bushfire protection controls of this chapter has been addressed at **Appendix D** to this report.

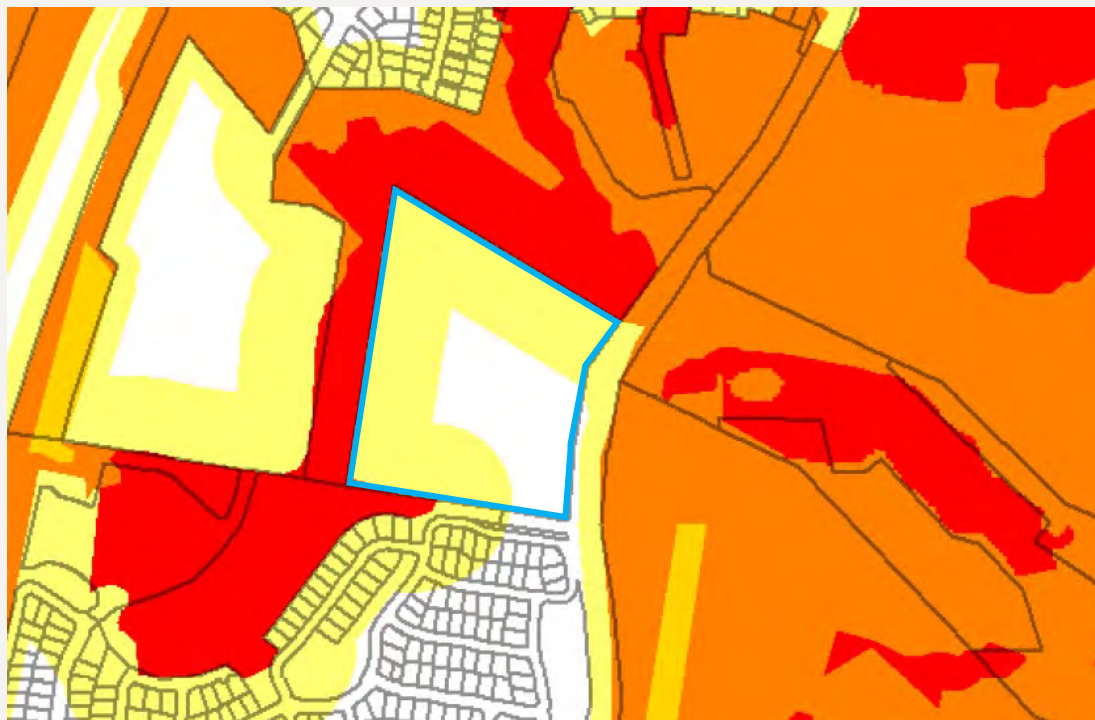


Figure 32 – Extract of the Albury Bushfire Prone Land Map

The objectives of Section 6.4 are:

1. *To ensure, where consent is required for subdivision and development, that the following occurs in bushfire prone areas:*
 - *Occupants of any building are afforded with adequate protection from exposure to a bushfire.*
 - *A defendable space is located around buildings.*
 - *Appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition.*
 - *Safe operational access and egress for emergency service personnel and residents is available.*
 - *Ongoing management and maintenance of bushfire protection.*
 - *Measures, including fuel loads in the Asset Protection Zone (APZ), are established.*
 - *Utility services are adequate to meet the needs of fire fighters (and others assisting in bushfire fighting).*

The proposed development is consistent with the objectives of Section 6.4 of the DCP as the subject site has been developed for educational purposes with the closest bushfire hazard source being the vegetation reserve and is appropriately separated by sealed driveways and car parking areas from the proposed buildings.

Similarly, an Asset Protection Zone has previously been established and maintained around the perimeter of the school and the proposed new building is located outside of this area. The subject site also has sealed road access and is connected to a reticulated water supply.

The relevant controls of Part 6.4 are addressed in the DCP compliance table at **Appendix H**.

A Bush Fire Risk Assessment has also been prepared in support of the proposed application which seeks approval for a special fire protection purpose. A copy of this report is provided as **Appendix D** to this report.

5.11.6. Part 10 – Development in the Residential Zones

Part 10 of the DCP refers to Development in the Residential Zones, with Division H of this part applicable to non-residential developments in residential zones.

The general objectives for non-residential development in the residential zones are outlined below:

- *Ensure non-residential development permitted in residential zones responds to the environmental conditions of the site and the locality.*
- *Enable non-residential development permitted in residential zones to be compatible with the streetscape and to contribute positively to the character of the locality in which development is proposed.*
- *Create reasonable amenity for occupants of non-residential development permitted in residential zones without causing unreasonable impacts on the amenity of neighbours.*

The subject application is generally consistent with these objectives as it responds to the existing site conditions, will integrate with existing buildings contained on-site and will be largely screened from view given its proposed location and the established vegetation around the perimeter of the site.

As outlined within this report, the subject land has already been developed for the purposes of a school and the construction of the new buildings will not create any significant amenity impacts to the neighbouring properties.

A compliance table assessing the proposal against the relevant provisions of Chapter 10 is provided at **Appendix H**. The proposed development complies with the relevant requirements of Chapter 10 of the DCP.

5.11.7. Chapter 16 – Outdoor Advertising

Part 16 of the DCP refers to Outdoor Advertising and sets out requirements and considerations for various types of signage and their context, location, design and impact.

An assessment of the proposal against the relevant controls of Part 16 are addressed in the DCP compliance tables included in **Appendix H**.

In summary, the proposed development generally complies with the relevant requirements of Part 16 of the DCP.

5.11.8. Chapter 17 – Off-Street Car Parking

Chapter 17 of the DCP relates to car parking, and sets out requirements for various land uses, as well as other design related requirements for the operation and embellishment of car parking, as well as addressing matters regarding access and design.

Part 17.2(i) of the DCP requires that parking be calculated in accordance with the land uses listed at Table 17.1, or “the most similar use of equivalent intensity” if the land use is not specifically listed. Part 17.2(ii) also requires that the total parking requirements shall be the sum of the requirements for the various uses.

The existing school currently provides 224 formalised off-street parking spaces for the use of staff, students (Year 12) and parents. These spaces are shared across a number of different car parking areas at the front and rear of the site. An informal student car park is located in the southern western portion of the site adjacent to the recently constructed science buildings, however this has not been included in the total car parking calculation.

No changes are proposed to the number of formalised car parking spaces.

Furthermore, the proposed works also include an upgrade to the existing southern driveway and the construction of new dedicated bus bays, as well as a roundabout at the western end of this roadway to allow for buses to turn around on-site.

All of the abovementioned measures are considered to improve traffic flow and safety within the site from both a pedestrian and motorists perspective.

An assessment of the proposed development against the requirements of Part 17 of the DCP has been undertaken and is included in **Appendix H**. Furthermore, a Traffic Impact Assessment has also been prepared and is included in **Appendix E**.

In summary, the proposed works comply with the requirements of the DCP.

5.12. Strategic Planning Policies

5.12.1. Riverina Murray Regional Plan 2036

The *Riverina Murray Regional Plan 2036* (Regional Plan) was adopted by the NSW Government in 2017 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina & Murray regions for the next 15 years.

The Minister's foreword to the document states that the Regional Plan will help support “...investment in major services, facilities and... will distribute the benefits of growth across all centres in the region.”

The Regional Plan is underpinned by four (4) key goals including:

- *Goal 1 – A connected and prosperous economy.*
- *Goal 2 – A diverse environment interconnected by biodiversity corridors.*
- *Goal 3 – Healthy and connected community.*
- *Goal 4 – Environmentally sustainable housing choices.*

Each of these goals is supported by a number of different actions, which seek to achieve the objectives of the goal.

The proposed development responds to the plan by aligning with the following directions;

- Direction 6: Promote the expansion of education and training opportunities
- Direction 15: Protect and manage the region's many environmental assets
- Direction 16: Increase resilience to natural hazards and climate change
- Direction 22: Promote the growth of regional cities and local centres
- Direction 28: Deliver healthy built environments and improved urban design

The development supports the Riverina Murray's strategic directions as it will support an existing school located within a wider educational precinct. The works will also not create a long term adverse environmental impact and have been located and positioned to avoid impacts of bushfire and flooding. Lastly, the development is considered to represent a high quality development that will provide an important service for the community.

5.12.2. Urban Design for Regional NSW

Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW has been prepared specifically for regional NSW. The guide recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities that exist across this vast area. The guide also supports the object of the EP&A Act to 'promote good design and amenity of the built environment'.

The guide also plays an important role in implementing the nine Regional Plans for NSW by responding to actions to prepare regional urban design guidelines for planning, designing and developing healthy built environments.

The proposed development supports good urban design principles through the provision of new high quality education buildings that integrate with the existing school and provide a good interface to adjoining residential developments. The development also considers environmental factors and natural hazards, whilst also reducing potential for off-site amenity impacts.

5.12.3. Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) helps to guide the growth of Albury over the next 20 years. The LSPS aims to guide future land use planning and influence public and private investment so that it enhances the wellbeing of the community and environment.

To achieve this, the LSPS sets out:

- the 20-year vision for land use
- special characteristics which contribute to our local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future

The LSPS also identifies planning priorities and future strategic planning activities, in the form of studies and strategies. The proposed development aligns with the following Priorities as set out in the LSPS

- Priority 3: A growing sustainable economy
- Priority 5: Integrated transport network including active transport
- Priority 7: Coordinated and well-planned growth precinct (Thurgoona Wirlinga)

The proposed development aligns with the relevant objectives, directions and outcomes in the LSPS as it supports residential growth, considers traffic and transport matters and achieves a coordinated and well planned growth precinct through the provision of additional educational facilities.

5.12.4. Community Participation Plan

The Community Participation Plan is required to be prepared by the relevant local authority under Division 2.6 of the EP&A Act.

In particular, Section 2.23 of the EP&A Act stipulates that;

- (1) 'A planning authority ... is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions'.

The purpose of the Plan is to clearly explain how and when Council will undertake community engagement in relation to planning matters such as assessment and determination of development applications, including revised plans, modifications and review of applications.

Table 1 of the Community Participation Plan states that notification is required for the subject development. The proposal is not identified as a type of development exempt from notification and therefore must be notified in accordance with the requirements of the Community Participation Plan and Council's Development Control Plan.

5.12.5. Thurgoona Wirlinga Precinct Structure Plan

The *Thurgoona Wirlinga Precinct Structure Plan* ("the TWSP") was adopted by Council in November 2012 and serves as a guiding framework for future development within the Thurgoona/Wirlinga growth area. The proposed development is consistent with the TWSP as it proposes additional educational facilities on a site already identified as a school site (see Figure 33).

Given the amount of residential land supply identified elsewhere within Thurgoona (50+ years supply) and the current high level of demand for additional educational facilities being experienced within this suburb, the ongoing development of this land for educational purposes will support this anticipated growth.

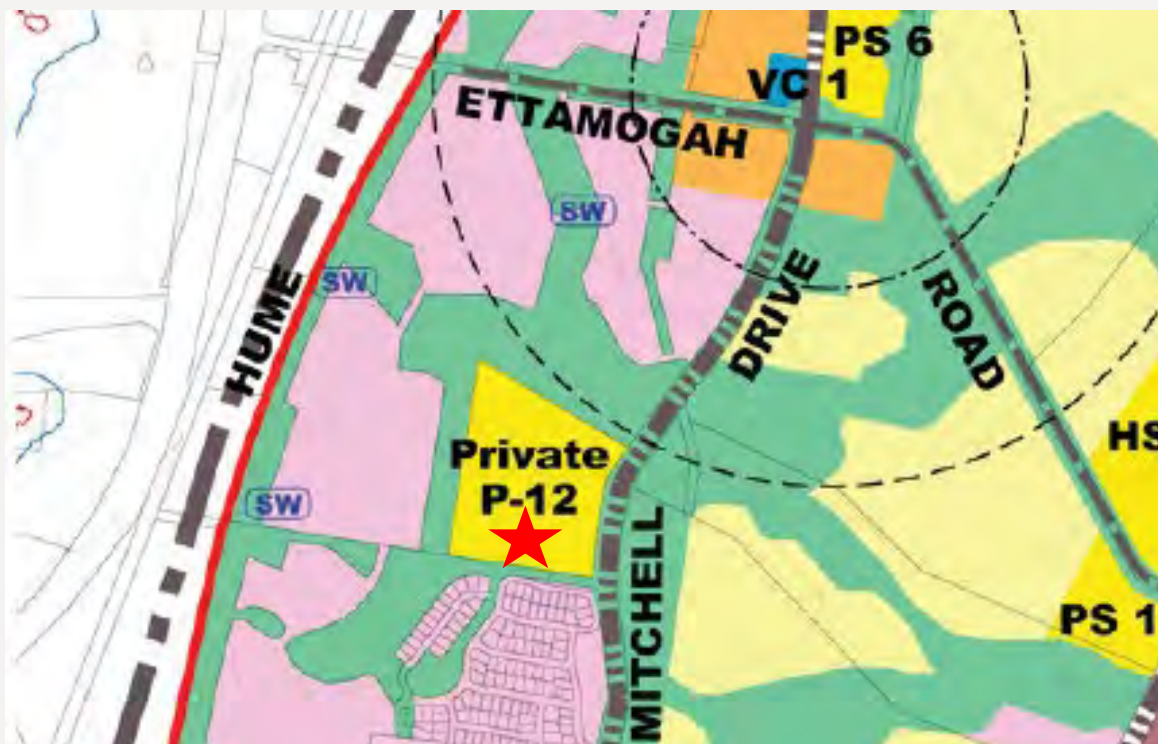


Figure 33 Extract of Thurgoona Wirlinga Precinct Structure Plan identifying the subject land

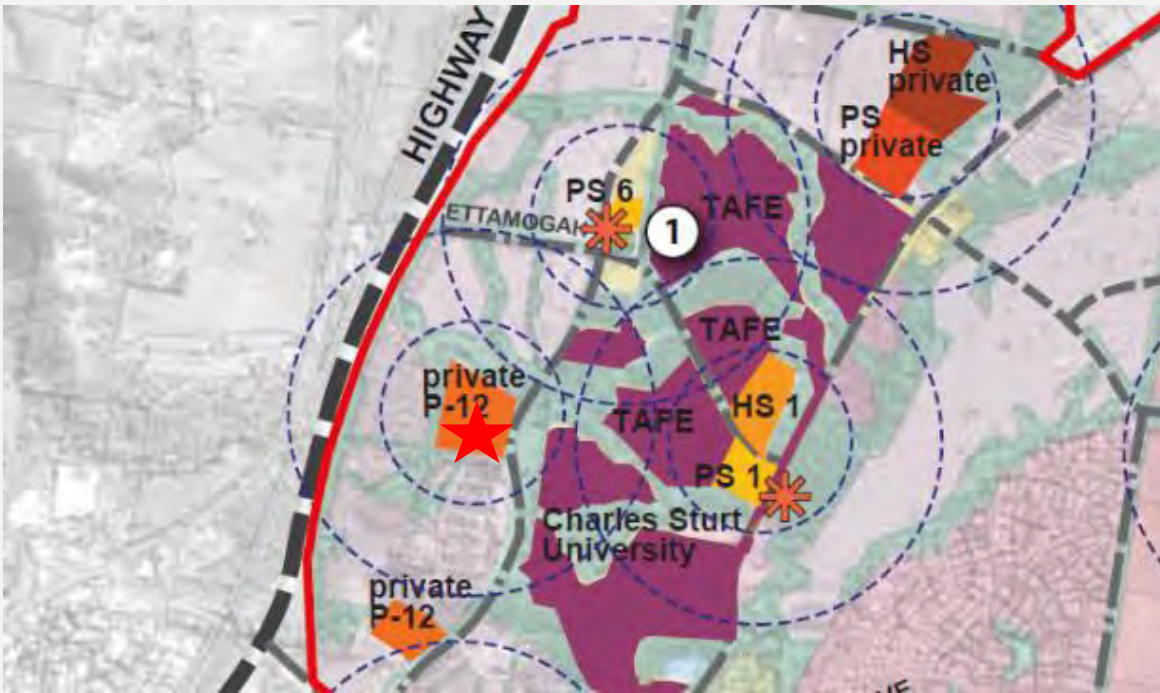


Figure 34 Extract of Figure 24 of the TWPSP showing the location of schools and education facilities surrounding the subject land (identified)

5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

These impacts and mitigating measures have been identified following comprehensive analysis of the site and the proposed plans.

The analysis and impact identification under this section is informed by:

- Site analysis and visual inspection of the subject land and surrounding properties.
- Analysis of the proposed plans for development (provided attached for reference)
- Desktop review of applicable Environmental Planning Instruments
- Consideration of the Councils Development Plans and Policies including the DCP
- Assessment of relevant strategic planning documents.
- Consultation with Council and other authorities

6.1. Context and Setting

The subject land has already been developed for the purposes of an educational establishment (school) and the subject application is seeking approval to construct new classroom buildings on-site.

The new buildings will be located in various locations on the school campus site including at the front of the site. The proposed buildings do not immediately adjoin any existing residential dwellings and have been architecturally designed to achieve a high standard of design.

Whilst it is acknowledged that the proposed buildings will be two storeys in height, the buildings have been designed with a high degree of articulation and fenestration and also incorporates the use of varying materials and finishes. The new buildings will complement the existing school buildings on-site, which form part of an established school campus.

Consequently, the construction of new school buildings on an existing school campus is not expected to adversely affect the context and setting of the area.

6.2. Access, Traffic & Parking

Matters regarding traffic, access and parking have previously been addressed earlier in this report. Whilst it is acknowledged that the development will result in the removal of a number of informal car parking spaces, the subject land already contains an oversupply of car parking spaces far in excess of Council's DCP requirement.

In addition, the development seeks to rationalise and improve existing bus drop off and pick up arrangements by constructing a new dedicated bus pick up and drop off area along the proposed upgraded southern driveway. In order to achieve site safety and ensure that all vehicles enter and exit the site in a forward direction, the development proposes the construction of a new roundabout at the western end of this driveway to allow buses to turn around on-site before parking immediately adjacent to the pick up and drop off area. This will avoid the need for students to have to cross any roads to access the bus and has been separated from parent parking areas.

Pedestrian access throughout the site has already been established and the new works will extend this existing network where required. Matters regarding access arrangements on and off the site are also already established and are monitored by staff to ensure student safety.

The development also proposes to upgrade the intersection of the southern driveway with Elizabeth Mitchell Drive via localised shoulder widening works that will be provided similar to that of a BAL treatment (basic left turn) to allow for the existing volume of left turning motorists into the site from the south, whilst allowing for through traffic along Elizabeth Mitchell Drive.

Further details regarding traffic, access and parking are addressed in the accompanying Traffic Impact Assessment contained in **Appendix E**.

6.3. Infrastructure & Services

The subject land is already developed and therefore has access to all relevant infrastructure and services including water, sewerage, telecommunications, electricity, gas and drainage, which can be extended and connected to the new school buildings.

During pre-lodgement discussions, relevant Council engineering staff confirmed that there is ample capacity within the existing infrastructure network to accommodate the proposed development.

It is noted however that the application is likely to require referral to Essential Energy as there is an overhead span and sub-station contained on-site.

6.4. Heritage

The subject land is not identified as a heritage item, nor is it located within a heritage conservation area as defined in Schedule 5 and the Heritage Map of the LEP.

6.5. Cultural Heritage

Consistent with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, Department of Environment, Climate Change and Water NSW, 2010, a search of NSW AHIMS database has been undertaken in relation to the existence of any registered cultural heritage items within the land or immediately surrounding area. There are no items identified within the site.

The subject land is a highly modified site and has been developed and therefore there is very little likelihood of the site containing any items of cultural heritage. There are also no other landscape features that would indicate increased likelihood.

If any archaeological items are identified during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed.

6.6. Soils & Erosion

The proposed works will involve minor disturbance of the existing site as part of the construction phase of the project. All future works will have regard to Council's requirements for managing construction sites, including Managing Urban Stormwater: Soil and Construction Volume 1 (Landcom, 2004) ('the Blue Book') (particularly Section 2.2) and Managing Urban Stormwater: Soil and Construction Volume 2A – Installation of Services (DECC, 2008).

All appropriate Soil and Water Management techniques will be implemented during construction works, in accordance with Council's guidelines. Erosion impacts will be mitigated by use of sediment control and stabilisation techniques, if required, both before and after construction.

The subject site has been developed for educational purposes and is not known to be contaminated.

6.7. Biodiversity

The proposed works require the removal of 19 trees, as well as a number of associated shrubs and groundcovers. Of these five (5) are exempt from Council approval as they do not meet the size requirements of control (iii)(a) of Section 5.2 of the DCP as follows:

- iii. *A permit is required to clear vegetation that is:*
 - a) *a tree 3 metres or more in height and with a trunk circumference of 300mm or more at 1.3 metres above ground level;*

The remaining 14 trees proposed to be removed require approval in accordance with Section 5.2(iii)(a) of the DCP as outlined above.

Whilst it is acknowledged that these remaining trees require approval, it is noted that all the tree proposed for removal consist of planted non-native ornamental species, with the exception of 3 trees as detailed in the accompanying table.

None of these trees to be removed contain hollows. Whilst the trees may provide occasional foraging and roosting habitat for local birdlife, the site immediately adjoins a defined vegetation reserve to the south and west which contains higher quality and connected vegetation. The proposed works are not expected to have an adverse impact on threatened species.

The buildings have been located and designed to reduce any potential biodiversity impacts. Whilst it is acknowledged that the works involve the removal of vegetation, this is considered satisfactory in this instance for the reasons outlined below:

- Of the total trees to be removed (16 of the 19) comprise planted non-native species (ornamental pears or the like).
- The site is relatively constrained in terms of locating the buildings elsewhere on-site ('avoidance' option) given the large footprint of the proposed buildings and the location of the existing buildings on-site. At present, the proposed works area have been selected as they adjoin existing buildings and services and comprise largely under-utilised portion of the site.
- The location of the buildings avoid impacts resulting from adjoining bushfire hazards and also avoids the need to have to remove the large sporting ovals that currently exist on-site, thereby reducing the amount of usable play spaces for students.
- The vegetation only represents small patches and does not provide a linear corridor. As a result, its removal will not fragment or isolate an existing habitat corridor.
- As part of the proposed works, the development will include new more appropriately located landscape plantings and revegetation works.

The subject land is biodiversity certified and a flora and fauna assessment has been prepared confirming that the works will not have a long term adverse environmental impact. See the enclosed Flora and Fauna Assessment in **Appendix E** for further details.

Notwithstanding the above, to compensate for the loss of vegetation on-site, the school proposes to undertake extensive landscape plantings in accordance with the recommendations of a landscaping-plan prepared for the site.

6.8. Waste

The proposal will generate waste during the demolition and construction phases. This will include excavated soil, off-cuts and excess construction material, concrete; and domestic and putrescible waste (including food waste, bottles, cans and paper). All waste generated during demolition and construction will be collected and stored in appropriate locations on-site for removal and disposal in off-site locations.

Once occupied, the development will generate typical rates of general domestic, recyclable and putrescible wastes consistent with a school. Furthermore, the use of the school buildings will not generate any special wastes that require special treatment or collection.

Waste generated on-site will be collected and stored in standard receptacles by the school and will be removed via a contractor in accordance with current arrangements. Waste bins associated with the development will be screened or stored at the rear of the property.

6.9. Natural Hazards

The subject land is not known to be contaminated.

The land is however identified as being flood prone as the very north western corner of the property is identified as being low hazard flooding (Figure 18). Notwithstanding, the development does not propose any works in this area and for all intents and purposes is located on flood free land.

Similarly, the property is identified as being bushfire prone (Vegetation Buffer) on the Albury Bushfire Prone Land Map. As the development involves an educational establishment, which is classified as a Special Fire Protection Purpose, the development requires concurrence from the NSW RFS under Section 100B of the Rural Fires Act 1997.

A Bush Fire Risk Assessment (BFRA) has been prepared in support of the proposed application and is included in **Appendix D**. The BFRA outlines that the proposed senior school building does not achieve the deemed to satisfy provisions of *Planning for Bushfire Protection Guidelines 2019* as it does not provide a 42 metre setback to the nearby woodland vegetation hazard located to the west.

In response, the development seeks approval via a performance based approach, which has determined that a reduced Asset Protection Zone (APZ) of 35 metres is considered appropriate in this instance. See enclosed BFRA for further details.

6.10. Construction Impacts

The impacts of demolition and construction will be for a short period of time and consequently any minor inconvenience is considered acceptable given the nature of the surrounding area and limited direct impact to surrounding land. Site fencing and screening is to be erected around the area of works to prevent access by unauthorised persons.

Demolition and construction works will be limited to appropriate hours as specified by Council.

6.11. Noise

The impacts of the demolition and construction works will be minor and experienced for a short period of time. Noise outputs will be of a minor nature and include predominantly power tools and manual construction, with more infrequent machinery and vehicle noise.

The level of demolition and construction noise expected from the development is considered acceptable given that it will only occur for a short period of time and will be controlled by relevant conditions of development consent.

The continued operation and use of the site as a school is not expected to generate adverse impacts with regards to noise. Specifically, the proposed multi-sports courts will only operate during school hours.

6.12. Economic and Social Impacts

The proposal will have a generally positive social impact as the works will increase the range of facilities provided by the school and cater for projected school growth.

The construction of the new school buildings will not only have a positive benefit on the Trinity school community, but the wider suburb of Thurgoona as a whole, which has been experiencing rapid sustained growth. This suburb is located within Albury's identified residential growth front and has seen the total population grow to 11,028 persons at the 2021 Census.

The need for additional educational facilities within Thurgoona has recently been recognised with the NSW State Government committing to the investigation of a new public school site.

In recognition of the ongoing rapid population growth rate of Thurgoona and the lag time involved in constructing a new public school, there will be an ongoing need to provide additional (private) educational facilities within Thurgoona.

The works and subsequent occupation will also generate positive economic flow on effects, including to local trades and services.

6.13. Crime Prevention Through Environmental Design

Given the nature of the proposed development, being a school, a Crime Prevention Through Environmental Design (CPTED) assessment has been undertaken to inform the outcomes of the design.

There are four main principles of CPTED:

1. Natural surveillance,
2. Access control,
3. Territorial reinforcement; and
4. Space management.

Incorporating these four principles of CPTED can help to create a safe and secure environment that encourages activity, vitality and viability, enabling a greater level of security. They can also assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

An assessment of the proposed development against each of these principles is provided below:

1. Natural Surveillance:

Providing opportunities for effective surveillance, both natural and technical, can reduce the attractiveness of crime targets. Good surveillance means that people can see what others are doing thereby deterring 'would-be offenders' from committing crime in areas with high levels of surveillance.

From a design perspective, 'deterrence' can be achieved by:

- *Locating public services in areas of high activity;*
- *Providing clear sightlines between public and private places;*
- *Avoiding blind corners in pathways, stairwells, hallways and car parks;*
- *Ensuring that the range of land uses within a building increases opportunities for natural surveillance;*
- *Providing natural surveillance into communal and public areas;*
- *Locating entries that are clearly visible from the street;*
- *Designing fences that maximise natural surveillance from the street to the building and from the building to the street, and minimise opportunities for intruders to hide;*
- *Installing security grilles, shutters and doors that allows natural observation of the street;*
- *Installing effective lighting in public places that does not produce glare or dark shadows; and*

- *Ensuring that landscaping does not obstruct natural surveillance or provides a place to hide or entrap victims*

The proposed development is generally consistent with these principles as follows:

- The new buildings provide clear line of sight to key destination points such as internal car parks and footpaths, as well as adjoining roads and driveways.
- The buildings contain a readily identifiable entrance, as well as a large number of windows, doors and balconies, which will allow for views to and from the occupants to adjoining public spaces. In doing so, this allows for natural surveillance of these areas.
- The subject land is already secured by existing open style fencing, which allows for views to and from the property and avoids opportunities for concealment.
- The existing campus site already contains a number of street lights that allow for wayfinding.
- Landscaping largely consists of larger trees and low level shrubs, which prevent opportunities of concealment.

2. Access Control:

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people, and in turn, minimise opportunities for crime.

Effective access control can be achieved by:

- *Ensuring buildings are clearly identified by street number;*
- *Providing clear entry points;*
- *Creating landscapes and physical locations that channel and group pedestrians into target areas;*
- *Using vegetation as barriers to deter unauthorised access;*
- *Using building materials/security that reduces the opportunity for intruder access;*
- *Designing public spaces that attract rather than discourage people from gathering;*
- *Restricting access to internal areas or high-risk areas such as loading or service areas;*
- *Ensuring there are appropriate security measures in place commensurate for the range of land uses within a building/development; and*
- *Ensuring that parking areas are clearly identified by signage to prevent unintended access and to assist persons trying to find their car.*

The proposed development is generally consistent with these principles as follows:

- The subject land is already clearly sign posted and is readily identifiable.
- Both the wider site and the individual buildings provide clear entry points.
- The campus has been established and will continue to be developed into precincts (junior school, senior school, recreational and communal), which group individuals.
- The site is already secured via existing security fencing, which avoids the need for landscape barriers. Similarly, the site does not allow for public access unless associated with the school.
- The existing site is already subject to security measures including alarms, cameras, fencing and patrols.
- Car parking areas (namely parent parking) are clearly located at the front of the site and are sign-posted.

3. Territorial Reinforcement:

This principle relies on the users of spaces or areas feeling that they have some ownership of public space and therefore are more likely to gather and enjoy that space. The ownership of space increases the likelihood that people who witness crime in or adjacent to that space will respond by quickly reporting it or by attempting to prevent it.

Territorial reinforcement can be achieved in the design of the development by:

- *Having distinct transitions/boundaries between the public and private areas; and*
- *Clearly defining spaces to express a sense of ownership and reduce illegitimate use/entry.*

The proposed development is generally consistent with these principles as follows:

- As outlined above, the subject land is already secured via an existing 2.1 metre high security fence. Therefore, there are no transitions between public and private spaces as these are already clearly defined and secured.
- Outside of school hours, the site is secured from unauthorised access.

4. Space Management:

Public space that is attractive and well maintained is inviting to users and becomes a well used space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for.

Space management includes:

- *Creating a 'cared for' image through proper maintenance regimes;*
- *Rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements;*
- *Using materials that reduce the opportunity for vandalism; and*
- *Encouraging design that promotes pride and a sense of place for the community.*

The proposed development is generally consistent with these principles as follows:

- The subject land is managed ongoing by building maintenance and groundskeeping staff, which ensures a high degree of maintenance.
- Where building maintenance or repairs are required these are carried out immediately to ensure that the overall high standard of the site is maintained.
- The buildings will consist of a high quality materials and finishes and will be managed ongoing.
- As the site is appropriately secured, it is not expected that matters regarding graffiti and vandalism will be minimal.

6.14. Suitability of the Site for Development

The subject land has been developed for the purposes of a school and the construction of new classroom buildings is consistent with the existing operation and use of the site for this purpose. The subject land is therefore considered to be suitable for the proposed use and is in the public interest.

6.15. The Public Interest

The public interest is a broad consideration relating to many issues and is not limited to any one particular issue. Taking into account the full range of matters for consideration under Section 4.15C of the Environmental Planning and Assessment 1979 (as discussed within this report), it is considered that approval of the application is consistent with the public interest.

The development of land in an orderly and economic way is in the public interest.

6. Conclusion

The Development Application seeks consent for the construction of three (3) new school buildings at Lot 71 in DP1048990 and addressed as 421 Elizabeth Mitchell Drive, Thurgoona, which is more commonly known as the Trinity Anglican College Campus Thurgoona.

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts. Specifically, the development represents a high quality development that will provide an important service for the community.

Having regard for the content of this report, the proposal deserves the support of Council because:

- it is consistent with the relevant environmental planning instruments and development control plan;
- it proposes new ancillary educational buildings within an established school site;
- it will provide a high standard of amenity and will integrate with the other buildings on-site and will not adversely affect any adjoining residential properties;
- it will not create any adverse environmental or social impacts;
- it appropriately manages the bushfire risk and is located outside of the Asset Protection Zone that has been established around the site; and
- it will have no detrimental impact upon the function of existing services or essential infrastructure.

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by Council.

Appendix A: Quantity Surveyors Report

Appendix B: Architectural Plans

Appendix C: Landscape Plan

Appendix D: Bushfire Risk Assessment

Appendix E: Traffic Impact Assessment

Appendix F: Flora and Fauna Assessment

Appendix G: Design Quality Principles in Schools

Table 5 – Compliance Table for Design Quality Principles in Schools

Principle	Compliance	Comment
Principle 1 – Context, built form and landscape		
<p>Schools should be 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>	Complies	<p>The proposed new school buildings achieve the requirements of this principle as they respond and enhance the visual appearance of the existing school through the construction of new high quality designs.</p> <p>The location of the proposed buildings have been informed via the preparation of a detailed site master plan, which has reviewed the existing conditions on-site and plans for the future long term growth of the school, as well reinforcing the functions of the existing school (junior school, senior school, community).</p> <p>The new buildings seek to rationalise and improve existing facilities as part of a long term objective to replace the older transportable buildings contained on-site with new purpose-built buildings consistent with current day standards.</p> <p>New landscaping works are proposed as part of the development, which will further enhance and soften the overall appearance of the school. Where possible, these will consist of local native species.</p> <p>It is noted that the subject land does not represent a scenic protection area, or any other site of environmental, cultural or other social significance. Similarly, the works are well setback from the adjoining boundaries and will not reduce the visual amenity of adjoining residential neighbours.</p>

Principle	Compliance	Comment
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>	Complies	<p>The proposed school buildings have been designed to achieve environmental sustainability as they will incorporate passive solar design and where possible have been orientated to face north.</p> <p>The buildings incorporate large eaves for sun shading and will also utilise energy efficient fittings and fixtures, as well as water efficient fittings.</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>	Complies	<p>The existing Trinity Anglican College campus already achieves this requirement as it provides easy way finding throughout the site via a series of connected pedestrian pathways and footpaths. These pathways are all at grade and each building achieves disability access requirement standards.</p> <p>Directional signage is located within the campus site to also help persons navigate the site.</p> <p>One of the key cornerstones of Trinity Anglican College is to foster an inclusive school environment that is focussed on community. To achieve this goal, the school currently already allows community use of several of its facilities including the existing sports stadium. As part of the proposed new</p>

Principle	Compliance	Comment
		<p>works, this access will also be extended to the proposed music and drama building and outdoor multi-purpose courts. Opportunities also exist in the future to allow access to playing fields and ovals by the community as part of the development of the northern (Somerset Rise) campus site.</p> <p>It is noted however that access to these facilities is limited to times outside of normal school hours to avoid student safety and public liability concerns.</p>
Principle 4 – Health and Safety		
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.	Complies	<p>The existing school promotes health and safety via clear wayfinding within the campus site. The site also adopts Crime Prevention Through Environmental Design (CPTED) Principles as the pathways are clear, directional signage is available and there are few areas for concealment.</p> <p>The existing campus site is already enclosed by an existing 2.1 metre high security fence with limited access gates to controls ingress and egress points. Despite this, the fence integrates with the remainder of the site and the school still presents a welcoming environment through site landscaping, signage and active street frontages with buildings addressing the adjoining Elizabeth Mitchell Drive.</p>
Principle 5 – Amenity		

Principle	Compliance	Comment
<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>	Complies	<p>Trinity Anglican College already exist and the subject application is only seeking approval for the construction of several new buildings. These buildings have been located and designed to integrate with the existing development on-site and seek to improve the existing facilities for students and staff via the construction of new purpose-built buildings. The buildings themselves contain individual classrooms for one-one-one learning, but also provide communal 'break-out' spaces that can allow for collaborative learning.</p> <p>The buildings are adaptable and considered age appropriate for the different stages of childhood development and have been designed with the end user in mind in terms of thermal comfort, acoustics and usability through the location and placement of rooms, provision of supportive facilities and amenities (toilets), as well as access (stairs and lifts).</p> <p>Similarly, the buildings have been well setback from the adjoining property boundaries, particularly to the south so as to minimise impacts on adjoining residential neighbours. Furthermore, the buildings are of a high quality design and will improve the overall visual appearance of the school.</p> <p>The subject land does not adjoin any rail corridors or highways. Although the subject land does adjoin Elizabeth Mitchell Drive, which is a Collector Road, the proposed K-2 building is still well setback from and will be screened and separated by existing roadside vegetation.</p>
Principle 6 – Whole of life, flexible and adaptive		

Principle	Compliance	Comment
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.	Complies	<p>The subject works have been proposed in response to a master plan that has recently been prepared for the site. The preparation of this plan will result in a more holistic/strategic approach to development and will ensure that the school will continue to grow in a coordinated manner.</p> <p>The new buildings (namely K-12 and senior building) whilst purpose-built could be utilised by other year groups, which provides for flexibility in their use. Similarly, the proposed music and drama centre includes both dedicated and a multi purpose spaces, which will allow for a variety of creative based arts (music, drama and performance) and incorporates operable walls that will allow spaces to be reconfigured depending on the needs of user groups.</p> <p>Similarly, the proposed multi-purpose courts could be utilised by a variety of sports and can be utilised to suit the needs of the user via line-marking/ painting.</p>
Principle 7 – Aesthetics		
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.	Complies	<p>The subject land is located within a mixed use environment consisting of residential, education and environmental land uses. The subject land already contains existing landscaping, including a number of remnant and planted overstorey trees, which help soften and screen the development.</p> <p>Whilst it is acknowledged that the proposed works will require the removal of some of these trees, additional landscaping works are proposed to</p>

Principle	Compliance	Comment
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>compensate for these losses and improve the overall visual appearance and amenity of the site.</p> <p>More specifically, where possible these species will consist of local natives or low water/drought-tolerant species, which will be maintained ongoing.</p> <p>The proposed works represent an ongoing investment by the school to upgrade and improve existing staff and student facilities for their ongoing benefit.</p>

Appendix H: Planning Compliance Tables

Table 6 – DCP Compliance Table for Part 5 Tree Preservation

Standard	Compliance	Comment
5.2 General Vegetation Protection		
<p>Development consent is required to clear vegetation:</p> <p>a) to enable a use of land or other development for which development consent is required; or</p> <p>b) is a heritage item or in a heritage conservation area, or Aboriginal object or in an Aboriginal place of heritage significance.</p>	Complies	Noted, the application seeks development consent.
Control i. (b) does not apply if the criteria in Clause 5.10 (3) of the Albury LEP 2010 are satisfied	Not applicable	The property is not a heritage item.
<p>A permit is required to clear vegetation that is:</p> <p>a) a tree 3 metres or more in height and with a trunk circumference of 300mm or more at 1.3 metres above ground level;</p> <p>b) native vegetation in specified areas or identified on the Extant Vegetation DCP Map;</p>	Complies	Noted, the application seeks development consent.

Standard	Compliance	Comment
<p>c) located within 100 metres of the Murray River or within 40 metres of the Murray River on R5 – Large Lot Residential zone or urban release areas; or</p> <p>d) listed on the Significant Tree Register.</p>		
<p>A permit is not required for the following exemptions:</p> <p>a) clearing vegetation, where Council is satisfied, that it is,</p> <ul style="list-style-type: none"> • an imminent risk to human life or property; or • dying or dead and is not required as the habitat of native animals; or • for traditional Aboriginal cultural activity, other than a commercial activity; <p>b) tree pruning that does not exceed 10% of the canopy every three years and in accordance with the Australian Standard – Pruning of Amenity Trees (AS 4373-2007);</p> <p>c) clearing of environmental weeds on the Exempt Species List in Section 5.4 of this DCP, except for Section 5.2 Control i. b) or Section 5.2 Control iii. c) or d);</p> <p>d) clearing of non-native fruit or nut producing trees, except for Control i. b);</p>	Not applicable	The proposed tree removal works are not exempt development.

Standard	Compliance	Comment
<p>e) mowing or slashing native grass for maintenance only, provided that the grass is:</p> <ul style="list-style-type: none"> • located within a landscaped area associated with a dwelling; and • maintained at a height of at least 10 centimetres above ground level; <p>f) clearing of vegetation authorised under other legislation, for example,;</p> <ul style="list-style-type: none"> • allowable activities for agricultural uses permitted with consent on land in zones R5, C2, C3, and C4 under Schedule 5A or in rural areas Part 5A of the Local Land Services Act 2013; • Land Management Native Vegetation Code 2018; • 10/50 clearing Rural Fires Act 1997; • Electricity Supply Act 1995; • Exempt and Complying Development Code 2008. 		
<p>Clearing of vegetation must not result in increased erosion or sedimentation by leaving exposed soil within 40 metres of a watercourse.</p>	Complies	All disturbed areas will be stabilised and top dressed following construction works.

Standard	Compliance	Comment
<p>Development applications are to include a Landscape Concept Plan for the following proposals:</p> <p>a) three or more dwellings;</p> <p>b) four or more allotments in residential zones;</p> <p>c) commercial or industrial zoned development sites proposing landscaped areas; or</p> <p>d) where required by another Part of this DCP.</p>	Complies	A landscape concept plan is incorporated into the overall master plan and building design and is attached with this application.
A development application or permit application to clear vegetation (10 trees or greater) is to include a Vegetation Management Plan.	Complies	A Flora and Fauna Assessment (consistent with a VMP) has been prepared and accompanies this report.
5.2.1 Specified Areas	Not applicable	N/A
5.3 Biodiversity Certification Exclusion Areas	Not applicable	N/A
5.3.1 Biodiversity Offset Scheme	Not applicable	N/A
5.3.2 Ecological Compensation	Not applicable	N/A

Standard	Compliance	Comment
5.3.3 Land Adjacent to the Murray River	Not applicable	N/A
5.4 Exempt Species List	Not applicable	N/A
5.5 Specific Application Information		
<p>A permit application or development application to clear trees is to be accompanied by the written consent of the property owner(s) and may be required to include an arboricultural report prepared by a suitably qualified person with the following information:</p> <ul style="list-style-type: none"> a) A table indicating the location, size (height, canopy spread and trunk circumference 1.3m above ground level), hollows, species, health, condition and estimated Useful Life Expectancy (ULE) of the trees on the site and nearby adjoining properties. b) The methodology or techniques used to conduct the assessment. c) Reasons for the clearing of vegetation. d) Any practical alternatives that have been explored prior to proposing the clearing of vegetation. e) A plan to scale that clearly illustrates the following information: 	Complies	<p>See this report and attached plans and FFA for further details.</p> <p>See response provided in Section 4.11.4 of this report for further discussion regarding the reasons for clearing and opportunities to avoid vegetation clearance.</p>

Standard	Compliance	Comment
<p>1. the location of existing and proposed development, buildings, driveways, car parking, drainage and paved areas.</p> <p>2. vegetation to be removed, retained or replaced on the site and nearby adjoining properties and the location of any hollows.</p> <p>3. where proposed development is within the Tree Protection Zone (TPZ) and/or Structural Root Zone (SRZ) of a retained tree, a section diagram is required to demonstrate the construction methodology of any proposed footings or excavation</p> <p>4. the proposed location of replacement plantings, suitable species selection, minimum container size and soil volume.</p> <p>f) Outline tree protection measures for trees and vegetation on the site and adjoining properties during the construction phase in accordance with Australian Standard – Protection of trees on development sites (AS 4970-2009).</p> <p>g) Any other supporting evidence such as photographs, a structural certificate or soil test results.</p>		

Table 7 – DCP Compliance Table for Part 6 Planning for Hazards

Standard	Compliance	Comment
6.2 Flooding		
Development consent is required for all development proposed on land that is within a 'Flood Planning Area', as identified on the Flood Planning Map (refer to Figure 6.1 – consisting of sheets 001-011). Where development is proposed within a Flood Planning Area, it shall be constructed to the 'Flood Planning Level' (being 500mm above the 1 in 100 year flood level).	Complies	A very small portion of the subject land is identified as being flood prone and the development is seeking consent. As outlined within this report, the works are well setback from this area and are located on a flood free portion of the site.
Despite control (i), a minimum floor level will not be required where a certificate from a Registered Surveyor is supplied showing that the existing ground level of the development site (disturbed area) is not less than Council's Flood Planning Level and that no excavation and/or fill is proposed as part of the development.	Not applicable	The works are located on flood free land.
Development (including the excavation and/or filling of land) will not be permitted on land that is designated by Council to be located within a 'Floodway' (refer to Figure 6.1 – consisting of sheets 001-011).	Complies	The development does not involve works within a floodway.
Council will not issue an Occupation Certificate for a building that is subject to a minimum floor level unless a Registered Surveyor has certified the floor level.	Not applicable	The works are located on flood free land.

For areas North of the levee bank system, and between Macauley Street and the Railway Drain and between Nurigong and Hume Streets, the minimum floor level of a new building is to be at least 300mm above the 1 in 100 year flood level. The South Albury Flood Referral Area can be seen in Figure 6.1 of this Part.	Not applicable	The subject land is not located within South Albury.
Alterations and additions to existing buildings in 'Low Hazard Mainstream Flooding Areas' (as defined in Figure 6.1) with a maximum floor area of 40m ² in size, may be carried out at the same floor level as the existing building.	Not applicable	The development does not relate to an existing building.
Alterations and additions which are greater than 40m ² in size in Low Hazard Mainstream Flooding Areas, or are located in High Hazard Mainstream Flooding Area are to comply with the minimum floor level requirements outlined in (i) above.	Not applicable	The development does not relate to an existing building.
Despite controls (i) to (vii) above, minimum floor levels are not required for "non-habitable structures or buildings" where they are constructed of flood compatible materials and all electrical fixtures and fittings are installed above the Flood Planning Level. Alternatively, this requirement may be waived by the submission of a flood calculation damages report with the application that accurately estimates what the cost of flooding would be compared to the cost of applying the control.	Noted	Noted, refer to commentary and responses above.
6.3 Contaminated Land	Complies	The subject land is not known to be contaminated given its ongoing use as a school. See response to Chapter 2 of SEPP Resilience and Hazards (former SEPP 55).

6.4 Bushfire		
i. Applicants seeking consent for subdivision and development on bushfire prone land shall ensure that the requirements of <i>Planning for Bushfire Protection</i> , NSW Rural Fire Service 2006 has been satisfied.	Complies	A Bush Fire Risk Assessment has been prepared in accordance with <i>Planning for Bushfire Protection Guidelines 2019</i> and accompanies this application (see Appendix D). The assessment determines the level of bushfire risk and concludes that the works are satisfactory using a performance based approach.
ii. Applications for consent shall contain sufficient information to demonstrate how these requirements have been satisfied.	Complies	As discussed, a Bush Fire Risk Assessment accompanies this application and addresses the relevant requirements of <i>Planning for Bushfire Protection Guidelines 2019</i> .
iii. Council may consult with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to subdivision or development to protect persons, property and the environment from any danger that may arise from a bushfire.	Complies	The application relates to a Special Fire Protection Purpose and the application will be referred to the NSW Rural Fire Service as Integrated Development.
iv. A Bushfire Safety Authority shall be obtained separately from the Commissioner of the NSW Rural Fire Service for the following: <ul style="list-style-type: none"> ▪ Subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes. ▪ Development of bushfire prone land for a special fire protection purpose. 	Complies	This application is an Integrated Development Application, which concurrently seeks a Bushfire Safety Authority under Section 100B(1)(a) of the <i>Rural Fires Act 1997</i> .
v. The following bushfire hazard reduction work is permitted by Council without seeking development consent: <ul style="list-style-type: none"> ▪ Emergency bush fire hazard reduction work on any land. ▪ Managed bushfire hazard reduction work on land other than E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living Zones. 	Not applicable	None required.

Table 8 Part 10, Division H cl. 2 – Non-residential development in residential zones

Design Element	Guidelines	Compliance	Comment
a. Site Planning			
<p>Minimum landscaped area</p> <p>Min. width of landscaped areas (to count as part of min. landscaped area).</p> <p>Min. proportion of the primary street setback to be landscaped area.</p>	<p>30% of the lot area</p> <p>1 m.</p> <p>25%.</p>	Complies	<p>The proposed development achieves the minimum landscaped area requirement as school will retain a landscaped area of more than 30% when considering existing playing fields and formal landscaped areas.</p> <p>Similarly, the front setback of the existing school site is landscaped.</p>
Development on a battle-axe lot.	<p>Development guided by this clause is not favoured on a battle-axe lot, unless:</p> <ul style="list-style-type: none"> ▪ The lot adjoins or has an outlook to public open space or another type of public reserve, or land in an environmental protection zone, and, ▪ Access to the lot is suitable for the development. 	Not applicable	The subject site is not a battle-axe Lot.

Design Element	Guidelines	Compliance	Comment
Max. basement area	Within applicable building setbacks.	Not applicable	The development does not have a basement area.
b. Building Height			
Max. no. of storeys	2	Complies	The development does not exceed 2 storeys in height.
Max. no. of storeys in the rear 40% of a lot, measured as a percentage of the average length of the two side boundaries.	1	Complies	No development is proposed in the rear portion of the site.
Earthworks, retaining walls & related structures.	<p>Development is to be stepped to align as closely as possible with the slope of the lot.</p> <p>Earthworks and related structures are not to result in finished ground levels that differ by more than 600mm from existing ground levels at any boundary with adjoining land.</p> <p>If the lot was benched when the land was subdivided, earthworks and related</p>	Complies	<p>There will be no adverse impacts resulting from earthworks and/or related structures on adjoining land, resident-amenity, streetscape or the character of the locality given the relatively flat topography of the land.</p> <p>No retaining walls are required to be constructed.</p>

Design Element	Guidelines	Compliance	Comment
	<p>structures are not to further increase or decrease finished ground levels at any boundary with adjoining land.</p> <p>All earthworks and related structures are to be properly drained and not direct surface water onto adjoining land.</p> <p>Structures related to earthworks that differ by more than 600mm from existing ground levels, including any retaining, drainage works or other works, are to be designed by a suitably qualified and experienced engineer.</p> <p>Appropriate construction techniques, including minimising removal of vegetation where possible, are to be implemented to assist in erosion and sediment control during and post construction.</p> <p>An erosion and sediment control plan is to be submitted with a development application, except when development does not involve soil disturbance or when soil disturbance is insignificant.</p>		

Design Element	Guidelines	Compliance	Comment
c. Setbacks			
Min. primary street setback.	<p>Average setback of the two buildings closest to the lot, in the same street and on the same side of the street.</p> <p>4m when averaging as set out above is impractical.</p>	Complies	There is no established average front setback in the area and the development proposes a front setback greater than 4 metres to the adjoining Elizabeth Mitchell Drive.
Min. secondary street setback on a corner lot	50% of the primary road setback.	Not applicable	The subject land is not located on a corner.
Min. side setback	<p>0.9m, when building height closest to the boundary does not exceed 4.5m.</p> <p>1.5m, when building height closest to the boundary exceeds 4.5m.</p> <p>Side setbacks may be less than specified above, to boundaries of a lot that adjoins land in a Business or an Industrial zone.</p>	Complies	Complies, the proposed building is setback over 30 metres from the closest property boundary, which far exceeds this requirement.

Design Element	Guidelines	Compliance	Comment
Min. rear setback.	<p>3m, when building height closest to the boundary does not exceed 4.5m.</p> <p>6m, when building height closest to the boundary exceeds 4.5m.</p>	Complies	The buildings are setback a minimum of 30 metres from the closest property boundary.
Min. garage setback from a rear lane.	<p>0m, provided there is adequate area for access into and egress from a garage.</p> <p>Entry to and exit from a garage is to be demonstrated by plans of swept paths of vehicles, if required.</p>	Not applicable	Not applicable
Exceptions to the primary street setback.	<p>In areas undergoing change in their character due to various circumstances (e.g. a change in zoning or land economics), a site and context analysis is to be carried out</p> <p>to establish an appropriate setback to the street, when an exception is sought to the primary street setback.</p> <p>Applicants are to consult with Council regarding the appropriate application of</p>	Not applicable	Not applicable

Design Element	Guidelines	Compliance	Comment
	this guideline when preparing a development application.		
Other exceptions to setbacks.	<p>450mm is the minimum side or rear setback for any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8m in height, or any other structure, installation or appliance associated with the provision of a utility service.</p> <p>Side or rear setbacks do not apply to fences, fascias, gutters, downpipes, light fittings, electricity or gas meters, driveways, open carports, paths or paving.</p> <p>Setbacks from streets and lanes do not apply to driveways, fences, paths, or retaining walls.</p>	Not applicable	Not applicable.

d. Character & Public Domain

Design Element	Guidelines	Compliance	Comment
Character	The building is designed to be compatible with the streetscape and character of the locality.	Complies	<p>The buildings whilst two storeys in height are generally compatible with the streetscape character of the area and will create visual interest.</p> <p>The proposed works are well separated from adjoining residential uses and provide a high quality of design through the use of varying materials, articulation and associated landscaping.</p>
Design, massing & articulation.	<p>Massing and articulation are to reduce apparent scale and bulk and create visually interesting buildings.</p> <p>Materials, textures and colours are to complement the massing and design of the building.</p> <p>Buildings are to be suitably articulated using harmonious architectural elements in the design, such as verandahs, porticos, awnings, bay windows, balconies or terraces. Elements such as these may be forward of the primary street setback.</p>	Complies	<p>The proposed school buildings have been architecturally designed with a high degree of articulation and fenestration. This includes the use of varying materials and finishes, covered awnings and porticos, as well as the use of skillion roofs to reduce building bulk and height.</p> <p>All infrastructure and services associated with the development have been integrated into the overall design and appearance of the works.</p>

Design Element	Guidelines	Compliance	Comment
	<p>Simple roof forms are to be designed to complement other building elements and minimise bulk and scale of the building.</p> <p>Roof forms are to be compatible with those of nearby buildings.</p> <p>Infrastructure and services are to be integrated into to the development's design or screened.</p>		
Community safety & surveillance.	<p>Principal pedestrian entries are to address, be readily identifiable and directly accessible from the street.</p> <p>Principal pedestrian entries are not to be from a lane.</p> <p>When a building façade faces a reserve or other element of the public domain, that façade is to include windows and/or doors to address that reserve or other element of the public domain.</p> <p>Fencing and landscaping are not to unacceptably diminish informal surveillance of the public domain.</p>	Complies	<p>The proposed building entries will be readily identifiable and will address the internal pathway network. This area will be open, well-lit and readily observable from a crime risk perspective.</p> <p>The buildings have been orientated and designed to address all adjoining roadways with all landscaping works incorporated into the design, whilst not creating opportunities for concealment or crime potential. Security fencing already exists on-site and will ensure site security.</p>

Design Element	Guidelines	Compliance	Comment
Signage	Relevant provisions of SEPP 64 are adopted for design guidance of advertising structures and signs.	Complies	The proposed signage is considered small scale in the overall context of the development and is limited to a school logo on the northern elevation of the proposed music and drama building. The proposed is generally consistent with the principles and guidelines of Schedule 5 of SEPP Industry and Employment 2021.

e. Occupant & neighbour-amenity

Sunlight access	Windows and doors of habitable rooms and open space areas, if provided for occupants or visitors of the development, are to be sited and oriented to receive at least 3 hours direct sunlight between 9am and 3pm on the winter solstice.	Not applicable	The development does not contain any habitable areas. Notwithstanding, the buildings have been orientated north where possible to achieve passive solar design.
Overshadowing	<p>Proposed development must retain at least 3 hours of sunlight between 9am and 3pm on the winter solstice for existing neighbouring residential accommodation's:</p> <ul style="list-style-type: none"> ▪ Windows and doors of habitable rooms except bedrooms, ▪ At least 50% of private open space, 	Complies	The new buildings are well setback from adjoining neighbours and will retain existing solar access.

Design Element	Guidelines	Compliance	Comment
	<ul style="list-style-type: none"> ▪ Photovoltaic and solar hot water systems, and ▪ Outdoor clothes drying facilities. <p>If areas or utilities specified in the above paragraph of existing neighbouring residential accommodation receive less than</p> <p>3 hours sunlight at the time a development application is lodged for adjoining land, the amount of sunlight received is not be reduced as a result of proposed development.</p> <p>When existing neighbouring residential accommodation may have its sunlight access impacted by proposed development, a shadow diagram is to be submitted with the application for the proposed development, based on the winter solstice, in hourly intervals from 9am to 3pm.</p>		
Climate management for west-facing buildings.	Where habitable rooms face west (between north-west and south-west),	Not applicable	The development does not contain any habitable rooms. Nonetheless, development does contain incorporate west facing shade devices.

Design Element	Guidelines	Compliance	Comment
	<p>architectural elements are to be used, such as:</p> <ul style="list-style-type: none"> ▪ Extended eaves, ▪ Verandahs, ▪ External shutters or louvres, or ▪ Awnings. <p>Architectural design elements can be complemented by landscaping.</p>		
Privacy	<p>When privacy of occupants of proposed development or neighbours is likely to be affected, siting and design of the proposed development is to maintain reasonable levels of privacy.</p> <p>Principal siting and design techniques to consider and use, include:</p> <ul style="list-style-type: none"> ▪ Building orientation, ▪ Position of habitable rooms, ▪ Window size and location, ▪ Building separation and setbacks, ▪ Avoiding or minimising direct lines of sight, and 	Complies	The development does not cater for any private residents and the school buildings are well setback from adjoining residential neighbours so as to avoid overlooking or privacy concerns.

Design Element	Guidelines	Compliance	Comment
	<ul style="list-style-type: none"> Location of balconies and terraces adjacent indoor living areas. <p>When principal techniques may not maintain reasonable levels of privacy, supplementary techniques to consider and use include:</p> <ul style="list-style-type: none"> Recessed balconies or vertical fins, Solid or partially solid balustrades, Bay or pop-out windows, Planter boxes, Privacy screens, Sill heights, or Opaque window glazing. 		
Landscape design	A landscape concept plan is to be provided, prepared in accordance with Council's Engineering Guidelines Subdivisions and Development Standards.	Complies	A landscape plan has prepared and is included in Appendix C .
Safer by design	Development applications for the following developments are to be accompanied by a safer by design (crime	Complies	Refer to discussion in Section 5 for further details.

Design Element	Guidelines	Compliance	Comment
	<p>prevention through environmental design) assessment:</p> <ul style="list-style-type: none"> ▪ Childcare centres, ▪ Community facilities, ▪ Educational establishments, ▪ Health services facilities, ▪ Places of public worship, and ▪ Serviced apartments. 		
Hours of Operation	Hours of operation will be considered with regard to the site's location, access to the road network and potential to impact amenity of residents in the locality.	Complies	<p>See Section 3 for further details.</p> <p>In summary, the proposed buildings will retain the existing school hours.</p>
Noise, air & quality	<p>When there is a risk development will be impacted by a nearby source of noise or offensive or hazardous emissions to the atmosphere, the development is to be designed and sited to acceptably reduce that risk.</p> <p>When deemed necessary by Council, a noise and/or air quality impact assessment is to be submitted with a development application and the</p>	Complies	<p>The development does not generate any additional unreasonable noise, or reduced air quality. Typical construction noise emissions will be generated during construction. These noise emissions will be typical of construction, be temporary during construction phase, and not likely to adversely impact the amenity of the surrounding areas.</p> <p>Similarly, the proposed use will not be adversely affected by existing noise sources.</p>

Design Element	Guidelines	Compliance	Comment
	development's design is to adopt the recommendations of that assessment.		
Waste Management	<p>Provide bin storage in accordance with Council's kerbside requirements, in a readily accessible location for residents.</p> <p>Bins are not to be stored forward of the primary street setback, or in a location visible from the public domain.</p> <p>Construction and demolition waste is to be managed and disposed of in accordance with the requirements of Council or another authority, when applicable.</p>	Complies	The subject land is already developed with existing waste management practices already established and in place. These will not change as a result of the development.
Building materials.	Reflective building materials are not to be used.	Complies	The subject development proposes a range of building materials and finishes, none of which will be reflective.
f. Boundary treatments (fences & walls)			

Design Element	Guidelines	Compliance	Comment
Max. height of a boundary treatment forward of the primary street setback.	1.2m, or 1.8m, with at least 50% being see-through.	Not applicable	No fencing or boundary wall treatments are proposed as part of the development.
Max. height of a gate, forward of the primary street setback.	As above.	Not applicable	See above for further details.
Max. height of side and rear boundary treatment behind the primary street setback.	1.8m	Not applicable	See above for further details.
Boundary treatment materials and colours.	<p>To be consistent with the materials and colours of the development on the lot and compatible with the streetscape.</p> <p>On a lot adjoining semi-rural or rural land, or land in an Environmental zone, boundary treatments on that lot are to be compatible with the character of the land adjoining the lot. Post and rail or post and wire fencing are examples of suitable fencing. Solid metal or timber</p>	Not applicable	See above for further details.

Design Element	Guidelines	Compliance	Comment
	fencing, or masonry walls are discouraged.		
g. Access & parking.			
Pedestrian access	<p>Pedestrian entries are to be clearly identifiable and visible from the street.</p> <p>Entries are to provide direct access to letter boxes.</p> <p>Entries and paths from the street are to be suitably lit at night.</p>	Complies	The primary pedestrian entries have been orientated and designed to address the internal footpath network.
Min. no parking spaces.	Specified by Part 17.	Complies	The proposed development complies with the car parking requirements of Part 17 of the DCP. See enclosed TIA for further details.
Internal access design.	Internal access design is to consider and be based on a combination of these principles:	Not applicable	Not applicable.

Design Element	Guidelines	Compliance	Comment
	<ul style="list-style-type: none"> ▪ Avoid unrelieved, long, straight driveways that are visually dominant. ▪ Vary the alignment of driveways to avoid a 'gun-barrel' effect'. ▪ Set back parking areas and garages behind the predominant primary street setback to reduce their visibility from the street ▪ Avoid driveways running the length of the site. ▪ Minimise the impact of driveways on streetscape. ▪ Terminating vistas with trees, vegetation, open space or a building, not garages or parking. ▪ Use planting to soften driveway edges ▪ Varying the driveway surface material to break it up into series of smaller spaces. ▪ Limiting driveway widths on narrow sites to single vehicle width with passing bays when required. 		
h. Utility infrastructure			

Design Element	Guidelines	Compliance	Comment
Access to the development and associated road works.	<p>Access to the development and associated road works are consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.</p> <p>On bush fire prone land, access is provided in accordance with RFS guidelines.</p>	Complies	<p>The site is located in an established urban area with access to established sealed and drained roads. As part of the proposed works, the existing southern driveway will be upgraded in accordance with Council's engineering design requirements.</p> <p>Access arrangement will comply with the requirements for Planning for Bushfire Protection Guidelines 2019.</p>
Water and sewer supply.	<p>If required, arrangements are made with Council, the water and sewer authority, for provision of water and sewer services.</p> <p>Such arrangements are consistent with Council's Engineering Guidelines for Subdivisions and Development Standards.</p> <p>On bush fire prone land, water supply is provided in accordance with RFS guidelines.</p>	Complies	<p>The site is located in an established urban area with connection to existing reticulated water and sewer infrastructure. Applicable approvals will be obtained under the LG Act as required.</p> <p>Utility arrangements are already established and comply with the provisions of Planning for Bushfire Protection Guidelines 2019.</p>

Design Element	Guidelines	Compliance	Comment
Stormwater management.	A stormwater management concept plan is to be submitted with a development application.	Variation sought	<p>A concept stormwater management plan has not been prepared as part of the subject application and a variation is sought seeking the provision of this plan prior to the issue of a construction certificate.</p> <p>This is considered satisfactory in this instance as the site is located in an established urban area with connection to existing stormwater. Similarly, the site is developed and is already connected to Council's stormwater network.</p>
Electricity, gas and telecommunications services.	Evidence is provided to Council, that these services are available, before issue of an occupation certificate.	Complies	The site is located in an established urban area with existing access to electricity, gas and telecommunications services.

Table 9 Part 16: Outdoor Advertising DCP Compliance Table

Standard	Complies	Comment
16.2 Design Principles for Advertisements and Signage		
16.2.1 Design Principles		
<p>Communication of information to the public</p> <p>Advertisements and signage are to provide a clear, well communicated, uncluttered, organised level of identification to businesses and other facilities.</p> <p>Generally one or a few, clear, suitably sized advertisements and signage on a property are preferred rather than a multitude of small signs.</p> <p>It is noted that information conveyed in an organised and coordinated manner can be processed easier, causing less confusion, reducing visual distraction and minimising the risk of traffic hazard.</p>	Complies	<p>The development proposes a small school logo on the northern side of the proposed music and drama centre as per the enclosed architectural plans.</p> <p>This sign will be integrated into the overall design of the building and will not create visual clutter.</p>
<p>Visual impact</p> <p>Advertisements and signage need to enhance the architectural and landscape presentation of the building and be proportional in scale to the building or space within which they are located.</p>	Complies	<p>The proposed logo is generally consistent with these requirements as outlined below:</p> <ul style="list-style-type: none"> ▪ The proposed sign is proportional to the size and scale of the music and drama building and will help break up an otherwise blank section of wall.

Standard	Complies	Comment
<p>Advertisements and signage need to be compatible with the existing or desired future character of the area in which it is proposed to be located and be of a colour, scale, design and position that compliments and integrates with the building design to which it is attached. This includes the painting of buildings and other corporate signage with colour schemes that would detract from its surrounds.</p> <p>Advertisements and signage shall not adversely impact on heritage buildings or obscure the view of attractive landscapes, streetscapes, or significant buildings.</p> <p>Advertisements and signage shall minimise any cumulative impacts on the character of an area or route.</p>		<ul style="list-style-type: none"> ▪ The proposed sign is consistent with other small scale signage already erected on-site. ▪ The sign does not address residential dwellings and is largely internally located. ▪ The subject land is not a heritage item or located within a heritage conservation area; ▪ The proposal will not create any cumulative impacts.
<p>16.2.2 Public Safety</p>		
<p>Principles</p> <p>Advertisements and signage can not adversely impact on the safety and security of pedestrians, motorists or the general public.</p> <p>Advertisements and signage can not cause a hazard to the health and safety of the general public.</p>	Complies	<p>The proposed sign will not cause pedestrian, cyclist or vehicle safety concerns and will be wholly contained within the confines of the property boundary of the subject site.</p>

Standard	Complies	Comment
Advertisements and signage can not cause excessive glare, compete with existing road signs, obscure views of pedestrians and drivers, or lead to the physical obstruction of footpaths or thoroughfares.		
16.3 Advertisements that do not require Development Consent		
Advertisements and associated structures that fully satisfy the conditions of Schedule 2 of the LEP as duplicated in Table 16.1 are exempt from the requirement for development consent.	Complies	The proposed sign/logo is likely exempt, but has been included in the subject application for the sake of completeness.
Advertisements and associated structures that do not fully satisfy the conditions of Schedule 2 of the LEP as duplicated in Table 16.1 below shall be subject to development consent in accordance with the provisions of <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> .	Complies	An assessment of the proposal against former SEPP 64 has been provided previously in this report.
16.4 Advertisements that do require Development Consent		
All advertisements and signage that do not fully satisfy the conditions of Schedule 2 of the LEP as duplicated in Table 16.1 or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> require development consent.	Complies	Development consent is being sought for the proposed sign. This report has been prepared in support of this application.

Standard	Complies	Comment
All advertisements and signage that do require development consent will be considered against the design principles outlined in Section 16.2 and in accordance with the provisions of <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> .	Complies	The proposed signage complies with the design principles outlined in Section 16.2 and the former SEPP 64 as outlined earlier in this report.
16.5 Outdoor Advertisements that will not be Permitted		
<p>The following signs will not be permitted by the Council due to their impact upon the skyline and streetscape, and include:</p> <ul style="list-style-type: none"> i. Roof signs or sky signs. ii. The use of neon, flashing, reflectorised or glitter type signs on the exterior of buildings or where they are located internally but visible from the outside. iii. A frame signs attached to the roof or awning. iv. Pole/pylon signs above 8 metres in height. v. Banner signs – unless installed on purpose built structures erected by the Council. vi. Inflated balloon, animal or figure signs – particularly those located above roof level or upon awnings/verandah roofs. vii. Projecting wall signs and on-awning signs. viii. Animated signs in areas other than Industrial Zones. 	Not applicable	The proposed signage is not a type classified in this Section and accordingly development consent is being sought.

Standard	Complies	Comment
<p>ix. Signs which are likely to affect the amenity of an area by way of visual intrusion, clutter, illumination, safety (including competition with road signs), distraction to motorists, unacceptable language, symbols or pictures.</p> <p>x. Signs (particularly free standing signs) whose primary purpose is to advertise to persons and motorists using the SP2 Infrastructure (Transport Infrastructure) Zone, despite being located on adjoining and/or adjacent land within another zone.</p> <p>xi. Signs made of canvas, calico or the like (other than a temporary sign).</p> <p>xii. Billboards.</p> <p>xiii. Promotional Signs (of a temporary nature e.g. posters) attached directly onto walls, hoardings, roof structures, trees or any street furniture.</p> <p>xiv. Signs mounted on vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle is not for the transportation of goods or people but is parked in a location and position as an advertising medium.</p> <p>xv. A-frame or sandwich board signs (except where approval has been granted under Council's Street and Outdoor Activities Policy).</p> <p>xvi. Signs that do not relate to the lawfully business on-site.</p> <p>xvii. Signs of a height greater than 1.8 metres within residential zones.</p>		

Standard	Complies	Comment
xviii. Advertisements and advertising structures that do not complement natural features and result in the trimming and lopping of significant trees.		
xix. Corporate signage of a colour inconsistent with the surrounding buildings that would detract from the streetscape (this includes the painting of a building).		

Table 10 Part 17: Off-Street Car Parking DCP Compliance Table

Control	Compliance	Comment
17.2 Parking Provisions by Land Use		
Car parking spaces are to be provided in accordance with the standards set out in Table 17.1. For land uses not specifically listed, the car parking must be provided as per the most similar use of equivalent intensity, or otherwise in accordance with the requirements of the Council and/or RTA (whichever is the greater).	Complies	The development achieves the car parking requirements outlined in Chapter 17 based on a per person basis. Refer to the Traffic Impact Assessment and Section 5 of this report for further details.
Where a combination of uses is intended, the total parking requirements shall be the sum of the requirements for the various uses. This may be reduced at the Council's discretion in cases where the proponent can demonstrate that the lesser amount will satisfy the expected demand.	Not applicable	A combination of uses is not proposed.
17.3 Car Parking Controls		
17.3.1 Car Parking Design		

Control	Compliance	Comment
Access, car bay dimensions and orientation, and aisle width must comply with requirements for car parking areas contained in Austroads Guide to Traffic Management; Part 11: Parking.	Complies	The access, car bay dimensions and orientation comply with Austroads guides.
All Car parking areas are to be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops compliant with the requirements contained in the <i>AlburyCity Engineering Guidelines for Subdivisions and Development Standards</i> and the <i>Austroads Guide to Traffic Management; Part 11: Parking</i> .	Complies	The subject development will provide all car park areas with relevant finishes, internal drainage systems, line marking, kerbing, dividers and wheel stops where required.
Appropriate landscaping which responds to the site conditions and surrounding context, particularly the transition between public and private spaces must be provided on-site. Landscaping shall include trees that provide shade, but do not have a growth characteristic that sheds limbs or significant fruit or nuts.	Complies	The development provides appropriate landscaping to respond to the site conditions and carparking proposed.

Control	Compliance	Comment
Pedestrian and vehicular connections with adjacent public roads and footpaths, and other adjacent private car parking areas shall ensure integration of vehicle and pedestrian configurations and movement patterns.	Complies	The development has been designed to integrate and improve the vehicular connection and access arrangements on-site via the construction of purpose build bus bays. Furthermore, appropriate on site treatments already exist to ensure pedestrian and cyclists movement is protected and identified clearly.
Car parking entrances shall be located in consultation with AlburyCity staff, to ensure the safe and efficient integration with the local road network, and shall be configured and signposted, containing adequate site lines as outlined in Austroads Guide to Traffic Management; Part 11: Parking.	Complies	The development will comply with this requirement.
17.3.2 Disabled Persons Parking		
Disabled persons parking spaces are to be provided at the rate of 1 space (minimum) for all development/s and an additional 1 space per 33 spaces or part thereof.	Complies	Accessible spaces will be provided at the required rate.
The spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.	Complies	The spaces are provided as close to the building entrance as possible and are provided with an accessible path of travel.

Control	Compliance	Comment
Disabled spaces shall be in accordance with the design and dimensions required by the relevant current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.	Complies	Parking spaces will be constructed in accordance with requirements of AS2890.6
Disabled spaces should be indicated by a permanent sign as specified in Australian Standard AS 1428.1 – (General Requirements for Access – Buildings).	Complies	Parking spaces will be constructed in accordance with requirements of AS1428.1
Disabled parking spaces are to be constructed in accordance with the minimum dimensions provided in AS2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities. This includes a clear space, which may be shared, of minimum dimension 5.4 metres long by 2.4 metres wide adjacent to every dedicated space.	Complies	Parking spaces will be constructed in accordance with requirements of AS2890.6
17.3.3 Bicycle Racks and Motorcycle Parking Spaces		

Control	Compliance	Comment
Car parks with 30 or more spaces are to provide 1 bicycle rack space for each 10 spaces.	Complies	<p>Bicycle racks have already been established as part of the current development of the school campus. Specifically, this includes three bike racks located behind the COLA change rooms and in front of the uniform shop. Each of these racks accommodates six bikes.</p> <p>The development requires the provision of approximately 180 car parking spaces. Based on the requirements of the DCP, this would require the provision of 18 bike spaces, which the development currently already achieves.</p>
Car parks with 30 or more spaces are to provide 1 motorcycle space per 30 car parks or part thereof.	Complies	Whilst it is acknowledged that there is no formal motorcycle parking spaces contained on-site, given the oversupply of car parking and large nature of the site, there is ample room to park motorcycles on-site.
17.3.4 Off Street Loading Facilities		
Adequate provision is to be made within the site area for loading, unloading and access area facilities.	Not applicable	The development is not a commercial business.
If a building has access to a rear lane, the loading and unloading facilities are to be provided from that lane unless the lane is considered inadequate for the purpose.	Not applicable	Not applicable

Control	Compliance	Comment
The dimensions of a loading bay will depend upon the vehicles to be accommodated. The minimum dimensions should be 4 metres x 9 metres and 3.8 metres high clear of all obstructions.	Not applicable	None required.
Design of off-street parking facilities for commercial vehicles shall have regard to the current <i>Australian Standard AS 2890.2 – (Commercial Vehicle Facilities)</i> published 1989.	Noted	Commercial vehicles are not proposed to be parked on site.
Provision should be made in the design of loading bays so that delivery vehicles do not conflict with customer traffic. These areas should be in a physically defined location that is not used for other purposes such as the storage of goods and equipment.	Complies	Service areas are not shared with car parking and therefore no conflict is expected.
Loading provisions will not apply to development being minor alterations to an existing building if, in the opinion of the Council, the size and shape of the land or the existing building render the provision of facilities impracticable.	Not applicable	Not applicable.
All service vehicles are to enter and leave a site in a forward direction.	Complies	All vehicles accessing the site can enter and exit in a forward direction.

17.3.5 Pedestrian Movements

Control	Compliance	Comment
Pedestrian safety and permeability is to be a primary consideration in the design of car parking. Aisle designs shall include obvious surface treatments, signage and other markers to ensure motorists and pedestrians understand the likely movements of both parties within car parking areas.	Complies	The majority of car parking spaces constructed on-site already exist and are provided with obvious surface treatments, signage and other markers to ensure motorists and pedestrians can interact without adverse impact on one another.
Pedestrian movements should be separated from vehicular traffic as much as physically possible. Where possible pedestrian thoroughfares within the parking area should be provided. Such areas are to be suitably integrated with the landscaping proposals for the parking area.	Complies	Pedestrian and vehicular movements will be improved as part of the proposed works as light vehicles and buses will be better separated.

17.3.6 Contributions in Lieu of Physical Provision of Car Parking

In cases of development where, off street car parking does not meet the requirements of this DCP (shortfall), or where in the opinion of the Council, the provision of off-street parking is not physically possible, and where the Council has established or proposes to establish car parking facilities in the vicinity, the Council will give consideration to the acceptance of a cash contribution in satisfaction of part, or all, of the requirements under this DCP. Where the Council agrees to accept a cash contribution under these circumstances, the amount of such contribution shall be as set by the Council in its Developer Contributions Plans.	Not applicable	The development will not create such demand that additional car parking contributions are required to be levied from Council.
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Appendix I: Geotechnical Report

Appendix J: Concept Stormwater Drainage Plan

Appendix K: Tree Removal Details
