

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE	PPSWES-216
DA NUMBER	10.2024.5.1
LGA	Murray River
PROPOSED DEVELOPMENT	Educational Establishment – construction of K-6 Catholic school
ADDRESS	Lot 76 DP751159 Lignum Road (corner of Kiely Road), Moama
APPLICANT	Malcolm Goodwin
OWNER	Trustees of the Roman Catholic Church for the Diocese of Wilcannia Forbes
DA LODGEMENT DATE	10 January 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : CIV >\$5m – Private infrastructure and community facilities
CIV	\$15,934,952 (excluding GST)
CLAUSE 4.6 REQUESTS	None
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>Murray Local Environmental Plan 2011</i> • <i>Murray Development Control Plan 2012</i>
TOTAL SUBMISSIONS UNIQUE OBJECTIONS	One submission in support

DOCUMENTS SUBMITTED FOR CONSIDERATION	Plans: architectural, landscape, civil and infrastructure, council map of infrastructure, Lignum Road design, survey Statement of Environmental Effects Arborist Report BCA and DDA Compliance Statement Biodiversity Development Assessment Report (BDAR) Addendum Biodiversity Report Preliminary Construction Management Plan Traffic Impact Assessment Construction Traffic and Pedestrian Management Plan Green Travel Plan Waste Management Plan Provisional Contamination Assessment Preliminary Geotechnical Investigation Report Aboriginal Cultural Heritage and Historic Heritage Assessment Report Noise and Vibration Impact Assessment Sustainability Report Integrated Water Cycle Management Report NABERS Embodied Emissions Report
RECOMMENDATION	Approval
SCHEDULED MEETING DATE	3 December 2024
REPORT PREPARED BY	Lillian Charlesworth, Manager RSD Assessment, Department of Planning, Housing and Infrastructure (on behalf of Murray River Council)
DATE OF REPORT	26 November 2024

EXECUTIVE SUMMARY

The development application 10.2024.5.1 seeks consent for the construction of a new educational establishment (Carlo Catholic School). The subject site is Lot 76 DP751159 Lignum Road (corner of Kiely Road), Moama. The school has a primary frontage to Lignum Road on its western boundary, with Kiely Road (a future open space corridor) adjoining the northern boundary and a new residential subdivision (Arthurs Estate) under construction adjoining the southern boundary.

The total site area is 4.78ha, although only the western end of the site adjoining Lignum Road is subject to the development application. Vehicle access will be via Lignum Road to the drop off area and staff car park. Three student bus bays to service the school were constructed by Council when Lignum Road was recently sealed. The site is vacant other than wire fencing along 3 boundaries and a dam in the north-west corner. The site is located within an urban release area with existing large lot residential subdivision to the south-west of the site. The school will eventually be surrounded primarily by low density residential development, as per the R1 General Residential zone pursuant to clause 2.2 of the Murray Local Environmental Plan 2011 (the LEP).

In terms of planning constraints, the site is partially affected by the probable maximum flood (along the southern boundary), it is partially affected by Terrestrial Biodiversity mapping (along the northern boundary and the north-west corner) and 7.72ha of the entire 7.78ha site comprises native vegetation, consisting of 4.3ha of native grassland and 0.42ha of native woodland and associated habitat identified as Grey Box community.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Planning Systems) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Sustainable Buildings) 2022*, *Murray Local Environmental Plan 2011* and the *Murray Development Control Plan 2012* (the DCP). The proposal is generally consistent with various provisions of the planning controls.

The proposal was referred to Transport for NSW and Essential Energy under s4.13 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') as required by *State Environmental Planning Policy (Transport and Infrastructure) 2021*. TfNSW has provided conditions of consent and Essential Energy has provided advisory notes that have been included in the recommended conditions.

The application was placed on public exhibition from 26 February 2024 to 29 March 2024, with one submission being received in support of the proposal.

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

The key assessment matters associated with the proposal include:

1. Traffic Impacts – The proposal will at full capacity contribute to the need for a new roundabout at the intersection of Lignum Road and Perricoota Road, although this upgrade does not form part of Council's Contributions Plan and no VPA is proposed. Council will be undertaking the road upgrade (which is currently at design stage) in future years as it will not be required for several years.
2. Public Transport – Although 3 bus bays have already been provided by Council along the Lignum Road frontage, there are no buses that currently stop in close proximity to the school site. TfNSW has imposed a condition that the school operator contact TfNSW prior to occupation to commence discussions with local bus operators to determine whether existing bus services can be rerouted or whether a new bus service will be required.
3. Walking and cycling – As the urban release area grows, the school will become better integrated into the local road network in terms of formal pedestrian and cycle paths. The school has provided an access point on the southern boundary for a future connection into the adjoining residential estate and Keily Road on the northern site boundary is earmarked as open space corridor. A condition is recommended to require provision of a footpath along the frontage of the school as Council recently sealed Lignum Road, although a footpath wasn't constructed.
4. Tree removal – The site include 0.42ha of native remnant Grey Box woodland, which is an endangered ecological community. Although only 13 trees are to be removed, it's assumed that the disturbance caused by construction and occupation of the school will lead to deterioration of the remaining vegetation. Therefore the proposal will be

required to offset this impact by retiring ecosystem credits. The proposed landscaping includes planting of 64 replacement trees. Nine species credits will also need to be retired to offset the loss habitat for the Masked Owl, which is assumed to be present.

5. **Noise** – the proposal will generate noise and vibration impacts during the construction phase, which is to occur in two stages over a 15 month period. A Construction Noise and Vibration Management Plan has been conditioned to address this issue. The primary operational noise sources include yelling in the playground, the school public address system and the school bell. Recommended conditions to address operational noise include hours of operation, hours for waste collection, signage, acoustic reporting and noise complaint management.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, DA10.2024.5.1 for an educational facility at Lot 76 DP751159 Lignum Road, Moama is recommended for APPROVAL subject to the conditions of consent at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site, Lot 76 DP751159 is located at the intersection of Lignum Road and Kiely Road in Moama (**Figure 1**). The site has 142m primary frontage along Lignum Road on the western boundary and 335m northern frontage along Kiely Road, with a total area of 4.78 hectares. The site falls within the Moama North-West Urban Release Area (**Figure 2**). The site is vacant and was previously used for cropping and grazing. Remnant and native vegetation exists along the Kiely Road frontage and within the north-west corner of the site. 4.85ha of native vegetation is proposed to be cleared, including vegetation on the adjoining road reserves to enable site access. Site vegetation includes Riverine Western Grey Box grassy woodland, which is an endangered ecological community. The only existing structures/works are wire fencing along the north, west and eastern boundaries. A dam with an approximate depth of 1.5m (previously used for stock watering) is located in the north-west corner of the site.



Figure 1: Subject site (Source: NSW Spatial Viewer)

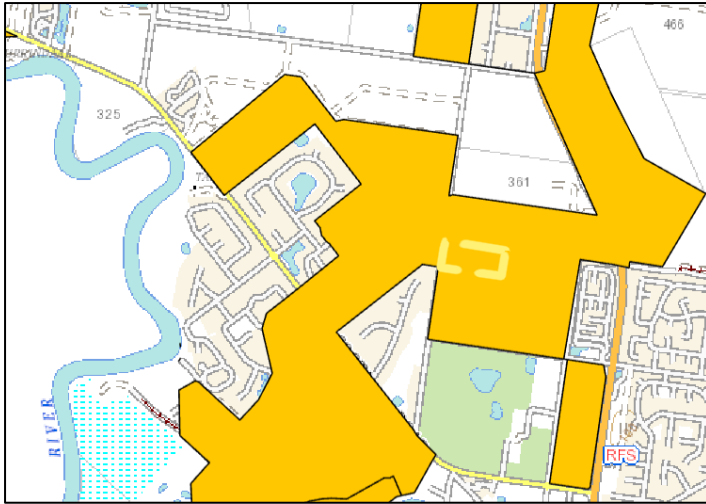


Figure 2: Urban Release Areas (Source: NSW Spatial Viewer)

1.2 The Locality

Land immediately surrounding the site is mostly vacant, although residential subdivision has been approved adjoining the southern and eastern site boundaries as indicated in **Figure 3**.

Approximately 415m to the east is the Cobb Haven over 50's development, to the south is the Moama Showground, adventure park and playing fields, to the south-west of the site on the opposite side of Lignum Road is a large lot residential subdivision, 100m to the west is detached housing and approximately 230m to the north is land used for rural purposes. The commercial centre of Moama is approximately 1.5km to the south-east, the Moama Train Station is approximately 2.3km to the south-east and the Murray River is located 1.3km to the south, marking the border with Victoria (**Figure 4**).



Figure 3: Approved subdivision adjoining the site (Source: SEE)

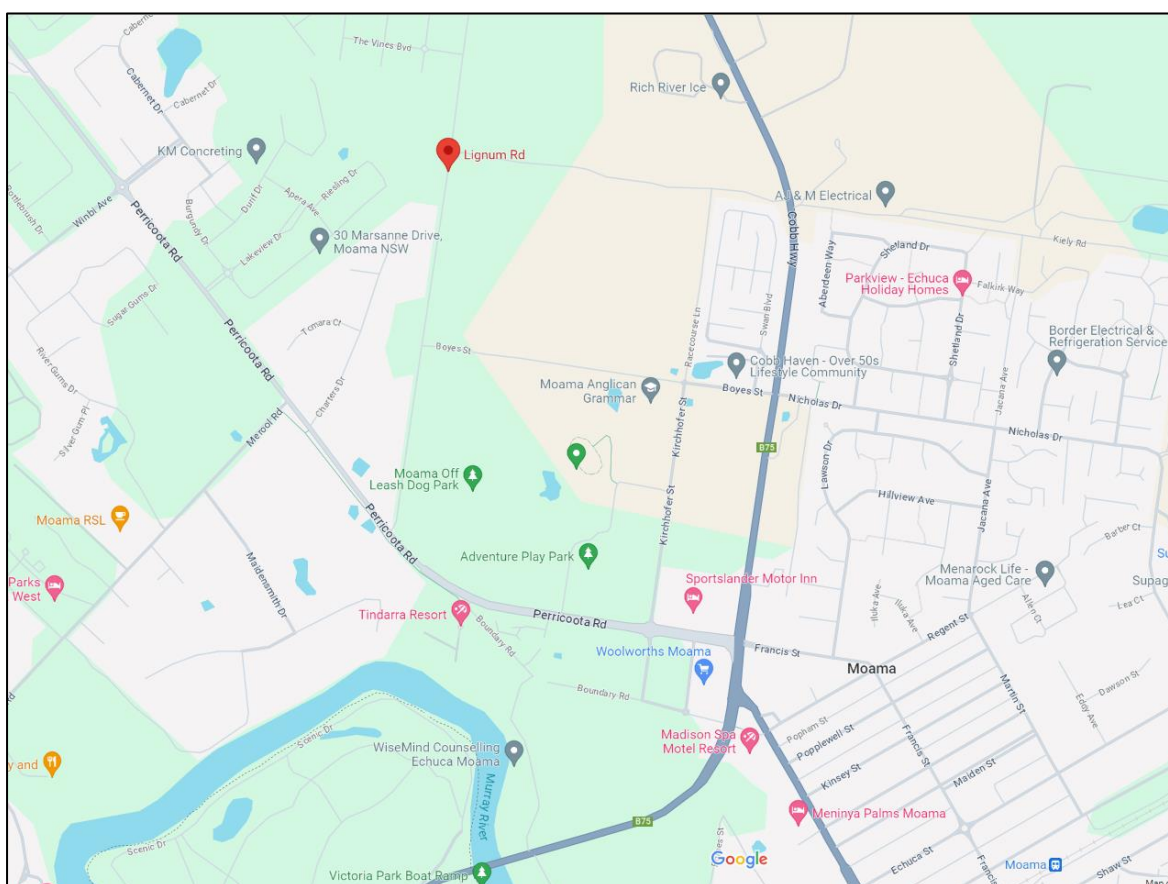


Figure 4: Locality map – the red dot indicates the NW corner of the site (source: Google Maps)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for construction of a new Catholic primary school (there are no existing Catholic schools in Moama) for up to 210 students (it is anticipated that it will take up to 2 years for student numbers to reach full capacity) and 40 staff at full capacity (comprising 16 x FTE teaching staff, 14 x FTE support staff and up to 10 part-time and casual positions). The development will occur in two stages over 15 months as follows:

- Stage 1: Building A (Reception, Administration, Library, Covered Outdoor Learning Area (COLA), carparking, part of Building C (Primary School) with capacity for 90 students and associated landscaping.
- Stage 2: Remaining Building C (Primary School) with capacity for 120 students, COLA and associated landscaping.

Core hours of operation will be 8am to 5pm Monday to Friday with no after-school care or community use of facilities proposed. After hours use from 5pm to 9pm Monday to Friday will enable access for Parish meetings or Parents & Friends meetings. Proposed construction work hours are from 7am to 6pm Monday to Friday and 8am to 1pm Saturdays (with no work on Sundays or public holidays).

Specifically, the proposal involves (**Figure 5**):

- Construction of Building A (single storey) for the purposes of reception, administration, staff lounge, boardroom, office/meeting spaces, meeting rooms, Principal's office, sick bay and library (**Figure 6**)
- Construction of Building C (single storey) for the learning spaces, open collaboration areas, workshop spaces, central gathering space, creation area and staff workroom (**Figure 7**)
- Site access from Lignum Road accessing a 43-space car parking area (22 spaces for staff parking and 21 spaces for parent pick-up and drop-off, including 5 accessible spaces)
- A covered outdoor learning area (COLA), play areas, landscaping (including planting of 64 trees) and fencing
- Removal of 13 Grey Box trees in the north-west corner of the site
- Fill and compaction of a former dam located in the north-west corner of the site



Figure 5: Site Layout (Source: Plans by Clarke Hopkins Clarke)



Figure 6: Proposed Building A – Administration Building (Source: Plans by Clarke Hopkins Clarke)



Figure 7: Proposed Building C – Staging of School Buildings (Source: Plans by Clarke Hopkins Clarke)

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

Table 1: Key Development Data

Control	Proposal
Site area	4.78ha
Clause 4.6 requests	None
Max Height	Building A (admin and library) – 6.5m Building C (learning spaces) – 6.3m COLA – 5.32m
Car and bike parking spaces	43 car spaces (including 22 x staff parking plus 21 x drop off spaces. These figures include 5 x accessible spaces) 16 bike spaces
Site access	Via Lignum Road
Setbacks	Building A – 8.5m from Lignum Road
GFA	2009sqm

Background

A pre-DA meeting was held on 10 August 2023 prior to the lodgement of the application. There was no written advice provided from council to the applicant subsequent to the meeting.

A chronology of the development application since lodgement is outlined in **Table 2**, including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	Event
10 Jan 2024	DA lodged
1 Feb 2024	All internal referrals issued and Waste response received
5 Feb 2024	Internal referral response received from Parks and RFI-1 issued re canteen
26 Feb - 29 Mar 2024	Exhibition of the application
26 Feb 2024	External referrals issued- Department Education and TfNSW
27 Feb 2024	External referral issued - BCS
19 Mar 2024	External referral response received - BCS External referral response received - TfNSW
26 Mar 2024	RFI-1 response received, and RFI-2 issued re BCS advice
18 Apr 2024	Internal referral response - Subdivision Engineer

22 Apr 2024	Internal referral response received - Development Engineer
30 Apr 2024	RFI-2 response received
3 May 2024	External referral issued - Essential Energy
24 May 2024	External referral response received - Essential Energy
27 May 2024	Internal referral response received – Liquid Trade Waste
28 May 2024	RFI-3 issued re BDAR
4 June 2024	Western Regional Planning Panel briefing
2 July 2024	RFI-4 issued seeking update of plans and supporting documents to reflect current proposal (versus the original SSD application for a K-12 school)
24 September 2024	RFI response received
3 October 2024	External referral response received - Department Education
15 October 2024	RFI response forwarded to BCS and internal experts for updated referral advice
16 October 2024	Internal referral responses received – Waste and Parks
28 October 2024	External referral - updated response received - BCS

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Crown DA (s4.33)

The proposal required referral under s4.13 of the *Environmental Planning and Assessment Act 1979* (the Act) as:

- *State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021*, s2.48 Development near electrical infrastructure, requires referral to the electricity supply authority for the area. The Essential Energy referral response is discussed at Part 4 below.
- *SEPP (Transport and Infrastructure) 2021*, s3.58 Traffic-generating development, of requires referral to TfNSW. The TfNSW referral response is discussed at Part 4 below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

A summary of the key matters for consideration arising from the relevant EPIs are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Key Matters in the relevant Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development	Yes
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021 Chapter 5: River Murray lands	Yes
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none">• Section 4.6 Contamination and remediation to be considered in determining a development application.	Yes (subject to conditions)

State Environmental Planning Policy (Planning Systems) 2021

The proposal is regionally significant development pursuant to section 2.19(1) as it satisfies the criteria in clause 5(b) of schedule 6 in *SEPP (Planning Systems) 2021* as the proposal is development for an educational establishment with a CIV of more than \$5 million. Accordingly, the Western Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2021

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. Murray River is listed in Schedule 2 as a local government area to which the SEPP applies. The site lies within the Far West Riverina Koala Management Area, although there is no koala plan of management for this area. Where there is no koala plan of management and the site is at least 1ha (the site area is approximately 4.78ha), clause 4.9(2) requires that council assess whether the development is likely to have any impact on koalas or koala habitat. The Biodiversity Development Assessment Report (BDAR) advises that the site does contain Western Grey Box, which is a koala feed tree, although there are no records of koala sightings within 10km of the site and a targeted field survey failed to detect any koalas or signs of koalas on the site. Therefore, it's considered that the development is not likely to not impact koalas or core koala habitat and is consistent with the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of land

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. Under clause 4.6(2) of the SEPP a preliminary investigation is required if development would involve a change of use on any land specified under clause 4.6(4), including on land where an educational establishment is proposed. As such, a preliminary investigation was undertaken, that included inspection of historical aerial images (that indicated historical use for grazing and cropping purposes), a search of the NSW EPA registers, a site inspection and sampling of soils from 18 test pits to a depth of 2.1m. The report found no exceedances of the assessment criteria based on use as an educational facility and recommended an unexpected finds protocol.

Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. On the basis of the available information, the subject site in its current state is considered to be suitable for the proposed development.

The proposal is considered to be consistent with *SEPP (Resilience and Hazards) 2021*.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Section 2.48 – Determination of development applications – other development - This section requires referral to the electricity supply authority for a development application involving development carried out within specified distances to electrical infrastructure or that is within

or adjacent to an easement for electricity purposes. Essential Energy raised no objections and provided general comments that are included as advisory notes in the recommended conditions.

Chapter 3: Educational establishments and childcare facilities

Section 3.36(1) *Development permitted with consent* - provides that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone, which includes Zone R1 General Residential, pursuant to section 3.34(1)(e).

Pursuant to section 3.36(6), before determining a development application for development of a kind referred to in subsection (1), the consent authority must take into consideration—

- (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*

Comment: The design quality principles are considered in **Table 4** below. The proposed development is consistent with these principles.

Table 4: Schedule 8 Design Quality Principles

DESIGN PRINCIPLE	REQUIREMENT	PROPOSAL	COMPLY
Principle 1— context, built form and landscape	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.	The school is designed to optimise solar orientation and connect indoor and outdoor spaces with classrooms open to the outdoors. Open fencing to provides a sense of connection with the adjoining open space corridor along the northern boundary.	Yes
	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.	The buildings will outlook attractive landscaped areas with tree planting along Lignum Road to add to the streetscape, a scattering of trees and planter beds will face the northern boundary and a row of trees along the southern boundary the adjoining residential estate will soften that interface.	
	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 site is not in a scenic protection area, however, the visual amenity of surrounding land is not adversely impacted by the	

	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.	proposal given the proposed new single storey buildings are of a satisfactory scale for the site.	
Principle 2—sustainable, efficient and durable	<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>The school buildings have been designed to maximise water capture, utilise natural light and allow for passive ventilation.</p> <p>The school layout allows for a potential future high school, should sufficient demand arise.</p>	Yes
Principle 3 - accessible and inclusive	<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>The school site is relatively flat with single storey buildings proposed and therefore provides good accessibility. A separate and safe student pedestrian entry from Lignum Road as well as different landscaping themes in each area of the site assist with wayfinding and place making.</p> <p>The school anticipates Pastoral and Parents & Friends meetings outside of school hours and is capable of hosting community events as opportunities arise.</p>	Yes
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.	The design maximises passive surveillance and therefore security for students and staff, with visual connection across and between spaces. Separate pedestrian and vehicle access is provided and security fencing reflects the nature of each site boundary.	Yes

<p>Principle 5 - amenity</p>	<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The proposed development will provide adequate facilities, amenity and security for students and staff and is not expected to impact the amenity of the local area following the construction stage. The COLA will enable outdoor learning and play in various weather conditions.</p> <p>The traffic figures used in the TIA are almost 10 years old, although Lignum Road is a local road with a 50km speed limited with limited traffic, prior to recent sealing. It is not considered a busy road. The Noise and Vibration Impact Assessment indicates that traffic noise intrusion will comply with the relevant criteria.</p> <p>Outdoor learning and play spaces are adequately provided by way of a COLA, various seating areas, decking, play equipment, gardens, shade trees etc. Operable windows ensure natural ventilation, the size and positioning of glazed windows and doors has considered daylight access and facilitate a pleasant outlook onto surrounding landscaped areas. A suitably sized bin storage and plant area is located adjoining Lignum Road.</p>	<p>Yes</p>
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Principle 6 - whole of life, flexible and adaptive	School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	The modular design learning spaces and limitation of structural elements to the external sections of the buildings will allow for adaptability to meet changing needs and reduce the likelihood of future demolition and rebuilding. Environmental performance is delivered through measures including: material selection to reduce heat gain, use of solar power, rainwater harvesting and cross-ventilation. The development site only comprises part of the total site area, allowing for future expansion as the population within the school catchment grows over time.	Yes
Principle 7 - aesthetics	<p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</p>	The design provides contemporary, small-scale buildings that are visually unobtrusive and softened by integrated landscaped elements. Incorporation of an existing dam into the landscaping elements and open style fencing fronting the future open space corridor on the northern boundary are examples of responding positively to characteristics of the site and adjoining area. The design also allows for a future pedestrian/cycle link on the southern boundary to connect with the adjoining residential estate.	Yes

- (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Comment: It is not intended to share school facilities with the community, although the school may host extracurricular activities and community events. The development does not include features such as sports grounds or a multi-purpose hall that may be suited to community use.

Although the proposed development is not traffic generating development under Section 2.122 of the SEPP, as it does not meet the criteria outlined in Schedule 3, it is considered as traffic generating development for the purposes of Section 3.58 of the SEPP, as the development is for a new educational establishment able to accommodate 50 or more students, on a site with direct vehicular or pedestrian access to any road. The consent authority must take into consideration the matters at 3.58(3) below:

- (a) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

Comment: The application was referred to TfNSW and no objection was raised (**Attachment B**) subject to conditions that have been incorporated into the recommended conditions at **Attachment A**.

- (b) the accessibility of the site concerned, including—
 - (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

Comment: The location of vehicular access, provision of on-site parking, provision of a “kiss and drop” area and internal vehicle circulation have been considered by Council’s Subdivision Engineer and found to be satisfactory subject to conditions.

- (ii) the potential to minimise the need for travel by car, and

Comment: Three bus bays have been constructed at the Lignum Road frontage to ensure adequate public transport access. On-site bicycle parking is provided and the design enables a future cycle/pedestrian link into the residential estate to the south. These features will minimise the need for travel by car.

- (c) any potential traffic safety, road congestion or parking implications of the development.

Comment: These matters have been considered by TfNSW and resultant conditions address potential traffic safety, road congestion and parking through: implementation of a School Zone within the adjoining road network (including school zone and speed management signage and pavement markings), suitability of bus bays, discussion with bus operators, preparation of a School Travel Plan in consultation with Council and TfNSW, preparation of a Traffic Management Plan for construction activities and denial of vehicular access from Kiely Road)

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development

Under section 3.2, the consent authority is required to consider:

- (1) *In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
 - (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*

Comment: The site is vacant and therefore there will be no demolition waste or opportunities for reuse of building materials.

- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*

Comment: Heating, ventilation, air conditioning (HVAC) systems designed to modulate in the event of changing outside air temperatures can improve efficiency and reduce electricity demand.

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

Comment: Glazing has considered capturing natural light, and this will reduce daytime lighting requirements. Building materials have been selected that capture energy during the day to assist in controlling internal temperatures and minimising energy requirements for heating and cooling. Openable windows will allow for cross ventilation to assist with cooling.

(d) the generation and storage of renewable energy,

Comment: The proposal includes the generation of renewable energy efficient technology, as solar panels will be stored on the rooftop of each building.

(e) the metering and monitoring of energy consumption,

Comment: No details have been provided regarding this aspect and therefore it's recommended that this be conditioned.

(f) the minimisation of the consumption of potable water.

Comment: the Integrated Water Cycle Management Report indicates that the proposed underground rainwater tanks will store a total of 40kL of water. The report estimated that 464 kL/year of water will be required for toilet flushing and 61kL/year for irrigation. Therefore, the consumption of potable water be reduced through the use of rainwater for part of the school's toilet flushing and irrigation needs.

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

Comment: The Regulation stipulates how emissions under this clause are to be determined and indicates that the figure provided must be certified by a specialist (refer to details under (e) below). The certified amount of embodied emissions attributable to the development is identified in the NABERS Embodied Emissions Report, and therefore the consent authority can be satisfied that this has been adequately quantified.

Murray Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Murray Local Environmental Plan 2011* ('the LEP').

The aims of the LEP are:

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

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to encourage sustainable economic growth and development within Murray,

(b) to encourage the retention of productive rural land in agriculture,

(c) to identify, protect, conserve and enhance Murray's natural assets,

- (d) *to identify and protect Murray's built and cultural heritage assets for future generations,*
- (e) *to allow for the equitable provision of social services and facilities for the community,*
- (f) *to encourage and focus growth in the Moama and Mathoura townships,*
- (g) *to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.*

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

- contributes to economic growth through the employment of teachers and support staff
- provision of an educational facility for the benefit of the community, and
- the proposal is located within a designated urban release area and facilitates the growth of Moama.

Zoning and Permissibility

The site is located within the R1 General Residential zone pursuant to clause 2.2 of the LEP (**Figure 8**). According to the definitions in clause 1.4 (contained in the Dictionary), the proposal satisfies the definition of educational establishment, which is a permissible use with consent in the R1 General Residential Zone (as it is development not specified in item 2 Permitted without consent or item 4 Prohibited) as per the Land Use Table in clause 2.3.

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

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To avoid potential land use conflict and protect the amenity of residents.*
- *To provide for tourist and visitor accommodation in appropriate locations.*

The proposal is considered to be consistent with these zone objectives as it provides an educational facility to meet the needs of children in the local community.

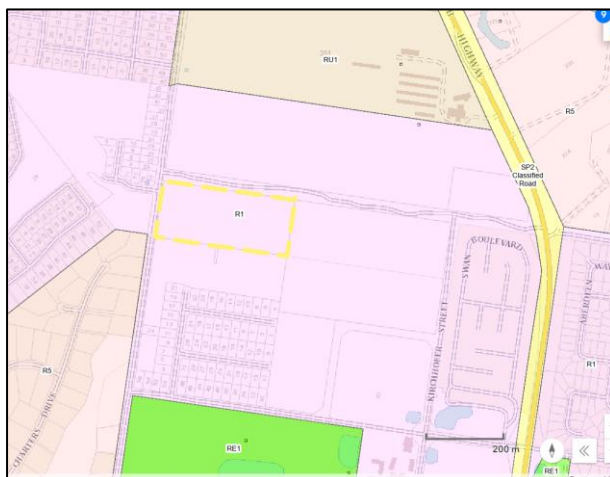


Figure 8: Zoning Map (source: NSW Planning Portal Spatial Viewer)

General Controls and Development Standards

The LEP also contains controls relating to development standards, miscellaneous provisions, and local provisions, as well as a part regarding urban release areas. The controls relevant to the proposal are considered in **Table 5** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (cl 4.3)	Not adopted	6.5m – Building A 6.3m – Building C	N/A
FSR (cl 4.4)	Not adopted	N/A	N/A
Heritage Conservation (Cl 5.10)	5.10(1) Objectives - To conserve the environmental heritage of Murray, the heritage significance of heritage items and heritage conservation areas (including associated fabric, settings and views), archaeological sites and Aboriginal objects and Aboriginal places of heritage significance.	<p>The site is not heritage listed, is not within a heritage conservation area, does not include an archaeological site or Aboriginal place of heritage significance.</p> <p>An Aboriginal Cultural Heritage and Historic Heritage Assessment Report was undertaken (that included a search of the AHIMS database, a field survey and consultation with Aboriginal community stakeholders) and found no Aboriginal objects or cultural values associated with the site.</p> <p>A standard consent condition is proposed in order to address any unexpected finds.</p>	Yes
Special Flood Considerations (cl 5.22)	This clause applies as the proposal is for sensitive development (including educational establishments) located on land between the flood planning area and the probable maximum flood (PMF). The site is not within the flood planning area, although a small area along the southern boundary is mapped as 0.2% Annual Exceedance Probability (AEP) and has been adopted as the PMF (Figure 9).		Yes (subject to conditions)



Figure 9: The yellow area represents 0.2% AEP flood depth (source: SEE)

Clause 5.22(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—

(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and

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

(c) will adversely affect the environment in the event of a flood.

Flood depths of less than 0.15m are anticipated at the southern boundary and therefore flood levels do not pose a high risk. Safe occupation is addressed by siting buildings outside the PMF area. As there is no flooding anticipated to the north of Lignum Road or via Kiely Road, evacuation routes will remain accessible during major flooding events.

Council's Development Engineer has recommended conditions to manage flood risk to life that are included at **Attachment A**.

Landscaping will assist to stabilise soils and minimise erosion during flood events. The proposed stormwater management system has been designed to manage excess runoff during flood event and no concerns have been raised by Council's Development Engineer.

Part 6 Urban Release Areas


Clause 6.2(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. A public utility for this clause is defined as the supply of water, electricity and the disposal and management of sewage.

The land is located within an urban release area and the proposal will require sewer, water, electricity, stormwater drainage, telecommunications and vehicle access.

No concerns have been raised by Council's Development Engineer regarding the availability of public utility infrastructure.

Yes

Essential Services (cl.7.1)	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required –</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access</p>	<p>Water, electricity and sewer are considered at Part 6 Urban Release Areas above.</p> <p>There is no piped stormwater reticulation in the immediate area. The proposal will implement a water sensitive stormwater plan that will capture rainwater and direct it via natural swales to 4 x 10KL underground water tanks, with overflow to be directed to the future stormwater network being constructed with the adjoining residential subdivision.</p> <p>The Lignum Road frontage has recently been sealed and will provide adequate access with TfNSW prohibiting access from Kiely Road, which is a future open space corridor.</p> <p>No concerns have been raised by Council's Development Engineer regarding the availability of essential services.</p>	Yes
Biodiversity Protection (cl.7.3)	<p>Clause 7.3 applies as land along the northern boundary and in the north-west corner of the site is identified on the Terrestrial Biodiversity Map (Figure 10).</p>	<p>Refer to comments directly below.</p>	Yes (subject to conditions)

	 <p>Figure 10: Terrestrial Biodiversity – shown green (source: NSW Spatial Viewer)</p>		
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Clause 7.3 Biodiversity protection

The objective of this clause is to maintain aquatic and terrestrial biodiversity by—

- (a) protecting native fauna and flora,
- (b) protecting the ecological processes necessary for their continued existence,
- (c) encouraging the recovery of native fauna and flora and their habitats.

Clause 7.3(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development—

- (a) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

Comment: The development will have an adverse impact on significant flora due to proposed removal of 13 Grey Box trees, although this will be offset through biodiversity credits and replacement with 64 new native trees.

- (b) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

Comment: The proposed tree removal may have an adverse impact on native fauna that may otherwise utilise these trees for shelter, food or breeding, although tree replacement with appropriate species will mitigate this impact.

- (c) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

Comment: The proposed tree removal has the potential to fragment and diminish the biodiversity structure, function and composition, although the proposed native landscaping will enhance these aspects, once matured. A Construction Management Plan will ensure that disturbance of biodiversity is minimised during the construction period.

- (d) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Comment: No significant impact to the movement of threatened species is expected given that the site is largely cleared farmland, has limited connectivity and few habitat features.

Clause 7.3(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or

Comment: The proposed removal of 13 trees means that there will be an adverse environmental impact, although the consent authority can be satisfied that environmental impacts will be minimised and mitigated as per clause 7.3(4)(b) and (c) below.

(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or

Comment: Design and siting of the proposed development has enabled the retention of some Grey Box trees, and the proposed native landscaping will assist with ecological recovery. The Biodiversity, Conservation and Science Group (BCS) has recommended a condition requiring a Biodiversity Management Plan to minimise the impacts of construction on biodiversity values.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment: The impact will be mitigated by retiring 9 species credits and 9 ecosystem credits. Conditions of consent recommended by BCS have been included at **Attachment A**.

In conclusion, although the development proposal will generate an adverse environmental impact due to native tree removal, this is not likely to significantly impact native fauna. Biodiversity impacts have been adequately minimised and mitigated through careful siting, considerable replacement native planting to encourage the recovery of native fauna and flora and their habitats, via species and ecosystem credits, and a requirement for the preparation of a Biodiversity Management Plan. Therefore, the objectives of clause 7.3 Biodiversity protection have been met.

The proposal is considered to be generally consistent with the relevant requirements of the LEP.

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

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, that are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Murray Development Control Plan 2012 ('the DCP') has limited applicability and is considered in Table 3 above. The proposal is generally consistent with the DCP.

The following contributions plan is relevant pursuant to section 7.18 of the EP&A Act (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Murray Shire Council Section 94 Development Contributions Plan 2011*

The contributions plan authorises the imposition of conditions under section 7.11 of the Act for land zoned R1 General Residential and there are no exemptions, except where directed by the Minister or where development is being carried out by Council, a community or "not for profit" organisation for the benefit of council or the community for no commercial gain. Therefore, a developer contribution has been included in the recommended draft consent conditions.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

The following matter requires consideration in relation to the *Environmental Planning and Assessment Regulation 2021*:

Section 35BA Embodied emissions for non-residential development under SEPP (Sustainable Buildings) 2022 requires that:

- (1) A development application for non-residential development under State Environmental Planning Policy (Sustainable Buildings) 2022 must—*
 - (a) disclose the amount of embodied emissions attributable to the development, and*
 - (b) describe the use of low emissions construction technologies in the development.*
- (2) The amount disclosed under subsection (1)(a) must be determined using—*
 - (a) the form published on the NSW planning portal as in force from time to time, and*
 - (b) an itemised list of building materials for the development prepared by a quantity surveyor.*
- (3) The amount disclosed under subsection (1)(a) must be certified by—*
 - (a) a quantity surveyor, or*
 - (b) a qualified designer, or*
 - (c) an engineer, or*
 - (d) an assessor accredited under NABERS.*

Comment: A NABERS Embodied Emissions Report certified by an accredited NABERS assessor has disclosed the amount of embodied emissions using the prescribed form and including an itemised list of building materials. Low emissions construction may include use of concrete with lower Portland cement content and use of structural steel work with a high recycled content.

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

(f) Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. Potential impacts related to the proposal that have not been considered above in response to SEPPs, LEP and DCP controls are assessed below.

Context and setting

The proposal is considered to be generally consistent with the context of the site, in that the proposed new buildings are of an appropriate scale for the site with large areas of open space and landscaping, which also contribute to the character and amenity of the locality. The new administration building is designed to address Lignum Road, where legible and safe pedestrian access is provided. Given the large site, adequate setbacks and landscaping provision, the potential impacts on adjoining properties are minimised.

Site design and internal design

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

Traffic, transport, parking and access

Traffic impacts – operational phase

The proposed school is traffic generating development under section 3.58 Traffic-generating development of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The DA was referred to TfNSW as required under the SEPP, and the response is attached at **Appendix B**. TfNSW has raised no objections to the proposal subject to specified conditions.

Traffic volumes for the surrounding road network are based on a 2017 study undertaken for the adjoining Arthurs Estate development. The site is located within a growing urban area and Lignum road has recently been sealed, although Council's Engineer is satisfied that updated traffic counts are not required. Based on the 2017 figures and applying an annual compound growth rate of 3%, the findings indicated that all local intersections currently operate at very good to excellent condition.

The TIA estimates that the proposed development will generate 258 AM peak trips and 212 PM peak trips, based on a maximum capacity of 210 students. It then estimated future traffic conditions to 2030 including the proposed development and found that the northern approach to the Lignum Road/Perricoota Road intersection will have poor operating conditions. The TIA therefore recommended a road upgrade to install a roundabout at this intersection, to raise the operational condition to fair. Council's *S94 Development Contributions Plan* was prepared in 2011 and included a schedule of works up to the 2016 financial year, therefore the cost of this upgrade is not covered by the Contributions Plan and no Voluntary Agreement has been entered into. As the intersection performance will not rate as poor until 2030, there is no immediate need for a roundabout and this upgrade can form part of Council's schedule of works over the coming years. Council's Engineer has indicated that this project is currently in the design stage.

Traffic impacts – construction phase

The SEE and TIA have not provided any information regarding potential traffic impacts during the construction phase. There are no figures provided for the likely number or frequency of delivery trucks or construction staff vehicle movements. Given the low traffic volumes on Lignum Road, the lack of development directly adjoining the site likely to be impacted (given that the site is largely surrounded by vacant land, other than low density housing to the south-west of the site) and the ample availability of informal on-site parking, it's considered that construction traffic impacts are likely to be insignificant and can be addressed via a Construction Traffic Management Plan to be conditioned.

Vehicular access

Access will be via two crossovers from Lignum Road, which is a 6.4m wide, two-way, sealed local road with a speed limit of 50km/hour. Neither TfNSW nor Council's Engineer have raised any concerns regarding vehicle access. TfNSW has provided a condition of consent to ensure that a school zone (including signage and pavement marking) is implemented and maintained at full cost to the development. The TIA has made recommendations regarding sight distances that are included in the draft conditions.

Kiely Road along the northern site boundary is an unsealed tree-lined road reserve and will not be used for school access. The Moama North-West Masterplan prepared for Murray River Council in January 2009, indicates that Keily Road is intended as proposed drainage/linear open space and will have pedestrian and cycle linkages. As such TfNSW in its advice has provided a condition of consent that prior to the commencement of construction, physical

measures are installed at each intersection along Keily Road between Cobb Highway and Lignum Road to prevent vehicle access to the site from Keily Road.

Parking

There are no council parking standards applicable to educational establishments. It is proposed to provide a total of 43 spaces (including 5 accessible spaces), comprising 22 staff parking spaces and 21 drop-off spaces. The TIA has used a TfNSW 2014 Trip Generation Survey and Schools Analysis Report to estimate likely car parking demand generated by the development. The survey took into account total parking demand both on and off-site generated by staff, parents, students and visitors and indicated an average long term parking requirement of 0.1 parking spaces per student (based on 210 students). This equates to demand for 21 parking spaces. Therefore, the proposed provision of 22 long-term parking spaces is considered adequate.

To determine a suitable rate of drop-off parking, the TIA used aerial images of 7 primary schools within the region to ascertain the level of drop-off parking provided by comparable schools. Three of the schools had no discernible drop off parking provision and the remaining four schools appeared to provide between 3 and 8 spaces. Taking into account the number of students at each school where drop-off parking is provided, results in an average provision of 0.17 spaces per student. This equates to an equivalent provision of 4 spaces for the proposed development. Therefore, the proposed provision of 21 drop-off parking spaces is well in excess of that required.

The "BCA and DDA Capability Statement" prepared by bm+g, indicates that a minimum of one (1) accessible parking space is required and therefore as 5 spaces are proposed, this requirement has been met.

It is considered that the ratio of staff/visitor parking spaces to drop-off spaces may need to be revised during the operational phase, given that:

- there will be up to 40 staff on site at full capacity and the proposal only allows for staff parking for approximately half that number,
- the ratio's used to determine the minimum parking requirements are not an exact science, and
- there is considerable overprovision of drop off parking, compared to several primary schools in regional NSW and Victoria (that provide between zero and 8 spaces).

Therefore, the conditions of consent should stipulate the total parking requirement (of 43 spaces as per the revised plans including 5 accessible spaces) and the minimum drop off parking requirement (all 7 spaces within the front setback circulation area should remain as dedicated drop-off spaces) and allow the spaces within the main car park to be used for either drop-off or staff/visitor parking as per ongoing operational needs.

Public transport

There are no public transport bus stops in close proximity to the school, with the nearest bus stop on Boyes Street, located approximately 900m from the intersection of Lignum Road and Keily Road. Furthermore, the timetable for the Boyes Street bus service does not coincide with school start and finish times. The TIA recommends consideration be given to re-routing Route 3 Circular Echuca – Moama bus service. In its advice, TfNSW has provided a condition of consent to address this issue by requiring the applicant to consult with TfNSW at least 8 months prior to occupation to determine whether existing bus services can be rerouted or whether a new bus service will be required.

Three (3) bus parking bays have already been constructed by Council along the Lignum Road frontage to facilitate future bus services. It should be noted that the bus bays would also be utilised as temporary parking spaces by private waste collection vehicles.

Cycling and walking

Keily Road, which adjoins the northern site boundary, is an unformed road reserve that's been identified as a future open space corridor and will provide a pedestrian and cycle link. A further pedestrian and cycle link will be provided to connect the school with Arthurs Estate, and the plans show a security gate along the southern boundary that will provide access once the link on the Arthurs Estate land is constructed. A paved pathway is to be provided from the gate to the main student entry area, where there is provision for 16 bicycle parking spaces. The TIA has used The Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines 2010 which recommends one 1 space for every 20 students and 1 space for every 10 employees. The proposed provision of 16 spaces is above the 15 spaces required using this guideline. All bike parking spaces are required to be undercover (as per the submitted Green Travel Plan), although the 4 spaces to be located outside the library, are not shown as being undercover, and therefore a relevant condition is included at **Attachment A**.

The plans show proposed speed humps along Lignum Road, rather than any pedestrian crossings. There is currently no sealed footpath along the eastern side of Lignum Road, although this will be provided by developers and Council as development of the surrounding area progresses. As a minimum, in order to ensure the safety, convenience and amenity of school users, a condition is recommended requiring a footpath be constructed prior to occupation along the eastern side of Lignum Road for the entire length of the school property boundary and that a pedestrian crossing be installed.

TfNSW has required a condition that a School Travel Plan be prepared in consultation with council and TfNSW prior to occupation and that the Plan be updated annually. The Green Travel Plan indicates that the annual review could include any additional measures to implement target modal split between car, bus and walking/cycling, such as ensuring there are adequate bicycle parking spaces and potential reallocation of car parking spaces between staff and pick up/drop off. This will ensure that travel options suit actual demand following the commencement of operation of the school and that the changing transport needs of school users over time can be identified and met.

Biodiversity Values

The subject site is 4.78ha, of which 4.72ha is native vegetation, comprising 4.3ha of native grassland and 0.42ha of native remnant woodland and associated habitat classified as Grey Box community. This is an endangered ecological community under the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth legislation). A Biodiversity Development Assessment Report (BDAR) was prepared in May 2022 and referred to the Biodiversity Conservation and Science Group (BCS) for comment (refer to part 4.1 of this report below). An Addendum Biodiversity Report was then prepared in September 2024 to reflect the changed nature of the development proposal from a K-12 (State Significant Development) to a K-6 school (Regionally Significant Development).

The proposal triggers entry to the Biodiversity Offsets Scheme due to exceeding the vegetation clearing threshold of 0.25ha for the site. Although it's only proposed to remove vegetation within the building footprint as well as for fencing and hard landscaping purposes, it is assumed that all areas of native vegetation within the site will decline in condition over time due to planting of non-indigenous vegetation and ongoing pedestrian access. To offset this impact, the development requires 9 ecosystem credits to be retired (for loss of Grey Box

community) and 9 species credits (for the loss of habitat for the Masked Owl, which is assumed to be present).

Ecological impacts of the proposed development will be mitigated by requiring a Biodiversity Management Plan that includes management measures identified in the BDAR and Addendum, as recommended by BCS (**Attachment C**).

Noise

Construction phase

A Noise and Vibration Impact Assessment (NVIA) was prepared that estimates excavation noise impacts during the construction phase will exceed recommended levels at future dwellings surrounding the school in all directions. Noise impacts will exceed the highly affected noise criterion at some locations if a rock breaker and drills are required. If not, there will still be exceedances of the highly affected noise criterion at some locations should use of a compactor occur within 30m. During general construction, noise levels are also predicted to exceed both the noise affected and highly affected noise criterion at various locations, particularly due to the use of hand tools, a concrete saw, piling and vehicle noise.

In terms of vibration impacts, vibration from some construction activities may affect human comfort if moderate to high vibration inducing activities occur at a minimum distance from sensitive receivers. Also building damage criteria may be exceeded where impact piling or heavy rock breaking occur very close to dwellings or domestic structures and in these instances, onsite vibration monitoring would be required and can be conditioned.

It should be noted that the NVIA was based on a worst-case future scenario, with residential subdivision surrounding the development site. At present this is not the case, with the closest existing dwelling being 8 Charters Drive to the south-west of the site on the opposite side of Lignum Road (which is located approximately 35m from south-west corner of the development site). As development within the adjoining Arthurs Estate progresses, more new residents will be noise impacted. Construction noise and vibration impacts will be managed via a condition requiring preparation of a Construction Management Plan (CMP) that includes the recommendations within the NVIA. Given the temporary nature of construction activities and mitigation measures proposed, the impacts associated with construction are considered acceptable.

Operational phase

The main sources of noise during the operational phase include students playing in outdoor areas (for approximately 2hrs each school day), the school bell (that will be activated six times per school day) and public address (PA) system, mechanical equipment (air conditioning fans, general exhaust fan and kitchen/laboratory exhaust fans) and services. Noise criterion for under 4 hours per day will not be triggered as a result of outdoor play. The noise criterion for more than four hours per day could potentially be triggered, although the school grounds will not typically be used for more than 2 hours per day. Any exceedance of the 4 hour trigger would be up to 3dB(A) and according to the NVIA, a Land and Environment Court decision (Meriden School v Pedavoli 2009) indicates that this would not be considered significant on the basis that this noise source is expected and typical from school grounds.

The school bell and PA system are anticipated to comply with intrusive and amenity criteria, although conditions are recommended to ensure that these features do not cause undue disturbance in the local area. Noise from mechanical systems is expected to comply with noise criteria. No noise generating after school activities are proposed. The impacts of traffic noise

and use of the drop-off area have also been considered in the NVIA and will comply with the relevant criteria.

External noise intrusion

The NSW Government *Educational Facility Standards and Guidelines* has been used as a benchmark for noise intrusion into school spaces (although the Guideline is only applicable to public schools). The NVIA considered the impact of traffic noise from Lignum Road on the school and found that even with the windows of the administration building opened, noise intrusion will comply with the relevant criteria. The school will not be impacted by aircraft noise, being located over 7km away from the Echuca Airport and outside the ANEF 20 contour.

In summary, the school will generate unacceptable noise impacts during excavation and construction, particularly for the nearest existing dwelling, although these impacts will be minimised to the greatest extent possible by way of mitigation measures to be included in a CMP. Operation noise is not expected to exceed the relevant criteria, subject to conditions regarding the school bell and PA system. The school is not expected to be negatively impacted by external noise sources.

Social Impact

The proposal will provide an educational facility to support current and future students. The nature of the development will help create a sense of place and focus for the new residential neighbourhood within the urban release area. Potential negative impacts associated with the construction phase and traffic impacts are addressed via the recommended conditions of consent. It is considered that the proposal will generate an overall positive social impact.

Economic Impact

The proposal will assist with employment generation in relation to temporary construction jobs, as well as ongoing teaching and administration jobs. The school will also provide additional investment in local businesses to provide goods and services required for the development. The proposal will also result in a positive economic impact through the attraction of families to the area, which contributes to population growth and economic activity.

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

Cumulative Impact

The SEE has identified that the proposal will generate minor adverse cumulative impacts with regard to the change in local amenity from rural to urban uses (although this is expected within an urban release area), tree removal (although substantial replacement planting will occur as well as offsetting species and ecosystem credits), traffic generation (this is acceptable and manageable and will be partially offset by developer contributions and encouragement of public transport, cycling and walking), construction and ongoing noise (the surrounding area is currently partially vacant land under development, therefore residents that choose to live in close proximity to the planned school are likely to be somewhat tolerant of ongoing, unavoidable school generated noise such as playground shouting and the school bell). Despite these minor cumulative impacts, the proposal is considered to be in the public interest.

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

The site is considered to be suitable for the development and compatible with the locality, given its location within the urban release area that the school is intended to service. The

proposed design, layout and landscaping seek to effectively integrate the proposed buildings and parking areas into the existing built and natural environment. The site is affected by the PMF, although evacuation routes are available and Council's Development Engineer has raised no concerns regarding flood risks, subject to conditions. The site is suitable despite a small area along the northern boundary being identified on the Terrestrial Biodiversity Map, given only 13 trees require removal and the biodiversity impact will be mitigated by replacement planting and biodiversity offsets.

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

The DA was publicly notified for 32 days from 26 February to 29 March 2024 and one public submission was received in support of the proposal. A Moama resident indicated they were pleased that the proposed school is going ahead, as they see the need for another school in the area.

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

The proposal is considered to be in the public interest, as it will provide additional learning opportunities in an area experiencing urban growth. The potential impacts of the proposal have been adequately minimised or mitigated as discussed in this report.

The proposal is generally consistent with the applicable planning controls as outlined in this report and will result in positive social and economic impacts.

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

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was referred to agencies for comment under the EP&A Act 1979, as outlined below in **Table 6**. There are no outstanding issues arising from the referral requirements.

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments	Resolved
Consultation and concurrence (s4.13 of EP&A Act)			
Transport for NSW	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Section 3.58 Traffic-generating development	TfNSW has raised no objection subject to conditions regarding the implementation and maintenance of a School Zone, design of indented bus bays, a School Travel Plan, bus services, a detailed Traffic Management Plan and preventing vehicular site access via Kiely Road.	Yes (subject to conditions)

Electricity supply authority	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p>Section 2.48 Development near electrical infrastructure</p>	Essential Energy has raised no objection and has provided general comments that are included as advice within the recommended conditions.	Yes
Referral/Consultation Agencies			
NSW Dept of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Group (BCS)	<p><i>Murray DCP 2012</i></p> <p>Chapter 11(3) Consultation – council may consult with relevant authorities on any DA for flood liable land.</p> <p>Chapter 12 Notification Policy – referral may extend to other bodies that may be affected by the development or are able to provide special comment.</p>	<p>In their initial referral response dated 19 March 2024, BCS raised the following concerns:</p> <ul style="list-style-type: none"> • Flooding: <ul style="list-style-type: none"> ○ The planning principles and consultation requirements under SEPP (Biodiversity and Conservation) apply and to satisfy these requirements, clause 5.22 of the LEP should be applied as the proposed school is a sensitive development on a site impacted by the PMF. <u>Comment:</u> refer to the assessment in Table 4 of this report. ○ Council's Major Overland Flow Flood Study for Moama should include the subject land. <u>Comment:</u> draft results from the Study are not anticipated until mid-2025 and Council is considering a variation to the scope of the study to advise on general planning implications. • Biodiversity: <ul style="list-style-type: none"> ○ The BDAR needs to be revised as per the BAM <p>Additional information provided by the applicant was subsequently forwarded to BCS and an updated referral response was received on 28 October 2024, which indicated satisfaction with the amended BDAR and provided recommended conditions that have been included at Appendix A.</p>	Yes (subject to conditions)

Dept of Education	<i>Murray DCP 2012</i> Chapter 12 Notification Policy – referral may extend to other bodies that may be affected by the development or are able to provide special comment.	The Department advised council that comments are only provided where concurrence is required.	N/A
Integrated Development (S 4.46 of the EP&A Act) – N/A			
		The applicant has not nominated the proposal as integrated development.	N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineer	No objections subject to conditions to mitigate any potential flood impacts.	Yes (subject to conditions)
Subdivision Engineer	Access, sight distances and swept paths are suitable. Parking for staff, drop-off and bicycles is sufficient. Sewer, water and stormwater concepts are acceptable. No objections subject to conditions that have been included at Attachment A.	Yes (subject to conditions)
Liquid Trade Waste	No objections, subject to a standard condition i.e. given a canteen is proposed, the applicant would need to enter into a trade waste agreement with Council.	Yes (subject to conditions)
Waste	The Waste Management Plan was reviewed by Council's Coordinator Waste Management, and no objections were raised.	Yes
Parks and Gardens	The BDAR and Arborist Reports were reviewed by Council's Manager Parks, Open Space and Bio Security, and no objections raised. Tree removal is reasonable, particularly along Lignum Lane. The landscape plans are satisfactory.	Yes
Building	Referred for information only.	N/A

The Council referral officers have no outstanding issues and the recommended conditions have been included at **Attachment A**.

4.3 Community Consultation

The proposal was notified in accordance with council's notification policy from 26 February 2024 until 29 March 2024. One submission in support was received.

Notification included the following:

- advertised on the Planning Portal
- advertised in the local newspaper (Riverine Herald)
- notification letters sent to 24 adjoining and adjacent properties, and
- notification on the Council's website.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, consideration of the submission and the key issues identified in this report, it is considered that the application can be supported subject to the recommended conditions at **Attachment A**.

The site is considered to be suitable for the proposed development and the provision of a new primary school in an urban growth area is considered to be in the public interest.

6. RECOMMENDATION

That Development Application DA No 10.2024.5.1 for an educational establishment (K-6 Carlo Catholic School) at Lot 76 DP751159 Lignum Road, Moama be APPROVED pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

7. ATTACHMENTS

The following attachments are provided:

- **Attachment A:** Draft conditions of consent
- **Attachment B:** TfNSW referral response
- **Attachment C:** BCS referral response