

Panel Reference	PPSSTH-573
DA Number	DA2026/1070
LGA	Shoalhaven City Council
Proposed Development	Demolition of structures, refurbishment and upgrade of the decommissioned Shoalhaven Anglican School site for public education
Street Address	17 Croobyar Road MILTON NSW 2538 - Lot 200 DP 1192140
Applicant/Owner	Vince Marino, Minister for Education & Early Learning
Date of DA lodgement	27 January 2026
Total number of Submissions Number of Unique Objections	1 in support
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 2.19(1) and Clause 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the estimated development cost is greater than 5 million.
List of all relevant s4.15(1)(a) matters	- Environmental Planning and Assessment Act - Local Government Act - Shoalhaven Local Environmental Plan 2014 - State Environmental Planning Policy (Planning System) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Transport & Infrastructure) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Shoalhaven Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	- Architectural Plans - Civil Engineering Plans - Statement of Environmental Effects - Geotechnical Report - Waste Management Plan - Preliminary Site Investigation - CPTED Report - Traffic and Parking Assessment - BCA Capability Assessment - Arboricultural Report - Flora & Fauna Report - Acoustic Report - Accessibility Capability Statement - Bushfire Assessment Report - Landscape Plans
Clause 4.6 requests	N/A
Summary of key submissions	In support of the development but would like a footpath on the north side of Croobyar Road
Report prepared by	Anne McDonald
Report date	5 June 2026

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Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

No

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes



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Environmental Planning & Assessment Act 1979

Conflict of interest declaration

I have considered the potential for a conflict of interest under the Code of Conduct and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.

Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the Manager.

Assessing Officer	Anne McDonald	17/04/2026																																																																
Peer Review Officer	Peter Johnston	24/06/2026																																																																
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form? <i>Note: Where a pecuniary interest is identified ensure appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)</i> <i>Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.</i>	No																																																																
Delegation Level Required	Section 2.19(1) and Clause 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the estimated development cost is greater than 5 million.																																																																	
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Section 4.15 Assessment Report - DA2026/1070

Report Recommendation	Approval
Development Description	Demolition of structures, refurbishment and upgrade of the decommissioned Shoalhaven Anglican School site for public education
Variations Proposed	No Clause 4.6 requested
DA Number	DA2026/1070
PAN	PAN-607652
Property Address	17 Croobyar Road MILTON NSW 2538 - Lot 200 DP 1192140
Applicant(s)	V Marino
Owner(s)	Minister For Education & Early Learning
Owner's consent provided?	Yes
Date Lodged	27 January 2026
Date of site inspection	9/06/2026
Date clock stopped	16/03/2026
Date clock started	4/06/2026
Related Application in NSW Planning Portal?	☒ Concurrence and/or external agency referral ☐ Section 68 ☐ Section 138 ☐ Construction Certificate <i>Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.</i>
Number of submissions	One in support <i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>
Key Issues	• Traffic Impacts • Landscape Plans • Biodiversity • Contamination • Civil works internal and external to site • Noise • NCC (BCA) Compliance

Plan Version	Revisions A & B
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EXECUTIVE SUMMARY

The proposal is for the demolition of structures, refurbishment and upgrade of the decommissioned Shoalhaven Anglican School site for public education.

The subject site is legally identified as Lot 200 DP 1192140 and is known as 17 Croobyar Rd Milton. The site has a total area of 7.763ha. It has a 120m frontage to Croobyar Rd Milton, a depth of 385m, the land slopes from east to west towards a Category 3 watercourse which runs adjacent to the western boundary of the site.

Existing development comprises the recently constructed Budawang School and Budawang Early Learning Centre situated to the northeast of the development site. The site still contains several buildings that were used as part of the former Shoalhaven Anglican School campus that closed in 2016. The Department of Education purchased the site in 2018.

The site slopes from east to west, from 58m AHD at the southeast corner to 42m AHD on the western boundary. It is affected by a number of easements, including one that runs through the site which is a rising sewer main. The site is approximately 550m southeast of the Milton Town Centre and 42m to the west of the Princes Highway and Croobyar Road junction. The surrounding area is of mixed character with low density residential to the north and east, industrial development to the west and rural land to the south. Access to the site is from Croobyar Road. There is a bus stop directly opposite the site.

The site is located in the RU1 Primary Production zone pursuant to Clause 2.2 of the Shoalhaven Local Environmental Plan and Educational Establishments are permitted in the zone.

The principal planning controls relevant to the proposal include State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport & Infrastructure) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014. The proposal is generally consistent with the various provisions of the planning controls.

A referral was sent to NSW Rural Fire Service pursuant to section 100B of the Rural Fires Act 1997 as the application is integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act'). The RFS have issued a Bushfire Safety Authority and General Terms of Approval for the development.

The application was placed on public exhibition from 16 February 2026 to 18 March 2026, with one (1) submission being received in support and requesting a footpath be installed on the north side of Croobyar Road between the Princes Highway and Drury Lane opposite the subject site.

The application is referred to the Southern Regional Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clause (4) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal has an estimated development cost which is over \$5 million.

The main issues identified during the assessment process relate to the Traffic Impact Assessment Report and appropriate Landscape Plans.

The Landscape Plans have been revised to the satisfaction of Council.

Through discussions with Council's Assets Traffic Engineer and Development Engineer it has been agreed that the proposal for a raised pedestrian crossing immediately to the west of the main entrance gate is the preferred option. Conditions will be included in the consent requiring detailed design plans to be provided to Council for further assessment and construction of the pedestrian crossing within 12 months of the commencement of the use.

1. Detailed Proposal

The proposal includes:

- Demolition of seven existing buildings to provide a new car park and landscaping/arrival plaza
- Upgrade of the existing playing court to two basketball courts
- Refurbishment and upgrade of the existing Building “I” for gymnasium facilities
- Refurbishment and upgrade of existing Building “H” for VET kitchen facilities.
- Refurbishment and upgrade of existing oval to provide track and field facilities.
- Refurbishment and upgrade of existing Buildings “A” and “V” for classroom and administration use
- Ancillary landscaping, stormwater, civil and associated site works.

Table 1: Key Development Data

Control	Proposal
Site area	7.763ha
Zone	RU1 Primary Production
Clause 4.6 Requests	No
Max Height	11m
Car Parking spaces	The car park is providing 35 car parking spaces. The proposal is to bus students to and from the site and therefore the demand on car parking will be minimal.

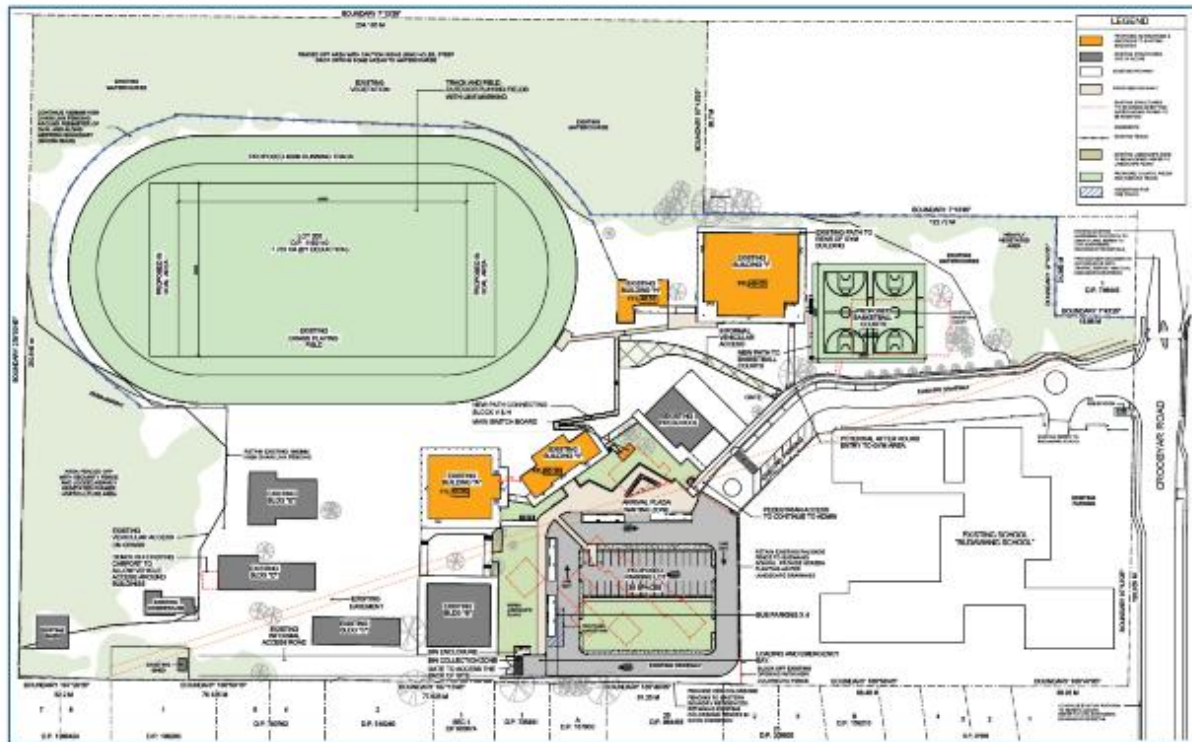


Figure 1 – Site Plan

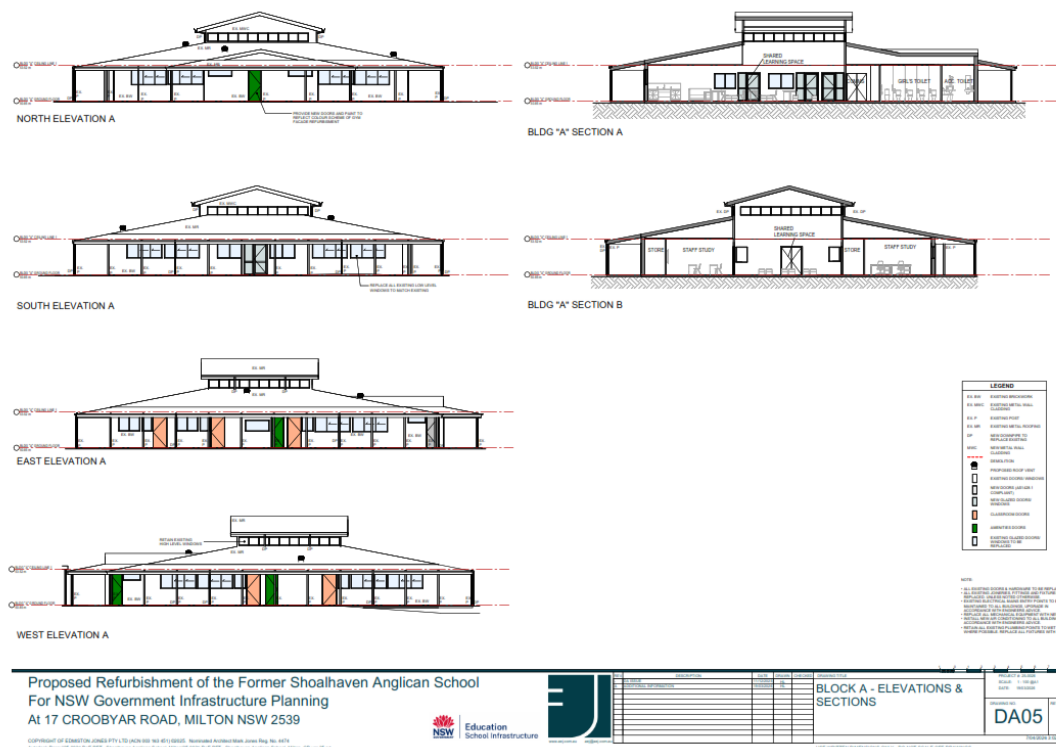


Figure 2 – Block A Elevations and Sections

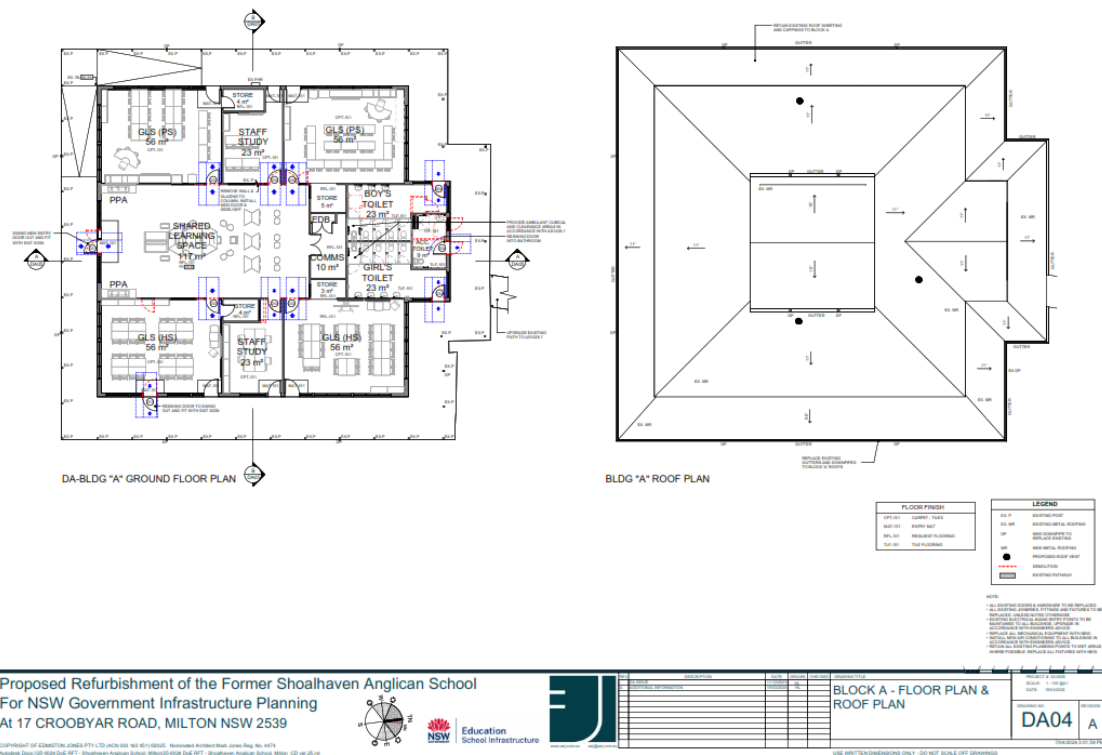


Figure 3 – Block A Floor Plan

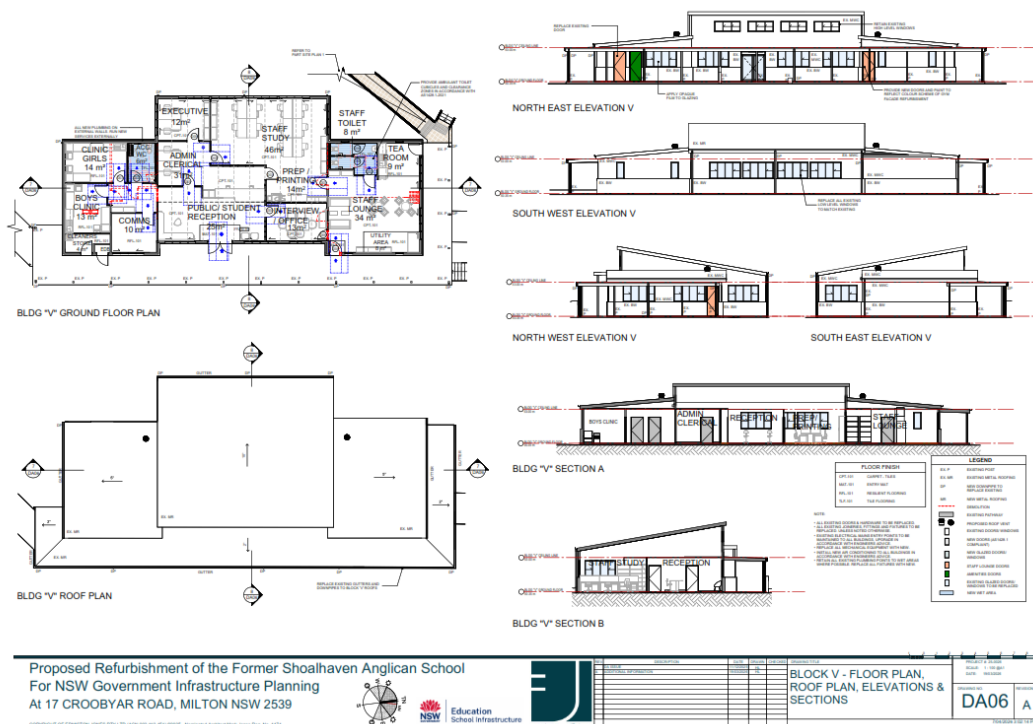


Figure 4 – Block V Floor Plan and Elevations

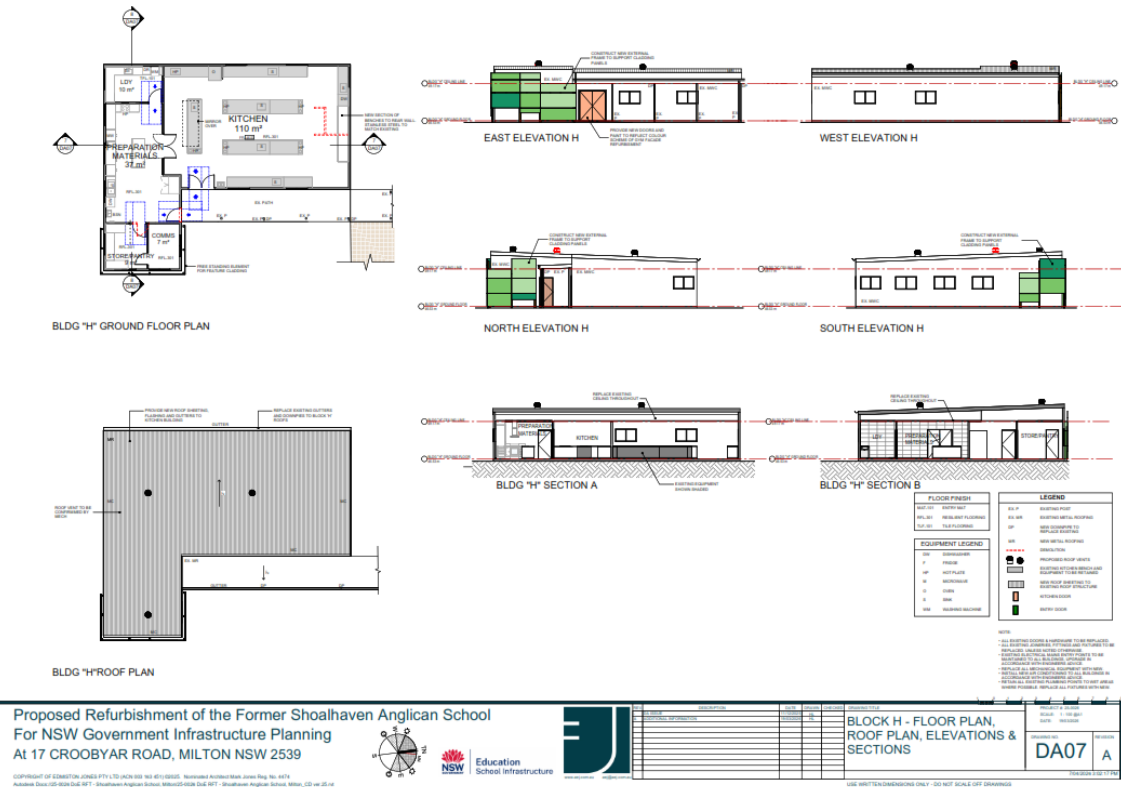


Figure 5 – Block H Floor Plan and Elevations

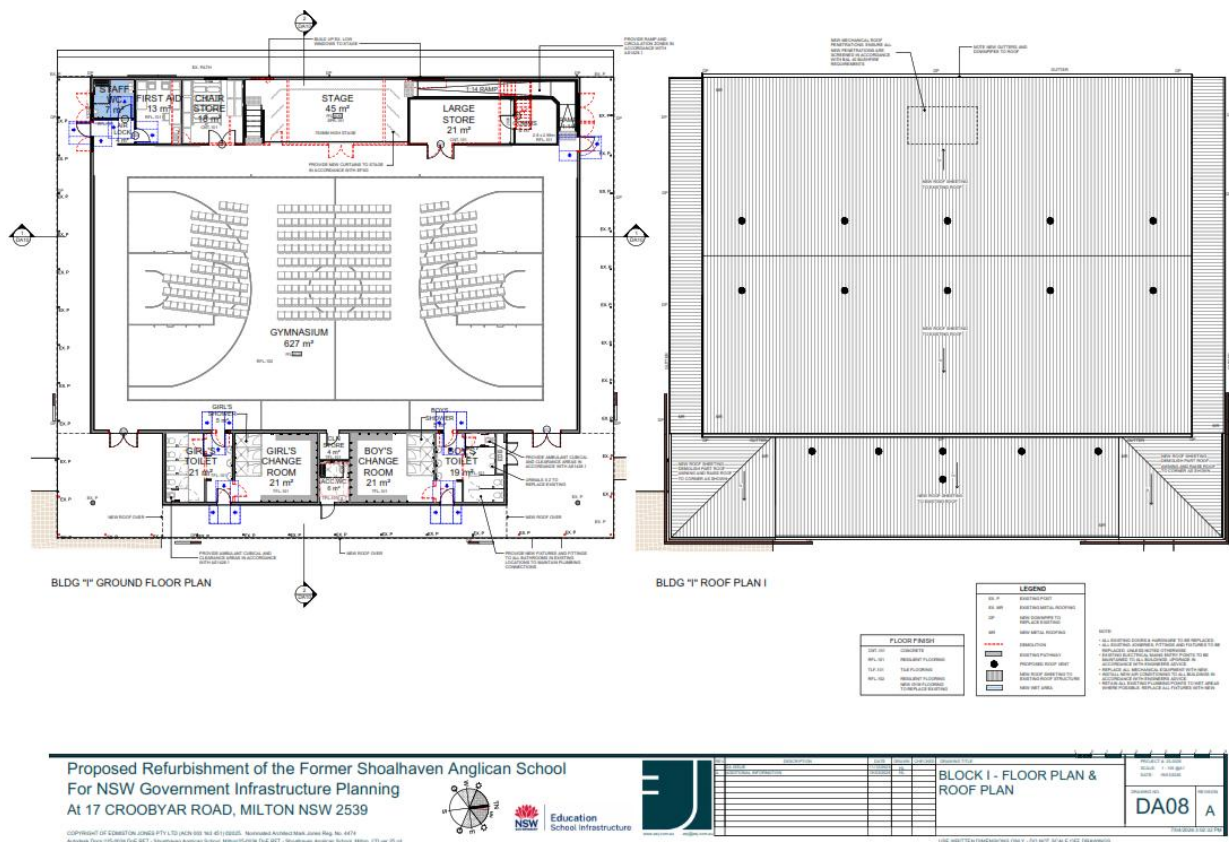


Figure 6 – Block I – Floor Plan and Roof Plan

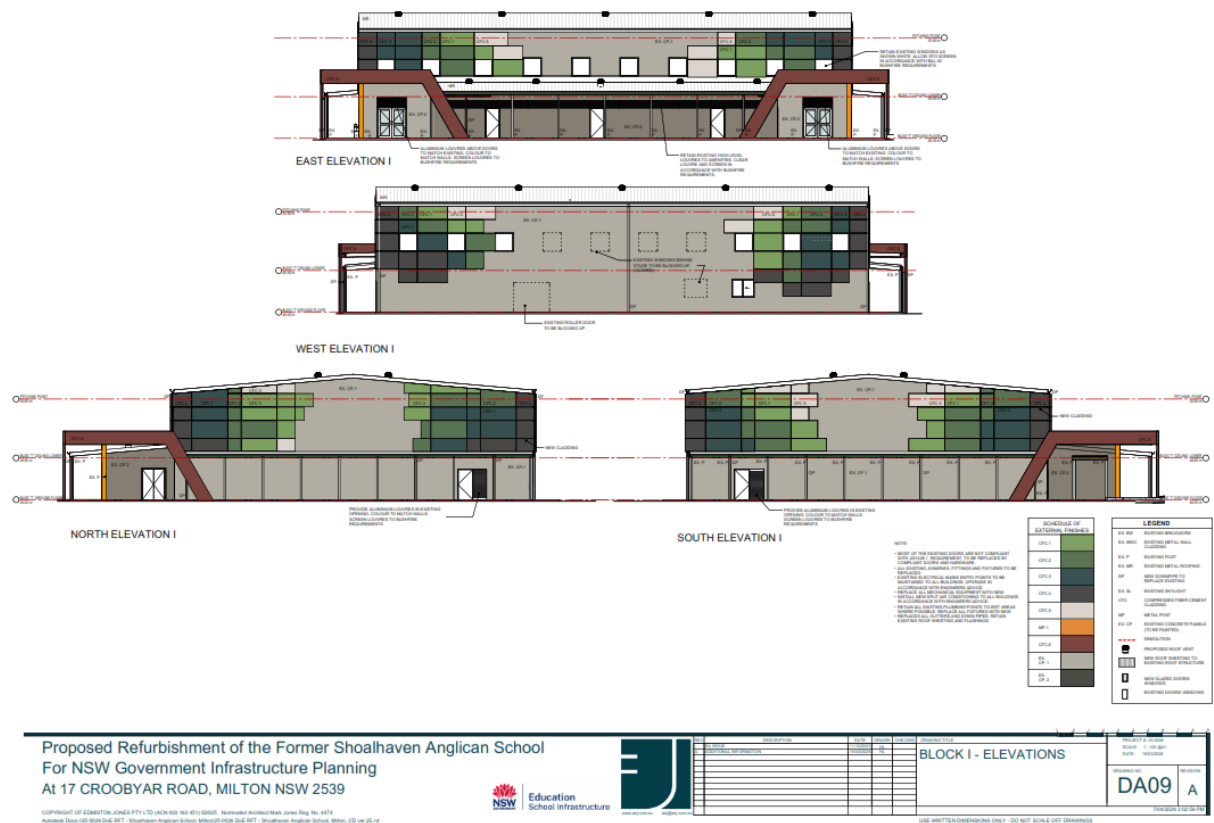


Figure 7 – Block I - Elevations

The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
DA00		Site Analysis	Edmiston Jones	02/04/2026
DA01	B	Site Plan	Edmiston Jones	19/03/2026
DA02	A	Part Site Plan	Edmiston Jones	19/03/2026
DA03	A	Part Site Plan 2	Edmiston Jones	19/03/2026
DA04	A	Block A – Floor Plan & Roof Plan	Edmiston Jones	19/03/2026
DA05	A	Block A – Elevations & Sections	Edmiston Jones	19/03/2026
DA06	A	Block V – Floor Plan, Roof Plan, Elevations & Sections	Edmiston Jones	19/03/2026

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DA07	A	Block H – Floor Plan, Elevations & Se	Edmiston Jones	19/03/2026
DA08	A	Block I – Floor Plan, Elevations & Se	Edmiston Jones	19/03/2026
DA09	A	Block I – Elevations	Edmiston Jones	19/03/2026
DA10	A	Block I – Elevations	Edmiston Jones	19/03/2026
DA-L/1 DA-L/2 DA-L/3 DA-L/4	B	Landscape Concept Plan	Edmiston Jones	26/05/2026
	A	Survey (3 sheets)	Land Team	15/07/2024
	A	Civil Concept Design Plans	Indesco	12/12/2025

Documents			
Document title	Version number	Prepared by	Date of document
Statement of Environmental Effects	Revision 3	Mecone	17/12/2025
Waste management Plan	1	MRA Consulting Group	12/12/2025
Accessibility Capability Statement		DC Partnership	12/01/2026
BCA Performance Requirements Compliance		DC Partnership	15/12/2025
Bushfire Protection Assessment	2	ecological	10/12/2025
Flora & Fauna Assessment		Water Technology	16/12/2025
Crime Prevention through Environmental Design	25-0026	Edmiston Jones	10/12/2025

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Detailed Site Investigation	1	Stantec Australia Pty Ltd	26/03/2026
Noise and Vibration Impact Assessment	001	Stantec Australia Pty Ltd	12/12/2025
Aboricultural Impact Assessment	2	Ecological	16/12/2025
Geotechnical Investigation	1	Stantec Australia Pty Ltd	10/11/2025
Transport Access Impact Assessment	2	SCT Consulting	5/12/2025
Hazardous Building Materials Report	1	Douglas Partners	4/4/2025

2. Subject Site and Surrounds

Site Description



Figure 8: Aerial imagery of subject site

The subject site has a frontage to Croobyar Rd Milton. The site has a total area of 7.76ha. The site was previously used for the former Shoalhaven Anglican School, which closed in 2016 and the property was later purchased by the Department of Education. The school has a range of buildings constructed in the 1990s and includes classrooms, staff facilities, administration and a hall, as well as outdoor recreational areas and car parking. The lot is currently occupied by the Budawang School and Budawang Early Learning Centre situated to the northeast of the development site.

The site slopes from east to west, from 58m AHD at the southeast corner to 42m AHD on the western boundary.

The site is affected by easements, including one that runs through the site which is a rising sewer main.

The site is approximately 550m southeast of the Milton Town Centre and 42m to the west of the Princes Highway and Croobyar Road junction.

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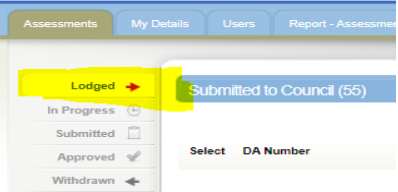
The surrounding area is of mixed character with low density residential to the north and east, industrial development to the west and rural to the south.

Access to the site is from Croobyar Road. There is a bus stop directly opposite the site with a public bus pick up to Ulladulla on a daily basis.

Summary of Site and Constraints

GIS Map Layer		
	<i>Lot Area</i>	7.76ha
	<i>Zone</i>	RU1 Primary Production
	<i>Does the land have a dwelling entitlement?</i> <i>Note: for rural land refer to clause 4.2D of Shoalhaven LEP 2014.</i>	N/A
	<i>Does the property adjoin Council, Crown, National Parks or other public reserve?</i> <i>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</i>	The lot adjoins SCC Land that comprises Shoalhaven Water Pump Station.
Topographic Layer	<i>Fall direction of land</i>	Fall of land away from street
	<i>Slope of land >20%?</i>	No
Site Inspection	<i>Works within proximity to electricity infrastructure?</i>	No
	<i>Is the development adjacent to a classified road?</i>	No
	<i>Is the development adjacent to a rail corridor?</i>	No
Utility Network	<i>Access to reticulated sewer?</i>	Yes
	<i>On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?</i> <i>Note: Ensure you have adequate information about the location of existing OSSM systems</i>	N/A

	<i>Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?</i> ☒  Sewer Pressure Mains > ☐ Rising Main ☐ Surchage Main ☐ Low Pressure Sewer Main ☐ Under Construction	N/A
	<i>Building over sewer policy applicable?</i> <i>Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.</i>	No
	<i>Access to reticulated water?</i>	Yes
	<i>Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?</i>	Yes See Development Engineer referral
	<i>Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?</i>	No
Environmental Layers	<i>Aboriginal Cultural Heritage</i>	Yes
	<i>Bush Fire</i>	Yes
	<i>Coastal Hazard Lines (applies to location of proposed development)</i>	No
	<i>Coastal Hazard Area</i>	No
	<i>Potentially Contaminated Land</i>	No
	<i>Flood</i> <i>Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of Chapter G9 of Shoalhaven DCP 2014.</i> ☒ Flood Data ☒  Flood Studies	No
Planning Layers	<i>Development within 40m of a watercourse</i> <i>Approval is not needed for a controlled activity for works done by a Public Authority.</i>	Yes - Controlled Activity Approval not required.
	<i>Development Control Plan - Area Specific Chapters</i>	Yes Chapter S6: Town of Milton

	<i>Draft Exhibited Planning Proposal</i>	No
	<u>Shoalhaven LEP (Jerberra Estate) 2014</u>	No
	<u>Acid Sulfate Soils</u>	Class 5
	Buffers	No
	<u>Terrestrial Biodiversity</u>	No
	Local Clauses	Yes Schedule 1 – Clause 23 – Use of certain land at Croobyar Rd, Milton applies to the land but not relevant to this application.
	<u>Coastal Risk Planning</u>	No
	<u>Heritage</u>	Site is within vicinity of Heritage Item
	<u>Scenic Protection</u>	No
	Sydney Drinking Water Catchment area (e.g. NorBE) <i>Note: NorBE Assessments submitted to Council can be viewed from the “Lodged” tab in the NorBE online assessment tool shown below.</i> 	No
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	No •
	<u>Marine Park Estate</u>	No •
<u>BV Map</u>	Biodiversity Values Map	No

Site Inspection Observations



Figure 9 – Area and buildings to be demolished for new car parking area



Figure 10 – Demountable buildings to be demolished for car parking area



Figure 11 – Canteen to be demolished for car parking area



Figure 12 – Office building to be demolished



Figure 13 – Existing building “V” to be refurbished



Figure 14 – Existing gymnasium building to be refurbished



Figure 15 – Existing building “H” to be refurbished



Figure 16 – Existing playing field to remain



Figure 17 – Existing gymnasium building to be refurbished



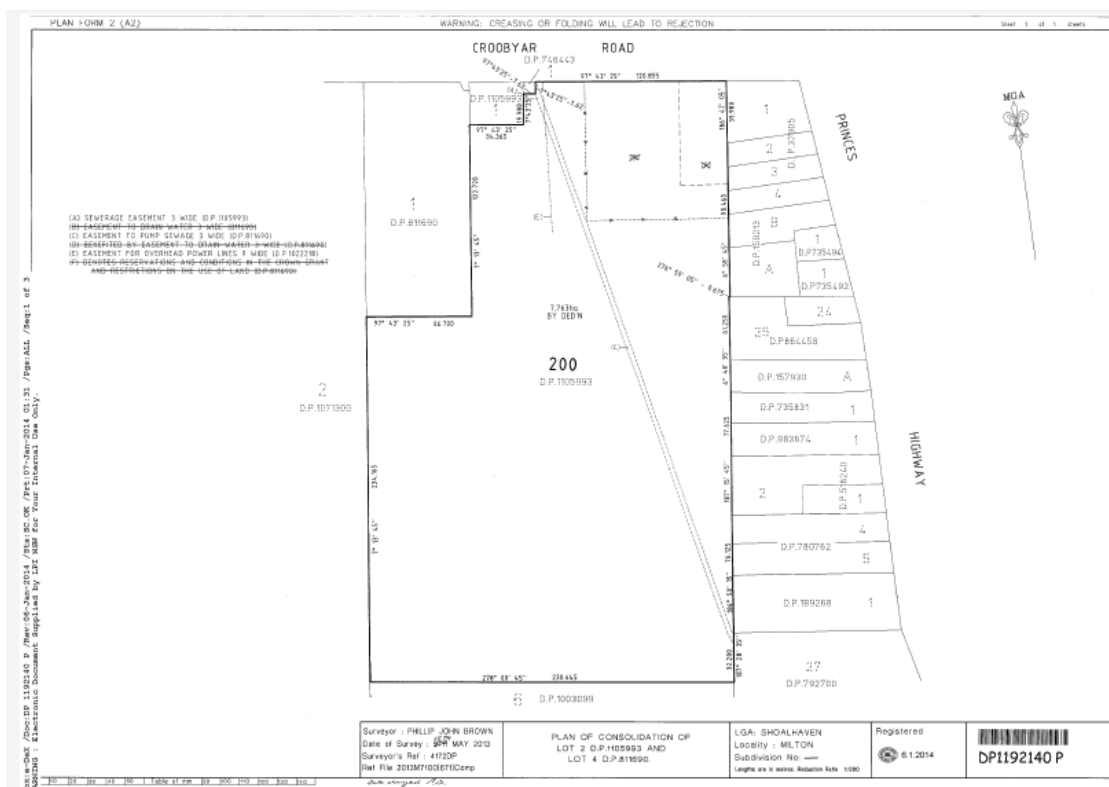
Figure 18 – Gymnasium to be refurbished internally



Figure 19 – Access to existing playing courts to be enlarged for proposed new outdoor basketball courts. New path to be installed to access the courts from the gymnasium building.

Deposited Plan and 88B Instrument

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.



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Figure 20: Deposited Plan

Box:e-DeX /Doc:DP 1192140 B /Rev:06-Jan-2014 /Sts:SC,OK /Prt:07-Jan-2014 01:31 /Pgs:ALL /Seq:1 of 1
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS/PROFITS A PRENDRE
INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE
OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B OF THE CONVEYANCING ACT, 1919.

LENGTHS ARE IN METRES



DP1192140 B

Full name and address of
the Proprietors of the land.

Consolidation of Lot 2 D.P.1105993 and
Lot 4 D.P.811690

SYDNEY ANGLICAN SCHOOLS
CORPORATION
Level 1 420 Forest Road Hurstville
NSW 2220

PART 1A (Release)

Number of item shown in the intention panel on the plan	Identity of easement, profit a' prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	EASEMENT TO DRAIN WATER 3 WIDE DP 811690	Lot 2 D.P. 811690 Currently Lot 2 D.P.1105993	Lot 4 D.P.811690

PART 2

Certified correct for the purposes of the Real property Act 1900 and executed on behalf
of the corporation named below by the authorised person(s) whose signature(s)
appear(s) below pursuant to the authority specified.
Corporation: SYDNEY ANGLICAN SCHOOLS CORPORATION (ACN 63 544 529 806)
Authority: Section 127(1) of the Corporations Act 2001

Signature of authorised person:

Name of authorised person: (please print)

JOHN CHALMERS

Office held:

CHIEF OPERATING OFFICER

Signature of authorised person:

Bush Attorney
Book 4613 N 419

Name of authorised person: (please print)

Office held:

J. Apperley
JESSICA KATE APPERLEY
LEVEL 1, 420 FOREST RD
HURSTVILLE NSW 2220

REGISTERED 6.1.2014

Figure 21 – Restriction on Title

3. Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 12 August 2025 where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Interaction proposed and existing uses
- Bushfire
- Watercourse
- Traffic & Parking
- Stormwater
- Public Domain Works
- Biodiversity

The development application was lodged on **27 January 2026**. A chronology of the development application since lodgement is outlined below:

Table 2: Chronology of the DA

Date	Event
27 January 2026	DA lodged

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16 February 2026	Exhibition of the application 16.02.2026 to 18.03.2026.
4 February 2026	DA referred to external agencies
16 March 2026	Request for Information from Council to applicant • Revised Noise Report • Detailed Site Investigation • Biodiversity Plan Revisions • Landscape Plan Revisions
14 April 2026	Amended plans lodged accepted by Council on 14.04.2026. • Amended Landscape Plan • Amended Architectural Plans • Amended Noise Report • Amended Detailed Site Investigation
15 April 2026	Request from Council to Applicant • Revised Traffic Analysis • Stormwater modelling and reports • Revised Civil Works Plans for the Public Domain.
9 June 2026	Site visit with applicant and Education Department Representatives
11 June 2026	Internal discussion with Engineers regarding RFI issues and agreement on pedestrian crossing to remain in the original location and that detailed design and stormwater plans to be conditioned to be provided to Council for approval prior to the commencement of works.
26 June 2026	Draft conditions sent to the applicant to review
10 July 2026	Response from applicant requesting revisions to the draft conditions
24 July 2026	Acceptance of draft conditions

Site History and Previous Approvals\

Reference No	Description
DA90/2270	Educational establishment including a primary classroom block being Stage 1 of a Primary and Secondary School. Approved 24.10.1990
DA90/3260	Childcare centre including an extended hours pre-school. Approved 12.02.1991.
BA91/1170	Brick preschool. Approved 18.12.1991.

Section 4.15 Assessment Report - DA2026/1070

BA91/2579	Building permit was issued for a brick/ timber school. Approved 1.07.1992.
BA92/2579	Amended Building permit was issued for a brick/timber school. Approved 18.12.1991.
DA99/1739	Educational establishment, including 5 classrooms, learning centre and toilet facilities. Approved 22.06.1999.
DA99/3847	Educational establishment. Approved 22.12.1999.
DA00/1987	School extensions (2 additional classrooms). Approved 22.05.2000.
DA00/2355	Technology block, conversion of classroom in the existing science block from a technology classroom to a science classroom, 5 additional sealed parking spaces. Approved 28.07.2000.
DA02/2516	Gymnasium and road. Approved 8.08.2002
DA02/4050	Alterations and additions to existing school (erection of arts block). Approved 8.11.2002.
DA02/4050 – DS03/1041	Creation of sporting field, retaining wall and associated regrading, filling and earthworks on the land. Approved 06.03.2003.
DA03/1214	Modification consent was issued for creation of a sporting field, battered embankment and associated regrading, filling and earthworks on the land. Approved 28.03.2003.
DA05/3019	Construction of a dam within the existing watercourse and construction of sporting field and associated regrading, filling and earthworks within 40m of Watercourse. Approved 15.07.2005.
DA06/2368	Construction of a building for Vocational Education Training. Approved 22.01.2007.
SSD – 8845345	On 30 September 2021 a consent was issued for State Significant Development for construction of Budawang School for Specific Purpose for 56 students. The approval also granted consent for demolition, removal of trees, landscaping fences and signage.
PP-2022-2631	Department of Planning and Environment issued Gateway Determination for the Planning Proposal on 28 October 2022 and gazetted on 13 January 2023 for a 'centre-based childcare facility' on land at 17 Croobyar Road, Milton.
SSD – 8845345-MOD1	On 15 December 2022 a modification was approved to extend the boundary of the Budawang School site to the south to allow for future classrooms, demolition of existing buildings, tree removal, modify the carpark area and central courtyard area and the deletion of compliance reporting conditions.
DA22/2363	Alterations/additions to an existing building on site and change of use of that building to a centre based childcare facility. Approved 21.03.2023.

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Development Engineer	Earthworks/Sediment Erosion Control Conditions to be included in the consent for earthworks required for the development. Stormwater Plans: Stormwater plans to support the civil works will be conditioned to be provided prior to the commencement of works. Traffic Impacts Council Engineers (Traffic & Development) have agreed on the location of the pedestrian refuge: • Their preference is for a raised pedestrian crossing located directly east of the intersection with Drury Lane to provide an appropriate pedestrian link to the school (as per our highlighted point below). • They have no objections to proceeding without further investigation into the pedestrian crossing warrants, reissuing for public exhibition, or requiring detailed design at this stage. They are supportive of a sufficiently worded consent condition outlining that further design detail will be provided prior to CC, to be approved by Council's Development Services Manager (or delegate). This would also need to take into consideration any impacted stormwater assets, lighting design etc, but can be addressed at a later stage. ○ We would also recommend including the standard condition for submitting this to the Local Transport Forum to receive endorsement on the LATM's technical aspects (ie signage, linemarking). • They will now update the PAMP to reflect this outcome (with the crossing relocated to the eastern side of the intersection and retained as a raised pedestrian crossing As the preferred option endorsed by City Services is not a pedestrian refuge, the design constraints outlined below (right-turn movements into Drury Lane and potential congestion impacts on the Princes Highway towards the east) are less critical. As such, we do not require an updated Traffic Impact Assessment or further traffic analysis prior to determination, as these matters can be appropriately addressed via conditions. Conditions have been provided
Shoalhaven Water	No objection
Environmental Health Officer	Environmental Health previously reviewed this proposal and requested further information to address an issue with the acoustic report and to provide more discussion in the detailed site

	investigation. An amended acoustic report and amended detailed site investigation has been provided. Noise I have reviewed the amended acoustic report and note that the conclusion section has now been included in the report. Environmental Health has no objection to the proposal on the basis of potential noise generation subject to compliance with the recommendations in the report. Conditions are recommended below. Detailed Site Investigation I have reviewed the amended Detailed Site Investigation prepared by Stantec dated 26 March 2026 ref 305001663 and can make the following comments – • The site has been assessed in a targeted manner to identify potential contamination. The report concludes that the site is suitable for the proposed use as a school subject to compliance with minor recommendations. Remediation is not required. Environmental Health has no objection to the proposal subject to implementation of the recommendations in the report. Conditions are recommended below. Please contact me if you have any questions or require any more information.
Landscape Architect	Satisfied with revised plans. Standard conditions for landscaping completion to be included.
Biodiversity	Site is highly modified with mowed grassy lawn beneath a mix of planted native and exotic trees. Most trees quite young <10m. Development is within this already modified area. Retaining wall ~1m high along eastern edge of existing driveway with neighbouring trees on the high side. Creek line along western boundary of the site has vegetated riparian buffer that will not be impacted by the development. Vegetation is characterised by high number of colonising species with <i>Acacia mearnsii</i> dominating at drier southern end and <i>Pittosporum undulatum</i> in the middle and northern portion. Some large Eucalypt's as well as Hakea, Grevillea, Melaleuca, Leptosporum, Acacia and Lomandra at south end and Eucalypt's, Angophora, Casuarina moving into more rainforest species in northern portion as well as reeds and bullrushes in the creek. Potential Threatened Ecological Communities but contain numerous weeds including Lantana, Asparagus, Blackberry, Tobacco Bush. Condition riparian restoration under Development Control Plan G2 and weed removal under Biosecurity Act. FFA Mitigation and Management Measures includes revegetation of disturbed areas and weed management to enhance ecological values – required in riparian buffer – Condition Vegetation Management Plan.

	DAO comment: Plans were revised as requested from the first referral comments and conditions of consent have been provided.
Building Surveyor	Recommended conditions of consent have been provided.
Waste Services	The detailed waste management plan is suitable for the development. The site requires an onsite private waste collection service with a suitably licenced commercial waste collection contractor. There is sufficient space onsite for waste collection vehicles to enter and exit the site in a forward direction, performing a three point turn as part of the predicted bin collection process. All waste collection movements must be completed outside of general school operating hours.

External Referrals	
Referral	Comments
NSW Rural Fire Service	General Terms of Approval / Concurrence issued.

5. Other Approvals

Integrated Development	
Agency	Recommendation
NSW Rural Fire Service	General Terms of Approval and a Bush Fire Safety Authority has been issued by NSW RFS (see D26/218777)

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – certain bush fire prone land

<i>Is the development site mapped as bush fire prone land?</i>	Yes - Complete below table and assessment against Planning for Bush Fire Protection
<i>Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?</i> <i>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</i>	Yes - Complete below table and assessment against Planning for Bush Fire Protection

Is the development subject to a performance based solution or a BAL-FZ? <i>Note: As per Appendix 2 of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner.</i> <i>Note: The NSW variation of H7D4 in NCC 2022 Volume 2 specifies that AS3959 and the NASH Standard can only be used as a deemed-to-satisfy provision where an appropriate condition of consent has been imposed <u>in consultation with NSW RFS</u>.</i>	No
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The Shoalhaven Local Government Area is within a 100 Forest Fire Danger Index area (see Table A1.12.5 in PBP 2019). General Terms of Approval and a Bush Fire Safety Authority have been issued by NSW RFS. Recommended conditions of consent will require compliance with the GTAs.
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Biodiversity Conservation Act 1979

Does the application include works or vegetation removal within the Biodiversity Values mapped area?	No										
Does the application involve clearing of native vegetation above the area clearing threshold? Area clearing threshold The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP). <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> </thead> <tbody> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </tbody> </table> The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided. If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	No
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')? <i>Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i>	No										
If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <u>any</u> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?	N/A										

Fisheries Management Act 1994

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

Local Government Act 1993

Do the proposed works require approval under Section 68 of the Local Government Act 1993?	Yes - see s68 type nominated below
☒ Water supply, sewerage and/or stormwater works ☐ Operation of a system of sewage management (i.e. on-site sewage management system) ☐ Installation of a manufactured home ☐ Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fire place)?	

Marine Estate Management Act 2014

Does the application include any works within the marine park or aquatic reserve?	No
Is the development site within the locality (100m buffer) of a marine park or aquatic reserve?	No

7. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

i) Environmental Planning Instrument

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*. The following planning instruments and controls apply to the proposed development:

Environmental Planning Instrument
Shoalhaven Local Environmental Plan 2014
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Transport and Infrastructure) 2021

Environmental Planning Instrument
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020

Question	Yes		No	
1. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	☒	Proceed to Question 2	☐	Assessment under SEPP not required.
2. Is the land 'potential koala habitat'? <i>Note: 'potential koala habitat' are areas of native vegetation where trees of the types listed in Schedule 2 of the SEPP (feed tree species) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</i>	☐	Proceed to Question 3	☒	Proposal satisfactory under SEPP.

Chapter 4 Koala habitat protection 2021

Question	Yes		No	
1. Is there an approved koala plan of management for the subject land?	☐	Proceed to Question 2	☒	Proceed to Question 3
2. Is the proposed development consistent with the approved koala plan of management that applies to the land?	☐	Proposal satisfactory under SEPP.	☐	Application cannot be supported.
3. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application: a) Does not include any trees belonging to the koala use tree species listed in Schedule 2 of the SEPP for the relevant koala management area, or b) Is not core koala habitat, or c) There are no trees with a diameter at breast height over bark of more than 10cm, or	☒	Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied.	☐	Proceed to Question 4

Question	Yes		No	
d) The land only includes horticultural or agricultural plantations				

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development of the State Environmental Planning Policy (Sustainable Buildings) 2022 does not apply in this instance, as the land to which the development pertains is zoned RU1 which is excluded under section 3.1(2)(b)(i).

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The applicant provided a detailed site investigation for the development which has been reviewed and revised. Please see comment from Environmental Health Officer. The report concludes site is satisfactory in this regard for the proposed use without remediation and makes safety recommendations for the construction phase of the development.

The applicant has also submitted a Hazardous Material Report (HAZMAT) prepared by Douglas Partners. The report identified hazards on the site and contains recommendations for the proposed development that will be included in the consent.

The survey identified the following:

- Asbestos containing material (ACM);
- Lead paint;
- Lead dust in ceiling cavities;
- Synthetic mineral fibre (SMF) insulation;
- Polychlorinated biphenyls (PCB) in fluorescent light fittings;
- Ozone depleting substances (ODS); and
- Bulk chemical storage.

The assessment recommends that:

- Inaccessible areas should be assumed to potentially contain HAZMAT unless assessment of these areas by a Competent Person confirms otherwise.
- HAZMAT should be managed in accordance with the requirements of the NSW Work Health and Safety (WHS) Act 2011 (WHS Act), NSW WHS Regulation 2017 (WHS Regulation) and relevant Codes of Practice, Australian Standards and Guidelines. HAZMAT should be removed prior to any significant disturbance including from maintenance, refurbishment and demolition work.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Considerations	Comments
Electricity transmission or distribution networks	
<i>Part 2.3 Division 5 Subdivision 2 – Development likely to affect an electricity transmission or distribution network</i>	No new buildings just refurbishment and demolition.

Chapter 3 Educational establishments and childcare facilities

Considerations	Comments
Educational Establishments	
<i>Part 3.37 Existing or approved government schools—development permitted without consent</i>	The former Shoalhaven Anglican School site is not an existing or approved government school, and as such this section does not apply. Section 3.37A of the T&I SEP sets out requirements for the establishment of new government schools which may be carried out by or on behalf of a public authority without development consent on land in a prescribed zone and on which there is no existing or approved school. The site is zoned RU1 which is not a prescribed zone for the purposes of this clause, and as such this section does not apply. The site is also not situated adjacent to a freeway, tollway or transitway or a road where the annual average daily traffic volume exceeds 20,000 vehicles.

State Environmental Planning Policy (Planning Systems) 2021

Under Section 4 of Schedule 6, classifies development over \$5 million undertaken by the Crown to be Regionally Significant development. As such, this application is made to Shoalhaven City Council and determined by the Southern Regional Planning Panel.

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned RU1 Primary Production under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as alterations and additions to an educational establishment under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

Zone Objectives

Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposal is consistent with the relevant objectives of the zone.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	

• To minimise the fragmentation and alienation of resource lands.	
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	
• To conserve and maintain productive prime crop and pasture land.	
• To conserve and maintain the economic potential of the land within this zone for extractive industries.	

Applicable Clauses

Clause	Comments	Complies/ Consistent
Part 2 Permitted or prohibited development		
2.7 Demolition requires development consent	Demolition is proposed for seven buildings on the site that were part of the former Shoalhaven Anglican School facilities to make way for an at grade car park, landscaping and an arrival plaza/waiting zone to support the sites redevelopment for public education. The demolition will also include some internal walls in buildings A, V, H and I to facilitate reconfiguration.	Complies
Part 4 Principal development standards		
4.3 Height of buildings	The proposal is for refurbishing and demolition no height of building will be altered.	Complies
Part 5 Miscellaneous provisions		
5.10 Heritage	The lot adjoins Heritage item 296 – Two storey Victorian Rendered Masonry Stone and is opposite item 264 – Milton Church of England Cemetery. The area where works are being undertaken is located to the south of the site and over 100m away from the heritage items. The proposal will not have any impacts on the heritage items in the vicinity.	Complies
Part 7 Additional local provisions		
7.1 Acid sulfate soils	The lot is mapped as Class 5 Acid Sulfate Soils and is not within 500m of an adjacent class.	Complies
7.2 Earthworks	Earthworks will be suitably managed to ensure no detrimental impact on the surrounding environment. Conditions of consent will be included to mitigate any impacts.	Complies
7.6 Riparian land and watercourses	The land contains a watercourse classified as Category 3.	Complies

	The proposal will not have any adverse impacts on the watercourse. The existing riparian corridor will be retained. Stormwater will drain to the existing system. Sediment and erosion control measures will be included in the conditions of consent to prevent sediment laden water from entering the watercourse and leaving the site.	
7.11 Essential services	All essential services are available to the site	Complies

ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [Draft Environmental Planning Instruments](#).

iii) Any Development Control Plan

Shoalhaven Development Control Plan 2014

Chapter 2 General and Environmental Considerations	
Potentially Contaminated Land	The subject site is not identified as potentially contaminated land. A Detailed Site Investigation Report and Hazard Assessment Report have been provided and provide recommendations for the development. More detailed discussion is contained further into the report.
European Heritage	The subject site is not identified as containing any items of historical significance and is not located within a Conservation Area. Although there are some adjoining heritage items the proposed site works area is some distance away and will not have adverse impacts on the heritage items.
Aboriginal Cultural Heritage	The subject site is not identified as containing any items of Aboriginal heritage and is not identified as Cultural Lands. Previous Aboriginal Cultural Assessment Reports and surveys of the site that were completed for the development of the Budawang School in 2020 did not find some items of low significance, but these sites were altered by the Budawang School development. The current proposal involves refurbishment of existing buildings and construction of ancillary facilities in areas previously disturbed by the former school operations. As a precautionary measure a condition of consent will cover off on any unexpected finds during the construction phase.
Crime Prevention Through Environmental Design	The proposed development is not considered to create a risk or increase risk of crime within the locale. A Crime Prevention Through Environmental Design (CPTED) report has been prepared by Edmiston Jones. The report assesses the crime risk of the locality and makes recommendations to satisfy the CPTED principles.

	These include: • Surveillance by CCTV. • Access by way of clear signage directing people away from high-risk areas. • Territorial reinforcement – new gates and security fencing. • Space management – Internal/ external lighting and traffic management.
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Generic DCP Chapter				
<u>G1:</u> Site Analysis, Sustainable Design and Building Materials				
A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.				
<u>G2:</u> Sustainable Stormwater Management and Erosion/Sediment Control				
<i>Has the application been supported by appropriate erosion and sediment control details?</i>		Yes		
<i>Does the development require on site detention (OSD) to be provided?</i> <i>Note: OSD may not be suitable in instances where a development appropriately relies on a charged drainage line to the street as it may compromise the effectiveness of the drainage system.</i>		No - The proposed development has a building area <50sqm.		
<i>Has the application been supported appropriate stormwater drainage details?</i>		Yes - See commentary below		
Question	Yes	No		
1. Is the application for alterations and additions attached to an existing building?	☒	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	☐	Proceed to Question 2
It is proposed that the stormwater will drain into the exiting system on the site. Sediment and erosion controls will be in place during the construction. Paved and hardstand areas will be directed into existing drainage with onsite detention tank proposed under the driveway.				

The plans have been referred to Council's Development Engineer for comment who is satisfied that they meet the requirements of Chapter G2.

G3: Landscaping Design Guidelines

A Landscape Plan has been provided that has been reviewed by Council's Landscape Architects who have requested some revisions to comply with the DCP requirements.

G4: Tree and Vegetation Management

Have any trees proposed to be removed been clearly shown on the site plan (where required)?

An Arboricultural Assessment Report has been provided and reviewed by Council's Biodiversity Officer.

91 trees assessed = 53 major encroachment, 2 trees (17, 78) can be retained with mitigation measures, 36 retained

TPP only shows the TPF to protect neighbouring trees 51 and 78-82

States in Appendix G Tree protection guidelines: "Trees that are to be retained must have protective fencing around the TPZ..." – Condition

Yes

G5: Biodiversity Impact Assessment

Is the proposal biodiversity compliant development?

The applicant provided a Flora and Fauna Report which has been reviewed by Council's Biodiversity Officer.

Review of Flora and Fauna Assessment

Mapped PCT's 3077, 4052, 3588 in riparian corridor, not impacted – not ground-truthed

Redevelopment footprint in previously cleared or developed parts of the campus

Historically cleared land – treeless paddock until mid-1990's

Landscaping and planted vegetation established around 2004

Development footprint meets definition of Category 1 Exempt Land (RU1 zoned land)

Magenta Lilly Pilly (threatened species) in riparian area – not impacted

Likelihood of occurrence table – all species low, except Grey-headed Flying Fox and Magenta Lilly Pilly which are moderate. No Test of Significance

Yes

<i>for either. Magenta Lilly Pilly not in impact area, in riparian corridor. GHFF potentially forage on Melaleuca's, Fig and Lilly Pilly being removed on site. Biodiversity determines that impact to GHFF will not be significant as foraging habitat in riparian buffer and wider locality retained.</i>	
<u>G7: Waste Minimisation and Management Controls</u>	
Has the application been supported by an appropriate waste minimisation and management plan? The plan has been reviewed my waste services and is deemed to be appropriate for the development both through the construction phase and the ongoing use of the site as an educational establishment. A detailed Waste Management Plan prepared in accordance with Shoalhaven DCP Chapter G7 and NSW EPA Guidelines is provided has been provided addressing: • Waste generation estimates for the educational establishment • Bin quantities and sizing for general waste and recycling streams • Collection frequency and operational procedures • Staff and student education regarding waste separation. The plan has been reviewed my waste services and is deemed to be appropriate for the development both through the construction phase and the ongoing use of the site as an educational establishment.	Yes
<u>G21: Car Parking and Traffic</u> <i>NOTE: Council resolved on 30/10/18 to waive additional carparking requirements for a change of use in a shopping centre area. Assess the parking that would otherwise be required and enter the data into the spreadsheet (D18/394992) for later reporting to Council.</i>	
The proposed is to construct a new car parking facility and bus turning bay. It states in the SEE that the site will have a unique operational model in that all staff and students will travel to the site via chartered buses rather than private vehicles. The proposed development includes two bus zones, each approximately 38 meters long, capable of accommodating two 14.5m coaches parked concurrently. The development includes a new carpark providing 35 spaces for staff and visitors (the SEE states for future proofing), plus 4 bus bays. This car park is accessed via an internal road connecting to Croobyar Road. The proposed development does not impact upon the Budawang School's traffic or parking operation.	

All vehicles will access the site via the existing shared driveway from Croobyar Road, which also serves Budawang School and the Budawang Early Learning Centre. The internal loop road has been designed to provide safe circulation and adequate separation between the various educational facilities on site.

The proposed parking strategy retains these existing arrangements for Budawang SSP and the Early Learning Centre. The new 35-space car park, bus parking area, and future expansion area will be located to the south of the Budawang School and Early Learning Centre, providing dedicated parking for the proposed development without impacting the existing parking provisions for Budawang School or the Early Learning Centre. Private parking for Budawang School will remain separate from the proposed development, ensuring continued independent access and operation.

The proposed 35 space car park has an additional landscaped area available for expansion in the future if needed. There will be two bus bays capable of accommodating for 14.5m coach buses. It has been assumed that the car park will not be occupied during school hours.

The Traffic Access Report has been reviewed by Council's Development Engineer who are satisfied subject to conditions of consent.

<i>Have car parking spaces been clearly shown on the site plan?</i>	Yes
<i>Is vehicle manoeuvring for the site adequate?</i>	Yes

G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines

The applicant has provided a Geotechnical Report for the proposed earthworks and construction.

It is recommended that a qualified geotechnical engineer or engineering geologist be present during construction work to confirm ground conditions, design assumptions and provide advice.

Conditions in the consent will make reference to the report and its recommendations.

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

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation 2021

<u>Clause 62</u>	<i>Does the application result in a change of use of an existing building but does not propose any building works?</i>	No
<u>Clause 64</u> <i>Partial Upgrade</i>	<i>Does the application involve alterations or additions to an existing building?</i>	Yes - It is considered appropriate to require a partial upgrade to the building. Conditions to be imposed accordingly.
<u>Clause 64</u> <i>Total Upgrade</i>	<i>Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?</i>	No

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

State and Local Infrastructure Contributions

State Contributions																				
Does the proposed development trigger the Housing and Productivity Contribution (HPC)? <i>Note: if the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal. The calculation needs to be reviewed and confirmed in the Portal.</i> <table border="1"> <thead> <tr> <th>Class of Development</th> <th>Trigger for demand</th> <th>Units of demand</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Residential development</td> <td>Subdivision of land for dwellings</td> <td>New dwelling lot</td> </tr> <tr> <td>Strata subdivision of land or building for dwellings</td> <td>New strata dwelling lot</td> </tr> <tr> <td>Build to Rent or Seniors Independent Living Units</td> <td>New non strata dwelling</td> </tr> <tr> <td>Manufactured Home Estate</td> <td>New dwelling site</td> </tr> <tr> <td>Commercial development</td> <td>Development for business, office or retail premises or specified commercial purposes</td> <td>Square metre of new GFA</td> </tr> <tr> <td>Industrial development</td> <td>Development for industry or specified industrial purposes</td> <td>Square metre of new GFA</td> </tr> </tbody> </table> 5 Development for which a contribution is required (1) A housing and productivity contribution is required for development for which development consent is granted if it involves development of any of the following classes— (a) residential development, (b) commercial development, (c) industrial development. (2) In this Order, residential development means any of the following— (a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision), (b) strata subdivision of residential accommodation (other than strata subdivision of high-density dwellings) (residential strata subdivision), (c) high-density residential development, (d) development for the purposes of a manufactured home estate. (3) For the purposes of subclause (2)(a), development for the purposes of residential accommodation is not permitted with development consent by an environmental planning instrument if the only kinds of residential accommodation permitted with development consent are any of the following— (a) build-to-rent housing, (b) a manufactured home estate, (c) seniors living. (4) Schedule 2 sets out exemptions from the housing and productivity contribution. Development identified in Schedule 2 is not to be included in the determination of a housing and productivity contribution. (5) For the purposes of this Order, each class of development referred to in subclauses (1) and (2) is a HPC class of development and any development involving development within a HPC class of development is HPC development.		Class of Development	Trigger for demand	Units of demand	Residential development	Subdivision of land for dwellings	New dwelling lot	Strata subdivision of land or building for dwellings	New strata dwelling lot	Build to Rent or Seniors Independent Living Units	New non strata dwelling	Manufactured Home Estate	New dwelling site	Commercial development	Development for business, office or retail premises or specified commercial purposes	Square metre of new GFA	Industrial development	Development for industry or specified industrial purposes	Square metre of new GFA	No
Class of Development	Trigger for demand	Units of demand																		
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Local Contributions																				
Is the development site an “old subdivision property” identified in Shoalhaven Contributions Plan 2019?		No																		

Is the proposed development considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 ?	No
Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)	No

(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	The proposed development will not have a significant adverse impact on the natural environment.
Built Environment	The refurbishment of the school buildings, new basketball court, and removal of the demountable buildings to make way for a car park will be an improvement to the built environment.
Social Impacts	The proposed development will have a positive social impact providing a facility available to the existing schools in the area to utilise for education.
Economic Impacts	The proposed development will have a positive impact creating employment opportunities through the construction phase and the ongoing management of the facility.

(c) Suitability of the site for the development

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The relevant *State Environmental Planning Policies* that apply to the development.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- The intended use is compatible with surrounding/adjoining land uses

(d) Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. One (1) submissions was received by Council in support of the proposal and highlighting the need for a pedestrian footpath on the northern side of Croobyar Road and the Princes Highway.

The proposal is to connect the existing footpath on both sides of Croobyar Road from Drury Lane to the Princes Highway.

(e) The Public Interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

Delegations

Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

Given the application is a Crown development > than \$5 million the application must be determined by the Southern Regional Planning Panel.

Conclusion

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

The site is suitable for the proposed refurbishment of the educational establishment for public education and is compatible with the locality.

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

Recommendation

That the Development Application DA2026/1070 for demolition and refurbishment of an educational establishment at 17 Croobyar Road Milton be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Approval from the Crown (applicant) for imposition of Conditions
- Attachment C: Architectural Plans



Anne McDonald
Senior Development Planner
City Development
18/06/2026

Reviewers Comments

The application has been reviewed and the recommendations of the report are concurred with.
Section 7.11 contributions (where applicable) have been reviewed and agreed to.

A handwritten signature in black ink, reading "Peter Johnston". The signature is written in a cursive style with a large initial 'P' and a long, sweeping underline.

Peter Johnston
Lead - City Development
City Development
24/06/2026

