

DEVELOPMENT APPLICATION 63/2021 – PROPOSED UPGRADES TO THE MILLTHORPE PUBLIC SCHOOL – 32 PARK STREET, MILLTHORPE

1. Recommendation:

That the Western Regional Planning Panel consent to Development Application DA63/2021 for upgrades to the Millthorpe Public School at 32 Park Street, Millthorpe subject to the condition(s) detailed in Annexure 'A' *attached*.

2. Application Details Summary:

Development Application No: DA63/2021

Description of Development: Upgrades to the Millthorpe Public School

Applicant: GHD Pty Ltd

Landowner(s): Crown Land (NSW Department of Education) & Crown Land
(Department of Planning Industry & Environment)

Landowners consent provided: ☒ Yes ☐ No

3. Property Description Summary:

Legal Description: Lot 7 DP750384, Lot 1 DP561913, Lot 101 DP1152319 and Lot 18 DP7929, 32 Park Street, Millthorpe and Lot 35 DP 750384, 44 Park Street, Millthorpe (Redmond Oval)

Existing Improvements: Existing Buildings and Infrastructure for the Millthorpe Public School

Land Zoning: RU5 Village zone

4. Executive Summary:

Development Application (DA) 63/2021 proposes the development of upgrades to the Millthorpe Public School. The subject property (the site) is legally described as Lot 7 DP750384, Lot 1 DP561913, Lot 101 DP1152319 and Lot 18 DP7929, 32 Park Street, Millthorpe and Lot 35 DP 750384, 44 Park Street, Millthorpe (Redmond Oval) and is located within the Millthorpe Heritage Conservation Area. The site has an area of 1.19842 hectares and is 200 metres north east of the main centre of the historical village.

The DA is seeking development consent for upgrades to the Millthorpe Public School, specifically, the proposal involves:

- Erection of a two (2) storey Learning Hub Building;
- Refurbishment of the existing classroom building (Block B) and upgrades to the Special Programs, Administration, Library, Hall and Canteen Buildings (Blocks C, D, G & J);
- Demolition of Block A and the removal of eight (8) demountable buildings;
- Relocation of two (2) storage containers and Block H storage sheds;
- Outdoor learning areas and landscaping; and
- Upgrade the existing car parking and drop off/pick up area on Redmond Oval.

In accordance with the *State Environmental Planning Policy (State & Regional Development) 2011, Clause 20(1)* the proposal is regionally significant development pursuant to Clause 4 of Schedule 7, due to the proposed development being Crown Development over \$5 million (Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act)) that has a capital investment value of more than \$5 million, therefore, the Western Regional Planning Panel is the delegated authority.

The proposed development is seeking development consent pursuant to the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP Education)*. The proposal is defined specifically as a school and is permitted with consent pursuant to Clauses 33 and 35 (1) of the *SEPP Education*. Whilst development approval is being sought pursuant to the *SEPP Education*, it is noted that under the *Blayney Local Environmental Plan 2012* the proposal would be defined as an educational establishment which is permissible within the prescribed zone. The proposed development is consistent with the *Blayney Local Environmental Plan 2012*, the *Blayney Shire Development Control Plan 2018* and all relevant State Environmental Planning Policies.

The proposed development was referred to Essential Energy seeking concurrence, under the *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)* due to the proximity of the proposed development to existing and proposed infrastructure. Essential Energy sought additional information, which was provided by the applicant and subsequently, Essential Energy subsequently provided comments and recommended conditions of consent.

The proposed development was referred to Crown Lands, as an adjoining land owner (Redmond Oval) and the proposed upgrading to the existing car parking and drop off/pick up area on Redmond Oval. Crown Lands provided comments and recommended conditions of consent.

The proposed development was publicly exhibited and notified to neighbouring land owners from 22 May 2021 to 17 June 2021 in accordance with the *Blayney Shire Community Participation Plan 2020*, during this time two (2) public submissions was received (not including the response received from relevant agencies).

The assessment of the proposal concludes the development fits within the locality and there are no significant impacts on the site or on adjacent lands. All construction and operational aspects can be adequately managed / controlled as per the submitted DA information, or under recommended

conditions of consent. It is recommended that DA63/2021 be approved, subject to condition(s) detailed in Annexure 'A' attached.

5. Proposed Development:

The application is seeking development consent for upgrades to the Millthorpe Public School (as outlined on the supporting documentation). Specifically, the proposal involves:

Erection of a Two (2) Storey Learning Hub Building

The proposed two (2) storey building is located on the northern boundary and fronts Park Street. The building has a total area of 1588.5m² and contains ten (10) classrooms, library, outdoor learning areas, landscaped courtyards and covered pathways connecting the buildings throughout the site.

Refurbishment of the Existing Classroom Building (Block B) and Upgrades to the Special Programs, Administration, Library, Hall and Canteen Buildings (Blocks C, D, G & J)

The proposed refurbishments include internal and structural upgrades.

Demolition of Block A and the Removal of Eight (8) Demountable Buildings

The proposed demolition of Block A (the building was constructed in 1981 and is a brick construction) and the removal of ten (10) demountable classrooms.

Relocation of Two (2) Storage Containers and Block H Storage Sheds

Two (2) existing storage containers and Block H Storage Shed will be relocated.

Outdoor Learning Areas and Landscaping

The proposed development includes outdoor learning areas, landscaping and the removal of existing landscaping to accommodate the Learning Hub Building.

Upgrade the Existing Car Parking and drop off/pick up area on Redmond Oval

The proposed development includes the upgrade to the existing car parking and drop off/pick up area on Redmond Oval, no upgrades to existing pedestrian or vehicle accesses are proposed.

6. Site and Locality Description:

The site is legally described as Lot 7 DP750384, Lot 1 DP561913, Lot 101 DP1152319 and Lot 18 DP7929, 32 Park Street, Millthorpe (Millthorpe Public School) and Lot 35 DP 750384, 44 Park Street, Millthorpe (Redmond Oval) and is located within the Millthorpe Heritage Conservation Area. The site has an area of 1.19842 hectares and is 200 metres north east of the main centre of the historical village.

The site contains various built forms, including permanent and demountable buildings as outlined in the supporting documentation. The heritage items include existing trees and building Blocks B, C & D which predominately have a street frontage to Park Street. The site has a gradual slope from the eastern boundary towards the west. However, most of the permanent buildings are located along the western boundary which is relatively flat and the drainage in this area is generally directed to the northwest corner of the site.

The site has two main street frontages, Park Street along the western boundary, and Victoria Street, along the southern boundary. Adjoining the site to north is the Millthorpe Police Station, Millthorpe Bushfire Station and Redmond Oval, whilst residential dwellings adjoin the site to the east, fronting

Victoria Street and Boomerang Street. Heritage significant development opposite the site includes the Millthorpe Post Office on Victoria Street and the Golden Memories Museum on Park Street. The site has a very small frontage to Boomerang Street in the north-eastern corner (less than 10 metres). This frontage enables access to the adjoining Redmond Oval (Crown land reserve) and includes an informal school drop off/pick up zone adjacent to the oval.

7. Planning Approval Framework:

In accordance with the *State Environmental Planning Policy (State & Regional Development) 2011*, Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 4 of Schedule 7, due to the proposed development being Crown Development over \$5 million (Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act)) that has a capital investment value of more than \$5 million, therefore, the Western Regional Planning Panel is the delegated authority. As such, this assessment report is to be prepared in accordance with *State Environmental Planning Policy (State and Regional Development) 2011*, the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Concurrence and comments have been directly sought from Essential Energy and the NSW Crown Lands in accordance with *State Environmental Planning Policy (Infrastructure) 2007* and the *Blayney Shire Community Participation Plan 2020*. Informal discussions with Roads and Maritime Services (RMS) was undertaken in regard to the proposed upgrading to the existing car parking and drop off /pick up area on Redmond Oval, no formal concurrence was required under relevant legislation. No other government agencies were consulted on the DA.

The DA was publicly exhibited and notified to neighbouring land owners from 22 May 2021 to 17 June 2021 in accordance with the *Blayney Shire Community Participation Plan 2020*, during this time two (2) public submissions were received (not including the response received from relevant agencies), which has been considered in Section 10 of this report.

8. Environmental Planning Assessment:

This section of the report provides an assessment of the proposed development in accordance with the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

S4.15 (1)(a)(i) The provisions of any environmental planning instrument

Local Environmental Plans

The *Blayney Local Environmental Plan 2012* applies to all land within the Blayney Local Government Area. The site of the proposed development is zoned RU5 Village under the *Blayney Local Environmental Plan 2012*. The Land Use Table for the RU5 Village permits an *educational establishment*.

An **educational establishment** means a building or place used for education (including teaching), being: (a) a school, or (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

NOTE: Whilst development approval is being sought pursuant to the SEPP Education, it is noted that under the BLEP 2012 the proposal would be defined as an educational establishment.

Clause 2.3(2) of *Blayney Local Environmental Plan 2012* provides that the consent authority shall have regard to the objectives for development in a zone when determining a DA in respect of land within the zone.

The objectives of the RU5 Village Zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage and provide opportunities for population and local employment growth commensurate with available services.*
- *To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.*

The proposed development is consistent with the prescribed zone objectives, as it will provide improvements and opportunities to the Millthorpe Public School; whilst minimising the impact on the historic character of the village and surrounding residential development.

The following provisions of the *Blayney Local Environmental Plan 2012* have been especially considered in the assessment of the proposal:

Clause 5.10 Heritage Conservation

Clause 5.10 applies as the site is located within the Millthorpe Heritage Conservation Area and contains a Heritage Item, which includes existing trees and building Blocks B, C & D and predominately have a street frontage to Park Street. Therefore, the consent authority must consider this clause prior to granting development consent, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The objectives of the clause are as follows:

- a) *To conserve the environmental heritage of Blayney,*
- b) *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c) *To conserve archaeological sites, and*
- d) *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposed development is consistent with the prescribed Clause 5.10 objectives, as it provides improvements to the Millthorpe Public School whilst conserving the heritage significance of the existing heritage items and addressing the fabric, setting and views of the proposed development within the Millthorpe Heritage Conservation Area.

A Heritage Impact Assessment Report, prepared by EJE Heritage, accompanied the application and examined the proposed works, identifying any impacts which the proposal might have on the significance of the existing Heritage Items, and any measures which should be taken to mitigate negative impacts to the site and Millthorpe Heritage Conservation Area.

EJE Heritage and Council's Heritage Advisor provided pre development advice prior to the lodgement of the application and during the assessment process. The advice formed part of the site design and layout for the proposed development and enhances the heritage significance of the site and surrounding area for the following key reasons:

- The Heritage Item on site (existing Block B, C and D and existing trees) are proposed to be retained and include internal and structural upgrades to the existing buildings. The proposed works will have a negligible impact upon the significance of the heritage buildings and surrounding area.
- The proposed Learning Hub Building is located in the position of Block A (proposed to be demolished) which will remove a building that potentially is intrusive within the heritage setting.
- The proposed Learning Hub Building is located in line with the Block B (a Heritage Item) which minimises the visual impact from the main intersection of Park and Victoria Street and to the existing Heritage Items (Block B, C & D).
- The proposed Learning Hub Building and Block B are linked via covered walkways which identifies the integration between the traditional and new educational buildings.
- The existing avenue of trees in Park Street forms a unifying element to the proposed and existing buildings in the streetscape which will assist in minimising the impact on the area.
- The proposed and existing landscaping, the entrance path, semicircular entry space and covered walkway provides positive elements in achieving the integration between the new and existing elements onsite.
- The proposed Learning Hub Building has been designed to be sympathetic to the heritage buildings and draws design elements from Block B, for example, the western elevation is in line with Block B, the roof over the western portion matches the height of the pitch of Block B, the upper ridge height is not higher than Block B, the length of the proposed building is articulated in plan and elevation and the materials and window portions are used in reference to the surrounding historical buildings. Therefore, the outlined design elements reduce the bulk and scale of the proposed building to the street and to the school setting from Park Street.

Clause 6.1 Earthworks

Before granting development consent for earthworks, the consent authority must take the following into consideration:

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

The proposed development is expected to involve minor earthworks and there are no major waterways or drainage lines that will be disrupted as part of the proposed development. The management of drainage and soil movement and stability will be managed via conditions of consent requiring Erosion and Sediment Control Plan and a Soil and Water Management Plan.

It is considered that the proposed development has been designed to control and minimise any potential negative impacts on the receiving environment, taking into account the location of existing infrastructure and site characteristics. It is assessed the proposed development and associated earthworks will not detrimentally impact drainage lines, soil stability, amenity of adjoining properties or any environmental sensitive areas.

Clause 6.2 Stormwater Management

Before granting development consent for earthworks, the consent authority must take the following into consideration:

- (a) Is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) Includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) Avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposed development has been designed to control and minimise any potential negative impacts on the existing stormwater system or adjoining land properties, taking into account the location of existing infrastructure and site characteristic, therefore, it is assessed the proposed development will not detrimentally impact on the existing stormwater system and will provide adequate stormwater management.

Clause 6.8 Essential Services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access.

The site is connected to all essential services, including reticulated water and sewer, telecommunications and electricity utilities. No vehicle access is provided to the site, parking is available within the surrounding street network and on Redmond Oval. The proposal includes upgrades to the existing car parking and drop off/pick up area on Redmond Oval, no upgrades to the vehicle access off Boomerang or Park Street to Redmond Oval is required.

The proposed development includes the existing substation to be decommissioned and a new padmount substation to be installed under Essential Energy project reference number 'ST0001376'. The DA was referred to Essential Energy seeking concurrence, under the *SEPP Infrastructure* due to the proximity of the proposed development to existing and proposed infrastructure. Essential Energy sought additional information, which was provided by the applicant and subsequently, Essential Energy provided comments and recommended conditions of consent.

State Environmental Planning Policies

The following State Environmental Planning Instruments (SEPPs) are specifically relevant to the assessment of the proposed development:

- *SEPP 55 Remediation of Land (SEPP55)*
- *SEPP (Infrastructure) 2007 (SEPP (Infrastructure))*
- *SEPP (State and Regional Development) 2011 (SEPP (State & Regional))*
- *SEPP (Educational Establishments and Child Care Facilities) 2017 (SEPP Education)*

SEPP 55 - Remediation of Land

Clause 7 of SEPP 55 requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. Investigation of past use, Council's Contaminated Sites Register and visual inspection of the property does not reveal any evidence of contamination.

SEPP (Infrastructure) 2007

Clause 45 of SEPP Infrastructure requires a consent authority to consider any development application (or an application for modification of consent) for any development carried out:

- *Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).*
- *Immediately adjacent to an electricity substation.*
- *Within 5m of an overhead power line.*
- *Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.*
- *Placement of power lines underground.*

The proposed development includes the existing substation to be decommissioned and a new padmount substation to be installed under Essential Energy project reference number 'ST0001376'. The DA was referred to Essential Energy seeking concurrence, under the *SEPP Infrastructure* due to the proximity of the proposed development to existing and proposed infrastructure. Essential Energy sought additional information, which was provided by the applicant and subsequently, Essential Energy provided comments and recommended conditions of consent.

SEPP (State and Regional Development) 2011

In accordance with the *SEPP (State & Regional)*, Clause 20(1) declares the proposal as regionally significant development pursuant to Clause 4 of Schedule 7, due to the proposed development being [Crown Development over \$5 million (Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million], therefore, the Western Regional Planning Panel is the delegated authority.

SEPP (Educational Establishments and Child Care Facilities) 2017

The proposed development is seeking development consent pursuant to the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP Education)*. The proposal is defined specifically as a school and is permitted with consent pursuant to Clauses 33 and 35 (1) of the *SEPP Education*. Whilst development approval is being sought pursuant to the *SEPP Education*, it is noted that under the *Blayney Local Environmental Plan 2012* the proposal would be defined as an educational establishment which is permissible within the prescribed zone. The proposed development is consistent with the *Blayney Local Environmental Plan 2012*, the *Blayney Shire Development Control Plan 2018* and all relevant State Environmental Planning Policies.

Pursuant to Part 4, Clause 35 applies and the consent authority must take the following into consideration:

- (1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*

The site is located in a prescribed zone RU5 Village.

(2) *Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.*
Not applicable, due to the proposed development not being Complying Development.

(3) *Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.*
The proposed development is located within the boundaries of the Millthorpe Public School.

(4) *Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.*
Not applicable, due to the proposed development not being development permitted without consent.

(5) *A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.*
Not applicable to this application.

(6) *Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), 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 4, and*
(b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Schedule 4 Schools—design quality principles

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

The proposed design and layout responds to existing site conditions, infrastructure and enhances the positive qualities of the surrounding heritage conservation area and heritage items onsite and adjoining the site.

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.

Landscaping Plans accompanied the application and provide integration with the design features of the proposed built form, enhances onsite amenity, provides screening and mitigates negative views and vistas from adjoining properties.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Not applicable to this application.

Principle 2—sustainable, efficient and durable

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.

The proposed design and layout combines positive environmental, social and economic outcomes.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

The proposed design and layout is durable, resilient and adaptable to enable growth over time and to meet future requirements.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities. Note - Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

The proposed design and layout is considered accessible and inclusive to the community, which is achieved via built form and landscaping areas.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

The proposed development has existing shared spaces with the community and the proposed development will create future opportunities.

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 proposed design and layout considers the health, safety and security within in the site boundaries, whilst ensuring accessibility and inclusive to the community.

Principle 5—amenity

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.

The proposed design and layout provides a range of learning spaces in built and informal environmental learning spaces, whilst minimising amenity impacts on adjoining land owners.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Not applicable to this application.

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.

The proposed design and layout provides a variety of indoor and outdoor learning spaces.

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 proposed design and layout ensures a strategic and spatial approach for the Millthorpe Public School.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The proposed design and layout responds to existing site conditions, infrastructure and enhances the positive qualities of the surrounding heritage conservation area and heritage items onsite and adjoining the site.

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.

The proposed design and layout responds to existing site conditions, infrastructure and enhances the positive qualities of the surrounding heritage conservation area and heritage items onsite and adjoining the site.

- (7) *Subject to subclause (8), the requirement in subclause (6)(a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.*

Not applicable to this application.

- (8) *A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6)(a) applies that has a capital investment value of less than \$50 million.*

Not applicable to this application.

- (9) *A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*

Not applicable to this application.

- (10) *Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.*

Not applicable to this application.

- (11) *Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.*

Not applicable to this application.

S4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

There are no draft LEPs or draft SEPPs that apply to the site.

S4.15(1)(a)(iii) The provisions of any development control plan

Blayney Shire Council Development Control Plan 2021 applies to the site. *Part H: Heritage Conservation* applies to the application as the subject property site contains a Heritage Item and is located in the Millthorpe Heritage Conservation Area.

The objectives of Part H are as follows:

- 1) *To conserve the heritage significance of the built and natural environments.*
- 2) *To ensure the management of heritage is carried out in line with the Principles and Articles of the Burra Charter for the assessment of significance of heritage places and the traditions associated with them.*
- 3) *To implement the objectives and controls contained within BLEP 2012 and any other relevant heritage legislation.*
- 4) *To conserve the heritage significance of the natural and built environment and ensure new development is sympathetic to the identified heritage values.*
- 5) *To provide planning and design guidelines for developments associated with heritage items or a heritage conservation area.*

The proposed development is consistent with the prescribed Part H: Heritage Conservation objectives, as it provides improvements to the Millthorpe Public School whilst conserving the heritage significance of the existing heritage items and addressing new development in a sympathetic way to the identified heritage values on site and adjoining properties.

A Heritage Impact Assessment Report, prepared by EJE Heritage accompanied the application and examined the proposed works, identifying any impacts which the proposed development might have on the significance of the existing Heritage Item, and any measures which should be taken to mitigate negative impacts to the site and Millthorpe Heritage Conservation Area.

EJE Heritage and Council's Heritage Advisor provided pre development advice to the applicant prior to the lodgement of an application with Council. The advice formed part of the site design and layout for the proposed development and is considered to have no adverse impact on the heritage significance of the heritage items and heritage conservation area, conditions of consent are recommended.

Part H3. Development of Heritage Items

H3.1 Demolition - The proposed development does not include any external demolition to existing Heritage Items. Minor internal demolition is proposed to existing buildings. No adverse impacts are assessed.

H3.2 Subdivision - The site contains various allotments; therefore, a condition of consent is recommended to consolidate all allotments into one prior to occupation.

H3.4 Scale and Proportion - The proposed development does not include an external alterations or additions to existing Heritage Items. Minor internal alterations are proposed to existing buildings. No adverse impacts are assessed.

H3.5 Materials and Colours - The proposed development does not include any external alterations and additions to the existing Heritage Items. No adverse impacts are assessed.

H3.6 Doors & Windows - The proposed development does not include any external alterations and additions to the existing Heritage Items. No adverse impacts are assessed.

H3.7 Fencing & Gates - The proposed development includes fencing around the new padmount substation. It is considered appropriate and consistent with the existing fencing within the area, no adverse impacts are assessed.

H3.8 Landscaping Elements - The proposed development includes a detailed landscaping plan which provides visual privacy and screening along Park Street, adjoining properties and creates learning spaces within the site. No adverse impacts area assessed.

H3.9 Outbuildings & Rainwater Tanks – Not applicable to this application.

Part H4. Development in the Vicinity of Heritage Items

H4.1 Siting, Scale & Proportion - The proposed Learning Hub Building is in line with the adjoining Heritage Buildings, therefore, complies with the development standard. The proposed Learning Hub building is a two (2) storey building which has been designed in regard to the adjoining Heritage Items, in consultation with EJE Heritage and Councils Heritage Advisor. The proposed design is considered appropriate due to the following design features:

- The western facade is in line with Block B (Heritage Item);
- The roof over the western portion matches the height and pitch of the Block B roof to assist with fitting into the streetscape;
- The upper ridge height of the new building at Park Street is no higher than Block B to keep the scale of the new two storey building within the scale of the historic single storey Block B;
- The length of the proposed new building is articulated in plan and elevation to reduce the bulk and scale of the building presented to the street and to the school; and
- Sympathetic materials and window proportions are used which reference and respond to the historic buildings.

H4.2 Materials and Colours – The proposed materials are colours have been designed to limit the visual impact on the adjoining Heritage Items, conditions of consent are recommended as per Councils Heritage Advisor referral.

S4.15(1)(a)(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 relating to the site. The applicant has not requested Council to enter into any form of planning agreement.

S4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Division 8 of Part 6 of the *Environmental Planning and Assessment Regulation 2000* specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

Clause	Comment	Compliance	
<i>Clause 92 - Government Coastal Policy</i>	Not applicable to the Blayney Shire Local Government Area.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 92 - Building Demolition</i>	Recommended conditions of consent are included to ensure compliance with Clause 92 and the Building Code of Australia.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clauses 93 - Change of Use Fire Safety and Structural Capacity Considerations</i>	Recommended conditions of consent are included to ensure compliance with Clause 93 and the Building Code of Australia.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clauses 94 - Fire Safety Upgrades</i>	Recommended conditions of consent are included to ensure compliance with Clause 94 and the Building Code of Australia.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 94A - Temporary Structures</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 95 - Deferred Commencement</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 96 - Ancillary aspects of development</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 97 - Modification or surrender of development consent or existing use</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 97A - Fulfilment of BASIX commitments</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

S4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

- **Context and Setting** - The site is legally described as Lot 7 DP750384, Lot 1 DP561913, Lot 101 DP1152319 and Lot 18 DP7929, 32 Park Street, Millthorpe (Millthorpe Public School) and Lot 35 DP 750384, 44 Park Street, Millthorpe (Redmond Oval) and is located within the Millthorpe Heritage Conservation Area. The site has an area of 1.19842 hectares and is 200 metres north east of the main centre of the historical village.

The site contains various built form, including permanent and demountable buildings as outlined on the supporting documentation. The heritage item includes existing trees and building Blocks B, C & D which predominately have a street frontage to Park Street. The site has a gradual slope from the eastern boundary towards the west. However, most of the permanent buildings are located along the western boundary which is relatively flat and the drainage in this area is generally directed to the northwest corner of the site.

The site has two main street frontages, Park Street along the western boundary, and Victoria Street, along the southern boundary. Adjoining the site to north is the Millthorpe Police Station, Millthorpe Bushfire Station and Redmond Oval, whilst residential dwellings adjoin the site to the east, fronting Victoria Street and Boomerang Street. Heritage significant development opposite the site includes the Millthorpe Post Office on Victoria Street and the Golden Memories Museum on Park Street. The site has a very small frontage to Boomerang Street in the north-eastern corner (less than 10 metres). This frontage enables access to the adjoining Redmond Oval (Crown land reserve) and includes an informal school drop off/pick up zone adjacent to the oval.

The proposed development will result in a minor change to the context and setting of the surrounding area, due to the proposed design and layout within the existing school site, therefore it is considered that the proposal is compatible with the intended purposes of the land.

- **Land Use Conflict** - The site and surrounding land is primarily used for residential purposes, except for the land to the north and east which is used for a range of land-uses including community and commercial purposes.

The proposed development has been designed in regard to the existing built form, infrastructure and the surrounding Millthorpe Heritage Conservation Area, whilst ensuring a functional space for facilities and learning. The proposed development is assessed not to create any land-use conflicts regarding visual appearance, due to the proposed building design, colour scheme and landscaping outlined within the application. The applicant has provided a SEE and other studies assessing heritage, traffic and noise impacts. These reports show the proposed development can be constructed and operated without causing significant impacts on nearby activities, which is predominantly residential development.

- **Access and Traffic** - The proposed development includes the upgrade to the existing car parking and drop off/pick up area on Redmond Oval, no upgrades to existing pedestrian or vehicle accesses are proposed. The proposed development will not increase the number of students and staff, which is identified at approximately 300 students and 19 staff members; therefore, negligible traffic impacts are assessed throughout the operational phase of the proposed development. Conditions of consent are recommended to ensure that the upgrading is constructed to Councils standard.

Traffic movements will be most significant during the construction phase and access to Redmond Oval for the purposes of construction is to occur only via Boomerang Street. Traffic is not to enter via Park Street without the express prior consent of Council. In this regard, should Park Street need

to be used, a Management Plan is to be provided and approved by Council, prior to the use of Park Street detailing measures to be implemented to protect the War Memorial Gates.

To ensure the safety of pedestrians, the applicant is to submit a Traffic Management Plan showing controls to minimise the risk from construction traffic. Additionally, a condition assessment and report for the entire bitumen pavement of Redmond Oval, prepared by a suitably qualified professional, is to be submitted prior to commencement of works. All bitumen surfaces are to be reinstated to the pre-construction standard prior to occupation.

- **Public Domain** - The proposed development will not compromise the availability and enjoyment of public recreational opportunities in the locality. No adverse impacts are assessed.
- **Utilities** - The existing site is connected to the Council's reticulated sewerage or Central Tablelands Water systems, electricity and telecommunication infrastructure. The proposed development includes the existing substation to be decommissioned and a new padmount substation to be installed under Essential Energy project reference number 'ST0001376'. The DA was referred to Essential Energy seeking concurrence, under the *SEPP Infrastructure* due to the proximity of the proposed development to existing and proposed infrastructure. Essential Energy sought additional information, which was provided by the applicant and subsequently, Essential Energy provided comments and recommended conditions of consent.
- **Heritage** - A Heritage Impact Assessment Report, prepared by EJE Heritage accompanied the application and examined the proposed works, identifying any impacts which the proposal might have on the significance of the existing Heritage Items, and any measures which should be taken to mitigate negative impacts to the site and Millthorpe Heritage Conservation Area. The proposed development includes a Learning Hub Building, which is a two (2) storey building with a frontage to Park Street. As outlined throughout the report the key matters for consideration include:
 - The Heritage Item on site (existing Block B, C and D and existing trees) are proposed to be retained and include internal and structural upgrades to the existing buildings. The proposed works will have a negligible impact upon the significance of the heritage buildings and surrounding area.
 - The proposed Learning Hub Building is located in the position of Block A (proposed to be demolished) which will remove a building that potentially is intrusive within the heritage setting.
 - The proposed Learning Hub Building is located in line with the Block B (a Heritage Item) which minimises the visual impact from the main intersection of Park and Victoria Street and to the existing Heritage Items (Block B, C & D).
 - The proposed Learning Hub Building and Block B are linked via covered walkways which identifies the integration between the traditional and new educational buildings.
 - The existing avenue of trees in Park Street forms a unifying element to the proposed and existing buildings in the streetscape which will assist in minimising the impact on the area.
 - The proposed and existing landscaping, the entrance path, semicircular entry space and covered walkway provides positive elements in achieving the integration between the new and existing elements onsite.
 - The proposed Learning Hub Building has been designed to be sympathetic to the heritage buildings and draws design elements from Block B, for example, the western elevation is in line with Block B, the roof over the western portion matches the height of the pitch of Block B, the upper ridge height is not higher than Block B, the length of the proposed building is articulated in plan and elevation and the materials and window portions are used in reference to the surrounding historical buildings. Therefore, the outlined design elements reduce the bulk and scale of the proposed building to the street and to the school setting from Park Street.

- **Other land resources** - The site is an established educational establishment and the surrounding land is primarily used for residential purposes, it is therefore considered to be consistent with the use or purpose of the site or RU5 Village zone.
- **Bushfire** - The site is not identified on the bushfire prone land map.
- **Surface Water and Groundwater** - The site is not identified on the groundwater vulnerable land map. The proposed development does not require the extraction of any groundwater. The potential to impact groundwater systems is low, with minor earthworks required throughout construction and minor stormwater infiltration throughout the operational phase of the development due to a proposed connection to the existing system which is considered appropriate, no adverse impacts are assessed.
- **Soils** - Earthworks will be required during construction phase for the proposed development. The earthworks will not significantly change the natural drainage of the land and will not adversely affect soil quality or stability. Conditions of consent are included in the recommendation to require finalisation/implementation of an Erosion and Sediment Control Plan. Provided these measures are in place, the proposal will not create adverse impacts on soils.
- **Air & Microclimate** - Any disturbance to the localised air quality or microclimate is anticipated to be throughout the construction phase. Throughout construction the proposal has potential to generate dust. It is assessed that potential dust impacts will largely be restricted to the development site. Conditions of consent are included in the recommendation to require finalisation / implementation of an Erosion and Sediment Control Plan to control dust. Provided these measures are in place, the proposal will not create adverse impacts on air quality.
- **Noise and Vibration** – An Assessment of Mechanical Services report accompanied the application and specific noise has been measured in accordance with the *Noise Policy for Industry 2017*. The report analysed the noise emissions from the proposed external mechanical plant enclosures and provided acoustic recommendations for the construction of the plant enclosures to reduce noise emissions to the affected noise receivers so that noise trigger levels are not exceeded. The report and submitted Plans outlined an enclosure which will ensure compliance and reduce noise impacts on the adjoining properties.
- **Flora and Fauna** - The proposed development includes the removal of existing trees to allow for the construction of the proposed Learning Hub Building. A Preliminary Arborist Report and Landscaping Plans accompany the application to support the removal of existing trees and the proposed landscaping to ensure visual and amenity impacts are minimised to the surrounding locality. Conditions of consent are recommended to ensure that the landscaping is implemented as per the submitted Landscaping Plans prior to occupation.
- **Waste** - Waste generated from the proposed development will be largely restricted to the construction phase of the proposal with manageable ongoing waste throughout continued operation of the Millthorpe Public School. Construction waste and ongoing operational waste will be disposed of at an approved waste landfill facility.
- **Natural Hazards** - The site is not identified as being Bush Fire Prone or Flood Liable Land. No adverse impacts are assessed.
- **Technological Hazards** - Investigation of past uses over the entire site, based on documentation submitted with the application, Council's Contaminated Sites Register and visual inspection of the property does not reveal any evidence of contamination. No adverse impacts are assessed.

- **Safety, Security and Crime Prevention** - The proposal does not pose a safety security or crime prevention risk. The development includes appropriate existing site fencing. No adverse impacts are assessed.
 - **Social Impact in the Locality** - The proposed development will support the ongoing improvement to the Millthorpe Public School which will provide a positive social and economic benefit to the school community and the village of Millthorpe. Due to the type and scale of the proposed development, the social benefits of the proposal are considered to be significant to the local area.
 - **Economic Impact in the Locality** - The proposed development will largely have a positive impact on the local economy throughout the construction phase. Due to the type and scale of the proposed development, the economic benefits of the proposal are considered to be significant to the local economy.
 - **Site Design and Internal Design** - The proposal is consistent with the *Blayney Local Environmental Plan 2012* and the *Blayney Shire Development Control Plan 2018*. The design has taken into consideration the existing site features and context of the locality. The development proposal has been designed to minimise impacts on the heritage conservation area, the adjoining land-uses and electricity supply infrastructure.
 - **Cumulative Impacts** - The proposal is consistent with the *Blayney Local Environmental Plan 2012* and *Development Control Plan 2018*. It is assessed that the cumulative impacts of the proposed development are minimal and manageable.
-

9. Site Suitability Assessment:

The site is zoned RU5 Village, with educational establishments permitted with consent in the RU5 Village zone under the *SEPP Education*. The proposal is defined specifically as a school and is permitted with consent pursuant to Clauses 33 and 35 (1) of the *SEPP Education*. Whilst development approval is being sought pursuant to the *SEPP Education*, it is noted that under the *Blayney Local Environmental Plan 2012* the proposal would be defined as an educational establishment which is permissible within the prescribed zone

The proposed use is suitable at the location given the existing use as the Millthorpe Public School, therefore, it is assessed that the site has the capacity to support the proposal without creating adverse impacts on the site and adjoining land.

10. Public Submissions Review and Assessment:

The proposed development was publicly exhibited and notified to neighbouring land owners from 22 May 2021 to 17 June 2021 in accordance with the *Blayney Shire Community Participation Plan 2020*, during this time two (2) public submissions were received. Details of the public submissions received are summarised below, followed by a Council planning assessment response:

Submission: The submission outlined how the proposed development will benefit the Millthorpe Public School and the wider community. The submission recommended additional landscaping along the Park Street frontage to screen the new Learning Hub Building from Park Street.

Assessment Response: A summary was provided to the applicant regarding the submission and a request for additional landscaping along the Park Street frontage to screen the new Learning Hub Building. An amended Landscaping Plan was submitted to Council and it was assessed that the existing and proposed landscaping provided appropriate screening to minimise adverse visual impacts on Park Street and adjoining land owners.

New South Wales Department of Planning Industry & Environment - Crown Lands (Crown Lands)

Crown Lands Submission: The Department of Planning Industry & Environment - Crown Lands (the department), as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*), and offers no objections to the proposed development provided the following condition is met.

- Prior to the issue of a occupation certificate, NSW Education (for Millthorpe Public School) make application for a Crown Land Manager account to authorise the proposed use and works on the parking area identified as “Kiss and Drop” on Crown Reserve 29953 - Lot 235 DP 750384. This account may be directly with NSW DPIE Crown lands, or Blayney Shire Council, in their capacity as Crown Land Manager of Redmond Oval.

Assessment Response: It is assessed the proposed development will not create any adverse impacts on Crown Land and the above point is a recommended condition of consent in the assessment of the proposed development.

11. Public Interest Assessment:

It is assessed the proposed development has been sited and designed to mitigate any potential adverse impacts on any person with a private interest. During notification and exhibition of the proposed development two (2) submissions were received and in favour of the application.

12. Contributions Assessment:

The *Blayney Local Infrastructure Contributions Plan 2013* applies to all land within the Blayney Local Government Area, applies to the subject application, a condition of consent is recommended.

13. Assessment Conclusion / Recommendation

Consent be granted subject to condition(s) detailed in Annexure 'A' *attached*.

26 November 2021

Assessment Officer

Claire Johnstone – Senior Town Planner

Date
